

**ORDINANCE NO. 2008-041**  
**Amending Chapter 54, Article XVIII of the Sarasota County Code of Ordinances**  
**[Tree Protection Code]**

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA,  
RELATING TO THE PROTECTION OF TREES; AMENDING  
ORDINANCE NO. 2007-091, SECTION 54-586 PERTAINING TO  
PERMITTING CRITERIA AND PROCEDURES, PROVIDING A  
SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**MRPZ**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

**Section 1:** This Ordinance amends Sarasota County Ordinance No. 2007-0091, as amended, as is codified in Chapter 54, Article XVIII of the Sarasota County Code of Ordinances. Language that has been added to the Code has been underscored, while language that has been eliminated has been ~~stricken~~.

**Section 2:** The Board of County Commissioners, sitting as the Land Development Regulation Commission, has reviewed the ordinance codified in this Article and found it to be consistent with the Sarasota County Comprehensive Plan.

**Section 3:** Section 54-586, Chapter 54, Article XVIII is hereby amended to read as follows:

**Sec. 54-586. Permitting criteria and procedures.**

(a) *Criteria for Tree Permits.*

- (1) No Tree Permit shall be granted where the Applicant has failed to implement the principles of avoidance and then minimization of adverse impacts to Trees in any Development application.
- (2) No Tree Permit shall be granted unless the Development application is consistent with the permitted use of the property under the County Zoning Ordinance, as amended, or municipal zoning ordinance, if applicable.
- (3) Development applications first submitted after October 30th, 2002 shall be designed to protect Grand Trees. Exceptions may only be made for safety reasons or if the Applicant can clearly show to the satisfaction of the Administrator that setting aside the space necessary to protect a Grand Tree would unreasonably prevent the Development of a Lot.
- (4) All activities conducted within the Myakka River Protection Zone shall be consistent with Chapter 54, Article XXXIII (the Myakka River Protection Code), Ordinance No. 2008-002.

2008 APR 24 AM 8:57  
KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
BOARD RECORDS  
FILED FOR RECORD

(54) Tree Permits must be consistent with the Environment Chapter of the Comprehensive Plan and shall be issued only where:

- (a) Trees pose a safety hazard to pedestrian or vehicular traffic or unmanageably threaten to cause disruption to utility services;
- (b) Trees pose a safety hazard to buildings, structures, or other improvements;
- (c) Trees completely prevent access to a Lot;
- (d) Trees unreasonably prevent Development of a Lot or the physical use thereof;
- (e) State or local regulations require fill to the extent that Trees cannot be saved and the required elevations are certified by the project engineer;
- (f) Trees are diseased or are weakened by age, storm, fire, or other injury, or as a result of suppression by other Trees or vines, or site conditions, to the extent that they have lost most of their function and value, or pose a danger to Persons, property, improvements or other Trees, if so determined by the Administrator. No permit shall be granted for the removal of any Tree if the hazard can be abated by any other reasonable means.

(b) *Procedure.* A Tree Permit is required before any construction activity and/or the removal of native vegetation within the dripline of a Tree on any Lot. An application meeting the requirements of this Article shall be submitted to the Administrator for review and recommendation, prior to or concurrent with the submission of preliminary subdivision plans or a site and development plan or an application for a building permit, whichever is first required. Where Development requires approval under the Land Development Regulations, a Tree Permit shall not be issued until after Final Construction Plan approval. Any Person applying for a Tree Permit to remove, protect or relocate a Tree shall file a written application and pay the fee as is established by the Board pursuant to resolution. The written application shall constitute authorization for County staff to enter the Lot to conduct inspections to determine if the Applicant is in compliance with the provisions of this Article. A Tree Location Survey for the Lot must be submitted with the application. The Tree Location Survey shall depict the information required in this Article at a scale sufficient to enable the determination of matters required pursuant to these regulations:

(1) *Information required on the Tree Location Survey.*

- (a) The shape and dimensions of the Lot, together with the existing and proposed locations of structures, utilities (e.g. power lines, water, sewer), and other improvements, if any.
- (b) The location of all on-site native habitats and buffers as defined in the Environment Chapter of the County's Comprehensive Plan.

- (c) The location of all existing Trees, identified by common or botanical name and DBH. Trees proposed to remain, to be transplanted, or to be removed shall be identified. Where clearing is occurring on part of a Lot, only the Trees in the area to be cleared and an additional 50 feet need to be located. Grand Trees shall be identified by DBH, height, the size of the dripline (in feet) and the proposed location of Tree protection barricades. Groups of Trees in close proximity (five feet spacing or closer) may be designated as a "clump" of Trees, with the predominant species, estimated number and average size listed. Limited clearing may be approved by the Administrator to provide proper preparation of the Tree Location Survey.
  - (d) If existing Trees are to be relocated, the proposed relocation for such Trees, together with a statement as to how the Trees will be protected during land clearing and construction and maintained after construction.
  - (e) A statement indicating how Trees, which are not proposed for removal or relocation, will be protected during land clearing and construction.
  - (f) Locations and dimensions of all setbacks and easements required by the Sarasota County zoning ordinance, as amended.
  - (g) Statements and plans clearly depicting grade changes proposed for the Lot and how such changes will affect Trees. Statement as to the form of root protection to be used, such as tree wells or retaining walls. State the distance from tree trunk to change in grade and the required elevations are certified by the project engineer.
  - (h) The proposed Tree replacement program.
  - (i) If a Grand Tree exists on a lot and the proposed activity will encroach into a distance of 1 ½ times the dripline, the Administrator may require a plan to be submitted by a forester, certified arborist (with current credentials from the International Society of Arboriculture) or a Florida licensed landscape architect specifying the methods to be utilized to preserve the Tree. This plan shall address the protection of the root system, crown and trunk of the Tree and the means of supplying water and essential nutrients if applicable.
  - (j) Any other information requested by the Board or Administrator to assist in the review of a permit application or exemption determination.
- (2) *Tree location on a developed Lot.* If Tree removal is proposed on a commercial Lot that is already developed and the Tree removal is not in anticipation of additional Development, the Applicant will be required to show only the location of the Tree(s) proposed for removal on the survey.

- (3) *Alternate information.* In the event that there are no Trees located on the site, the Applicant shall so state on the permit application for all new construction, additions, and demolitions. Such statement shall be substantiated by an inspection of the site or the review of a recent, legible aerial photograph that reflects existing site conditions, which shall be a binding determination that no Trees are presently on the site.
  - (4) *Pre-application inspection service.* The Administrator shall be available for pre-application conferences or inspections of the site involved.
  - (5) *Timeframes.* Upon receipt of an application, the Administrator will conduct a sufficiency review including a field inspection to determine if the application is complete, and if the proposed plan is in compliance with the provisions of this Article. If the application is not complete, the Administrator may request additional information, to be completed by the Applicant within a time frame specified in the request. The review for single and two family Lots will be made within four working days of receiving a completed application. The review for other parcels will be made within seven working days of receiving a completed application. Upon completion of the review, the Administrator will notify the Applicant that the application is either insufficient, or does not comply with the provisions of this Article, or that the Permit is approved, or approved with Stipulations.
  - (6) *Permit Amendments.* Should an additional Tree or Trees need to be removed after a Tree Permit has been issued, the Applicant must obtain an amended Permit prior to the removal of the Trees. Any Tree Removal or Tree Relocation conducted prior to obtaining an amendment is a violation of this Article.
  - (7) *Dead Trees.* If a Tree dies after a Tree Permit has been issued and prior to the issuance of a certificate of occupancy or certificate of completion, the Applicant shall notify the Administrator and request an inspection, prior to the removal of the dead Tree(s). An inspection will be made within two days of notification by the Applicant. Failure to notify the Administrator prior to the removal of any dead Tree constitutes a violation of this Article. If the tree death can be attributed to man caused activities, as determined by the Administrator, tree mitigation shall be required.
  - (8) *Final Inspections.* All Permits will require, as a general condition, a final inspection to ensure compliance with the provisions of this Article. Final inspections shall be scheduled by the Applicant after the final grade is complete. Final inspections will be completed within three working days after notification by the Applicant.
- (c) *Grand Tree Designation:* The standards set forth in Schedule A and Schedule B shall provide the parameters for Grand Tree designation in Sarasota County. Additionally, all Grand Trees shall have a 70% or greater Condition Classification.

Schedule A.

Species	Minimum Points Needed to be a Grand Tree
American Elm ( <i>Ulmus americana</i> )	100
Bald Cypress ( <i>Taxodium distichum</i> )	100
Hickory ( <i>Carya spp.</i> )	100
Live Oak ( <i>Quercus virginiana</i> )	100
Pine ( <i>Pinus spp.</i> )	100
Redbay ( <i>Persea borbonia</i> )	85
Sand Live Oak ( <i>Quercus geminata</i> )	80
Southern Magnolia ( <i>Magnolia grandiflora</i> )	80
Southern Red Cedar ( <i>Juniperus silicicola</i> )	90
Sugarberry ( <i>Celtis laevigata</i> )	95
Sweetbay ( <i>Magnolia virginiana</i> )	90
Sweetgum ( <i>Liquidambar styraciflua</i> )	100

Schedule B.

Measurements	Points
Trunk diameter (DBH)	one point per inch
Height to the nearest foot	one point per foot
Average canopy spread to the nearest foot (measure the longest and shortest diameters of the limb spread or drip line and divide by 2)	one point for each four foot

**Section 4. Severability.**

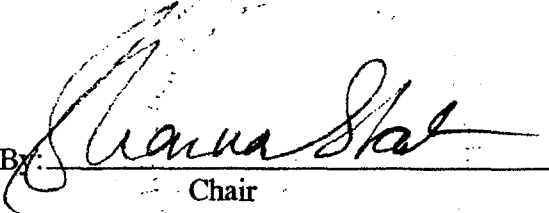
If any provision of this Article is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

**Section 5. Effective Date:**

This Ordinance shall take effect immediately upon receipt by the Office of the Secretary of the State of Florida.

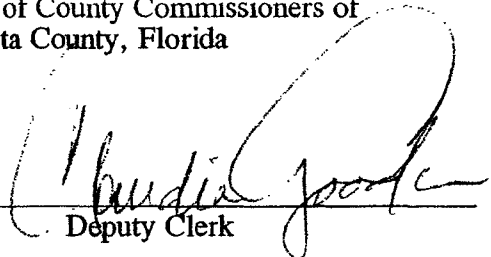
PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this 22<sup>nd</sup> day of APRIL 2008.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

By:   
Chair

ATTEST:

KAREN E. RUSHING, Clerk of Circuit Court  
and Ex-Officio Clerk of the  
Board of County Commissioners of  
Sarasota County, Florida

By:   
Deputy Clerk