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- (5) Any construction or development initiated pursuant to the development plan of a planned development approved prior to _____ (effective date of this ord. will be inserted) ~~June 10, 1992~~, if the development plan depicts the location of the buildings and structures on the site or if special consideration has been given to the issue of creek, lake or wetland protection as evidenced by specific limitations and/or restrictions having been placed on the lots or buildings during the approval process.

- (6) Construction of public or private nature trails if the proposed plan is consistent with the intent of these sections and complies with the following restrictions:
 - a. There is no significant alteration of creek, lake or wetland drainage patterns or special protection species population reduction or habitat alteration due to the trail.
 - b. The natural grade within the buffer area ~~setback zone~~ is maintained to the maximum feasible extent.
 - c. The maximum width for private trails within ~~thirty-five (35)~~ feet of the ~~centerline~~ break in slope at the top of the bank of a regulated creek or ~~landward extent of lakes~~ or within 50 feet of a wetlands is ~~fifty (50)~~ inches. The maximum width for private trails within 75 feet of a regulated lake is 50 inches. A private trail greater than ~~fifty (50)~~ inches in width that is located between ~~thirty-five (35)~~ feet and ~~one hundred fifty (150)~~ feet from the break in slope at the top of the bank ~~centerline~~ of a regulated creek, is presumed detrimental to the creek unless the trail plan demonstrates otherwise. The width of public trails shall be set during site plan review.
 - d. Materials used for the trails construction are limited to asphaltic concrete, concrete, wood, compacted earth, mulch, crushed shells or other materials that which will not result in the creek receiving significant amounts of sediment or other adverse material harmful to the creek water quality. If materials other than asphaltic concrete or concrete are used, such materials shall be stabilized to prevent washouts or soil erosion.
 - e. Developers, their successors and assigns of private trails shall provide the city with a maintenance agreement which is acceptable to the city attorney and provide for maintenance and preservation of the trail to ensure there is no adverse impact to creek, lake or wetland vegetation, water quality, or creek or lake bank soils.

- (7) The reestablishment of native vegetation. When the reestablishment of native vegetation is for any property other than single-family residential, a vegetative reestablishment plan shall be subject to the approval of the ~~public works department~~ City Manager or designee ~~and the county department of environmental protection~~ to ensure the appropriateness of the vegetation proposed and to ensure the incorporation of proper sediment control measures.

- (8) All human-built impoundments, lakes, streams, ponds, and artificial or created wetlands, ~~and all stormwater management facilities~~, provided that development activities in these areas will not adversely impact natural or mitigation surface waters and wetlands. If these facilities were required as a mitigation project, they

shall not be exempt from the provisions of these sections. If any surface waters or wetlands are part of a stormwater management facility approved by the city, the same functions shall be provided and any modifications shall be subject to approval by the city public works department.

(9) Stormwater management facilities are allowed within wetland buffers provided that: the stormwater management facility will not adversely impact natural or mitigation surface waters and wetlands; the hydroperiod of the wetland will be maintained or restored; the stormwater management facility will have a maximum slope of 4:1; littoral zones will be established and maintained in all wet detention facilities; and that landscaping of stormwater management facilities will conform to Sec. 30-251 and all other applicable requirements of Chapter 30, and to the public works department design manual. Stormwater management facilities are not exempt from the buffer requirements of Sec. 30-302 (b) for regulated creeks or lakes, as approved by the public works department within 150 feet of a lake or wetland for single family residences.

~~(10) Backyards of single family residences within 150 feet of a lake or wetland.~~

(b) All development, even if exempt or otherwise granted an exemption from any other provisions of these sections, shall incorporate either the city's General Criteria for Controlling Erosion and Sediment or equivalent practices.

Section 9. Subsection (b) of Section 30-311, Land Development Code of the City of Gainesville, is amended to read:

Sec. 30-311. Violations, enforcement and penalty.

(b) Surface waters and wetlands district. Should any person violate ~~As regards~~ the provisions of the surface waters and wetlands sections of this ~~article, and~~ Chapter, in addition to the provisions, requirements, and penalties stated at ~~of~~ Article X, Division 4, of this Chapter, the City will require appropriate corrective measures be taken by the violator. In the event the violation is not corrected by the violator, the City may, depending upon the severity of the violation, take the following actions: ~~in the case of destruction of vegetation within the thirty five foot setback or any greater or lesser setback imposed in development plan or compliance review,~~

(1) a. For a violation of any condition imposed pursuant to a permit or for a violation of the provisions of the surface waters and wetlands sections of this Chapter, the City Manager or designee may revoke, in whole or in part, any permit issued pursuant to this Code. In the event the City Manager or designee chooses to revoke a permit, written notice of the intent of the City Manager or designee to revoke such permit shall be provided to the property owner, setting forth the specific reasons for the revocation. The property owner shall have the right to appear before the City Manager at a time and date specified in such notice to show cause why the permit issued to the owner should not be immediately revoked.

b. If the City Manager or designee determines to revoke a permit issued pursuant to this Code, after the notice and appearance procedure as provided in subparagraph a., above, the property owner shall immediately cease all work on the site until the violation is corrected or mitigated. The property owner shall have the right to appeal the administrative decision of the City Manager

1 to the Board of Adjustment and shall show cause why the permit issued to the owner should be
2 reinstated.

3 (2) If the City Manager or designee determines an imminent risk to the environment exists due to
4 a violation of conditions imposed pursuant to the permit or due to a violation of the provisions of
5 the surface waters and wetlands sections of this Chapter, the City Manager or designee may issue
6 a cease and desist order for any and all development on the site. Any person receiving such an
7 order for cessation of operations shall immediately comply with the requirements thereof. It shall
8 be a violation of this Code for any person to fail to or refuse to comply with a cease and desist
9 order issued once written notice of the cease and desist order is delivered by hand delivery or by
10 certified mail, return receipt requested, to the person to whom the permit is issued or, in the
11 absence of a permit, to the owner of the property.

12 (3) For any site where work has commenced and a permit has not been obtained but is required
13 pursuant to this Code, the City Manager or designee may issue a cease and desist order for any
14 and all development on the site. Any person receiving such an order for cessation of operations
15 shall immediately comply with the requirements thereof. It shall be a violation of this Code for
16 any person to fail to or refuse to comply with a cease and desist order issued once written notice
17 of the cease and desist order is delivered by hand delivery or by certified mail, return receipt
18 requested, to the person to whom the permit is issued or, in the absence of a permit, to the owner
19 of the property.

20 (4) In the event of failure to comply with the revocation of a permit or a cease and desist order the
21 City Manager may request the City Attorney’s office seek injunctive relief in a court of equitable
22 jurisdiction so that the property owner will cease any and all activity on the site.

23 ~~appropriate corrective measures shall be required or may be obtained through~~
24 ~~injunctive relief.~~

25 Section 10. The Gainesville Tree List, contained within the Land Development Code of the City
26 of Gainesville, is amended to read:

27
28 GAINESVILLE TREE LIST
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Common Name	Scientific Name	Maximum Height (feet)	Estimated Crown (20-Year) (feet)	Average Spread (35-Year) (feet)	Native	Street	Buffer	Lot	Gate	Wet	Foliage	Soil	L
Ash, white (local)	Fraxinus americana	100	40	60	*	*	*	*	Lrg		D		
Basswood	Tilia caroliniana	90	40	55	*	*	*				D	F	
Birch, river	Betula nigra	60	25	35	*		*		Med	W	D	M	
Blackgum	Nyssa sylvatica	90	25	40	*	*	*	*	Med		D		
Boxelder	Acer negundo	50	30	40 - O	*						D		
Buckeye, red	Aesculus pavia	40	10	15	*	*					D		
Buckthorn, Carolina	Rhamnus caroliniana	20	10	15 -O	*		*				E	D	
Bumelia	Bumelia tenax or B. lanuginosa	30	10	15	*	*	*				E		
Catalpa, Southern	Catalpa bignonioides	60	20	30	*	*					D		
Cedar, Atlantic white	Chamaecyparis	80	15	25	*		*				E	M	

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	thyoides												
Cedar, Eastern red	Juniperus virginiana	60	15	25	*		*						E
Cedar, Southern red	Juniperus silicicola	60	20	30	*	*	*						E
Cherry, Flowering	Prunus campanulata	50	15	25									D
Cherry-laurel	Prunus caroliniana	40	20	20 - O	*	*	*						E
Chinese pistachio	Pistacia chinensis	60	25	45	*								D
Crabapple	Malus angustifolia	40	20	20 - O	*	*							D
Crape Myrtle	Lagerstroemia indica	40	15	25						Sm			D
Cypress, bald	Taxodium distichum	100	20	30	*	*				Med	W		D M
Cypress, pond	Taxodium ascendens	90	15	20	*	*					W		D M
Devil's-walkingstick	Aralia spinosa	30	10	15 - O	*								D
Dogwood, flowering	Cornus florida	40	25	40	*	*							D D
Elm, cedar	Ulmus crassifolia	100	30	50	*	*	*	*		Lg			D
Elm, Chinese (Drake)	Ulmus parvifolia	60	40	60				*		Med			D
Elm, Florida	Ulmus americana floridana	80	30	50	*	*	*	*		Lg			D M
Elm, winged	Ulmus alata	100	40	60	*	*		*		Med			D
Fringe tree, Chinese	Chionanthus retusus	30	15	25						Sm			D
Fringe tree	Chionanthus virginicus	30	15	25	*	*				Sm			D
Hawthorn	Crataegus spp.	30	15	25	*	*				Sm	W		D
Hercules club	Zanthoxylum clava- herculis	50	25	40	*		*						D D
Hickory	Carya spp.	100	30	50	*						W		D
Holly	Ilex spp.	50	20	30	*	*	*			Sm			E
Holly, American	Ilex opaca	50	15	25	*	*	*			Med			E
Holly, Dahoon	Ilex cassine	40	15	25	*	*	*			Med	W		E M
Holly, East Palatka	Ilex x attenuata "E. Palat."	50	20	35	*	*	*	*		Med			E
Holly, Savannah, etc.	Ilex x attenuata varieties	50	20	35	*	*	*	*		Med			E
Hop-hornbeam	Ostrya virginiana	40	25	40	*	*				Sm	W		D
Hornbeam	Carpinus caroliniana	40	25	40	*	*				Sm	W		D M
Jerusalem-thorn	Parkinsonia aculeata	30	25	30 - O									D D
Loblolly bay	Gordonia lasianthus	60	20	35	*		*				W		E M
Locust, black	Robinia pseudoacacia	60	20	35	*	*							D
Locust, honey	Gleditsia triacanthos	40	20	35	*	*				Med			D F
Loquat	Eriobotrya japonica	30	20	30			*						E
Magnolia, Ash	Magnolia ashei	20	15	25			*			Sm			D
Magnolia, Oriental	Magnolia spp.	Varies	15	25			*						D
Magnolia, Southern	Magnolia grandiflora	90	20	35	*		*	*		Lrg			E
Magnolia, Sweetbay	Magnolia virginiana	80	25	40	*	*	*				W		S M
Maple, Florida	Acer barbatum (floridanum)	60	25	40	*	*	*	*		Med			D
Maple, red	Acer rubrum	80	25	40	*	*				Med	W		D M
Mulberry, red	Morus rubra	50	25	35	*								D
Oak, basket	Quercus michauxii	100	25	40	*	*							D F
Oak, bluejack	Quercus incana	60	25	40	*	*							D D
Oak, bluff (local)	Quercus austrina (durandii)	100	30	60	*			*		Lrg			D
Oak, diamondleaf	Quercus laurifolia	100	40	60	*								S
Oak, laurel	Quercus hemispherica	100	40	60	*			*			W		S
Oak, live	Quercus virginiana	80	45	80	*	*	*	*		Lrg			E
Oak, post	Quercus stellata	80	25	40	*	*		*					D
Oak, sand live	Quercus geminata	60	30	50	*	*		*					E
Oak, Shumard	Quercus shumardii	100	30	50	*	*		*		Lrg			D F
Oak, Southern red	Quercus falcata	100	30	50	*	*							D L
Oak, turkey	Quercus laevis	60	25	40	*	*							D

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Oak, white	Quercus alba	100	20	35	*			*	Lrg		D	
Olive, wild	Osmanthus americanus	40	20	30	*	*	*		Sm		E	
Palm, cabbage	Sabal palmetto	80	14	12	*	*			Med(S)	W	E	
Palm, date	Phoenix spp.	60	26	24		*			Med(S)		E	
Palm, pindo	Butia capitata	20	14	12					Med(S)		E	
Palm, Washington	Washingtonia robusta	90	12	10					Med(S)		E	
Pear, Aristocrat	Pyrus calleryana (Aristocrat)	40	15	20					Med		D	
Pecan	Carya illinoensis	100	35	55	*						D	
Persimmon	Diospyros virginiana	60	15	30	*	*					D	
Pine, pond	Pinus serotina	90	20	30	*	*				W	E	
Pine, loblolly	Pinus taeda (rust resistant)	110	20	30	*						E	
Pine, longleaf	Pinus palustris	90	20	30	*	*					E	
Pine, shortleaf	Pinus echinata	100	15	25	*	*					E	
Pine, slash	Pinus elliotii (rust resistant)	100	20	30	*						E	
Pine, spruce	Pinus glabra	100	25	40	*	*	*		Med		E	
Plum, American	Prunus americana	30	20	30	*	*					D	
Plum, wild	P. angustifolia or P. umbellata	20	15	25 - O	*	*			Sm		D	
Podocarpus	Podocarpus macrophylla	40	10	15			*				E	
Redbay	Persea borbonia or humilis	60	25	40	*		*				E	
Redbud	Cercis canadensis	30	25	30 - O	*				Sm		D	
Rusty blackhaw	Viburnum rufidulum	30	15	20	*		*		Sm		S	
Soapberry	Sapindus marginatus	50	25	40	*						D	
Sparkleberry, tree	Vaccinium arboreum	20	10	15	*	*			Sm		S	
Sugarberry	Celtis laevigata	100	45	70	*	*	*				D	
Sweetgum	Liquidambar styraciflua	100	30	50	*					W	D	M
Sycamore	Platanus occidentalis	100	40	60	*	*	*		Lrg		D	
Tulip tree	Liriodendron tulipifera	100	25	40	*	*			Lrg	W	D	
Tupelo, Ogeechee	Nyssa ogeche	70	25	40	*	*					D	M
Tupelo, swamp	Nyssa sylvatica biflora	100	25	40	*	*				W	D	M
Tupelo, water	Nyssa aquatica	100	25	40	*	*					D	M
Viburnum, Walter	Viburnum obovatum	30	15	20	*	*	*				S	
Walnut, black	Juglans nigra	60	25	40	*						D	
Waxmyrtle	Myrica cerifera	30	25	20	*		*			W	E	

NOTE: (S) in Gateway Tree column means that this species requires special permission from the City Arborist for use as a Gateway Street

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COLUMN LEGEND:

- Street = Street tree.
- Buffer = Shade tree for buffer strips.
- Lot = Shade tree for parking lots.
- Gate = Gateway tree. "Lrg" is large tree for 50-foot spacing. "Med" is medium tree for 35-foot spacing. "Sm" is small tree for placement adjacent to or under overhead utility lines at 25-foot spacing.

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1 Wet = Tree suitable for littoral zone and wet detention plantings.

Foliage:

D = Deciduous.
E = Evergreen.
S = Semi-evergreen.

Soil:

D = Well-drained.
F = Fertile.
M = Moist to wet.

Light:

F = Requires full sun.
S = Requires some shade.

Problems:

B = Prone to stem breakage or windthrow.
D = Prone to disease problems.
I = Prone to insect problems.
L = Large (10-foot or more) bed required.
P = Prolific reproduction (sucker or seed).
T = Toxic to humans.
F = Suffers freeze damage (not reliably cold-hardy).

Wildlife value:

0 = Low or none.
1 = Moderate.
2 = High.
3 = Very high.

Color:

C = Color from flowers, fruit or foliage at some time of year.

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3 ADDITIONAL COMMENTS:

4 All trees on the Gainesville Tree List except pines and palms are suitable for reforestation. When
5 the crown spread at thirty-five (35) years of age is "O" or is followed by "O," this means that this
6 species commonly dies before reaching thirty-five (35) years of age. The word "local" after the
7 common name means that specimens derived from native Florida populations shall be used. It is
8 almost always best to use local seed sources for any species. The words "rust resistant" after slash
9 and loblolly pine mean that sources of these species that are resistant to fusiform rust shall be
10 used. Trees requiring full sun or some shade or moist or fertile soil conditions may be planted
11 only in such situations.

12 Trees already existing on the site that are preserved in good health during construction may be
13 counted in the same manner as planted trees, except for the following species which aggressively
14 invade natural forests, causing damage to wildlife: camphor tree (*Cinnamomum camphora*),
15 Chinese tallow (*Sapium sebiferum*), mimosa (*Albizia julibrissin*), chinaberry (*Melia azedarach*),
16 glossy privet (*Ligustrum lucidum*). Also, tropical species not reliably cold-hardy in Gainesville,
17 such as Australian pine, queen palm and silk oak, do not count.

18 When planting pine trees, pot-bound specimens may not be used, and all the roots circling the