

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 18-402 "DEFINITIONS"; 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 ADDING SECTION 18-421 "TREE BANK"; 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. (LDC-0322-00003)

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

SECTION ONE: That Section 18-402, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida, is hereby amended to modify the definition of "Tree Bank" as follows:

TREE BANK: The term "Tree Bank" shall refer to forms of compliance pertaining to environmental violations covered in this Article 4 and landscaped buffer waivers pursuant to Section 18-1512.10. The forms of compliance are: (~~Ord. No. 687, 9-26-1974; Ord. No. 798, 9-23-1976; Ord. No. 954, 3-22-1979; Ord. No. 1274, 6-23-1983; Ord. No. 2310, 2-23-1995; Ord. No. 3564, § 1, 7-12-2007; Ord. No. 3605, § 1, 1-24-2008~~)

A. ~~Trees which are donated to the City by individuals, as a form of compliance to violations of this Article. These trees are to be planted on public property. (Ord. No. 2310, 2-23-1995; Ord. No. 3564, § 1, 7-12-2007; Ord. No. 3605, § 1, 1-24-2008)~~

B. Money which is donated to the City by individuals and placed into a special account, as a form of compliance to violations of this Article or as mitigation for landscaped buffer waivers pursuant to Section 18-1512.10. This money is to be used to purchase trees, shrubs, annuals, perennials, and planting supplies for establishment on public or private residentially zoned and owner-occupied

property and/or on any property within the Community Redevelopment District. Rental properties can be made eligible if the property owner agrees and provides an affidavit accepting responsibility for the planting and proper care of the plants. (Ord. No. 2310, 2-23-1995; Ord. No. 3564, § 1, 7-12-2007; Ord. No. 3605, § 1, 1-24-2008)

C. Prior to applying said funds to vegetative enhancements on private property, approval by the Community Projects Advisory Board of an application from the private property owner for landscape enhancements must be secured. Approval of an application shall be substantially based upon the following criteria: (Ord. No. 3564, § 1, 7-12-2007; Ord. No. 3605, § 1, 1-24-2008)

1. There are fewer than two healthy canopy, intermediate or understory trees occupying the lot. Requests for trees or shrubs to be planted on lots larger than one half acre shall be considered on an individual basis. Nuisance trees as listed in Section 18-1512.5 shall not be counted toward this requirement and must be removed prior to the approval of an application. (Ord. No. 3564, § 1, 7-12-2007; Ord. No. 3605, § 1, 1-24-2008)

2. The plants requested are not required replacements for trees removed pursuant to Article 4 of the Land Development Code. (Ord. No. 3564, § 1, 7-12-2007; Ord. No. 3605, § 1, 1-24-2008)

3. The plants requested are not to be used toward fulfilling landscaping requirements for new construction. (Ord. No. 3564, § 1, 7-12-2007; Ord. No. 3605, § 1, 1-24-2008)

4. Trees and shrubs eligible for planting are limited to those species listed in Section 18-1512.5, except Palms. (Ord. No. 3564, § 1, 7-12-2007; Ord. No. 3605, § 1, 1-24-2008)

5. Nothing contained in this section shall be deemed to impose any liability upon the city, its officers or employees. (Ord. No. 3564, § 1, 7-12-2007; Ord. No. 3605, § 1, 1-24-2008)

An account established by the City's Finance Department into which funds are deposited by owners and/or developers who are unable or unwilling to comply with the tree or palm planting/replacement requirements of the City's Code of Ordinances may deposit the funds.

SECTION TWO: 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:

(C) REMOVAL OF DEAD OR HAZARDOUS* TREE(S).

1. RESIDENTIAL PROPERTY. 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 on residential property, shall be exempt from the replacement requirements of this Section 18-408.

2. NONRESIDENTIAL PROPERTY. 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 on nonresidential property, shall be exempt from the replacement requirements of this Section 18-408, unless the following criteria results:

1-(a) 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.

2-(b) 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 THREE: 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 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 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 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) Silk Oak (Grevillea robusta); and
 - (l) Woman's Tongue (Albizia spp.).

SECTION FOUR: 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 FIVE: 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 thereof40.00
Multifamily lot, one (1) acre or less20.00
Multifamily lot, more than one (1) acre40.00

Multifamily subdivision, per acre or fraction thereof40.00
Office/commercial lot, one (1) acre or less20.00
Office/commercial lot, more than one (1) acre40.00
Office/commercial subdivision, per acre or fraction thereof
.....40.00
Industrial lot, one (1) acre or less20.00
Industrial lot, more than one (1) acre40.00
Industrial subdivision, per acre or fraction thereof40.00
Land clearing/grubbing, per acre or fraction thereof40.00

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 SIX: That Chapter 18, Article 4, of the Land Development Code of the City of Pinellas Park, Florida, is hereby amended creating a new Section 18-421, which said Section shall read as follows:

Sec. 18-421. - TREE BANK.

- (A) The tree bank is hereby created for the purpose of:
- Acquiring, protecting, and maintaining native vegetative communities in the city;
 - Acquiring, protecting, and maintaining land for the placement of trees acquired pursuant to this section;
 - Purchasing vegetation for placement on public properties in the city and their maintenance; and
 - Mitigating the impact of any damage from violations of this article.
- (B) MAINTENANCE OF TREE BANK. Moneys of the tree bank may be used as a matching fund contribution towards the acquisition of native vegetative communities in the city in association with other public land acquisition programs and/or the management of environmental lands. Such tree bank shall be kept, maintained and identified by

the City Council solely for the purposes set forth in this section.

(C) SOURCE OF MONEYS. The tree bank shall consist of the following moneys:

1. All moneys collected by the Community Development Administrator or designee pursuant to the provisions of this Article which are obtained through civil action and consent agreements.

2. All moneys offered to and accepted by the city for the tree bank in the form of federal, state, county, or other governmental grants, allocations or appropriations, as well as foundation or private grants and donations.

3. Contributions in-lieu of, or in conjunction with, the provisions of Section 18-1533.11(D). The Community Development Administrator or designee shall collect funds designated for the tree bank when the requirements of Section 18-1533.11(D) cannot be met.

(D) INTEREST. Unless otherwise restricted by the terms and conditions of a particular grant, gift, appropriation or allocation, all interest earned by the investment of all moneys in the tree bank shall accrue to the tree bank and shall be disbursed for any project authorized consistent with this section. Tree bank moneys shall be invested only in accordance with the laws pertaining to the investment of city funds.

(E) EFFECT ON PERMITTING. Decisions to grant or deny permits provided for by this Article shall be made without consideration of the existence of the tree bank or offers of donations of moneys thereto.

SECTION SEVEN: 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 EIGHT: 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 NINE: 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 TEN: 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 ELEVEN: 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