

ORDINANCE # 2007-03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AMENDING SECTION 6-31 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE CONCERNING TREE AND LANDSCAPE REGULATIONS, INCLUDING PROVISIONS FOR PURPOSE AND INTENT; APPLICABILITY; EXEMPTIONS; ADMINISTRATION; DEFINITIONS; REQUIRED LANDSCAPING REGULATIONS; LANDSCAPE DESIGN AND MATERIAL STANDARDS; IRRIGATION; MAINTENANCE; INCENTIVES; PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICTS AND SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- I. *Purpose and Intent.* The intent of the tree and landscape ordinance is to set minimum requirements for tree preservation and landscaping; to preserve existing and native trees and to augment with appropriate new plantings; to provide shade in parking lots and other vehicle use areas; to provide appropriate buffering between incompatible land uses; to improve the appearance of parking lots and open areas for the public; and to enhance the appearance of the community. Trees shall be protected and preserved except for the reasonable use of the property; to remove dead or diseased trees; to remove exotic pest or invasive species; or for the health and safety of the public.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Wakulla County, Florida:

- II. *Applicability.* All new or substantially redeveloped sites shall be required to provide landscaping in accordance with this ordinance.
- III. *Exemptions.* The following are exempt from the provisions of this ordinance: Single-family, detached residential lots (including mobile and modular home sites); bona fide agricultural operations; and bona fide silvacultural operations.
- IV. *Administration*
- A. All applications for development made to the Community Development Department shall include a scaled survey (maximum scale of 1" = 50') of all existing trees 10" or larger in caliper (diameter-see definitions) showing the size, CPZ (critical protection zone-see definitions), species and locations of the protected trees; a scaled site plan (maximum scale of 1" = 50') showing the necessity for tree removal; a table listing the proposed removal of trees and protection measures for preserved trees; a landscape plan showing the size, species, number and location of required plantings; and an application check-list with a certification of compliance signed by the applicant. The Director of Community Development shall review the application and determine whether the application is

complete and if the provisions of this ordinance have been met.

- B. Development and re-development plans shall not be approved nor building permits issued until the Director of Community Development has approved the landscape plan.
- C. Certificates of Occupancy shall not be issued by the Building Inspector until all landscaping and irrigation has been installed in accordance with the approved plans.
- D. Each phase of a multi-phase development shall meet the landscape requirements for that phase prior to being issued a Certificate of Occupancy by the Building Inspector. Common, open-space plantings may be addressed by a master landscape plan and allocated to specific lots or pro-rated among all lots at the developer's discretion. Subsequent phases and/or individual lots shall be required to meet all additional requirements as specified in the master landscape plan.
- E. Additions to existing developments shall meet the requirements of all applicable portions of this ordinance. Undisturbed portions of an existing site need not be retrofit to the standards of this ordinance until the additions or alterations exceed fifty percent (50%) of the existing impervious area. Substantial redevelopments shall be retrofit to current standards.

#### V. Definitions.

- A. Agricultural Operation: A farm, grove, ranch, nursery or similar entity engaged in, or proposing to engage in, the practice of commercial production of crops, animals or animal products, or farm commodities including but not limited to vegetables, citrus and other fruits, grain, forage, sod, livestock, poultry, and foliage plants.
- B. Buffer: An opaque, visual screen designed to shield a less intensive land use from the noise, glare and unsightly views of more intensive land uses.
- C. Community Uses: Schools, churches, parks and recreation areas.
- D. Critical Protection Zone: The area surrounding a tree defined as 1 foot of radius per 1" of tree diameter. For example, a 24" diameter tree shall be protected by a 24' radius zone.
- E. Interior Landscape Area: A landscape area within or adjacent to a vehicle use area that is designed to provide shade and to enhance the appearance of parking lots. Interior landscape areas shall be exclusive of perimeter landscape areas and buffers.
- F. Open Space: The sum of all perimeter landscaping, vehicle use landscape areas, buffers and/or other preserved natural areas or landscaping. Stormwater management facilities may count toward the open space requirements if sodded and appropriately landscaped.
- G. Perimeter landscape area: An area reserved for landscaping located between the property line of a site and any proposed internal improvements.
- H. Side Corner: For parcels located at the intersection of two streets, the side corner

boundary is the side facing the secondary roadway.

- I. **Signature Tree:** A healthy, structurally sound, well shaped tree of a size or species that is an example of the native trees most representative of Wakulla County, as designated in Section VII.D.
- J. **Silvaculture:** A process, following accepted forest best management practices, whereby the trees constituting forests are tended, harvested and reproduced.
- K. **Substantial Re-development:** The addition, removal, or alteration of fifty percent (50%) of the existing impervious area on a given site.
- L. **Tree Diameter:** The diameter (or caliper) of a tree measured 54" above grade.
- M. **Vehicle Use Area:** A vehicle use area is any portion of a development site used for off-street traffic circulation, parking, and/or display of motorized vehicles, excluding vehicle salvage yards or junkyards. This definition shall apply whether a vehicle use area is improved or not.

#### VI. *Required Landscaping.*

- A. No clearing or development, as further defined in the County Code, shall occur on a site without an approved landscape and tree removal plan, except as specifically exempted in this ordinance. Preservation of undisturbed natural area is encouraged.
- B. **Tree Protection:**
  - 1. The development or redevelopment plan for a site will incorporate as many existing, native trees as possible. All trees 10" or larger in diameter shall be protected from development activity unless removal is necessary for the reasonable use of the property. Sites that preserve Signature Trees qualify for additional tree credits.
  - 2. To ensure the survival and stability of preserved trees, construction impacts within the CPZ are prohibited except as described in paragraphs 3 and 4 below. Limited intrusion within the CPZ may be authorized by the director to preserve a tree that would otherwise be removed.
  - 3. Intrusion into the CPZ by up to 25% of the distance (radius) between the CPZ boundary (perimeter) and the trunk may be authorized by the director with no additional tree protection measures. For example, a 24" diameter tree would have a 24' radius CPZ and construction may be authorized to within 18' of the tree trunk. The use of protective measures and the consultation of an arborist is encouraged but not required.
  - 4. Authorized intrusion within the CPZ of more than 25% of the distance (radius) between the CPZ boundary (perimeter) and the trunk will require protective measures as recommended in Trees and Development, A Technical Guide to Preservation of Trees During Land Development (Table 8.1) by Nelda Matheny and James R. Clark,

and as approved by the director. The tolerance of different species to construction impacts should be considered. Consultation with a certified arborist is strongly encouraged in developing the protection plan. Intrusions into the CPZ greater than 75% require protection measures designed by a certified arborist.

Required protection measures before construction may include fertilization, watering, soil aeration, mulching, limb or root pruning, and removing nearby trees by cutting (not uprooting). During construction, required protection methods may include paving constructed above the existing grade (see Matheny & Clark, Figures 8.2 - 8.4 for "no dig" paving methods), using retaining walls with discontinuous footings, using pier instead of slab foundations, consolidating of utility trenching outside CPZs, and tunneling (rather than trenching) at distances and depths recommended by Tree City USA publications when the CPZ cannot be avoided.

5. Preserved trees with adequate protection measures and/or minimal intrusion into the CPZ (25% or less intrusion into the protection radius) shall be counted toward the Preservation and Reforestation requirements of Section VI.D of this ordinance. Trees impacted without adequate protection measures, or intrusions greater than 75% into the CPZ without protection measures designed by an arborist, need not be removed, but shall not receive credit for preservation.
  6. The CPZ of each tree to be preserved shall be protected by a visible fence of wood, hog wire, chain link, or plastic webbing to keep construction traffic from the root zone. The tree protection barrier shall be located around the CPZ (critical protection zone) of the tree, except where intrusion into the CPZ has been approved. Barriers shall be maintained during all construction activities.
- C. Minimum Open Space: New development or redevelopment sites shall provide a minimum area equal to forty percent (40%) of the gross site area in trees, natural vegetation, or landscaped areas. The required landscape area may be reduced to a minimum of twenty-five percent (25%) of the site area by satisfying the incentives in Section X.
- D. Preservation and Reforestation: All new development or redevelopment sites shall provide a minimum of one hundred (100) tree inches per gross acre, post development. The tree inches shall consist of preserved, existing trees and/or newly planted trees. For example, saving five, 20" trees per acre meets the criteria; planting forty 2 1/2" diameter trees per acre would also comply.
- E. Vehicle use area landscaping: All vehicle use areas shall include interior landscaping to provide shade, reduce glare, break-up the appearance of large expanses of asphalt, and enhance the appearance of parking areas.
1. Vehicle use areas shall be landscaped at a minimum rate of ten percent (10%) of the total vehicle use area. Landscape areas must be a minimum of 12' wide, contain at least 200 square feet and contain a minimum of one shade tree measuring at least two

and one half inch (2-1/2") in diameter per each 200 square feet.

2. Interior landscape areas shall be distributed through out the vehicle use area to provide the maximum number of shaded parking spaces.
3. Vehicle stops or other design features shall be used so that parked vehicles do not overhang more than two feet into any landscape area.

F. Perimeter Landscape Areas: All new or substantially re-developed sites shall provide perimeter landscape areas.

1. All new construction along the front, rear, or side-corner boundary line shall be set back a minimum of 10' from the property line.

- i. Front, rear and side corner landscape areas shall be planted with trees at a ratio of one tree per 25' of frontage. Shade trees are encouraged where there are no over-head utilities. The use of low growing trees is required in setback areas adjacent to over-head utilities. Trees shall not be planted greater than 40' apart.

- ii. The front, rear and/or side corner landscape areas shall be planted with shrubs or ornamental grasses of a variety reaching a minimum height of 36" within 3 years. Shrubs and ornamental grasses shall be maintained at a minimum height of 36" after the 3-year growth period. Plantings shall be spaced a maximum of four feet (4') on center. Shrubs and ornamental grasses shall be at least 18" tall and have a minimum spread of 15" at the time of planting.

2. All new construction along the side interior boundary lines (exclusive of zero lot-line buildings) shall be set back a minimum of 5' from the property line.

- i. Side landscape areas shall be planted with shrubs or ornamental grasses of a variety reaching a minimum height of 36" within 3 years. Shrubs and ornamental grasses shall be maintained at a minimum height of 36" after the 3-year growth period. Plantings shall be spaced a maximum of four feet on center. Shrubs and ornamental grasses shall be at least 18" tall and have a minimum spread of 15" at the time of planting.

- ii. Side landscape areas may be waived when adjacent properties share a common driveway or common parking areas.

3. Trees, shrubs and/or ornamental grasses need not be planted in a straight line or evenly spaced. Clustering trees to avoid driveways and provide a more attractive appearance is encouraged.

G. Uncomplimentary Land use Buffers: All uncomplimentary land uses shall provide an

opaque buffer to shield the less intense use from noise, glare, lighting and other intrusions.

1. Uncomplimentary Land uses are:

- i. Industrial, Commercial, Office or multi-family, when adjacent to single-family residential or community uses.
- ii. Industrial, Commercial or Office when adjacent to multi-family.
- iii. Industrial or Commercial when adjacent to Office.
- iv. Industrial uses when adjacent to Commercial

1. Side buffer areas shall meet the same tree and shrub planting requirements as the front, rear and side corner perimeter landscape areas.

2. Opaque buffers shall be required in addition to the perimeter landscaping required in Section F, above.

i. Opaque buffers shall consist of opaque fencing, berms, under-story trees and/or shrubbery or other appropriate means.

ii. Opaque buffers shall be a minimum of 8' tall from the existing grade level.

1. Buffer widths:

i. A landscape buffer that includes walls or opaque fencing shall be a minimum of 10' wide.

1. The side of the fence or wall facing a less intensive use shall have a finished appearance.

2. At least one-half of the required plant materials shall be installed and maintained on the side facing the less intensive use.

i. A buffer of berms and plant materials shall be a minimum of 20' wide.

1. Understory trees and shrubs shall be planted at a minimum ratio of 1 tree per 25' of buffer length, in addition to the canopy trees and shrubs or ornamental grasses required in Section F, above.

ii. A buffer consisting of a preserved natural, forested area shall be a minimum of 50' wide.

2. Waivers: Buffer requirements may be reduced or eliminated upon the receipt of a written waiver from the property owner of the adjacent, less intense use, subject to the approval of the Community Development Department.

A. Erosion Control: All disturbed areas shall be stabilized to reduce transport of sediments

from the site. Ground covers shall include sod, seed, mulch or stabilizing landscape material, as appropriate.

**VII. Landscape Design and Material Standards:**

- A. All plants used as a part of any landscape plan shall be healthy, well proportioned, disease-free and pest-free, and hardy for the North Florida Region. Only Florida No. 1 or better plant material as described in "Grades and Standards for Nursery Plants", Part I, 1998, and Part II, State of Florida, Department of Agriculture, Tallahassee, shall be credited toward the landscape requirements of this code. Diversity of plant species is encouraged and plants chosen outside the recommended list should be cross-referenced with Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation and Uses, 5th Edition.
- B. Shade trees meeting the requirements of this code shall be a minimum of 8' tall and 2 1/2" in diameter (caliper) at the time of planting, and be of a species reaching a minimum height of 40 feet and providing a canopy of a minimum of 20 feet diameter at maturity, for example:

*Acer species*, Maple species  
*Carya species*, Hickory  
*Ginkgo biloba*, Gingko  
*Pinus palustius*, Long-Leaf Pine  
*Taxodium distichum*, Bald Cypress  
*Liriodendron tulipifolia*, Tulip Poplar  
*Liquidambar styracifolia*, Sweet Gum  
*Magnolia species*, Magnolias  
*Pistachia chinensis*, Chinese Pistache  
*Platanus occidentalis*, Sycamore  
*Quercus species*, Oaks  
*Fagus species*, Beeches

The following do not meet the requirements for shade tree:

Palms, all varieties

- C. Low-growing (understory) trees meeting the requirements of this code shall be a minimum of 8' tall and 2 1/2" in diameter (caliper) at the time of planting, and be species reaching a minimum height of 15 feet and a maximum height of 30 feet at maturity, for example:

*Juniperus virginiana*, Red Cedar  
*Cornus florida*, Dogwood  
*Ilex species*, Upright Yaupons and Hollies  
*Vitex species*, Chaste Tree  
*Prunus species*, Flowering Plums  
*Betula nigra*, River Birch  
*Malus species*, Flowering Crabapples

*Lagerstroemia sp.*, Crape Myrtle (low growing varieties)  
*Ulmus alata*, Winged Elm  
*Halesia sp.*, Silver Bells  
*Cercis canadensis*, Red Bud

D. Signature Trees meeting the requirements of this section are native trees growing naturally on a site prior to development of the following size and species. Trees designated as Signature must be healthy, structurally sound and well shaped.

1. The following are considered signature trees, if greater than 2" in diameter. Note that most of these trees are understory trees and should be preserved as part of a larger, natural community.

*Cornus florida*, Dogwood  
*Betula nigra*/ River Birch  
*Aesculus pavia*/Red Buckeye  
*Cercis canadensis*/ Redbuds  
*Chionanthus virginicus*/ Grancy Greybeard aka Fringetree  
*Halesia diptera*/ Silverbell  
*Prunus angustifolia*/ Chickasaw Plum  
*Quercus geminata*/ Sand Live oak

2. The following are considered signature trees upon reaching the size noted:

i. 12" diameter:

*Quercus virginiana* / Live Oak  
*Pinus palustris* / Long-leaf pine  
Acer spp./ Maple  
*Juniperus spp.*/Cedar  
*Ilex spp.*/Holly

ii. 18" diameter:

*Liriodendron tulipifera*/Tulip Poplar  
*Taxodium distichum*/Bald Cypress

iii. 24" diameter

*Carya spp.*/ Hickory  
*Fagus spp.*/ Beech  
*Magnolia spp.*/ Magnolia  
*Quercus sp.*/ Oaks  
*Ulmus spp.*/ Elm  
*Pinus spp.*/Pines

3. Preservation of Signature Trees

i. Signature trees shall receive 1.5 times the credit toward the reforestation inches required in Section VI.E

- ii. Relocating existing trees is preferred to removal, however these trees shall be treated as newly planted trees and shall not be eligible for additional credit.

A. Palm trees of a minimum height of eight feet (8') shall count as two and one-half (2 ½") tree inches per palm toward meeting the requirements of the total tree inches in Section VI.D. of this ordinance. Palm tree inches may comprise no more than fifteen percent (15%) of the total tree inches, except in coastal areas abutting or South and West of U. S. Highway 98 (Coastal Highway), where palm trees may account for up to thirty percent (30%) of the total tree inches.

B. Shrubs and ornamental grasses meeting the requirements of this code shall be at least 18" tall and have a minimum spread of 15" at the time of planting and be of an ever-green variety reaching a minimum height of 36" at maturity, for example:

*Abellia grandiflora*, Abelia  
*Callestemon species*, Bottlebrush  
*Camellia species*, Camellias  
*Buxus sp.* Boxwood  
*Gardenia species*, Gardenias  
*Ilex sp.*, Holly  
*Illicium parvifolia*, Ocala Anise  
*Juniperus species*, Shrub Junipers  
*Loropetalum species*, Loropetalum  
*Myrica cerifera*, Wax Myrtle  
*Myrcianthes fragrans*, Simpsons Stopper  
*Podocarpus sp.*, Podocarpus  
*Rhododendron indica*, Azalea  
*Rosa x Randazz*, Knock Out Rose  
*Seranoa repens*, Saw Palmetto  
*Yucca species*, Yuca  
*Spartina bakerii*, Sand Cord Grass  
*Paspalum quadrifarium*, Crown Grass

G. Suitable Ground Covers (Maximum spacing 24"):

*Lirope mascari*, Lily Turf  
*Lamondra longifolia*, Breeze Grass  
*Arachis glabra*, Perennial Peanut  
*Juniper sp.*, Juniper  
*Dietes sp.*, African Iris  
*Trachelospermum asiaticum*, Jasmine  
*Agapanthus africanus*, Lily of the Nile  
*Zamia pumila*, Coontie

H. Unsuitable plants: Any plant listed on the most recent "List of Florida's Invasive

Species" published by the Florida Exotic Pest Plant Council (available at <http://www.fleppc.org>) may not be included in the landscape plan. Developers shall remove any invasive species presently existing on his/her property as a part of the approved landscape plan.

*VIII. Irrigation:*

- A. All landscaped areas shall be provided with a usable water source within 100 feet of all landscape areas.
- B. Sites greater than one-half acre in size must provide an automated, underground irrigation system.
- C. Bubbler, drip and micro-system sprinklers are encouraged in lieu of spray irrigation heads

*IX. Maintenance:*

- A. All required plantings, as approved on the landscape plan shall be maintained in a healthy, pest-free condition. Dead or diseased plants shall be removed and replaced by the tenant or property owner within six months.
- B. Saved, pre-development trees for which the applicant received tree credits shall be replaced with a tree of a caliper of half the credited tree inches, or a minimum of six inches (6"), which ever is less.
- C. All pruning and maintenance will be in compliance with the "ANSI (American National Standards Institute) A300 (parts 1-5): Pruning, Fertilizing, Support Systems, Lightning Protection Systems and Management of Trees and Shrubs During Site Development and Construction".
- D. Pruning shall be allowed in order to remove dead, diseased, crossing or competing branches, provide clearance, reduce wind resistance, maintain health, or to influence flower or fruit production.
- E. Pruning shall not be used to reduce the height of the tree, except to provide clearance for utility and roof lines.

*X. Incentives:*

- A. This ordinance specifies the minimum requirements for tree preservation and landscaping. To promote additional tree preservation and landscaping, developers are encouraged to exceed the minimum standards and become eligible for waivers from the strict implementation of the County codes.
- B. The following standards are promoted:
  - 1. Increase the number of tree inches per gross acre beyond the 100 inch minimum:
  - 2. Increase the front or side-corner setback area from 10' to 20' wide or more

C. Exceeding either B1 or B2 will entitle the developer to:

1. Reduce by 20% the number of parking spaces required by the zoning.
2. Reduce by 20% the building setback distances specified by the zoning code.
3. Reduce the total required landscape area as follows:
  - i. Provide a minimum of 115 tree inches per gross acre to reduce the total required landscape area from 40% to 35%
  - ii. Provide a minimum of 130 tree inches per gross acre to reduce the total required landscape area from 40% to 30%
  - iii. Provide a minimum of 150 tree inches per gross acre to reduce the total required landscape area from 40% to 25%.

Example: Save 5 live oak trees, 20" in diameter x 1.5 signature tree credits = 5 x 20" x 1.5 = 150 tree inches.

4. Increase the front or side-corner setback area from 10' to 20' wide or more to reduce the total required landscape area from 40% to 30%.
5. Increase the front or side-corner setback area to 20' wide or more and provide a minimum of 115 tree inches per gross acre to reduce the total required landscape area from 40% to 25%.

D. Developments exceeding either 150 tree inches per gross acre or 20' front or side-corner setbacks may be eligible for a 30% reduction from the setback and parking requirements of the zoning code, subject to Board of County Commission approval.

#### *XI. Penalties and Enforcement:*

- A. Administration and enforcement of this ordinance shall be the responsibility of the Director of Community Development and the County Administrator.
- B. Determination of violations of this ordinance will be the work of the Code Enforcement Board pursuant to Chapter 162, Florida Statute.
- C. The county shall have the authority to levy fines and require restitution, restoration or mitigation when it is determined that required landscape areas or protected trees were impacted by any activity in violation of this ordinance subsequent to this ordinance becoming effective.

#### *XII. Conflicts and Severability*

- A. Where this ordinance imposes a greater restriction upon land than is imposed or

required by other County provisions of law, ordinance, contract or deed, the provisions of this ordinance shall prevail.

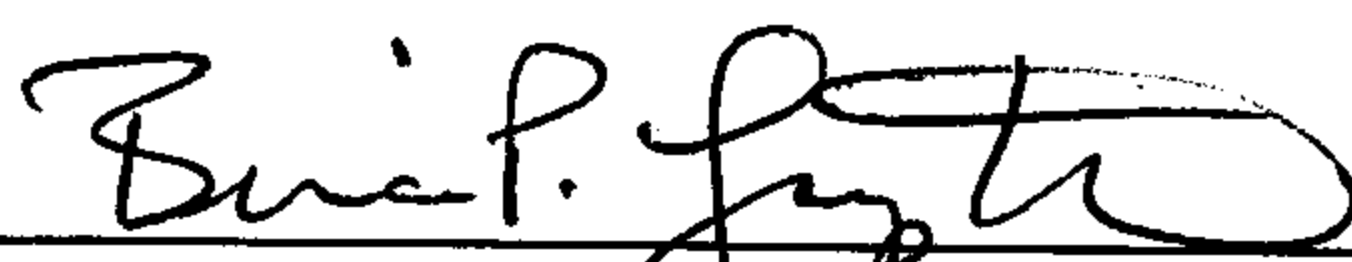
B. If a court of competent jurisdiction declares any clause, section or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

*XIII. Effective Date*

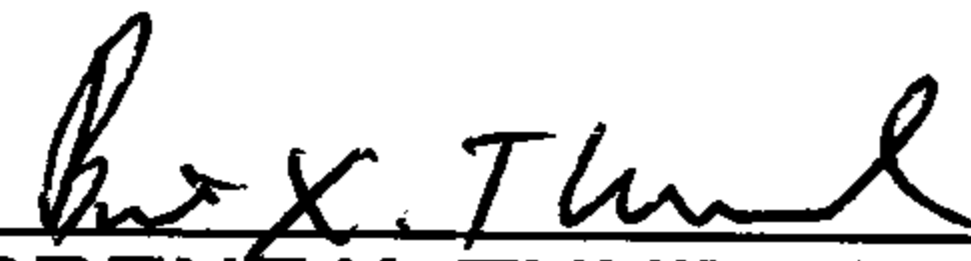
A certified copy of this Ordinance shall be filed with the Department of State by the Clerk within ten days after enactment by the Board, and shall take effect upon receipt of official acknowledgment of filing as provided by Section 125.66(2), Florida Statutes.

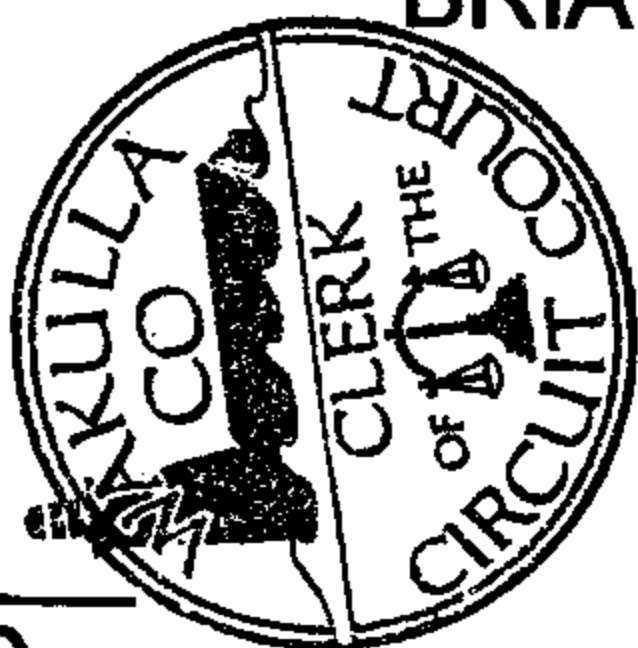
DULY ADOPTED this 16 day of January 2007.

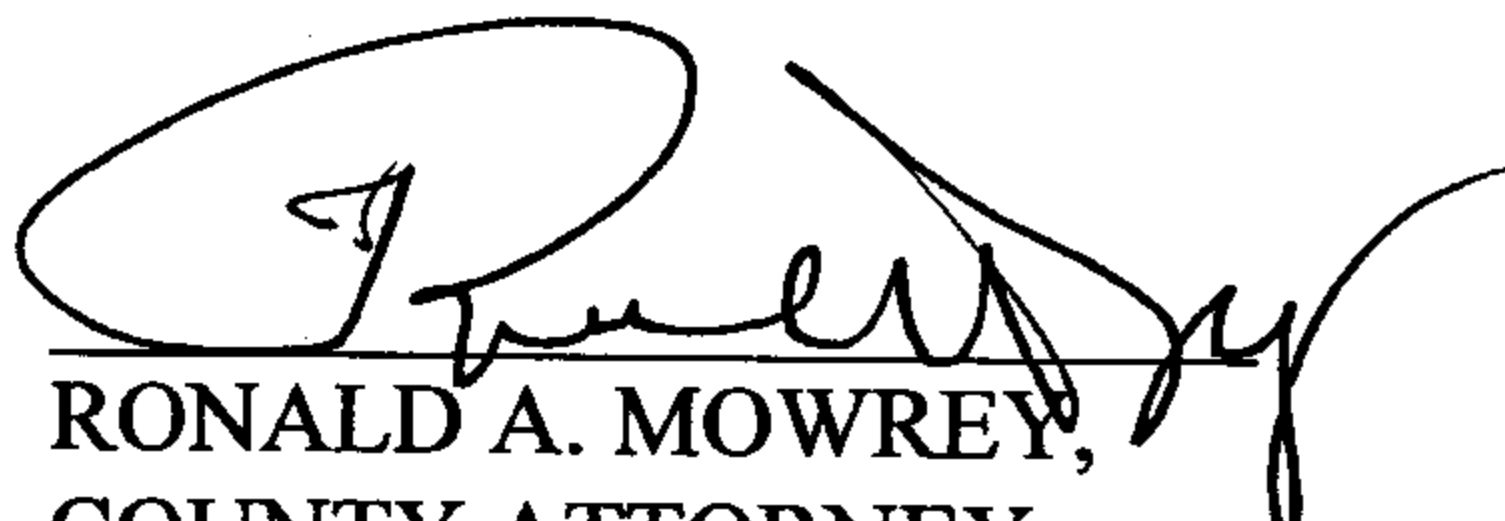
**BOARD OF COUNTY COMMISSIONERS  
OF WAKULLA COUNTY, FLORIDA**

  
BRIAN LANGSTON, CHAIRMAN

ATTEST:

  
BRENT X. THURMOND  
CLERK OF THE CIRCUIT COURT



  
RONALD A. MOWREY,  
COUNTY ATTORNEY  
Approved as to form only