

ORDINANCE 2100

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA; AMENDING CHAPTER 4 OF THE LAND DEVELOPMENT CODE FOR LANDSCAPE REQUIREMENTS; PROVIDING FOR AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it is recognized that trees benefit the environment and citizens and visitors to the City of Fort Walton Beach by, amongst other things, decreasing air pollution, minimizing flooding and soil erosion, reducing noise pollution, helping to conserve energy, providing food and cover for wildlife, and providing value to businesses and residential neighborhoods; and

WHEREAS, the City of Fort Walton Beach is recognized as a “Tree City USA” by the Florida Department of Urban Forestry; and

WHEREAS, current Land Development Code standards require the planting of trees based solely on the perimeter measurement of properties and minimum tree circumferences, but fails to address landscape buffers for properties within the city limits; and

WHEREAS, the Growth Management Department, after receiving requests to review and possibly update the City’s Land Development Code, determined it would be prudent to see what other surrounding jurisdictions require on installation of trees in the perimeter of the property, setbacks, and tree size requirements; and

WHEREAS, after review of surrounding jurisdictions, the Growth Management Department believes the requirement of a landscape buffer and tree requirements inside that landscape buffer, while reducing the overall tree requirements, will be more compatible with surrounding jurisdictions while also maintaining the high standards for landscaping by the City of Fort Walton Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AS FOLLOWS:

Section 1. Authority and Intent

The authority for enactment of this ordinance is contained in Chapter 166.021, 163.3202, and other provisions of the Florida Statutes and Section 2 of the City Charter.

Section 2. Amendment of Land Development Code Chapter 4 – Development Standards

4.08.03 Specifications for Landscape Materials and Vegetation.

A. Minimum specifications for plant materials:

1. All plant material shall be nursery grown, number 1 grade, meet current American Association of Nurseryman Standards, and installed according to accepted planting procedures.
2. Shrubs shall be at least eighteen (18) inches in height at the time of installation.

3. Shrubs shall be planted approximately thirty-six (36) inches apart, measured on center.
 4. Hedges shall be planted in double-staggered rows.
 5. Trees shall be a minimum of ~~three~~ four (34) inches dbh (diameter at breast height) at the time of installation.
 6. Trees shall be planted to provide a minimum growing area consistent with best horticultural practices.
 7. Trees shall be properly guyed, braced, and/or staked at the time of planting to ensure established and erect growth. Nail staking or other methods that cause cosmetic or biological damage to the tree are prohibited. Trees shall be re-staked within twenty-four (24) hours in the event of failure of the guying or staking system. Stakes shall be removed when the tree is established, and not later than twelve (12) months after installation.
 8. Canopy trees shall not be installed under any overhead utility line, over any buried utilities, or within a utility easement.
 9. All landscaped areas and buffers shall be stabilized with grass (sod or seeded) or ground cover. Ground cover used in lieu of grass shall be planted so as to present a finished appearance and substantially complete coverage.
 10. Mulch or other acceptable ground cover material may be used in lieu of grass or ground cover. Mulch shall be provided in planting areas for shrubs and ornamental plants and around individual trees. Mulch shall be organic and provided to a depth of three (3) inches. The use of impervious materials as a weed barrier under mulch is prohibited. Mulch shall be maintained free of debris and replaced as needed to comply with best horticultural management practices.
 11. Landscaped areas shall be protected from vehicular or pedestrian encroachment through the use of wheel stops, curbs, raised planting areas, or other approved protection devices. Vehicles may overhang not more than one (1) foot into landscape areas.
 12. Trees, shrubs, grasses, and ground cover for landscaped and buffer areas shall be selected from lists of appropriate plants for north Florida identified by the Institute of Food and Agricultural Sciences, University of Florida.
 13. Landscaping materials qualify as native plants and drought tolerant plants when selected from the Florida-Friendly Landscaping Pattern Book: Sample plant lists and designs for four Florida regions - USDA Hardiness Zones 8A and 8B, North Florida.
- B. Prohibited plant materials include all vegetation identified on the Noxious Weed List as adopted in the Florida Statutes.
- C. Synthetic and artificial plants are prohibited outdoors.
- D. Site preparation shall be limited to the minimum area necessary for plantings and shall occur in stages based on the proposed planting schedule. Site preparation shall include erosion control measures consistent with the requirements set forth in the Engineering Standards Manual of Fort Walton Beach.

4.08.05 Landscape and Buffer Requirements.

- A. All development sites not otherwise exempt as set forth in Section 4.08.01.D shall provide a minimum of fifteen percent (15%) of the site as landscaped area in compliance with the standards in this section.
- B. ~~The number of trees required shall be calculated as one (1) tree for each twenty five (25) linear feet of the perimeter dimension of the site, except as follows:-~~
- ~~1. On lands zoned CTP, the number of trees required shall be calculated as one (1) tree for each sixty five (65) linear feet of the perimeter dimension of the site.~~
 - ~~2. Existing trees located on the proposed development site within the interior or perimeter landscaped use areas shall be eligible for credit against the total number of trees required on the site given the following:-~~
 - ~~a. The trees shall be native and be a minimum of eight (8) inches dbh, or if included in Table 4.08.04.A, shall meet the dbh standards of the table.~~
 - ~~b. Trees that are dead, diseased, dying, or prohibited are not eligible for credit.~~
 - ~~c. One half (1/2) of the area within the drip line of preserved trees, which are eligible for credit pursuant to this section, shall be maintained in either vegetative landscape material or pervious surface cover.~~
- B. All properties (other than those within the CTP Zoning District) shall have a ten (10) foot-wide strip of privately owned land, located along the front and/or side property line(s) adjacent to a street right-of-way that shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Width of sidewalks shall not be included within the ten (10) foot-wide perimeter landscape area. This perimeter landscape requirement shall be credited toward the percentage required for the total developable site in subsection A of this section, above.
- C. Tree Requirements:
1. One (1) tree for each twenty-five (25) feet or portion thereof of front and/or side property line(s) adjacent to a street right-of-way shall be preserved or planted.
 - a. All trees must be planted in the ten (10) foot-wide buffer along the rights-of-way
 - b. If trees are required where overhead utilities exist, understory trees will be substituted for canopy trees with two (2) understory trees equal to one (1) canopy tree.
 2. One (1) tree for each fifty (50) feet of linear perimeter that is NOT adjacent to a right-of-way shall be preserved or planted.
 - a. These trees are not required to be along the perimeter and can be planted anywhere on the property
 - b. Trees required per paragraph 4.08.06 will count against this requirement.
 3. On properties within the CTP Zoning District, the number of trees required shall be calculated as one (1) tree for each sixty-five (65) linear feet of the perimeter dimension of the site. These trees can be located anywhere on the property.

42. Existing trees located on the proposed development site within the interior or perimeter landscaped use areas shall be eligible for credit against the total number of trees required on the site given the following:

- a. The trees shall be native and be a minimum of eight (8) inches dbh, or if included in Table 4.08.04.A, shall meet the dbh standards of the table.
- b. Trees that are dead, diseased, dying, or prohibited are not eligible for credit.
- c. One-half (1/2) of the area within the drip line of preserved trees, which are eligible for credit pursuant to this section, shall be maintained in either vegetative landscape material or pervious surface cover.

DC. Both canopy (shade) and under-story trees shall be provided. A minimum of fifty percent (50%) of the trees shall be canopy trees unless exempted under subsection C.1 above.

EF. Where nonresidential development abuts on the side or rear property line land zoned for residential purposes, the following standards apply:

1. A landscaped buffer shall be provided on land zoned CTP adjacent to land zoned for residential purposes. The buffer shall be a minimum of ten (10) feet in width and shall include under-story trees, a hedge, and a fence or wall. The fence or wall shall be six (6) feet in height and shall comply with the standards set forth in Section 5.01.08. The buffer strip and plantings shall be counted toward meeting the landscaping requirement for the site.
2. A landscaped buffer shall be provided on land zoned CG, MB, MX-1, or MX-2 adjacent to land zoned for residential purposes. The buffer shall be a minimum of five (5) feet in width.
3. Access ways, sidewalks, and pedestrian paths may cross buffer areas.

EE. Where industrial uses are located within the MB zoning district, a landscaped buffer shall be provided in compliance with the following standards:

1. The buffer shall be provided on the perimeter of the property on which industrial uses are located.
2. The buffer shall be a minimum of ten (10) feet in width and shall include under-story trees and a hedge, fence, or wall. The fence or wall shall be six (6) feet in height and shall comply with the standards set forth in Section 5.01.08. The buffer strip and plantings shall be counted toward meeting the landscaping requirement for the site.

GF. Utility and service equipment shall be buffered by a continuous hedge. An access across the buffer, not to exceed five (5) feet in width, may be provided.

HG. Planters may be used in landscaped areas provided that such plants are integrated into the design of the site, provide adequate depth and area consistent with best horticultural practices, and are maintained free of debris and litter.

IH. Where property abuts a water body, watercourse, wetland, or shoreline, the natural shoreline vegetation shall be retained. Where no shoreline vegetation exists, a vegetated buffer shall be provided.

Section 3. Applicability

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Fort Walton Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

Section 4. Inclusion into the Land Development Code

It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Fort Walton Beach’s Land Development Code, and that the sections of this ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Severability

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 6. Findings

The City Council of the City of Fort Walton Beach finds that the Local Planning Agency reviewed and recommended approval of the ordinance on April 7, 2022.

The City Council of the City of Fort Walton Beach finds that the proposed ordinance is consistent with the goals, objectives, and policies of the City’s Comprehensive Plan.

The City Council of the City of Fort Walton Beach finds that all notice requirements for enactment of the ordinance have been met in accordance with the Florida Statutes and the City’s Land Development Code.

Section 7. Effective Date

This ordinance shall take effect immediately upon approval on second reading by the City Council and signature of the Mayor.

Adopted: May 24, 2022

Richard A. Rynearson, Mayor

Attest:

Approved for form, legal sufficiency

Kim M. Barnes, City Clerk

Hayward Dykes, Jr., City Attorney

Additions are underlined; deletions are stricken.