Requested by: Planning Commission
Prepared by: City Clerk

ORDINANCE NO. 2019-29

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, ESTABLISHING TREE REGULATIONS WITHIN THE CITY BY AMENDING THE CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT REGULATIONS, CHAPTER 118, VEGETATION, BY REPLACING IN ITS ENTIRETY WITH CHAPTER 118, TREE PRESERVATION, PROTECTION, AND REPLACEMENT; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Venice has determined that the preservation, protection, and replacement of trees within the City is vital for the health, safety, and welfare of the City; and

WHEREAS, currently, Chapter 118, Vegetation, provides for the implementation of Sarasota County Tree regulations within the City to be administered and enforced by Sarasota County; and

WHEREAS, Venice City Council has determined that the regulations to implement tree preservation, protection, and replacement should be City regulations and administered by the City to maximize customer service for the citizens and property owners within the City; and

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

WHEREAS, on October 29, 2019, the Planning Commission held a noticed special meeting on Petition No. 19-32AM, to replace Chapter 118, Vegetation, in its entirety with Chapter 118, Tree Preservation, Protection, and Replacement; and

WHEREAS, the Planning Commission found Petition No. 19-32AM consistent with the comprehensive plan and land development code and recommended approval to City Council; and

WHEREAS, City Council held first reading of this ordinance on November 19, 2019 and final reading on December 10, 2019, and found the ordinance to be consistent with the comprehensive plan and land development code.

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. Land Development Code, Chapter 118, Vegetation, is hereby replaced in its entirety with Chapter 118, Tree Preservation, Protection, and Replacement as provided in **Exhibit A**.

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 All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.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. The city council specifically declares that

no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 5. This Ordinance shall take effect on **January 1, 2020**.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 10TH DAY OF DECEMBER 2019.

First Reading: November 19, 2019
Final Reading: December 10, 2019

Adoption: December 10, 2019

Ron Feinsod, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

CHAPTER 118. TREE PRESERVATION, PROTECTION, AND REPLACEMENT
ARTICLE I. IN GENERAL

Sec. 118-1. Purpose and Intent.

The intent of this Chapter is to provide a uniform standard for the protection and replacement of trees on all property within the city, which require the issuance of a development permit or other activities, which necessitate a tree permit in accordance with this chapter. As communities continue developing, the construction and renovation of buildings, roads, parking lots and other infrastructure is required to accommodate this growth. The value of a healthy urban tree canopy is often overlooked and greatly underestimated in the interest of short-term costs. For this reason, tree preservation, protection and tree replacement regulations are necessary. The purpose of these regulations is to balance the need to provide space for community growth with the need to protect natural tree and plant communities and to replace trees lost to development. Florida Friendly urban tree communities provide valuable environmental, economic and aesthetic benefits to the citizens of Venice. The preservation, replacement and management of trees and the urban tree canopy are a vital part of sustainable community growth and the long-term well-being of the city.

Sec. 118-2. Background.

Prior to the enactment of these regulations, all tree permitting and enforcement within the city was administered and enforced by Sarasota County through interlocal agreement and incorporation by reference of Sarasota County Ordinance No. 83-44, as amended.

Sec. 118-3. Transition from Sarasota County Jurisdiction.

(a) In recognition of the longstanding regulation by Sarasota County, and to address active and outstanding permits and violations of Sarasota County tree regulations, the provisions in this Section shall govern the transition of authority to the city. Consistent with Article XVIII. Trees, Chapter 54 of the Sarasota County Code of Ordinances, the city is enacting its own permitting regulations for the preservation, protection and replacement of trees in the city.

(b) For all documented and currently valid Sarasota County tree permits or written authorization by Sarasota County for altering land within the city under the county's tree regulations, the following apply:

(1) All tree permit applications and authorizations under review or issued by Sarasota County as of the effective date of this Chapter shall remain under the jurisdiction of Sarasota County.

(2) An applicant may choose to withdraw an application, issued permit, or authorization with Sarasota County and apply to the city for a tree permit after notifying the county in writing.

Sec. 118-4. Definitions.

The terms and phrases, when used in this Chapter, shall have the following meanings described as:

Agriculture. A commercial enterprise using lands classified by the county property appraiser under the agricultural assessment provisions of F.S.193.461, for the production and marketing of agricultural products.

ANSI. The American National Standards Institute.

Applicant. Any individual, firm, partnership, corporation, authorized agent, association, organization, trust, company, or any other legal entity that has applied for a tree permit for city approval.

Boundary Tree. Any tree located on an adjacent property with a critical root zone that will be impacted by proposed land disturbance activity on the subject property.

Caliper. The average trunk diameter in one quarter inch increments at a predetermined point for the purposed of grading nursery grown trees. For the purpose of this Chapter those points are: six inches from the soil line for trees up to and including four inches in diameter (caliper) and 12 inches from the soil line for trees larger than four inches in diameter (caliper).

Canopy Road Protection Zone (CRPZ). A designated section of city, county or state right-of-way and the adjacent private property extending up to 15 feet laterally from the right-of-way onto adjacent private property, but in no event extending greater than 15 feet laterally from the edge of the roadway.

Canopy Tree. Those trees that compose the top layer of canopy of vegetation and will generally reach a mature height of forty feet or more and mature crown spread of fifteen feet or more.

Certified Arborist. A professional certified by the International Society of Arboriculture (ISA) who possesses an active certification number and the technical competence through experience and related training to provide for or supervise the management of trees and other woody plants in the residential, commercial, and public landscape.

City Arborist. The city arborist or an administrative official of city government designated by the Development Services Director to administer the provisions of this Chapter.

Clear Trunk. The portion of the trunk maintained free of large branches. The clear trunk is the lower portion of the trunk measured from the soil line up to the first major branch.

Conservation Area. An area of land protected from development or other impacts to the natural conditions.

Critical Root Zone (CRZ). The minimum area required around a tree which must be preserved to provide the tree a reasonable chance to survive development activities. The CRZ is generally a concentric circle measured from the approximate center of the trunk of the tree with a radius of one foot for each one inch of tree DBH or to the drip line, whichever is greater. *Example:* A tree with a DBH of 20 inches would have a CRZ radius of 20 feet: 20 x 1.0 = 20 feet (radius)

Development. The construction, redevelopment, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels; any mining, excavation, landfill, or land disturbance; and any nonagricultural use or extension of the use of land.

Development Permit. Any building permit, zoning permit, plat approval, rezoning, site and development plan, variance, or other action having the effect of permitting Development of land.

Development Services Department. City department comprised of Code Enforcement, Building, and Planning and Zoning Divisions, or successor department, by whatever title designated, charged with the administration of this chapter.

Diameter at Breast Height (DBH). The diameter of an established tree trunk measured at breast height, which is 54 inches above the ground. When low branches or stems preclude measuring the trunk at 54 inches the smallest circumference of the trunk below the lowest branch or stem juncture shall be the measure of DBH. Trees that fork below 54 inches and have no discernable single trunk then DBH shall be the sum of the diameters of each trunk. Trees that fork at or below ground level, each stem shall be considered individual trees. (See Exhibit 1)

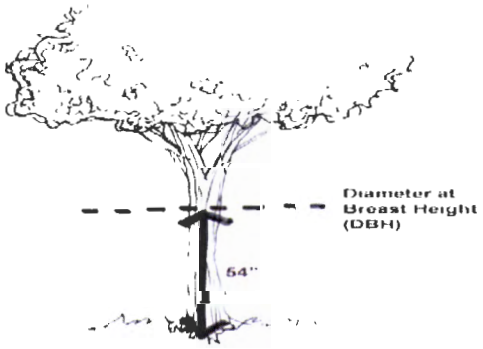


Exhibit 1 (DBH)

Director. The Director of Development Services, who manages the Development Services Department, or his successor to his duties, by whatever title designated, or his designee.

Drip Line. The circumference around a tree formed by the outermost branches or portion of the tree crown to the ground. (See Exhibit 2)

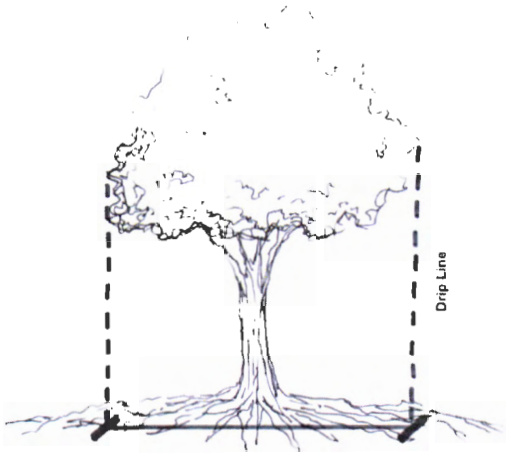


Exhibit 2 (Drip Line)

Hardwood tree. Any tree that is not coniferous (not cone bearing or a needle leaf evergreen).

Heritage Tree. Any 30 inch DBH single trunk or 45 inch DBH multi trunk native 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, United States Champion, or World Champion by the Florida Forest Service or the American Forestry Association.

Florida-Friendly Landscaping ™. Planting comprised of low maintenance plants and using low maintenance sustainable practices.

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), as it may be amended from time to time, is hereby adopted and incorporated herein by reference.

Irreparable Injury. Any action less than tree removal that results in irreversible or incurable harm so as to cause the unnatural decline or compromise stability of the tree. Actions that constitute an irreparable injury may include, but are not limited to: inflicting damage upon the root system by heavy machinery, changing the natural grade above the root system or around the trunk, inflicting damage that provides a pathway for infection or pest infestation, application of herbicides or other harmful chemical agents, infliction of trunk wounds, or improper removal of canopy or branches or that is generally inconsistent with *"ANSI A (300)"* standards for tree care (includes topping of trees).

International Society of Arboriculture (ISA). A non-profit society that promotes the professional practice of arboriculture and fosters awareness of the benefits of trees.

Listed Species. Any plant or animal afforded protection pursuant to the Florida Administrative Code (FAC), including, but not limited to, species categorized as endangered, threatened, and species of special concern; or any plant or animal categorized as endangered or threatened pursuant to the U.S. Endangered Species Act, or bald eagles protected pursuant to the Bald and Golden Eagle Protection Act or other bird species protected pursuant to the U.S. Migratory Bird Treaty Act.

Lot. Includes plot, tract or parcel and is a parcel of land of at least sufficient size to meet minimum zoning requirements for use or is otherwise determined to be a legal lot of record.

Master Tree List. The list of trees in Section 118-13 which includes required tree species for planting, according to: site location, specifications, use and constraints.

Native Plant. An indigenous plant.

Naturalized Plant. A plant that is not native to an area but has colonized without being invasive.

Palm. Monocotyledous plant of the *Aracacaea* family, generally with one or more unbranched trunks, with fronds (leaves) emanating from meristem at the top of the trunk.

Person. Any individual, government, corporation, partnership, association, firm, trust, or other entity.

Problem Trees. Trees planted as part of a development project where the trees installed in accordance with the approved plan are, as determined by a Professional Landscape Architect or Certified Arborist: damaging infrastructure (utilities, sidewalks, parking area or structures), causing visibility issues for safe vehicular movement, or otherwise constituting a threat to the health, safety, and welfare of the general public.

Project Area. Land area subject to any land disturbing activity.

Prune, Pruning, Trim, or Trimming. The act of cutting or sawing to remove a dangerous hazard in a tree, or to maintain or improve the structure, form or health of a tree, in a manner generally consistent with the current "*ANSI A (300) Part 1 Pruning*", as may be amended.

Right-of-Way. The land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes. Specifically, land owned fee-simple or dedicated by easement to the state, county, or the city devoted to or required for use as a public street.

Root Plate (RP). The area of the root zone near the trunk comprised of the main buttress and anchor roots. These roots are under compression and tension pressures and serve as the primary support structures of a tree. Catastrophic tree failure can result from damage to the root plate. The root plate is generally represented by the radius of a concentric circle measured from the approximate center of the trunk equal to five times the DBH. This area can vary slightly by species. (See Exhibit 3)

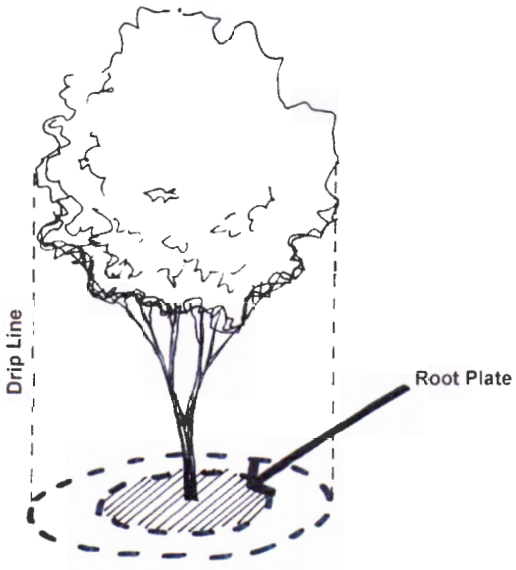


Exhibit 3 (Root Plate)

<u>*Example:*</u> A tree with a DBH of 20 inches would have a root plate radius of 100 inches or eight and three tenths feet: 20" x 5 = 100"/12 = 8.3 feet (radius)

Stipulation/Condition of Approval. A statement or a condition issued with a tree permit or with an approved plan, with which compliance is necessary for continued validity of the tree permit or other approval.

Street. Includes any access way such as a road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place or cul-de-sac, or other means of ingress or egress regardless of the descriptive term used, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, drainage, water and wastewater collection systems and easements of ingress and egress.

Topping. Internodal removal of woody branches containing heartwood or cutting back to a lateral branch too small to assume the terminal role. (See Exhibit 4)

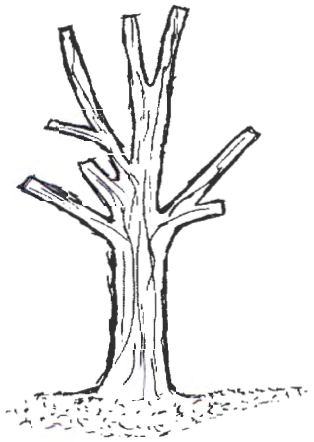


Exhibit 4 (Topping)

Tree. Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining an average height greater than ten feet and mature spread or crown greater than 15 feet.

Tree Cluster. A group of six or more protected trees with one continuous drip line.

Tree Inches. For the purposes of this Chapter, the terms DBH and caliper are applied as defined in this section:

Caliper, a measurement used for nursery stock to determine the trunk diameter. This measurement is only for material that is being specified and purchased from a nursery for installation.

DBH, a measurement used for standing, existing trees to determine an accurate measurement of the size of the tree trunk.

Tree Location Survey. A survey that provides the following information: location of all trees, plotted by accurate techniques, common name of all trees, and Diameter at Breast Height (DBH), printed on the proposed site plan as described in this Chapter.

Tree Permit. A permit issued by the city including but not limited to tree removal, pruning, or planting which necessitate a permit in accordance with this Chapter.

Tree Protection Plan. A plan developed per the guidelines in this Chapter for any person conducting construction activities such as: excavation, filling, tunneling, trenching, compacting, demolition, utility work or other land disturbing activity in the Critical Root Zone (CRZ) or Tree Protection Zone.

Tree Protection Zone (TPZ). The area protected by an approved barrier or fence from all development activity. The area may consist of a single tree or tree clusters and other vegetation that has been agreed upon by the applicant and the director or their designee and set aside for preservation. These areas have been evaluated and determined to be worthy of preservation because of their aesthetic or environmental value. The Critical Root Zone (CRZ) will be the primary definer of the TPZ; however, some trees may need more or less space to be protected. Depending on condition, size, age and species tolerance of construction, the TPZ may be adjusted as needed, with approval by the city arborist, to insure survival of the tree or tree cluster being preserved.

Tree Relocation. To transplant, reestablish or move a tree to another place within a site or off site.

Tree Removal. To cut down, poison, or in any other manner destroy, or cause to be destroyed, a tree as defined in this chapter.

Understory Tree. A tree that, under normal forest conditions, may grow to maturity beneath canopy trees and will generally reach a mature height of at least ten feet but less than 40 feet.

Venetian Tree. A tree of a native or non-native species that has significance, desirability, or utility to the community.

Sec. 118-5. Administration.

(a) The city arborist shall be responsible for carrying out the provisions of this Chapter including the issuance of permits under the direction of the development services director.

(b) The development services director may direct any application for a permit under this chapter to the city planning commission for final action.

(c) The city may establish reasonable fees and charges for the implementation of this Chapter. Such fees shall be set by resolution.

(d) Applicability and Interpretation.

(1) In the application and interpretation of this Chapter, all provisions shall be considered minimal requirements and construed liberally to effectuate the purposes of this Chapter.

(2) This Chapter is not intended to repeal, abrogate, or impair any existing statutes, laws, ordinances, easements, covenants, or deed restrictions that impose more stringent restrictions on the protection or removal of trees.

(3) Where this Chapter conflicts with or overlaps another ordinance or statute, whichever imposes the more stringent restrictions for the protection of trees shall prevail.

(4) Where any provision of this Chapter refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any renumbering thereof or amendments thereto.

(5) This Chapter shall be applicable to all property within the city.

(e) Simultaneous Reviews. In the event that an applicant seeks authorization to conduct activities that are subject to overlapping code provisions from this code, city staff shall perform simultaneous reviews to the greatest extent practical.

(f) Listed Species. In cases where impacts to listed species may occur, prior to any activities that could disturb listed species or their habitat, applicants shall be required to consult with the appropriate federal and state agencies, to use recognized sampling techniques as defined by accepted methodology of the agency to identify listed species, prior to any activities that could disturb listed species or the habitat.

(g) Appeals. Any person aggrieved by the administration or interpretation of the terms of this Chapter may appeal to city council, which after a hearing with notice to the appellant, may reverse, affirm, or modify, in whole or in part, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the director from whom the appeal is taken. Any action pursuant to this Chapter shall not stay any enforcement proceedings.

ARTICLE II. PROHIBITIONS AND EXEMPTIONS

Sec. 118-6. Prohibitions.

Unless otherwise exempted or authorized in a tree permit in accordance with this Chapter, no person shall:

(1) Engage in tree removal;
(2) Engage in tree relocation;
(3) Initiate development when a tree exists on a property;
(4) Cause irreparable injury to a protected, Heritage or Venetian Tree;
(5) Cause irreparable injury to or prune a tree within a CRPZ within a right-of-way.

Sec. 118-7. Exemptions.

The following are exempt from this Chapter:

(a) Work during or after a declared state of emergency declared by the city that has been exempted from this Chapter by the city council or the city manager as appropriate.
(b) Removing trees from nurseries and botanical gardens, which are being grown for retail or wholesale.
(c) The construction of telecommunication towers.
(d) 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.
(e) City maintenance affiliated with road, utility and drainage projects.
(f) Operations by public utility companies and government agencies on public property and rights of way or easements or on sites for electric power substations and similar facilities.
(g) Bona fide agricultural uses/activities.
(h) Residential zoned lots if either of the following criteria are met:
    (1) Tree pruning, trimming, or removal pursuant to F.S. 163.045;
    (2) Single family zoned lots one half acre or less except
        a. Heritage Trees, Venetian Trees, and trees in the Canopy Road Protection Zone are not exempt unless F.S. 163.045 applies;
        b. Trees in conservation areas or easements are not exempt;
    (3) Trees and vegetation within a CRPZ.

ARTICLE III. PERMITTING

Sec. 118-8. Tree Permit Application Requirements.

(a) *Tree Permit Required.* Unless otherwise exempt from this Chapter, a tree permit is required for all development and any changes to property involving the removal of protected trees and the pruning of Heritage Trees, Venetian Trees, and Canopy Road Trees. Tree permits shall be displayed and located on the subject property visible from the adjoining road or easement providing access to the property and be accessible by city staff at all times for the duration of the permit.

(b) *A Completed Application and the Applicable Fee.* The completed application along with the applicable fee, and any other information deemed appropriate by the development services director or his designee to effectuate the review of the application consistent with the requirements and standards of this Chapter.

(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) A complete tree survey and inventory of protected trees within the subject property or project area for all development that is not exempt pursuant to Section 118-7. The survey shall show all protected trees measured four inch DBH or greater on the subject property. For projects where 25 percent or more of the property acreage is left undisturbed, the tree survey and inventory may be completed for the identified project area and an additional 50 feet offset within the property lines (see Exhibit 5 below):

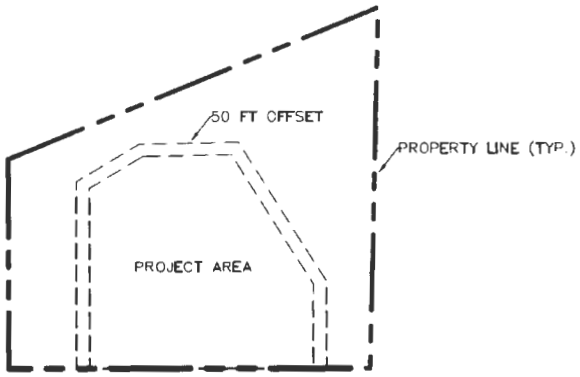


Exhibit 5 (above)

(2) An inventory of identified trees by type and size (in DBH).
(3) A copy of the site plan, showing proposed buildings, grading, streets, access ways, sidewalks, hardscape, and proposed and existing utilities.
(4) Methods for tree protection including fencing and retaining walls.

(d) After the submission of the plan, the city arborist or designee appointed by the director will perform a site inspection. The tree protection and replacement plan shall provide sufficient information and detail to demonstrate that all applicable requirements and standards of this Chapter are fully satisfied.

(e) Access to Property: Active permit applications shall constitute authorization from the property owner for the appropriate city staff to conduct site inspections and compliance inspections of the subject property for the duration of the permit.

(f) After the Fact Permits: Any person who conducts an activity that requires a tree permit, without first obtaining a tree permit, shall be required to obtain an after-the-fact tree permit and/or mitigate the impact in accordance with this Chapter. Mitigation shall not preclude nor be deemed a substitute for prosecution of violations of the provisions of this Chapter.

(1) *Mitigation:* For after the fact permits involving Protected trees, mitigation shall be the number of tree inches removed or irreparably injured. For after the fact permits involving Heritage, Venetian, or Canopy Road trees, mitigation shall be two times the number of tree inches removed or irreparably injured.

ARTICLE IV. TREE PRESERVATION, RELOCATION AND REPLACEMENT

Sec. 118-9. Protected Trees.

(1) The following are protected trees:
  (1) Trees planted or preserved as part of an approved binding master plan, site and development plan, preliminary plat, building permit, tree permit, or construction plan.
  (2) Any tree over four inches DBH, unless an invasive plant.
  (3) Sabal Palms with minimum six foot clear trunk.

(2) Protected trees identified for removal on the tree removal permit application shall be replaced with new planted trees or transplanted trees.

Sec. 118-10. Heritage Trees and Venetian Trees.

(a) Designation of a Venetian Tree:
Venetian trees on private property shall be nominated by the owner of the property where the tree is located. Citizens and city staff may nominate trees on city owned property. Nominations for trees with overhanging canopy (branches) onto adjoining properties must also include written consent to the nomination from all property owners where the overhanging canopy occurs. Tree nominations will be directed to the city arborist for review. The city arborist will prepare a brief report detailing attribute(s) and a description of the proposed tree(s). The report will provide technical guidance to city council on the health, condition, location and structure of the proposed tree(s) and the tree(s) suitability for preservation. Should Venetian tree designation be granted by city council, the tree or group of trees shall be placed on the registry of Venetian trees maintained by the city arborist and afforded the protections as stated in this Chapter.

(b) Venetian Tree Incentives and Conditions:

(1) *Annual Consultation:* The city arborist will provide an annual consultation to the property owner where the designated Venetian tree is located to offer guidance with the management and maintenance of the tree.

(2) *Grant Program:* To the extent funds are available, the owner of private property where a designated Venetian tree is located or adjoining owner(s) of private property where the overhanging tree canopy occurs, may be awarded a grant of up to $250 by the city to offset the cost of trimming the designated Venetian tree. One grant per property owner per calendar year will be considered and a maximum of five grants per year may be awarded. Implementation of the grant program shall be as follows:

a. Request shall be submitted to the city arborist within ten days of completion of the trimming.

b. Trimming must be conducted under the supervision of a Certified Arborist in accordance with *"ANSI A (300) Standards"* for tree care.

c. The applicant shall provide a paid invoice stating the amount paid; the ISA certification number of the supervising arborist; and a brief narrative of the nature of the trimming work performed. The city arborist shall inspect the trimmed Venetian tree for compliance with *"ANSI A (300) Standards"* and confirmation of the nature of the work performed.

(3) *Pruning Fee Waiver:* If a pruning permit application is required (removal of branches ten inches in diameter or larger), the pruning permit fee shall be waived.

(4) *Venetian Tree Plaque:* A plaque will be located near the designated Venetian tree(s) on public property stating the botanical and common name, size and a brief description of the tree. Private property owners of a Venetian tree(s) may request a similar plaque to be placed on the property. Venetian tree plaques shall not be subject to the city's sign standards of Chapter 86 Land Development Code, Article VI Design and Development Standards, Division 3 Signs.

(c) Changes in property ownership shall not affect the Venetian tree designation.

(d) Pruning Heritage and Venetian Trees:

(1) Unless exempt, a tree permit is required for the pruning of a designated Heritage or Venetian tree branch ten inches in diameter or larger measured 12 inches from the branch union. Any tree pruning not performed in accordance with the *"ANSI A (300)"* will be subject to fines and penalties established in Section 118-5c.

(2) Applications for pruning shall provide:

a. A current photograph of the tree.

b. A sketch plan of the tree and branches to be removed with dimensions, or a current aerial photograph of the property where the tree is located. The sketch or photo must provide sufficient information to identify and describe the tree branches to be removed, species of tree, a description of the branch to be removed, and reason for removing the branch.

(3) The city arborist shall inspect the tree and property for approval or denial and may request an onsite meeting with the contractor or owner prior to the issuance of a permit. Violations of this permit requirement will be subject to fines and penalties established by the city in accordance with Section 118-5.

(e) Removal of any Heritage and Venetian Tree:

(1) Unless exempt, a tree permit to remove a Heritage or Venetian tree is required. Documentation by a Professional Landscape Architect or Certified Arborist is required to justify the tree removal subject to Section 118-15.

(2) Heritage or Venetian trees may be removed if the tree is located in an area where a structure or improvement will be placed and the applicant provides a report bearing the signature of an architect, Professional Landscape Architect, or licensed engineer providing a determination that the proposed structure or improvement cannot be reasonably redesigned to preserve the Heritage or Venetian tree. The criteria in Section 118-15 shall be utilized in determining whether to approve an application for tree removal.

(f) Replacement Tree Calculations for Heritage and Venetian Trees:

Unless otherwise stated in this Chapter, Heritage and Venetian Trees shall be replaced at a ratio of one tree inch to one tree inch (1:1). If there is insufficient land area on a site to accommodate the proposed trees, the applicant shall alternatively pay into the tree mitigation fund equivalent to the tree inches not able to be accommodated on the site.

(g) Removal of Venetian Tree Designation:

Property owners where the Venetian tree exists or where the canopy overhangs shall have the right to petition city council to remove the Venetian tree designation. Petitions shall be submitted to the city arborist. The city arborist shall inspect the tree(s) and provide a brief report to city council of the health and condition of the tree prior to council's final determination.

Sec. 118-11. Removal of Required Trees.

For trees that were preserved or planted as part of a Tree Permit, problem trees shall be replaced with equivalent tree inches of similar species. Replacement trees may be planted on the same site or other common areas, such as around drainage ponds, near a clubhouse, a park or entry, or addressed through Article VI, tree mitigation fund.

Sec. 118-12. Tree Mitigation and Replacement.

(a) Tree replacement calculations provided herein provide minimum standards for tree replacement and mitigation on a per acre basis or percentage thereof (see Formula and Examples provided in 1b below). All properties must meet the minimum standards, or where the site cannot adequately accommodate the required number of tree inches, provide mitigation by payment to the city's tree mitigation fund. The required tree inches is based on the subject property zoning designation as follows:

(1) All zoning districts except Industrial zoning districts: A minimum site/project area of 40 tree inches per acre of approved trees is required. This can be achieved as follows:

a. Preservation of existing trees (inches measured in DBH) to be preserved with no impact to the TPZ.

b. Planting new trees. Within a Planned Unit Development (PUD) zoning district, planting of new trees is restricted to common areas only.

Formula: Total project area acreage (See Exhibit 5) x 40 inches = required tree inches per acre

Example: 3.2 acres x 40 inches = 128 total tree inches required

Example: 0.5 acres x 40 inches = 20 total tree inches required

(2) All industrial zoning districts. A minimum of 20 tree inches per acre of approved trees is required.

(b) Replacement Tree General Criteria:

(1) For the removal of Heritage trees, the total caliper inches of replacement trees shall equal total DBH inches removed, unless otherwise approved by the city arborist. For multi-trunked trees, the total DBH of the four largest trunks shall equal the replacement caliper inches. Unless otherwise stated in this Chapter, new palms may be used only to replace protected palms removed.

(2) Tree species selected for planting are subject to city approval based upon site conditions including but not limited to: soil characteristics, soil volume, planting area size, and visibility.

Sec. 118-13. Master Tree Species List (Florida Friendly Species Required).

(a) The following tree species are required species for all tree applications and permits. The available soil volumes as described in Section 118-19 *Soil Volumes* shall determine large and medium canopy tree use to the greatest extent possible. Minor deviations from large or medium canopy tree soil volume requirements may be allowed by the city arborist.

CS = Cold Sensitive (requires protection if planted away from coastal areas generally understood to be located east of I-75)

FF = Florida Friendly Plant

Large Canopy Trees						
Scientific Name	**Common Name**	**Max. Height (ft.)**	**Max. Spread (ft.)**	**Native**	**FF**	**CS**
Acer rubrum	Red Maple	50-60	25-35	Y	Y	N
Carya glabra	Hickory, Pignut	50-65	30-40	Y	Y	N
Delonix regia	Royal Poinciana	35-40	40-60	N	Y	Y
Ficus aurea	Strangler Fig	50-60	50-70	Y	Y	Y
Jacaranda mimosifolia	Jacaranda	25-50	45-60	N	Y	N
Liquidambar styraciflua	Sweet Gum	60-70	35-50	Y	Y	N
Magnolia grandiflora	Southern Magnolia	60-80	30-40	Y	Y	N
Pinus clausa	Sand Pine	25-40	15-25	Y	Y	N
Pinus elliottii var. densa	South Florida Slash Pine	75-100	35-50	Y	Y	N
Pinus palustrus	Long Leaf Pine	60-80	30-40	Y	Y	N
Quercus shumardii	Shumard Oak	75-90	35-60	Y	Y	N
Quercus virginana	Live Oak	60-80	60-120	Y	Y	N
Swietenia mahagoni	West Indian Mahogany	40-50	46-60	Y	Y	Y
Tabebuia heterophylla	Pink Trumpet Tree	40-50	35-50	N	Y	N
Taxodium distichum	Bald Cypress	60-80	25-35	Y	Y	N
Ulmas americana	American Elm	70-90	50-70	Y	Y	N

Medium Canopy Trees						
Scientific Name	**Common Name**	**Max. Height (ft.)**	**Max. Spread (ft.)**	**Native**	**FF**	**CS**
Avicennia germinans	Black Mangrove	30-50	20-30	Y	Y	Y
Bucida buceras 'Shady Lady'	'Shady Lady' Black Olive	30-50	20-40	N	Y	Y
Bursera simaruba	Gumbo Limbo	25-40	25-40	Y	Y	Y
Cassia fistula	Golden Shower	30-40	30-40	N	Y	Y
Conocarpus erectus	Buttonwood	30-40	20-30	Y	Y	N
Elaeocarpus decipens	Japanese Blueberry	30-40	30-40	N	Y	N
Fraxinus caroliniana	Carolina Ash	30-50	10-15	Y	Y	N
Gordonia lasianthus	Loblolly-Bay	35-45	10-15	Y	Y	N
Ilex opaca	American Holly	35-50	15-25	Y	Y	N
Juniperus silicicola	Southern Red Cedar	30-45	20-30	Y	Y	N
Laguncularia racemosa	White Mangrove	30-50	20-30	Y	Y	Y
Magnolia grandiflora x var.	Southern Magnolia, Compact Cultivars	20-40	15-25	Y	Y	N
Magnolia virginana	Sweet Bay	40-50	15-25	Y	Y	N
Persea borbonia	Redbay	30-50	30-50	Y	Y	N
Persea palustris	Swamp Bay	20-30	20-30	N	Y	N
Podocarpus gracilior	Weeping Podocarpus	30-50	25-35	N	Y	N
Podocarpus macrophyllus	Podocarpus	30-40	20-25	N	Y	N
Quercus geminata	Sand Live Oak	30-60	20-30	Y	Y	N
Taxodium ascendens	Pond Cypress	50-60	10-15	Y	Y	N
Ulmus alata	Winged Elm	45-65	30-40	Y	Y	N
Ulmus parvifolia	Chinese Elm	40-50	35-50	N	Y	N

Small Understory Trees						
Scientific Name	**Common Name**	**Max. Height (ft.)**	**Max. Spread (ft.)**	**Native**	**FF**	**CS**
Acacia farnesiana	Sweet Acacia	15-20	15-25	Y	Y	N
Acer saccharum 'floridanum'	Florida Maple	25-30	15-25	Y	Y	N
Ardisia escallonioides	Marleberry	12-20	6-12	Y	Y	Y
Calliandra sp.	Powderpuff	12-15	10-15	N	Y	N
Cephalanthus occidentalis	Buttonbush	6-20	6-8	Y	Y	N
Coccoloba uvifera	Seagrape	25-30	20-30	Y	Y	N
Cordia sebestena	Geiger Tree	25-30	20-25	Y	Y	Y
Cornus foemina	Swamp Dogwood	10-16	10-16	Y	Y	N
Eugenia sp.	Native Stoppers	10-30	5-20	Y	Y	N
Ilex cassine	Dahoon Holly	20-30	8-12	Y	Y	N
Ilex vomitoria	Yaupon Holly	15-25	15-20	Y	Y	N
Lagerstroemia indica	Crepe Myrtle	10-30	15-25	Y	Y	N
Ligustrum japonicum	Japanese Privet	8-12	15-20	N	Y	N
Myrcianthes fragrans	Simpson's Stopper	20-30	15-20	Y	Y	N
Myrica cerifera	Wax Myrtle	15-25	20-25	Y	Y	N
Plumeria rubra	Frangipani	20-25	20-25	N	Y	Y
Quercus myrtifolia	Myrtle Oak	15-30	15-30	Y	Y	N
Rhizophora mangle	Red Mangrove	20-30	20-30	Y	Y	Y
Sabal palmetto	Cabbage Palm	40-50	10-15	Y	Y	N
Tabebuia caraiba	Silver Tabebuia	15-25	15-20	N	Y	Y
Tabebuia chrysotricha	Golden Trumpet	25-35	25-35	N	Y	Y
Tabebuia heterophylla	Pink Trumpet Tree	20-30	15-25	N	Y	Y
Tabebuia impetiginosa	Purple Tabebuia	12-18	10-15	N	Y	Y

(b) The following shall be required for all landscape development plans:

(1) At a minimum, 75 percent of replacement trees shall be large and medium sized canopy trees, unless canopy trees are not suitable, as reasonably determined by the director and/or director's designee in the area to be planted.

(2) Where ten or more trees are to be planted, no single species shall constitute more than 50 percent of the total replacement planting.

(3) All replacement canopy trees shall be a minimum two and one-half inches caliper measured no closer than six inches from the ground.

(4) All replacement understory trees shall be a minimum of one and one-half inches caliper measured no closer than six inches from the ground, and be a minimum eight foot in height from grade.

(5) No more than 25 of the required tree plantings may be of the Pinus (commonly referred to as Pine) species.

(6) Replacement trees shall be Florida No. 1 or Greater (Florida Grades and Standards for Nursery Plants, latest edition).

(7) Sabal Palmetto (Cabbage Palm) may be planted at a rate equivalent to three palms to one required tree (two and one-half tree inches). Other Florida-Friendly palm species may be proposed at the same three to one ratio for approval of the city arborist. Palms shall not constitute more than 25 percent of the required tree inches. It is not the intent of this restriction to prevent the planting of additional palm trees in excess of the required tree inches.

Sec. 118-14. Incentives, Preservation of Existing Trees/Vegetation and Planting of New Trees.

Preserved inches shall be credited to the total inches required by one or more of the following methods:

(a) Native trees 24 inches DBH and larger that will be preserved shall result in a credit of two times their DBH. All invasive species within the TPZ shall be removed utilizing only hand-held power equipment. No heavy equipment is allowed within the TPZ unless approved by the city arborist.

(b) Clusters of six or more protected native trees with one continuous drip line shall result in a credit of one and one half times their DBH. Trees 24 inches DBH and larger shall result in a credit of two times their DBH. All invasive species shall be removed utilizing only hand-held power equipment. No heavy equipment is allowed within the TPZ unless approved by the City arborist.

(c) Clusters of six or more protected trees with a continuous ground cover of Saw Palmetto (Serenoa repens) or other approved native understory plant community shall result in the credit outlined in subsection (B), above, plus one tree inch, per 1,000 square feet of Saw Palmetto or native understory to remain. This area must remain undisturbed except that all invasive species within the TPZ shall be removed utilizing only hand held power equipment. No heavy equipment is allowed within the TPZ unless approved by the city arborist.

(d) New nursery grown trees six to eight inches caliper planted shall result in a credit of one and one half times their diameter.

Sec. 118-15. Criteria for the preservation of trees.

(a) Determining the suitability of a tree or tree clusters for preservation during the design and planning phase of site development is an important early step so that resources are not misallocated. To determine the suitability for preservation of Protected, Heritage and Venetian trees, the following criteria will be considered by the city arborist:

(b) Location:
   (1) Relationship to a building, structure and/or construction activity;
   (2) Grading impacts (cut and fill)
   (3) Infrastructure conflicts (utilities, driveways, sidewalks)
   (4) Susceptibility to wind and sun exposure

(c) Health and Condition:
   (1) Appropriate and vigorous growth
   (2) Existing decay in trunk, main branches, or roots
   (3) Lightning damage
   (4) Pruning errors (tree topping)

(d) Structure:
   (1) Structural defects (cracks, decay, overextended branches, girdling roots)
   (2) Stability of the tree (root health, leaning)
   (3) Branch attachments

(e) Species:
   Tree species shall meet Florida Friendly principles which conserve water, reduce waste and pollution, create wildlife habitat and prevent erosion. The below species characteristics will be assessed in conjunction with using the appropriate species in the appropriate location:
   (1) Desirable species
   (2) Wind resistance
   (3) Pest resistant
   (4) Water efficient
   (5) Reduce and manage stormwater runoff

Sec. 118-16. Mangroves and Seagrapes.

(a) Trimming and alteration of mangroves shall be consistent with the Mangrove Trimming and Preservation Act, F.S. § 403.9321 through 403.9333.
(b) Trimming and alteration of Seagrapes (Coccoloba uvifera) water ward of the Coastal Construction Setback shall be consistent with the Beach and Shore Preservation Act F.S. § 161.242.

Sec. 118-17. Canopy Road Designation.

(a) City council may designate roads as canopy roads by resolution after an advertised public hearing and may set standards for the implementation of this section by resolution. Requests for a canopy road designation can be made by city council or staff, property owners residing on a potential canopy road, or residents of the city. Requests will be coordinated and brought to the city council by the city arborist for approval. Notice of a public hearing shall be given at least 15 days in advance of the public hearing. Notice of the public hearing shall be prominently posted along the segment of the proposed canopy road. Notice of the public hearing shall be advertised in a newspaper of general circulation in the city at least one time 15 days prior to the hearing. Notice shall be given by mail to all owners of property adjacent to the proposed canopy road and the registered neighborhood associations. The hearing notice shall detail the Canopy Road standards that would become applicable if the road is designated a canopy road. Failure of a property owner to receive mail notice shall not invalidate the hearing or subsequent action related thereto. The city clerk shall execute and file a certificate, which shall contain the names and addresses of those persons notified, and the dates the notice was mailed. The certificate shall be signed by the city clerk and official seal affixed. The certificate shall be prima facie evidence of the fact that notice was mailed.
(b) To be eligible for designation as a Canopy Road, a road shall have the following characteristics:
    (1) A minimum of 50 percent overhead coverage, per section of travel way as measured by branching, drip line, shadows, and other visual cues. Evaluation shall be based on tree canopy coverage as a percentage of overall travel way length, on canopy condition and composition; and
    (2) A minimum of 75 percent Florida-Friendly species; and
    (3) Be composed of one or more contiguous road segments, regardless of whether they are differently named roads.
(c) Canopy Road Requirements
    (1) Canopy roads shall have the appropriate signage to delineate the limits of the canopy road.
    (2) Unless otherwise exempt, all utility companies having facilities within a designated canopy road must notify the city arborist five business days prior to conducting scheduled routine vegetation maintenance and tree pruning or trimming activities within a designated canopy road. All utility pruning shall conform to the "*ANSI A (300)* Standards" for tree care.
    (3) When more than 20 percent of the area within the TPZ is impacted or when pruning of the crown of a tree within the CRPZ must be performed, the following arboricultural techniques are required:
        a. Roots shall be severed cleanly utilizing equipment, tools and methods designed for root pruning. All root pruning activity shall conform the "*ANSI A (300)* Standards" for tree care and shall be conducted under the direct supervision of a Certified Arborist. Tunneling or directional boring initiating and terminating outside the TPZ and to a depth of 36 inches or more through the TPZ shall be exempt from these requirements. Under no circumstances will encroachment within the root plate zone be allowed.
        b. All trimming of tree branches larger than two inches in diameter where the trunk of a tree is located within the CRPZ shall require a tree permit and shall be conducted under the supervision of a Certified Arborist. All pruning shall conform to "*ANSI A (300)* Standards" for tree care.

(d) It shall be a violation of this Chapter to cause irreparable injury to or prune a tree within the CRPZ in a manner inconsistent with standards contained within this chapter and "*ANSI A (300)* Standards".

ARTICLE V. EDUCATION AND BEST MANAGEMENT PRACTICES

Sec. 118-18. Education.

The city arborist shall develop and conduct a public relations and education program to recognize and promote the preservation of trees within the city. This program shall provide the citizens of the city with the awareness and technical assistance necessary to preserve and plant trees within the city.

Sec. 118-19. Required Best Management Practices.

(a) The following Best Management Practices shall be applicable to all tree permits, unless specified otherwise herein. These standard best management practices shall also be applicable to all activities that affect Protected, Heritage, and Venetian Trees, trees located within a TPZ and CRPZ, and regardless of whether a tree permit is required for the proposed activity.

(b) 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. 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 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 feet in height. The upright posts shall be a minimum of a two by two-inch wooden stake. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of four feet above the ground. A minimum of a one four-inch by one inch by eight feet in length wooden board shall be used to connect the upright posts. The maximum distance allowed between upright posts is eight 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. Barricades that result in greater protection may be substituted with the approval of 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. Damage to protection barriers and encroachments into the TPZ will be subject to Section 118-5c and Article VII. Signs shall be posted at 50-foot intervals for single trees or tree clusters of 20 trees or less and 100-foot intervals for areas of more than 20 trees that clearly state potential fines and "*Tree Protection Area, Keep Out*".

(c) 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.

(d) 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 Chapter. No gaseous, liquid, equipment exhaust or solid substance which may be harmful to trees shall come into contact with any portion of the tree.

(e) 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 drain tiles unless the applicant demonstrates that such protection would be impractical. Where elevation changes are proposed within the TPZ of any Venetian or Heritage tree, the applicant will be required to install retaining walls and/or drain tiles 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 inches are needed within more than 20 percent of the TPZ. Tree well and retaining wall

distances from the face of the trunk range from 0.75 feet for each one-inch DBH for a construction tolerant species to one and one half feet for each one-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 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 inches of fill over 20 percent of the TPZ. Under no circumstances will fill be allowed over the root plate.

(f) The city arborist may conduct periodic inspections of the site during land clearing and construction to ensure compliance with this Chapter.

(g) 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.

(h) 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 weeks or less, a six to 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 inch layer of mulch and place three quarter 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 Section 118-5.

(i) 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.

(j) 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 36 inches below the existing grade.

(k) Soil Volumes - Required Soil Volumes for Trees

(1) Large canopy trees, taller than 45 feet in height
   a. Minimum open soil space 300 square feet or minimum uncompacted soil volume of 900 cubic feet to a depth not to exceed 36 inches
   b. No closer than four feet from any pavement or curbing
   c. Minimum planting space width is eight feet
   d. Minimum uncompacted soil depth 36 inches

(2) Medium canopy trees, from 25 to 45 feet in height
   a. Minimum open soil space 200 square feet or minimum uncompacted soil volume of 500 cubic feet to a depth not to exceed 36 inches
   b. No closer than 36 inches from any pavement or curbing
   c. Minimum planting space width is six feet
   d. Minimum uncompacted soil depth 30 inches

(3) Small understory trees, less than 25 feet in height
   a. Minimum open soil space 100 square feet or minimum uncompacted soil volume of 200 cubic feet to a depth not to exceed 36 inches
   b. No closer than 24 inches from any pavement or curbing
   c. Minimum planting space width is four feet

d. Minimum uncompacted soil depth 24 inches

(4) Exceptions to the space requirements for some individual species may be granted by the city arborist.

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

(1) Structural soil under pavement
CU Structural Soil™ is an aggregate soil developed and patented by Cornell University. Consisting of a combination of stone and soil plus additives. This product or an approved equivalent provides a highly compactable material that allows for root growth and may be used under pavement to provide the required soil volume for root space.

(2) Suspended pavement
Modular soil cell systems designed to be assembled and placed under pavement may be used to provide root space. These systems are designed to support the pavement weight while providing uncompacted soil volume for tree roots.

(3) Other soil volume system designs may be approved by the director and/or director's designee

ARTICLE VI. TREE MITIGATION FUND

The city shall establish and maintain a dedicated tree mitigation fund. Payments to the fund shall be in accordance with:

(1) Per Section 118-8, mitigation of trees illegally removed and not replaced.

(2) Per Section 118-10, mitigation for removal of Heritage, Venetian trees.

(3) Per Section 118-12, mitigation for required trees not planted as part of a tree permit or site development permit per Article IV.

(a) The City shall use the tree mitigation fund for the following purposes:

(1) Tree planting on city property, limited to the cost of trees, landscaping equipment and associated installation and irrigation equipment incidental to the planting of trees and or design by a Professional Landscape Architect to assure the safety, viability and appropriateness of such pantings.

(2) Qualified Attainable Housing Projects. Funds permitting, a maximum of 50 percent of the cost of the required trees for the project or $10,000, whichever is less, may be granted by the city for an attainable housing project.

(3) Urban forest assessments and/or tree inventories within the city.

(4) Public education and tree planting initiatives.

(b) Tree mitigation fund expenditures of $25,000 or less shall require the approval of the city manager. Fund expenditures of more than $25,000 shall require the approval of city council.

ARTICLE VII. ENFORCEMENT

(a) Any person violating any provision within this Chapter or a stipulation/condition contained in a tree permit or a development permit that results in a prohibited activity shall constitute a violation of this Chapter.

(b) Violations of this Chapter will be enforced by the code enforcement process as established in Chapter 2 Administration, Article VI Code Enforcement, of this code.