

Board of County Commission Agenda Request

Date of Meeting: December 6, 2016

Date Submitted: November 18, 2016

To: Honorable Chairperson and Members of the Board

From: Robert M. Presnell, County Administrator
Jill Jeglie, Interim Planning and Community Development Director

Subject: **PUBLIC HEARING (Legislative)** – Consideration of Adoption of Ordinance 2016-021 to amend Chapter 5, Development Standards, Subsection 5405, Corridor Road Landscaping Standards of the Gadsden County Land Development Code (LDR 2016-010)

Statement of Issue:

A public hearing to consider the adoption of Ordinance 2016-021 (Attachment #1) amending Chapter 5, Development Standards, Subsection 5405, Corridor Road Landscaping Standards of the Land Development Code (LDC).

Background:

Effective February 16, 2016, an amendment to the Conservation Element of the Comprehensive Plan (Comp Plan) changed the required corridor road setbacks. In addition, amendments to the LDC removed the list of corridor roads from the definitions with the intent of relocating them to Subsection 5405, the appropriate subsection of the LDC. The amendments to Subsection 5405 include the addition of the list of corridor roads and revised standards and setbacks consistent with Policy 6.4.2 of the Comp Plan. Subsection 5405 has also been reorganized and rewritten for clarity.

Policy 6.4.2 of the Recreation and Open Space Element now describes the corridor road setbacks for new development and redevelopment abutting corridor road as follows:

“New development and re-development along designated corridor roads shall be required to preserve at least 50% of the first fifteen (15) feet of frontage for residential subdivisions and twenty-five (25) feet for non-residential projects. The open space requirement for commercial/industrial parks can be shifted into perimeter buffers to better shield the development from dissimilar uses.”

In addition to adding the list corridor roadways to Subsection 5405, the residential and non-residential development standards and Figure 5405-2 of Subsection 5405 have been amended (new Figure 5405.D) to include the setbacks and preservation standards adopted in Policy 6.4.2.

Analysis:

The proposed amendments to Chapter 5405 include but are not limited to the following:

1. Renaming Subsection 5405 as 'Corridor Road Vegetation Preservation and Landscaping Standards'.
2. Adding the list of corridor roads into Subsection 5405.B.
3. Revising Subsection 5405 and Figure 5405.2 (new Figure 5405.D) to be consistent with Policy 6.4.2 for residential and non-residential development.
4. Relocating and consolidating the clearing and permit requirements into Subsection 5405.D. 6 Clearing and Tree Removal Permits.
5. Addressing redevelopment of non-residential sites by allowing redevelopment to comply with Section 5405 to the 'greatest extent possible'.
6. Subsection 5405.G was amended and Subsection 5405.H was added to consistently refer to the BOCC as the decision making body on requests for hardship relief from Subsection 5405.
7. Revises penalties to clarify that replacement will be required for planted vegetation as well as for protected trees at a rate of twice the removal DBH.

Planning Commission Recommendation:

At their November 10, 2106 public hearing, the Planning Commission recommended by a 9-0 vote that this amendment is in compliance with the Comprehensive Plan and Florida Statutes and that it be adopted by ordinance.

Options:

1. Adopt Ordinance 2016-021 to amend Subsection 5405 of Chapter 5 of the Land Development Code, as set forth in Exhibit 'A' of the Ordinance and authorize the Chairperson to sign.
2. Do not approve.
3. Adopt Ordinance 2016-021 to amend Subsection 5405 of Chapter 5 of the Land Development Code, as set forth in Exhibit 'A' of the Ordinance, with changes made at the public hearing and authorize the Chairperson to sign.
4. Board direction.

County Administrator's Recommendation:

Option 4

Attachments:

1. Ordinance 2016-021 – Exhibit 'A' Strike & Ad
2. Revised Subsection 5405 - Clean Copy
3. Legal Advertisement

ORDINANCE 2016 - 021

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, AMENDING CHAPTER 5, DEVELOPMENT STANDARDS, SUBSECTION 5405 CORRIDOR ROAD LANDSCAPING STANDARDS: PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents of the county by enacting and enforcing regulations concerning the use of property necessary for the protection for the public; and

WHEREAS, the Board of County Commissioners of Gadsden County has adopted the Gadsden County Land Development Code, as required pursuant to §163.3202, Florida Statutes; and

WHEREAS, The Gadsden County Planning Commission, acting as the local planning agency, reviewed these amendments and made a recommendation to the Board of County Commissioners; and

WHEREAS, duly noticed public hearings were conducted on such proposed amendments on November 10, 2016 by the Gadsden County Planning Commission and on December 5, 2016 by the Board of County Commissioners.

WHEREAS, words with underline type shall constitute addition and ~~striketrough~~ shall constitute deletions to the original text from the language existing prior to adoption of this Ordinance.

Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida, that:

SECTION I: Approval and Adoption of Amendment

The amendments to the Gadsden County Land Development Code as attached hereto as Exhibit "A" are hereby adopted and approved.

SECTION II: Repeal

Those parts of the Gadsden County Land Development Code in conflict herewith are hereby repealed and superseded to the extent of such conflict and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION IV: Inclusion in the Land Development Code

This Ordinance shall be codified in the Gadsden County Land Development Code as set forth in Exhibit "A".

SECTION V: Modification

It is the intent of the Board of County Commissioners that the provisions of this Ordinance, including the amendment attached hereto as Exhibit "A" may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk pursuant legal requirements.

Section VI: Correction of Scrivener's Errors

The County Attorney may correct any scrivener's errors found in this Ordinance, including the Exhibits attached hereto, by filing a corrected copy of the Ordinance with the Clerk.

Section VII: Effective Date

This Ordinance shall become effective as provided by law.

The above and foregoing Ordinance was read and approved at a duly convened public hearing at a regular meeting of the Board of County Commissioners of Gadsden County, Florida, this sixth day of December, 2016.

BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA

By: _____

Brenda Holt, Chairperson

Nicholas Thomas
Clerk of the Circuit Court

EXHIBIT 'A'

Subsection 5405. Corridor Road Vegetation Preservation and Landscaping Standards

A. Purpose. The section shall apply to all non-residential and residential developments adjacent to a corridor road so to protect the rural character and natural beauty of Gadsden County by encouraging the preservation of natural vegetation along its corridor roads which will maintain the health, safety, and general welfare of the residents of Gadsden County by minimizing the detrimental effects of contiguous and/or continuous strip development. This is achieved by ensuring that development along the designated Corridor Roads of Gadsden County;

1. Minimizes the adverse impacts on the natural environment;
2. Enhances the existing natural environment;
3. Limits impervious surfaces to reduce stormwater runoff; and
4. Is aesthetically and visually pleasing.

B. Corridor Roads. The following roads or roadway segments are designated as corridor roadways:

1. US 27 from Leon County Line to Georgia State Line;
2. US 90 from Leon County Line to Chattahoochee City Limit;
3. SR 12 from the Quincy City Limit to the Havana City Limit;
4. SR 267 from the Quincy City Limit to Interstate 10; and
5. Interstate 10 from Jackson County to Leon County.

~~Clearing permits may be obtained from the Department of Planning & Zoning after approval of conceptual site plans or preliminary plats. Clearing in advance of a development order is prohibited in Corridor Road setback areas and wetlands or wetland buffers prior to issue of a Development Order. See Subsection 7600.~~

~~CB.~~ Standards for Residential Development on Corridor Roads.

1. New development and re-development along designated corridor roads shall be required to preserve at least fifty percent (50%) of the first fifteen feet (15') of frontage in a natural, undisturbed state along the corridor road. This is in addition to the minimum rear yard and side yard setbacks where lots abut the corridor road.

2. Corridor road setback areas shall be subject to conservation easements and described in deed restrictions, as applicable.
3. The segment of a residential development entrance road from its intersection of a corridor road to the next interior road intersection shall also be considered a Corridor Road and the above buffer is required.
4. Driveway permits shall be reviewed to ensure that the existing trees and canopy are preserved to the greatest extent possible.

D. ~~Landscaping~~—Standards for Non-Residential Development on Corridor Roads.

1. These ~~se~~ following standards shall apply to non-residential development with corridor road frontage.
 - a) New development and redevelopment shall preserve at least fifty percent (50%) of the first twenty-five feet (25') of frontage. Redevelopment shall comply with this section to the greatest extent possible. No expansion shall be allowed within this setback.
 - b) Landscaping Area Requirements. A minimum of ten percent (10%) of the development shall be landscaped, ~~—of which—~~ up to fifty percent (50%) of which may be grassed or planted with sod.
 - c) Landscaping requirements are in addition to the buffer area requirements of Subsection 5302.
 - d) Landscaped areas may be used to meet the open space requirements of Subsection 5301.
 - e) Landscaping requirements are to apply to those areas in direct public view along corridor roads with frontage. These minimum requirements do not apply to the rear lot areas and landscaping in side lots can only be used to meet up to twenty percent (20%) of the total landscape requirement for the development.
 - f) Existing, preserved and protected native vegetation is encouraged to be used as credit towards the corridor road landscaping requirement. Use of ~~s~~Silviculture ~~ea~~l stands of timber thinned according to BMPs is acceptable.
2. Landscaping of ~~y~~vehicular ~~u~~Use ~~a~~Areas. These standards reduce the visual blight and heat island effect of large expanses of paved parking areas.

- a) There shall be a landscape island at the end of each parking row and every ~~shall be located at the end of each row of~~ ten or ~~less~~ less parking spaces. Landscape islands and shall be a minimum of twelve feet (12') wide by eighteen feet (18') long at the end of single parking rows and a minimum of thirty-six feet (36') long at the ends of opposing parking rows.
- a)b) Islands shall be mounded and planted so to discourage pedestrian pass-through traffic. A two inch (2") dbh oak or equivalent shade tree shall be planted and maintained in each required landscape island.
- c) In lieu of repeated landscape islands, a continuous planted area no less than ten feet (10') wide may be placed between opposing parking rows. A two inch (2") dbh or greater oak or equivalent shade tree shall be planted and maintained every twenty feet (20') on center.

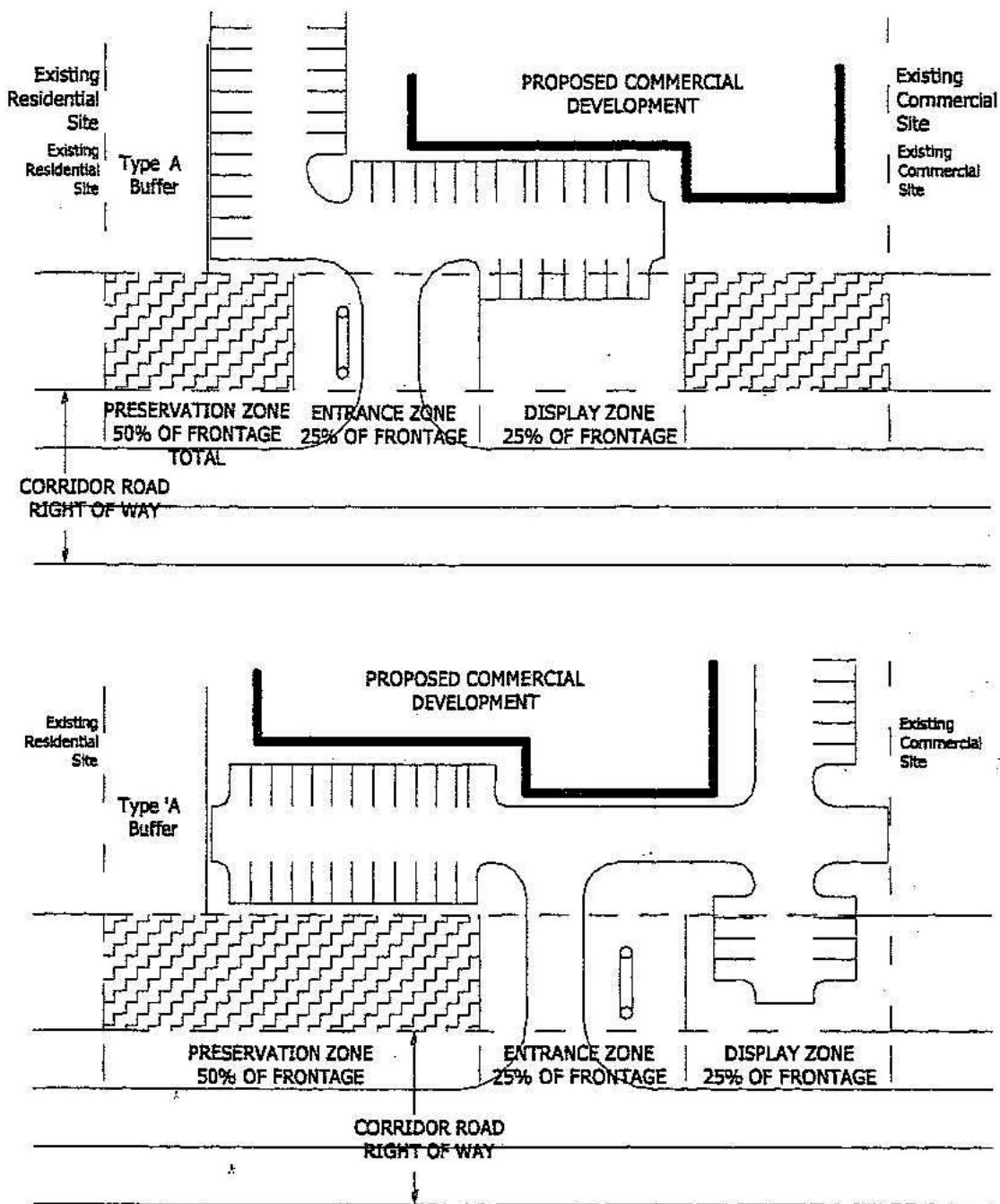


Figure 5405-2

3. Landscaping of Perimeter Areas

- a) The landscaped perimeter of vehicular use areas adjacent to corridor road frontage shall be a minimum of ten feet (10') wide. For redeveloping sites, the applicant shall work with the planning staff to

create vehicular use areas in alternate locations that will lessen the effects of earlier development.

- b) The perimeters of vehicular use areas in developments adjacent to similar land use classifications shall provide a minimum five foot (5') wide landscaped area along the adjacent property line.

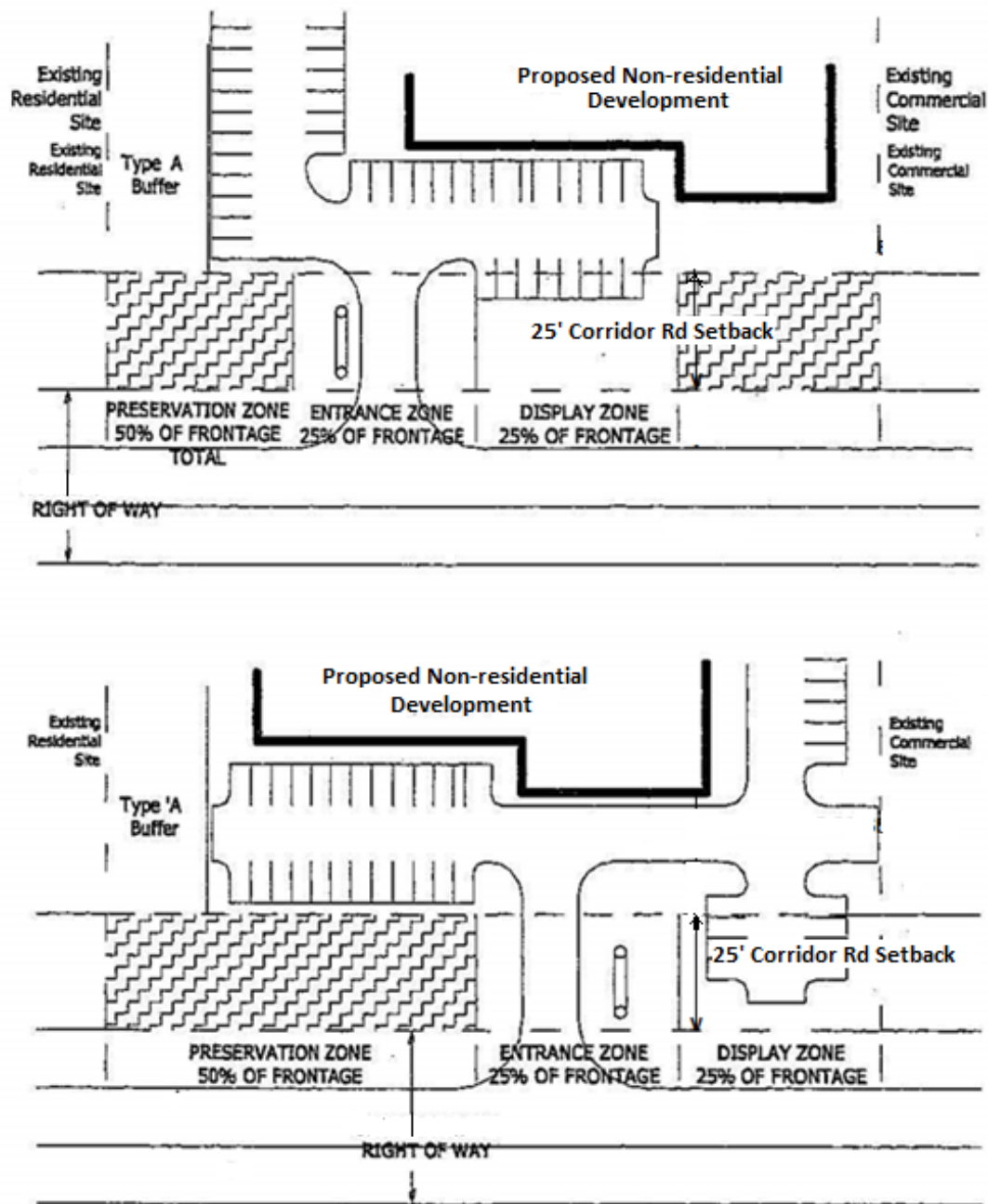


FIGURE 5405.D

~~The perimeters of Vehicular Use Areas in developments adjacent to a different land use shall provide a buffer as required by Subsection 5302.~~

~~d) The side and rear perimeters of Light Industrial and Industrial developments in land use areas adjacent to similar or more intensive land use classification shall not require landscaping.~~

EDG. Requirements in Corridor Road Setback Areas. The following standards shall encourage retention of trees and natural vegetation on corridor road frontage in public view. See Figure 5405-D2.

1. Setback Area: That portion of the property between the right-of-way along the corridor road and the required building setback is the corridor road setback area and shall preserve some existing trees and understory vegetation to retain the rural character of the corridor road and buffer the effects of new development.
2. Protected Trees: ~~On Corridor Roads, a protected tree is~~ A any tree, except for genus '*pinus*', pine trees, that has attained a DBH of eight inches (8") within the ~~c~~Corridor road setback area ~~Protection buffer~~ in Urban Service Area, Rural Residential, Commercial, Light Industrial and Industrial Land Use districts shall be preserved.
3. Preservation Zones: The corridor road setback area shall be divided ~~sible~~ into three distinct zones.
 - a) The Preservation zone shall be a minimum of fifty percent (50%) of the corridor road setback area. This zone shall be left natural or landscaped. Vehicular use is prohibited.
 - b) The Entrance zone shall have a minimum width of twenty-five feet (25') and up to twenty-five percent (25%) of the frontage and shall allow driveways, landscaped roadway shoulders, signs, and architectural walls that will provide a safe and aesthetic transition into the site.
 - c) The Display zone is the remaining portion of the frontage not to exceed twenty-five percent (25%) of the frontage and may be used for stormwater facilities, parking and product display provided such does not inhibit driveway site requirements. Stormwater facilities in this zone shall have a ten foot (10'~~')~~) wide unfenced berm with side slopes of 1:5 or greater. The sides and bottoms shall be planted with water tolerant tree species at two ~~(2)~~ caliper inches (2") per every sixteen hundred (1600') square feet.

4. Minimum Landscaping Required: Minimum vegetation required per one hundred feet (100') of frontage shall be sixteen ~~(16)~~ diameter inches (16") of trees, six (6) ten-gallon or larger understory trees or shrubs and fifteen (15) ground cover plantings. Understory trees or shrubs shall be plantings that attain a height of three feet (3') to twenty feet (20') at normal mature height.
5. Fencing: Fences shall not be permitted within the corridor road setback area ~~and where constructed. must be interior to the corridor road setback.~~
6. ~~Clearing and~~ Tree Removal and ~~Clearing~~ Permits.
 - a) Any tree removal or clearing is prohibited in a corridor road setback area prior to issuance of a development order and a clearing permit by the Planning and Community Development Department.
 - a)b) Clearing permits are required for the ~~removal~~ ~~clearing~~ of any deciduous trees greater than eight inches (8") in diameter in the front buffer zone along corridor roads with the exception of bona-fide silviculture or agriculture operations in Agricultural or Silviculture future land use districts. This shall apply to all residential, commercial, urban service area, public and industrial lands.

~~Clearing permits may be obtained from the Department of Planning & Zoning after approval of conceptual site plans or preliminary plats. Clearing without a permit in advance of a development order is prohibited in Corridor Road setback areas and wetlands or wetland buffers prior to issue of a Development Order. See Subsection 7600.~~

7. Effect on Silviculture Activities:
 - a) ~~In Agriculture districts,~~ Clear cut harvesting in corridor road setback areas shall be considered a use by right only for bona-fide silviculture or agriculture operations.
 - b) Properties subjected to clear cut harvesting and subsequently presented for land use amendment or development activity within two (2) years of the clearing shall be penalized by a doubling of the planting requirement with a revised minimum caliper measure of three inches (3"). In the case of land use amendments, the re-planting shall be complete and approved prior to submission of the adoption ordinance.
 - c) Penalties may not be imposed if the following retention standards are met: ~~Properties harvested may not be penalized if some retention of~~

~~the original stand of timber is retained:~~

i) ~~d)~~ For natural stands of mixed hardwood/softwood forest, non-pine trees greater than eight inches (-8") DBH shall be preserved and protected.

ii) ~~e)~~ For planted stands of pines retention of three hundred (300) diameter inches per one hundred (100') linear feet of frontage in a random thinning plan.

FD. Credits for Preservation.

1. To maintain Gadsden County's rural character, preserving natural vegetation growth is encouraged and credit is given for the preservation of native vegetation as preservation is of equal importance as replacement.
2. Preserved vegetation must be of reasonable quality to qualify for credits. This will include native trees in good health greater than four inches DBH. Non-native or invasive species will not be allowed for credit. Twenty-five percent (25%) of planted pines in a stand of juvenile pines may be counted as preserved trees.
3. Some smaller species of understory trees (i.e. crepe myrtle, dogwood) may also be acceptable to receive credits as understory trees or shrubs at the discretion of the Planning Official~~Planning Director~~ or its designee. Location of Protected Trees shall be indicated on all preliminary plats or site plans and trees used for credit shall be tagged at the development site and properly labeled on submitted plans.
4. C~~This~~ credit shall be applied as follows:
 - a) One inch (1") of credit will be given for each inch (1") of trees preserved in the corridor road setback ~~front or side buffer~~ area of a development towards replacement of protected trees removed by the development.
 - b) One inch of (1") credit will be given for each inch (1") of protected trees preserved in an interior or rear area and successfully protected during construction and may be used to meet the landscaping requirements in buffer areas.
 - ~~b)~~c) One half inch (1/2") of credit will be given for each inch (1") of preserved trees in landscaped areas towards the corridor road landscaping requirement.

- d) One inch (1") of credit will be given for each inch (1") of preserved trees in a natural area with protected and natural ground cover. Stands of trees with understory and ground cover to be preserved should be cordoned off with construction barricade and protected before and during construction.

GF. Penalties.

1. ~~Trees or vegetation required to be planted or P~~protected trees removed from ~~the buffer areas along corridor road setbacks prior to development applications in Urban Service Area, Rural Residential, Commercial, Lt. Industrial or Industrial districts without a permit~~ shall be required to be replaced on a basis of replaced on an inch per inch basis two inches (2") dbh of replacement for every one inch (1") DBH ~~dbh~~ removed or double the planting requirement, unless otherwise exempt. Stumps at ground level shall be considered to be one-hundred ten percent (110%) per diameter inch of the stump unless DBH can be verified.
- ~~2.~~ Replacement trees shall be free of disease, in good condition at planting, and shall be of species naturally occurring in Gadsden County.
- ~~23.~~ The Planning Commission may grant relief to the strict interpretation of this ordinance based on unusual site specific conditions and a demonstrated hardship.
- ~~4.~~ Protected trees removed from developments along corridor roads prior to approval and not replaced per this ordinance shall be assessed a fine of \$125 per diameter inch of required replacement.
- ~~34.5.~~ Liability for replacement and/or fines may be assigned by the County Code Enforcement Officer ~~the Board of County Commissioners~~ to the Owner, Property Manager, or Clearing Contractor at its discretion depending on the facts of the case as presented.
- ~~45.~~ Upon notification of any violation of this Section, the applicant or property owner shall have thirty (30) days from the date of notification to bring the site into compliance.

H. Hardship Relief.

1. The Board of County Commissioners may grant relief to the strict interpretation of this ordinance based on unusual site specific conditions and a demonstrated hardship.
2. Development orders requiring hardship relief must be approved by the Board of County Commissioners.

(Ord. # 2000-002, 4-4-00; Ord. # 2003-06, 8-19-03)

Subsection 5405. Corridor Road Vegetation Preservation and Landscaping Standards

- A. Purpose. The section shall apply to all non-residential and residential developments adjacent to a corridor road so to protect the rural character and natural beauty of Gadsden County by encouraging the preservation of natural vegetation along its corridor roads which will maintain the health, safety, and general welfare of the residents of Gadsden County by minimizing the detrimental effects of contiguous and/or continuous strip development. This is achieved by ensuring that development along the designated Corridor Roads of Gadsden County:
1. Minimizes the adverse impacts on the natural environment;
 2. Enhances the existing natural environment;
 3. Limits impervious surfaces to reduce stormwater runoff; and
 4. Is aesthetically and visually pleasing.
- B. Corridor Roads. The following roads or roadway segments are designated as corridor roadways:
1. US 27 from Leon County Line to Georgia State Line;
 2. US 90 from Leon County Line to Chattahoochee City Limit;
 3. SR 12 from the Quincy City Limit to the Havana City Limit;
 4. SR 267 from the Quincy City Limit to Interstate 10; and
 5. Interstate 10 from Jackson County to Leon County.
- C. Standards for Residential Development on Corridor Roads.
1. New development and re-development along designated corridor roads shall be required to preserve at least fifty percent (50%) of the first fifteen feet (15') of frontage in a natural, undisturbed state along the corridor road. This is in addition to the minimum rear yard and side yard setbacks where lots abut the corridor road.
 2. Corridor road setback areas shall be subject to conservation easements and described in deed restrictions, as applicable.
 3. The segment of a residential development entrance road from its intersection of a corridor road to the next interior road intersection shall

also be considered a Corridor Road and the above buffer is required.

4. Driveway permits shall be reviewed to ensure that the existing trees and canopy are preserved to the greatest extent possible.

D. Standards for Non-Residential Development on Corridor Roads.

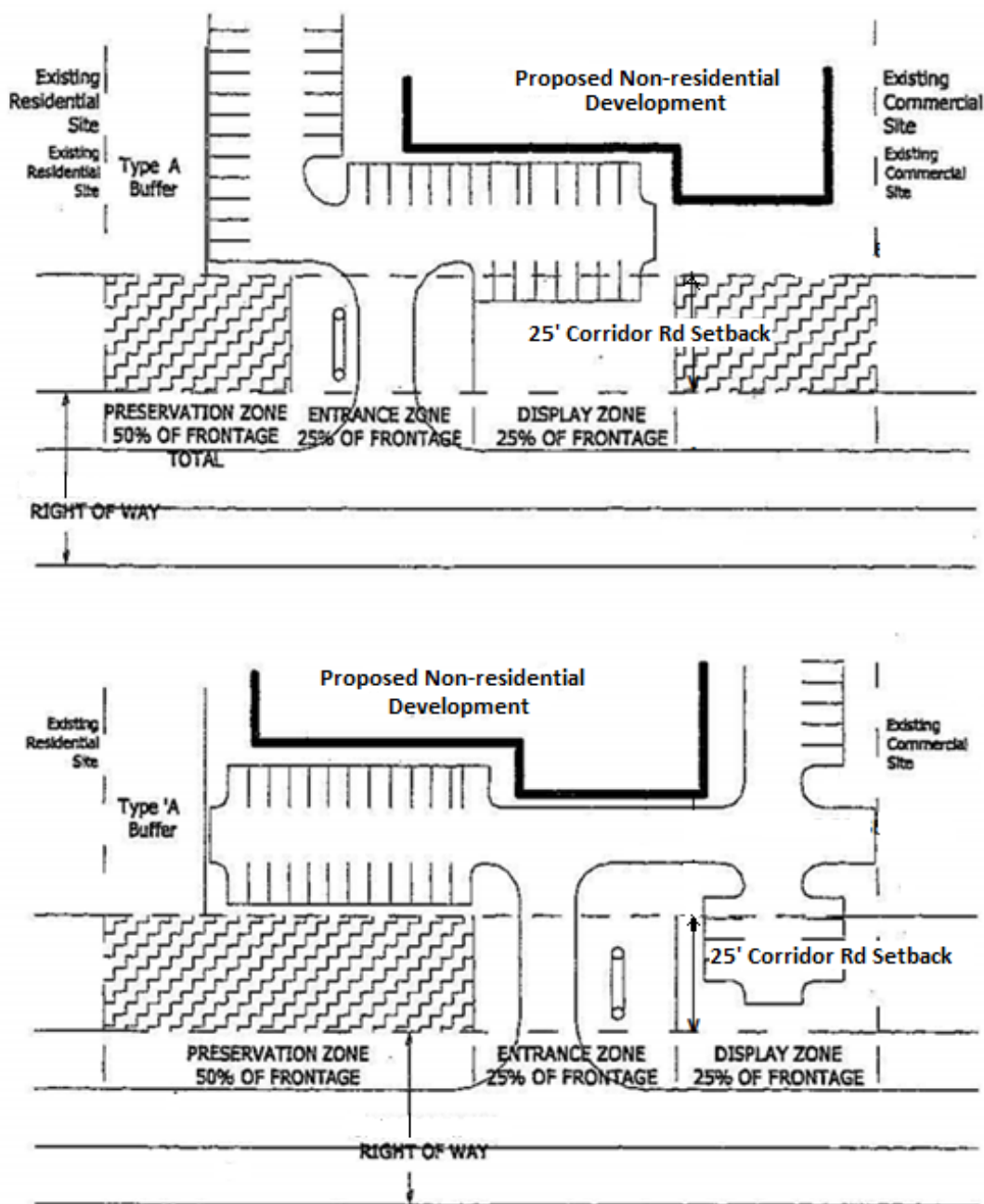
1. The following standards shall apply to non-residential development with corridor road frontage.
 - a) New development and redevelopment shall preserve at least fifty percent (50%) of the first twenty-five feet (25') of frontage. Redevelopment shall comply with this section to the greatest extent possible. No expansion shall be allowed within this setback.
 - b) Landscaping Area Requirements. A minimum of ten percent (10%) of the development shall be landscaped, up to fifty percent (50%) of which may be grassed or planted with sod.
 - c) Landscaping requirements are in addition to the buffer area requirements of Subsection 5302.
 - d) Landscaped areas may be used to meet the open space requirements of Subsection 5301.
 - e) Landscaping requirements are to apply to those areas in direct public view along corridor roads with frontage. These minimum requirements do not apply to the rear lot areas and landscaping in side lots can only be used to meet up to twenty percent (20%) of the total landscape requirement for the development.
 - f) Existing, preserved and protected native vegetation is encouraged to be used as credit towards the corridor road landscaping requirement. Use of silviculture stands of timber thinned according to BMPs is acceptable.
2. Landscaping of vehicular use areas. These standards reduce the visual blight and heat island effect of large expanses of paved parking areas.
 - a) There shall be a landscape island at the end of each parking row and every ten or less parking spaces. Landscape islands shall be a minimum of twelve feet (12') wide by eighteen feet (18') long at the end of single parking rows and a minimum of thirty-six feet (36') long at the ends of opposing parking rows.
 - b) Islands shall be mounded and planted so to discourage pedestrian

pass-through traffic. A two inch (2") dbh oak or equivalent shade tree shall be planted and maintained in each required landscape island.

- c) In lieu of repeated landscape islands, a continuous planted area no less than ten feet (10') wide may be placed between opposing parking rows. A two inch (2") dbh or greater oak or equivalent shade tree shall be planted and maintained every twenty feet (20') on center.

3. Landscaping of Perimeter Areas

- a) The landscaped perimeter of vehicular use areas adjacent to corridor road frontage shall be a minimum of ten feet (10') wide. For redeveloping sites, the applicant shall work with the planning staff to create vehicular use areas in alternate locations that will lessen the effects of earlier development.
- b) The perimeters of vehicular use areas in developments adjacent to similar land use classifications shall provide a minimum five foot (5') wide landscaped area along the adjacent property line.

**FIGURE 5405.D**

E. Requirements in Corridor Road Setback Areas. The following standards shall encourage retention of trees and natural vegetation on corridor road frontage in public view. See Figure 5405-D.

1. Setback Area: That portion of the property between the right-of-way along the corridor road and the required building setback is the corridor

road setback area and shall preserve some existing trees and understory vegetation to retain the rural character of the corridor road and buffer the effects of new development.

2. Protected Trees: Any tree, except for genus '*pinus*', pine trees, that has attained a DBH of eight inches (8") within the corridor road setback area in Urban Service Area, Rural Residential, Commercial, Light Industrial and Industrial Land Use districts shall be preserved.
3. Preservation Zones: The corridor road setback area shall be divided into three distinct zones.
 - a) The Preservation zone shall be a minimum of fifty percent (50%) of the corridor road setback area. This zone shall be left natural or landscaped. Vehicular use is prohibited.
 - b) The Entrance zone shall have a minimum width of twenty-five feet (25') and up to twenty-five percent (25%) of the frontage and shall allow driveways, landscaped roadway shoulders, signs, and architectural walls that will provide a safe and aesthetic transition into the site.
 - c) The Display zone is the remaining portion of the frontage not to exceed twenty-five percent (25%) of the frontage and may be used for stormwater facilities, parking and product display provided such does not inhibit driveway site requirements. Stormwater facilities in this zone shall have a ten foot (10') wide unfenced berm with side slopes of 1:5 or greater. The sides and bottoms shall be planted with water tolerant tree species at two caliper inches (2") per every sixteen hundred (1600') square feet.
4. Minimum Landscaping Required: Minimum vegetation required per one hundred feet (100') of frontage shall be sixteen diameter inches (16") of trees, six (6) ten-gallon or larger understory trees or shrubs and fifteen (15) ground cover plantings. Understory trees or shrubs shall be plantings that attain a height of three feet (3') to twenty feet (20') at normal mature height.
5. Fencing: Fences shall not be permitted within the corridor road setback area.
6. Tree Removal and Clearing.
 - a) Any tree removal or clearing is prohibited in a corridor road setback area prior to issuance of a development order and a clearing permit by the Planning and Community Development Department.

- b) Clearing permits are required for the removal of any deciduous trees greater than eight inches (8") in diameter in the front buffer zone along corridor roads with the exception of bona-fide silviculture or agriculture operations in Agricultural or Silviculture future land use districts. This shall apply to all residential, commercial, urban service area, public and industrial lands.

7. Effect on Silviculture Activities:

- a) Clear cut harvesting in corridor road setback areas shall be considered a use by right only for bona-fide silviculture or agriculture operations.
- b) Properties subjected to clear cut harvesting and subsequently presented for land use amendment or development activity within two (2) years of the clearing shall be penalized by a doubling of the planting requirement with a revised minimum caliper measure of three inches (3"). In the case of land use amendments, the re-planting shall be complete and approved prior to submission of the adoption ordinance.
- c) Penalties may not be imposed if the following retention standards are met:
 - i) For natural stands of mixed hardwood/softwood forest, non-pine trees greater than eight inches (8") DBH shall be preserved and protected.
 - ii) For planted stands of pines retention of three hundred (300) diameter inches per one hundred (100') linear feet of frontage in a random thinning plan.

F. Credits for Preservation.

- 1. To maintain Gadsden County's rural character, preserving natural vegetation growth is encouraged and credit is given for the preservation of native vegetation as preservation is of equal importance as replacement.
- 2. Preserved vegetation must be of reasonable quality to qualify for credits. This will include native trees in good health greater than four inches DBH. Non-native or invasive species will not be allowed for credit. Twenty-five percent (25%) of planted pines in a stand of juvenile pines may be counted as preserved trees.
- 3. Some smaller species of understory trees (i.e. crepe myrtle, dogwood) may also be acceptable to receive credits as understory trees or shrubs at the discretion of the Planning Official or its designee. Location of

Protected Trees shall be indicated on all preliminary plats or site plans and trees used for credit shall be tagged at the development site and properly labeled on submitted plans.

4. Credit shall be applied as follows:

- a) One inch (1") of credit will be given for each inch (1") of trees preserved in the corridor road setback area of a development towards replacement of protected trees removed by the development.
- b) One inch of (1") credit will be given for each inch (1") of protected trees preserved in an interior or rear area and successfully protected during construction and may be used to meet the landscaping requirements in buffer areas.
- c) One half inch (1/2") of credit will be given for each inch (1") of preserved trees in landscaped areas towards the corridor road landscaping requirement.
- d) One inch (1") of credit will be given for each inch (1") of preserved trees in a natural area with protected and natural ground cover. Stands of trees with understory and ground cover to be preserved should be cordoned off with construction barricade and protected before and during construction.

G. Penalties.

1. Trees or vegetation required to be planted or protected trees removed from the corridor road setback without a permit shall be required to be replaced on a basis of two inches (2") dbh of replacement for every one inch (1") DBH removed or double the planting requirement, unless otherwise exempt. Stumps at ground level shall be considered to be one-hundred ten percent (110%) per diameter inch of the stump unless DBH can be verified. Replacement trees shall be free of disease, in good condition at planting, and shall be of species naturally occurring in Gadsden County.
2. Protected trees removed from developments along corridor roads prior to approval and not replaced per this ordinance shall be assessed a fine of \$125 per diameter inch of required replacement.
3. Liability for replacement and/or fines may be assigned by the County Code Enforcement Officer to the Owner, Property Manager, or Clearing Contractor at its discretion depending on the facts of the case as presented.

4. Upon notification of any violation of this Section, the applicant or property owner shall have thirty (30) days from the date of notification to bring the site into compliance.

H. Hardship Relief.

1. The Board of County Commissioners may grant relief to the strict interpretation of this ordinance based on unusual site specific conditions and a demonstrated hardship.
2. Development orders requiring hardship relief must be approved by the Board of County Commissioners.

(Ord. # 2000-002, 4-4-00; Ord. # 2003-06, 8-19-03)

GADSDEN COUNTY
BOARD OF COUNTY COMMISSIONERS
NOTICE OF INTENT

NOTICE IS HEREBY GIVEN to all concerned that the **Gadsden County Board of County Commissioners** at their regularly scheduled meeting on Tuesday, December 6, 2016 at 6:00 p.m. intends to hear the following:

PUBLIC HEARING (Legislative) (LDR 2016-010) – Consideration of adoption of Ordinance #2016-021 to amend Chapter 5, Subsection 5405, Corridor Road Landscaping Standards of the Gadsden County Land Development Code as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, AMENDING CHAPTER 5, DEVELOPMENT STANDARDS, SUBSECTION 5405 CORRIDOR ROAD LANDSCAPING STANDARDS: PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing will be held in the County Commission chambers located at 7 E. Jefferson Street, Quincy, FL. Persons wishing to review the agenda packet for the above project may review it on the County website at www.gadsdencountyfl.gov or come to the Planning & Community Development Department at 1B E. Jefferson St., Quincy, FL.

In accordance with the Americans with Disabilities Acts, persons needing assistance in obtaining any information from the County or attending the public hearing should contact the County by communicating with the Planning and Community Development Department at (850) 875-8663 at least 48 hours prior to the hearing.

If any person wishes to appeal any decision made with respect to this matter at the public hearing, they will need to ensure that a verbatim record of the proceedings is made recording the testimony and evidence presented.