

ORDINANCE NO. 4163

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, PERTAINING TO TREE REMOVAL AND LANDSCAPING REQUIREMENTS; AMENDING CHAPTER 18, LAND DEVELOPMENT CODE; BY AMENDING SECTION 18-408(C) "REMOVAL OF DEAD OR HAZARDOUS TREE(S)"; BY AMENDING SECTION 18-412 "EXEMPTIONS"; BY AMENDING SECTION 18-414 "CERTAIN TREES PROHIBITED; REMOVAL REQUIRED"; BY AMENDING SECTION 18-420 "FEES"; BY AMENDING TABLE 18-1533-1 "PLANTING AREA REQUIREMENTS"; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA:

SECTION ONE: That Section 18-408(C), of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

Sec. 18-408. RELOCATION AND REPLACEMENT.

(C) REMOVAL OF DEAD OR HAZARDOUS* TREE(S). The removal of dead or hazardous* tree(s), or tree(s) causing noncorrectable damage to structures, as determined by an Arborist certified by the International Society of Arboriculture or a Florida licensed Landscape Architect, shall be exempt from the replacement requirements of this Section ~~18-408~~, unless the following criteria results:

1. The removal of the tree(s) identified in this subsection results in a deficiency in the quantity of remaining approved trees, as specified in the table above. In this case, replacement shall be on a one-for-one ratio, with tree(s) of equal shade producing qualities or
2. The tree(s) identified in this subsection were trees which satisfied the requirements of Section ~~18-1512.6~~18-1533. In this case, replacement shall be on a one-for-one ratio, with tree(s) of equal shade producing qualities.

~~*Coder, Dr. Kim D. (1990). Hazard Tree Evaluation. Proceedings of the Urban Forestry Institute; the Urban Forest; Planning,~~

~~Management, and Policy (Section III). IFAS, University of Florida.~~

SECTION TWO: That Section 18-412, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

Sec. 18-412. EXEMPTIONS.

1. The provisions of this Article shall not apply to the transplant of ~~a tree~~(s) less than six (6) inches DBH on small tracts.
2. The provisions of this Article shall not apply to tree(s) four and one-half (4½) inches DBH or smaller, on small tracts where a valid Certificate of Occupancy has been issued with the exception of the ~~excepting~~ required landscaping trees per Section 18-1512, "Landscaping Regulations".
3. The provisions of this Article shall not apply to any land upon which bona fide agriculture uses and practices, as herein defined, are being conducted.
4. Specifically exempt from the terms and provisions of this Article are the following species of trees:
 - (a) All palms ~~palm trees~~ other than Cabbage Palm (Sabal palmetto);
 - (b) Australian Pine (Casuarina spp.);
 - (c) Brazilian Pepper (Schinus spp.);
 - (d) Citrus Species;
 - (e) Chinaberry (Melia azedarach);
 - (f) Chinese Tallow (Sapium sebiferum);
 - (g) Ear Tree (Enterolobium cyclocarpum);
 - (h) Eucalyptus (Eucalyptus spp.);
 - (i) Norfolk Island Pine (Araucaria heterophylla);
 - (j±) Punk (Melaleuca eucadendra);

(~~k~~j) Silk Oak (*Grevillea robusta*); and

(~~l~~k) Woman's Tongue (*Albizia* spp.).

SECTION THREE: That Section 18-414, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

Sec. 18-414. CERTAIN TREES PROHIBITED; REMOVAL REQUIRED.

(A) PROHIBITED SPECIES.

~~(A)~~1.No person shall plant or cause to be planted anywhere within the corporate limits of the City of Pinellas Park any of the following tree species: 1) Australian Pine (*Casuarina* Spp.), 2) Brazilian Pepper (*Schinus* Spp.), 3) Chinese Tallow (*Sapium sebiferum*), 4) Punk (*Melaleuca* Spp.) Whenever the City Manager or a designee, after investigation, shall determine that any one of the above prohibited trees has been planted within the City, the City Manager or a designee shall cause to be served upon the owner or occupant of the real property upon which the trees are planted in violation of this Section a written notice requiring such owner or occupant to remove such tree or trees within fifteen (15) days after the service of such notice.

~~(B)~~2.If after the service of the notice provided herein, the owner or occupant does not comply with the directions contained therein within the time specified, the City Manager, or his designee, may lawfully have the tree or trees removed and charge the cost of removal thereof to the ~~real~~ property owner.

(B) HAZARDOUS TREES. At the time of development or redevelopment and upon the determination of a tree's hazardous condition by an Arborist certified by the International Society of Arboriculture or a Florida licensed Landscape Architect, the City may require the hazardous tree to be removed from the subject property or adjoining right-of-way. An Order of Removal shall be issued if the tree is required to be removed. Such removal shall be exempt from the permitting requirements of this Article.

(C) DISEASED OR PEST INFESTED TREES. Upon the determination of a tree's diseased or pest infested condition by an Arborist

certified by the International Society of Arboriculture or a Florida licensed Landscape Architect, the City may require the diseased or pest infested tree to be removed from the subject property or adjoining right-of-way. An Order of Removal shall be issued if the tree is required to be removed. Such removal shall be exempt from the permitting requirements of this Article.

SECTION FOUR: That Section 18-420, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

Sec. 18-420. FEES.

No application for tree removal, land clearing and/or grubbing shall be accepted until the applicable fee has been paid in full.

The following fee schedule is hereby adopted:

LIVE TREE REMOVAL	
Single/duplex-family lot	\$ 20.00
Single/duplex subdivision, per acre or fraction thereof	40.00
Multifamily lot, one (1) acre or less	20.00
Multifamily lot, more than one (1) acre	40.00
Multifamily subdivision, per acre or fraction thereof	40.00
Office/commercial lot, one (1) acre or less	20.00
Office/commercial lot, more than one (1) acre	40.00
Office/commercial subdivision, per acre or fraction thereof.	40.00
Industrial lot, one (1) acre or less	20.00
Industrial lot, more than one (1) acre	40.00
Industrial subdivision, per acre or fraction thereof	40.00
Land clearing/grubbing, per acre or fraction thereof	40.00

There shall be no tree removal fee for dead or hazardous* trees or trees causing noncorrectable damage to structures, as documented by an Arborist certified by the International Society of Arboriculture or a Florida licensed Landscape Architect. A copy of the documentation shall be on-site and available for inspection prior to work commencing tree removal activity. A failure to produce proper documentation shall be a violation of Section 18-403.~~However, prior to the removal of any of these trees, an inspection and appropriate permit will be required.~~

~~*Coder, Dr. Kim D. (1990). Hazard Tree Evaluation. Proceedings of the Urban Forestry Institute; the Urban Forest; Planning,~~

~~Management, and Policy (Section III). IFAS, University of Florida.*~~

SECTION FIVE: That Table 18-1533-1, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

TABLE 18-1533-1 PLANTING AREA REQUIREMENTS

PLANTING AREA REQUIREMENTS	TREE CLASS		
	Understory	Intermediate	Canopy
Minimum total area—Single tree	45 SF	100 SF	200 SF
Additional area (per tree)—More than one tree in a group	25 SF	50 SF	100 SF
Minimum setback from trunk to perimeter of impervious surface	1 foot	3.5 feet	5 feet
Minimum interior dimension	5 feet	7 feet	10 feet
Minimum setback from overhead utilities	<u>0 feet</u>	<u>20 feet</u>	<u>20 feet</u>
Minimum setback from underground utilities	<u>3 feet</u>	<u>5 feet</u>	<u>10 feet</u>

SF = Square Feet

SECTION SIX: All other provisions of Chapter 18 of the Code of the City of Pinellas Park not hereby amended shall remain in full force and effect.

SECTION SEVEN: The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Pinellas Park, Florida, and the publisher of the Code of Ordinances may renumber, reclassify or otherwise insert this Ordinance in an appropriate place to accomplish such intention.

SECTION EIGHT: The provisions of this Ordinance shall be deemed severable, and should any court of competent jurisdiction

declare any part of this Ordinance unconstitutional or invalid,
the remaining parts hereof shall not, in any way, be affected by
such determination as to the invalid part.

SECTION NINE: This Ordinance shall be in full force and
effect immediately after its passage and approval in the manner
provided by law.

PUBLISHED THE _____ DAY OF _____, 2022.

FIRST READING THE _____ DAY OF _____, 2022.

PUBLIC HEARING THE _____ DAY OF _____, 2022.

ADOPTED THIS _____ DAY OF _____, 2022.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2022.

Sandra L. Bradbury
MAYOR

ATTEST:

Diane M. Corna, MMC
CITY CLERK