

# ARTICLE 11. RESOURCE PROTECTION STANDARDS

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### 11.1. ENVIRONMENTALLY SENSITIVE LANDS.

#### A. Intent.

It is the intent of this article to provide specific requirements to ensure the protection and conservation of environmentally sensitive lands, including their natural functions.

#### B. Requirements.

Any development proposal containing environmentally sensitive lands (ESL), as herein defined, or development activity adjacent to ESL shall be classified as a major development for development review purposes. In addition to the requirements of this article all development activity within areas of special flood hazard must comply with the related requirements and provisions contained in Chapter 29 of the City of Milton Code of Ordinances, Floodplain Management.

(1) The Planning and Development Department shall require that a jurisdictional determination be conducted in consultation with the state Department of Environmental Protection (DEP) and/or the U. S. Army Corps of Engineers (COE) within proposed development areas deemed to be potentially classified as wetlands. It shall be the responsibility of the developer to obtain such a jurisdictional determination.

(2) During the platting of environmentally sensitive lands, the city will allow lot layout and setbacks to vary so that development can be clustered on the upland portions of the site. Any development occurring in wetlands areas must meet state and federal permitting requirements.

(3) Site plans for proposed development activity must identify the location and extent of jurisdictional wetlands and FEMA AE and V zones.

(4) Where the alteration of wetlands is necessary to allow for the reasonable use of the property, the site plans must provide measures to maintain the natural hydrology of the wetlands, such as constructing roadway and/or driveway culverts.

(5) In addition to the stormwater management requirements specified in Article 13, the applicable Best Management Practices identified by the Florida Department of Environmental Protection, shall be utilized during all construction activity.

(6) The construction of any structure, whether for residential or other purposes, or any use which may in any way impair the flow of floodwater within a designated floodway are prohibited.

### **C. Vegetative buffer requirements.**

(1) The city shall protect and conserve the natural functions of wetlands and waterbodies through wetland and shoreline protection buffers. The buffer width of wetland and shoreline protection buffers may vary depending upon such factors as slope, elevation and vegetation transition. The minimum required buffers shall be as follows:

a. For existing cleared commercial projects along rivers, streams and regulated wetlands, a minimum 15-foot buffer is to be provided. If there is a significant change to the project's scope of construction, development, or any considerable alteration of circumstance occurs relating to the current state and or use of the land, the buffer shall be increased to a 30-foot buffer of either natural or planted vegetation. Maintenance of the buffer shall be the sole responsibility of the land owner or lease holder.

b. For new commercial projects on undeveloped land located along rivers, streams and regulated wetlands, a minimum 30-foot natural vegetative buffer shall be provided. Thinning of the underbrush without disturbing the land will be allowed. The definition of underbrush and method of removal of the underbrush shall be as defined by FDEP and USACOE;

c. For existing cleared residential property the same requirements as subsection C(1)(a), above, shall apply with a minimum 15-foot buffer and the area between the rear building setback line and the buffer shall be stabilized and/or grassed; and

d. For residential development on undeveloped land, the same requirements as subsection C(1)(b) of this section, except the area between the rear building setback line and the buffer shall be stabilized natural vegetation and/or grassed.

(2) Allowable development within wetlands and associated wetland buffers includes, piers, docks, elevated walkways, public picnic pavilions, public parks, gazebos, or structures approved and permitted by the FDEP and/or USACOE and an attendant 15-foot wide cleared path through the buffer for purposes of providing access to such structures.

a. Encroachments are also permitted for roads, utilities and recreational crossings, consistent with permits issued by regulatory agencies.

i. The number of such encroachments shall be minimized by collocation of utilities, roads and other crossings.

b. The wetlands protection buffer shall begin at the state Department of Environmental Protection agency or the U. S. Army Corps of Engineers jurisdictional line, whichever is more landward.

c. In the absence of wetlands along rivers and streams, a buffer extending landward of the mean or ordinary high-water line, as applicable, shall be required as specified in subsection (1)(a) of this section.

d. The buffer zones shall consist of preserved native vegetation, including canopy, understory and ground cover whenever possible.

- i. If there is no native vegetation on the site, a planted vegetated buffer as indicated in subsection (1)(a) of this section shall be required as part of the site development.
- ii. Variances to the buffer requirements shall only be granted when the strict application of the requirements limits all reasonable use of the property as allowed by the future land use map. All allowable development and encroachments shall limit impermeable surface area and shall utilize stormwater BMP's, indicated in Article 12, whenever possible.

(3) Where sufficient uplands exist to locate the proposed development in the upland portion of the site, the city may allow the transfer of development at the lesser of the future land use densities established on the future land use map, or the density established for the assigned zoning district in this Unified Development Code, from the wetland to the upland portion of the site. The transfer of density may occur provided all other plan provisions are satisfied regarding, but not limited to, upland and floodplain resource protection, compatibility of adjacent land use, stormwater management and setbacks. Transfer of development densities shall also satisfy the minimum lot size of the zoning district in which the lot is located.

(4) Any new lots created hereafter will have enough buildable upland area to accommodate the level of development appropriate for the designated land use, so that wetland-impacts can be avoided and appropriate buffers accommodated.

a. For lots existing prior to the adoption of the ordinance from which this article is derived, where sufficient upland does not exist to avoid a taking, development in the wetlands shall be restricted to allow the appropriate residential density use at the density of one dwelling unit per five acres.

i. In the event a parcel is less than five acres, a single-family dwelling will be allowed on each parcel, which existed prior to the adoption of the ordinance from which this article is derived.

b. Single-family dwelling development on existing parcels which are permitted pursuant to this policy that cannot meet the buffer requirements, may be reduced proportionately with the parcel dimensions.

c. For lots existing prior to the adoption of the ordinance from which this article is derived, where sufficient depth of the uplands do not exist, to avoid a taking, development shall be restricted to a single-family dwelling subject to a reduced buffer.

d. A lot lacking sufficient depth means a lot that is 100 feet or less. Such lots shall be subject to a minimum buffer of 15 percent of the depth of the lot. The buffer should be supplemented with a fence to further protect the wetlands. Access to the river, stream or wetland shall be limited to a 15-foot swath, which shall be maintained in grass or other pervious material.

## **11.2 BLACKWATER RIVER PROTECTION.**

### **A. Intent.**

It is the intent of this article to provide specific development requirements to protect the Blackwater River, which is classified as an outstanding Florida water, to include its water quality and recreational resources. Furthermore, it is the intent of this article to protect the Blackwater River from encroachment by development activity.

## **B. Requirements.**

The following protective measures shall be required, as applicable, for any development activity occurring in the vicinity of the Blackwater River:

(1) Septic tank systems, including drain fields, shall be prohibited within 150 feet of the Blackwater River. New septic tanks shall only be allowed in areas with soil conditions classified by the Soil Conservation Service (SCS) Soil Survey for the county as acceptable for septic tank absorption fields; provided such systems are setback a minimum of 150 feet from the Blackwater River. Any remaining septic tank systems located within this 150-foot buffer shall be systematically converted to the central sanitary sewer system.

(2) Specific development setbacks of 30 feet from the Blackwater River shall be required for both principal and accessory structures, for permitted and special uses within any district. Boathouses, piers, and elevated walkways, pavilions, gazebos and other substantially similar structures shall be exempt from this provision. Any nonconformities resulting from the application of this article shall comply with the requirements of Article 10, Nonconformities.

## **11.3. POTABLE WATER WELLHEAD PROTECTION.**

### **A. Intent.**

It is the intent of this section to ensure the protection of the public potable water supply through the appropriate site of land uses in proximity to wellheads and adequate capping and/or securing of abandoned wellheads.

### **B. Development restrictions.**

(1) Prohibited uses and development activities within the wellhead protection zone.

Development activities shall comply with all applicable federal, state, and regional regulations; specifically, the Florida Department of Environmental Protection (DEP) and the Northwest Florida Water Management District regulations governing allowable activities in proximity to wellheads. In order to protect water sources, including cones of influence, water recharge areas and water-wells, adverse land uses such as the following are prohibited within a wellhead protection zone:

- a. Sanitary landfills;
- b. Gasoline stations;
- c. Wastewater treatment facilities; or
- d. Other land uses which utilize, store or handle toxic or hazardous materials.

(2) Special restrictions on development allowed within the wellhead protection zone.

- a. Stormwater management practices shall not include drainage wells for stormwater disposal where recharge is into potable water aquifers. Additional stormwater management requirements are specified in Article 13.
- b. Where prohibited uses and development are proposed in areas with existing protected wells, these wells shall be abandoned, including adequate sealing, plugging and abandonment, according to F.A.C. Ch. 62-528.

## 11.4 HISTORICAL RESOURCE PROTECTION.

### A. Intent.

The intent of this section shall be to:

- (1) Establish a historic preservation board;
- (2) Identify regulated historic structures;
- (3) Set forth requirements for the protection and preservation of regulated structures;
- (4) Define a process for review and appeals; and
- (5) Encourage the listing of additional properties as historic structures.

### B. Historic preservation board.

#### (1) *Established; membership.*

a. Composition. The Milton Historic Preservation Board is hereby established by the city council. Any restoration or alteration of regulated historic structures will be presented to the board for review and issuance of a certificate of appropriateness prior to the issuance of a development order or building permit by the development approval authority. The board shall be composed of seven members who are city residents and/or persons who own property within the city, appointed by the city council considering the following:

- i. A demonstrated interest in historic preservation;
- ii. A professional mix that provides for expertise in the fields of architecture, planning, engineering, law, or finance, to the extent reasonable and possible; and
- iii. Representation of the community at-large.

The board shall be provided staff support through the Planning and Development Department for the city.

b. Terms; vacancies, removal. Members shall be appointed for a term of four years, except in the case of an appointment to fill a vacancy for the four-year period in which event the appointment shall be for the unexpired term only. Any member of the board may be removed from office by the city council in a regular meeting.

c. Officers. The board shall elect from among its members a chairman and vice-chairman.

#### (2) *Duties and procedures.*

a. Purpose. The board shall have as its purpose the preservation and protection of buildings of historic significance. It shall be the board's duty to act upon plans for the alteration, renovation, or restoration of regulated historic structures to ensure conformance with the U.S. Secretary of the Interior's Standards for Rehabilitation. During the review process, the board shall also consider conformance to the development guidelines established for the city historic district.

b. Plan submission procedure.

- i. Required. Every application for development approval to alter, renovate, or restore a regulated historic building located in the historic district or buildings listed on the

National Register which are located outside the historic district, shall be required to submit plans for the proposed work in sufficient detail to allow for review by the board.

ii. Plans defined; certificate of appropriateness. Plans for renovations to nonregulated historic properties may, at the owner's election, be submitted for review by the historic preservation board in order to obtain a certificate of appropriateness. As used herein, the term "plans" means drawings or sketches with sufficient elevations to show the architectural design of the building (both before and after the proposed work is done in the case of altering or renovating a building or structure), including proposed materials, textures and colors, and the site plan or site layout, site improvements of features such as walls, walks, terraces, landscaping, that meet the requirements of subsection 11.4(D), accessory buildings, signs, lights and other appurtenances.

iii. Board meeting; notice. Such plans shall be submitted to the Planning and Development Department, who will forward such plans to the historic preservation board. Upon submittal of an application for development approval to the Planning and Development Department, the applicant for any proposed development found to be under the jurisdiction of the historic preservation board, shall be notified of the time, date and place of the board's meeting. The applicant or authorized agent is encouraged to appear at the meeting at which the request is being considered by the board to review the alteration, renovation or restoration of the regulated historic structure which is under consideration.

c. Review and decision. The board shall promptly review such plans and make a determination as to conformance with the Secretary of the U. S. Department of Interior's Standards for Rehabilitation.

d. Notification; building permit. If the board finds the plans in conformance with the requirements of this section, a certificate of appropriateness will be issued. If the board does not find the plans in conformance, the applicant may resubmit plans to the board with the necessary changes, as specified by the board in its finding of nonconformance.

e. Voting. Decisions may be rendered when a quorum is present, by a simple majority of the board members present and voting.

### **C. Standards for rehabilitation of historic structures.**

The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Regulated Historic Buildings and the City of Milton's Pattern Book are hereby adopted as review guidelines for the rehabilitation of regulated historic structures located within the city historic district, and those listed at the National Register, but located outside the historic district.

### **D. Supplementary design review regulations.**

(1) In the historic district, where a characteristic development pattern and distinctive architectural style have already been established, new development shall be planned to reinforce this special character. The early 1900's architectural style is the established theme for the historic district. In issuing land use certificates, the downtown redevelopment board shall review development plans, including exterior facades and sign construction and renovation, for conformance with the guidelines established in this section.

(2) The adoption of guidelines herein are intended to provide flexibility in the development of property within the district in a manner which balances the interest of the property owner with the public's need for

assurance that development will be orderly and aesthetically compatible with neighboring structures and historic resources.

(3) Each development proposal within the historic district will be considered by the downtown redevelopment advisory board based upon the following guidelines:

a. Site planning. The historic character of the district shall be reflected as closely as possible in the site planning of new development. Site planning should also respect the precedents set by other buildings on a block. For example, the placement of new buildings on a lot should correspond to the setbacks, orientation, and spacing of adjacent buildings to ensure maximum consistency and compatibility of the overall streetscape.

b. Architecture. The early 1900's architectural theme is hereby established for the city historic district. The scale, height, massing, materials, textures, and colors of new buildings shall be compatible with those of existing structures to which such new construction or renovation is visually related. Architectural details which are similar to the details of adjacent existing buildings will have a unifying effect and are encouraged.

c. Landscaping. Landscaping and tree protection within the district shall be regulated in accordance with Article 12. New landscaping should be consistent with the existing landscape character of the district. Courtyard and sidewalk paving material shall be consistent with the neighboring areas. The use of brick as a paving material is encouraged. Walls and fences shall be consistent with the approved fencing materials. Where common or centralized solid waste containers are proposed, such facilities shall be screened with vegetation, fencing or other appropriate materials.

d. Fences. Subsection 9.3(N) controls.

e. Signs. Signs in the historic district shall be regulated in accordance with Article 16 and with the following specific requirements, or as otherwise approved by the development approval authority.

i. On residential structures, one non-illuminated name plate designating the name of the occupant of the property and other historical information of significance is allowed. The name plate should not be larger than 100 square inches and may be attached to the building or be freestanding.

ii. Sign patterns and colors have been established for use in the historic district. Sign patterns shall be colonial design, semi-custom sign patterns, or the equivalent. Sign colors include those specified in subsection D(4) for structures.

iii. Portable signs mounted on a trailer-type vehicle, and specifically designed to be temporary in nature are prohibited in the historic district.

iv. Within the historic district, signs projecting into or overhanging the public right-of-way are permitted subject to approval by the development approval authority, and are subject to removal on 30 days' notice if the city requires the space for any public purpose. Such signs shall be consistent with other sign criteria for the district and must be of a character and size consistent with the historic theme. Approval shall also be required for the hanging mount.

v. If the sign is to project over the state department of transportation's right-of-way (Caroline Street), approval would also be required of that agency prior to city approval.

vi. All other criteria will be regulated in accordance with Article 16.

(4) *Exterior structure colors.*

Historic period colors have been established for buildings in the historic district. These colors include, but are not limited to, Heritage Colors (authentic exterior colors for American buildings (1820-1920 by Sherwin Williams), or equivalent historic period colors by other paint brands.

### **E. Incentives for preservation.**

(1) Substantial rehabilitation (50 percent or greater of appraised value) of structures in flood zones is normally restricted; however, if a property is listed as significant on the Florida Master Site File, National Register, or by local designation, the restriction does not apply.

(2) Owners of historic structures may petition the board of adjustment for a special exception for use, regardless of the zoning district. This allows buildings in residential districts to convert to office uses if the board of adjustment determines that the use is not injurious to the character of the neighborhood.

(3) For designated properties, variances to parking requirements, lot size or other zoning requirements may be requested from the board of adjustment without proving a hardship. It must be shown that the granting of the variance will not injure the public health and safety of the area. Filing these types of petitions usually carries a fee, but this is waived for regulated historic structures.

### **F. Appeals.**

Decisions of the historic preservation board may be appealed to the city council, sitting as the community redevelopment agency as provided for in Article 3.

## **11.5 ARCHAEOLOGICAL RESOURCE PROTECTION.**

### **A. Intent.**

It is the intent of this section to provide for the protection of archaeologically significant resources within the city's jurisdiction.

### **B. Requirement for construction activity.**

In the event that a proposed development plan has been identified by the Planning and Development Department to be in the vicinity of an archaeologically significant site, the department shall require the owner to alert construction personnel in regards to this information. If at any time, a potentially significant archaeological site or artifact is uncovered during the development process, the owner shall notify the city. The city shall contact and consult with the University of West Florida, Office of Cultural and Archaeological Research and/or other appropriate state officials to determine the significance of the resource and identify the need for mitigation measures.

## **11.6 TREE PROTECTION**

### **A. Heritage tree preservation.**

(1) Heritage trees shall be preserved within the city, unless removal is mitigated as set forth below. All land uses shall comply with the requirements of this section. Heritage trees, determined to be dead and/or



diseased to a point beyond recovery by a certified arborist shall be exempted from the following requirements.

- a. Protective measures during construction activity shall be afforded to heritage trees consistent with the requirements contained in subsection 11.6(B)(8).
- b. Any application to remove a heritage tree shall specify the location and size of such tree and detail the reasons necessitating its removal. Such applications shall be reviewed and acted upon by the Planning and Development Department.

## **B. Protected Trees.**

### *(1) Intent.*

It is the intent of this section to:

- a. Provide for the preservation of protected trees;
- b. Help preserve the environment's ecological balance;
- c. Reduce heat and glare; and
- d. Reduce the degrading effects of thermal pollution and storm water runoff. It is not the intent of this section to prevent the cutting of trees for agricultural purposes.
- e. Protected trees shall be preserved within the city unless removal is mitigated as set forth below.

### *(2) Applicability.*

This section shall apply to all land area and districts, excepting single-family and duplex residential uses and agricultural uses.

### *(3) Exemptions.*

The following trees are exempt from the provisions of this section:

- a. Any tree located within utility easements and public rights-of-ways; which endanger the public safety and/or welfare; which interferes with utility service; which is required by a local, state or federal agency; or which is required to be removed to qualify for state or federal financial aid.

### *(4) Powerline easements.*

The development approval authority may grant a waiver from the requirements of this section to the extent necessary to prevent interference with power company access on or to utility easements; provided that such waiver does not allow the unnecessary destruction or removal of heritage trees as defined above.

### *(5) Emergency exemptions.*

During emergency conditions caused by a hurricane or other natural disaster, the provisions of this section may be suspended by direction of the City Manager or mayor until the end of the emergency period. Notice of such emergency suspension shall be posted at city hall and in a newspaper of local circulation.

### *(6) Permit required; contents.*

No person shall cut down, destroy, remove, relocate or destructively damage or cause to be cut down, destroyed, removed, relocated or destructively damaged any protected tree without first obtaining a permit from the city as herein provided. The information to be provided by the owner shall include:

- a. The number, species, size and location of the affected protected tree; and
- b. A brief statement of the reasons for the requested action.

*(7) Application.*

A permit application for the removal of a protected tree shall be made to the Planning and Development Department. Such application shall only be approved if one of the following conditions exists, as determined by the zoning coordinator

- a. A site plan submitted by the applicant shows that a proposed structure, permissible under all applicable laws and regulations, can be situated on a subject parcel only if specific protected trees are removed or relocated;
- b. The protected tree is located in such proximity to existing or proposed structures that the utility or structural integrity of such structures is materially impaired;
- c. The protected tree materially interferes with the location, servicing or functioning of public utility lines or service; and
- d. The protected tree obstructs views of oncoming ground traffic or otherwise creates a substantial hazard to such traffic, or where the removal of the protected tree is necessary to comply with state and federal requirements or is necessary to obtain state or federal financial assistance.

*(8) Protection during construction.*

- a. During development activities, protected trees shall be safeguarded from activities which may injure or kill them.
- b. At least 50 percent of the area within the drip line or the area within ten feet of the tree trunk, whichever is greater, shall be preserved in a natural state or provided with pervious landscaping. Within this area the soil shall be maintained at its original grade with no trenching or cutting of roots allowed. Any land clearing activities done in this area shall be done by hand. Beyond ten feet of the tree trunk and within the drip line, a light fill of porous gravelly material up to six inches deep may be added but no grade lowering shall occur. To accomplish deeper filling a drainage system shall be installed within the area defined in the drip line of the tree and a drywall shall be constructed at a distance at least ten feet from the trunk of the tree before gravel and porous fill are added.
- c. Within the drip line there shall be no storage of fill or soil compaction as from heavy equipment, or any spilling, storage, or disposal of concrete, mortar, paint, solvents, chemicals, or other potentially harmful substances.
- d. All trees to be protected shall be staked or fenced and conspicuously flagged throughout the construction process. A minimum of 50 percent of the area within the drip line and/or the area within ten feet of the tree trunk, whichever is greater, shall be staked and conspicuously flagged.

*(9) Review.*

- a. Permit applications for the removal of protected trees, including heritage trees, shall be made to the Planning and Development Department. The department shall have ten working days in which to review the site plan and permit application, and make a determination as to whether the proposed removal of the protected tree is consistent with the provisions of this section. Upon a finding that the site plan and permit application is consistent with the provisions of this section, a city development permit shall be issued.
- b. Upon finding that the site plan and permit is inconsistent with the provisions of this section, the Planning and Development Department shall notify the applicant in writing as to what action must be taken to conform the site plan and permit application to the requirements of this section.

c. Additional requirements and review may apply within the Historic District and Community Redevelopment Areas.

(10) *Mitigation requirements.*

a. All trees not considered heritage or protected, based on species or diameter, must be relocated or replaced on a two for one basis (two replacement trees for each removed) within all land uses and districts with the exception of single family and duplex uses. Heritage and Protected trees shall be replaced with an additional replacement tree required for every two-inch gain in diameter over the protected or heritage size threshold as specified in 8.6(A) above.

i. Species recognized as an "invasive" exotic and those whose health is confirmed to be "fair" or worse as determined by the city's planning department working in conjunction with a certified arborist shall be exempt from mitigation.

b. Where it is not possible to plant replacement trees onsite, tree impacts shall be offset by contributing to a mitigation fund used to plant new trees or for green-space enhancement projects in appropriate locations throughout the community. When every effort to incorporate existing trees into designs is exhausted and there is still not ample room within the project site for all of the required replacement plantings, the offsite mitigation fee shall be calculated using the formula found herein with a value of \$250.00 per replacement tree. (For example, a four-inch diameter tree that is replaced 2:1 would require a fee of  $\$250.00 \times 2 = \$500.00$ , while a 39-inch diameter heritage tree would be replaced 4:1 equal to  $\$250.00 \times 4 = \$1,000.00$ .) These values shall be used when seeking a tree removal permit. Unauthorized tree removal is prohibited and shall increase the required mitigation twice the rate applied to authorized removals. The table below provides the value of offsite mitigation fees including heritage trees.

**Table 11.6.1. On-Site and Off-Site Tree Mitigation Schedule.**

Tree Size	Cost to Mitigate Protected Trees (Ratios Incorporated)	Cost to Mitigate Heritage Trees (Ratios Incorporated)	Onsite Tree Replacement Schedule (# of Trees)
10	N/A	N/A	0
11	N/A	N/A	0
12	\$500.00	N/A	2
13	\$500.00	N/A	3
14	\$500.00	N/A	3
15	\$500.00	N/A	3
16	\$750.00	N/A	3
17	\$750.00	N/A	4
18	\$750.00	N/A	4
19	\$750.00	N/A	4
20	\$1,000.00	N/A	4
21	\$1,000.00	N/A	5
22	\$1,000.00	N/A	5
23	\$1,000.00	N/A	5
24	\$1,250.00	N/A	5
25	\$1,250.00	N/A	6
26	\$1,250.00	N/A	6
27	\$1,250.00	N/A	6
28	\$1,500.00	N/A	6
29	\$1,500.00	N/A	7
30	\$1,500.00	N/A	7
31	\$1,500.00	N/A	7
32	\$1,750.00	N/A	7

33	\$1,750.00	N/A	8
34	\$1,750.00	N/A	8
35	\$1,750.00	N/A	8
36	N/A	\$2,000.00	8
37	N/A	\$2,000.00	9
38	N/A	\$2,250.00	9
39	N/A	\$2,250.00	10
40	N/A	\$2,500.00	10
41	N/A	\$2,500.00	11
42	N/A	\$2,750.00	11
43	N/A	\$2,750.00	12
44	N/A	\$3,000.00	12
45	N/A	\$3,000.00	13
46	N/A	\$3,250.00	13
47	N/A	\$3,250.00	14
48	N/A	\$3,500.00	14
49	N/A	\$3,500.00	15
50	N/A	\$3,750.00	15

\*All trees greater than 50 inches DBH will use the same ratios for all columns.

### C. Tree Planting and Preservation—Off-Street Parking Areas.

The requirements of this section shall be in addition to the requirements of all other applicable sections of these regulations.

(1) *Intent.*

It is the intent of this subsection to provide for tree preservation and planting in off-street, paved parking areas and other development, to help preserve the ecological balance of the environment, to reduce heat and glare, to provide a buffer from street noise and incompatible land uses, and to reduce the degrading effects of thermal pollution and/or stormwater runoff.

(2) *Applicability.*

The following requirements shall apply to all land uses and districts within the city, with the exception of single-family and duplex residential and agricultural uses.

a. Tree planting.

Any expansion of paved areas constructed or undertaken after the adoption of the ordinance from which these regulations are derived shall require the planting of a minimum of one *tree*, for each additional 1,000 square feet of pervious paved area or fraction thereof and three trees for each additional 1,000 square feet of impervious paved area or fraction thereof.

- i. The tree planting areas shall have the minimum width necessary to support the future growth of the specific tree planted. In no case, shall such width be less than width of the surrounding parking spaces if an island or less than 5 feet wide if provided elsewhere.
- ii. Acceptable pervious materials are found in Subsection 13.5.

b. Tree preservation.

- i. Credit schedule. Any existing tree with a crown located within the paved area or within ten feet of the parking area shall be eligible for credit toward the required tree planting, provided that the trunk is located within the property being developed.

ii. Where new or expanded paved areas are constructed, the following credit schedule may be applied for existing trees on-site which will be preserved. Such credits shall be subject to the approval of the Planning and Development Department.

**Table 11.6.2. Tree Credit Schedule**

Diameter of Existing Crown Spread of Preserved Tree (in feet)	Diameter of Trunk of Preserved Tree (in inches)	Number of Trees Credited
90 or greater	36 or greater	7
60—89	30—35	6
50—59	26—29	5
40—49	20—25	4
30—39	13—19	3
20—29	8—12	2
16—19	4—7	1

\*Crown spread measurements shall be rounded off the nearest whole foot, and the tree trunk diameter measurement shall be rounded off to the nearest whole inch.

*(3) Reduction Schedule.*

A reduction of required parking spaces in any zoning district in the city may be allowed when the reduction would result in the preservation of a tree with a trunk diameter of 12 inches or greater. The following reduction schedule shall apply:

**Table 11.6.3. Reduction Schedule**

Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
0—4	0
5—9	1
10—19	2
20 or above	10 percent

*(4) Installation and protection.*

a. Where new trees are installed, a continuous curb or other acceptable means of protection shall be provided to prevent injury to both the tree trunk and to vehicles using the parking area. Such curb will be installed so that an unpaved ground surface around the tree trunk will be retained to allow percolation of water to the root system. Such unpaved ground surface shall include at a minimum the area within ten feet of the tree trunk of 50 percent of the area within the drip line, whichever is greater.

b. 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 to allow percolation into permeable soil, shall be provided in the area defined by the drip line of the tree.

c. Trees shall not be located in such a manner as to create a hazard to automobile traffic either entering or exiting the parking area. Use of tree planting areas as elements of vehicular control (e.g., medians, traffic or parking separators, etc.) is encouraged.

(5) *Tree replacement.*

Any tree planted per the requirements of this section, which dies shall be replaced by the owner with a tree having a minimum diameter of three inches at time of planting within 60 days.

(6) *Maintenance.*

It shall be the duty of the property owner on whose land off-street parking or other vehicular use area is installed to provide proper maintenance of the landscape plantings. This includes, but is not limited to, the replacement of plants damaged by insects, diseases, other natural acts, vehicular traffic, or vandalism. Necessary replacement shall be made within a time period not to exceed 30 days after notification by a code enforcement officer or other designated City representative.