

K. Tree Protection Plan Required. All new ~~development residential subdivisions, multi-family developments, and mixed-use developments containing single and/or multi-family dwelling units~~, on sites that are not subject to the preservation requirements as described above shall meet the following requirements.

1. Definitions.

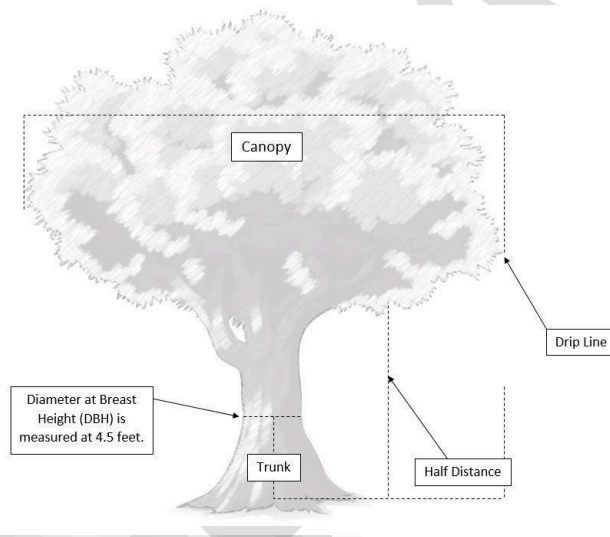
- a. Preserved Tree, for the purposes of this section shall be any existing tree on a development site that is included in the minimum Diameter at Breast Height (DBH) requirements of this section.
- b. Landmark Tree, for the purposes of this section shall be defined as follows:
 - i. Any Canopy tree identified within Table 5-2 of this Land Development Code with a DBH greater than 48”.
 - ii. Any canopy tree identified in the following table at or above the DBH value indicated will be considered a Landmark Tree.

<u>Canopy Tree Species (Table 5-2)</u>	<u>Average / Mid-Range DBH Value *</u>
<u>Florida Maple</u>	<u>24 inches</u>
<u>Red Maple</u>	<u>24 inches</u>
<u>River Birch</u>	<u>30 inches</u>
<u>Hornbeam / Ironwood</u>	<u>30 inches</u>
<u>Mockernut Hickory</u>	<u>22 inches</u>
<u>Pignut Hickory</u>	<u>41 inches</u>
<u>Pecan</u>	<u>50 inches</u>
<u>Southern Catalpa</u>	<u>25 inches</u>
<u>Deodar Cedar</u>	<u>36 inches</u>
<u>Sugarberry</u>	<u>24 inches</u>
<u>Atlantic White Cedar</u>	<u>32 inches</u>
<u>American Beech</u>	<u>36 inches</u>
<u>Green Ash</u>	<u>21 inches</u>
<u>Loblolly Bay</u>	<u>17 inches</u>
<u>American Holly</u>	<u>17 inches</u>
<u>Black Walnut</u>	<u>36 inches</u>
<u>Southern Red Cedar</u>	<u>18 inches</u>
<u>Eastern Red Cedar</u>	<u>24 inches</u>
<u>Sweetgum</u>	<u>24 inches</u>
<u>Tulip Tree</u>	<u>42 inches</u>
<u>Southern Magnolia</u>	<u>30 inches</u>
<u>Dawn Redwood</u>	<u>72 inches</u>
<u>Red Mulberry</u>	<u>34 inches</u>
<u>Water Tupelo</u>	<u>42 inches</u>
<u>Swamp Tupelo</u>	<u>42 inches</u>
<u>Blackgum / Sourgum / Tupelo</u>	<u>42 inches</u>
<u>Sourwood</u>	<u>24 inches</u>
<u>Slash Pine</u>	<u>36 inches</u>
<u>Spruce Pine</u>	<u>8 inches</u>
<u>Longleaf Pine</u>	<u>36 inches</u>

<u>Loblolly Pine</u>	<u>30 inches</u>
<u>Sycamore</u>	<u>66 inches</u>
<u>Oak</u>	
<u>Willow Oak</u>	<u>30 inches</u>
<u>Shumard Oak</u>	<u>30 inches</u>
<u>Live Oak</u>	<u>48 inches</u>
<u>Pond Cypress</u>	<u>28 inches</u>
<u>Bald Cypress</u>	<u>56 inches</u>
<u>Basswood</u>	<u>24 inches</u>
<u>American / Florida Elm</u>	<u>48 inches</u>
<u>Cedar Elm</u>	<u>36 inches</u>
<u>Chinese / Lacebark Elm</u>	<u>55 inches</u>

*IFAS, Arbor Day Foundation, Google Generative AI, Wikipedia, Other Sources – information gathered utilizing Google.com search feature on February 27, 2025.

2. Removal of a Landmark tree shall be prohibited unless allowed further in this section or through the requirements found elsewhere in the Land Development Code.
3. Preserved trees, in keeping with this section, shall not be used to satisfy any landscaping requirements of this Land Development Code, unless otherwise allowed under this section.



4. At a minimum, 60 inches diameter at breast height (D.B.H.), cumulatively per acre, of existing upland trees, shall be preserved on the development site.
 - a. For a tree to qualify as an existing upland tree, it must meet the following criteria:
 - i. be a minimum of four (4) inches D.B.H.; and
 - ii. be native to Florida; and
 - iii. be located outside of any designated wetland area.
 - b. The preservation of Landmark trees is paramount, and it is the intent of this section that they be preserved before any other tree onsite.

- c. Planted Pine species, such as Slash Pine and Loblolly Pine, if they meet the above criteria, may be counted as an upland and / or Landmark tree. However, these species shall not be used to satisfy more than 50% of the required 60 inches DBH.
 - i. There may be instances, given the character and historic use of some lands, that make this limitation difficult to address. In these instances, the Director of Planning and Development Services may provide relief by increasing the maximum percentage allowed for these planted pine species. This decision shall only be based on the provided tree survey and the absence of or other natural limitations of onsite tree species.
 - d. A tree survey or inventory and preservation/mitigation plan performed by a licensed arborist, landscape architect, or certified engineer shall be submitted for approval with any required site development plan.
 - e. The Director may grant limited administrative deviations to the requirements of this Land Development Code to accommodate the protection of existing Landmark trees.
 - i. Administrative deviations from the following standards may be approved on a case-by-case basis and only when the deviation will result in the preservation of a Landmark Tree(s): landscape requirements, parking requirements, and building setback requirements.
5. Tree Protection Performance Standards Required. Landmark and other preserved trees shall be protected during development activity, as follows:
- a. Landmark trees and preserved trees shall be safeguarded from activities which may injure or kill them.
 - b. Tree protection fencing shall be installed prior to any land disturbing activities per the following:
 - i. Landmark and Preserved Trees - Fencing shall be placed at the edge of the dripline unless otherwise approved by Planning and Development Services.
 - ii. At no time shall materials, equipment, or construction offices be stored or placed within these protected areas.
6. Tree Protection Design Standards Required. A development shall be designed around preserved and Landmark trees per the following:
- a. Site design shall consider Landmark tree preservation.
 - b. A Tree Preservation plan shall be submitted with any development plan, identifying all Landmark and Preserved Trees being removed, protected and mitigated as applicable.
 - c. Landmark Trees - Minor grading, filling, ditching, or other site work, performed by hand only, may occur under the canopy of a Landmark tree, but at no time shall it occur closer to the trunk than ten (10) feet, or the half distance whichever is further away.
 - d. Non-Landmark-Preserved Tree - Minor grading, filling, ditching or other site work, performed by hand only, may occur under the canopy of the tree but not within five (5) feet of the trunk.
 - e. Impervious surfaces shall be limited between the drip line and trunk according to the following:

- ~~i. not be placed No impervious surfaces shall be placed within ten (10) feet of a Landmark tree trunk or within the half distance, measured from the trunk to the drip line, whichever is greater, unless permitted elsewhere in this section.~~
- ~~ii. No impervious surfaces shall be placed within five (5) feet of the trunk of a Preserved Tree or within the half distance, measured from the trunk to the drip line, whichever is greater, unless permitted elsewhere in this section.~~
- ~~f. Minor passive recreation amenities, porous/pervious pedestrian ways and the like, may be located under the canopy of a preserved tree including Landmark trees:~~
 - ~~i. These improvements should be limited to the half distance, measured from the drip line but may be located up to five (5) feet from the trunk.~~
 - ~~ii. These improvements include, but are not limited to, pervious walkways, seating, informational signage, and water fountains.~~
 - ~~iii. Construction activities under Landmark trees shall be limited to hand tools only.~~
- g. All pruning or maintenance of a Landmark tree within any multifamily, commercial, or industrial development site must be approved through the processes established under Section 4.06.00 of this Land Development Code.
 - i. The approval request will require an original signed letter from an arborist certified by the International Society of Arboriculture or a Florida Licensed landscape architect stating the need for the alteration and the manner for which the work should be accomplished to ensure the continued health of the tree.

7. Mitigation.

- a. Should any of the required preserved trees, including Landmark Trees, be approved for removal, post development approval, resulting in an existing preserved upland tree calculation to be less than the required 60 inches D.B.H. per acre, replacement trees shall be installed in accordance with the following:
 - i. The replacement factor shall be one tree per four inches DBH removed.
 - ii. The replacement trees shall be at least eight feet in height and have a minimum caliper of ~~four (4)~~ three (3) inches.
 - iii. Replacement trees shall be of same or similar native species to what is to be removed when possible or shall be listed in the approved plantings schedules found in Chapters 5 and 6 of this Land Development Code.
- b. Landmark Tree Removal – Landmark trees shall be preserved before all others. In instances where a Landmark Tree(s) cannot be preserved in accordance with this section, mitigation may be an option. The mitigation option can only be requested when the intended allowable use of the site cannot be reasonably developed in accordance with the Land Development Code because of an existing Landmark Tree(s).
 - i. This request shall be in writing and shall demonstrate that alternative site design(s), including reductions in planned density or intensity, prevent preserving the necessary tree(s) in keeping with the above standards.
 - ii. Mitigation requests shall include a replacement tree schedule in accordance with subsection (a) above.

8. Exemptions - Tree protection requirements shall not apply under the following circumstances and conditions:

- a. Nuisance trees, in keeping with the following shall be exempted.
 - i. Nuisance Trees - All trees listed on the Florida Exotic Pest Plant Council's List of Invasive Species or the Florida Department of Agriculture and Consumer Services, "Noxious Weeds" rule in Section 5B-57, F.A.C. f.
 - b. Trees that are diseased, insect ridden, or weakened by age, abuse, storm, or fire and is likely to cause injury or damage to people, buildings, or other improvements.
 - i. Documentation shall be provided by an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect confirming that the tree presents a danger to persons or property.
9. Reparations – Preserved trees that are removed without obtaining a permit or meeting the exemptions in subsection seven (7) above shall be considered in violation of this ordinance and the fee for the removal shall be \$500 per inch D.B.H. of the protected tree.
- a. Trees, illegally removed, shall be replaced at the expense of the developer or property owner. Removed protected trees shall be replaced at a rate of 1 tree per every four inches four (4) inches of DBH removed. The replacement trees shall be of the same species of trees that are at least eight feet (8') in height and a minimum D.B.H. of ~~four (4)~~ three (3) inches.
 - b. Unapproved clearing and/or removal of any tree, is a code violation and in addition to the tree replacement requirements above, shall be held to any fees or fines prescribed under Chapter 7 of this Land Development Code.
10. Incentives. The following administrative deviations may be granted by the Director of Planning and Development Services ~~only after the minimum DBH standards identified above have been satisfied and the developer has elected to preserve additional Landmark trees:~~
- a. Where a Landmark tree(s) is preserved over a proposed parking area and/or pedestrian access to a primary use component, up to a 10% reduction in required parking spaces, excluding the minimum ADA spaces may be granted.
 - i. The canopy of the Landmark tree must extend over the impervious surface area of the proposed parking area and/or pedestrian way for the reduction to be approved.
 - b. Where a Landmark tree is preserved within the 10-foot-wide street frontage planting area, required under Section 5.01.01(J), a reduction in the minimum street frontage tree planting requirements may be granted.
 - i. This reduction shall be equivalent to the number of trees, plus 1, that would have been required under the preserved canopy. Example: a preserved Landmark tree with a 50-foot-wide canopy would relieve the developer from having to place three (3) new trees, plus 1 additional for a total of four (4) trees credited.
 - c. In instances where an applicant is granted an incentive, the Development Order issued for the project shall ensure that upon failure of the tree(s) utilized for the incentive, replacement trees shall be planted at a rate at which would have been required without the incentive reduction. The replacement trees shall be the same species of tree(s) that are at least eight feet (8') in height and a minimum D.B.H. of four (4) inches.