

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. **Prior to approval all landscape and tree protection plans shall be posted to the city's website and a copy sent to the council person in whose district the permit will be issued. Such notice requirement will be posted two weeks prior to any approval of a landscaping plan.** 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 phone number 311 or any other number required by the City Building Inspector shall be posted on the third line.

The top line shall be in legible type no smaller than six (6) inches in height. The bottom two lines 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.

For any acreage of more than one half acre wherein two thirds of the land is wooded with trees additional notice shall be required. A notice shall be sent to the city council representative of the district wherein the land is located within 14 days prior to the issuance of a landscape and tree protection plan and removal

permit. For acreage two acres or more, notice shall be sent to all residences within 500 yards of the property within 14 days prior to the issuance of a permit. Such notice shall include a reliable phone number and other contact information of a person who is knowledgeable regarding the tree removal permit applied for.

Review Routing
Project: 12-6-4 Tree Ordinance

Meeting: September 15, 2020

Department:	Comments:
FIRE	No comments.
PW/E	No comments.
InspSvcs	See attached.
ESP	No comments.
ECUA	No comments.
GPW	No comments.
ATT	No comments.

Cynthia Cannon

From: Annie Bloxson
Sent: Tuesday, August 11, 2020 8:04 AM
To: Cynthia Cannon
Subject: RE: Request to Amend Sec 12-6-4 Landscape and Tree Protection Plan

Good Morning,

I do not oppose the request to amend Sec. 12-6-4 Landscape and Tree Protection Plan.

Respectfully,

Annie Bloxson

Fire Marshal

Visit us at PensacolaFire.com

475 E. Strong St.

Pensacola, FL 32501

Office: 850.436.5200

abloxson@cityofpensacola.com



Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Cynthia Cannon <CCannon@cityofpensacola.com>

Sent: Monday, August 10, 2020 1:52 PM

To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Heather Lindsay <HLindsay@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Odom <LOdom@cityofpensacola.com>; Leslie Statler <LStatler@cityofpensacola.com>; Mark Jackson <MaJackson@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T)

Cynthia Cannon

From: Jonathan Bilby
Sent: Monday, August 10, 2020 4:17 PM
To: Cynthia Cannon; Bill Kimball; Brian Cooper; Heather Lindsay; Leslie Statler; Mark Jackson
Cc: Kerrith Fiddler
Subject: RE: Request to Amend Sec 12-6-4 Landscape and Tree Protection Plan

Here are my comments:

Reference to "City Building Inspector" is not consistent with the tree ordinance language or City Code. There is no such position within the City of Pensacola. The draftee must not be familiar with the language in the ordinance and 12-6 of the LDC regarding responsible charge and proper title of those responsible for enforcement of the ordinance. The responsible parties are "Building Official", "Parks and Recreation Department", and "Mayor, or his or her designee". Recommend changing the Notice section to "Mayor or his or her designee" for the purposes of the phone number.

Notification should not be a burden to staff. The language is unclear who shall provide notification. This should be the responsibility of the applicant if it is approved and codified. Note: Inspection Services may not spend any building permit revenue for notification purposes of a land development code item per Florida Statute 553.80.

14 day or 2 week delay, when drafting ordinance language, consistency is something we should strive for. In one section it mentions two weeks, and another 14 days. This needs to be cleaned up.

As stated in the draft language, the delay is for approved plans. If a project is approved and meets the code, should it not be acceptable to issue the permit? What is the purpose for the delay if it meets the code? This kind of proposed language is why there is a movement for preemptive laws regarding trees. Keep these kind of regulations coming and developers will lobby the legislature to try and remove the good control measures that we have protecting trees. Just my opinion, but I disagree with the proposed delay as it serves no purpose.

Plans are already available on the City website, but we do not make them available until they are approved. We do not release them until they have been reviewed, approved and ready for permitting.

Notice to council members- Is the notice required to be mailed, emailed, or sent by homing pigeon? The draft does not specify how the notice will be sent, but it appears that the intent is that it would be by mail. Need further clarification.

Need clarification of "wooded with trees" as used in the additional notice section.

Jonathan Bilby, MCP, CFM
Inspection Services Director
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