

CHAPTER 15

LANDSCAPE, IRRIGATION, AND TREE PROTECTION

SECTION 1: PURPOSE AND INTENT

The purpose of this chapter is to establish minimum standards for landscaping, buffers, and tree protection within the city. This Section is to be implemented to achieve the following intents and purposes:

- a) To improve the appearance of the community;
- b) To provide shade for the ground surfaces;
- c) To buffer adjacent land uses;
- d) To preserve natural and native vegetation;
- e) To screen vehicular movement from pedestrian and public view;
- f) To provide for the protection and preservation of trees and vegetation; and
- g) To encourage water-efficient (xeriscape) landscaping principles.

SECTION 2: DEFINITIONS

See Chapter 2, “Definitions and Interpretations”.

Address means the house number of a physical location of a specific property. This includes “rural route” numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property’s address. An “even numbered address” means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An “odd numbered address” means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

Agriculture--Field crops/wholesale nursery shall mean the production, keeping, or maintenance, for sale, lease, or personal use, of plants useful to man, and may include, but not be limited to, forage and sod crops, grain and seed crops, fruits of all kinds, vegetables, and nursery, floral, ornamental, and greenhouse products.

Agriculture--Processing/hatcheries shall mean the production, keeping, maintenance, or processing, for sale, lease, or personal use, of animals and plants useful to man, and may include, but not be limited to, dairy animals and dairy products, grain mills, poultry and poultry products.

Caliper-shall mean the minimum trunk diameter of a replacement tree as measured at a predetermined point measurement.

Clearing- shall mean the removal of any trees or vegetation from the land, but shall not include mowing of lawn and field grasses.

Diameter at breast height (DBH) - shall mean the trunk diameter of a tree measured four and one-half (4.5) feet above the average ground level at the base of the tree. Provided, however, if the tree forks four and one-half (4.5) feet above ground level, it is measured below the swell resulting from the double stem.

District means the St. Johns River Water Management District.

Dripline shall mean the ground area surrounding the trunk of a tree that is described by the vertical plane enclosing the outermost branches of the tree. For asymmetrical specimens, or those with unusually small crown spear, the dripline area shall in no case be less than that area described by a radial dimension of one (1) foot for each one (1) inch of trunk radius.

Landscaping shall mean areas set aside from structures and parking which are developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

Landscape irrigation means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.

Non-residential landscape irrigation means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

Person means any person, firm, partnership, association, corporation, company, or organization of any kind.

Plant List for the City of Umatilla shall mean a listing of recommended canopy trees, understory trees, shrubs, groundcover and grasses for The City of Umatilla approved by the Umatilla City Council. The publication shall also contain a listing of prohibited exotic plants, prohibited invasive plants and drought tolerant plants.

Remove or Removal as used in Section 9 of these regulations, the cutting down, destruction, or damaging of a tree or trees, or to cause the cutting down, destruction, or damaging of a tree or Trees. (Ord 2011-V, 12/06/2011)

Residential landscape irrigation means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.

Tree shall mean any living, self-supporting, woody perennial plant that has a trunk diameter of at least four (4) inches at breast height. (Ord 2011-V, 12/06/2011)

Wetlands shall mean lands which are identified by being inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and non-contiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to, swamp hammocks, hardwood hybrid hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies, and freshwater marshes. Dominant wetland vegetation shall be determined as provided in Rule 17-3.022, Florida Administrative Code. In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear. In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology, and other historical information as appropriate.
(Ord. No. 96-17, § 1, 5-13-96)

SECTION 3: NONCONFORMING LANDSCAPING

- a) Nonconforming Landscaping. For landscaping that is nonconforming, the following shall apply:
- 1) Existing development shall comply with the landscape regulations of this Chapter to the best extent possible when the floor area of a structure or parking area is increased by twenty (25) percent or more.
 - 2) Increases in area of a new structure, an additional structure, parking area or vehicular use area is less than any of the requirements of subsection (1) above, only the new structure, addition, increased parking area or increased vehicular use area shall be buffered in accordance with the provisions of Section.
 - 3) Nonconforming landscaping shall not be required to be brought into compliance as a result of a natural disaster.

SECTION 4: LANDSCAPING STANDARDS

The purpose of this Section is to provide minimum standards for landscaping, buffering and site clearing within The City of Umatilla. This Section shall be implemented so as to promote the preservation of native plant species, to provide for aesthetic landscaping complements to proposed development and to encourage the use of plants that qualify as Florida Friendly Landscaping. The provisions of this Section may be cited as the Landscape Code. The City of Umatilla Technical Review Committee (TRC) may determine if the plant material and placement of plant material meets the intent of the code and is appropriate for a specific site.

- a) **General Requirements and Exemptions.** It shall be unlawful for any person to clear, develop or increase the developed area of any site or lot unless in compliance with the

terms of this Section. No development order or development permit shall be issued unless it complies with these requirements or unless such development is specifically exempted as specified below. The following activities are exempt from the provisions of this Section:

- 1) Agriculture and Silviculture so long as the operation qualifies as a bona fide farm operation on land classified as agricultural pursuant to Section 193.461, Florida Statutes, or if such activity is regulated through implemented best management practices, interim measures, or regulations developed through the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services or a water management district and adopted under Chapter 120, FLORIDA STATUTES under a regional program; or if such activity is expressly regulated by the U.S. Army Corps of Engineers or U.S. Environmental Protection Agency.
- 2) Emergency maintenance work performed for the protection of public health and welfare.
- 3) Any maintenance to an existing approved landscaped area made in accordance with approved landscape plan.
- 4) Conservation lands with an approved Land Management Plan shall be exempt from complying with the Landscaping Standards.
- 5) Landscaping. All ground surface areas of any lot shall maintain landscaping to eliminate erosion, reduce the generation of dust particles and other windborne particles, provide aesthetic relief, and further the objectives of this Section.

b) **Waterwise and Florida Friendly Landscaping.**

Mandatory Waterwise and Florida Friendly Landscape Measures with Site-Appropriate Plants. All required landscaping shall be installed and maintained to meet the following purposes:

- 1) To conserve and use water efficiently.
- 2) To encourage creative landscape design.
- 3) To use Waterwise and Florida Friendly Landscaping, implementing right plant-right place principles.
- 4) To use native vegetation.
- 5) To re-establish native plant communities.
- 6) To recognize the need to protect groundwater as a natural resource.
- 7) To use site appropriate plants.
- 8) To reduce energy costs and maintenance.

- c) **Water Efficiency.** All required landscaping shall be installed and maintained to be consistent with the water-efficient landscaping requirements established herein. Landowners are additionally encouraged to follow Waterwise Florida Landscapes and Florida Irrigation Society standards. The water-efficient requirements are as follows:
- 1) *Use of mulch.* Organic mulches shall be used and maintained around all trees located in turf grass areas, in landscaped areas not planted or not appropriate for growing turf grass, and in all planted areas. Due to slow growth rate, low renewability as a natural resource, and impacts to wetlands, cypress mulch shall be discouraged. Mulch shall be installed two (2) to four (4) inches deep, kept off the root ball, and shall be kept a minimum of one (1) foot from the base of a tree trunk, or as required by the plant species.
 - 2) *Limit irrigated lawn areas.* The use, type, and location of lawn area in the landscape shall be selected in a planned manner and not used as a fill-in material. Since most lawn varieties used in the landscape require supplemental watering more frequently than other types of landscape plants, turf shall be placed so that it can be irrigated separately. It is encouraged that drought-tolerant turf be used.
 - 3) *Low water use plants.* Landscape plants shall be selected based on appropriateness to the site considering conditions such as soil type, moisture, and sunlight using the principle of “right plant-right place,” as described in “Waterwise Florida Landscaping” published by the St. Johns River Water Management District. The plants shall be grouped in accordance with their respective water needs. A list of low water use plants is contained in The Plant List for The City of Umatilla.
 - 4) *Efficient and well-designed irrigation.* Up to 3,000 square feet of the lot on any single family or duplex residential lot may be irrigated with an installed irrigation system, excluding micro-irrigation, drip systems and temporary irrigation necessary to establish new plantings. Golf course fairways and greens, public active recreation fields, greenhouses, landscape nurseries, retail nurseries, and agricultural production systems are exempt from meeting these requirements. Landscape production and retail centers shall comply with the watering restrictions for any landscape that is required under these regulations that is not related to the production or selling of landscape material on site. The following criteria for irrigating a site shall be used in the design of the system.
 - 5) *Rain Sensors.* Functioning rain sensor devices shall be required on all automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. Sensors shall be of the “instant off” type designed to prevent operation of the installed irrigation system during a rain event.
 - 6) *Irrigation Overthrow.* The irrigation system shall be designed to minimize irrigation overthrow onto impervious surfaces and to avoid any ponding effects.

7) *Temporary Irrigation.* Minimum size canopy trees requiring irrigation prior to becoming established shall use tree bubblers or micro-irrigation on a separate zone. Hand watering or a temporary irrigation system may be allowed to ensure the plants become established. Temporary irrigation lines shall be covered by mulch or buried.

d) **General Landscaping Requirements.** Plant Materials. All required landscaping shall meet the following general requirements:

- 1) *Quality.* All required plant materials shall be installed and maintained in conformance with the provisions of this Section and shall conform to the standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services, Tallahassee (97T-05, second edition, February 1998), which is hereby adopted and included by reference herein. All plant material shall be planted in suitable soil to permit its survival. Any plant materials not contained in The Plant List for The City of Umatilla and not prohibited by Section 9 must be shown to be suitable for planting. (Ord 2011-V 12/06/2011)
- 2) *Soil Analysis.* The existing soils on the site should be analyzed, when appropriate, to help determine the appropriate plant types for the site.
- 3) *Native Plants.* A minimum of fifty (50) percent of the required trees and shrubs shall be native species suitable for the site.
- 4) *Canopy Trees.* All required canopy trees shall be a minimum of two and one-half (2.5) caliper inches and in a thirty (30) gallon container or greater. Equivalent ball and burlap trees may be used but container trees shall be preferred. The minimum height of trees is ten (10) feet and the minimum spread is four (4) feet. Trees that are not required by this Section are not subject to this provision. New tree calipers shall be measured six (6) inches above grade for trees that are under four (4) inches caliper and measured twelve (12) inches above grade for trees larger than four (4) inches tree caliper. Existing tree calipers are measured at Diameter at Breast Height (DBH) or fifty-four (54) inches height from grade. Additional tree credits for new canopy trees planted:
 - A. Minimum 4-inch caliper x 12-foot Height x 5-foot Spread = 2 Canopy Tree Credits
 - B. Minimum 6-inch caliper x 14-foot Height x 6-foot Spread = 3 Canopy Tree Credits

Canopy trees shall be provided with a minimum one hundred (100) square foot pervious planting area around the trunk with a minimum height of ten (10) feet. Large maturing canopy trees will need more planting area typically. Each planting

area shall be landscaped with a mulch ring, groundcover, or other landscape material, in addition to the required tree.

Clustering may be utilized if needed for design intent. Special precautions shall be taken to not locate canopy trees under or near utility easements.

- 5) *Understory trees.* Understory trees may be used in place of canopy trees in situations where height restrictions or root zone intrusion issues are shown to be a concern, such as under power lines at a ratio of two (2) understory trees to replace each canopy tree. All required understory trees shall be a minimum of two (2) caliper inches and in a fifteen (15) gallon container or greater. Equivalent ball and burlap trees may be used, but container trees shall be preferred. The minimum height of trees is eight (8) feet and the minimum spread is three (3) feet. Trees that are not required by this Section are not subject to this provision. New tree calipers shall be measured six (6) inches above grade for trees that are under four (4) inches caliper and measured twelve (12) inches above grade for trees that are larger than four (4) inches tree caliper. Existing tree calipers are measured at Diameter at Breast Height (DBH) or fifty-four (54) inches height from grade. For multi-trunk trees, trunks shall have an average cumulative caliper of two (2) inches. Credits for new understory trees planted:
 - A. Minimum 3-inch caliper x 10-foot Height x 5-foot Spread = 2 Understory Tree Credits
 - B. Minimum 4-inch caliper x 14-foot Height x 6-foot Spread = 3 Understory Tree Credits

Adequate spacing shall be maintained to protect and allow for the growth of the root systems of each tree. Special precautions shall be taken to not locate understory trees under or near utility easements.

Required understory trees shall have a maximum spacing of fifty (50) feet. However, clustering may be utilized if needed for design intent. Spacing of tree groupings shall not exceed 150-feet.

- 6) *Palms.* Palms may be used in place of understory or canopy trees to meet the minimum tree requirements. The minimum size of palms is six (6) feet of clear trunk for tree form palms. In perimeter buffers, two (2) palm trees count as one (1) canopy tree unless it is a large specimen palm tree such as a Medjool or Date Palm, which may be counted as one (1) palm tree to one (1) canopy. One (1) palm tree counts as one (1) understory tree.
- 7) *Shrubs.* Shrubs shall be used for all visual screens that are required pursuant to the provisions of this Section and shall be planted on minimum centers no greater than forty-eight (48) inches. The minimum installed height of shrubs shall be two (2) feet in height by eighteen (18) inches spread. Their spread shall be appropriate for their size and species. The following standard applies:

- A. In Type A, B, or C landscape buffer, shrubs shall be a minimum of two (2) feet in height at the time of planting and in a minimum of a three (3) gallon container. Shrubs planted to fulfill the requirements of the Type A, B, or C Buffer shall be able to obtain a height of three (3) feet within twelve (12) months of planting under normal growing conditions.
 - B. In Type D and E landscape buffer, shrubs shall be a minimum of three (3) feet tall at the time of planting and in a minimum of a seven (7) gallon container. Small or shrub-form palms shall be a minimum of three (3) feet from the ground surface to the apical bud. Shrubs planted to fulfill the requirement of a Type D and E buffer shall be able to obtain a height of four (4) feet in twelve (12) months, under normal growing conditions.
- 8) *Ground Covers.* Ground covers shall be used when required pursuant to the provisions of this Section and shall be planted on minimum centers no greater than thirty-six (36) inches. The minimum installed size of groundcovers shall be one (1) gallon. Their spread shall be appropriate for their size and species. Required groundcovers shall be planted to provide complete coverage planted to industry standards.
 - 9) *Lawn Grass.* Required grass areas are required to be sodded, plugged, sprigged, or seeded prior to issuance of a certificate of occupancy (CO) or prior to final plat approval or site plan approval. The area that is sodded, plugged, sprigged, or seeded shall provide complete coverage planted to industry standards within 90 days. Complete coverage shall mean that, once established, not more than ten (10) square feet cumulative of bare ground per one-quarter (1/4) acre of grass area are exposed. Nothing herein shall be construed to prevent the conversion of lawn grass areas to Florida Friendly landscapes. Solid sod shall be used on slopes greater than fifteen (15) percent.
 - 10) *Site Appropriateness.* All landscape material shall be suited to soil and climate conditions of the site in order to conserve water.
 - 11) *Synthetic Lawns and Plants.* Synthetic or artificial turf, trees, and plants shall be prohibited from use in lieu of required live plantings.
 - 12) *Architectural Planters.* The use of permanent or moveable architectural planters may be permitted. The planters shall be adequately sized for palms, understory trees, and shrubs, shall not cause the roots to bind and shall permit water to drain through the base of the planter. Required canopy trees are prohibited from being planted in moveable planters.
 - 13) *Existing Trees.* Existing trees may be used to meet tree requirements in accordance with the following criteria:

- A. The tree shall be in very good health and free of pests, disease, or injury.
- B. The tree shall meet the requirements above for canopy, understory and palms.
- C. The tree shall not be a prohibited species.
- D. To count for buffering or interior landscape requirements; the tree shall be located within the appropriate corresponding area.
- E. Tree credits shall be given for existing qualifying canopy trees are as follows:

Existing Tree Size based on DBH	Number of Trees Credited for required landscape (not used for replacement trees)
2"-6.99"	1 Canopy Tree Credits
7"-12.99"	2 Canopy Tree Credits
13"or greater	3 Canopy Tree Credits

- F. Understory trees meeting a minimum cumulative caliper shall be credited as one (1) existing understory tree = 1 replacement [Minimum two-inch (2") Caliper x eight (8) foot height x three (3) foot spread].

14) *Existing Shrubs.* Existing shrubs may be used to meet shrub requirements in accordance with the following criteria:

- A. The shrub shall be in very good health and free of pests, disease, or injury.
- B. The shrub shall not be a prohibited species.
- C. To count for buffering or interior landscape requirements; the shrub shall be located within the appropriate corresponding area.

15) *Plant Substitutions to approved plans.* Changes to the landscape section of the approved site plan shall require an amendment to the site plan, unless:

- A. The change affects five (5) percent or less of any plant species; or
- B. A buffer is moved less than twenty (20) feet.

Any change authorized by subsection (a) and (b) above shall require written notification by the applicant to the City Manager, or designee, including plans indicating the change.

- e) **Diversity.** In order to guard against disease susceptibility, all required landscaping shall meet the requirements below. When 12 or more trees are planted, no more than twenty-five (25) percent of the trees or shrubs required shall be of the same species unless the design is based on a theme of consistency, such as a tree covered walkway.

- f) **Installation.** All landscaping shall be installed according to "Selecting and Planting Trees and Shrubs," published by the University of Florida/Florida Cooperative Extension Service (Institute of Food and Agricultural Sciences, Circular 858, October 2003) or to "Waterwise Florida Landscapes" published by the St. Johns River Water Management District, which describes the principles of "right plant, right place." These publications are hereby adopted and included by reference herein. The natural growth habit of a tree shall be considered in advance of conflicts that might arise (i.e. view, signage, lighting and similar conflicts). Plantings in close proximity to roadways and intersections shall meet the site distance requirements of the Florida Green Book.

- g) **Irrigation Systems.** All installed irrigation systems shall be designed to provide irrigation appropriate to meet the needs of the landscape area to be served. An irrigation plan shall be required for other than single family lots. In evaluating irrigation plans, the primary consideration shall be water conservation. Irrigation systems shall be designed to provide the minimum irrigation necessary to ensure the survival of the plant material and shall be designed to avoid runoff and promote optimal percolation.
 - 1) Temporary irrigation is the preferred method of irrigation and installed irrigation shall be discouraged, unless it is deemed that plants would not thrive without a permanent system because of site conditions.
 - 2) The irrigation system shall be in compliance with the Florida Irrigation Society Standards, Florida Building Code and Section 373.62, Florida Statutes, for rain sensor shut-off devices. The use of micro-irrigation shall be encouraged to conserve water resources, provided it is in compliance with the Florida Building Code. All irrigation systems shall use zones, automatic timers, back-flow preventers, soil-moisture sensors and rain sensors. Landscaped areas less than five (5) feet in width shall incorporate micro-irrigation, if irrigated.
 - 3) Irrigation shall be limited as required by the applicable Water Management District irrigation rule.
 - 4) To conserve potable water, reclaimed water, storm water ponds and cistern collection shall be encouraged for irrigation water if the water quality will meet the needs of the landscape. Developments seeking to use water from retention ponds or natural lakes shall comply with all requirements of the appropriate Water Management District.

- h) **Maintenance.** All landscaping shall be maintained so as to present a neat, healthy, and orderly appearance free of refuse and debris. Use of high amounts of fertilizer and pesticides is discouraged. See Chapter 17, Section 39 regarding the application and use of fertilizers. (Adopted February 5, 2019, Ordinance 2019-B)
- i) **Pruning.** All pruning shall be in accordance with Standard Practice for Trees, Shrubs and Other Woody Plant Maintenance, ANSI 300 of the National Tree Care Association. Trees shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. Excessive pruning (hat racking, topping, etc.) is prohibited.
- j) **Notification.** In any residential plat where landscaping is proposed on individual lots, the final plat and restrictive covenants shall contain a provision that notifies prospective lot purchasers of the landscape maintenance requirements.
- k) **Revegetation Required.**
 - 1) Revegetation shall be required within six (6) months of expiration of any development order if natural vegetation was disturbed and if the landscaping has not been completed in accordance with the landscape plan.
 - 2) If work ceases for six (6) months on a site, then the entire site shall be revegetated if natural vegetation was disturbed and if the landscaping has not been completed in accordance with the landscape plan.
 - 3) If revegetation is required, the property owner shall submit and have approved an interim landscape plan within thirty (30) days by the City Manager or designee for revegetation of the subject property, which shall provide for stabilized vegetative groundcover of trees, grasses, forbs, or legumes consistent with the original condition of the site. The revegetation plan shall indicate the method and location of tree replacement required by any tree removal permit.
 - 4) The City has the authority to require the re-vegetation of a lot at the expense of the property owner.

SECTION 5: LANDSCAPE BUFFER REQUIREMENTS

- a) **General Buffer Requirements.** Any approved development order, other than for a single-family or duplex lot, shall provide for the following buffers.
 - 1) *Buffering from adjacent Properties.* Landscape buffering shall be required at the time of development as specified in Table 1 below.
 - A. If no buffer exists on the adjoining property or if the existing buffer fails to meet the requirements of the table below, buffering shall be required. In order to utilize a buffer on an adjoining property to meet the regulations,

- the buffer on the adjoining property must have been required by a development order issued by The City of Umatilla.
- B. Commercial parcels within a master planned commercial center, or mixed use Planned Unit Developments (PUD) may utilize the buffer installed on adjacent parcels within the same development if such buffers were required by a development order issued by The City of Umatilla.
 - C. Single-Family residential subdivisions of less than ten (10) lots and a density of less than one (1) dwelling unit per net acre shall be exempt from this buffer requirement.
- 2) *Buffering from Public Roadways.* Any parcel adjacent to a public right-of-way shall have a landscape buffer along its right-of-way that reflects the landscape requirements of the zoning district across the road/street or a Type A landscape buffer, whichever is greater. A Type A Landscape Buffer is required for parcels along SR 19.
- 3) *Internal Roadway Buffering.* Any development order shall require that:
- A. All single-family and multifamily development shall provide internal tree-lined roads. Street trees shall be selected from the canopy tree list, as listed in the Plant List for The City of Umatilla, at an average spacing of fifty (50) feet on center spacing along both sides of roads. The canopy trees required for residential lots may also be used as required street trees as long as they are no more than twenty (20) feet away from the right-of-way line unless prohibited by an easement.
 - B. Canopy trees shall be planted a minimum of ten (10) feet and a maximum of twenty (20) feet outside the right-of-way (R.O.W.) with an alternating pattern on each side of the road. When the proposed development is only on one side of the road, then street trees shall be required for that side of the road. Developers may plant trees in the right-of-way or within ten (10) feet of the R.O.W., with a R.O.W. Utilization Permit. Any tree planted within the R.O.W. shall comply with the Florida Green Book. Canopy trees shall be planted a minimum of an eight (8) foot distance from public sidewalks, when possible to prevent future damage to sidewalks.
- 4) *Access Roads adjacent to Subdivisions.* A Type A landscape buffer shall be installed between any internal subdivision road and the property line of the adjacent subdivision or lot(s). The buffer shall be installed within seventy-five (75) feet of the adjacent property line.

Figure A – Typical Street Tree Section

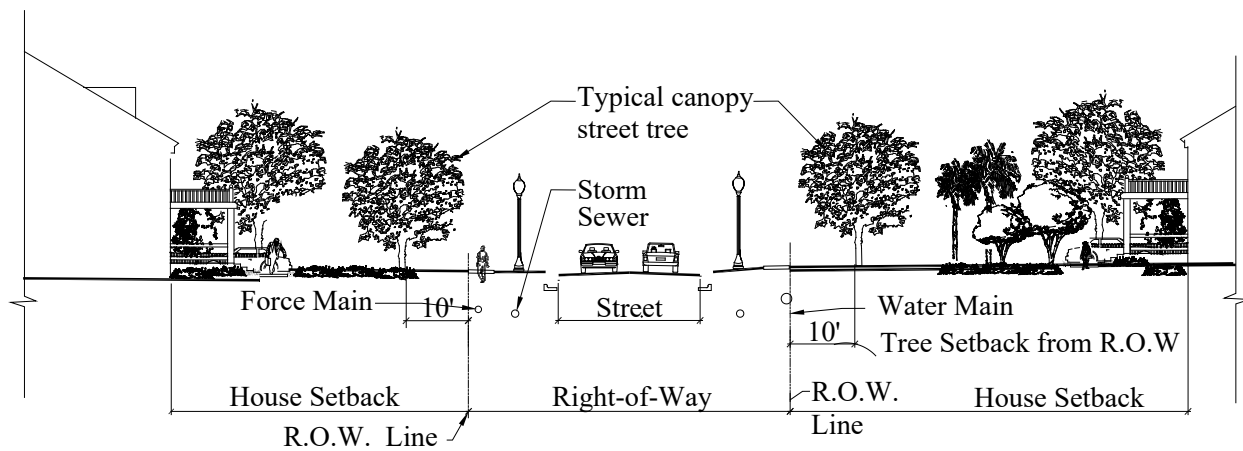
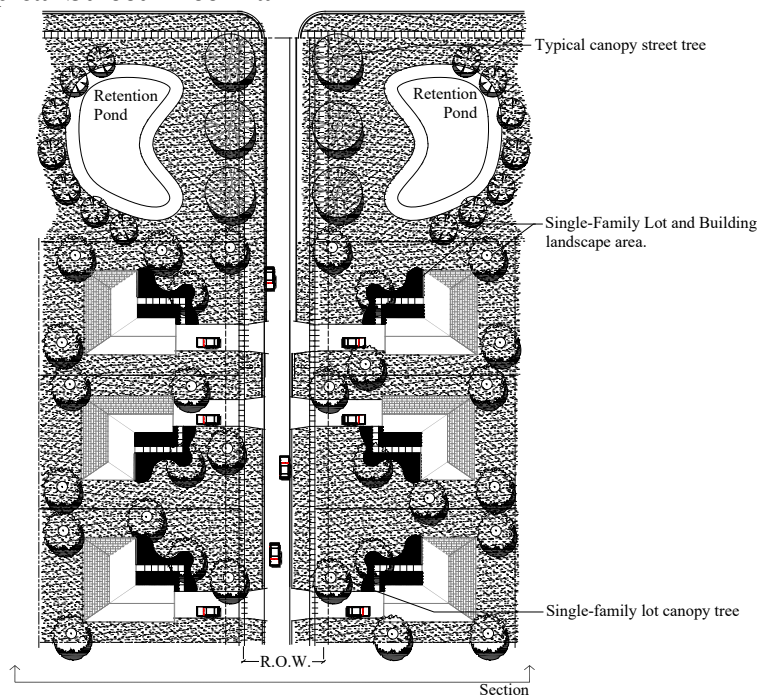


Figure B – Typical Street Tree Plan



b) **Landscape Buffers.** The table below provides the required buffer and specific requirements. The buffers below shall be required except where lesser buffers are deemed acceptable by the City Manager or designee. The City Manager or designee shall consider the following factors in making this determination:

- i. Surrounding uses
- ii. Intent to preserve native vegetation or habitat within a certain area on the property
- iii. Opportunity to share buffers with adjacent development
(Ord 2011-V 12/06/2011)

Table 1 - Landscape Buffers Surrounding and Between Zoning Districts.

	Type A buffer required for adjacent properties with like zoning, in lieu of a more stringent buffer outlined below
AR	Type A
R18	Type A
R15	Type A
R12	Type A
R10	Type A
R8	Type A
R5	Type A
MHRP	Type B
MHS	Type B
PFD	Type B
RP	Type A
PUD	Type B (subject to review)
C1	Type C
C2	Type C
TC	Type C
LM	Type D
AZ	Type C

(Ord 2011-V 12/06/2011)

Table 2 - Land Use Buffer Area Requirements

Buffer area Type	Buffer Width	Landscape Requirements (per 100 linear feet)
A	15 Feet	<ul style="list-style-type: none"> • Three (3) canopy trees; • Two (2) understory trees; • Two (2) foot high hedge; and • 15 % of landscape groundcover other than turf.
B	20 Feet	<ul style="list-style-type: none"> • Four (4) canopy trees; • Three (3) understory trees; • Two (2) foot high hedge; • 15 % of landscape groundcover other than turf.
C	25 Feet	<ul style="list-style-type: none"> • Five (5) canopy trees; • Four (4) understory trees; • Two (2) foot high hedge; • 15 % of landscape groundcover other than turf.
D	30 Feet	<ul style="list-style-type: none"> • Six (6) canopy trees; • Seven (7) understory trees; • Two (2) foot high hedge; • Six (6) foot wall or berm or combo thereof; and • 15 % of landscape groundcover other than turf.

- c) **Supplemental Requirements for Subdivisions and Site Plans.** The following requirements supplement the tables above and shall be used to install and maintain the required buffer.
- 1) Separately platted or phased developments shall require a landscape buffer pursuant to the landscape buffer requirements between internal plats or phases in order to offer internal buffering, unless this intent of this requirement can be met with other means.
 - 2) Required walls shall be solid, and surfaces shall be finished. Allowed wall types mean solid walls and include Exterior Insulation Finish Systems (EIFS) with stucco, brick, finished or textured block, vinyl plastic, pre-cast and poured-in-place concrete wall with a finished surface. Solid fences where required shall be opaque. One-sided wood fences shall be installed with wood posts to the inside of the property that is installing the fence. Chain-link and barbwire fencing may not be used to meet the screening requirement.
 - 3) Additional requirements:
 - A. Seventy-five (75) percent of the required landscape buffer shall be located on the right-of-way side of any required fencing, walls, or any other screening structures. In addition, at least one row of required screening shrubs shall be located on the right-of-way side of any screen, wall, or other screening structures.
 - B. Any wall, fence, or other screening structure built along a public right-of-way for property which requires a landscape plan shall consist of harmonious screening material that has a consistent and uniform texture, color, and pattern along all major collector or arterial roadways.
 - 4) All pervious areas shall have six (6) Canopy trees per acre minimum. Some parts of the site may be left as open space, but the total number of trees shall average six (6) canopy trees per acre for pervious areas. Other landscape requirements may be used to meet this requirement such as required landscape buffering and retention pond landscaping. Permanent water bodies, wetlands and wet retention ponds shall be excluded in calculating the amount of pervious area requiring six (6) canopy trees per acre.
 - 5) Subdivisions greater than ten (10) lots shall place the required landscape buffers in a separate tract or easement that shall be maintained by a homeowners association.
 - 6) Landscape materials within buffers along rights-of-way shall be designed to display variety, color, form, and texture, by emphasizing native and drought tolerant plants. Such variety and color may be accomplished by using a combination of shrubs and understorys from the Plant List for The City of Umatilla. The placement of landscape materials within landscape buffers shall

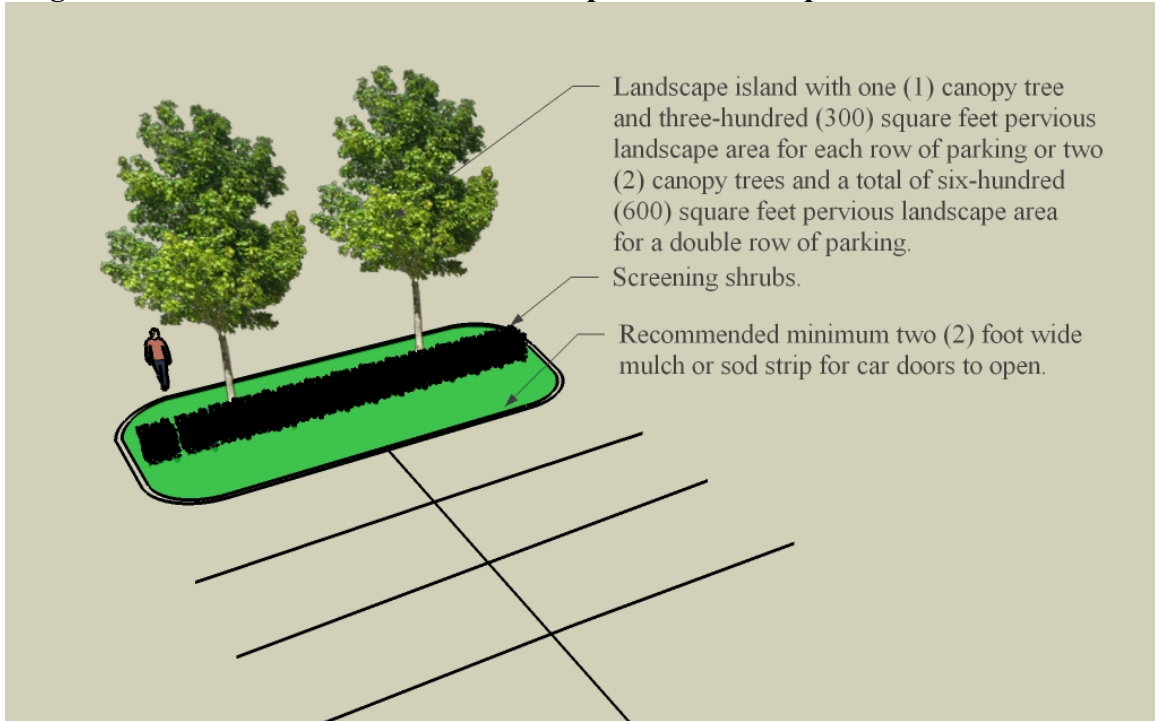
have a rational relationship to the existing patterns and densities of adjoining areas which have been designed or preserved. Arrangements shall replicate natural conditions and shall not be linear unless dimensional limitations necessitate such an arrangement or linear arrangement are part of a formal landscape directly related to the architecture of the building(s) or are part of a formal street tree landscape.

SECTION 6: INTERNAL LANDSCAPING. Internal Landscaping in Parking Areas and other Site Areas, other than Single-Family and Duplex Lots.

Any development order other than for single-family or duplex dwellings shall require that all ground surface areas used on commercial, institutional, community facility, industrial, condominium, recreational vehicle parks, or multifamily sites shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and channelize and define logical areas for pedestrian and vehicular circulation. The following special landscaping requirements apply to commercial, institutional, community facility, industrial, condominium, recreational vehicle parks and multifamily sites.

- a) **Interior Parking Areas.** Landscape islands shall be provided within parking areas, as described below to prevent excessively long, contiguous runs of parking spaces. These areas shall use curbs, wheel stops, bollards or other control measures to prevent encroachment or damage to trees and vegetation. This requirement shall not apply to parking garages, staging and storage areas at distribution centers.
 - 1) *Single-Row Terminal Landscape Islands.* A single row parking bay shall not contain more than ten (10) contiguous parking spaces or extend more than one hundred and twenty (120) feet, whichever is more restrictive. One single-row terminal landscape island, with a minimum pervious area of three hundred (300) square feet and a minimum width of ten (10) feet, shall be provided at each end of a single-row parking bay. Each single-row terminal landscape island shall contain at least one (1) canopy tree. Required maximum two (2) foot high screening shrubs or groundcover (other than sod) shall be utilized the entire length of the landscape island, or as limited by sight distances. Please see below *Figure C – Single and Double-Row Terminal Landscape Island*

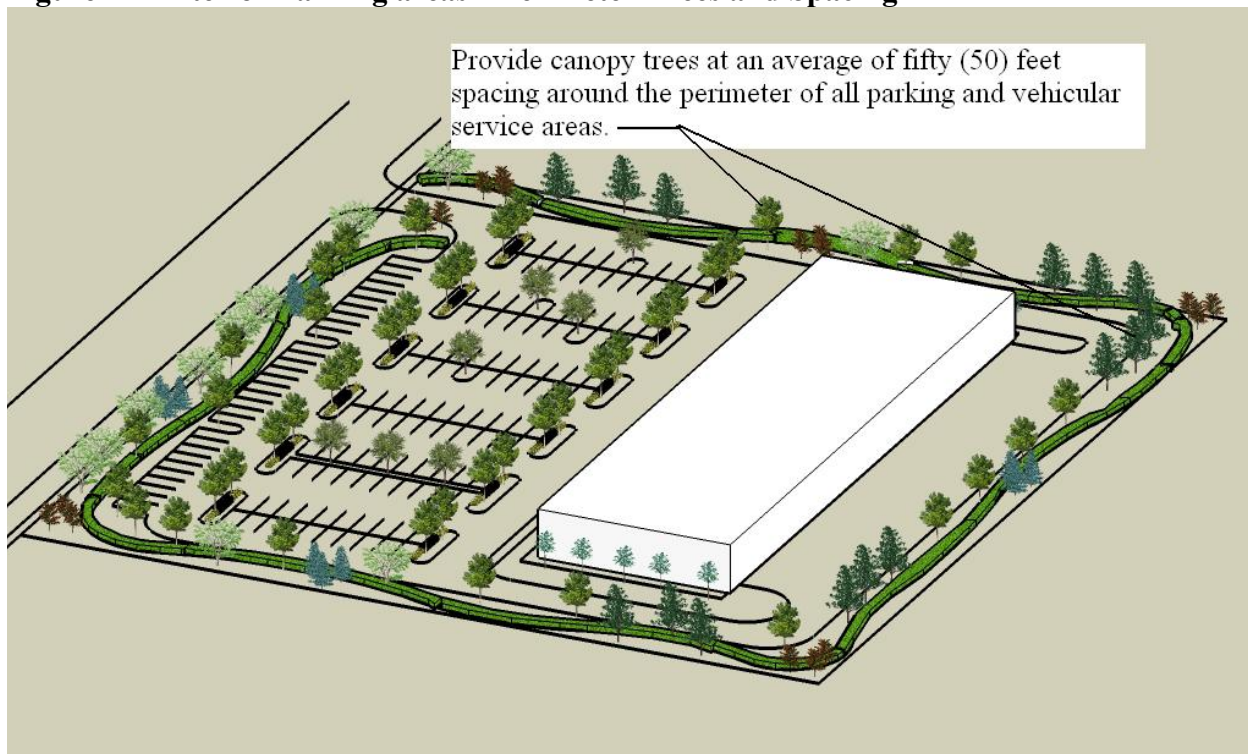
**Figure C – Interior Parking Areas
Single and Double-Row Terminal Landscape Island – Perspective View**



- 2) *Double-Row Terminal Landscape Islands.* A double-row parking bay with head-to-head parking shall not contain more than twenty (20) contiguous parking spaces in a two (2) rows x 10 space configuration or extend more than one hundred and twenty (120) feet, whichever is more restrictive. One double-row terminal landscape island, with a minimum pervious area of four hundred (400) square feet and a minimum width of ten (10) feet, shall be provided at each end of a double-row parking bay. Each double-row terminal landscape island shall contain at least two (2) canopy trees. Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances.
- 3) *Limited Off-Street Paved Parking areas.* Interior portions of off-street parking facilities, which are not specifically designed as parking spaces or maneuvering areas, shall not be paved for vehicle use.
- 4) *Parking Lot Trees and Substitutions.* All trees in the parking lots shall be canopy trees, unless otherwise provided. A maximum of twenty (20) percent of the required canopy trees in the parking lots may be substituted with palm trees. Palm trees used as substitutions in parking lots shall be planted at a 2:1 ratio (Cabbage Palms, *Washingtonia* Palms and Windmill Palms) in relation to canopy trees with the exception of Canary Island Palms, Date Palms and *Paurotis* Palms, which may be planted at a 1:1 ratio.
- 5) *Perimeter Trees and Spacing.* Canopy trees shall be planted an average of fifty

(50) foot centers around the total perimeter of the parking lot and all vehicular service areas. Clustering may be utilized, but spacing shall not exceed one hundred and fifty (150) foot spacing. The canopy trees shall be planted between eight feet (8) and thirty (30) feet from the edge of pavement, when possible. Canopy trees within the landscape buffers may be used if they fall within thirty (30) feet from the edge of paving or vehicular service area as shown in *Figure D – Perimeter Trees and Spacing*.

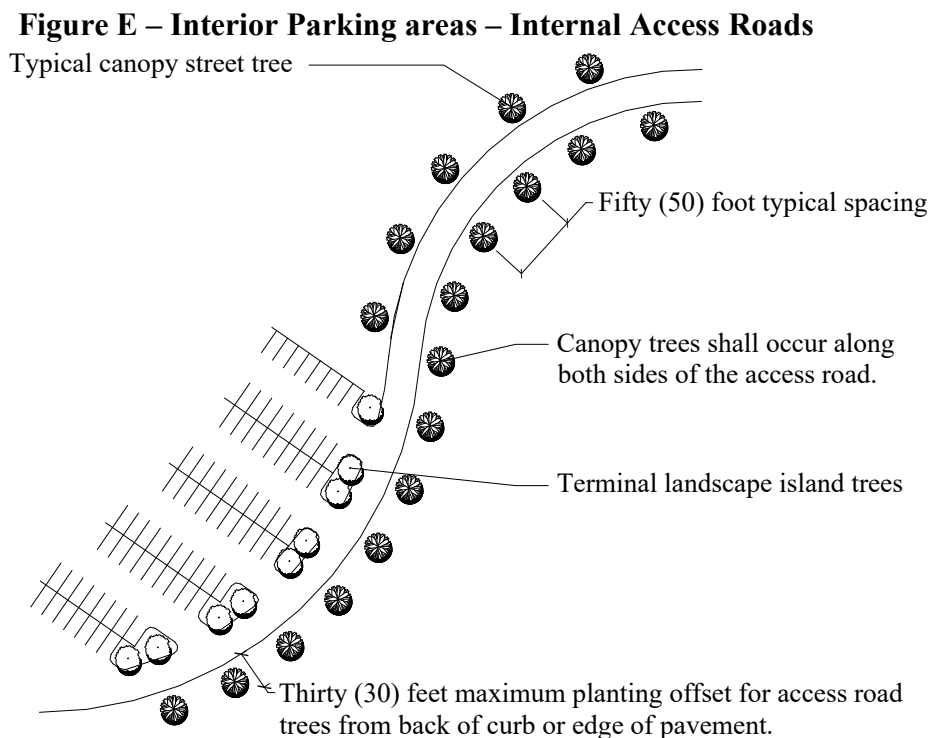
Figure D – Interior Parking areas – Perimeter Trees and Spacing



b) Building Landscapes, other than industrial.

- 1) Buildings shall have landscape areas planted with trees, shrubs or groundcovers, other than sod, around the building as follows:
 - A. *Building Perimeter landscaping.* A minimum three (3) foot wide landscape area, with an average of five (5) feet or more, around a minimum of forty (40) percent of the total building perimeter and within twenty-five (25) feet of the building walls.
 - B. *Minimum planting requirement.* One (1) canopy tree or three (3) understory trees, and twenty-eight (28) shrubs shall be required for every three hundred and fifty (350) square feet of planting area in (a) above. Trees installed for any other requirement of this Section may be credited towards this requirement if in the required location.

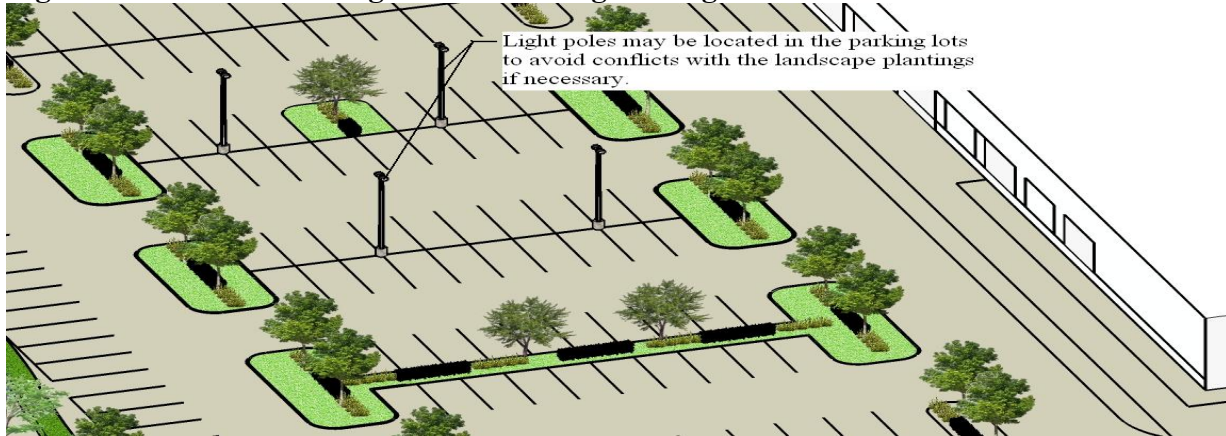
- c) **Pervious Parking.** Parking spaces provided in excess of the minimum required shall be constructed of pervious materials, such as turf blocks or grassed parking areas. Additional pervious parking may be provided, if not otherwise prohibited by other provisions of the City of Umatilla Code, in the following areas:
- 1) Adjacent to parking lot landscape islands to allow for the percolation of water and the exchange of oxygen for the tree roots.
 - 2) In low impact areas or infrequent use areas such as churches or the outlying parking areas of malls or other shopping areas.
- d) **Internal Access Roads.** Developments with internal access roads shall be required to plant one (1) canopy tree on each side of the road approximately every fifty (50) feet. Access roads immediately in front of commercial structures and other buildings do not have to meet the access road tree requirement but do have to meet other parking landscape requirements. Parking lot island canopy trees may be used to meet this requirement if they fall within thirty (30) feet from the edge of the pavement along the internal access road. *Figure E – Internal Access Roads.*



- e) **Accommodations for Lighting and Other Features.** Islands shall be enlarged beyond the minimum requirement if necessary to accommodate light poles, fire hydrants, or other necessary features. Light poles may be located within the parking area rather than in landscape islands if necessary to ensure that the lighting placement does not conflict with the location or normal growth of landscape island trees. *Figure F – Parking Lot Light*

Placement below.

Figure F – Interior Parking areas – Parking Lot Light Placement



- f) **Rain Gardens.** Parking lot islands are encouraged to use curb breaks and create swale or depression areas to allow for the percolation of rainwater and parking storm water. Attention shall be given to the selection, placement and durability of landscape material within rain garden areas to ensure their long-term viability. Any proposed rain garden areas must comply with all storm water requirements. Smaller rain gardens that serve as landscape islands shall adhere to all canopy and understory requirements for landscape islands. *Figure G – Rain Garden Photo* below

Figure (Photo) G – Interior Parking areas – Rain Garden Example



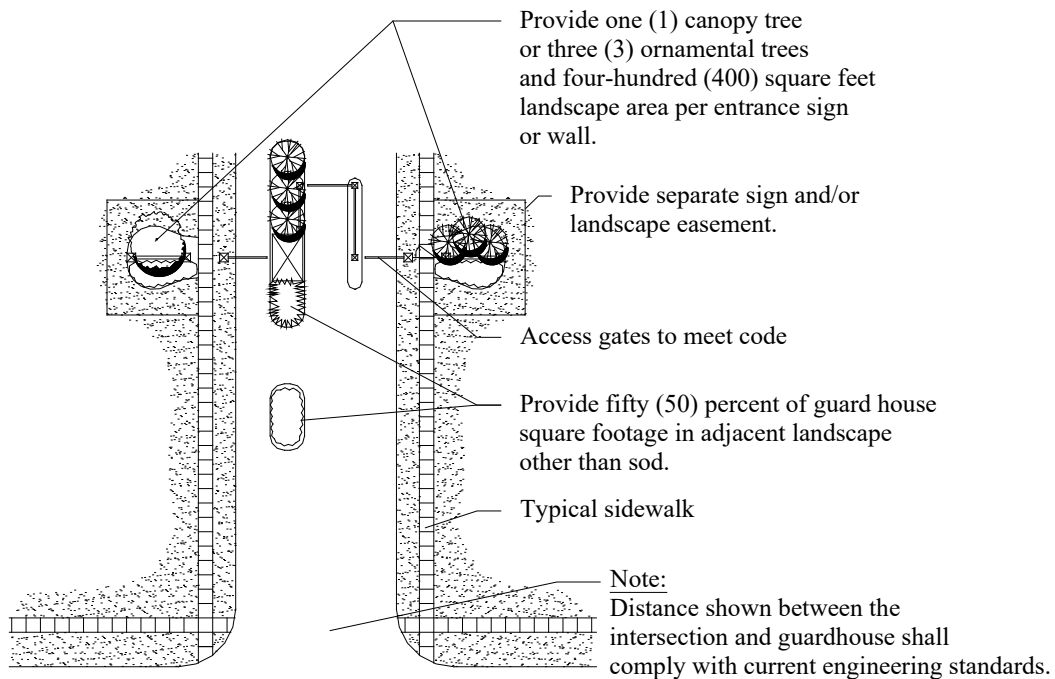
- g) **Guardhouses.** An area greater than or equal to fifty (50) percent of the footprint of any guardhouse shall be landscaped immediately adjacent to the guardhouse to create an aesthetic landscape. When the guardhouse is located within the roadway median, the required landscaping shall also be planted in the median. Clear zones and clear sight lines

must be maintained for any landscape within the road right of way. The clear zone shall consist of an area between two (2) feet and eight and one half (8.5) feet height from the road elevation. The landscape area shall consist of shrubs, groundcovers, and trees. Sod or other ornamental landscaping may be utilized in the remaining area around the guardhouse as long as fifty (50) percent of the guardhouse square footage area has been landscaped as described (see *Figure H Vehicular Gates and Associated Security Walls*).

h) **Vehicular Gates and Associated Security Walls.** Landscaping shall be required on the entrance side of gates and walls as follows (see Figure H):

- 1) A minimum of four hundred (400) square feet of landscape area shall be provided on each side of an entrance road.
- 2) Within each entrance area of four hundred (400) square feet, one (1) canopy tree or three (3) understory trees shall be provided.
- 3) The landscape area shall have shrubs, perennials, vines or other ornamental plantings other than sod. When a utility easement or other restrictive condition restricts the use of trees, then the tree portion of this requirement may be waived or limited by the City Manager or designee.

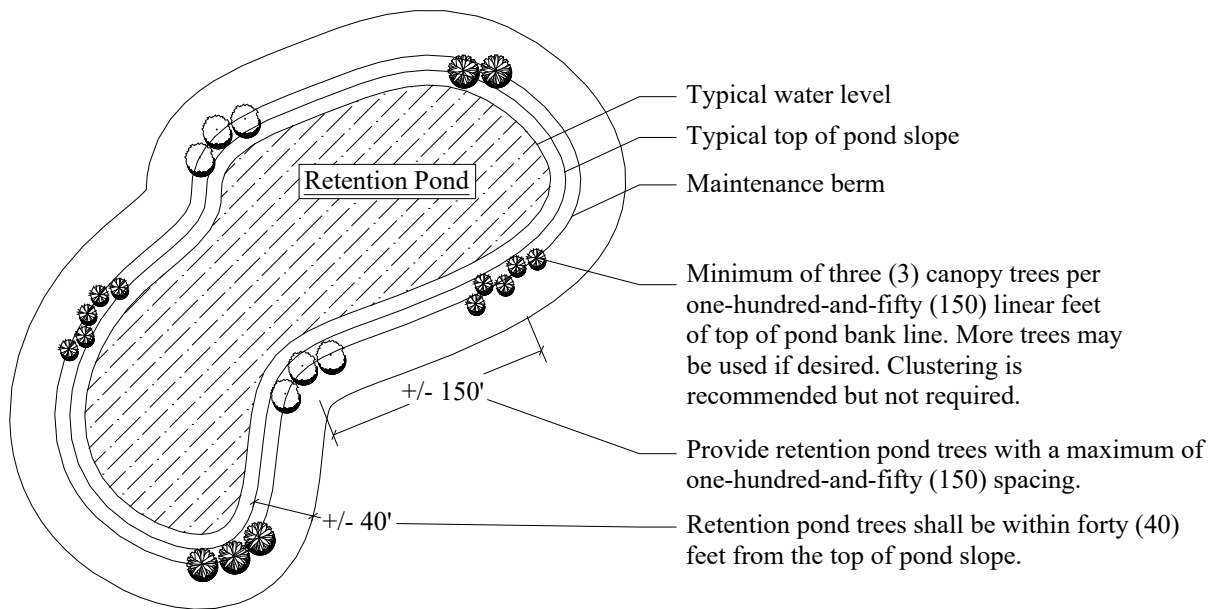
Figure H – Vehicular Gates and Associated Security Walls



i) **Retention Ponds Landscaping.** Three (3) canopy trees for every 150 linear feet of retention pond bank shall be required as measured at the top of pond bank. Trees shall be

planted within forty (40) feet from the top of bank line and include a ten (10) foot clear zone for maintenance. A minimum of three (3) canopy trees shall be required at retention ponds. Curvilinear retention ponds, rather than geometric or rectangular ponds, are required, when possible. (See *Figure I Retention Ponds*).

Figure I – Retention Ponds (Landscaping)



- j) **Screening of Heating/Ventilation/Air Conditioning Units.** Where heating/ventilation/air conditioning units are located on the ground surface area, they shall be screened from view. A combination of a fence and a berm or shrubs shall be required.

SECTION 7: LANDSCAPE REQUIREMENTS FOR INDIVIDUAL SINGLE-FAMILY RESIDENTIAL AND DUPLEX LOTS.

No development permit or Certificate of Occupancy shall be issued unless in compliance with this Section. The requirements of this Section shall be noted on the development permit; however this Section shall not require the submittal of a Single Family Residential Landscape Plan unless required by other provisions in the City of Umatilla Code or any other development order. While Single Family Residential and duplex lots do not require a landscape plan, no Certificate of Occupancy will be issued until the landscape requirements for Single Family Residential or duplex lot are met.

- a) **Canopy tree requirements.** Each single-family or duplex lot shall provide canopy trees as follows:
- 1) A minimum of two (2) canopy trees for lots 6,000 square feet or less.

- 2) A minimum of three (3) canopy trees for lots between 6,001 and 10,000 square feet.
 - 3) A minimum of four (4) canopy trees for lots between 10,001 square feet to 15,000 square feet.
 - 4) A minimum of five (5) canopy trees for lots between 15,001 square feet to 43,560 square feet (1 acre).
 - 5) A minimum of eight (8) canopy trees for lots between one (1) acre and less than two (2) acres.
 - 6) A minimum of eleven (11) canopy trees for lots between two (2) acres and less than three (3) acres.
 - 7) A minimum of fifteen (15) canopy trees for lots between three (3) acres and less than five (5) acres.
 - 8) A minimum of twenty-five (25) trees for lots five (5) acres or greater.
- b) **Street trees within lots.** One (1) or more of the required trees shall be planted at a minimum of ten (10) feet and maximum of twenty (20) feet outside of the right-of-way for lots less than or equal to one-half (1/2) acre. More canopy trees may need to be planted along the road right-of-way to satisfy other requirements of the code.
- c) **Other landscaping requirements.** Any principal dwelling unit shall have landscape areas planted with shrubs or groundcovers other than sod, around the perimeter of the building as follows.
- 1) Minimum planting based on size of building. For purposes of this Section, the first floor footprint shall include the area of the first floor of all principal and accessory structures. All buildings shall require a landscaped area on the lot of thirty-five (35) percent of the building footprint.
- d) **Preservation of existing trees.** Existing trees that are classified as protected trees in Section 9 (A) and greater than three (3) inches in diameter shall be preserved unless within the areas required for access, infrastructure, building footprint or within a five (5) foot offset of the footprint for the residence. Stem wall construction shall be used where necessary to achieve this requirement. The following exceptions may be allowed to this requirement: (Ord 2011-V 12/06/2011)
- 1) Trees in fire prone areas, such as pine forests, or in rural communities with a density of less than two (2) dwelling units per acre, may remove trees with the appropriate permit, a distance of up to thirty (30) feet from a building upon written authorization by the City of Umatilla Fire Chief or designee.
 - 2) Existing fire-prone vegetation may also be removed up to thirty (30) from the structure's wall with permission granted by the City of Umatilla Fire Chief or designee. The minimum landscaping required by this Section shall be provided.

- 3) Any trees or vegetation that are protected by other laws such as wetland trees shall not be removed without the prior written approval from the Water Management District or the appropriate jurisdictional agency.
- e) **Avoid damage by structures.** Structures shall be located to avoid removing or damaging protected trees to the maximum extent possible.

SECTION 8: PROHIBITED PLANT SPECIES. The control and elimination of invasive, non-native plant species helps protect the natural vegetative communities existing within The City of Umatilla.

- a) **Planting.** Prohibited plant species shall not be planted or counted toward minimum tree or vegetation requirements.
- b) **Prohibited Plants.** Prohibited vegetation shall be listed in the Plant List for The City of Umatilla based on the following sources:
 - 1) Florida Exotic Pest Plant Council *Category I & II List of Invasive Plant Species*.
 - 2) Prohibited Aquatic Plants per F.A.C. 5B-64.011
- c) **Removal.** Removal and eradication of Prohibited Plant Species listed below shall be a condition of development approval on the parcel within one-hundred (100) feet of principal structure(s) or up to fifty (50) feet from the overall limits of construction, whichever is greater.
 - 1) *Plants to be Removed.* All Prohibited Plants listed in the following resources require removal as a condition of development approval. The Plant List for The City of Umatilla lists the plant to be removed based on the following specific sources:
 - A. Plants listed on the Noxious Weed List developed by The Florida Department of Agriculture and Consumer Services 5B-57.007 Florida Administrative Code;
 - B. Plants listed in Florida Statutes 369.251 (1);
 - C. Chinaberry (*Melia azedarach*); Ear Tree (*Enterlobium cyclocarpum*); Eucalyptus species, (*Eucalyptus spp.*); Paper Mulberry (*Broussonetia papyrifera*); and Silk Oak (*Grevillea robusta*).
 - D. All other Prohibited Plants are encouraged, but not required, to be removed.
 - 2) Prohibited vegetation shall not be required to be removed from wetlands or natural water bodies that are regulated or protected by the Water Management Districts or other regulatory agencies without approval.

SECTION 9: TREE PROTECTION.

- a) **Purpose.** The purpose of this Section is:
- 1) To encourage the proliferation of trees and palms.
 - 2) To establish rules and regulations governing the protection and replacement of trees and palms within the City of Umatilla; and
 - 3) To recognize the importance of trees and palms and their meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, lakeshore erosion protection, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands and the general promotion of the health, safety, welfare and well-being of the community.
- b) **Designation of Protected Trees.** The following trees and palms are designated protected trees:
- 1) All trees and palms native to Florida or Florida Friendly, including, but not limited to those identified within *The Plant List for The City of Umatilla*, three (3) inches or larger in diameter at breast height.
 - 2) Sand Pine and Xeric Oak Scrub community trees two (2) inches diameter or larger at breast height.
 - 3) Wetland trees of any size.
 - 4) Historic, Specimen, and Heritage trees.
- c) **Exemptions to Protected Trees.** Prohibited trees, invasive trees, citrus or non-native fruit trees of any species shall not be considered a protected tree.
- d) **Tree Removal Permit.** It shall be unlawful and a violation of this Section to clear, kill or remove a protected tree or palm by any method without first obtaining a tree removal permit. When a development order is issued for a site plan, subdivision or master park plan, a separate tree removal permit shall not be required if the trees to be removed are identified and mitigated on the approved landscape plan. Approval of a preliminary plat does not authorize approval for the removal of trees or other vegetation. Any tree removal permit shall require replacement trees in compliance with this Section and shall specify the schedule when trees will be removed and when such replacement trees will be planted.

- 1) Application for Permit. An application for tree removal shall be filed on official forms provided by the City Manager or designee. The City Manager or designee shall approve a tree removal permit if the application is in compliance with all requirements of these regulations. Completed applications shall be returned to the department along with the following:
 - A. A tree inventory consisting of an aerial photograph no older than the most recent aerials available from the City Manager or designee or drawing at a scale of one (1) inch equals two hundred (200) feet or a scale that is legible for the area in which trees are being removed indicating:
 - B. Property boundaries.
 - C. The location of protected trees to be removed, Diameter Breast Height (DBH) caliper, and common name.
 - D. Reason for removal of trees.
 - E. Mitigation Plan indicating location, size and species of trees used for replacement.

- e) **Tree Removal with Development Project.** When the removal of trees is associated with a development project, the removal of trees authorized pursuant to the City of Umatilla Tree Removal Permit shall not commence until one (1) of the following has been approved or issued:
 - 1) Subdivision construction plan;
 - 2) Final master site plan;
 - 3) Master park plan; (only applicable within parks);
 - 4) Building permit; or
 - 5) Lot grading / site alteration plan.

- f) **Violations.** Each tree damaged or destroyed without a permit required under Section 9 shall be considered a separate violation punishable pursuant to Chapter 8, The City of Umatilla Code. Determinations of the number of cleared trees shall be based on best available data that may include surveys of adjacent property or aerial photographs taken prior to clearing. (Ord 2011-V 12/06/2011)
 - 1) If a specimen tree, an historic tree or a heritage tree is removed without a tree removal permit, each tree shall be replaced at a ratio of 1.25:1 of the mitigation requirement. If three (3) or more protected trees are removed without a tree removal permit, each tree shall be replaced at a ratio of 1:1 for mitigation. Any other tree removal without a tree removal permit shall be replaced in accordance with the replacement requirements stated for a permitted removal.

- 2) If a protected tree is removed without a permit, a restoration plan shall be prepared and submitted within thirty (30) days for approval by the City Manager or designee. All trees shown of the approved site restoration plan must be installed on the property.

g) **Exemptions to Tree Removal Permit Requirements.** The following protected trees and palms may be removed without a tree removal permit and required mitigation:

- 1) Trees located within new or existing recorded or prescriptive public road or drainage rights-of-way and easements that are to be removed as part of a Umatilla City Council approved project. However, all protected trees removed under this exemption shall be avoided or relocated whenever feasible.
- 2) Any tree determined to be in a hazardous or dangerous condition so as to endanger the public health, safety or welfare and requires immediate removal. Authorization may be given by the City Manager or designee pursuant to the following procedures:
 - A. Photo documentation of the hazardous tree(s) by property owner is required prior to removal and shall be submitted to the City Manager or designee.
 - B. If the tree, due to immediate danger, is removed prior to obtaining written authorization, a letter and photo documentation demonstrating the immediate danger shall be submitted to the City Manager or designee within fifteen (15) days of the removal.
- 3) Agriculture and Silviculture so long as the operation qualifies as a bona fide farm operation on land classified as agricultural pursuant to Section 193.461, Florida Statutes, if such activity is regulated through implemented best management practices, interim measures, or regulations developed through the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services or a water management district and adopted under Chapter 120, Florida Statutes under a regional program; or if such activity is expressly regulated by the U.S. Army Corps of Engineers, or U.S. Environmental Protection Agency.
- 4) Trees that are dead through natural causes or diseased trees shall not require a replacement or relocation. Trees killed or toppled by Acts of God such as lightning, hurricanes and tornadoes shall not be required to be replaced or mitigated unless the tree(s) are required as part of a Development Order issued by The City of Umatilla. (Ord 2011-V 12/06/2011)

h) **Criteria for Issuance of Tree Removal Permit.**

Tree Removal Permit. A tree removal permit may be issued when one (1) or more of the following circumstances exist:

- 1) *Street opening.* The location of a tree restricts the opening of a street or right-of-way. Streets and rights-of-way shall be located to minimize the loss of trees, especially historic, specimen and heritage trees;
 - 2) *Utilities and drainage.* The location of the tree restricts the construction of utility lines or drainage facilities. Utility lines and drainage facilities shall be located to minimize the loss of trees, especially historic, specimen and heritage trees;
 - 3) *Property access.* The location of the tree prevents access to the property. Exit and entry shall be located to minimize the loss of trees, especially specimen, historic and heritage trees;
 - 4) *Property use.* The location of the tree restricts use of the property consistent with all other City and state codes, statutes, ordinances, and resolutions, and site location modifications are not feasible or reasonable;
 - 5) *Hazards.* The tree constitutes a potential hazard to life or property that cannot be mitigated without removing the tree;
 - 6) *Poor tree health.* The tree is dying or dead so that its restoration to sound condition is not practical, or it has a disease that can be expected to be transmitted to other trees and to endanger their health. Diseased trees should be identified by a horticulturist, biologist, arborist, or other individual deemed qualified by the City Manager;
 - 7) *Thinning of trees.* For non-bona fide silviculture operations, thinning of trees in order to increase light and air circulation for the purpose of improving health conditions, or to prevent disease, of a group of trees, the selective removal of up to twenty-five (25) percent of the group of trees may be permitted. Thinning shall include any removal of trees from the lot and shall not exceed the maximum clearing allowed in this Section. Thinning shall follow Best Management Practices (BMP's) published by a government agency or the National Tree Care Industry Association.
- i) **Tree Removal Procedure.** The tree removal permit, when issued, shall specifically identify which trees shall be permitted to be removed. Each tree permitted for removal shall be physically marked with an "X" using brightly colored paint or surveyor's tape; or if a group of trees are permitted for removal, the outside perimeter trees of the group may be designated with brightly-colored rope or tape in lieu of each tree. Such permit shall automatically expire six (6) months after issuance. Trees not removed during the life of the permit may not be removed without the issuance of a new permit based upon a new application.

- j) **Removal not required.** Tree removal permits merely authorize the removal of trees specified therein. Nothing in this Section shall be construed to require the removal of protected trees by the permittee.
- k) **Replacement Requirements.** When a tree removal permit is issued, the City Manager, or designee, shall require the replacement of removed trees and palms as a condition of the issuance of a permit, as follows:
 - l) **Replacement Requirement of Protected Trees.** Thirty-three (33) percent of the total number of caliper inches measured at diameter breast height (DBH) for qualifying trees as listed in the Plant List of the City of Umatilla. (Ord 2011-V 12/06/2011)
 - m) **Replacement Requirement of Specimen Trees.** Fifty (50) percent of the total caliper inches of specimen trees. (Ord 2011-V 12/06/2011)
 - n) **Replacement Requirement of Historic and Heritage Trees.** One-hundred (100) percent of the total caliper inches of Heritage and Historic Trees. (Ord 2011-V 12/06/2011)
 - o) **Regulations regarding replacement trees.**
 - 1) More than one (1) tree may be used to replace a tree or trees that are removed, but the minimum caliper of the replacement canopy trees shall be no less than two-and-one-half (2.5) inches and two (2) inches for replacement understory trees.
 - 2) Minimum of seventy-five (75) percent of the replacement trees shall be canopy trees.
 - 3) Twenty-five (25) percent maximum of the replacement trees may be understory trees.
 - 4) Palm trees and pine trees may be used but shall not exceed four (4) inches credit per tree given as replacement regardless of their installed size.
 - 5) Replacement trees may be used to meet the landscape requirements. (Ord 2011-V 12/06/2011)
- p) **Tree Sampling for Large Sites.** Sites over fifty (50) acres may identify and sample trees to be removed as follows:
 - 1) The locations of all historic, specimen and heritage trees protected or proposed for removal shall be located.
 - 2) Other protected trees shall be surveyed as follows:

- A. The first fifty (50) contiguous acres shall be surveyed by accounting for all protected trees to be removed.
 - B. The remaining acreage may be surveyed using sample plots. The sample plots shall be a minimum area of twenty (20) percent of the remaining part of the site to be developed and twenty (20) percent of each vegetative community within the remaining part of the site to be developed. Each of the sample survey plots shall be a minimum of one hundred feet by one hundred feet (100 x 100) in size and shall conform to current forestry practices.
 - C. All protected trees three (3) inch DBH caliper or greater, unless the trees are part of a wetland, sand pine or xeric oak scrub community in which case trees two (2) inches DBH and larger shall be counted.
- 3) The tree survey shall be conducted by a registered Landscape Architect, certified arborist, certified forester, surveyor, horticulturist, or other individual deemed qualified by the City Manager.
 - 4) A tree survey report detailing all findings, including the number and caliper of trees surveyed, estimates of trees surveyed, estimates of protected trees and distribution based on survey plots, and the size and location of specimen, historic, or heritage trees, shall be prepared and submitted to the City as part of the site plan review process. The methods of the tree survey shall be clearly detailed in the written report provided to The City of Umatilla.
 - 5) The City of Umatilla reserves the right to require more detailed tree sampling if the City Manager or designee determines that the information provided is insufficient or that site-specific considerations warrant additional information.
- q) **Landscape credit.** The replacement trees may be used to meet the requirements of the landscape standards. All replacement trees shall be provided even if the total number exceeds the landscape requirement. (Ord 2011-V 12/06/2011)
 - r) **Replacement maintenance.** The replacement trees shall be maintained in good condition in perpetuity, and the property owner shall guarantee survival.
 - s) **Restriction on use of palm trees.** Palm trees shall not account for more than twenty (20) percent of the required replacement trees.
 - t) **Replacement size.** Replacement trees shall conform to the size and planting requirements of the Landscape Code. Understory trees may not exceed twenty-five (25) percent of the total caliper replacement inches required.
 - u) **Location of Tree Replacement Sites.** Replacement trees shall be mitigated on the lot, if possible.

- 1) If replacement trees cannot be placed on the lot, they shall be located in common areas of the development such as: open space areas, areas adjacent to stormwater management facilities, landscape buffer areas, or entrances of the development in which the site is located, if possible.
 - 2) If replacement cannot be made on the lot or in a common area of the development, the owner or applicant may replace the required trees on a designated conservation or park property within The City of Umatilla. The recipient property shall be acceptable to the City and shall be suitable for the replacement trees. Mitigated replacement trees shall not count toward meeting minimum landscaping requirements of the recipient site for development purposes. The request to utilize this option shall be submitted to the City Manager or designee in writing and shall include the following justifications and information:
 - A. Explanation why the trees cannot be replaced on site;
 - B. A legal description and a copy of the property record information from the the Lake County Property Appraiser for the proposed recipient site;
 - C. If the property is not City owned, an affidavit from the owner of the recipient site agreeing to the terms of accepting the mitigated trees as listed above. A conservation easement or similar legally-binding instrument approved by the City shall be required to ensure that mitigation trees planted at the recipient site will be protected and maintained in perpetuity; and
 - 3) The applicant shall be responsible for paying for all the costs for installation and maintenance of the tree(s), including planting and any necessary irrigation.
- v) **Voluntary Planting.** This Section shall not be interpreted to restrict, regulate, or limit the voluntary planting of any protected tree in The City of Umatilla. Any size tree may be voluntarily planted. The provisions of this Section govern only the planting of trees that are required to be planted or retained.

SECTION 10: HISTORIC TREES.

- a) **Purpose.** It is the purpose of this Subsection to acknowledge the existence of certain trees that portray a notable historical association or significance to The City of Umatilla, to protect such trees through their designation as historic trees, and by requiring compliance with the protection measures. Designation of historic trees by the City of Umatilla shall be in accordance with the standards and procedures in this Subsection. (Ord 2011-V 12/06/2011)
- b) **Application procedures.** Applications may be initiated by:

- 1) Owners of the property, developers as part of their development plan, or the City Manager or designee as part of a tree removal permit application, a development plan or a City tree protection planning program.
 - 2) Applications on forms provided by the City Manager or designee shall be completed and submitted to the City Manager or designee.
 - 3) Completed applications shall be provided to the City of Umatilla Historical Society with a request for review and written recommendation for approval or denial.
- c) **Historical Society Recommendation.** The City of Umatilla Historical Society or the State Historic Preservation Officer of Florida or their designee may recommend approval of the designation of a historic tree for a tree that is considered to have a notable historical interest and value to the City due to its historical association or significance. The City of Umatilla Historic Society or the State Historic Preservation Officer of Florida or their designee may recommend denial or approval; provided, however, that recommendation or the lack of any recommendation does not preclude the City from denying or approving an application.
- d) **Designation Procedure and Protection.**
- 1) Upon review and approval by the City Manager or designee, the application shall be scheduled for a public hearing before the Umatilla City Council.
 - 2) The Umatilla City Council shall approve or deny the request. Approval by the Council shall be in the form of a resolution.
 - 3) Removal of historic trees shall be prohibited, unless an exemption is granted by the Umatilla City Council. A tree designated as a historic tree shall be protected by the property owner to ensure its long-term health.

SECTION 11: SPECIMEN TREES.

- a) **Purpose.** It is the purpose of this Subsection to acknowledge the existence of certain trees within the City that are rare or unique due to factors such as age, size, or type, and to protect such trees through their designation as specimen trees. Designation of specimen trees by the Council shall be in accordance with the standards and procedures in this Subsection.
- b) **Designation Standards.** At least one (1) of the following standards shall apply in order for a tree to be designated a specimen tree:

- 1) *Size.* Trees with a thirty (30) inch caliper or greater or a circumference of eight (8) feet or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground.
 - 2) *Age.* Trees that are determined to be at least one hundred (100) years old or to be at approximate half-life maturity and are in good health.
 - 3) *Form.* Trees that are determined to have a unique form or shape, due to geography, climate, environmental or natural growth habitat conditions, and are in good health.
 - 4) *Ecological Value.* Trees that are determined to have an ecological value to the City in terms of soil or water conservation and management, wildlife habitat, or endemic native flora habitat, and are in good health.
 - 5) *Rarity.* Trees that are determined to be non-indigenous, rare, or unique to the City, and are in good health.
- c) **Prohibited Trees** are excluded from designation as a Specimen Tree.
- d) **Application Procedures.**
- 1) Applications may be initiated by owners of the Property or developers as part of their development plan.
 - 2) Applications on forms provided by the City Manager or designee shall be completed and submitted to the City Manager or designee.
 - 3) The City Manager or designee may request assistance from State Division of Forestry, in determining compliance with any of the designation standards.
- e) **Mandatory Recognition of Specimen Trees** Any non-prohibited trees with thirty (30) inch caliper or greater, or a circumference of eight (8) feet or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground shall be recognized as a specimen tree without application. The applicant shall identify the location, number and size of all specimen trees on the required tree survey submitted to the City for site plan or plat review. In addition, the City may identify specimen trees that are found to meet this criterion.
- f) **Approval and Protection.**
- 1) Any non-prohibited tree satisfying one or more of the size criteria in this subsection as specified above shall be recognized and recorded as a specimen tree by the City Manager or designee without approval by the Umatilla City Council.

- 2) Upon review and approval by the City Manager or designee, any tree that has been submitted for consideration as a specimen tree and does not automatically qualify because of size shall be scheduled for a public hearing before the Umatilla City Council.
- 3) The Umatilla City Council shall approve or deny the request. Approval by the Umatilla City Council shall be in the form of a resolution.
- 4) The property owner shall be encouraged to protect any tree designated as a specimen tree to ensure its long-term health.

SECTION 12: HERITAGE TREES.

- a) **Purpose.** It is the purpose of this Subsection to acknowledge the existence of certain trees within the City that are significant or unique due to factors such as age, size, or type and to protect such trees through their designation as heritage trees. Designation of heritage trees by the Council shall be in accordance with the standards and procedures in this Subsection.
- b) **Designation Standards.** At least one (1) of the following standards shall apply in order for a tree to be designated a heritage tree:
 - 1) *Size.* Trees with a forty (40) inch caliper or greater, or a circumference of ten (10) feet or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground.
 - 2) *Age.* Trees that are determined to be at least one hundred (100) years old or to be at approximate half-life maturity and are in good health.
 - 3) *Form.* Trees that are determined to have a unique form or shape, due to geography, climate, environmental or natural growth habitat conditions, and are in good health.
 - 4) *Ecological Value.* Trees that are determined to have an ecological value to the City in terms of soil or water conservation and management, wildlife habitat, or endemic native flora habitat, and are in good health.
 - 5) *Rarity.* Trees that are determined to be non-indigenous, rare, or unique to the City, and are in good health.
- c) **Prohibited Trees** are excluded from designation as a Heritage Tree.
- d) **Application Procedures.**
 - 1) Applications may be initiated by owners of the Property or developers as part of their development plan.

- 2) Applications on forms provided by the City Manager or designee shall be completed and submitted to the City Manager or designee.
 - 3) The City Manager or designee may request assistance from the State Division of Forestry in determining compliance with any of the designation standards.
- e) **Mandatory Recognition of Heritage Trees** Any non-prohibited trees with forty (40) inch caliper or greater, or a circumference of ten (10) feet or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground shall be recognized as a heritage tree without application. The applicant shall identify the location, number and size of all heritage trees on the required tree survey submitted to the City for site plan or plat review. In addition, the City may identify heritage trees that are found to meet this criterion.
- f) **Approval and Protection.**
- 1) Any non-prohibited tree satisfying one or more of the size criteria for a heritage tree as specified above shall be recognized and recorded as a heritage tree by the City Manager or designee, without approval by the Umatilla City Council.
 - 2) Upon review and approval by the City Manager or designee, any tree that has been submitted for consideration as a heritage tree and does not automatically qualify because of size shall be scheduled for a public hearing before the Umatilla City Council.
 - 3) The Umatilla City Council shall approve or deny the request. Approval by the Umatilla City Council shall be in the form of a resolution.
 - 4) Removal of heritage trees shall be prohibited, unless a variance is granted by the Board of Adjustment. The property owner shall protect any tree designated as a heritage tree to ensure its long-term health.

SECTION 13: TREE PROTECTION STANDARDS. The following standards shall apply to all protected trees during construction.

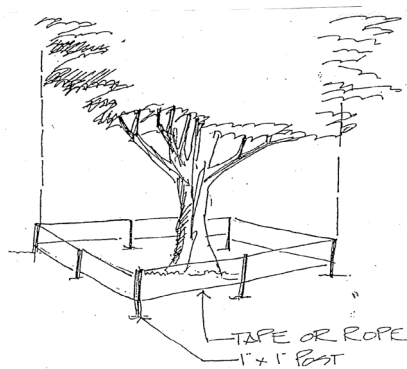
- a) **Tree Protection Standards.** The protection measures described in this Subsection are based on those in the Tree City USA Bulletins published by The National Arbor Day Foundation: How to Save Trees During Construction (No. 8, 1998), A Systematic Approach to Building with Trees (No. 20, 1998), and How to Protect Trees During Underground Work (No. 35, 1998). These publications are hereby adopted and included by reference herein. These publications shall be used to supplement the required protection measures. They also provide information on the economic value of trees to developments and their incorporation into designs as well as guidelines on professional tree care, tree planting and tree transplanting.
- b) **Drip line protection.** Solvents, materials, construction machinery or temporary soil deposits shall not be placed within the drip line of any protected tree. This includes soil

that is placed in the drip line permanently for the purpose of a grade change, unless the grade is changed as allowed with these Land Development Regulations.

- c) **Protection from injury.** In order to protect against mechanical injuries to roots, trunks and branches, and injuries by chemical poisoning, grade changes, excavations, paving, and attachments or wires, the applicable protection measures set out below shall be implemented prior to commencement of any construction.
- 1) A protective barrier (See Figure J – *Tree Protection Barricades*) shall be placed around all protected trees prior to any land preparation or construction of structures or other improvements in accordance with this Section. No equipment, construction material, chemicals or debris of any kind shall be placed within the protection barrier.
 - 2) Posts shall be placed at points not closer than at the natural drip-line of the tree unless the structure or improvement has been permitted by the City Manager or designee to be erected within the drip-line of the tree with a wide canopy. The structure or improvement may be placed within the drip line of the tree only if the tree has been root pruned, as supervised by a licensed registered landscape architect or arborist certified by the International Society of Arboriculture. For palm trees, the posts shall be placed at points not closer than six (6) feet from the trunk.
 - 3) The posts shall be connected with clearly visible plastic tape or ribbon, or rope.

Figure J – Tree Protection Barricades

(Properly constructed tree barricade protects the entire natural drip line area)



- 4) With the exception of identification ribbons, no attachments, wires, signs, nails, or permits shall be fastened to a protected tree other than supportive wires, if applicable, which shall be attached in compliance with the guidelines set forth in the Tree City USA Bulletins published by The National Arbor Day Foundation: How to Save Trees During Construction (No. 8, 1998), A Systematic Approach to

Building with Trees (No. 20, 1998), and How to Protect Trees During Underground Work (No. 35, 1998).

- 5) Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery (such as, aerators and mowers) or manual labor. No grubbing, root rakes or similar activities are permitted.
 - 6) In lieu of constructing the barriers required in this Section, large areas containing protected trees where no land preparation or other development activities of any kind will occur may be designated on a tree removal application. The designated area shall be protected by placing stakes a maximum of twenty-five (25) feet apart along the outside perimeter of the area and tying clearly visible plastic tape or ribbon, or rope from stake to stake. The perimeter line shall be outside of the drip line of any protected tree within the designated area.
 - 7) Protective barriers and perimeter lines shall remain in place until all construction activity is terminated, except for landscaping.
- d) **Avoiding tree injury due to root impacts.** Construction within the drip line, such as changes in grade and installation of underground utilities, commonly causes extensive root damage or death of a tree. Construction shall not be permitted within the drip line unless protective measures are taken and supervised by a registered landscape architect or certified arborist, to ensure the health of the tree.
- e) **Avoiding injuries due to paving within the drip line.** When approved by the City Manager or designee, paving may be placed within the drip line, so long as no damage is inflicted to the tree by grade change, compaction of soil, or any other cause and protective measures are taken and supervised by a registered landscape architect or certified arborist, to ensure the health of the tree.

SECTION 14: LANDSCAPE PLANS.

- a) Landscape plan. The plan shall be prepared by a registered landscape architect if the plan proposes development of three (3) or more dwelling units or any commercial, industrial, or community facility project over three (3) acres. A landscape architect may not be required if staff feels it is not necessary. The plan shall include the following:
 - 1) A detailed plan illustrating the irrigation system shall be provided to meet the requirements of Section 4. Irrigated areas shall be graphically shown, including areas not irrigated, and their areas quantified in square feet or acres in relative percentages on the landscape plan. Single-family residential and duplex lots shall indicate that only up to 3,000 square feet of the pervious area of any lot shall be

irrigated with an installed irrigation system with a note or graphic depiction on the landscape or irrigation plan.

- 2) Designation by common and botanical (scientific) name, including applicable cultivar name, size, and location of plant material to be installed or preserved in a natural state in accordance with the requirements of this Section;
- 3) Location of all required buffers, showing width and number of required trees, shrubs, and landscape features;
- 4) Location of preserved trees, or clusters of trees, intended to count for landscape credits with the species and Diameter at Breast Height Caliper called out or a certification by a registered Landscape Architect or Arborist stating that a group of trees will meet the minimum size for required trees;
- 5) A tree removal permit application for any protected trees proposed to be removed, showing their location.
- 6) Restrictions pertaining to the type and use of existing or proposed improvements, waterways, stormwater systems, water and wastewater systems, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature shall require the establishment of restrictive covenants and such covenants shall be submitted with the final plat for recordation. Additionally, in any residential plat where landscaping is proposed on individual lots, the following statement shall be included on the plat: Individual lot purchasers shall be required to comply with all landscape maintenance requirements. (Ord 2011-V 12/06/2011)

SECTION 15: LANDSCAPE IRRIGATION SCHEDULES.

It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through more efficient landscape irrigation.

- a). When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
 - 1). Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 2). Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 3). Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

- 4). No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
- b). When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
- 1). Residential landscape irrigation at odd numbered addresses or no address may occur only Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 2). Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 3). Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 4). No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
- c). All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

SECTION 16. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

- a). Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.
- b). Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount of necessary for such landscape establishment.
- c). Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed $\frac{1}{4}$ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.
- d). Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.

- e). Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.
- f). Discharge of water from a water-to-air air-conditioning unit or other water-dependant cooling system is not limited.
- g). The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.
- h). The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

SECTION 17. ADDITIONAL REQUIREMENT

Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

SECTION 18. VARIANCE FROM SPECIFIC DAY OF THE WEEK LIMITATIONS

A variance from the specific landscape irrigation days or day set forth in Section 15 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week during Daylight Savings Time or more than one day per week during Eastern Standard Time.

SECTION 19. APPLICATION OF ORDINANCE

The provisions of this Ordinance shall apply to each person located within the City of Umatilla.

SECTION 20. ENFORCEMENT OFFICIALS

Law enforcement officials having jurisdiction in the area governed by this Ordinance are hereby authorized to enforce the provisions of this Ordinance. In addition, the City Manager may also delegate enforcement responsibility for this ordinance to agencies and department of City of Umatilla government.

SECTION 21. PENALTIES

Violation of any provision of this Ordinance shall be subject to the following penalties:

First violation	Written Warning
Second violation	\$50.00
Subsequent violations	Fine not to exceed \$500.00

Each day in violation of this Ordinance shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Article.