

ORDINANCE 15-05 (fka14-49)
LAND DEVELOPMENT CODE TEXT AMENDMENT

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE LAND DEVELOPMENT CODE CHAPTER 7, DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY, SECTION 714, TREE PROTECTION; SECTION 714.8, TREE REPLACEMENT ALTERNATIVES;SECTION 714.8.7 TO AMEND TREE REPLACEMENT CALIPER MINIMUMS ;SECTION 715, LANDSCAPING AND SCREENING STANDARDS;SECTION 715.3.4, RESIDENTIAL STREET TREES; TO MODIFY THE STANDARDS FOR TREES WITHIN A RESIDENTIAL DEVELOPMENT; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; SETTING FORTH FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in Community Planning Act, codified in the applicable portions of Chapter 163, Part II, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. Section 714, LDC sets forth standards for trees, including the replacement of trees that have been removed due to development of property.
2. Section 715, LDC sets forth the requirements for the installation and maintenance of landscaping on property being developed.
3. The County has initiated an amendment to the LDC designated Application LDCT-14-05 to amend the LDC to update the standards for replacement trees and residential street trees.
4. It is in the interest of the public health, safety and welfare to amend the provisions of Sections 714.8.7 and 715.3.4 of the Code pertaining to procedures and standards required for replacement tree size and the required number and type of street trees per lot in a residential subdivision.
5. The Manatee County Planning Commission held a duly noticed and advertised public hearing on 11/13/14, received public comments, the staff

report and has reviewed the amendments set forth in this Ordinance and has found these amendments to be consistent with the Manatee County Comprehensive Plan and the standards for review in Section 503 of the Code, and has recommended their adoption to the Board, 12/4/14, 12/16/2014 and 01/8/15.

Section 3. Amendment of Section 714, Tree Protection of the Land Development Code. Section 714 of the Code is hereby amended as set forth in Exhibit "A" to this Ordinance.

Section 4. Amendment of Section 715, Landscape and Screening Standards of the Land Development Code. Section 715 of the Code is hereby amended as set forth in Exhibit "B" to this Ordinance.

Section 5. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 2 and 3 and as shown in Exhibit A of this Ordinance into the Land Development Code.

Section 6. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 7. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 8. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 8th day of January, 2015.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____

Betsy Benac
Betsy Benac, Chairman

ATTEST: R.B. SHORE
Clerk of the Circuit Court

By: _____

[Signature]
Deputy Clerk

Exhibit A for Ordinance No. 15-05 (fka14-49)
Section 714, Tree Replacement Alternatives
Additions to text indicated by underlining and deletions by strikeout

Section 714.8 Tree Replacement Alternatives

714.8.7. When trees are removed with an approved tree removal permit, such trees shall be replaced as follows:

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

Exhibit B for Ordinance No. 15-05 (fka14-49)

Section 715, Landscape and Screening Standards

Additions to text indicated by underlining and deletions by strikeout

715.3.4. Residential Street Trees.

- ~~Prior to C.O. e~~One (1) canopy tree shall be planted within twenty-five (25) feet of the right-of-way of each local street within a residential development for every fifty (50) linear feet, or substantial fraction thereof, of right-of-way when proposed lots have a minimum of 100 feet of frontage or greater. When proposed lots have less than 100' feet of frontage, street trees shall be limited to (1) canopy tree per frontage. None of these required trees shall be planted within a public or private utilities easement. Palm trees may not be utilized to meet this requirement, unless they are grouped with a minimum of two (2) used for each canopy tree. A maximum of twenty-five (25) per cent of all proposed residential street trees may be palm trees.
- For proposed lots with less than 60 feet of frontage smaller maturing canopy trees or understory trees may be utilized.
- The trees shall be spaced no closer together than twenty-five (25) feet, unless a decorative grouping or alternative method is chosen by the developer. Existing native trees should be used to fulfill these requirements wherever they meet the spacing and size requirements and are adequately protected during construction.
- Responsibility for installation and initial maintenance is the developer's on all common areas within the project. A notice of rResponsibility for the property owner's installation and maintenance of the trees shall be drafted in a notice recorded in the public records. ~~Placed within the Homeowner's Documents and/or Deed Restrictions governing the development. Such trees shall be installed prior to Certificate of Occupancy for each individual unit.~~