

**Charlotte County Board Of County Commissioners
Agenda Item Summary**

Item Number: G- 2

1 DEPARTMENT MAKING REQUEST

Community Development

2 MEETING DATE

9/9/2014 9:00:00 AM

3 REQUESTED MOTION/ACTION

Set a public hearing for September 23, 2014, at 2:00 p.m. or soon thereafter as may be heard, to adopt an Ordinance amending Part III Land Development and Growth Management, Chapter 3-5, Article XVIII Landscaping and Buffers of the Code of Laws and Ordinances of Charlotte County, Florida, by revising Section 3-5-397 Planting Standards.

4 AGENDA

Consent

5 IS THIS ITEM BUDGETED (IF APPLICABLE) - No

Budget Action

No action needed.

Financial Impact Summary Statement

None

Detailed Analysis Attached -

Budget Officer-

6 BACKGROUND (Why is this Action Necessary, and What Action will be accomplished)

This revision to the Landscaping and Buffers Code is necessary if the proposed Earthmoving Code is adopted. This proposed revision will simply remove the words "clearing" and "grading" from subsection (l) of Section 3-5-397 Planting Standards. This revision will ensure consistency between the Landscaping and Buffers Code and the proposed Earthmoving Code.

If the Board approves this revision, it will ensure consistency between proposed Chapter 3-5 Article XXIII Earthmoving and Chapter 3-5 Article XVIII Landscaping and Buffers.

ATTACHMENTS:

Name:	Description:	Type:
<input type="checkbox"/> MemotoBoardLandscapingandBuffers.pdf	Memo to the Board	Cover Memo
<input type="checkbox"/> clean_draft_landscapingandbuffers7282014.pdf	Clean Version Proposed Landscaping and Buffers Code	Cover Memo
<input type="checkbox"/> strikethru_underline_draft_landscapingandbuffers7282014.pdf	Strikethrough and Underline Proposed Changes to Landscaping and Buffers Code	Cover Memo
<input type="checkbox"/> Amendment to Chapter 3-5. Landscaping and Buffers.9-23-14.pdf	Draft Ordinance	Backup Material



MEMORANDUM

Date: July 28, 2014

To: Charlotte County Board of County Commissioners
Planning and Zoning Board

From: Elizabeth Nocheck, Planner II

Subject: Revisions to Chapter 3-5, Article XVIII Landscaping and Buffers, of the Code of Laws and Ordinances of Charlotte County, Florida.

The language "clearing, grading" is proposed to be removed from Section 3-5-397 Planting Standards of Article XVIII Landscaping and Buffers, Chapter 3-5, of the Code of Laws and Ordinances of Charlotte County, Florida. These revisions are necessary to ensure consistency with Chapter 3-5, Article XXIII Earthmoving Code. The proposed revision is as follows:

Sec. 3-5-397. Planting standards.

- (l) All ~~clearing, grading~~, installation and site preparation shall be done in accordance with this Code.

Staff recommends the Board adopt the proposed revisions to Article XVIII Landscaping and Buffers dependent on the adoption of the proposed Earthmoving Code.

COMMUNITY DEVELOPMENT DEPARTMENT

Comprehensive Planning Division
18500 Murdock Circle | Port Charlotte, FL 33948
Phone: 941.764.4920 | Fax: 941.743.1299

PART III - LAND DEVELOPMENT AND GROWTH MANAGEMENT
CHAPTER 3-5 - PLANNING AND DEVELOPMENT
ARTICLE XVIII. - LANDSCAPING AND BUFFERS

DIVISION 1. GENERALLY

1 **Sec. 3-5-397. Planting standards.**

- 2 (a) All plants, except transplanted plants, shall meet the quality standards for Florida No. 1 or better, as
3 provided by *Grades and Standards for Nursery Plants*, Parts I and II, latest edition, State of Florida,
4 Department of Agriculture, Tallahassee.
- 5 (b) *Tree size*: Trees used for points must have a minimum diameter (as measured by caliper or forestry
6 diameter tape) of two (2) inches measured at twelve (12) inches above the soil line, have a minimum
7 height of eight (8) feet at installation, and be on the approved tree list (Exhibit 9).
- 8 (c) Palm trees used for points must have a minimum of six (6) feet of clear trunk and be on the approved
9 tree list (Exhibit 9).
- 10 (d) Required trees not needed for tree points must:
- 11 (1) Have a minimum diameter, measured by caliper or forestry diameter tape, of one (1) inch
12 measured twelve (12) inches above the soil line;
- 13 (2) Have a minimum height of six (6) feet at installation; and
- 14 (3) Be on the approved tree list (Exhibit 9), or be approved by the department.
- 15 (e) Tree species mix. When more than ten (10) trees are required, a mix of species shall be planted as
16 provided in the table below. No individual species shall comprise more than sixty (60) percent of the
17 tree species mix. This subsection does not apply to areas of vegetation which have been preserved
18 in the natural state.

Required Number of Trees	Minimum Number of Species
11—20	2
21—30	3
31—40	4
41+	5

19

PART III - LAND DEVELOPMENT AND GROWTH MANAGEMENT
CHAPTER 3-5 - PLANNING AND DEVELOPMENT
ARTICLE XVIII. - LANDSCAPING AND BUFFERS

DIVISION 1. GENERALLY

- 1 (f) Shrubs and hedges for decorative perimeter and interior landscaping must be a minimum twelve (12)
2 inches in height upon planting, be spaced eighteen (18) to thirty-six (36) inches on center determined
3 by the type of plant used, and be of the type that reach at least twenty-four (24) inches on maturity.
- 4 (g) Hedges for parking lot screening and buffers must be a minimum eighteen (18) inches in height upon
5 planting, be spaced and maintained in order to form a continuous, solid visual screen within one (1)
6 year from planting, and be of the type that reach at least forty-eight (48) inches on maturity.
- 7 (h) Hedges used to replace an existing buffer wall must be at least four (4) feet tall (ten-gallon plant) at
8 installation.
- 9 (i) Vines shall be a minimum of twenty-four (24) inches in height at time of planting.
- 10 (j) Ground cover.
- 11 (1) Ground cover shall be planted in such a manner as to present a finished appearance, provide
12 soil stabilization and shall be used with a mulch when the ground is not completely covered by
13 the ground cover at the time of planting. The height and size (gallon) of ground cover do not
14 have to be designated on the landscape plan.
- 15 (2) Ground cover not meeting the initial ground cover requirements may be approved by the
16 department if the applicant establishes that the ground cover has water conservation properties.
- 17 (k) Grass.
- 18 (1) Areas to be planted with grass may be sodded, plugged, sprigged or seeded using drought
19 resistant and low water using strains.
- 20 (2) Solid sod must be used in swales and other areas subject to erosion, including
21 retention/detention ponds. Retention/detention pond floors may be seeded.
- 22 (3) Seeded areas must be sufficiently seeded to produce a ground cover within thirty (30) days.
- 23 (4) No more than twenty-five (25) percent of required landscaping may be planted in turf grass.
- 24 (l) All installation and site preparation shall be done in accordance with this Code.
- 25 (m) Existing vegetation used to meet the requirements of this article shall be protected by the measures
26 provided in chapter 3-2, article IX of this Code.
- 27 (n) Where overhead power lines exist or are planned, the required canopy trees shall be replaced with
28 trees approved for planting under power lines.
- 29 (o) Alterations to landscaping and buffers require the written permission of the department.

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- 1 (p) Prohibited species. It is unlawful to plant any of the prohibited species identified in Exhibit 10. In
- 2 addition, the prohibited species Australian pine, Brazilian pepper, melaleuca and downy rose myrtle
- 3 must be removed during site preparation.

DRAFT

PART III - LAND DEVELOPMENT AND GROWTH MANAGEMENT
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DIVISION 1. GENERALLY

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3 provided by *Grades and Standards for Nursery Plants*, Parts I and II, latest edition, State of Florida,
4 Department of Agriculture, Tallahassee.
- 5 (b) *Tree size:* Trees used for points must have a minimum diameter (as measured by caliper or forestry
6 diameter tape) of two (2) inches measured at twelve (12) inches above the soil line, have a minimum
7 height of eight (8) feet at installation, and be on the approved tree list (Exhibit 9).
- 8 (c) Palm trees used for points must have a minimum of six (6) feet of clear trunk and be on the approved
9 tree list (Exhibit 9).
- 10 (d) Required trees not needed for tree points must:
- 11 (1) Have a minimum diameter, measured by caliper or forestry diameter tape, of one (1) inch
12 measured twelve (12) inches above the soil line;
- 13 (2) Have a minimum height of six (6) feet at installation; and
- 14 (3) Be on the approved tree list (Exhibit 9), or be approved by the department.
- 15 (e) Tree species mix. When more than ten (10) trees are required, a mix of species shall be planted as
16 provided in the table below. No individual species shall comprise more than sixty (60) percent of the
17 tree species mix. This subsection does not apply to areas of vegetation which have been preserved
18 in the natural state.

Required Number of Trees	Minimum Number of Species
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PART III - LAND DEVELOPMENT AND GROWTH MANAGEMENT
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DIVISION 1. GENERALLY

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2 inches in height upon planting, be spaced eighteen (18) to thirty-six (36) inches on center determined
3 by the type of plant used, and be of the type that reach at least twenty-four (24) inches on maturity.
- 4 (g) Hedges for parking lot screening and buffers must be a minimum eighteen (18) inches in height upon
5 planting, be spaced and maintained in order to form a continuous, solid visual screen within one (1)
6 year from planting, and be of the type that reach at least forty-eight (48) inches on maturity.
- 7 (h) Hedges used to replace an existing buffer wall must be at least four (4) feet tall (ten-gallon plant) at
8 installation.
- 9 (i) Vines shall be a minimum of twenty-four (24) inches in height at time of planting.
- 10 (j) Ground cover.
- 11 (1) Ground cover shall be planted in such a manner as to present a finished appearance, provide
12 soil stabilization and shall be used with a mulch when the ground is not completely covered by
13 the ground cover at the time of planting. The height and size (gallon) of ground cover do not
14 have to be designated on the landscape plan.
- 15 (2) Ground cover not meeting the initial ground cover requirements may be approved by the
16 department if the applicant establishes that the ground cover has water conservation properties.
- 17 (k) Grass.
- 18 (1) Areas to be planted with grass may be sodded, plugged, sprigged or seeded using drought
19 resistant and low water using strains.
- 20 (2) Solid sod must be used in swales and other areas subject to erosion, including
21 retention/detention ponds. Retention/detention pond floors may be seeded.
- 22 (3) Seeded areas must be sufficiently seeded to produce a ground cover within thirty (30) days.
- 23 (4) No more than twenty-five (25) percent of required landscaping may be planted in turf grass.
- 24 (l) All ~~clearing, grading,~~ installation and site preparation shall be done in accordance with this Code.
- 25 (m) Existing vegetation used to meet the requirements of this article shall be protected by the measures
26 provided in chapter 3-2, article IX of this Code.
- 27 (n) Where overhead power lines exist or are planned, the required canopy trees shall be replaced with
28 trees approved for planting under power lines.
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DRAFT

1 ORDINANCE
2 NUMBER 2014 -

3
4 AN ORDINANCE OF THE BOARD OF COUNTY
5 COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA,
6 AMENDING PART III LAND DEVELOPMENT AND
7 GROWTH MANAGEMENT, CHAPTER 3-5, ARTICLE XVIII
8 LANDSCAPING AND BUFFERS, OF THE CODE OF LAWS
9 AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA,
10 BY REVISING SECTION 3-5-397 PLANTING STANDARDS;
11 PROVIDING FOR CONFLICT WITH OTHER
12 ORDINANCES; PROVIDING FOR SEVERABILITY; AND
13 PROVIDING FOR AN EFFECTIVE DATE.

14
15 RECITALS

16
17 WHEREAS, Article XVIII of Chapter 3-5 of the Code of Laws and
18 Ordinances of Charlotte County, Florida (“Code”) provides for landscaping and
19 buffering requirements for property in Charlotte County; and

20 WHEREAS, on September 23, 2014, the Board of County Commissioners
21 of Charlotte County, Florida (“Board”) adopted an Ordinance amending Part III
22 Land Development and Growth Management, Chapter 3-5 of the Code, by
23 deleting Article XXI Excavations and Article XXIII Excavation and Earthmoving, in
24 their entirety, and creating new Article XXIII Earthmoving; and

25 WHEREAS, in order to ensure consistency with Article XXIII Earthmoving,
26 it is necessary to revise Article XVIII Landscaping and Buffers, by removing the
27 words “clearing” and “grading” from Section 3-5-397 Planting Standards; and

28 WHEREAS, the Board has determined that it is in the best interests of
29 Charlotte County and its citizens to adopt the changes to Article XVIII of Chapter
30 3-5 of the Code.

31 NOW, THEREFORE, BE IT ORDAINED by the Board of County
32 Commissioners of Charlotte County, Florida:

33
34 **Section 1.** Article XVIII of Chapter 3-5 of the Code of Laws and
35 Ordinances of Charlotte County, Florida, is hereby amended by ~~deleting the~~

1 ~~stricken~~ language to provide as follows:

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ARTICLE XVIII. LANDSCAPING AND BUFFERS

5

DIVISION 1. Generally.

6

Sec. 3-5-397. Planting standards.

7

(a) All plants, except transplanted plants, shall meet the quality standards for Florida No. 1 or better, as provided by *Grades and Standards for Nursery Plants*, Parts I and II, latest edition, State of Florida, Department of Agriculture, Tallahassee.

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(b) *Tree size:* Trees used for points must have a minimum diameter (as measured by caliper or forestry diameter tape) of two (2) inches measured at twelve (12) inches above the soil line, have a minimum height of eight (8) feet at installation, and be on the approved tree list (Exhibit 9).

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(c) Palm trees used for points must have a minimum of six (6) feet of clear trunk and be on the approved tree list (Exhibit 9).

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(d) Required trees not needed for tree points must:

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(1) Have a minimum diameter, measured by caliper or forestry diameter tape, of one (1) inch measured twelve (12) inches above the soil line;

15

16

(2) Have a minimum height of six (6) feet at installation; and

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(3) Be on the approved tree list (Exhibit 9), or be approved by the department.

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(e) Tree species mix. When more than ten (10) trees are required, a mix of species shall be planted as provided in the table below. No individual species shall comprise more than sixty (60) percent of the tree species mix. This subsection does not apply to areas of vegetation which have been preserved in the natural state.

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 5 plant used, and be of the type that reach at least twenty-four (24) inches on
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 8 (18) inches in height upon planting, be spaced and maintained in order to
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15 accordance with this Code.

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17 protected by the measures provided in chapter 3-2, article IX of this Code.

18 (n) Where overhead power lines exist or are planned, the required canopy trees
19 shall be replaced with trees approved for planting under power lines.

20 (o) Alterations to landscaping and buffers require the written permission of the
21 department.

22 (p) Prohibited species. It is unlawful to plant any of the prohibited species
23 identified in Exhibit 10. In addition, the prohibited species Australian pine,
24 Brazilian pepper, melaleuca and downy rose myrtle must be removed during
25 site preparation.

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1 **Section 2.** Conflict With Other Ordinances. The provisions of this
2 article shall supersede any provisions of existing ordinances in conflict herewith
3 to the extent of said conflict.

4 **Section 3.** Severability. In the event that any portion of this article
5 is for any reason held invalid or unconstitutional by any court of competent
6 jurisdiction, such portion shall be deemed a separate, distinct and independent
7 provision, and such holding shall not affect the validity of the remaining portions
8 of this article.

9 **Section 4.** Effective Date. This Ordinance shall take effect upon its
10 filing with the Office of the Secretary of State, State of Florida.

11
12
13 PASSED AND DULY ADOPTED this _____ day of _____, 2014.

14
15
16 BOARD OF COUNTY COMMISSIONERS
17 OF CHARLOTTE COUNTY, FLORIDA

18
19 By: _____
20 Kenneth W. Doherty, Chairman

21
22 ATTEST:
23 Barbara T. Scott, Clerk of Circuit Court
24 and Ex-Officio Clerk to the Board of
25 County Commissioners

26
27 By: _____
28 Deputy Clerk

29 APPROVED AS TO FORM AND
30 LEGAL SUFFICIENCY:

31
32 By: _____
33 Janette S. Knowlton, County Attorney
34 LR2014-2250