

**CANOPY  
ARTICLE IV. CANOPY ROADS****Sec. 98-92. Findings of fact.**

The Board of County Commissioners hereby makes the following findings:

- (1) Sarasota County is endowed and forested by native oaks and other **trees** which give the County a unique visual character and enhance property values.
- (2) Preservation and maintenance of healthy oaks and other species that comprise **Canopy** Roads will maintain their historic, aesthetic, cultural and environmental value.
- (3) Preservation of these **trees** along roads is important for the following reasons.
  - a. To increase economic value of properties and neighborhoods, encouraging quality development.
  - b. To protect the environment of the County.
  - c. To aid in the reduction of air pollution by protecting the capacity of **trees** to produce oxygen and sequester carbon dioxide.
  - d. To help reduce potential damage from wind.
  - e. To provide shade and act as a noise barrier.
  - f. To assist in the absorption of rainwater into the ground, thereby protecting against potential damages from soil erosion and flooding, as well as reducing the cost of handling stormwater by artificial means.
  - g. To conserve, protect and enhance the aesthetic and scenic beauty of the County.

(Ord. No. 2001-041, 5-23-2001)

**Sec. 98-93. Statement of purpose.**

- (a) The purposes of this article are to:
  - (1) Designate, preserve, promote, and protect **Canopy** Roads in Sarasota County.
  - (2) Provide definitions and regulations that will protect **Canopy** Roads in Sarasota County and encourage property owners to maintain these **trees**.

(Ord. No. 2001-041, 5-23-2001)

**Sec. 98-94. Definitions.**

As used in this article, the following words shall have the meanings set out herein unless some other meaning is plainly intended.

*Administrator.* The designated representative of the Sarasota County Administrator who shall have minimum qualifications of Environmental Specialist II and also ISA certified arborist.

**ASCA.** American Society of Consulting Arborists.

**Applicant.** Any Person or duly authorized representative who submits plans through any County agency for the purpose of approval thereof.

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

**Border Trees.** A **Tree** which has any part of its trunk (part defined as between 12"--54" above ground surface), growing on the line established as the outer perimeter of the **Canopy Road Zone**.

**Canopy Road Zone (CRZ).** A designated section of County Right-of-Way and the adjacent private property extending 15' from edge of Right-of-Way onto adjacent Private Property.

**Clear Zone.** **Canopy** above travelway trimmed to 14' above road surface for vehicle clearance. **Canopy** above pedestrian zones trimmed to 8' above ground surface and two feet laterally from edge of sidewalk.

**County.** Sarasota County, Florida.

**Disturbance.** Any action by a Person which causes irreparable harm to a Protected **Tree**. Actions which disturb a Protected **Tree** include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the **Tree** permitting infection or pest infestation, application of herbicides or other chemical agents, infliction of a trunk wound, measured at its greatest dimension, that is 50 percent or greater of the diameter of the **Tree**, or removal of sufficient **canopy** to cause unnatural decline of the **Tree**.

**Diameter at Breast Height (DBH).** The diameter of the trunk measured at breast height, which is 54 inches above the ground.

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

**Emergency.** Any man-made or natural disaster, which is specifically declared to be an emergency by resolution, geographically defining the emergency area, and adopted by the Board.

**Invasive Plant.** Any non-indigenous plant that grows aggressively enough to crowd out Native Plants.

**ISA.** International Society of Arboriculture.

**Land Development Regulations.** Sarasota County Ordinance 81-12, as amended or its successor.

**Native Plant.** An indigenous plant.

**Naturalized Plant.** A plant that is not native to an area but has colonized without being aggressive.

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

**Private Property.** Any property not owned by the Government Including all agricultural, residential, commercial, industrial, office, professional, institutional, or recreational property in unincorporated Sarasota County.

**Protected Tree.** A **Tree** of eight inches DBH or greater with sustaining root system and crown and potential to provide shade over travelways.

**Remove a Tree.** To relocate, cut down, poison, or in any other manner destroy, or cause

to be destroyed, a **Tree** as defined in this article. It includes topping, damage, or any other action that causes irreparable injury.

**Travelway.** The portion of the Roadway for the movement of Vehicles exclusive of the shoulders, bike lanes, or gutters.

**Tree.** A living woody, self-supporting plant, which has or can have a mature diameter of greater than four inches measured at 54 inches above the ground, more or less upright in growth habit, generally having one stem but may be multi-stemmed.

**Tree Removal and Protection Permit.** The legal authorization to Remove **Trees** and/or the requirements to protect the **Trees** from disturbance on a lot, pursuant to the provisions of this article.

**Tree Location Survey.** A one inch equals 200 feet or less scale drawing which provides the following information: Location of all **Trees**, plotted by accurate techniques, common name of all **Trees**, and Diameter at Breast Height (DBH), printed on the proposed site plan as described in Section 54-585(b)(1) of the Sarasota County Code. A site plan printed on an aerial photograph may be substituted if it is approved by the Administrator prior to submittal and if it is a recent, legible aerial photograph that reflects existing site conditions (scale: One inch equals 200 feet or less).

(Ord. No. 2001-041, 5-23-2001; Ord. No. 2004-019, § 1, 1-27-2004; Ord. No. 2004-098, § 1, 10-13-2004)

### **Sec. 98-95. Prohibitions.**

Unless exempt under Section 98-96, it shall constitute a violation of this article for any Person to remove a **Tree** or **Trees** or cause a **Tree** or **Trees** to be removed or to prune in **Canopy Road Designated Areas**, except in accordance with the **Tree Removal and Protection Permit** issued by the Administrator pursuant to the provisions of this article.

(Ord. No. 2001-041, 5-23-2001)

### **Sec. 98-96. Exemptions.**

This article shall not apply to:

- (1) A road or road segment not designated as a **Canopy Road** by the County as adopted by Resolution.
- (2) Governmental personnel or agencies in the performance of their official duties during an emergency declared by the Board of County Commissioners as provides [provided] herein.
- (3) **Tree Removal** necessary for the construction of public roads, utilities, landfills, stormwater facilities, or other government uses only where no reasonable alternative exists to preserve the Protected **Tree**.
- (4) The demolition of structures where the demolition does not require the destruction or have an impact within the Drip Line of any Protected **Tree**.
- (5) Pruning required to restore electric service during severe weather events or other electrical emergency situations.
- (6) Persons engaged in routine arboricultural maintenance or Clear Zone pruning for vehicles, pedestrians, signs, or other roadside appurtenances provided that such maintenance and pruning conforms to current American

National Standards Institute, (ANSI) A-300 standards (copy available at Office of Clerk to the Board of County Commissioners), as stated in Section 98-99(d) and does not compromise the integrity of the **canopy** to shade the road.

(7) Brazilian pepper (*Schinus terebinthifolius*), Punk or Melaleuca (*Melaleuca quinquenervia*), Australian Pines (*Casuarina* Spp.), Carrotwood (*Cupaniopsis anacardioides*), China-berry (*Melia azedarach*), Chinese Tallow (*Sapium seiferum*), or any **tree** species prohibited by the Chapter 54, Article XIX Exotic Plants as amended, of the Sarasota County Code.

(Ord. No. 2001-041, 5-23-2001; Ord. No. 2004-019, § 2, 1-27-2004; Ord. No. 2004-098, § 2, 10-13-2004)

### **Canopy**

#### **Sec. 98-97. Canopy Road designation.**

(a) The Board of County Commissioners is authorized to designate roads as **Canopy** Roads and set standards for the implementation of this article. Such standards shall be set by Resolution after an advertised public meeting. Requests for additional **Canopy** Roads can be made by residents, County Staff, and the Street **Tree** Advisory Council. Requests will be coordinated and brought to the Board of County Commissioners by the Administrator for approval.

(b) **Canopy** Roads shall have characteristics as set forth below.

(1) A **Canopy** Road shall have a minimum length of one-eighth mile (660 feet) and a minimum of 50 percent overhead coverage (excluding invasive species), per section of travelway as measured by branching, drip line, shadows, and other visual cues; or

(2) A **Canopy** Road shall have a minimum length of one-quarter mile (1,320 feet) and overhead coverage contributing to a point-based evaluation requiring a minimum 50 points. Evaluation shall be based on **treecanopy** coverage as a percentage of overall travelway length, on **canopy** condition and composition; and

(3) A **Canopy** Road shall consist of a minimum of 75 percent native and naturalized species; and

(4) A **Canopy** Road may be composed of more than one segment of differently named roads providing they are contiguous and the combined length meets the minimum requirement.

(c) **Canopy** Roads shall have appropriate signage.

(Ord. No. 2001-041, 5-23-2001; Ord. No. 2004-019, § 3, 1-27-2004; Ord. No. 2004-098, § 3, 10-13-2004)

### **TreesCanopy**

#### **Sec. 98-98. Authorization for removal or disturbance to Protected Trees in designated Canopy Road Zones.**

(a) It is the intent of this provision that no permit shall be granted for the removal of any **Trees** where the Applicant has failed to design the proposed improvements to minimize the impacts on the **Canopy** Road Zone (CRZ), consistent with the permitted use of the property under Appendix A, Sarasota County Code, as amended. It shall constitute a violation of this article for any Person to Remove or disturb any Protected **Tree** within a **Canopy** Road Zone unless it has been determined that such Protected **Tree**:

- (1) Poses a safety hazard to people, buildings, structures, or vehicles; or
- (2) Is classified as an invasive species; or
- (3) Is diseased or so weakened by age, storm or other injury so as to pose a danger to persons, property, utilities, or improvements; or
- (4) Unreasonably prevents a development of a lot, parcel, or other lands or the physical use thereof.

(b) When authorization for Protected **Tree** Removal or Disturbance is required an application meeting the requirements of this article shall be submitted for review by the Administrator. The Administrator shall issue a written authorization for Removal, disturbance, or pruning of **Trees** only when it is determined that the action proposed is necessary, and will not be contrary to this section.

Any authorization for **Tree** Removal or disturbance shall specify the location approved, the species of **Tree**, the action allowed to be performed, the duration of the approval, and any other requirement deemed necessary by the Administrator to regulate the disturbance or removal to **Canopy Road Trees** in the County.

(c) Permitting Procedure. For the removal of **Trees** in a CRZ, a **Tree** Removal and Protection Permit is required before any **Tree** Removal within the CRZ occurs. An application meeting the requirements of this article shall be submitted to the Administrator for review and recommendation, prior to or concurrent with the subdivision plans or a site and development plan or an application for a building permit, whichever is first required.

Where development requires approval under the Land Development Regulations, said **Tree** Removal and Protection Permit shall not be issued until after the preliminary subdivision plan or site and development plan is approved. Any person applying for a permit to Remove or disturb **Trees**, shall file a written application and pay such a fee as established by the Board of County Commissioners pursuant to Section 98-102 of this article. The written application shall constitute a written authorization for County staff to enter the property to conduct inspections to determine if the applicant is in compliance with the provisions of this article. A **Tree** Location Survey for the lot must be submitted with the application. The **Tree** Location Survey shall show the information required in Sections 98-98(c)(1)a., b. at a scale sufficient to enable the determination of matters required under these regulations.

- (1) Requirements for **Canopy** Road Zone **Tree** Protection permits.
  - a. Applicant shall submit a plan showing proposed scope of work to include Protected **Trees** (by species and DBH), the scaled location of the **Canopy** Road Zone, and the proposed location of the **Tree** protection barricades.
  - b. If encroachments into the CRZ are proposed, a plan will be required to be prepared by an ISA certified arborist, an ASCA certified consulting arborist, landscape architect, or other specialist in the field of arboriculture specifying the methods to be utilized to preserve the vegetation. This plan shall address protection of the root system, crown, and stems of the **Trees**, a means of supplying water and essential elements to the root system, and the proposed location of the **Tree** protection barricades. This plan shall be subject to approval by the Administrator.
- (2) Preapplication inspection service. The Administrator shall be available for pre-application conferences or inspections of the site involved.
- (3) Upon receipt of the complete application, the Administrator will conduct a

protection provisions to be incorporated in the activity permit.

(5) No storage or movement of equipment, store material, debris, or fill soil is allowed within 50 percent of the area within the Drip Line of any Protected **Tree**, (as measured by the longest radius from trunk to Drip Line).

(6) No equipment shall be cleaned, or waste materials such as paints, oils, solvents, asphalt, concrete, mortar, or any other material shall be stored within 50 percent of the area within the Drip Line on any Protected **Tree**, (as measured by the longest radius from trunk to Drip Line).

(7) No damaging wires, signs or permits shall be fastened to any Protected **Tree**.

(8) Silt barriers, hay bales, or similar effective erosion silt control barriers will be required in any area where erosion or siltation may cause damage to Protected **Trees**.

(9) Where elevation changes are proposed within 50 percent of the area within the Drip Line of any Protected **Tree** (as measured by the longest radius from trunk to Drip Line), the Applicant will be required to install retaining walls or drain tiles unless the cost of such walls/tiles exceeds the replacement value of the **tree** (s). The Applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil from the Drip Line.

(f) The Administrator shall conduct periodic inspections of the site during the permitted activity in order to ensure compliance with this article.

(Ord. No. 2001-041, 5-23-2001; Ord. No. 2004-098, § 4, 10-13-2004)

### **Sec. 98-100. Territorial applicability.**

This article shall be effective throughout the unincorporated area of Sarasota County, Florida with the exception of incorporated municipalities, unless municipalities, by ordinance, adopt these regulations, and enter into Interlocal Agreements with the County for enforcement.

(Ord. No. 2001-041, 5-23-2001)

### **Tree**

#### **Sec. 98-101. Emergency Tree removal.**

When it is necessary to expedite the Removal of damaged or destroyed Protected **Trees** in the interest of the public safety, health, and general welfare following high winds, storms, hurricanes, tornadoes, floods, or other man-made or natural disasters, the Board of County Commissioners of Sarasota County may, by resolution, suspend the requirements of this article during the period of any declared Emergency.

(Ord. No. 2001-041, 5-23-2001)

#### **Sec. 98-102. Fees.**

The Board of County Commissioners is authorized to set reasonable fees and charges for the implementation of this article. Such fees shall be set by resolution after an advertised public hearing. Fees charged shall substantially finance the costs incurred in processing authorizations and other related activities administered by the Administrator. Fee shall be waived if **tree** is determined to be exempt under the conditions of Section 98-98(a)(1)--(4).

(Ord. No. 2001-041, 5-23-2001)

**Sec. 98-103. Appeals.**

Any Person aggrieved by the administration or interpretation of any of the terms or provisions of this Article by the Administrator may appeal to the Board of County Commissioners which, after a hearing, with notice to the aggrieved Person, may reverse, affirm, or modify, in whole or in part, the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrator or official from whom the appeal is taken. Any action pursuant to this section shall not stay any enforcement proceedings.

(Ord. No. 2001-041, 5-23-2001)

**Sec. 98-104. Civil and administrative remedies.**

(a) The Board of County Commissioners of Sarasota County may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this Article, and any permit issued thereunder, including injunctive relief to enjoin and restrain any Person from violating its provisions and such damages as may be sustained by virtue of this article, together with all costs and expenses involved in the case.

(b) Any **Tree** removed, unauthorized pruning, or any action which causes the disturbance of a **Tree** in violation of the provisions of this article or any permit issued thereunder, may be mitigated by paying a fee equal to \$100.00 per Diameter Inch (DBH) and shall be used only for the purposes of acquiring, planting, and protecting **Trees** within the County.

(c) The provisions of this article or any permit issue thereunder, may also be enforced through code enforcement proceedings under the provisions of Chapter 2, Article VIII of the Sarasota County Code of Ordinances.

(Ord. No. 2001-041, 5-23-2001)

**Sec. 98-105. Penalties.**

In accordance with F.S. § 125.69, as amended, violation of this article, or any authorization issued thereunder, shall be punishable by a fine of not to exceed \$500.00 or by imprisonment in the County Jail not to exceed 60 days or by both such fine and imprisonment. Each incidence of violation of any section or part of a section contained in this article shall be deemed a separate offense.

(Ord. No. 2001-041, 5-23-2001)

**Sec. 98-106. Severability.**

If any provision of this article is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

(Ord. No. 2001-041, 5-23-2001)

**Sec. 98-107. Interpretation.**

Wherein any provision of this article refers to or incorporates another provision, article, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any renumbering thereof or amendments thereto.

(Ord. No. 2001-041, 5-23-2001)

**Sec. 98-108. Effective date.**

This article shall take effect upon receipt of official acknowledgement from the Office of the Secretary of State of Florida that this Ordinance has been filed with said office.

(Ord. No. 2001-041, 5-23-2001)