Legislative # 090878 MOD

REQUEST FOR AGENDA MODIFICATION

Agenda Date: 5/14/13 **Legislative File #:** 090878

CHARTER OFFICER/ OTHER Please check one	City Manager ___ GRU Gen Mgr ___	City Auditor ___ EO Director ___	City Comm ___ Outside Ag ___
	City Attorney _x_ Petitioner ___	Clerk ___	CRA ___

ATTENTION! DO NOT MAKE CHANGES TO LEGISTAR AFTER AGENDA REVIEW! CONTACT THE CLERK'S OFFICE (Kurt Lannon or Toni McVay) FOR ANY MODIFICATION AND SUBMIT REVISIONS WITH THIS FORM SIGNED BY THE APPROPRIATE CHARTER OFFICER!

Type of Change

- ___ Add Item – (After Agenda Review)
- x Change Wording – (After Agenda Review) – (REQUIRES CHARTER OFFICER APPROVAL!)
- ___ Remove Item
- ___ Consent to Regular
- ___ Regular to Consent
- x New back-up Submitted (Need 15 copies - after agenda release)
- ___ Additional back-up (Need 15 copies – after agenda release)
- ___ LATE PPT: Power Point Presentation (PDF VERSION) to the Clerk & 15 copies needed for OFFICIAL RECORD, COMMISSIONERS, CHARTER OFFICERS and the PUBLIC at the time submitted to Channel 12).
- ___ REVISED PPT: Same as above.

NOTE: THIS FORM MUST BE SIGNED BY THE APPROPRIATE CHARTER OFFICER BEFORE SUBMITTING REVISIONS TO BROADCAST SERVICES.

Explain Reason for Modification - Staff has submitted revisions to the ordinance on pages 4, 6, 13, 14, 15, 26, 36, 38 and 49 based on a final meeting with interested parties. The revised pages are provided as additional backup.

Signed Nicole M Thalley Charter Officer
5-14-2013 Date
2:59pm Time

Clerk's Office Only
DATE/TIME BACK-UP RECEIVED:
DATE/TIME BACK-UP IMPORTED INTO LEGISTAR:
ORIGINAL FILE # AND NAME:
NEW FILE # AND NAME:

Landscape materials means improvements such as living trees, shrubs, vines, grasses, ground covers and other plants, sand, or wood mulch and other materials which do not require soil compaction for their installation.~~, walls and fences and other nonliving, durable materials commonly used in landscaping; landscape water features; and similar materials and design features; provided that visible synthetic materials shall not qualify~~.

Public utility means a utility owned, operated and maintained by a public or governmental entity or a publicly-regulated utility company, including but not limited to stormwater, drainage, water, wastewater, reclaimed water, chilled water, natural gas, electric or telecommunications facilities.

Public utility easement (PUE) is a non-possessory, non-exclusive interest in the land of another and the right to use the property for the purpose of installing, operating and maintaining public utility facilities.

Qualitative tree survey , refer to *Tree survey, qualitative*.

Regulated trees are those of 8 inches or greater in diameter breast height or any tree that was planted or preserved in compliance with an approved development order or to mitigate the removal of a regulated tree. Slash and Loblolly Pines are not regulated until they reach 20 inches in diameter.~~, except those that were preserved during development in order to meet a landscaping requirement, which are considered regulated regardless of size.~~

Required trees mean those planted to meet a specific landscaping requirement such as trees in buffers, landscape islands, and stormwater management areas.

Rootzone refers to the allotted area of soil that is provided for the growth of tree roots.

Rootzone media refers to the appropriate soil structure and texture to accommodate healthy root growth for required landscaping. The minimum components of rootzone media are uncompacted soil (bulk density less than 1.50 g/cc in loam. 1.70 g/cc sand, or 1.40 g/cc clay soil) devoid of seeds of invasive exotic species and of pH 5.5 to 6.5, composted leaf mold or peat moss, and well-graded, medium angular sand (0.50 to 0.25 mm). The natural topsoil of the site qualifies if the above qualities exist. The maximum depth for structural soil used as root zone media shall be 36", the maximum depth for root zone media used with structural root box cells shall be 45".

Root zone volume refers to a measurement of the net soil volume not including structural components such as stone. The root zone can include soil within the tree opening or soil under pavement, as long as the soil volumes are compacted to no more than 85% dry density. Structural soils are exempt from this compaction requirement. A variety of techniques are suitable for under pavement locations, including but not limited to structural root box cells, structural soil, tree wells, root paths and soil trenches. The soil volumes must be accessible to the tree roots to be considered part of the root zone volume. Rooting space should be composed

Tree lawn refers to a pervious area between the back-of-curb and sidewalk or along the street edge intended for the planting of street trees.

Tree root plate or root plate refers to the below-ground area adjacent to the trunk where the major buttress roots and support roots occur, generally a circular area with a radius of four (4) times the diameter of the tree trunk at ground level. For example, a tree with 2 foot diameter breast height ~~trunk~~ has a root plate radius of 8 feet outside the trunk on all sides.

Tree survey is a map that depicts the geographic location of regulated trees with their scientific names (both genus and species) and indicates the diameter of each regulated tree measured at 4.5 feet above the natural grade at the base.

Tree survey, qualitative is an alternative to the tree survey. A qualitative tree survey shall be prepared by and executed by a certified arborist with current credentials from the International Society of Arboriculture or by a licensed landscape architect. The report must show the surveyed location, diameter, genus and species of all Heritage trees, all regulated trees of high quality shade tree species, other trees worthy of protection, and existing trees planted to comply with earlier approved development plans. On-site meetings with the city manager or designee will confirm which trees shall be included in the survey and to confirm that the survey meets code requirements. The survey shall also cover matters identified as significant relative to the urban forest based on site conditions.

Tree wells consist of an complete or partial enclosure below ground, filled with rootzone media, where a tree is planted. Apertures at the surface are provided to conduit air and water to the tree roots.

Urban forest refers to the sum total of all vegetation growing within the city limits, whether on public or private property.

Section 2. Sections 30-180, 30-182(c)(2), 30-183(e)(2), 30-183 (g), and 30-183(i)(2), 30-184, 30-187(c)(l), 30-187(p), 30-187(t), and 30-188(c)(3) of Article VII. Development Review Process, Division 2. Subdivisions and Street Vacation of the Land Development Code of the City of Gainesville, are amended as stated below. Except as amended herein, the remainder of Article VII. Development Review Process, Division 2. Subdivisions and Street Vacation, remains in full force and effect.

Sec. 30-180. Purpose and intent.

This article is intended to provide direction and standards for the division of land in a manner that would facilitate the coordination of land development in accordance with orderly physical patterns; to encourage development of an economically stable and healthful community; to ensure proper identification, monumentation and recording of real estate boundaries; to ensure that adequate and necessary physical improvements of lasting quality will be installed in subdivisions by the subdividers and that taxpayers will not bear this cost; to provide for safe and convenient vehicle, bicycle, pedestrian and transit access; to provide an efficient, adequate and

of 700 cubic feet, except street trees which share a rootzone volume shall require a minimum of 550 cubic feet. All other required shade trees shall be provided a minimum of 420 cubic feet of rootzone volume. Where existing conditions preclude the provision of the minimum rootzone volume, the reviewing board or city manager or designee may approve a lesser volume that meets the arboriculture needs of the tree within the existing conditions. ~~The width of any side shall be at least nine feet.~~ Underground utility lines shall not be located within the rootzone volume, except for those lines that are four-inch diameter or less, and then only where the utility separation requirements in subsection (b) below are met. Prior to planting, any limerock or construction debris found in this area shall be removed, and rootzone media soil shall be provided to a depth of at least 3 feet. ~~Pedestrian walkways should not reduce the minimum area or width requirements for any landscape island containing a tree.~~ Shade trees shall be located so that the trunk is a minimum of 10 feet from a building face or from major architectural features of the building (including but not limited to balconies, awnings, bay windows or porches).

~~(b) Landscaping of stormwater management areas shall conform to all requirements of this chapter and the public works department design manual. Retention/detention areas should be landscaped with trees, shrubs, ground covers and native perennials appropriate to the function as a wet or dry basin. If the landscaped area is also designed to meet on site stormwater management requirements, on of the following conditions must be met:~~

~~1. The area must be designed to provide an aesthetic focal pint, such as a lake, creek or other water feature; to preserve a tree grouping; or to utilize the existing terrain and/or geological features of the site;~~

~~2. The area must be preserved in such a manner as to maintain an existing wetland function or to preserve of establish habitat for a viable population of native plant, animal or insect species.~~

~~3. The design of the retention/detention basin shall meet the following criteria:~~

~~i. Varying side slopes or vertical side slopes (basins 18 inches or less in depth);~~

~~ii. The basins shall be of an irregular shape, having no parallel sides;~~

~~iii. Twenty-five percent or more of the basin area including the shoulders shall be landscaped, and shall include the equivalent of at least one shade tree for every 35 linear feet, or part thereof, of basin perimeter; spacing of trees may be closer when trees are planted in groups for aesthetic effect; and~~

~~iv. The landscaping for the basin shall be integrated with the entire landscape plan.~~

~~4. The retention/detention area utilizes wetland and aquatic vegetation compatible with cleaning of stormwater runoff.~~

(b) A minimum separation requirement of 7.5 feet is required between new trees and existing or proposed water, wastewater force main, reclaimed water, gas, electric and telecommunications main and service utility lines, to protect against root incursion. A minimum separation requirement of 10 feet is required between new trees and existing or proposed wastewater gravity collection mains and laterals. These separations shall apply where utilities are publicly maintained. Where feasible, separations should be marginally increased in order to account for inaccuracies in surveying, engineering or construction. Reduced separation distances to 3.5 feet may be allowed at the discretion of the utility company. In these instances the utility company may require one of the following measures to protect the utility lines, in accordance with the standards established by the utility company:

1. Compaction of the soil immediately adjacent to the underground lines to 98 percent proctor density from the utility line to within 12 inches of ground surface; or

2. Encasing the utility line with excavatable flowable fill, steel casing, or other acceptable methods; or

3. Wrapping the utility line with an herbicide-impregnated geo-textile bio-barrier cloth; or

4. Protecting the utility line with structural barriers of cast-in-place or pre-cast concrete panels, steel or high-density plastic sheet-pile barriers; or

5. Steel casing, installed in accordance with standards established by the utility company.

Where an existing tree is to be preserved, trenchless installation shall be required for the installation of underground utilities, using directional boring or jacking-and-boring of a casing pipe throughout the tree root plate.

(c) An irrigation system, or a readily available water supply within a distance of 100 feet, shall be supplied for all landscaped areas. An automatic irrigation system shall be provided for developments ~~or redevelopments of existing property in accordance with subsection 30-251(3)b.4.~~, if the total area of impervious surfaces devoted to vehicular use areas exceeds 10,000 ~~22,500~~ square feet. Such irrigation shall promote water conservation by such methods as drip irrigation and/or efficient sprinkler zoning, as well as reducing the amount of irrigation as plants become established. Each required tree shall be served by a drip ring or bubblers or other appropriate means necessary to ensure that the entire rootball is irrigated. The irrigation system shall be designed and located to minimize the watering of impervious surfaces. Successful establishment of trees should occur within one year. After that time, use of the automatic irrigation system may be discontinued. ~~If the~~ All required trees that die ~~within 3 years of planting, they~~ shall be replaced in accordance with Sec. 30-265(b), and replanted trees shall be irrigated ~~will require irrigation~~ throughout the next establishment phase.

(d) ~~Plants shall be sized such that, within three years of the time of planting, at least half of the required landscaped development shall be devoted to living plants.~~ ~~Remaining~~ Landscape areas that are not planted shall be grassed or mulched with organic materials. Grassed areas shall be planted with sod that has been certified free of noxious weeds by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry.

(e) When a landscaped area is adjacent to or within a vehicular use area, curbing shall be used to protect landscaped areas from encroachment. Parking spaces shall be designed to provide pervious surface for the vehicle overhang area. Shrubs and trees shall be placed away from the wheel stop, so that they will not be encroached upon by vehicles. In lieu of curbing, the alternative means of preventing encroachment shall be shown on the site plan.

(f) All required trees shall be selected from the Gainesville ~~T~~tree ~~L~~list. Tree species not appearing on the Gainesville ~~T~~tree ~~L~~list may be planted only with prior approval of the city manager or designee or appropriate reviewing board. ~~In order to encourage plant diversity, no more than 50 percent of the selected canopy trees shall be of the same genus, except for street tree plantings, which, on a given street should be uniform with~~

encroachments are made for utility connections, replacement plants appropriate to the ecosystem shall be required.

(2) *Interior landscaped areas.* The interior of any vehicular use area shall also be landscaped in compliance with the following ~~except as provided in subsection (b)(2)e. of this section~~:

a. ~~The placement of landscaped areas throughout the interior of the paved area shall average one landscaped island for each ten parking spaces.~~ Landscape islands, equal to the size of one parking space, shall be located at an average of every ten parking spaces. At no time shall a row of parking have landscape islands ~~areas~~ greater than 126~~135~~ feet apart or closer than 36~~35~~ feet apart. Additionally, terminal landscape islands containing a tree shall enclose each row of parking spaces.

b. Each required landscape island ~~interior landscaped area~~ shall contain at least one high quality shade tree listed on the gainesville tree list as a species appropriate for 'lot' planting. Such tree(s) shall be located within the landscaped area of at least 140 square feet to maximize the shading of the pavement.

c. ~~All parking lots with two or more rows of interior parking~~ Head-to-head parking rows shall contain 8-foot-wide landscape strips between the rows allowing for 2-foot vehicle overhangs on each side. Shade trees, shall be planted every 50 feet on average within these landscaped areas, but outside of the 2-foot vehicle overhangs. As an alternative, every other row of head-to-head parking may provide a 16-foot-wide curbed landscape strip with shade trees every 35 feet on average. As needed, these wider landscape strips may contain sidewalks.

~~c.~~d. The development review board or plan board through development plan review, or staff when only staff review is required, may allow the relocation of ~~such~~ interior landscaped areas to preserve existing trees, or where it is determined, upon review and recommendation of the city manager~~'s~~ or designee, that the relocation is necessary for the safe maneuvering of vehicles or pedestrians.

~~d.~~e. In those vehicular use areas including but not limited to auto dealerships, storage of service or delivery vehicles, or attendant parking where interior landscaping would interfere with the customary storage or display of vehicles, the development review board or plan board through development plan review, or staff, when only staff review is required, may allow some or all of the required interior landscaping to be located near the perimeters of the paved area, including such perimeters which may be adjacent to a

(1) Shade trees shall be planted at an average of one tree for every 35 linear feet of the basin perimeter. Spacing of trees may be closer when trees are planted in groups for aesthetic effect, but the minimum distance between the trees shall be 10 linear feet. Trees shall be selected from the Gainesville tree list that are appropriate for use within stormwater areas, and all landscaping shall be selected according to the function as a wet or dry basin. Trees shall be located at least 20 feet away from inflow and outflow structures. Bioretention swales and exfiltration facilities are exempt from these tree planting requirements.

(2) Twenty-five percent or more of the appropriate planting area of the basin perimeter or littoral zone shall be landscaped with shrubs, groundcover, native perennials, or aquatic plants.

(b) Individual stormwater basins that are greater than 5,000 square feet in total area shall be designed with curvilinear sides that mimic a natural wetland, lake, or stream. The landscaping for these basins shall be integrated with the other required site landscaping. As an alternative, the city manager or designee or reviewing board may approve basins that have parallel sides where they are designed with pedestrian amenities and are directly integrated into a streetscape, park, or plaza.

(c) Individual stormwater basins that are greater than 40,000 square feet in total area shall also be designed to meet at least one of the following criteria:

(1) Provide a recreational or functional pathway for pedestrians or bicyclists and an aesthetic focal point such as a water feature or pedestrian structure; or

(2) Be designed to preserve and incorporate a significant tree or tree grouping; or

(3) Be designed to maintain an existing wetland function or to preserve or establish habitat for native animal species.

Section 7. Section 30-254 and Section 30-255 of Article VIII. Environmental Management, Division 2. Landscape and Tree Management, Stormwater Management and Water/Wastewater Connection Policies, Subdivision I. Landscape and Tree Management are amended as stated below. Except as amended herein, the remainder of Section 30-254 and Section 30-255 remain in full force and effect.

Sec. 30-254. Permits for tree removal; mitigation.

(a) *Removal or relocation permits.* Except as provided below, no living regulated tree ~~living tree that is eight inches or more in diameter or two feet in circumference, whichever dimension is lesser, at a point 4½ feet above ground level,~~ may be removed or relocated without a removal permit and mitigation as provided for in this section. Only the tree advisory board may approve or deny the removal, relocation or replacement of champion trees. ~~Trees that require such a permit for removal or relocation shall be called "regulated~~

~~when the damage is apparent shall be provided by a statement from an engineer registered in the State of Florida. Verification shall identify the trees causing such structural problems, shall give an explanation of the problem, and shall bear the embossed seal of the engineer. Such statements of verifications shall be accepted by the plan board or the city manager.~~

(b) *Methods of mitigation.* Mitigation shall be allowed by two methods, mitigation trees (on an inch-for-inch basis or as otherwise specified) and mitigation payment. The amount of mitigation is as specified in subsections (c) and (d) below.

(1) Mitigation trees shall be of high quality shade species as identified on the Gainesville tree list, meeting the specifications in Sec. 30-265, and sited in accordance with the requirements of Sec. 30-251(1). The installation of new trees for a development as required by this chapter may count as mitigation for trees removed from the site, except where those removed trees are of a high-quality species. ~~Increasing the diameter of trees required to be planted with a development shall not be used to meet mitigation requirements.~~ The preference is for mitigation trees to be planted on the site, but where it is demonstrated that no space is available, mitigation trees may be planted offsite within City limits. In these instances, the required mitigation trees may be established on a different site within the city limits approved by the city manager or designee, or the city manager or designee may allow a payment in an amount to be made to the city tree mitigation fund equivalent to the cost of the trees that would have been purchased.

(2) Mitigation payment shall be based on tree appraised value, or as otherwise specified in this code. Payment shall be made prior to the issuance of a certificate of occupancy, or at such other time as specified in a development order. Mitigation payments received by the City shall be deposited in the City tree mitigation fund. This fund may be used for new tree plantings associated with public improvement projects or for the preservation of trees through the purchase of conservation lands, but shall not be used for tree maintenance or toward the installation of new trees that would already be required for a development.

~~(b)~~(c) *Removal and mitigation ~~or relocation~~ of regulated trees subject to subdivision or development plan approval.* ~~A separate tree removal permit will not be required in conjunction with developments requiring development plan approval by the appropriate board. Plans for tree removal or relocation will be considered and either approved or denied as part of the development review process. Construction drawings should be submitted to the building department and application for construction permits made before any trees are removed. After a certificate of occupancy has been issued for a development, any tree removal shall require either a tree removal permit or an approved plan amendment. Failure to obtain a permit before removing or relocating a regulated tree shall be subject to the measures for enforcement and replacement specified in section 30-311, pertaining to violations, and the provisions of Article X of this chapter.~~ When tree removal or relocation is contemplated in conjunction with any development requiring

(6) Landscape preparation in the protected area shall be limited to shallow discing of the area. Discing shall be limited to a depth of ~~two~~ 4 inches unless specifically approved otherwise by the city manager or designee. ~~or the plan board, as applicable.~~

(7) No building materials, machinery or harmful chemicals shall be placed within protective barriers ~~defined in subsection (b)(2) of this section~~, except short-duration placements of clean fill soil that will not harm the tree. Such short-duration placements shall not exceed 7 ~~30~~ days. The city manager or designee shall be notified of the dates the short duration placement will begin and end. The original soil grade that existed within the protected areas prior to the placement of such fill shall be restored.

(8) ~~The "Tree Protection Manual for Builders and Developers," as published by the state department of agriculture and consumer services, division of forestry (October 1980 edition), the standards of the National Arborist Association,~~ The *American National Standards Institute A-300 Part V: Management of Trees and Shrubs During Site Planning, Site Development, and Site Construction* or other nationally recognized arboricultural standards approved by the city manager or designee ~~may~~ shall be used as guidelines for tree protection, planting, pruning and care during development and construction.

~~(c) *Attachments to trees prohibited.* No attachments or wires other than those of a protective and nondamaging nature shall be attached to any tree.~~

(c) *Preservation generally.* Trees may be preserved on development sites in locations where a new tree would be required. Credit for the preservation of such a tree will be given if the requirements listed below are met. During construction, if the requirements are not being met and/or the preserved tree is unlikely to survive in satisfactory condition, the owner shall apply for a tree removal permit in accordance with the requirements of this code.

(1) 50 percent of the area within the dripline of the tree shall be naturally preserved, both above- and below-ground. Under no circumstances shall permission be given for any construction activity within the tree root plate. The 50 percent protection zone must include the entire tree root plate. Landscape materials are permitted within the 50 percent protection zone but ~~not~~ only mulch is permitted within the tree root plate. Within the 50 percent protection zone there shall be no alteration to the existing grade, no trenching or cutting of roots, nor shall there be any storage of materials or fill. No heavy equipment shall be permitted within the protection zone. All work must be done by hand. There shall be no compaction of the soil, as from heavy construction equipment, and no concrete, paint, chemicals or other foreign substances placed within this protection zone.

(2) The city manager or designee may approve paving blocks within the protection