

## ORDINANCE NO. 23-5475

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, DIVISION 3.1, TREE PROTECTION, SECTION VII-322, PERMIT CONDITIONS, TO REGULATE THE LOCATION OF REPLACEMENT TREES; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 02-4357, which adopted a new Zoning Code for the City of Sarasota [hereinafter the Zoning Code (2002 edition)] was adopted by the City Commission on April 29, 2002; and

WHEREAS, Rebecca Webster, Planning Technician, pursuant to request of the Department of Development Services, filed Zoning Text Amendment 23-ZTA-01 as a Batch ZTA to encompass a range of issues requiring modification within the Zoning Code (2002 edition); and

WHEREAS, this Ordinance No. 23-5475 relates to the portion of Application No. 23-ZTA-01 which would regulate the location of replacement trees; and

WHEREAS, the Planning Board, acting in its capacity as the Local Planning Agency for the City of Sarasota, held a duly noticed public hearing on February 8, 2023 in accordance with Article IV, Division 12, of the Zoning Code (2002 edition) to review the proposed Zoning Text Amendments contained herein and made its recommendation to the City Commission as to which of such amendments satisfy the standards for review set forth in Section IV-1206, Zoning Code (2002 edition); and

WHEREAS, the City Commission hereby finds that based upon the foregoing recitals, it is in the best interest of the citizens of the City of Sarasota to amend the Zoning Code (2002 edition) as requested by the portion of Zoning Text Amendment Application No. 23-ZTA-01 contained in this Ordinance No. 23-5475; and

WHEREAS, the City Commission held a duly noticed public hearing on March 20, 2023 to receive public comment, has considered the recommendations of the Planning Board and Planning staff and has found and determined that the adoption of the proposed amendments to the Zoning Code (2002 edition) as set forth herein would promote the public health, safety and welfare and the redevelopment of the City and would thus serve a valid public purpose.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

**Section 1.** Findings of Fact: The City Commission hereby finds that the recitations contained in the preamble to this Ordinance as set forth above are true and correct and adopts said recitations as findings of fact.

**Section 2.** Adoption of Text Amendments: The following provisions within the Zoning Code (2002 edition) included within Application No. 23-ZTA-01 are hereby amended:

- Item 12, Enhancements to Tree Mitigation Requirements

Article VII, Regulations of General Applicability, Division 3.1, Tree Protection, Section VII-322, Permit conditions, to regulate the location of replacement trees.

The City Commission hereby adopts the above-described amendments to the text of the Zoning Code (2002 edition) which are more fully set forth in Exhibit A, a copy of which is attached hereto and incorporated by reference herein. Exhibit A contains the portions of the above-referenced Zoning Code sections in which the proposed amendments would be codified with modifications shown in “black line” format by which deletions from existing texts are shown by ~~striketrough~~ and additions to existing text are shown by underline.

**Section 3.** Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

**Section 4.** Effective Date: This Ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting for public viewing at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 20<sup>th</sup> day of March, 2023.

PASSED on second reading and finally adopted this 17<sup>th</sup> day of April, 2023.

  
\_\_\_\_\_  
Kyle Scott Battie, Mayor

ATTEST

  
\_\_\_\_\_  
Shayla Griggs  
City Auditor and Clerk

Yes Mayor Kyle Scott Battie  
Yes Vice Mayor Liz Alpert  
Yes Commissioner Jen Ahearn-Koch  
Yes Commissioner Erik Arroyo  
Yes Commissioner Debbie Trice

## 12. ENHANCEMENTS TO TREE MITIGATION REQUIREMENTS

### Article VII - REGULATIONS OF GENERAL APPLICABILITY

#### DIVISION 3.1 – TREE PROTECTION

#### Sec. VII-322. - Permit conditions.

All persons issued permits pursuant to this division shall:

- (1) Post a weather-proof protected copy of the tree removal permit at the site proposed for the tree removal. The permit must be displayed on the site prior to the removal of any trees, and remain on the site until the tree removal or construction work is completed.
- (2) Required replacement tree(s). When trees are removed with an approved tree removal permit pursuant to section VII-320(a)(2), or pursuant to section VII-320(a)(3) when applicable, they must be replaced as found below.

a. If the tree is being removed from residential property<sup>1</sup>, it must be replaced as follows:

Table 1

Existing Tree Size	Required Replacement Caliper Minimum	Ratio of Replacement Trees to Removed Trees
4"—15" D.B.H.	3" for canopy trees 2" for all other trees	1:1
16"—30" D.B.H.	3" for canopy trees 2" for all other trees	2:1
Over 30" D.B.H.	3" for canopy trees 2" for all other trees	3:1

b. If a tree is being removed from any property other than residential property<sup>1</sup>, it must be replaced as follows:

Table 2

Existing Tree Size	Required Replacement Caliper Minimum	Ratio of Replacement Trees to Removed Trees
4"—15" D.B.H.	3"	1:1
16"—30" D.B.H.	5"	2:1
Over 30" D.B.H.	7"	3:1

c. The required replacement tree or trees shall be of like species, or an alternative species approved by the director of development services based upon consideration of the site conditions (e.g., presence of overhead power lines).

- d. The replacement tree or trees shall adhere to "right tree, right location" principles, meaning that the following site evaluation and species selection (SESS) criteria shall be considered and adhered to:

Site evaluation criteria:

Hardiness zone  
Light exposure  
Salt tolerance  
Other trees onsite  
Overhead/underground utility conflict  
Building (proximity to)  
Root spacing restrictions  
Compacted soils, poor drainage, low oxygen  
Irrigation  
Soil improvements/soil Ph

Species Selection criteria:

Mature size  
Form (open canopy/pyramidal/conical)  
Function (shade, flower, nesting, etc.)  
Fertilization  
Maintenance (prune/drop fruit)  
Aggressive/destructive roots

- e. The replacement canopy tree or trees canopy trees shall not be less than 12 feet in overall height, with a minimum four-foot spread. Palms shall be a minimum of 12 feet overall height. For all other protected trees which are removed, the replacement tree(s) shall not be less than eight feet in overall height.
- f. Only those tree(s) which are planted in compliance with the SESS criteria under subsection d. above, as determined by a City of Sarasota Arborist, shall be credited towards mitigation.
- g. Trees or palms shall otherwise meet or exceed the "Florida Department of Agriculture, Grades and Standards for Nursery Stock, Florida Number one Grade," as the same may be amended from time to time. Native trees are encouraged. A copy of said publication is on file at the office of the city auditor and clerk, and made part by reference.
- h. Replacement trees must be planted onsite, except where incompatible with site evaluation and species selection (SESS) criteria, whereby mitigation may be satisfied through either: paying into the tree mitigation fund; arranging to plant on private property within a neighborhood or 1,000 feet of the subject site; or on public right-of-way, public property, or public park. The receiving site must be within city limits. The owner of the receiving site must provide to the director a letter or some other written

document agreeing to accept the mitigation tree(s) and to allow for said tree(s) to be watered and maintained until fully established, and give permission for the city arborist to enter the property to monitor tree health during the one-year establishment period.