CITY OF PENSACOLA
ENVIRONMENTAL ADVISORY BOARD

WEDNESDAY, FEBRUARY 26, 2014
*2:00 P.M.*

Vince Whibbs, Sr. Conference Room
1st Floor, City Hall

AGENDA

1. Call to Order/Quorum

2. Approval of Minutes:
   a) January 22, 2014

3. Old Business:
   a) Fish Hatchery: Presentation by Gil McRae
   b) Enforcement of Tree Ordinance: Presentation by Bill Kimbell

4. New Business:

5. Reports and Announcements

6. Board Member Comments

7. Public Comments—Open Forum

8. Adjourn

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City of Pensacola
Environmental Advisory Board (EAB)

Meeting Minutes
January 22, 2014

Members present: Chasidy Hobbs, Chair, Eleanor Godwin, Blair Stephenson, Kyle Kopychak, Frankie Stoutemire, Debbie Hitchcock, Mary Gutierrez, Theresa Friday (recorder)

Others in Attendance: Sherri Myers, Councilmember; Clark Merritt, Office of Sustainability; Lila Cox, Haley Chouinard (PNJ), Brent Wipf, Jimmie Jarratt, Rayne Mattson

1. Call to Order: Chair Hobbs called the meeting to order at 2:30pm. A quorum was present.

2. Approval of Minutes: Eleanor Godwin moved, seconded by Kyle Kopychak, to approve the minutes from the December 4, 2013 meeting. Motion passed with Mary Gutierrez abstaining.

3. Old Business
   (A) City Tree Canopy Aerial Study Results: Presentation by Jimmie Jarratt, Escambia County Arborist: Ms. Jarratt presented a PowerPoint on the preliminary results and progress of the tree canopy project.

   The presentation indicated that the recommended tree canopy goal for municipalities is 40% to 50% depending on the source. The recommendation is different for riparian zones (45-65% coverage). The City of Pensacola’s canopy coverage is currently at 29.29%. The tree canopy in 1994 was 40.34%

   Ms. Jarratt cautioned that knowing the tree canopy coverage doesn’t tell the whole story. These results do not consider a tree’s age or species. A publication by the University of Florida/IFAS entitled “Southern Escambia County, Florida’s Urban Forests” indicated that in 2008, 82% of all trees were in only ten (10) species. Ms. Jarratt indicated that the top two species were live oaks and laurel oaks.

   Ms. Jarratt indicated that the next step is to evaluate 2013 infrared data and asked for input on how the EAB would like the data presented. Board members suggested (1) riparian areas because it would also provide data to address water quality issues (2) land use (3) public vs. private land (4) drainage issues (5) population and corridors.

   (B) Determine Ground Truthing Plan and Timeline for Tree Fund Recommendations: Chair Hobbs stated that a University of West Florida student intern is currently working on ground truthing the City’s parks to assist the EAB in making recommendations for the tree fund. The intern’s report will include species, tree health and size. Mary Gutierrez indicated that she has 2012 tree survey data for the Baybluffs and Old Chimney area.
4. New Business
   (A) **2014 Plan of Action:** Following a presentation by Chair Hobbs, the City Council in their meeting of Jan. 9, 2014, approved the Environmental Advisory Board’s 2014 plan of action.
   (B) **Fish Hatchery:** During their Jan. 9, 2014 meeting, the City Council discussed a proposal to task the Environmental Advisory Board with looking at environmental issues the board feels should be addressed regarding the proposed Fish Hatchery on Bruce Beach. The agenda item was initiated by Councilmember Sherri Myers who submitted an open-ended memo recommending the vetting of the project by the EAB. Chair Hobbs was given three minutes to address the issue. The issue was tabled at that meeting and rescheduled for the next City Council meeting.
   Chair Hobbs recommended that scientists be invited to an EAB meeting to discuss fish hatcheries. Kyle Kopychak expressed concern that monthly meetings do not provide enough time for a proper review of the project and suggested additional meetings. It was agreed that the EAB can comment on the overall “concept” of the hatchery project.
   (C) **Enforcement of Tree Ordinance:** Blair Stephenson expressed concern that trees were being removed in violation of the City’s tree ordinance. She informed the EAB that Bill Kimbell has replaced Billy Jarmen. Blair Stephenson made a motion to invite city staff to an EAB meeting to discuss providing education on the tree ordinance to tree removal companies; seconded by Eleanor Godwin.
   Discussion: Mary Gutierrez stated that the enforcement of the tree ordinance should come from the Code Enforcement department. Chair Hobbs was concerned that the City cannot require training and questioned its effectiveness. It was stated that Tallahassee just passed a requirement for tree companies to received training. Kyle Kopychak asked for a copy of the current tree ordinance.
   Motion passed. Blair Stephenson was asked to proceed with the invitation.

5. Reports and Announcements: None

6. Board Member Comments: Mary Gutierrez indicated that she is this year’s Director of Earth Day Pensacola in April and it might be possible to offer some tree education and/or information at that venue.

7. Public Comments—Open Forum: Attendee Rayne Mattson questioned the inclusion of laurel oaks in the City’s tree ordinance.

8. Adjourn: The meeting adjourned at 3:48 pm. Next meeting should be scheduled for February 26, 2014.
CHAPTER 12-6. TREE/LANDSCAPE REGULATIONS

Sec. 12-6-1. Purpose.

The purpose of this chapter is to establish protective regulations for trees and landscaped areas within the city. Such areas preserve the ecological balance of the environment, control erosion, sedimentation and stormwater runoff, provide shade and reduce heat and glare, abate noise pollution, and buffer incompatible land uses. The intent of this chapter is to encourage the preservation of existing trees. It is critical that a balance be maintained between developed areas and natural/landscaped areas with appropriate existing and/or newly planted trees and other vegetation. The intent is also to provide for the future of our citizens through maintaining vital vegetative species that will reproduce for future generations.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-2. Applicability.

(A) Zoning districts. The provisions of this chapter shall be applicable within the following zoning districts:

(1) Residential districts.
   (a) R-1AAAAA through R-1A districts
   (b) R-ZL (zero lot line dwelling district)
   (c) R-2A and R-2B (multiple-family)

(2) Mixed residential districts.
   (a) R-2 (residential/office)
   (b) R-NC (residential/neighborhood commercial)

(3) Commercial districts.
   (a) C-1 (local commercial)
   (b) C-2 (general commercial)
(c) R-C (residential commercial)
(d) C-3 (general commercial and limited industry)

(4) Industrial districts.
(a) M-1 (wholesale/light industry)
(b) M-2 (light industry)

(5) Other districts. The provisions of this chapter shall also be used as guidelines in reviewing site plans in site specific zoning and development (SSD) amendment applications, airport transition zone (ATZ-1 and ATZ-2) districts and in applications for special planned developments.

(B) Public institutional uses and churches. The provisions of this chapter shall be applicable to public institutional uses and churches. Public institutional uses and churches located in R-1AAAAA through R-1A zones shall not be exempt from the provisions of this chapter. In addition, these uses shall conform with the requirements of subsection 12-6-3(A) and all other sections of this title applicable to the R-ZL, R-2A, R-2B and R-2 zones.

(C) Exemptions. All single-family and duplex uses are exempt from the provisions of this chapter, except as provided for in section 12-2-32 (buffer yards), subsection 12-6-2(D) (heritage trees) and subsection 12-6-6(D) (new subdivisions). The C-2A downtown retail commercial district is exempt from the provisions of this chapter, except as provided for in subsections 12-6-6(A), (E), (F), and (G). All healthcare related uses of property owned or controlled by an entity which is licensed as an acute care hospital under F.S. Ch. 395, owned or controlled by a parent company of an entity which is licensed as an acute care hospital under F.S. Ch. 395 are exempt from the provisions of this chapter, except as provided for in section 12-6-3 and subsections 12-6-6(A), (C), (E), (F), and (G). In conjunction with the development of any such healthcare related use, a payment of five thousand dollars ($5,000.00) per acre of new developed impervious surface area shall be made to the tree planting trust fund. The designated clear zone areas around the Pensacola Regional Airport and any other area identified by the airport manager and approved by the city council as critical to aircraft operations shall be exempt from this chapter.

(D) Heritage trees. A protected tree identified by species in Appendix A of this chapter which is thirty-four (34) inches or greater in diameter as measured at Diameter Breast Height (DBH). Heritage trees are protected in all the zoning districts listed in section 12-6-2, and for all land uses. Removal, cutting or pruning of heritage trees on proposed development sites may be permitted upon approval of a landscape and tree protection plan (section 12-6-4). Removal, cutting or pruning of heritage trees on developed property may be authorized upon issuance of a permit per section 12-6-7. A permit will be required for removal of a heritage tree in all zoning districts listed in section 12-6-2, and for all land uses, including single-family or duplex as set out in section 12-6-7.

(E) DBH. All tree measurements shall be taken at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (54 inches) above ground. If the tree has a bump or branch at four and one-half (4½) feet above ground then DBH shall be measured immediately below the bump or branch. If the tree is growing vertically on a slope, DBH shall be measured from the midpoint of the trunk along the slope. If the tree is leaning, DBH shall be measured from the midpoint of the lean. If the tree forks below or near DBH the tree shall be measured at the narrowest part of the main stem below the fork. If the tree splits into more than one (1) trunk close to ground level, DBH shall be determined by measuring each of the trunks separately and then taking the square root of the sum of all squared stem DBHs.
Notwithstanding any other provision of this chapter, the mitigation cost to a residential property owner (single-family and duplex uses) shall not exceed one thousand dollars ($1,000.00).

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-3. Landscaping requirements.

The following landscaping requirements apply to all types of land uses and zoning districts listed in section 12-6-2 of this chapter:

(A) Landscape area requirements. The minimum percentage of the total developable site, which shall be devoted to landscaping, unless otherwise specified in this chapter, shall be as follows:

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>PERCENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-ZL, R-2A, R-2B, R-2</td>
<td>25</td>
</tr>
<tr>
<td>R-NC, C-1, C-2, R-C</td>
<td>25</td>
</tr>
<tr>
<td>C-3, M-1, M-2</td>
<td>20</td>
</tr>
<tr>
<td>SSD, ATZ-1, ATZ-2</td>
<td>25</td>
</tr>
</tbody>
</table>

(B) Off-street parking and vehicle use areas. Off-street parking regulations apply to all parking facilities of twenty (20) spaces or more. Off-street parking facilities and other vehicular use areas shall meet the following requirements:

(1) Perimeter requirements. A ten-foot wide strip of privately owned land, located along the front and/or side property line(s) adjacent to a street right-of-way shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Width of sidewalks shall not be included within the ten-foot wide perimeter landscape area. This perimeter landscape requirement shall be credited toward the percentage required for the total developable site in subsection 12-6-3(A), above. Material requirements in perimeter area are as follows:

(a) One (1) tree for each thirty-five (35) feet of linear foot frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three (3) inches DBH. The trees shall be container grown if planted during the months of March through October. During the remaining months, balled and burlapped (B&B) material may be used. Appropriate documentation shall be provided to the parks and recreation department. An automatic irrigation system shall be required with a separate zone with bubblers to each tree planted on site. When multiple trunk trees are specified, such as crape myrtle, each stem must be a minimum of one and one-half (1½) inches DBH, with a minimum of three (3) stems. These type trees shall not be cut back prior to planting. Seventy (70) percent of the trees for any site shall be shade trees, unless a lesser percentage is approved by the parks and recreation department. The remaining area within the perimeter strip shall be landscaped with other landscape materials.

(b) Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three (3) [feet] and
nine (9) feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.

(c) If trees are required where overhead utilities exist, and such trees may create a maintenance potential, only species whose expected height at maturity will not create interference may be planted.

(2) Interior planting areas. Interior planting areas within parking lots shall be determined by subtracting the area set aside in the ten-foot perimeter strip from the total minimum area required to be landscaped in subsection 12-6-3(A), above. This remaining percentage shall be allocated throughout the parking lot or in areas, which are adjacent to the parking lot other than in the perimeter strip. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Minimum sizes of interior planting areas are as follows:

(a) A minimum of one hundred (100) square feet of planting area shall be required for each new species type A tree identified in Appendix "A" and small species identified in Appendix "B".

(b) A minimum of two hundred (200) square feet of planting area shall be required for each new species type B and type C tree identified in Appendix "A" and medium and large species identified in Appendix "B".

(c) A twelve-foot by thirty-six-foot planting island shall be required on each end of every double row of parking and a twelve-foot by eighteen-foot island on each end of a single row of parking shall be required. Also, a minimum of one (1) additional island at the midpoint of the parking bays for rows having over ten (10) parking spaces shall be required. The additional island shall be centered in each row. Any adjustment to this requirement must have written approval from the building official.

(d) A minimum planting area of seventy-five (75) percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than seventy-five (75) percent is needed to preserve the tree, the city shall have the right to require up to one hundred (100) percent of the dripline. Approved pavers may be used in certain situations, if approved by the building official. Pervious surfaces are strongly encouraged.

(3) Vehicle overhang. Vehicles shall not overhang any interior planting area or perimeter strip. Tire stops are required to be used in these situations.

(4) Curbs; protection of vegetation. Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation of the water to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the tree(s).

(C) Buffer yards between zoning districts and uses. Regulations applicable to buffer yards are specified in section 12-2-32 of this Code.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)
Sec. 12-6-4. Landscape and tree protection plan.

A landscape and tree protection plan shall be required as a condition of obtaining any building permit or site work permit for townhouse residential, multi-family residential, commercial and industrial development as specified in section 12-6-3. The plan shall be submitted to the community development department inspection services division. A fee shall be charged for services rendered in the review of the required plan (see chapter 7-14 of this Code).

No building permit or site work permit shall be issued until a landscape and tree protection plan has been submitted and approved. Clearing and grubbing is only permitted after a site has received development plan approval and appropriate permits have been issued. The building official may authorize minimal clearing to facilitate surveying and similar site preparation work prior to the issuance of permits. No certificate of occupancy shall be issued until the building official has determined after final inspection that required site improvements have been installed according to the approved landscape and tree protection plan. In lieu of the immediate installation of the landscaping material and trees, the city may require a performance bond or other security in an amount equal to the cost of the required improvements in lieu of withholding a certificate of occupancy, and may further require that improvements be satisfactorily installed within a specified length of time.

(A) Contents of landscape and tree protection plan. The landscape and tree protection plan shall be drawn to scale by a landscape architect, architect or civil engineer licensed by the State of Florida, and shall include the following information unless alternative procedures are approved per sections 12-6-8 or 12-6-9

- Location, size and species of all trees and shrubs to be planted.
- Location of proposed structures, driveways, parking areas, required perimeter and interior landscaped areas, and other improvements to be constructed or installed.
- Location of irrigation system to be provided. All planted areas shall have an underground irrigation system designed to provide one hundred-percent coverage.
- Landscape and tree protection techniques proposed to prevent damage to vegetation, during construction and after construction has been completed.
- Location of all protected trees noting species and DBH.
- Identification of protected trees to be preserved, protected trees to be removed, including dead trees, and trees to be replanted on site.
- Proposed grade changes which might adversely affect or endanger protected trees with specifications on how to maintain trees.
- Certification that the landscape architect, architect or civil engineer submitting the landscape and tree protection plan has read and is familiar with Ch. 12-6 of the Code of the City of Pensacola, Florida, pertaining to Tree and Landscape Regulation.

(B) Installation period. All landscape materials and trees depicted on the approved landscape plan shall be installed within one (1) year of the date of issuance of the building permit for the site.

(C) Quality. All plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", current edition, State of Florida, Department of Agriculture and Consumer Services, Division of Plant Industry, Tallahassee, Florida, a copy of which shall be maintained for public inspection in the department of leisure services.

(D) Notice. If removal is sought for two (2) or more heritage trees or for more than ten (10) protected trees (including heritage trees sought to be removed) and/or if removal of
more than fifty (50) of existing protected trees is sought within any property in any zoning district identified in section 12-6-2, a sign shall be posted no further back than four (4) feet from the property line nearest each respective roadway adjacent to the property. One (1) sign shall be posted for every one hundred (100) feet of roadway frontage. Each sign shall contain two (2) horizontal lines of legible and easily discernable type. The top line shall state: "Tree Removal Permit Applied For." The bottom line shall state: "For Further Information Contact the City of Pensacola." The top line shall be in legible type no smaller than six (6) inches in height. The bottom line shall be in legible type no smaller than three (3) inches in height. There shall be a margin of at least three (3) inches between all lettering and the edge of the sign. The signs shall be posted at by the applicant at their expense, and shall remain continuously posted until the requisite building, site work, or tree removal permit has issued.

(Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-5. Maintenance.

The legal owner of record as appears on the current tax assessment roll or the designated lessee or agent shall be responsible for the maintenance of all landscape areas which shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. Within three (3) months of a determination by the building official or other city-designated official, that a protected tree required to be retained on a development site (as part of an approved site development plan) or required landscaping is dead or severely damaged or diseased, the protected tree or landscaping shall be replaced by the owner in accordance with the standards specified in this chapter (chapter 12-6). The building official may approve additional time appropriate to the growing season of the species in question, not to exceed one (1) year.

All portions of any irrigation system shall be continuously maintained in a condition such that the intent of an irrigation design is fulfilled. Uncontrolled emission of water from any pipe valve, head, emitter, or other irrigation device shall be considered evidence of non-maintenance.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-6. Protected trees.

Protected trees are those trees identified by species and size in Appendix A of this chapter if living and viable. Where protected trees are identified on a site proposed for lot clearing within the applicable zoning districts identified in section 12-6-2, the number of protected trees to be preserved on the site shall be determined based upon the final approved location of proposed structures, driveways, parking areas, and other improvements to be constructed or installed.

(A) Preservation Incentives.

(1) Parking space reduction. A reduction of required parking spaces may be allowed when the reduction would result in the preservation of a protected tree with a trunk of twelve (12) inches DBH or greater. Such reduction shall be required when the reduction would preserve a heritage tree. The following reduction schedule shall apply:

<table>
<thead>
<tr>
<th>Number of Required Parking Spaces</th>
<th>Reduction of Required Parking Spaces Allowable</th>
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<tr>
<td>5–9</td>
<td>1</td>
</tr>
<tr>
<td>10–19</td>
<td>2</td>
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<tr>
<td>20 or above</td>
<td>10 percent of total number of spaces (total reduction regardless of number of trees preserved).</td>
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(2) **Consideration of park and open space requirement.** A reduction or waiver of the required park and open space (or payment in lieu of land dedication) for new residential subdivisions specified in section 12-8-6 may be approved by the mayor or their designee when it is determined that said waiver will result in the preservation of five (5) or more protected trees with a trunk of twelve (12) inches DBH or greater.

(3) **Sidewalks.** Modifications to sidewalks, their required location, and width and curb requirements, may be allowed as necessary to facilitate the preservation of any protected tree.

(4) **Credit for additional landscaping.** The mayor or his or her designee may authorize up to one-half (½) of the total calculated mitigation cost (as determined according to subsection 12-6-6B(4), (5)) to be used by the applicant for additional landscaping, which is defined as landscaping that is not required by this chapter or any other law. Additional landscaping shall meet the following minimum standards:

- (a) A minimum of seventy-five (75) percent of all required plant material shall consist of evergreen species.
- (b) All landscape material shall be placed so as to maximize its screening and/or coverage potential at maturity.
- (c) All shrub material shall be a minimum height of thirty (30) inches and have a minimum crown width of twenty-four (24) inches when planted and shall be a species capable of achieving a minimum height of eight (8) feet at maturity.

(B) **Retention, relocation, removal, replacement, and mitigation of protected trees.**

(1) **Retention of protected trees.** Every effort must be made to protect and retain existing protected trees on proposed development sites. A minimum of ten (10) percent of the total combined trunk diameter of protected trees on a proposed development site not located within jurisdictional wetlands shall be retained in place or relocated on site.

- (a) Credit for retention of protected trees above minimum requirements. For each inch of trunk diameter above the minimum ten (10) percent requirement that is protected in place or relocated on site, an equivalent trunk diameter inch credit shall be given against replacement and mitigation requirements as provided is subparagraphs (4) and (5) below.

- (b) **Barrier zones.** All protected trees not designated for removal shall be protected by barrier zones erected prior to construction of any structures, road, utility service or other improvements. Barriers shall be placed at the outside of the dripline for all heritage trees and at a minimum two-thirds (2/3) of the area of the dripline for all other protected trees. Barricades must be at least three (3) feet tall and must be constructed of either wooden corner posts at least two by four (2 × 4)
inches with at least two (2) courses of wooden side slats at least one by four (1 × 4) inches with colored flagging or colored mesh attached, or constructed of one-inch angle iron corner posts with brightly colored mesh construction fencing attached.

(2) Removal of protected trees. Subject to the requirements of (1) above, protected trees may be approved for removal if one (1) or more of the following conditions are present:

(a) Visibility hazard. Necessity to remove trees which will pose a safety hazard to pedestrians or vehicular traffic upon completion of the development.

(b) Safety hazard. Necessity to remove trees which will threaten to cause disruption of public services or which will pose a safety hazard to persons or buildings or adjacent property or structures.

(c) Construction of improvements. Necessity to remove trees in order to construct proposed improvements as a result of the location of driveways, if the location of a driveway or ingress/egress is specified and required by DOT or other regulations, buildings, utilities, stormwater/drainage facilities, or other permanent improvements. The architect, civil engineer, or planner shall make every reasonable effort to locate such improvements so as to preserve any existing tree.

(d) Site conditions. Necessity to remove trees as a result of characteristics of the site such as site dimensions, topographic conditions and grading requirements necessary to implement standard engineering and architectural practices. Grading shall be as limited as possible. In order to justify the removal of protected trees on the ground of site conditions, the request must be reviewed by the appropriate city staff and must be approved by the mayor or his or her designee. Appeals from the decision of the mayor or his designee shall be to the Zoning Board of Adjustment.

(e) Diseased or weakened trees. Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury;

(f) Compliance with other ordinances or codes. Necessity for compliance with other city codes such as building, zoning, subdivision regulations, health provisions, and other environmental ordinances.

(3) Relocation of protected trees. Where feasible, when conditions necessitate removal of protected trees, said trees shall be relocated on the site in the required perimeter or interior landscaped areas. Should the relocated tree expire within a specified period of time, the appropriate mitigation (planting of replacement trees or payment to the tree planting trust fund) shall be required. For each protected tree that cannot feasibly be relocated (or all of them), a written statement from a qualified professional shall be provided stating for each tree (or all of them) that relocation is not feasible and briefly explaining why relocation is not feasible.

(4) Replacement of protected trees. When a protected tree is approved for removal, it shall be replaced with a like species of the tree removed. The prescribed number of trees shall be planted for each tree removed. The minimum diameter of a replacement tree shall be three (3) inches DBH. The replacement formula is:
(a) A trunk diameter of four (4) inches to eleven (11) inches = Two (2) three-inch DBH trees planted for each one removed.

(b) A trunk diameter of twelve (12) inches to nineteen (19) inches = Three (3) three-inch DBH trees planted for each one removed.

(c) A trunk diameter of twenty (20) inches to twenty-nine (29) inches = Five (5) three-inch DBH trees planted for each one removed.

(d) A trunk diameter of thirty (30) inches to thirty-five (35) inches = Eight (8) three-inch DBH trees planted for each one removed.

(e) A trunk diameter of thirty-six (36) inches to forty-three (43) inches = Ten (10) three-inch DBH trees planted for each one removed.

(f) A trunk diameter of forty-four (44) inches or greater = Eleven (11) three-inch DBH trees planted for each one removed.

(5) Mitigation of protected trees. Any replacement trees that cannot be planted on site because of lack of space, once agreed to by the city, shall be valued at four hundred dollars ($400.00) each and the owner shall pay that total to the tree planting trust fund. Trees identified as dead and verified as such in writing by the city shall not be required to be replaced or mitigated.

(C) New planting of protected trees. On sites proposed for development or redevelopment where no existing protected trees are identified, the owner or his agent shall be required to plant one (1) new tree species identified in the protected tree list (Appendix "A") or the tree replant list (Appendix "B"), a minimum of three (3) inches DBH, for each one thousand (1,000) square feet of impervious surface area. New trees or replacement trees shall be planted during the year as indicated in subsection 12-6-3(B)(1)(a) of this chapter.

(D) New residential subdivisions. In new residential subdivisions the private property owner of each lot shall plant one (1) tree in the front yard within ten (10) feet of the right-of-way, provided there is no existing tree in the front yard. If the existing tree is not within ten (10) feet of the right-of-way, then one (1) additional tree shall be required (sized as noted in (1) below).

(1) Where a protected or replant tree species is required to be replanted, such tree shall be a minimum of three (3) inches DBH.

(2) The location of an existing protected tree on the lot or the proposed location of a new protected or replant species, where required in this subsection, shall be identified on the plot plan submitted as part of the information submitted for a building permit.

(E) Road right-of-way tree protection. No person or agency shall cut, prune, remove, or in any way damage any protected tree in any street right-of-way or create any condition injurious to any such tree without first obtaining a permit to do so from the parks and recreation department as specified in section 12-6-7.

(1) The parks and recreation department may issue an annual permit to public utility companies exempting them from the provisions of this subsection concerning tree preservation. In the event of flagrant or repeated disregard for the intent and purpose of this chapter, the department may revoke said permit. The reasons for revoking such a permit shall be provided in writing to the offender.

(2) Prior to entering a targeted area for pruning by the utility, the utility representative shall submit for approval to the city a clearly marked plan of the
area, showing location of trees and noting what is being requested by the utility company. The parks and recreation department shall approve the plan and an additional permit fee of seventy-five dollars ($75.00) shall be paid to the City of Pensacola for the specific area noted on the plan submitted (see chapter 7-14 of this Code).

(3) All public utilities, governmental agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees on public or private property. Notice shall be provided to landowners at least one (1) week in advance of pruning and/or removing landowners' trees on private property. Emergency removal requiring immediate action to protect the health and safety of the public is not subject to this chapter. In no case shall the utility company be permitted to prune more than thirty (30) percent of the existing tree canopy.

(F) Tree protection. Removing, pruning, or cutting tree growth away from a permanent nonaccessory sign (billboard) on public or private property shall be permitted only if a permit is obtained from the parks and recreation department. All agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees.

(G) Canopy road tree protection zone. All lands within ten (10) feet of the outer boundary of the right-of-way of the below described roads are hereby declared to be canopy tree protection zones:

- Blount Street from "A" Street to Bayview Park.
- Lakeview Avenue from 9th Avenue to 20th Avenue.
- Garden Street from Alcaniz Street to Jefferson Street and from "J" Street to "N" Street.
- 17th Avenue from Gregory Street to Texar Drive.
- 12th Avenue from Barcia Drive to Fairfield Drive.
- Baylen Street from LaRua Street to Jordan Street.
- Spring Street from LaRua Street to Jordan Street.
- Bayou Boulevard from Lee Street to Strong Street.
- Cervantes Street/Scenic Highway from the eastern side of Bayou Texar to the city limits.

No person or agency shall cut, remove, prune or in any way damage any protected tree in any canopy road tree protection zone or create any condition injurious to any such tree without first obtaining a permit to do so from the parks and recreation department as specified in section 12-6-7. The exemption for utility companies noted in subsection (E), above shall also apply to the canopy road tree protection zone.

(H) Heritage trees. No person or agency shall cut, remove, prune or in any way damage any heritage tree in any zoning district without first obtaining approval of a landscape and tree protection plan per section 12-6-4 for new development sites or a permit from the parks and recreation department as specified in section 12-6-7 for developed property. The provisions of this subsection related to pruning do not apply to existing single-family and duplex uses.

(Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 217, 218, 9-9-10)
Sec. 12-6-7. Tree removal and pruning permit in right-of-way and canopy road tree protection zones and heritage trees on developed property.

No person shall cut, remove, prune, or in any way damage any heritage tree on developed property or protected tree within the road right-of-way and canopy road tree protection zones identified in subsections 12-6-6(E) and (G), without first obtaining a tree removal and pruning permit from the parks and recreation department as provided below. An inspection fee of seventy-five dollars ($75.00) shall be charged for services rendered by the parks and recreation department in the required review and on-site inspection for tree removal or pruning permits (see chapter 7-14 of this Code).

(A) **Canopy road tree protection zone and road right-of-way tree protection zone.** Prior to cutting, removing, pruning or in any way damaging a protected tree in the canopy road tree protection zone and road right-of-way tree protection zone, an owner, developer or his agent must submit a copy of an accurately scaled drawing including the following information:
   (1) Location of the subject protected tree, noting species, size and general condition.
   (2) The parks and recreation department may issue an annual permit to public utilities exempting them from this requirement as specified in subsection 12-6-6(E).

(B) **On-site inspection.** Prior to the issuance of a tree removal and pruning permit, the parks and recreation department shall conduct an on-site inspection and shall issue a written report setting forth a recommendation for granting or denying the permit including any explanation necessary to clarify the basis for the recommendation.

(C) **Conditions of approval.** The parks and recreation department may approve the permit if one (1) or more of the conditions set forth in subsections 12-6-6(B)(2)(a)—(f) is present.

(D) **Review.** In the event an application is denied, the parks and recreation department shall specify to the applicant in writing the reason for said action.

(E) **Heritage tree removal mitigation.** In the event that a heritage tree is approved for removal, tree replacement shall be provided per subsection 12-6-6(B)(4)(f) or a fee shall be paid into the tree planting trust fund per subsection 12-6-6(B)(5).

(F) **Pruning permitted on residential properties.** Notwithstanding any contrary provision, pruning of heritage trees on properties with existing single-family and duplex land uses shall not require compliance with this section. However, no more than one-third (1/3) of the existing, healthy tree crown may be removed. If trimming of any heritage tree on a residential property results in substantial and irreparable harm or death to the heritage tree, such trimming shall be deemed an unauthorized and unpermitted removal of such heritage tree and shall be subject to penalties as such.

(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-8. Best management practices.

The mayor or his or her designee may determine that the required irrigation percentage for a site may be reduced, and may also reduce the required mitigation payment into the Tree Planting Trust Fund when it has been demonstrated and set forth in writing that Best Management Practices have been employed in the proposed plans for development of a site. Areas in which the utilization of Best Management Practices would be applicable include, but are not limited to: Enviroscaping;
Xeriscaping; Landscape Irrigation; and LEED/Green Building Techniques such as, but not limited to, green roofs, rain garden landscape design, shading constructed surfaces on the site with landscape features, and minimizing the overall building footprint and parking area; which are designed to reduce heat islands (thermal gradient differences between developed and undeveloped areas) to minimize impact on the environment.

Best Management Practices for a site include a demonstrating to the mayor or his or her designee, that the property owner has met the minimum requirements of this section in addition to the proposed best management practices to be utilize.

**"Waterwise Florida Landscapes" is the required reference guide for Xeriscaping and irrigation techniques.**

(Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 219, 9-9-10)

Sec. 12-6-9. Modifications.

Under certain circumstances, the application of the standards of this chapter may be either inappropriate or ineffective in achieving the purpose of this chapter. When planting is required by this chapter or by other provisions herein, and the site design, topography, unique relationships to other properties, natural vegetation or other special considerations exist relative to the proposed development; the developer may submit a specific alternate plan for the planting. This plan must demonstrate how the purposes and standards of this chapter will be met by measures other than those in sections 12-6-3 and 12-6-6. The building official shall review the alternate proposal and advise the applicant of the disposition of the request within fifteen (15) working days of submission by the applicant. Any appeals by the applicant shall be in accordance with section 12-6-11 of this chapter.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-10. Enforcement.

(A) **Stop work order.** Whenever the building official determines that a violation of this chapter has occurred, the following actions shall be initiated:

(1) **Written notice.** Immediately issue written notice by personal delivery or certified mail to the person violating this chapter of the nature and location of the violation, specifying what remedial steps are necessary to bring the project into compliance. Such person shall immediately, conditions permitting, commence the recommended remedial action and shall have ten (10) working days after receipt of said notice, or such longer time as may be allowed by the building official, to complete the remedial action set forth in said notice.

(2) **Remedial work and stop work orders.** If a subsequent violation occurs during the ten (10) working days referred to in subsection (A)(1) above, or if remedial work specified in the notice of violation is not completed within the time allowed, or if clearing and development of land is occurring without a permit, then the building official shall issue a stop work order immediately. Said stop work order shall contain the grounds for its issuance, and shall set forth the nature of the violation. The stop work order shall be directed not only to the person owning the land upon which the clearing and development is occurring, but also a separate stop work order shall be directed to the person or firm actually performing the physical labors of the development activity or the person responsible for the development activity, directing him forthwith to cease
and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the project into compliance. If such person fails to complete the recommended remedial action within the time allowed, or fails to take the recommended action after the issuance of such stop work order, then the building official may issue a stop work order on all or any portion of the entire project.

(3) Notice of compliance. Upon completion of remedial steps required by notice the building official shall issue a notice of compliance and cancellation of said notice or stop work order.

(B) Penalty. The fine for violating this chapter shall be based on the size of limb(s) or the tree(s) removed without a permit. The measurement to establish said fine shall be based on the remaining tree material left intact on the site. If a tree is removed, the trunk caliper shall be measured at DBH and at the point of removal for a limb or each limb. If, in the opinion of the parks and recreation department, the tree has been substantially damaged so that its normal growth character will never return, i.e., a tree is topped and will never recover the original character, then the fine may be based upon the caliper of the tree trunk or each limb removed, whichever is the greater. Each day a violation of a stop work order continues shall constitute a separate offense (see subsection 7-14-6(2), penalty fees, of this Code). Each protected tree removed without a permit or in violation of a permit shall constitute a separate offence. Any person may seek an injunction against any violation of this chapter, and recover such damages as he may suffer. In addition to the fines and prohibitions contained herein, the provisions of section 1-1-8 of the Code shall apply applicable to willful violations of this chapter.

(C) Tree planting trust fund. A tree planting trust fund has been established and funded by the fines pursuant to subsection (B) and mitigation fees paid pursuant to section 12-6-6. Expenditures from the tree planting trust fund are hereby authorized and may be made by the mayor to replant trees, or to plant new trees and other appropriate landscape vegetation, purchase irrigation supplies, purchase equipment dedicated to the planting and maintaining of the city's trees, and employ personnel dedicated solely to the care and maintenance of the city's urban tree canopy in public spaces and rights-of-way. A grant program is hereby established for community organizations such as homeowner associations, civic organizations, and garden clubs, according to the following criteria:

- Each grant is limited to fifty (50) percent of the cost of the proposed project up to two thousand five hundred dollars ($2,500.00);
- The required fifty (50) percent grant match may be waived for projects specifically identified in an approved neighborhood plan;
- The tree planting trust fund must have sufficient funds for the project requested;
- The city council must approve each grant request; and
- The funds must be utilized for providing trees or other appropriate vegetation along with associated irrigation that will enhance the natural beauty of the community, serve to deter graffiti or the defacement of public or private property, and may create sound buffers where desirable.

(Ord. No. 50-00, § 5, 10-26-00(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 220, 9-9-10)

Sec. 12-6-11. Appeal.

Any person directly and adversely affected by a decision of the parks and recreation department, the building official, or the mayor or his or her designee in the interpretation or
enforcement of the provisions of this chapter may appeal such decision to the zoning board of
adjustment. Such appeal shall be submitted in writing to the planning administrator within thirty (30)
days of the rendering of the subject order, requirement, decision or determination.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1,
9-10-09; Ord. No. 16-10, § 221, 9-9-10)

APPENDIX A

PROTECTED TREE LIST*

<table>
<thead>
<tr>
<th>Species Type A (Small, 4&quot; + diameter trunk)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Dogwood (Cornus florida)</td>
</tr>
<tr>
<td>2.</td>
<td>Redbud (Cercis canadensis)</td>
</tr>
<tr>
<td>3.</td>
<td>Crape Myrtle (Lagerstroemia indica)</td>
</tr>
<tr>
<td>4.</td>
<td>Fringe Tree (Chionanthus virginicus)</td>
</tr>
<tr>
<td>5.</td>
<td>Flatwoods Plum (Prunus umbellata)</td>
</tr>
<tr>
<td>6.</td>
<td>Crabapple (Malus angustifolia)</td>
</tr>
<tr>
<td>7.</td>
<td>Sand Oak (Quercus seminata)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Species Type B (Medium, 6&quot; + diameter trunk)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>American Holly (Ilex opaca)</td>
</tr>
<tr>
<td>2.</td>
<td>Dahoon Holly (Ilex cassine)</td>
</tr>
<tr>
<td>3.</td>
<td>Southern Magnolia (Magnolia grandiflora)**</td>
</tr>
<tr>
<td>4.</td>
<td>Eastern Red Cedar (Juniperus virginiana)**</td>
</tr>
<tr>
<td>5.</td>
<td>Southern Red Cedar (Juniperus silicicola)**</td>
</tr>
<tr>
<td>6.</td>
<td>White Cedar (Chamaecyparis thyoides)</td>
</tr>
<tr>
<td>7.</td>
<td>River Birch (Betula nigra)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Species Type C (Large, 8&quot; + diameter trunk)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Live Oak (Quercus virginianna)**</td>
</tr>
<tr>
<td>2.</td>
<td>Laurel Oak (Quercus laurifolia)**</td>
</tr>
<tr>
<td>3.</td>
<td>Sweet Gum (Liquidambar styraciflua)**</td>
</tr>
<tr>
<td>4.</td>
<td>Sycamore (Platanus occidentalis)**</td>
</tr>
<tr>
<td>5.</td>
<td>Pecan (Carya illinoinensis)**</td>
</tr>
<tr>
<td>6.</td>
<td>Red Maple (Acer rubrum)**</td>
</tr>
<tr>
<td>7.</td>
<td>Hickory (Carya spp.)**</td>
</tr>
<tr>
<td>8.</td>
<td>White Oak (Quercus alba)**</td>
</tr>
<tr>
<td>9.</td>
<td>Southern Red Oak (Quercus falcata)</td>
</tr>
<tr>
<td>10.</td>
<td>Florida Sugar Maple (Acer barbatum)</td>
</tr>
<tr>
<td>11.</td>
<td>Black Tupelo (Nyssa sylvatica)</td>
</tr>
<tr>
<td>12.</td>
<td>Silver Maple (Acer saccharinum)</td>
</tr>
</tbody>
</table>

* When measuring a tree to determine if it meets the trunk diameter criteria, it shall be
measured at Diameter Breast Height (DBH), which is the diameter of the tree at four and
one-half (4½) feet (fifty-four (54) inches) above ground. The scientific name controls for
compliance purposes. Common names are furnished for reference purposes only.

** Shade trees.

APPENDIX B

TREE REPLANT LIST

http://library.municode.com/print.aspx?h=&clientID=11418&HTMRequest=http%3a%2f... 2/19/2014
A. Small Trees:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Crape Myrtle (<em>Lagerstroemia indica</em>)</td>
</tr>
<tr>
<td>2.</td>
<td>Holly, Dahoon (<em>Ilex cassine</em>) **</td>
</tr>
<tr>
<td>3.</td>
<td>Hop-hornbeam (<em>Ostrya virginiana</em>)</td>
</tr>
<tr>
<td>4.</td>
<td>Hornbeam (<em>Carpinus caroliniana</em>)</td>
</tr>
<tr>
<td>5.</td>
<td>Fringe Tree (<em>Chionanthus virginicus</em>)</td>
</tr>
<tr>
<td>6.</td>
<td>Smooth Redbay (<em>Persea borbonia</em>) **</td>
</tr>
<tr>
<td>7.</td>
<td>Glossy Privet (<em>Ligustrum lucidum</em>)</td>
</tr>
<tr>
<td>8.</td>
<td>Loquat (<em>Eriobotrya japonica</em>)</td>
</tr>
<tr>
<td>9.</td>
<td>Red Buckeye (<em>Aesculus pavia</em>)</td>
</tr>
<tr>
<td>10.</td>
<td>Hawthorne (<em>Crataegus spp.</em>)</td>
</tr>
<tr>
<td>11.</td>
<td>American Holly (<em>Ilex opaca</em>)</td>
</tr>
<tr>
<td>12.</td>
<td>Savannah Holly (<em>Ilex attenuata/cassine × opaca</em>)</td>
</tr>
<tr>
<td>13.</td>
<td>East Palatka Holly (<em>Ilex attenuata/cassine × opaca</em>)</td>
</tr>
<tr>
<td>14.</td>
<td>Eagleston Holly (<em>Ilex attenuata/cassine × opaca</em>)</td>
</tr>
<tr>
<td>15.</td>
<td>Fineline Holly (<em>Ilex cornuta</em>)</td>
</tr>
<tr>
<td>16.</td>
<td>Emily Bruner Holly (<em>Ilex latifolia × cornuta</em>)</td>
</tr>
<tr>
<td>17.</td>
<td>East Bay Holly (<em>Ilex latifolia × cornuta</em>)</td>
</tr>
<tr>
<td>18.</td>
<td>Mary Neil Holly (<em>Ilex/cornuta × pernyi</em>)</td>
</tr>
<tr>
<td>19.</td>
<td>Nellie R. Stevens Holly (<em>Ilex aquifolium × cornuta</em>)</td>
</tr>
<tr>
<td>20.</td>
<td>Green Japanese Maple (<em>Acer palmatum</em>)</td>
</tr>
<tr>
<td>21.</td>
<td>Eastern Red Bud (<em>Cercis canadensis</em>)</td>
</tr>
<tr>
<td>22.</td>
<td>Drake Elm (<em>Ulmus parvifolia</em>)</td>
</tr>
<tr>
<td>23.</td>
<td>Yaupon Holly (<em>Ilex vomitoria</em>)</td>
</tr>
<tr>
<td>24.</td>
<td>Ashe Magnolia (<em>Magnolia ashei</em>)</td>
</tr>
<tr>
<td>25.</td>
<td>Wax Myrtle (<em>Myrica cerifera</em>)</td>
</tr>
<tr>
<td>26.</td>
<td>Flatwoods Plum (<em>Prunus umbellata</em>)</td>
</tr>
<tr>
<td>27.</td>
<td>Myrtle Oak (<em>Quercus myrtifolia</em>)</td>
</tr>
<tr>
<td>28.</td>
<td>Rusty Blackhawk (<em>Viburnum rufidulum</em>)</td>
</tr>
<tr>
<td>29.</td>
<td>Dogwood (<em>Cornus florida</em>)</td>
</tr>
<tr>
<td>30.</td>
<td>Red Bud (<em>Cercis canadensis</em>)</td>
</tr>
</tbody>
</table>

Trees listed 13 through 34 are native. [*Note discrepancy in number 34 here and below.*]

Trees listed 11 through 34 are suitable for planting beneath utility lines.

B. Medium and Large Trees:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>American Sycamore (<em>Platanus occidentalis</em>)</td>
</tr>
<tr>
<td>2.</td>
<td>Ash, White <em>(local)</em> (<em>Fraxinus americana</em>) **</td>
</tr>
<tr>
<td>3.</td>
<td>Birch, River (<em>Betula nigra</em>) **</td>
</tr>
<tr>
<td>4.</td>
<td>Cedar, Atlantic White (<em>Chamaecyparis thyoides</em>)</td>
</tr>
<tr>
<td>5.</td>
<td>Cedar, Southern Red (<em>Juniperus silicicola</em>)</td>
</tr>
<tr>
<td>6.</td>
<td>Chalkbark Maple (<em>Acer leucoderme</em>)</td>
</tr>
<tr>
<td>7.</td>
<td>Chinese Pistache (<em>Pistacia chinensis</em>)</td>
</tr>
<tr>
<td>8.</td>
<td>Bald Cypress (<em>Taxodium distichum</em>)</td>
</tr>
<tr>
<td>9.</td>
<td>Eastern Poplar (<em>Populus deltoides</em>)</td>
</tr>
<tr>
<td>10.</td>
<td>Elm, Florida (<em>Ulmus americana var. floridana</em>) **</td>
</tr>
<tr>
<td>11.</td>
<td>Elm, Winged (<em>Ulmus alata</em>) **</td>
</tr>
<tr>
<td>12.</td>
<td>Hickory (<em>Carya spp.</em>) **</td>
</tr>
<tr>
<td>13.</td>
<td>Holly, American (<em>Ilex opaca</em>)</td>
</tr>
<tr>
<td>14.</td>
<td>Lobollybay (<em>Gordonia lasianthus</em>) **</td>
</tr>
<tr>
<td>15.</td>
<td>Lobolly Pine (<em>Pinus taeda</em>)</td>
</tr>
<tr>
<td>16.</td>
<td>Maple, Florida Sugar (<em>Acer barbatum floridanum</em>) **</td>
</tr>
<tr>
<td>17.</td>
<td>Mulberry, Red (<em>Morus rubra</em>)</td>
</tr>
<tr>
<td>18.</td>
<td>Oak, Nuttall (<em>Quercus nuttallii</em>)</td>
</tr>
<tr>
<td>19.</td>
<td>Oak, Post (<em>Quercus stellata</em>) **</td>
</tr>
<tr>
<td>20.</td>
<td>Oak, Shumard (<em>Quercus shumardii</em>) **</td>
</tr>
<tr>
<td>21.</td>
<td>Oak, Southern Red (<em>Quercus falcata</em>) **</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>22.</td>
<td>Oak, White (Quercus alba) **</td>
</tr>
<tr>
<td>23.</td>
<td>Oak, Overcup (Quercus lyrata)</td>
</tr>
<tr>
<td>24.</td>
<td>Live Oak (Quercus virginiana) **</td>
</tr>
<tr>
<td>25.</td>
<td>Palm, Cabbage (Sabal palmetto)</td>
</tr>
<tr>
<td>26.</td>
<td>Palm, Pindo (Butia capitata)</td>
</tr>
<tr>
<td>27.</td>
<td>Red Maple (Acer rubrum)</td>
</tr>
<tr>
<td>28.</td>
<td>Swamp Red Maple (Acer rubrum var. drummondii)</td>
</tr>
<tr>
<td>29.</td>
<td>Sweetbay (Magnolia virginiana) **</td>
</tr>
<tr>
<td>30.</td>
<td>Sweet Gum (Liquidambar styraciflua)</td>
</tr>
<tr>
<td>31.</td>
<td>Tulip Tree (Liriodendron tulipifera)</td>
</tr>
<tr>
<td>32.</td>
<td>Tupelo, Water (Nyssa aquatica)</td>
</tr>
<tr>
<td>33.</td>
<td>Walnut, Black (Juglans nigra) **</td>
</tr>
<tr>
<td>34.</td>
<td>Willow Oak (Quercus phellos)</td>
</tr>
<tr>
<td>35.</td>
<td>Windmill Palm (Trachycarpus fortunei)</td>
</tr>
<tr>
<td>36.</td>
<td>Southern Magnolia (Magnolia grandiflora) **</td>
</tr>
</tbody>
</table>

* When measuring a tree to determine if it meets the trunk diameter criteria, it shall be measured at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (fifty-four (54) inches) above ground. The scientific name shall control for compliance purposes. Common names are furnished for reference purposes only.

** Shade Trees.


(Ord. No. 50-00, § 5, 10-26-00/Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

--- FOOTNOTE(S) ---

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td><strong>Editor's note—Ord. No. 31-09, § 1, adopted Sept. 10, 2009, amended Ch. 12-6, in its entirety to read as herein set out. Prior to inclusion of said ordinance, 12-6, pertained to similar subject matter. See also the Code Comparative Table.</strong> (Back)</td>
</tr>
</tbody>
</table>
Sec. 12-2-27. Bayou Texar shoreline protection district.

(A) **Purpose.** The purpose of this district is to establish standards which recognize and protect the environmental resources of the Bayou Texar shoreline. This section ensures the preservation of the natural buffering effect of open spaces along the shoreline for storm surge abatement and the filtering of stormwater runoff; and enhances the public's recreational and aesthetic utilization of the shoreline and adjacent waters.

(B) **Shoreline protection zone.** The Bayou Texar shoreline protection zone includes all property abutting Bayou Texar bounded on the north by the 12th Avenue bridge and on the south by the L & N trestle located at the mouth of the bayou.

(C) **Permitted land use.** Land use shall be permitted in the shoreline protection zone as designated by the City of Pensacola Comprehensive Plan and zoning regulations.

(D) **Procedure for review of plans.** Prior to the issuance of a building permit for construction within the Bayou Texar shoreline protection district the owner, developer or contractor shall submit to the city planning and engineering departments a drainage plan indicating soil erosion and sedimentation control measures which will be undertaken to prevent runoff into Bayou Texar during construction and indicating methods to accommodate stormwater runoff on-site during and after construction. The drainage plan shall include the following information:

(a) Existing topographical contours of the site (two-foot intervals).

(b) Location of all structures, parking areas, curb cuts and other construction activities that could contribute to removal of vegetation, erosion and stormwater runoff.

(c) Design of grades and retention measures to control stormwater runoff during and after construction, including type of surfacing material to be used, vegetation to be removed, and revegetation of the site.

1. **Review and approval.** The required drainage plan shall be subject to the review and approval of the city planner and city engineer. If the developer intends to request a waiver of any of the provisions of this section concerning the drainage plan, the request must be submitted, in writing, with the drainage plan to the city planner and the city engineer. The request shall itemize and shall state the reason(s) for which each waiver is requested. When considering waivers, the city planner and the city engineer shall review the Comprehensive Plan objectives and policies pertaining to coastal management and conservation to determine if the waiver request is consistent with the intent of said plan.

2. **Exemptions.** Operations which shall be exempt from this section are set forth below. However, any exemption from this section does not relieve responsibility to take all action necessary to prevent erosion and sedimentation from occurring.

(a) Home gardening or other similar activity not expected to contribute to any on-site generated erosion or chemical pollution.

(b) Emergency repairs such as those on public and private utilities and roadways systems.

(E) **Regulations.**

(1)
Shoreline setback. All habitable structures shall observe the following minimum setback from the mean high water line. Docks and boathouses shall conform to the regulations set forth in section 12-2-37 of this article.

(a) R-2, R-2A and R-ZL zones shall require a twenty-foot setback from the mean high water line of the bayou.
(b) R-1AA, R-1AAA and R-1AAAA zones shall require a thirty-foot setback from the mean high water line of Bayou Texar.
(c) R-1AAAAA shall require a sixty-foot setback from the mean high water line of Bayou Texar.
(d) Lots of record shall require a minimum twenty-foot setback from the mean high water line of Bayou Texar.

(2) Required yards. The front and rear yard requirements shall be the same as the applicable zoning district requirements. Each required side yard shall be ten (10) percent of the lot width, not to exceed fifteen (15) feet. For lots of record the front and rear yard requirements shall be the same as described in section 12-1-6(B), and the required side yards shall be ten (10) percent of the lot width, not to exceed ten (10) feet.

(3) Protection of trees. No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, undertake tree removal, or effectively destroy through damaging, any tree listed in Chapter 12-6, Appendix A, "Protected Tree List," whether it be on private property or public right-of-way within the Bayou Texar shoreline protection district, without first having obtained a permit from the department of leisure services to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

(F) Development guidelines. The following guidelines should be utilized in the review of each development proposal within the district. The adoption of guidelines herein are intended to provide flexibility in the development of property within the district in a manner which balances the interests of the property owner with the public's need for assurance that development will be orderly and consistent with the intent of this section. Individual parcels of property may have physical attributes which justify departure from regulatory norms when strict application of such norms would deny a property owner a reasonable use of his property and when deviation from such norms is consistent with the intent of this regulation as described herein.

(a) Structures should be sited to retain the maximum amount of open space for natural stormwater retention.
(b) Where possible and practical, existing vegetation, including shoreline vegetation, should be maintained as a buffer between development and the surface waters of Bayou Texar.
(c) Development within the shoreline protection zone which would be dependent on future bulkheading or other shoreline fortification for protection shall be discouraged.

(G) Public access to the shoreline. All extensions of street rights-of-way which are perpendicular to or otherwise intersect Bayou Texar within the shoreline protection zone shall be reserved for public use unless officially vacated by city council action.

(H) Conflicts. It is not intended that this section interfere with or abrogate or annul any other ordinances, rules, or regulations except where this section imposes a greater restriction upon land within a zone.

(Ord. No. 8-99, § 3, 2-11-99)
Sec. 12-2-28. Escambia Bay shoreline protection district.

(A) Purpose. The purpose of this district is to establish standards which recognize and protect the unique scenic vistas and environmental resources of the Escambia Bay shoreline. The regulations for this district shall provide for the alleviation of the harmful and damaging effects of on-site generated erosion and runoff caused by clearing the natural vegetation, changing the existing contours of the land and/or not adequately addressing stormwater runoff. These regulations also ensure the preservation of the bluffs, the wetland areas and scenic views along the Bay.

(B) Escambia Bay shoreline protection district boundaries. The Escambia Bay shoreline protection district includes all property within the city limits bounded by Scenic Highway on the west and the Escambia Bay shoreline on the east, beginning at Mallory Street and continuing north to the city limits line.

(C) Permitted land use. Land use shall be permitted in the Escambia Bay shoreline protection district as designated by the City of Pensacola Comprehensive Plan and zoning regulations.

(D) Procedure for review of plans. The procedure established in section 12-2-27(D), applicable to the Bayou Texar shoreline protection district shall be followed for the Escambia Bay shoreline protection district.

(E) Regulations.

(1) Building setbacks.

(a) There shall be a minimum setback of thirty (30) feet on both sides of the L & N rail right-of-way line for habitable structures.

(b) There shall be a minimum setback of thirty (30) feet from the mean high water line of Escambia Bay for habitable structures.

(2) Required yards. The front and rear yard requirements shall be the same as the zoning district requirements as described in section 12-2-2, except that if overall lot coverage requirements otherwise specified in this section are more restrictive, those shall supersede yard requirements. Each required side yard shall be ten (10) percent of the lot width, not to exceed fifteen (15) feet. For lots of record the front and rear yard requirements shall be the same as described in section 12-1-6(B), and the required side yards shall be ten (10) percent of the lot width, not to exceed ten (10) feet.

(3) Protection of trees. No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, undertake tree removal, or effectively destroy through damaging, any tree listed in Chapter 12-6, Appendix A, "Protected Tree List," whether it be on private property or public right-of-way within the Escambia Bay shoreline protection district, without first having obtained a permit from the department of leisure services to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

(4) Lot coverage. Total coverage of all development sites within the Escambia Bay Shoreline Protection District, including all structures, parking areas, driveways and all other impervious surfaces, shall not exceed seventy-five (75) percent.

(5) Protection of bluffs.

(a) Structures allowed on the bluffs. Only the following structures shall be allowed to be built on the bluffs:

1. Elevated buildings, walkways, steps and decks;
2. Pilings and footings necessary for construction of buildings, walkways, steps or decks; and
3.
Access roads or driveways that are essential to the economically viable use of the development.

(b) Vegetation. Clearing of the natural vegetation covering the bluffs within the Escambia Bay shoreline protection district is prohibited except for the minimum area needed for construction of allowable structures. As soon as the construction processes are completed, vegetation must be replanted in all disturbed areas.

(c) Construction. Development that would require alteration of the bluffs shall be prohibited except for approved access roads. Grading and other site preparation shall be kept to an absolute minimum, and shall not be undertaken any longer than thirty (30) days from the proposed start of actual construction.

(F) Development guidelines. The following guidelines should be utilized in the review of each development proposal within the district. The adoption of guidelines herein are intended to provide flexibility in the development of property within the district in a manner which balances the interests of the property owner with the public's need for assurance that development will be orderly and consistent with the intent of this section. Individual parcels of property may have physical attributes which justify departure from regulatory norms when strict application of such norms would deny a property owner a reasonable use of his property and when deviation from such norms is consistent with the intent of this regulation as described herein.

(1) Site planning. All structures should be designed in a manner which complements the natural contours of the site. Developments should take into account the topography, soils, geology, hydrology and other natural conditions existing on the proposed site;

(2) Preservation of existing vegetation, except as provided in paragraph (E)(5)(b). Where possible and practical, existing vegetation, including trees which are not required to be protected under this section and existing shrubs and understory vegetation, should be left undisturbed, especially in the wetland areas. When vegetation is disturbed, the use of native vegetation is encouraged for replanting.

(G) Conflicts. It is not intended that this section interfere with or abrogate or annul any other ordinances, rules, or regulations except where this section imposes a greater restriction upon land within a zone.
Sec. 7-14-5. Field inspection fees.

(1) Reinspection fee .....$50.00
(2) Inspection for temporary power prior to final inspection (includes electrical and mechanical) .....95.00
(3) Special inspection conducted outside of normal working hours .....200.00
(4) Contractor assistance .....50.00
(5) Reinspection of temporary and construction electrical services .....50.00
(6) Pre-inspection survey service .....50.00
(7) Partial certificate of occupancy inspection .....$100.00 for 30 day
Temp C.O.
(8) Business certificate of occupancy inspection .....100.00
(9) A fifty dollar ($50.00) permit fee shall be charged for tree removal and/or tree trimming in the public right-of-way or canopy road tree protection zones.
(10) Engineering "as-built" inspection fee four hundred dollars ($400.00) plus one hundred dollars ($100.00) per acre in the development site. Each fractional acre shall count as an acre. When an as-built inspection fails because improvements do not comply with approved engineering plans a re-inspection fee of one-half (½) the initial fee shall be paid. When an erosion control compliance inspection fails because erosion control measures do not comply with approved plans a re-inspection fee of two hundred fifty dollars ($250.00) shall be paid.
(11) Zoning compliance inspection fees:
(a) Zoning compliance inspection fee for one- and two-family dwellings shall be one hundred dollars ($100.00).
(b) Zoning compliance inspection fee for accessory structures and buildings and additions to existing single family dwellings shall be fifty dollars ($50.00).
(c) Zoning compliance inspection fee for all other developments shall be four hundred fifty dollars ($450.00) plus three hundred dollars ($300.00) per acre in the development site. Each fractional acre shall count as an acre.
(d) When a zoning compliance inspection of landscaping, signage, parking, building features, and similar improvements fails because improvements do not comply with approved plans a re-inspection fee of two hundred fifty dollars ($250.00) shall be paid.
(12) Overgrown lot inspection (to be added to lot cutting fee) .....$30.00
(Ord. No. 35-07, § 1, 7-12-07; Ord. No. 24-09, § 3, 7-9-09; Ord. No. 26-11, § 1, 9-22-11)

Sec. 7-14-6. Penalty fees.

(1) For construction work which commences prior to securing the appropriate permit or permits:
(a) First occurrence: Four (4) times the permit fee.
(b) Second and repeat occurrence: Prosecution for Code violation.
(2) Fine for removing trees or limbs without permit: One hundred dollars ($100.00) per caliper inch of tree trunk or limb.
(3) Nothing contained herein shall be construed to prohibit the prosecution of any Code violations, regardless of the number of times such violation may have occurred, when any
person continues to perform work after being warned that a permit for the work is required and has not been issued or when work continues after a stop work order has been issued. Nor shall this provision be construed to prohibit the city from seeking injunctive or other relief from Code violations.

(Ord. No. 35-07, § 1, 7-12-07; Ord. No. 26-11, § 1, 9-22-11)

Sec. 7-14-7. Plan review fees for building code compliance.

(1) When construction plans are required, the plan review fee shall be one-half (½) the permit fee for the initial review and fifty dollars ($50.00) for the second plan review. This fee applies to each structural, electrical, mechanical and plumbing permit. However, there shall be no electrical, mechanical or plumbing plan review fee for single-family or duplex residential plans. Subsequent reviews for revised plans shall be fifty dollars ($50.00) per discipline for review.

(2) When a permit application is denied for the third and any subsequent time because the plans submitted do not comply with city and/or state codes, a plan re-submittal review fee of one-half (½) the permit fee shall be paid.

(Ord. No. 35-07, § 1, 7-12-07; Ord. No. 26-11, § 1, 9-22-11)

Sec. 7-14-9. Bayou Texar Shoreline and Escambia Bay Protection District Fees.

(1) Zoning review fee for one- and two-family dwellings located in the Bayou Texar Shoreline or Escambia Bay Protection Districts shall be three hundred dollars ($300.00). When plans are denied because they do not comply with zoning requirements a plan re-submittal fee of one-half (½) the initial fee shall be paid.

(2) Engineering plan review fee for one- and two-family dwellings located in the Bayou Texar Shoreline or Escambia Bay Protection Districts shall be two hundred dollars ($200.00). When plans are denied because they do not comply with engineering requirements a plan re-submittal fee of one-half (½) the initial fee shall be paid.

(Ord. No. 35-07, § 1, 7-12-07)