

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AMENDING CHAPTERS 138 AND 166 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AND AMENDING THE REGULATION OF TREES AND LANDSCAPING; AMENDING PROVISIONS RELATED TO NUISANCE SPECIES AND INVASIVE SPECIES; AMENDING PLANT MATERIAL SPECIFICATIONS; AMENDING NON-RESIDENTIAL AND MULTI-FAMILY LANDSCAPING STANDARDS; AMENDING THE APPROVED SPECIES LIST; PROVIDING FOR SEVERABILITY; PROVIDING AND AMENDING DEFINITIONS; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS tree removal frequently occurs independent of development activities; and

WHEREAS, protecting and enhancing the urban and natural tree canopy reduces stormwater runoff, improves air quality, decreases urban heat island effects, and provides shade and habitat; and

WHEREAS, the Pinellas County Comprehensive Plan instructs staff to encourage and incentivize the use of Florida Friendly Landscaping practices when evaluating development and redevelopment proposals; and

WHEREAS, the Local Planning Agency held a duly noticed and advertised public hearing on November 12, 2025 as to the proposed Ordinance and recommends that the Board of County Commissioners approve the proposed amendments contained therein; and

WHEREAS, the Board of County Commissioners finds that proposed amendments to the Land Development Code as set forth herein are consistent with the Comprehensive Plan and the review requirements set forth in the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this ___ day of _____ 20___, that:

SECTION 1. RECITALS. The recitals above are incorporated herein.

SECTION 2. Chapter 138 and Chapter 166 of the Pinellas County Code are hereby amended as set forth below.

DIVISION 3. LANDSCAPING

Sec. 138-3650. Purpose and intent.

The purpose of this division is to provide landscape improvements on private properties in order to promote a positive urban image, enhance property values, strengthen the fabric of the surrounding community, promote context-sensitive growth that recognizes land use and transportation goals, establish a harmonious relationship between the natural and built environment, and enhance the overall aesthetic quality of development in the county. The landscape regulations are intended to achieve the following objectives:

- Conserve water by preserving existing established and native landscaping, encouraging the use of "Florida-friendly" and native trees, palms, shrubs, grasses, and ground covers, and establishing standards for the installation of landscape material.
- Reduce the visual impact of large building masses, paved surfaces, and vehicular use areas.
- Improve the appearance of unincorporated Pinellas County by creating quality urban environments that are sustainable over time.
- Improve environmental quality through the use of low impact development (LID) techniques that will improve water quality, facilitate aquifer recharge and reduce stormwater runoff, and reduce "heat island" effects.
- Increase land values by providing landscaping that will function as a capital asset.
- Provide for safer and more pedestrian-friendly walking environments by forming and framing public spaces with trees which provide distinct edges to sidewalks so that motorists better distinguish between their environment and one shared with people.
- Provide habitats for urban wildlife.
- Protect native plant species and habitats by eliminating invasive exotic species that threaten the ecosystem.

Sec. 138-3651. Application of landscape regulations and required maintenance.

- (a) *New Development/Redevelopment.* Any development on a vacant site, complete redevelopment on developed property, or redevelopment of a portion of a developed property, shall be required to provide landscaping in accordance with this division. Infill or highly constrained sites may seek an administrative adjustment, waiver, or variance to modify landscape requirements. The following exceptions apply:
- (1) When the development/redevelopment is located within a special district and is subject to the landscaping standards included therein.
 - (2) When the development/redevelopment is subject to specific use standards of chapter 138, article IX and is subject to the landscaping standards included therein which are more stringent.

- (3) When the development/redevelopment meets the criteria for affordable housing and qualifies for development standard flexibility as part of the development review process as provided in Sec. 138-3211(c)(2)(a);
- (b) *Existing Development.* Existing developed sites shall be brought into compliance with this division under one or more of the conditions:
 - (1) The property owner shall demonstrate that the site contains the landscaping required by a previously approved site plan. Missing landscaping shall be replaced with the same or similar species as required by the previous site plan. An exception applies where it can be demonstrated that replacement of required landscaping is not feasible due to expansion of remaining landscaping, or when replacement landscaping would not provide any functional value.
 - (2) When improvements are proposed which require a building permit, zoning clearance, or other development authorization, limited landscaping shall be provided based on the proportional value of the proposed building improvements consistent with Sec. 138-220.
- (c) *Landscaping installation.* Whenever landscape materials are required by this division, they shall be installed and maintained in accordance with the standards and requirements of this division. All landscaping installed or preserved to meet the requirements of this division shall be maintained in a healthy condition. Installed or preserved landscaping which dies after the development has been completed shall be replaced to meet the requirements of this division within 30 days.
- (f) *Landscaping maintenance.* All landscaping shall be maintained in good condition by the owner, tenant or their agent, so as to present a healthy, neat and orderly appearance.
- (g) *Variances.* The property owner or applicant may seek flexibility from these landscaping standards as a variance or administrative adjustment based on the limits and standards of Chapter 138, Article II, Division 7.

Sec. 138-3652. Reserved.

Sec. 138-3653. Nuisance and Invasive Species.

Due to their ability to create monocultures, replace native species, or low wind tolerance during hurricanes, certain species of plants are prohibited from being planted and their removal is encouraged.

- (a) *Nuisance and invasive species list.*
 - (1) The county's nuisance and invasive species list contains species considered undesirable, non-native, problematic, or invasive. The table can be viewed on the Pinellas County Building and Development Review Services webpage.
 - a. These species may be removed from any site subject to a Habitat Management and Protection Permit.
 - b. These species shall not be counted towards meeting the minimum landscaping requirements for a site.

- (2) Nuisance and invasive species are further classified as Tier 1 and Tier 2 species.
 - a. Tier 1 species shall not be planted in Pinellas County, AND existing species shall be removed as part of site development, building renovation and/or new house construction to the greatest extent practicable as determined by county staff. Properties with existing single-family detached, single-family attached, three-family, and/or two-family dwellings in residential districts RA—R-5 are exempt from this requirement.
 - b. Tier 2 species may be planted in Pinellas County AND existing species may remain but will not be credited towards landscaping requirements.

Sec. 138-3655. Minimum plant material specifications.

Plant materials which are utilized to satisfy the required landscaping shall comply with the following minimum standards:

- (a) *Species selection.*
 - (1) Any plant material used to meet the minimum standards of this division shall be chosen from the county's approved species list in Section 138-3664.
 - (2) At least 60 percent of the plant material shall be native varieties.
 - (3) For every ten landscape trees provided, one additional species is required to promote species diversity. Each species should make up at least ten percent of the total number of landscape trees.
 - (4) Drought, wind, and disease-tolerant species are encouraged.
- (b) *Specification requirements.*
 - (1) All plant material shall be graded State Department of Agriculture Nursery Grade No. 1 or better, as specified by the State Division of Plant Industry Grades and Standards for Nursery Plants manual published by the Florida Department of Agriculture and Consumer Services.
 - (2) Plants shall meet the minimum specifications as listed in Table 138-3655.a—Plant Specification Requirements at the time of inspection.
 - (3) The plant material specifications may be further defined in special districts.
 - (4) In the event of a market shortage, the county administrator or designee may approve a reduction of the required plant material specifications as provided in Chapter 138, Article II, Division 7 – Variances, Waivers and Administrative Adjustments.

Table 138-3655(a) — Plant Specification Requirements		
Plant	Size (at Inspection)	Requirements
Tree	1.5" DBH per stem	Must provide a combination of small, medium, and large trees, prioritizing the creation/enhancement of canopy.

		No more than 25% of the required trees may be small trees.
Palm	6' overall minimum height	No more than 25% of required trees may be palms.
Shrubs	Perimeter hedges 24" in height and 3-gallon size. Interior hedges, foundation plantings and/or shrubs - 15" in height and 3-gallon size	Native shrub species shall be prioritized. Species diversity is preferred over monoculture. Perimeter hedges must be maintained at a minimum height of 36".
Ornamental Grasses	1-gallon size	Native species are prioritized.
Ground Cover	N/A	Encouraged in lieu of turf to reduce irrigation needs.
Turf	N/A	Turf areas are to be consolidated and limited to areas of pedestrian traffic, recreation use and erosion control.
Mulch	3-inches minimum depth for organic mulch	Mulch and similar material must be protected from washing out of the planting bed.

Sec. 138-3657. Reserved.

Sec. 138-3658. Landscaping for single-family detached, attached, two-family, and three-family residential properties.

- (a) Single-family detached, attached, two-family, and three-family residential properties shall meet the following landscape requirements prior to the issuance of a certificate of occupancy and/or final inspection:

- (1) *Minimum trees per lot.* Each developed lot shall have landscape trees planted or retained according to the table below.

Lot Size (square feet)	Minimum Trees Per Lot
≤ 2,500	1
2,501 – 5,000	2
5,001 – 7,500	3
7,501 – 10,000	4
> 10,001	4 plus one tree per 3,000

Note: A maximum of 15 trees will be required to meet minimum trees per lot requirements.

- (2) Each existing healthy tree with the following dbh measurement can be credited towards minimum landscaping requirements as specified in the table below:

Table 138-3658.b—Tree Preservation Credits	
DBH of tree preserved	Number of tree credits
4" – 14"	1 tree credit
14.1" – 24 "	2 tree credits
24.1" – 34"	3 tree credits
>34"	4 tree credits

- (3) *Other permeable/unimproved areas.* Permeable/unimproved portions of private property including required yards shall be stabilized with an herbaceous layer of sod, ground cover plant material, or synthetic turf. Mulch, gravel, and similar material may be used in planting areas. These materials may not be used as a substitute for sod, groundcover, or synthetic turf, and must be contained to prevent pollution of the municipal separate storm sewer system.
- (4) *Organic mulch.* Organic mulch is encouraged around the base of newly installed landscaping. Where used, organic mulch shall be placed at a minimum depth of three inches and may not be placed directly against plant stems or trunks.
- (5) *Irrigation.* Irrigation systems are not required but are encouraged to ensure successful establishment and maintenance of landscaping.
- (6) *Mobile home park lots.* Individual lots in mobile home parks shall be required to plant one tree per lot.
- (7) *Sight triangle.* All landscaping shall comply with the provisions of section 138-3508, sight visibility triangles.
- (b) All required landscape material shall be provided on the subject site. The following alternatives may be allowed:
- (1) The applicant may provide a monetary contribution up to 40 percent of the landscape tree requirement to a formally adopted tree mitigation fund at a rate established by the board of county commissioners.
 - (2) The applicant may plant required landscape trees within common areas with written permission from the property owners association.
 - (3) The county administrator or designee may allow applicants to construct and maintain structures with plant material that provide similar shade and vegetation function as a tree, (e.g., arbors with vines, shrubs, or similar plant material.) In this alternative, the number of required trees may be reduced based on a near equivalent shade/vegetation function of a tree.

Sec. 138-3659. Non-residential and multifamily landscaping standards.

- (a) *Applicability.* The following standards shall apply to landscaping for nonresidential and multifamily uses/developments.
- (1) *Perimeter surface parking lot landscaping.* A perimeter landscaping buffer shall be provided around all surface parking lots. The required perimeter parking lot landscaping may be combined with other perimeter landscape areas (e.g., buffers along streets and/or abutting a residential use).
- a. Perimeter landscaping areas shall be a minimum of five feet in width and contain the following plant material:
1. Three landscape trees per 100 linear feet.
 2. Continuous plantings of shrubs and/or ornamental grasses of at least two feet in height and spaced a maximum of 30 inches on center.
- (2) *Interior parking lot landscaping.* Parking lots with more than ten parking spaces shall provide interior landscaping pursuant to the following:
- a. *Islands.* Interior islands shall be provided for every 24 spaces, on average. Terminal island shall be provided at the end of each row of parking spaces.
1. Each terminal or interior island shall be a minimum of eight feet in width, measured between the inside of the curbs, and contain at least 150 square feet of planting area.
 2. Each island shall contain one landscape tree per 150 square feet of planting area, or fraction above half thereof, with a minimum of one tree per island.
 3. Terminal islands shall also contain shrubs, ornamental grasses, and/or ground cover (excluding turf grass) planted to achieve 100 percent coverage within two years.
- b. *Divider medians.* Parking lots with more than 250 spaces shall provide landscaped divider medians along all access drives, between parking areas abutting access drives, and between at least half of all abutting rows of parking. Each median shall form a continuous strip of landscaping pursuant to the following:
1. Divider medians shall be at least four feet wide as measured from the inside of the curb.
 2. Each median shall contain one landscape tree per 100 linear feet, or fraction thereof.
 3. Each median shall contain continuous plantings of shrubs and/or ornamental grasses.
- (3) *Stormwater feature landscaping.* Stormwater features may be required to be landscaped pursuant to the Pinellas County Stormwater Manual.
- (4) *Landscaping fence/wall for nonresidential, subdivision, and multifamily projects.* Fences and walls shall be landscaped pursuant to the following standards:

- a. Any street-facing fence/wall shall be landscaped with the following:
 - 1. Continuous plantings of shrubs and/or ornamental grasses, and
 - 2. Three landscape trees per 100 linear feet along the fence/wall (or fraction thereof).
 - 3. These requirements may be combined with other perimeter landscaping areas (e.g., perimeter landscaping along a street).
 - b. When a fence/wall is erected within a perimeter landscaping area, any required plant material shall be installed in the following arrangements:
 - 1. When the fence or wall is located along side or rear property lines, the required plant material *may* be placed on the inside of the fence/wall.
 - 2. When the fence or wall is located along a street right-of-way the following shall apply.
 - i. Required plant material *may* be placed on the inside of the fence/wall when the fence/wall is 36 inches or less in height or semi-transparent in nature.
 - ii. Required plant material *shall* be provided on the right-of-way side of the fence/wall (but not within the right-of-way) when the fence/wall is opaque and exceeds 36 inches in height. Sight visibility standards per section 138-3508 must be met.
- (6) *Landscaping adjacent to equipment and dumpster enclosures.* Mechanical equipment, such as backflow prevention devices, utility cabinets, and air conditioners, and dumpster/recycling receptacle enclosures that are visible from the street, excluding alleys, shall be landscaped on at least two sides with continuous plantings comprised of shrubs and/or ornamental grasses spaced no more than 30 inches on center. This requirement may be waived if the screening will inhibit safety, accessibility and maintenance.
- (7) *Foundation landscaping.* Foundation planting shall be provided along the base of street-facing building facades subject to the following:
- a. Planting areas shall be a minimum of five feet in width as measured from the building edge outward.
 - b. Planting areas shall contain shrubs and/or ornamental grasses spaced no more than 30 inches on center.
 - c. Alley facing facades, areas of ingress/egress, areas of façade glazing, and patios or paved courtyards are exempt from foundation plantings.
 - d. Where the foundation landscaping requirements conflict with any applicable buffering standards from article IX, specific use standards AND/OR the design criteria for the underlying zoning district, the most restrictive standard shall apply.
 - e. Foundation landscaping may be designed/construction as LID stormwater facilities.

- (8) *Buffer averaging option.* Portions of the minimum required perimeter landscaping/buffers may be reduced up to one-third of the minimum width. However, additional landscaping areas shall be provided in other portions of the site to result in an overall buffer width that exceeds the minimum standard.
- (b) All required landscape material shall be provided on the subject site. The following alternatives may be allowed:
 - (1) The required landscaping may be planted within common areas when allowed by the property owners association; AND/OR
 - (2) The applicant may provide a monetary contribution to a formally adopted tree mitigation fund at a rate established by the board of county commissioners; AND/OR
 - (3) The county administrator or designee may allow applicants to construct and maintain structures with plant material that provide similar shade and vegetation function as a tree (e.g., arbors with vines, shrubs, or similar plant material). In this alternative, the amount of required trees may be reduced based on a near equivalent shade/vegetation function of a tree.

Sec. 138-3660. Scenic noncommercial corridor landscaping standards.

- (a) *Applicability.* The following standards shall apply to landscape buffering for development adjacent to a Scenic Noncommercial Corridor. Roads designated Scenic Noncommercial Corridors can be found in the Pinellas County Comprehensive Plan. The intent of the buffer area is to provide an adequate area for landscaping and other screening to assist in minimizing any negative visual impacts potentially created by onsite uses.
- (b) *Standards.*
 - (1) The landscape buffering requirement is based on the Scenic Noncommercial Corridor designation in Table 138-3660.a.
 - (2) Areas of access and sight visibility standards are exempt from these standards.
 - (3) Trees may be clustered in informal groupings provided the total number of trees is provided.
 - (4) The width of the buffer may vary due to specific site constraints, however, the average width of the buffer over the length of the site shall meet the specified standard.
 - (5) Height of hedge/landscape screening must be obtained within three years.
 - (6) Other screening/buffering methods may be allowed provided that the resulting situation meets the buffering intent. This may be approved as part of the site plan review process.

Table 138-3660.a - Scenic Noncommercial Corridor Buffer Standards Matrix					
Corridor Type:	Rural/Open Space	Residential	Mixed Use	Unique Scenic View	Enhancement Connector
Buffer Width	25 feet	15 feet	10 feet	25 feet	10 feet

Number of Trees per Buffer Length	1 per 25 feet	1 per 25 feet	1 per 35 feet	Accent Trees	1 per 50 feet
Height of Visual Screen	N/A	6 feet	3 feet	N/A	3 feet
Setback for Wall/Fence	10 feet	10 feet	10 feet	N/A	10 feet
Screening Methods (choose one):					
Berm with Hedge or;	Y	Y	Y	N/A	Y
Wall with Hedge	N/A	Y	Y	N/A	Y

Secs. 138-3661 – 138-3663. Reserved.

Sec. 138-3664. Approved species list.

The following standards apply to all plant material that may be required by this Code.

- (a) *County approved species list.* The proposed plant material may be selected from a list of approved species published on the county's website.
- (b) *Florida-friendly.* Plant material may be selected based on the latest publication of the Florida-Friendly Landscaping™ (FFL) Guide to Plant Selection and Landscaping Design by the University of Florida Institute of Food and Agriculture Sciences (UF/IFAS). FFL species are those that are considered well adapted to growing in Florida landscapes and pose little risk of becoming a nuisance or invasive species.
- (c) *Site Conditions.* The proposed plant species shall be considered appropriate for the specific conditions at the proposed development site, including but not limited to soil type, hydrology, elevation, lighting conditions, location of buried or overhead utilities, and other existing desirable vegetation.
- (d) *Region.* The proposed plant species shall be favorably rated for the Pinellas County region based on the United States Department of Agriculture (USDA) Plant Hardiness Zones Map.
- (e) *Non-invasive.* The proposed plant species shall not be an invasive variety that is listed in Table 138-3653.a—Nuisance and Invasive Species.

Secs. 138-3665—138-3699. Reserved.

Chapter 166 ENVIRONMENTAL AND NATURAL RESOURCE PROTECTION

ARTICLE I. IN GENERAL

Sec. 166-1. Water preservation in new developments.

- (a) All development regulations in the county shall accommodate the following provisions for water preservation or as may be specified in the county stormwater manual:
- (1) All new development that requires irrigation shall be connected to the county's reclaimed water system if available. If reclaimed water is not available shallow wells with an adequate distribution system to serve that need for irrigation shall be installed and operated for that purpose. The distribution system for irrigation shall not be connected to the county or municipal potable water sources.
 - (2) With respect to the drainage system of all new developments, maximum use shall be made of lakes and retention ponds for irrigation purposes and to reduce the runoff. The stormwater runoff should not exceed the runoff from the site in the undeveloped state.
 - (3) All water systems shall prohibit the installation of water meters of a size that would provide for lawn sprinkling in conjunction with domestic use.
- (b) All territory within the legal boundaries of the county, including all incorporated and unincorporated areas that are served by or connected to the county water system, shall be embraced by the provisions of this section.
- (c) For the purposes of this section only the following definitions shall apply:
- Irrigation* means water used for the purpose of maintaining landscaped material such as grass, trees, shrubs and other flora.
- New development* means any change to the existing state of land development on any given parcel, including new construction and substantial remodeling of existing structures.

Sec. 166-2. Variances.

Variances and modifications to the requirements of this article may be reviewed and processed pursuant to chapter 138 article II division 7, variances, waivers, and administrative adjustments.

Sec. 166-3. Appeals.

Any persons adversely affected by a decision of the county administrator in the permitting, enforcement or interpretation of any of the terms or provisions of this article may appeal such

decision as allowed and defined in chapter 138 article II pursuant to the required project review type.

Secs. 166-4—166-35. Reserved.

ARTICLE II. HABITAT MANAGEMENT AND PROTECTION¹

DIVISION I. GENERALLY

Sec. 166-36. Definitions.

Adverse impact means any direct or indirect action likely to cause, or actually causing, a measurable decline in the stability, natural function, natural diversity or the quiet, peaceful, safe or healthful use of occupancy of any property. This includes, but is not limited to the quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses which are or potentially may be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Approved species list means a list of plant species approved as replant or landscape trees and which is available from the department.

Compensation means measures provided to offset adverse impacts to wetlands, including one or more of the following:

- (1) Mitigation;
- (2) Inclusion of upland areas, beyond any required buffer zones, to maintain upland/wetland habitat diversity;
- (3) Establishment of vegetated littoral zones in on-site open water bodies;
- (4) Restoration of wetlands that have been previously impacted;
- (5) Compensation on off-site lands; and
- (6) Other reasonable measures, such as providing unlike wetland habitat.

Development or development activity means:

- (1) The construction, installation, alteration, demolition or removal of a structure or an impervious surface.
- (2) Clearing, scraping, grubbing or otherwise removing, altering or destroying the vegetation of a site.
- (3) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise significantly disturbing the soils or altering the natural topographic elevations of the site.

- (4) The maintenance of a lawn and its ancillary vegetation, excluding uplands as required in section 166-50 is exempted.

Imperiled species means the list of plant and animal species as defined pursuant to rules 68A-27.003 Florida Administrative Code, 379.2291 and 581.182 Florida Statutes, or Title 50, § 17.11-12 Code of Federal Regulations.

Ground cover means low-growing plants, other than deciduous varieties, installed to form a continuous cover over the ground.

Grubbing means the effective removal of understory vegetation from the site.

Hedge means a continuous arrangement of shrubs for the purpose of screening or dividing spaces which are planted at a minimum height of 24 inches and maintained at a minimum of 36 inches.

Isolated wetland means any wetland as defined in this article which is not contiguous with the waters of the state as defined in the Florida Administrative Code.

Landscape Tree means a tree selected from the approved species list that is used to meet the minimum landscape requirements provided in Chapter 138, Article X, Division 3, and is a minimum of 1.5 inches DBH, at least six feet tall, and Florida Grade No. 1 quality or better at time of inspection.

Native vegetative communities mean those plant communities naturally occurring in the county. Native vegetative communities shall include but not be limited to sandhill, xeric hammock, upland hardwood forest, pine flatwoods, sand pine scrub and wetlands.

Mangrove means any rooted trees or seedlings, of any size, including the following species: White mangrove (*Laguncularia racemosa*), red mangrove (*Rhizophora mangle*), black mangrove (*Avicennia germinans*), and buttonwood (*Conocarpus erectus*). This definition is to include all subspecies and varieties of the listed species as well as their synonyms.

Mitigation means the creation of habitat in compensation for the adverse impacts associated with a permitted activity. Includes the replacement of a wetland or native vegetative community, type for type, to restore those specific physical and functional characteristics which will be lost as a result of the proposed activity.

Pine flatwoods consist of flat topography; sand substrate with an organic hardpan; vegetation characterized by slash pine or longleaf pine, Chapman's oak, and myrtle oak or wax myrtle with a midstory of saw palmetto, gallberry or wiregrass understory.

Plant material means plants used to meet the requirements of the Land Development Code which conform to the standards for Florida No. 1, or better, as given in the existing Grade and Standards for Nursery Plants, State of Florida, Department of Agriculture, Tallahassee, or equal thereto at the time of inspection.

Preliminary land clearing means those operations where trees and vegetation are removed within designated road rights-of-way, drainage and utility areas as depicted on a preliminary site plan and which occur previous to the construction of buildings.

Protective barrier means a physical structure limiting access to a protected area, composed of wooden and/or other suitable materials, which assures compliance with the intent of this article. Diagrams of suitable protective barriers shall be available from the department. Options

and/or variations of these methods may be permitted upon written request if they satisfy the intent of this article.

Protected vegetation means any naturally occurring plant species located within a native vegetative community, wetland, or specimen tree stand as defined in this article or the Pinellas County Comprehensive Plan.

Remove or removal means the actual removal of vegetation by digging up or cutting down, or damage of the vegetation or alteration of a site through the application of herbicides or other chemical agents.

Sand pine scrub consists of upland plant communities found on relict dunes or present and former shorelines where the soil is composed of any well-drained, sterile sands. The community is composed of two layers with sand pine occupying the top layer and various scrub oaks and shrub species creating a thick understory. The understory typically includes myrtle oak, Chapman's oak, sand live oak, rosemary or lyonia.

Sandhill means deep sand substrate; xeric; vegetation characterized by longleaf pine, sand pine, turkey oak or bluejack oak with wiregrass understory.

Site means any tract, lot or parcel or combination of lots or parcels of land where development or redevelopment can occur and which any modification, new construction or split is subject to site plan requirements as defined in chapter 138, article II, division 5.

Site plan means a graphically drawn plan view of a site which shows all proposed or existing manmade improvements and which includes buildings, parking areas, utility lines, drives, roads, topographic changes, and natural features.

Specimen tree stands means a contiguous grouping of trees which has been determined to be of high aesthetic or ecological value by the judgment of a professional forester, horticulturalist, or other suitable professional. Determination is based upon the following criteria:

- (1) A relatively mature even-aged stand; and
- (2) A stand with purity of species composition or of a rare or unusual nature; or
- (3) A stand of historical significance; or
- (4) A stand with exceptional aesthetic quality; or
- (5) A stand which provides wildlife habitat diversity which is important for species existence.

Structure means any object, constructed or installed by man, including, but without limitation thereof, buildings, towers, smokestacks, utility poles and overhead transmission lines. The term "structure" shall be construed as if followed by the words "or part thereof."

Trim or prune means to cut away or remove any portion of a plant.

Upland hardwood forest consists of rich sandy substrate; best developed where limestone or phosphate outcrops occur; mesic; rare or no fire; vegetation may be characterized by magnolia, pignut hickory, laurel oak and other hardwoods. Species composition varies. A major variation of this vegetative association includes live oak-cabbage palm hammock.

Wetland means all those waters, fresh and saline, or areas which are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under

normal circumstances do support, a prevalence of vegetation specifically adapted to life in saturated conditions. Such wetland vegetative indicators shall be those species listed in the Florida Administrative Code. Wetlands include, but are not limited to, rivers, lakes, streams, springs, impoundments, swamps, hydric hammocks, marshes, bogs, sinkholes, estuaries, sloughs, cypress heads, mangrove forests, bayheads, bayous, bays, and open marine waters, whether on private or public lands and whether they are manmade or natural.

Sec. 166-37. Intent.

Trees, native vegetative communities, and wetlands provide and maintain beneficial public resources; therefore, it is the intent of the board of county commissioners to protect such environmental resources as set forth in this article. In addition, it is further the intent of the board of county commissioners to protect and maintain environmental features affected by site development and land usage.

Sec. 166-38. Territory embraced.

This article shall be effective in the incorporated as well as unincorporated areas of the county; however, to the extent this article conflicts with a municipal ordinance, the municipal ordinance shall prevail.

Sec. 166-39. Penalty for violation of article.

Whoever shall violate the provisions of this article, as defined pursuant to section 166-43, may be subject, upon conviction, to punishment as provided in section 134-8. In any prosecution under this article, the violation of any provision of this article may constitute a separate offense for each tree. Each separate protected plant removed or trimmed without a permit will also constitute a separate violation. Further, each day of the violation of the provision(s) of this article may constitute a separate offense. In addition to the sanctions contained in this section, the county may take any other appropriate legal action, including, but not limited to, emergency injunctive action, to enforce the provisions of this article. The county may also seek civil remedies pursuant to Laws of Fla. Ch. 90-403, the "Pinellas County Environmental Enforcement Act" (compiled in Ch. 58, art. II).

Secs. 166-40 – 166-41. Reserved.

Sec. 166-42. Emergencies.

In case of emergencies, such as hurricane, windstorm, flood, freeze or other disasters, the requirements of this article may be waived by the county administrator or designee, upon finding that such waiver is necessary so that public or private work to restore order in the county will not be impeded.

Sec. 166-43. Liability for violation of article.

Whenever a violation of this article occurs or exists, or has occurred or existed, any person, individually or otherwise, who has a legal, beneficial or equitable interest in the facility or instrumentality causing or contributing to the violation, or who has a legal, beneficial or

equitable interest in the real property upon which such violation occurs or exists, or has occurred or existed, shall be jointly and severally liable for such violation.

- (1) This provision shall be construed to impose joint and several liability upon all persons, individually or otherwise, who, although such persons may no longer have any such legal, beneficial or equitable interest in such facility or instrumentality or real property, did have such an interest at any time during which such violation existed or occurred or continued to exist or to occur.
- (2) This provision shall be liberally construed to protect the public health, safety, and welfare and to accomplish the purposes of this article.

Sec. 166-44. Civil penalties.

In addition to the penalties provided in section 166-39, the board of county commissioners may institute a civil action in a court of competent jurisdiction to recover damages for any degradation, alteration, or elimination of or to the water, soil, natural resources, or animal or plant life of the county caused by a violation of this article. The computation of civil damages will incorporate the expense of restoring the damaged habitat to its pre-violation condition and function. The civil penalty amount may be calculated using the Uniform Mitigation Assessment Method (UMAM), Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal, or other professionally accepted methods.

Sec. 166-45. Withholding of certificate of occupancy.

The county administrator may withhold the issuance of the required certificate of occupancy, or permits and inspections, on any development permitted under this article until the provisions of this article, including conditions of any permits issued under this article, have been fully met.

Sec. 166-46. Active site plan exemptions.

Site plans which were accepted for review by the county prior to adoption date of this update, and which have an active status as determined pursuant to chapter 138, shall not be required to comply with the specific provisions of section 166-50, and section 166-51, provided that:

- (a) When final site plan comments or reports defined pursuant to the zoning ordinance are provided to a site plan applicant, the applicant shall have 90 days in which to revise and resubmit a site plan, in compliance with such comments or reports, to the county for further review. Site plans not revised and received within such 90-day period shall be reviewed for compliance with all the requirements of this article in effect on the date of resubmittal. When the resubmitted site plan is received within such 90 days, the plan shall be reviewed under the requirements of this article with the exception of the specific requirements of section 166-50.
- (b) The terms and conditions of subsection (2) of this section shall also apply to preliminary site plans except that the referred 90-day time frame shall be 180 days.

Sec. 166-47. Ratification of prior regulations.

All actions previously taken by the board of county commissioners pursuant to previously enacted rules and regulations are hereby confirmed and ratified.

Sec. 166-48. Interpretation of other laws and regulations.

Where other lawful codes, ordinances, regulations or statutory provisions are referenced within this article, such references shall include lawful revisions or amendments thereto which may occur from time to time.

Sec. 166-49. Vegetation protection during construction.

- (a) *Placement of solvents, material, construction machinery, or soil.* It shall be unlawful for any person engaged in development activity to place solvents, construction material, construction machinery, or temporary soil deposits within six feet or two-thirds of the dripline, whichever is greater, of any tree to be retained of four inches DBH or greater or within six feet of other protected vegetation as required under the provisions of this article.
- (b) *Protective barriers.* Prior to development activity, the owner or his agent shall be required to erect a suitable protective barrier(s) for all protected vegetation and placards, posted on the barricades, indicating the purpose of such barriers and the penalties for unauthorized removal. The protective barrier(s) and placards shall remain erected until such time as they are authorized to be removed by the county or upon completion of final lot grading and placement of final ground cover. Removal of vegetation within the protective barriers shall require approval by the department. Failure to obtain such approval shall be considered a violation of this article. Diagrams of suitable protective barriers and placard(s) shall be available from the department. During construction, no attachments or wires shall be attached to any protected vegetation. Wood, metal or other substantial material shall be utilized in the construction of barriers.

Sec. 166-50. Wetland Protection.

- (a) *Wetland protection buffers.* It is the purpose of an upland buffer to further protect wetlands, their associated wildlife and water quality from adjacent development impacts. Such impacts include siltation, eutrophication, noise, artificial light intrusion and human and domestic animal intrusion. Upland buffers will also provide for preservation of upland wildlife habitat.
 - (1) Wetland buffer requirements.
 - a. Buffers shall be required immediately adjacent to a wetland in accordance with Table 138-3660.a Wetland Protection Buffers, or as otherwise specified in this section.
 - b. The buffers are required to be shown on a site plan upon submittal through the county's site plan regulations and review procedures. The buffers must be preserved during site development.

- (2) The buffer and its associated wetlands shall be recorded in the public records of the county as a conservation easement in accordance with F.S. § 704.06 or created as a conservation easement on the recorded plat for the development.
- (3) The following exemptions shall apply to the wetland protection buffer requirements:
 - a. Individual single-family lots are exempt; however, replats and subdivisions are subject to the standards of this article.
 - b. Catwalks, boardwalks, and walkways.
- (4) Where the wetland protection buffers conflict with any applicable buffering standards from chapter 138, article IX specific use standards and/or the design criteria for the underlying zoning district, the wetland buffers shall prevail.
- (5) Wetland protection buffer areas may be combined with any required open space area from chapter 138, article IX specific use standards and/or the design criteria for the underlying zoning district.

Table 166-50(a) — Wetland Protection Buffers		
Wetland Protection Buffer Type	Adjacent Wetland Feature	Minimum Required Wetland Protection Buffer
Type 1	Isolated Wetlands	15-ft
Type 2	Creeks, channels, ditches, canals or other waterways which are not designated as preservation land use areas and which are connected with waters of the state as defined in the Florida Administrative Code	15-ft outside the top of bank or contiguous wetlands, whichever is greater
Type 3	County approved retention ponds adjacent to wetlands which provide the intent as described in purpose of this section.	15-ft from edge of wetlands to top of bank of retention pond.
Type 4	All other wetlands	50-ft without enhanced buffer; 25-ft with enhanced buffer
General Notes:		
2. Enhanced buffers include appropriate wetland plantings that replicate the natural Florida environment and other physical improvements that increase protection of the wetland from upland activities such as mowing and other lawn maintenance activities.		

- (6) Alternative wetland protection: Buffer options and restrictions.
 - a. Buffers may be reduced to 15 feet in width for portions along a wetland, so long as additional widths are provided in other areas to result in an overall buffer width average that complies with Table 166.50.a.
 - b. Wetland buffers may not be reduced through these options on properties in the R-A, R-E, and/or R-R districts with active livestock activities adjacent to wetlands.

- (7) Activities prohibited within wetland buffers. In general, the following activities within a wetland buffer shall be prohibited:
- a. Placement of a structure, road, utilities, or retention pond.
 - b. Planting of exotic vegetation.
 - c. Removal of native vegetation, to include mowing or trimming, except as authorized under a habitat management permit issued pursuant to this article.
 - d. Fill with dirt, topsoil, sand, gravel or other similar material.
 - e. Excavation.
 - f. Maintaining livestock.
 - g. Storage of equipment, supplies, materials, machinery, portable buildings, etc.
 - h. Application of herbicides, pesticides, fertilizers, or chemical agents injurious to vegetation.
- (b) *Wetland vegetation.* Mangroves and other wetlands, regardless of size, are recognized to be of special ecological value. No wetland vegetation shall be removed, trimmed, pruned, chemically treated, filled upon or altered without a permit or exemption. Mangrove trimming and alteration is regulated through delegated authority from the State of Florida pursuant to Chapter 58, Article XVI. (Mangrove Trimming and Preservation).
- (1) Where wetlands are approved for removal by a permit issued by Pinellas County Water and Navigation, a permit under the provisions of this article pertaining to those wetlands shall not be required. However, wetland removal not authorized by a Water and Navigation permit, and otherwise subject to the county's jurisdiction, shall be subject to the provisions of this article.
 - (2) Due to the vegetative characteristics of these plant communities, wetlands are exempt from the tree survey requirements. However, they shall be designated by name and have their boundaries surveyed.
 - (3) Applicants must provide mitigation for all regulated wetland impacts and must demonstrate that the proposed mitigation measures are consistent with the county's intent to protect and manage fish, wildlife and hydrologic features. All required mitigation shall provide for equivalent habitat value to the wetland system impacted.

Sec. 166-51. Reserved.

Sec. 166-52. Protection of imperiled species.

Upon field review of the site plan and determination that a site contains imperiled plant or animal species, the applicant shall obtain and submit to the county written comments and recommendations concerning the impact of the proposed use on such species from the appropriate agency, such as the Florida Fish and Wildlife Conservation Commission, the United States Fish and Wildlife Service, or the state Department of Agriculture and Consumer Services. Compliance with all state and federal permit conditions must be met prior to site development.

Sec. 166-53. Nuisance and Invasive Species.

- (a) Sec. 138-3653 shall address nuisance and invasive species within the unincorporated areas within the county.
- (b) The protection standards in this chapter shall not apply to nuisance and invasive species as defined by this Code. However, a no-cost permit may be required to remove said species.

Sec. 166-54. Removal of vegetation from public right-of-way.

No vegetation shall be removed from a public right-of-way under the management of the county without a valid permit issued in accordance with Sec. 154-232 or the county administrator's authorization. Compensation for trees authorized for removal from a right-of-way may be required and will be calculated using Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal or other professionally accepted methods.

Sec. 166-55. Reserved.

Sec. 166-56. Vegetation installation and maintenance.

- (a) All vegetation planted in conformance with this article shall be installed in acceptance with good planting procedures as prescribed by the American Society of Landscape Architects, or other professional horticultural and arboricultural association.
- (b) Landscape trees and other required plant material shall be maintained in healthy growing condition or shall be promptly replaced within 30 days.
- (c) Inappropriate pruning or maintenance practices of required plant materials that result in stunted, abnormal, or other unreasonable deviation from their normal healthy growth shall be considered as the destruction of these materials and replacement may be required as described in this section.

Secs. 166-57—166-80. Reserved.

DIVISION 2. PERMITS

Sec. 166-81. General permit/application provisions.

- (a) A permit is required for the following activities on developed or undeveloped property:
 - (1) Habitat management activities including but not limited to alteration of vegetation, grading, herbicide application, or other habitat restoration and management activities.
 - (2) Preliminary land clearing or grubbing.
 - (3) Removal or alteration of specimen tree stand(s).
 - (4) Any activity which may have an adverse impact on wetlands or native vegetative communities as defined in this article.

- (b) Permits and applications shall be reviewed and processed pursuant to Chapter 138, Article II, Division 3.
- (c) Permits for removal of trees shall be reviewed and processed pursuant to Chapter 58, Article XIX.

Sec. 166-82. Specific permit application provisions.

- (a) *Required landscaping.* Chapter 138, Article X, Division 3 establishes the required landscaping standards for site development and property maintenance. The provisions of Chapter 138, Article X, Division 3 shall apply in addition to this article.
- (b) *Preliminary land clearing and grubbing.* Upon application, review, and issuance of a permit, preliminary land clearing and grubbing shall be permitted within designated road rights-of-way, drainage and other utility areas as depicted on a site plan pursuant to Chapter 138, Article II, Division 5. The decision-making authority must have no objection to the issuance of such permits and must require no revisions or alterations to the site plan which would change the size or location of buildings, parking, utility lines, topographic elevations, and other relevant elements which could result in substantial changes to the remaining protected vegetation.

Sec. 166-83. Applications.

- (a) *Procedure.* Applications for permits may be reviewed as a Type 1 review pursuant to Chapter 138, Article II. An application for a permit under this article shall be made by filing a permit application with the county and paying such fee as is established by the Board of County Commissioners as necessary to cover the costs of processing the application.
- (b) The following information may be required as part of the permit application in order to conduct a thorough review and finding:
 - (1) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any.
 - (2) A statement and drawing showing how vegetation not proposed for removal or relocation is to be protected during land clearing and construction, i.e., a diagram and notation of a protective barrier as defined in this article.
 - (3) Locations and dimensions of all setbacks and easements required by Chapter 138.
 - (4) A topographical survey sealed by a registered engineer or surveyor indicating grade changes proposed for the site, except when the grade changes are limited to beneath the floor area of the dwelling unit.
 - (5) The location of all wetlands, native vegetative communities, and buffers which are on or within ten feet of the site being developed. Vegetation proposed to remain, to be transplanted, or to be removed shall be identified. Areas designated as preservation on the comprehensive land use plan which are within 50 feet of the site must also be shown where applicable.
 - (6) All proposed landscaping and replacement vegetation, by species and size, along with the type of ground cover to be installed.

- (c) *Additional application requirements for site plans.* Development projects and land use activity that require a site plan as determined by Chapter 138, Article II, Division 5, shall provide the plan sheets as defined by said division. This shall include a tabulation of existing protected vegetation, proposed vegetation to be impacted, and proposed replacement vegetation.
- (d) *Application information waiver.* In the event that there is no protected vegetation located on or within ten feet, or preservation areas within 50 feet of the site to be developed which are required to be protected under the provisions of this article, the applicant shall so state in his application for a permit.
- (e) *Permit/application evaluation criteria.* The county administrator or designee shall consider the potential for significant adverse impacts in the following areas on the urban and natural environment in granting a permit and meeting the other provisions of this article:
 - (1) *Groundwater and surface water stabilization:* Whether the removal of protected vegetation will substantially alter the water table adversely or water assimilation and transpiration by vegetation or the interception of solar radiation as it affects the evaporation potential of associated soils and bodies of water.
 - (2) *Water quality and/or aquifer recharge:* Whether the removal of protected vegetation will lessen the ability for the natural assimilation of nutrients, chemical pollutants, heavy metals, silt and other noxious substances from groundwaters and surface waters.
 - (3) *Ecological impacts:* Whether the removal of protected vegetation will have an adverse impact upon existing biological and ecological systems, microclimatic conditions which directly affect these systems, or whether such removals will create conditions which may adversely affect the interrelationships of ecological systems.
 - (4) *Noise pollution:* Whether the removal of protected vegetation will significantly increase ambient noise levels to the degree that a nuisance is anticipated to occur or that a violation of Chapter 58, Article XII is anticipated to occur.
 - (5) *Air movement:* Whether the removal of protected vegetation will significantly reduce the ability of the remaining vegetation to reduce wind velocities to the degree that a nuisance is anticipated to occur.
 - (6) *Air quality:* Whether the removal of protected vegetation will significantly affect the natural cleaning of the atmosphere by vegetation through particulate matter interception or the release of oxygen to the atmosphere as a byproduct of photosynthesis.
 - (7) *Wildlife habitat:* Whether the removal of protected vegetation will significantly reduce available habitat for wildlife existence and reproduction, or result in the emigration of wildlife from adjacent or associated ecosystems.
 - (8) *Aesthetic degradation:* Whether the removal of protected vegetation will have an adverse effect on property values in the neighborhood where the applicant's property is located and other existing vegetation in the vicinity.
 - (9) *Imperiled species:* Whether the removal of protected vegetation will significantly affect endangered, threatened, or species of special concern when reasonable scientific judgment indicates that the vegetation provides a function including but not limited to

nesting, reproduction, critical food source, critical habitat or cover for such species or whether the vegetation itself is endangered, threatened, or a species of special concern.

- (10) *Soil stabilization*: Whether the removal of protected vegetation will result in uncontrollable erosion of soils into surface waters, or adjacent properties.
- (f) *Exceptions*. The above evaluation criteria may be waived by the county administrator if one or more of the following conditions exist:
- (1) The vegetation is located in an area where a structure or improvements may be placed according to an approved site plan and to preserve the vegetation would unreasonably restrict the economic enjoyment of the property or the site is recognized as a redevelopment or infill site.
 - (2) The vegetation is diseased, injured, too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations; or
 - (3) It is in the welfare of the general public or citizens that the vegetation be removed for a reason other than set forth above.
- (g) *Permit/application denial*. The county administrator or designee, upon a determination that an application for a permit under this article is to be denied, shall state the basis for such denial specifically and shall notify the applicant of the criteria outlined in subsections (e) and (f) of this section upon which such denial is predicated.

Sec. 166-84. Permit conditions.

- (a) *Conditions*. The decision-making authority may assign special conditions to any approved permits based on the findings of the evaluation criteria in section 166-83.
- (b) *Inspections*. A pre-construction inspection may be required to ensure protective barriers are properly installed around all protected vegetation and erosion control best management practices are installed where necessary to prevent pollution of the Municipal Separate Storm Sewer System (MS4). A final inspection may be required to ensure landscaping has been installed according to the approved plans and this article prior to release of the certificate of occupancy.
- (c) *Special design criteria*. The applicant may be required to use special construction techniques and designs to increase oxygen exchange and water and nutrient availability to a protected vegetation such as but not limited to tree wells, turf or paving block, aeration systems and stem walls.
- (d) *Erosion control*. Silt barriers or similar erosion control barriers will be required in any area where erosion or siltation may adversely impact protected vegetation.

Sec. 166-85. Reserved.

Sec. 166-86. Expiration.

Permits under this article shall be declared expired if commencement of work so permitted is not started within 90 days. In no case will the permit remain valid unless authorized activity is

continuous and uninterrupted for no more than 60 days. Permits not used within this period will expire, and future work will require a new application and permit. Permit extensions may be granted at the county's discretion based on wildlife activity, extreme weather, natural disaster, declared emergencies or similar circumstances.

Sec. 166-87. Revocation.

- (a) The county administrator or designee may revoke any permit issued pursuant to this article for fraud, misrepresentation or violation of conditions imposed pursuant to the permit, or other good cause. In the event the county administrator chooses to revoke a permit, written notice of the intent of the county administrator to revoke such permit shall be provided to the applicant, setting forth the specific reasons for the revocation. The applicant shall have the right to appear before the county administrator at a time and date specified in such notice to show cause why the permit issued to the applicant should not be revoked.
- (b) If the county administrator or designee determines to revoke a permit issued pursuant to this article, after the notice procedure as provided in subsection (a) of this section, the applicant shall immediately cease all exterior work on the site. The applicant shall have the right to appear before the board of county commissioners, in accordance with section 166-40, to show cause why the permit issued to the applicant should be reinstated.

Sec. 166-88. Cease and desist orders.

The county administrator or designee may issue a cease and desist order for any permit issued pursuant to this article for fraud, misrepresentation, or violation of conditions imposed pursuant to the permit, or other good cause, or for any site where work has commenced and a permit has not been obtained but is required pursuant to this article. Any person receiving such an order for cessation of operations shall immediately comply with the requirements thereof. It shall be a violation of this article for any person to fail to or refuse to comply with a cease and desist order issued and served under the provisions of this section.

Secs. 166-89—166-95. Reserved.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding will not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 4. Inclusion in Code. The provisions of this Ordinance will be included and incorporated in the Pinellas County Code, as an amendment thereto, and will be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance will be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County

Commissioners. This Ordinance will become effective upon filing of the ordinance with the Department of State.

PCAO 539522

APPROVED AS TO FORM
By: Derrill McIteer
Office of the County Attorney