

## ATTACHMENT A

ORDINANCE NO. 2009-054  
Amending Chapter 54, Article XVIII  
of the Sarasota County Code of Ordinances  
[Tree Protection]

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO THE PROTECTION OF TREES; AMENDING ORDINANCE NO. 83-044, AS AMENDED AND CODIFIED IN SECTIONS 54-581 THROUGH 54-593 OF THE CODE OF ORDINANCES OF SARASOTA COUNTY, FLORIDA; AMENDING SECTION 54-581 RELATING TO FINDINGS OF FACT, AMENDING SECTION 54-582 RELATING TO DEFINITIONS, AMENDING SECTION 54-585 RELATING TO EXEMPTIONS, AMENDING SECTION 54-586 RELATING TO PERMITTING CRITERIA AND PROCEDURES, AMENDING SECTION 54-587 RELATING TO PUBLIC EDUCATION AND GRAND TREE NOTIFICATION, AMENDING SECTION 54-588 RELATING TO TREE PROTECTION DURING THE DEVELOPMENT OF LAND, AMENDING SECTION 54-589 RELATING TO TREE PLANTING, RELOCATION, OR REPLACEMENT, AND AMENDING SECTION 54-591 RELATING TO COMPLIANCE AND ENFORCEMENT.

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

**SECTION 1.** This Ordinance amends Sarasota County Ordinance No. 83-044, as amended, as codified in Chapter 54, Article XVIII of the Sarasota County Code of Ordinances. Language that has been added to the Code has been underscored, while language that has been eliminated has been ~~stricken~~.

**SECTION 2.** Section 54-581 Findings of fact and purpose of Article is hereby amended to read as follows:

- (a) *Findings of fact.* The Board of County Commissioners hereby makes the following findings:
- (1) Trees ~~are proven producers of~~ oxygen, a necessary element for the survival of mankind;
  - (2) Trees ~~appreciably reduce the ever increasing and environmentally dangerous~~ consume carbon dioxide ~~content of the air~~ and play a vital role in purifying the air by precipitating dust and other airborne pollutants;

- (3) Trees play an important role in the hydrologic cycle, ~~transpiring considerable amounts of water each day, and they precipitate dust and other particulate airborne pollutants from the air~~ by transpiring water to the atmosphere;
- (4) Trees play an important role in cleansing stormwater runoff which passes from the surface [water] to groundwater;
- (5) Trees, through their root systems, stabilize the soil. Tree canopies reduce the impact upon the soil of falling rain, thus ~~and playing~~ an important and effective part in County-wide soil conservation, erosion control and flood control;
- (6) Mangrove Trees are of ~~special~~ significant ecological value in stabilizing, building and protecting ~~the shoreline~~ coastal shorelines, and providing for spawning and breeding grounds for marine organisms and other wildlife. Their role in the estuarine food chain is directly related to ~~and serving as the basis for most of the estuarine food chains, which are critical to 70 to 90 percent of those species considered important from a recreational and/or commercial standpoint;~~
- (7) Trees are ~~an~~ invaluable physical and psychological ~~addition~~ assets to the County, making life more comfortable by providing shade ~~and~~ cooling both air and land, reducing noise levels and glare, and ~~breaking~~ softening the ~~visual~~ visual impact ~~monotony~~ of Development on the land;
- (8) Trees provide wildlife habitat and play other important ecological roles;
- (9) The protection of Trees within Sarasota County is ~~not only~~ desirable, ~~but~~ and essential to the present and future health, safety and welfare of all the citizens of Sarasota County;
- (10) Native ~~Some~~ Tree species, by virtue of ~~are more deserving of special protection due to their status as a native species, their canopy potential, or their niche within a particular ecosystem~~ are deserving of special protection. Invasive/exotic species that adversely impact native habitats and out-compete native Trees for space and nutrients are not deserving of special protection; ~~It is not necessary to protect each and every species in order to attain the public benefit of a Tree protection due to a species being a invasive/exotic that destroys native habitats and out competes native Trees for space and nutrients;~~
- (11) Some Trees on public and private lands are especially significant due to their character, size, and age;
- (12) Grand Trees and Baby Grand Trees are an important component of Sarasota County's urban forest, and have a unique and intrinsic value to the general public because of their age, size, and ecological value;

- (13) Where appropriate, Trees can serve the function of a bio-utility and have numerous economic benefits to the community; and
  - (14) The Board of County Commissioners, sitting as the Land Development Regulation Commission, has reviewed the Ordinance codified in this Article and found it to be consistent with the Sarasota County Comprehensive Plan.
- (b) *Purpose.* It is the objective of this Article to safeguard the public health, safety, and welfare through Tree Protection and to promote the findings of this Article by following the guidelines contained herein.

**SECTION 3.** Section 54-582 Definitions is hereby amended to read as follows:

*Administrator.* The Sarasota County Administrator, or the administrative official of Sarasota County Government designated by the County Administrator to administer and enforce the provisions of this Article.

*Agriculture.* A commercial enterprise using lands classified by the County Property Appraiser under the agricultural assessment provisions of Section 193.461 Florida Statutes, for the production and marketing of agricultural products.

*Applicant.* Any individual, firm, partnership, corporation, association, organization, trust, company, or any other legal entity that has applied for a Permit.

*Article.* Chapter 54, Article XVIII of the Sarasota County Code of Ordinances, as amended by this Ordinance.

*Board.* The Board of County Commissioners of Sarasota County.

*Baby Grand Tree.* Any Tree that has been determined by the Administrator to have the characteristics as outlined in this Article.

*Clear Trunk.* The height of the trunk of a palm ~~Tree~~ measured from the ground to the point where the lowest green frond is attached to the trunk.

*Comprehensive Plan.* The Revised and Updated Sarasota County Comprehensive Plan as adopted under Ordinance 89-18, as amended, to comply with the Local Government Comprehensive Planning and Land Development Regulation Act of 1985.

*Condition Classification.* A rating of a plant based on its current structural integrity and state of health as defined by the “Guide for Plant Appraisal” latest edition, published by the International Society of Arboriculture.

*County.* Sarasota County, Florida.

*Development.* The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels as defined in Florida Statutes, e Chapters 163.3164 and 380.04.

*Development Permit.* Any building permit, zoning permit, plat approval, or rezoning, certification, variance, or other action having the effect of permitting Development.

*Diameter at Breast Height (DBH).* The diameter of the trunk measured at breast height, which is 54 inches above the ground. When low branches or stems preclude measuring the trunk at 54 inches, the smallest circumference of the trunk below the lowest branch or stem juncture shall be the measure of DBH.

*Drip Line.* An imaginary vertical line running from the outermost branches or portion of the Tree crown to the ground.

*Emergency.* Any man-made or natural disaster which is specifically declared to be an Emergency through a r Resolution adopted by the Board.

*Final Construction Plan.* An approval granted pursuant to Chapter 74, of the Sarasota County Code, the Land Development Regulations.

*Grand Tree.* Any Tree that has been determined by the Administrator to have the characteristics as outlined in this Article or any tree designated a Florida State Champion, United States Champion, or World Champion by the American Forestry Association.

*Habitat Tree.* Any Tree that is located within a native habitat as defined by Chapter 2, the Environment, of the Comprehensive Plan.

*Land Development Regulations.* Sarasota County Ordinance No. 81-12, as amended, or its successor (Chapter 74 of the Sarasota County Code).

*Listed Species.* Any plant or animal afforded protection pursuant to the Florida Administrative Code, including but not limited to species categorized as endangered, threatened, and species of special concern; or any plant or animal categorized as endangered or threatened pursuant to the U.S. Endangered Species Act, or bald eagles protected pursuant to the Bald and Golden Eagle Protection Act.

*Lot.* Includes "tract" or "parcel" and means the least fractional part of subdivided lands having fixed limited boundaries and an assigned number, letter, or other name through which it may be identified.

*Myakka River Area.* The corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, contained in p Part III, Chapter 258, Florida Statutes, together with a corridor of land including the maximum upland extent of wetland vegetation as determined by the Department of Environmental Protection pursuant to Chapter 403, Florida Statutes and Chapter 62-340, Florida Administrative Code.

*Myakka River Wild and Scenic Protection Zone.* The upland buffer that extends 220 feet on each side of the Wild and Scenic segment of the Myakka River (from river mile 7.5 to river mile 41.5), measured from the landward edge of the Myakka River area.

*Natural Regeneration.* The regeneration of a stand of timber by leaving a minimum of 15 mature healthy trees per acre appropriately spaced to act as seed trees.

*Person.* Any individual, government, corporation, partnership, association, firm, trust, or other entity.

*Silviculture.* A commercial enterprise controlling the establishment, growth, composition, health, and quality of forests and woodlands of desired characteristics with the intent to produce, reproduce or manage a stand of pines (*Pinus* spp.) for the eventual sale to a timber company as a pulp, paper or other timber products. This includes site preparation activities, prescribed burning and harvesting of trees for sale.

*Stipulation.* A statement or a condition issued with a Permit or with an approved plan, with which compliance is necessary for continued validity of the Permit or other approval.

*Topping.* Internodal removal of woody branches containing heartwood or cutting back to a lateral branch too small to assume the terminal role, that removes canopy coverage by more than 30%.

*Tree.* A living, woody, self-supporting plant, which when mature will reach ten feet or more in height, having a main stem or cluster of main stems, and any one stem measuring 4 ½ inches DBH. For the purpose of this Article, all rooted species of mangrove or two (2) inch DBH scrub oak, including red mangrove (*Rhizophora mangle*), white mangrove (*Laguncularia racemosa*), black mangrove (*Avicennia germinans*), buttonwood mangrove (*Conocarpus erecta*), sand live oak (*Quercus geminata*), myrtle oak (*Quercus myrtifolia*), Bluejack Oak (*Quercus incana*), and chapman oak (*Quercus chapmanii*) are hereby declared to be Trees, and are hereby protected by the provisions of this Article, regardless of size, except where State law supersedes local jurisdiction. In addition, all palms with more than 4 ½ ~~4/2~~ feet of Clear Trunk are declared to be Trees and are protected by the provisions of this Article. It includes any Tree planted, relocated or replaced pursuant to this Article.

*Tree Location Survey.* A survey which provides the following information: location of all Trees, plotted by accurate techniques, common name of all Trees, and Diameter at Breast Height (DBH), printed on the proposed site plan as described in this Article. A site plan printed on an aerial photograph may only be substituted if it is approved by the Administrator prior to submittal and if it is a recent, legible aerial photograph that reflects existing site conditions (scale: one inch equals 200 feet or less).

*Tree Permit.* The legal authorization for Tree Removal, Tree Relocation, and/or the requirement for Tree Protection and/or Tree plantings on a Lot, pursuant to the provisions of this Article.

*Tree Protection.* Avoiding direct and indirect damage to Trees during Development.

*Tree Protection Measures.* Specific features incorporated into Developments that minimize impacts to Trees, including but not limited to, stem walls, pervious surfaces, tree wells, low-impact development techniques, etc.

*Tree Relocation.* To transplant, reestablish or move a Tree to another place within a site or off site.

*Tree Removal.* To cut down, poison, or in any other manner destroy, or cause to be destroyed, a Tree as defined in this Article. It includes Topping, or any action that causes irreparable injury to a Tree, including damage inflicted on the root system by heavy machinery, changing the natural grade above the root system or the removal of sufficient canopy so as to cause the unnatural decline of the Tree.

**SECTION 4.** Sec 54-585 Exemptions is hereby amended to read as follows:

- (a) *Exemptions.* The provisions of this Article shall not apply to:
- (1) Any Tree species on the most recent Florida Exotic Pest Plan Council Category 1 list of invasive species. In addition, any one of the following Tree species, Brazilian Pepper (*Schinus terebinthifolius*), Punk or Melaleuca (*Melaleuca quinquenervia*), Australian Pines (*Casuarina spp.*), Carrotwood (*Cupaniopsis anacardioides*), Chinaberry (*Melia azedarach*), Chinese Tallow (*Sapium sebiferum*), or any Tree species prohibited by the Invasive Plant Species Ordinance No. 90-01, as amended (Chapter 54, Article XIX, of this Code).
  - (2) Governmental personnel or agencies in the performance of their official duties during an Emergency declared by the Board as provided herein.
  - (3) A Lot or portion thereof that is classified by the County Property Appraiser prior to any Tree removal as bona fide agricultural land under the agricultural assessment provisions of the Florida Right to Farm Act, Section 193.461, Florida Statutes, and where Tree removal is undertaken solely for agricultural or silvicultural purposes. This exemption shall not apply to any Tree removal in preparation for, or in anticipation of, any Development or any construction of non-agricultural improvements. For the purposes of this Article, evidence of such preparation or anticipation includes submittal of an application for a building permit for non-agricultural use, a special exception, a rezone, a Development of Regional Impact, a site and development plan, a preliminary subdivision plan, a conceptual Development plan, or other Development approval. Other than for properties that are sold to settle an estate, submittal of plans listed in this section within six (6) years of the date of Tree removal would invalidate this exemption and require an after-the-fact Permit and/or mitigation in accordance with the provisions of this Article.

- (a) Nothing herein shall be construed to affect the right of any person engaged in the commercial enterprise of Agriculture or Silviculture. Any stand of timber that is harvested in the Myakka River Protection Zone shall be regenerated either by replanting, natural regeneration or by leaving a sufficient number of young trees to replace the stand of timber.
  - (b) This exemption does not apply within a wetland or watercourse buffer required by the County.
  - (c) The Administrator may grant a limited exemption for ~~€~~Tree removal associated with a property owner restoring a previous agricultural exemption from the Sarasota County Property Appraiser.
- (5) Plant or Tree nurseries for those Trees grown on the premises specifically for sale to the general public in the ordinary course of such plant or Tree nurseries' businesses.
  - (6) Tree Removal and Tree Relocation on an owner-occupied residential Lot of five (5) acres or smaller, after a certificate of occupancy has been issued for the residential dwelling(s) on that Lot. For owner-occupied residential Lots larger than five (5) acres, Tree Removal is exempted within 150 feet of the residential dwelling after the certificate of occupancy is issued for the residential dwelling(s) on that Lot. This exemption shall not apply in conservation or preservation areas, or to Trees planted or relocated pursuant to a Tree Permit, or where the residential dwelling is to be demolished and reconstructed. This exemption does not apply to any Grand Tree or Baby Grand Tree on all properties. This exemption shall not apply within the Myakka River Wild and Scenic Protection Zone, except on lots that are a minimum of 2,200 feet from the bank of the main stem of the Myakka River. On those lots, no permit is required for Tree Removal landward of the watercourse buffer.
  - (7) Tree Removal and Tree Relocation necessary for the construction of Sarasota County, Florida State, and Federal roads, utilities, or stormwater facilities. This exemption does not apply to any Grand Tree and this exemption shall not apply within the Myakka River Wild and Scenic Protection Zone.
  - (8) Tree Removal and Tree Relocation necessary for the maintenance of existing roads, utilities, or stormwater facilities within rights-of-way and easements, performed or contracted by a duly constituted communication, water, sewerage, stormwater, electrical, other utility or government entity. This exemption does not apply to any Grand Tree and this exemption shall not apply within the Myakka River Wild and Scenic Protection Zone.

- (9) *Emergency Tree Removal.* When it is necessary to expedite the removal of damaged or destroyed Trees in the interest of public safety, health, and general welfare following high winds, storms, hurricanes, tornadoes, floods, freezes, fires or other manmade or natural disasters, the Board may, by ~~Resolution~~, declare an Emergency, and suspend the requirements of this Article for a period of up to thirty (30) days in the affected areas.
- (10) *Habitat Management and Restoration.* Tree Removal and Tree Relocation necessary for native habitat management and environmental restoration activities conducted by a governmental agency. This exemption does not apply to Grand Trees.

**SECTION 5.** Section 54-586 Permitting criteria and procedures is hereby amended to read as follows:

(a) *Criteria for Tree Permits.*

- (1) No Tree Permit shall be granted where the Applicant has failed to implement the principles of avoidance and then minimization of adverse impacts to all Trees in any Development application. When reviewing Tree Permit applications, Grand Trees and Habitat Trees shall be provided protection first, then Baby Grand Trees, and then other Trees.
- (2) No Tree Permit shall be granted unless the Development application is consistent with the permitted use of the property under the County Zoning Ordinance, as amended, or municipal zoning ordinance, if applicable.
- (3) All Development applications first submitted after October 30<sup>th</sup>, 2002, shall be designed to protect Grand Trees in accordance with this Article. Exceptions may only be made for:
  - (a) Safety reasons as determined by the Administrator; or
  - (b) If the Applicant can clearly show demonstrate to the satisfaction of the Administrator that setting aside the space necessary to protect a Grand Tree would unreasonably prevent the Development of a Lot.
- (4) All Development and other activities shall be designed to protect Baby Grand Trees in accordance with this Article.
  - (a) Exceptions for protection may only be made if at least one of the following criteria is met:
    - (1) Safety reasons as determined by the Administrator.

- (2) If the Applicant can clearly show to the satisfaction of the Administrator that the tree's root system is causing damage to buildings, residential structures, sidewalks, pools, wells, septic systems, etc. All reasonable efforts shall be made to protect the tree before removal can be authorized.
- (3) If the Applicant can clearly demonstrate to the satisfaction of the Administrator that protecting the Baby Grand Tree unreasonably prevents the Development of a Lot or prohibits the expansion of an existing single-family or two family residential dwelling or the construction of any essential appurtenances related to the reasonable use of the property.
- (4) If the Applicant can clearly demonstrate to the satisfaction of the Administrator that:
  - a) Impacts to Baby Grand Trees are unavoidable;
  - b) Impacts have been minimized to the maximum extent practicable through alternative site designs;
  - c) Baby Grand Trees have been given protection priority over Trees that do not qualify as a Grand Tree; and
  - d) Tree Protection Measures have been reasonably incorporated into site designs to minimize impacts.
- (b) Impacts to Baby Grand Trees may occur in lieu of other Trees if the Administrator determines that there is a greater net environmental benefit. When making this determination, the Administrator shall take into consideration site specific parameters, including but not limited to:
  - (1) Consistency with Chapter 2, the Environment, of the Sarasota County Comprehensive Plan, the Principles for Evaluating Development Proposals in Native Habitats;
  - (2) Wildlife utilization of the Tree(s) to be impacted and/or Tree(s) protected; and
  - (3) Age, health, canopy, species, number of Tree(s) to be impacted and/or Tree(s) protected.
- (5) Tree Permits must be consistent with ~~Chapter 2~~, the Environment-~~Chapter~~, of the Comprehensive Plan and shall be issued only where:
  - (a) Trees pose a safety hazard to pedestrian or vehicular traffic or unmanageably threaten to cause disruption to utility services;
  - (b) Trees pose a safety hazard to buildings, structures, or other improvements;

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

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

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

- (a) The shape and dimensions of the Lot, together with the existing and proposed locations of structures, utilities (e.g. power lines, water, sewer), and other improvements, if any.
- (b) The location of all on-site native habitats and buffers as defined in Chapter 2, the Environment, ~~Chapter~~ of the County's Comprehensive Plan.
- (c) The location of all existing Trees, identified by common or botanical name and DBH. Trees proposed to remain, to be transplanted, or to be removed shall be identified. Where clearing is occurring on part of a Lot, only the Trees in the area to be cleared and an additional fifty (50) feet need to be

located. Grand Trees shall be identified by DBH, height, the size of the Drip Line (in feet) and the proposed location of Tree protection barricades. Groups of Trees in close proximity (five feet spacing or closer) may be designated as a "clump" of Trees, with the predominant species, estimated number and average size listed. Limited clearing may be approved by the Administrator to provide proper preparation of the Tree Location Survey.

- (d) If existing Trees are to be relocated, the proposed relocation for such Trees, together with a statement as to how the Trees will be protected during land clearing and construction, and maintained after construction.
  - (e) A statement indicating how Trees, which are not proposed for removal or relocation, will be protected during land clearing and construction.
  - (f) Locations and dimensions of all setbacks and easements required by the Sarasota County Zoning Ordinance, as amended, and the Sarasota County Land Development Regulations, as amended.
  - (g) Statements and plans clearly depicting grade changes proposed for the Lot and how such changes will affect Trees. Statement as to the form of root protection to be used, such as tree wells or retaining walls. State the distance from tree trunk to change in grade, ~~and~~ The required elevations are certified by the project engineer.
  - (h) The proposed Tree replacement program.
  - (i) If a Grand Tree exists on a Lot and the proposed activity will encroach into a distance of 1-½ times the Drip Line, a plan shall be submitted by a forester, certified arborist (with current credentials from the International Society of Arboriculture), or a Florida licensed landscape architect specifying the methods to be utilized to preserve the Tree. This plan shall address the protection of the root system, crown and trunk of the Tree and the means of supplying water and essential nutrients if applicable.
  - (j) Any other information requested by the Board or Administrator to assist in the review of a permit application or exemption determination.
- (2) *Tree location on a developed Lot.* If Tree removal is proposed on a commercial Lot that is already developed and the Tree removal is not in anticipation of additional Development, the Applicant will be required to show only the location of the Tree(s) proposed for removal on the survey.
- (3) *Alternate information.* In the event ~~that~~ there are no Trees located on the site, the Applicant shall so state on the permit application for all new construction, additions, and demolitions. Such statement shall be substantiated by an inspection

of the site or the review of a recent, legible aerial photograph that reflects existing site conditions, which shall be a binding determination that no Trees are presently on the site.

- (4) *Pre-application inspection service.* The Administrator shall be available for pre-application conferences or inspections of the site involved.
  - (5) *Timeframes.* Upon receipt of an application, the Administrator will conduct a sufficiency review, including a field inspection, to determine if the application is complete, and if the proposed plan is in compliance with the provisions of this Article. If the application is not complete, the Administrator may request additional information, to be completed by the Applicant within a time frame specified in the request. The review for single and two family Lots will be made within four (4) working days of receiving a completed application. The review for other parcels will be made within seven (7) working days of receiving a completed application. Upon completion of the review, the Administrator will notify the Applicant that the application is either insufficient, or does not comply with the provisions of this Article, or that the Permit is approved, or approved with Stipulations.
  - (6) *Permit Amendments.* Should an additional Tree or Trees need to be removed after a Tree Permit has been issued, the Applicant must obtain an amended Permit prior to the removal of the Trees. Any Tree Removal or Tree Relocation conducted prior to obtaining an amendment is a violation of this Article.
  - (7) *Dead Trees.* If a Tree dies after a Tree Permit has been issued and prior to the issuance of a certificate of occupancy or certificate of completion, the Applicant shall notify the Administrator and request an inspection, prior to the removal of the dead Tree(s). An inspection will be made within two (2) days of notification by the Applicant. Failure to notify the Administrator prior to the removal of any ~~d~~Dead Tree constitutes a violation of this Article. If the ~~€~~Tree death can be attributed to man-~~caused~~ activities, as determined by the Administrator, ~~T~~ree mitigation shall be required.
  - (8) *Final Inspections.* All Permits will require, as a general condition, a final inspection to ensure compliance with the provisions of this Article. Final inspections shall be scheduled by the Applicant after the final grade is complete. Final inspections will be completed within three (3) working days after notification by the Applicant.
- (c) *Grand Tree Designation:* The standards set forth in Schedule A and Schedule B shall provide the parameters for Grand Tree designation in Sarasota County. Additionally, all Grand Trees shall have a seventy percent (70%) or greater Condition Classification.

Schedule A.

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

Schedule B.

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

(d) Baby Grand Tree Designation: The standards set forth in Schedule C shall provide the parameters for Baby Grand Tree designation in Sarasota County. Additionally, all Baby Grand Trees shall have a seventy percent (70%) or greater Condition Classification.

Schedule C.

| Species   | Minimum DBH inches Required |
|---|-----------------------------|
| <u>American Elm (<i>Ulmus americana</i>)</u>            | <u>18</u>                   |
| <u>Bald Cypress (<i>Taxodium distichum</i>)</u>         | <u>18</u>                   |
| <u>Gumbo Limbo (<i>Bursera simaruba</i>)</u>            | <u>18</u>                   |
| <u>Hickory (<i>Carya spp.</i>)</u>                      | <u>18</u>                   |
| <u>Live Oak (<i>Quercus virginiana</i>)</u>             | <u>18</u>                   |
| <u>Pine (<i>Pinus spp.</i>)</u>                         | <u>18</u>                   |
| <u>Redbay (<i>Persea borbonia</i>)</u>                  | <u>18</u>                   |
| <u>Sand Live Oak (<i>Quercus geminata</i>)</u>          | <u>18</u>                   |
| <u>Southern Magnolia (<i>Magnolia grandiflora</i>)</u>  | <u>18</u>                   |
| <u>Southern Red Cedar (<i>Juniperus silicicola</i>)</u> | <u>18</u>                   |
| <u>Sugarberry (<i>Celtis laevigata</i>)</u>             | <u>18</u>                   |
| <u>Sweetbay (<i>Magnolia virginiana</i>)</u>            | <u>18</u>                   |
| <u>Sweetgum (<i>Liquidambar styraciflua</i>)</u>        | <u>18</u>                   |

**SECTION 6.** Section 54-587 Public Education and Grand Tree Notification is hereby amended to read as follows:

- (a) Public Education. ~~The Administrator shall develop a process to identify Grand Trees within the jurisdiction of this Article and~~ conduct a public relations and education program to recognize, promote, identify, and preserve Grand Trees and Baby Grand Trees within Sarasota County. This program shall provide the citizens of Sarasota County with the awareness and technical assistance necessary to preserve Grand Trees and Baby Grand Trees within the County ~~and shall notify the owner of Grand Tree designation as identified on the current annual tax roll by regular U.S. mail.~~
- (b) Grand Tree Notification. ~~The Administrator shall develop a process to identify Grand Trees within the jurisdiction of this Article. When Grand Trees are identified, the Administrator shall notify the property owner of the Grand Tree designation and the requirements of this Article.~~

**SECTION 7.** Section 54-588 Tree protection during the Development of land is hereby amended to read as follows:

- (a) *Tree protection and Best Management Practices.*
- (1) Prior to and during land clearing, the owner, developer, contractor or agent shall clearly mark (with red flagging) all Trees proposed to be removed and shall erect barricades around all Trees to be protected. The barricades must remain in place and be in good condition throughout construction. Barricades may be removed for the final grading. Removal of other vegetation within the protected zone may be accomplished only if authorized by the Administrator and only by mowing or ~~h~~land clearing. Where unauthorized removal of native vegetation within the protected root zone occurs, the Administrator may require the replanting of understory vegetation. If improvements are to be located within the protected zone of Trees, clearing by machinery will be allowed, but only in the area and to the extent necessary to install the improvements. The Applicant, owner, developer, contractor or agent shall not cause or permit the movement of equipment, or the storage of equipment, material, debris, or the placement or grading of fill to be placed within the required protective barrier.
  - (2) During the construction stage, the owner, developer, contractor or agent shall not cause or permit the cleaning of equipment or material, or the storage or disposal of waste materials such as paints, oils, solvents, asphalt, concrete, mortar or any other material within the Drip Line of any Tree or group of Trees or within any native habitat or buffer.
  - (3) No damaging attachment wires (other than supportive wires for a Tree), signs or Permits may be fastened to any Tree.

- (4) Protective barricades for Trees ~~other than Grand Trees~~ shall be installed no closer than the Drip Line of the Tree. Barricades may be placed three (3) feet from the trunk of palms. Barricades shall be constructed in a post and rail configuration. The upright posts shall be a minimum of a 2-inch by 2-inch (common industry standard) wooden stake, four (4) feet long. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of three (3) feet above the ground. A minimum of a ~~one 1-inch~~ by four 4-inch (common industry standard) wooden board shall be used to connect the upright posts. Silt barriers or snow fencing may be substituted upon approval by the Administrator. The maximum distance allowed between upright posts is eight (8) feet. More protective barricades may be substituted with the approval of the Administrator.
- (5) Silt barriers, ~~hay bales,~~ or similarly effective erosion and sediment control barriers approved in the most recent version of the State of Florida Erosion and Sediment Control Designer and Reviewer Manual will be required in any area where erosion or ~~siltation~~ sedimentation may cause damage to Trees.
- (6) Where elevation changes are proposed within the protected zone of Trees, the Applicant will be required to justify the need for the elevation change and install retaining walls or drain tiles unless the Applicant demonstrates that such protection would be impractical. The Applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil from the protected zone.
- (7) The Administrator shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this Article.
- (8) The Administrator may allow certain activities to be conducted within the barricaded Drip Line of a Tree, so long as the County determines that the Tree will not be adversely affected.

(b) Grand Tree protection.

- (1) During Development all areas within a distance of 1-½ times the Drip Line of every Grand Tree shall be protected from activities that may disturb or injure the tree, (such as cut and fill activities, building pad placements, road bed construction, construction material storage, driving or parking of equipment, or trenching, etc.). The Administrator shall issue written conditions for work within the Drip Line of a Grand Tree only when an arboricultural plan has been approved.

(a) Grand Tree Protection Barrier Requirements. During Development activities or any other potential disturbance that will impact within a distance of 1-½ times the Drip Line of any Grand Tree, protective barriers shall be placed around each Grand Tree to prevent the destruction or damaging of roots, stems, or crowns of such Trees. Barriers shall remain

in place and intact until the work is completed. Barriers may be removed temporarily to accommodate construction needs, provided that the manner and purpose for such temporary removal will not harm the Tree and is approved by the Administrator. The following are the minimum requirements for protective barriers:

- (1) Protective posts shall be placed at a distance of 1-½ times the Drip Line from the trunk for each Grand Tree, except when a plan has been approved by the Administrator to place the posts closer to the trunk.
- (2) Posts shall be a minimum of 2-inch by 4-inch or larger wooden posts and shall be connected with a minimum of at least a 1-inch by 4-inch wooden board and shall be clearly flagged. Other similar methods, such as construction fencing, may be permitted, if approved in writing, by the Administrator in advance of installation. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of three (3) feet above the ground. Silt barriers and snow fencing may be a substitute at the discretion of the Administrator.
- (3) Where Development activity is permitted within a distance of 1-½ times the Drip Line from the trunk of a Grand Tree, the Administrator may require additional Tree protection provisions to be incorporated in the conditions of the permit to assure the protection of the Grand Tree.
- (4) Where elevation changes are proposed within a distance of 1-½ times the Drip Line from the trunk of any Grand Tree, the Applicant will be required to install retaining walls or drain tiles unless the Applicant demonstrates such protection would be impractical. The Applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill or excavation of soil within a distance of 1-½ times the Drip Line from the trunk.
- (5) A sign shall be installed at the edge of each Grand Tree barricade stating, "No activities are allowed within barricaded area, unless approved by the County." The text on the sign shall be written in English and Spanish. The Administrator may require a barricade sign for other types of Trees based on the site specific conditions and when there is a higher potential for adverse impacts to a Tree.

Comment [MO1]: Moved from other section of 54-588, no text changes.

- (2) *Proper Grand Tree Care: Canopy and Root Pruning.* When activities affect the Grand Tree within a distance of 1-½ times the Drip Line or when pruning must be performed on the crown of a Grand Tree, the following arboricultural techniques are required:
- (a) Roots must be severed by clean pruning cuts. Roots can be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, pruning saw or other equipment designed for Tree pruning. Root pruning shall be to a depth of twelve (12) inches below existing grade or to the depth of the disturbance if greater than twelve (12) ———inches below the existing grade. When underground utilities are to be installed through the Drip Line, root pruning requirements will be waived if the lines are installed via tunneling or directional boring as opposed to trenching.
  - (b) All pruning of Grand Trees shall conform to the latest edition of the ANSI (American National Standards Institute) A300 Standards ~~1995 or latest edition~~. A copy of these sStandards is available through the Natural Resources Department at 1301 Cattlemen Road, Sarasota, Florida and 4000 South Tamiami Trail, Venice, Florida~~Board of County Commissioners, Board Records Office.~~
  - (c) Neither canopy ~~and/or~~nor root pruning can declassify a Tree from Grand Tree status. If pruning activities have been conducted prior to the Administrator’s determination regarding the classification of the Tree and the Tree would have met the requirements to be classified as a Grand Tree, the Administrator may classify it as such.

~~(3) Grand Tree Protection Barrier Requirements. During Development activities or any other potential disturbance that will impact within a distance of 1 ½ times the dripline of any Grand Tree, protective barriers shall be placed around each Grand Tree to prevent the destruction or damaging of roots, stems, or crowns of such Trees. Barriers shall remain in place and intact until the work is completed. Barriers may be removed temporarily to accommodate construction needs, provided that the manner and purpose for such temporary removal will not harm the tree and is approved by the Administrator. The following are the minimum requirements for protective barriers:~~

- ~~(a) Protective posts shall be placed at a distance of 1 ½ times the dripline from the trunk for each Grand Tree, except when a plan has been approved by the Administrator to place the posts closer to the trunk.~~
- ~~(b) Posts shall be a minimum of 2 by 4 inches or larger wooden post and shall be connected with a minimum of at least a 1 by 4 inch wooden board and shall be clearly flagged. Other similar methods,~~

~~such as construction fencing, may be permitted if approved in writing by the Administrator in advance of installation. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of 3 feet above the ground. Silt barriers and snow fencing may be a substitute at the discretion of the Administrator.~~

~~(e) Where Development activity is permitted within a distance of 1 ½ times the dripline from the trunk of a Grand Tree, the Administrator may require additional Tree protection provisions to be incorporated in the conditions of the permit to assure the protection of the Grand Tree.~~

~~(d) Where elevation changes are proposed within a distance of 1 ½ times the dripline from the trunk of any Grand Tree, the applicant will be required to install retaining walls or drain tiles unless the applicant demonstrates such protection would be impractical. The applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill or excavation of soil within a distance of 1 ½ times the dripline from the trunk.~~

~~(e) A sign shall be installed at the edge of each Grand Tree barricade stating, "No activities are allowed within barricaded area, unless approved by the County." The text on the sign shall be written in English and Spanish. The Administrator may require a barricade sign for other types of Trees based on the site specific conditions and when there is a higher potential for adverse impacts to a Tree.~~

Comment [MO2]: Moved to other section of 54-588, no text changes.

(c) Baby Grand Tree Protection.

(1) The protection of Baby Grand Trees shall be consistent with Section 54-588(a).

(2) A sign shall be installed at the edge of each Baby Grand Tree barricade stating: "No activities are allowed within barricaded area, unless approved by the County." The text on the sign shall be written in English and Spanish. The Administrator may require a barricade sign for other types of Trees based on the site specific conditions and when there is a higher potential for adverse impacts to a Tree.

**SECTION 8.** Section 54-589 Tree planting, relocation or replacement is hereby amended to read as follows:

(a) *Conditions.* As a condition of granting a Tree Permit, the Applicant may be required, where practical (see subsections (b) and (c) of this section), to plant Trees, relocate the Tree(s) being removed or replace the Tree(s). The replacement(s) shall: have at least equal shade potential and other characteristics comparable to those of the Tree(s) removed, be a minimum of eight (8) feet high at time of planting, have the potential of at least a fifteen (15)-foot crown, be a species protected by this Article, and be Florida

Department of Agriculture Nursery Grade #1 or better. A list of acceptable replacement Trees will be on file in the Administrator's office, and will be attached to Permits that require planting. Alternatives with respect to size and species may be approved if the Applicant demonstrates that such substitutions will be consistent with the purposes of this Article. Written approval from the Administrator is required prior to planting any alternative Tree.

(b) *Tree planting and replacement.*

(1) *Tree Permits with Tree Removal.* In connection with the removal of any Tree(s) pursuant to a Tree Permit, a minimum number of replacement Trees shall be required based on the following square footage areas. A minimum of one (1) Tree will be required for each 2,000 square feet of the parcel for which a Tree Permit has been issued.

(2) *Tree Permits on Properties with No Trees.* When Development is proposed on a property with no existing Trees, the following Tree planting requirements shall be applicable:

(a) *Residential Properties.*

1. Less than ½ acre. One (1) Tree shall be planted for each 2,000 square feet of the property.
2. Greater than ½ acre. A minimum of eleven (11) Trees shall be planted.
3. Alternative to planting on residential Hlots. When subdividing a property, the County may approve a request to plant Trees on a common tract or tracts within the same subdivision in lieu of planting on Hlots, or a combination thereof. The total amount of Trees planted for the subdivision, shall be equal to or greater than one Tree planted for each 2,000 square feet for all of the residential Hlots combined that are located within the subdivision. If this alternative is proposed, the following criteria shall apply:
  - a. The planted Trees shall not be located within a Preservation Area;
  - b. The planted Trees shall be located adjacent to a native habitat area or a community park; and
  - c. The planted Trees shall be required to be maintained in perpetuity.

(b) *Commercial Properties.*

1. One (1) Tree shall be planted for each 2,000 square feet of the property.

(3) *Tree Permits with No Impacts to Trees.* When Development is proposed on a property with existing Trees, but no impacts are proposed, the Applicant shall adhere to the requirements contained in Section 54-589(b)(2). Protected Trees may be counted toward the total number of Trees required to be planted.

~~(4) *Grand Trees.* All Grand Trees shall be replaced on a DBH inch for DBH inch basis. When the Administrator determines that site specific conditions limit or prevent the replacement of Trees on-site (e.g. exceeding the one Tree for each 2,000 square foot replanting requirement), the applicant shall pay \$200.00 per DBH inch not replanted to the reforestation special revenue fund.~~

**Comment [MO3]:** Moved to other section of 54-589 with minor changes for clarification.

~~45) *Excavations.* For excavations of greater than 50,000 cubic yards, and for which a Minor or Major earthmoving permit is issued, the replanting requirement shall be reduced to a minimum of five (5) Trees per acre except that all such excavations that were issued earthmoving permits prior to June 8, 1998, shall not be subject to these replacement requirements. However, any Tree(s) left in good growing condition on the site shall be counted toward these minimum numbers.~~

~~(65) *Replacement Tree Selection.* Selection of replacement Trees, their number and species shall be determined by analysis of Tree canopy cover, spatial limitations, other characteristics and soil conditions.~~

~~(76) *Tree Planting Requirements.* The following shall be applicable to all Tree plantings required pursuant to this Article:~~

- ~~(a) Replacement Trees shall be a species of similar height and crown spread, and Florida #1 or better quality as per Grades and Standards for Nursery Plants (Florida Department of Agriculture and Consumer Services). All replacement Trees shall be a minimum of eight (8) feet in height when planted, and have a trunk diameter of at least two (2) inches (measured at six (6) inches above the ground). Trees must be a minimum of 25-gallon container size or have a minimum two (2)-foot root ball if field grown.~~
- ~~(b) Trees shall be placed so that they will develop freely and at maturity will not crowd utility lines or other structures. The root ball must be planted at the proper height and in accordance with accepted nursery standards. Trees shall have a mulched bed a minimum of three (3) feet in diameter and three (3) inches deep to conserve water and promote growth.~~
- ~~(c) If Trees need to be staked, it shall be done in a manner that will not injure the Tree. The straps attached around the trunk shall be a broad, soft material and shall be tied loosely enough to allow movement of the trunk in the wind.~~

(87) *Single-Family Tree Plantings.* For single-family platted ~~L~~lots, the County may approve the on-site relocation of a Tree planted pursuant to a Tree Permit. The County may also approve a different species of Tree to be replanted.

(8) *Tree survival.* Consultation with the Administrator is recommended during the entire Tree planting program. All Trees, except those planted to satisfy replacement for a Grand Tree, relocated or replaced in accordance with the terms of this Article shall be replaced by the current property owner should the Trees expire anytime within seven (7) years after planting, as determined by the Administrator.

Comment [MO4]: Moved from other section of 54-589, no text changes.

(c) *Grand Tree planting and replacement.*

(1) *Tree Permits with Grand Tree Removal.* All Grand Trees shall be replaced on a DBH inch for DBH inch basis of the same or equivalent species.

(a) All required replacement Tree(s) for a Grand Tree(s) removal are held in perpetuity or until such time that a permit is approved for their removal.

(b) When the Administrator determines that site specific conditions limit or prevent the replacement of Trees on-site (e.g. exceeding the one (1) Tree for each 2,000 square feet replanting requirement), the Applicant shall pay \$200.00 per DBH inch not replanted to the ~~R~~eforestation ~~S~~pecial ~~R~~evenue ~~F~~und.

Comment [MO5]: Moved from 54-589 with minor changes for clarification.

(2) *Tree Planting Requirements.* Replacement Trees shall be consistent with Section 54-589 (b)(6).

(d) *Baby Grand Tree planting and replacement.*

(1) *Tree Permits with Baby Grand Tree Removal.* In connection with the removal of any Baby Grand Tree(s) pursuant to a Tree Permit, the following criteria shall be met:

(a) Three (3) Trees will be required to be planted for each Baby Grand Tree removed. If the Lot contains at least one (1) Tree species identified in Schedule C for every 2,000 square feet of the property after the removal of the Baby Grand Tree(s) authorized to be removed, no replacement Trees are required.

(b) All Baby Grand Tree replacement Trees shall be in addition to those Trees required to be planted pursuant to Section 54-589(b)(1).

(c) When the Administrator determines that site specific conditions limit or prevent the replacement of Trees on-site, the Applicant shall pay \$250.00

per every Tree that cannot be replanted to the Reforestation Special Revenue Fund.

(2) Replacement Tree Selection. Baby Grand Trees shall be replaced with only those species identified in Schedule C. The Administrator may consider alternative species if unique site specific characteristics do not provide suitable conditions for the replacement Tree species.

(3) Tree Planting Requirements. Replacement Trees shall be consistent with Section 54-589 (b)(6).

(e) Tree bank. Where a Tree(s) is (are) to be removed under the provisions of this Article, the County shall have the option, with the owner's permission, to relocate the Tree(s) (not being relocated within the property) at the County's expense. If the County does not elect to relocate any such Tree, it may give the School Board or any city within the County the right to acquire any such Tree(s) at the School Board's or city's expense for Relocation. The Relocation shall be accomplished within fifteen (15) working days of the issuance of a Permit, unless it is necessary to root prune the Tree(s) to assure survival, in which case the Relocation shall be accomplished within thirty (30) working days of the issuance of a Permit or other suitable schedule as agreed to by all parties.

(df) Credit for other plantings. Trees planted in compliance with the requirements of the Land Development Regulations (Chapter 74 of this Code) and landscaping requirements of the Zoning Ordinance (Appendix A to this Code) may be used to help satisfy the requirements of this sSection.

(eg) Timing and location. Trees required to be planted in accordance with this sSection shall be in place and established prior to the issuance of a certificate of occupancy. In the event that Trees have been removed pursuant to a Tree Permit, but Development does not commence within the timeframe specified pursuant to the Development Permit, the Administrator may require replanting at a specified time or a mitigation payment in accordance with this Article. Replacement Trees shall not be located closer than three (3) feet to any property line, or six (6) feet from any utility line or County easement. Replacement Trees shall not be planted underneath or near overhead utility lines unless they are a species that, when mature, will not interfere with the utility line. The planting site must have sufficient root zone and canopy space to reasonably allow the Tree(s) to grow to a mature size. If greater than ~~four~~ ten (10) Trees are required to be planted on a site, a minimum of three (3) species shall be planted with no one species comprising more than fifty percent (50%) of the total numbers of Trees planted.

~~(f) Tree survival. Consultation with the Administrator is recommended during the entire Tree planting program. All Trees relocated or replaced in accordance with the terms of this Article shall be replaced by the current property owner should the Trees expire anytime within seven years after planting, as determined by the Administrator.~~

Comment [MO6]: Moved to other section of 54-589, no text changes.

**SECTION 9.** Section 54-591 Compliance and Enforcement shall be amended to read as follows:

Sarasota County has the authority to enforce any permit or stipulation, as well as, any provisions of this Article per Chapter 2, Article VIII of the Sarasota County Code of Ordinances and per provisions of the Florida Statutes, Chapter 162.

(a) *Civil and Administrative.*

- (1) The Administrator may withhold issuance of a permit or deny an application or other authorization if there is an existing unresolved violation of the Sarasota County Code on the subject property.
- (2) The Administrator will issue a stop work order when it has been determined that work at the site:
  - (a) Is proceeding in violation of this Article, a permit or other authorization issued hereunder or proceeding without any required authorization; or
  - (b) Poses an imminent and significant hazard to the public health, safety, or welfare, or to the environment.
- (3) The County may issue an After-the-Fact authorization to correct a violation.
  - (a) The activities can meet all of the standards in this Article at the time the Trees were removed.
  - (b) The activities can be authorized without approval by the Board of County Commissioners.

(b) *Enforcement and Penalties.*

- (1) A violation of any provision of this Article shall be processed according to Chapter ~~2.H~~, Article VIII of the Sarasota County Code of Ordinances and per provisions of the Florida Statutes, Chapter 162. Each day of any such violation shall constitute a separate and distinct offense.
- (2) The Administrator may require corrective actions through a consent decree, including but not limited to, ~~R~~restoration of any native habitats impacted as a result of the violation activities. The Administrator may also require monitoring in accordance with the standards established within the Land Development Regulations. If a compliance case ~~ends up in~~ is elevated to a court of competent jurisdiction, the Administrator may require the violator to pay attorneys fees.
- (3) The Administrator may require a violator to mitigate any Tree or Baby Grand Tree removed without authorization by either of the following alternatives:

(a) Replanting a Tree of twice the size and type on the property. The Applicant may choose to mitigate the violation by replanting the same type Trees with ~~three (3)-~~ inch diameter or greater, in a sufficient number such that the total number of DBH inches of the replanted Trees equals twice the total number of DBH inches of Trees removed without authorization. Trees shall be Florida #1 or better quality as per Grades and Standards for Nursery Plants (Florida Department of Agriculture and Consumer Services).

(1) In lieu of replanting, or combination thereof, the Applicant may choose to mitigate the violation by paying a mitigation fee of \$200.00 per diameter inch of the Trees removed without authorization, to the ~~R~~eforestation ~~S~~pecial ~~R~~evenue ~~F~~und.

(4) Grand Trees. Any Grand Tree removed in violation of this Article or any permit issued hereunder shall be mitigated by paying a fee equal to \$500.00 per diameter inch (DBH) to the ~~R~~eforestation ~~S~~pecial ~~R~~evenue ~~F~~und.

(54) Administrative Costs and Penalties. Administrative costs and penalties collected as part of enforcement of this Article shall be placed in the Sarasota County Reforestation Special Revenue Fund, as established in Resolution No. 95-031. This ~~F~~und shall be used only for the purposes of acquiring, planting, and protecting Trees within the County. A maximum of ten percent (10%) may be used to recover costs of administration and enforcement of this Article. Any mitigation fee imposed by a hearing officer or Special ~~Master~~Magistrate shall be deposited into the ~~R~~eforestation ~~S~~pecial ~~R~~evenue ~~F~~und. The Fund shall be kept and maintained by the Clerk of the Board of County Commissioners.

(1) Any attorney's fees accumulated during the violation process of this Article shall be paid by the violator.

(c) *Disbursement of Funds.*

(1) The General Manager of the Natural Resources Department shall have the authority to disburse funds for projects in accordance with the following criteria:

(a) Projects shall involve plantings on publicly owned land.

(b) Projects shall not be used to satisfy any landscaping required per the County Zoning Ordinance No. 2003-052 and codified as Appendix A, Zoning, Article 7, Section 7.3 (Landscaping and Buffering).

(c) Projects may include enhancement or restoration of native habitats, not required through permitting or regulation.

(d) *Enforcement of Code by other means.* A violation of any of the provisions of this Article or of any regulations adopted or permit conditions approved pursuant to this Article shall be punishable in the same manner as a misdemeanor as provided by law.

**SECTION 10.** Effective Date: This Ordinance shall take effect immediately upon receipt by the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

By: \_\_\_\_\_  
Chairman

ATTEST:

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

By: \_\_\_\_\_  
Deputy Clerk