

ORDINANCE NO. 2019-2

AN ORDINANCE OF THE CITY OF PORT ORANGE,
VOLUSIA COUNTY, FLORIDA AMENDING THE LAND
DEVELOPMENT CODE CHAPTERS 13 RELATING TO
LANDSCAPING REQUIREMENTS FOR RESIDENTIAL
LOTS; PROVIDING FOR REPEAL OF CONFLICTING
ORDINANCES; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission has recommended amendments to the Land Development Code; and

WHEREAS, the proposed amendments would provide alternatives to plant or replant shade tree(s) on lots 6,000 square feet or less to comply with Land Development Code ("Code"); and

WHEREAS, the proposed amendment is necessary to improve the content of the existing Land Development Code ("Code") in an effort to update the City's Tree Protection and Landscape requirements of the Code to allow for more flexibility for certain sized lots and compliance with the requirements of the City's Code; and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: The City Council of the City of Port Orange hereby amends in part the Land Development Code, City of Port Orange, Florida, Chapter 13 – Landscaping and Buffers, Section 5.5 – Landscaping for single- and two-family residences, to read as follows:

LAND DEVELOPMENT CODE OF THE CITY OF PORT ORANGE, FLORIDA
Chapter 13 – Landscaping and Buffers

[No changes to Sections 1 through 5]

Section 5.5: - Landscaping for single- and two-family residences.

(a) *Materials.* All residential lots shall maintain the following minimum landscaping:

(1) Trees:

(a) Lots 6,000 square feet or greater in area: One shade tree per 2,500 square feet of lot area.

(b) Lots less than 6,000 square feet in area: One shade tree per 2,500 square feet of lot area. When site specific conditions exist, which do not reasonably permit installation of the required number of shade trees, then the administrative official may allow for:

(i) the use of understory trees at a 2:1 basis as shade trees,

(ii) the upsizing of a shade tree from a two-inch, 10-foot tall tree at the time of planting to a four-inch 14-foot tall tree at the time of planting and to count the upsized shade tree as two (2) shade trees;

(iii) contribution to the city's tree bank in an amount established by resolution of the City Council); or

(iv) combination of all of the above.

(2) Shrubs:

(a) A lot greater than 20,000 square-feet is required to install 20 shrubs;

(b) A lot that is 20,000 square-feet to 6,000 square-feet is required to install 12 shrubs; and

(c) A lot less than 6,000 square-feet is required to install eight (8) shrubs.

[No changes to Subsections (b), (c), (d), and (e)]

[No changes to Sections 6 through 10]

SECTION 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Port Orange and the Sections of this

Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

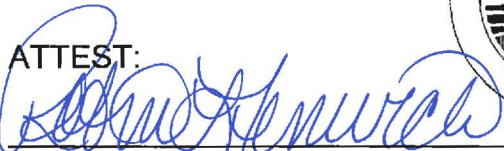
SECTION 4: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5: This Ordinance shall take effect immediately upon adoption.



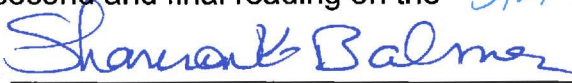

MAYOR DONALD O. BURNETTE

ATTEST:


Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the 8th day of January, 2019.

Passed and adopted on second and final reading on the 5th day of February, 2019.

Reviewed and Approved: 
Shannon K. Balmer, Assistant City Attorney