

**ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**ORDINANCE 2025-**  
(Unified Land Development Code Amendment)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA AMENDING THE ALACHUA COUNTY CODE OF ORDINANCES, TITLE 40, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS RELATED TO CHAPTER 401 POWERS AND DUTIES, CHAPTER 402 PUBLIC NOTICE, CHAPTER 406 ARTICLE II TREES AND NATIVE VEGETAION, CHAPTER 407 ARTICLE V OPEN SPACE, AND CHAPTER 410 DEFINITIONS; PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; SEVERABILITY; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida, is authorized, empowered, and directed to adopt land development regulations to implement the Comprehensive Plan and to guide and regulate the growth and development of the County in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act (Section 163.3161 et seq.,) Florida Statutes; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its 2019-2040 Comprehensive Plan, which became effective on December 13, 2019; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its Unified Land Development Code, which became effective on January 30, 2006; and

WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to make amendments to the Alachua County Code of Ordinances Part III, Unified Land Development Code, relating to development of land in Alachua County; and

WHEREAS, the Board of County Commissioners, acting as the Land Development Regulation Commission, has determined that the land development regulations that are the subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

WHEREAS, a duly noticed public hearing was conducted on such proposed amendment on June 24, 2025 by the Board of County Commissioners, with one hearing being held after 11:30 a.m.; and,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA:

Section 1. Legislative Findings of Fact. The Board of County Commissioners of Alachua County, Florida, finds and declares that all the statements set forth in the preamble of this ordinance are true and correct.

Section 2. Unified Land Development Code. The Unified Land Development Code of the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibit A and Exhibit B attached hereto.

Section 3. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance 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 to the Board.

Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time as the Development Regulations of Alachua County are codified, the provisions of this ordinance shall become and be made part of the Unified Land Development Code of Alachua County,

Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors that do not affect the intent of the ordinance may be authorized by the County Manager or designee, without public hearing, by filing a corrected or re-codified copy of the same with the Clerk of the Circuit Court.

Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date. A certified copy of this ordinance shall 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, and shall take effect upon the effective date of application Z25-000006.

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DULY ADOPTED in regular session, this 24th day of JUNE, A.D., 2025.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By:\_\_\_\_\_

Charles S. Chestnut IV, Chair

ATTEST:

\_\_\_\_\_

J.K. “Jess” Irby, Esq. Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL AS TO CORRECTNESS

\_\_\_\_\_

Department of Growth Management

Authorized Designee

## EXHIBIT A

### Unified Land Development Code Revision Language

CODE: Chapter 406 Article II will be repealed and replaced with the underlined language

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#### **ARTICLE II. TREES AND NATIVE VEGETATION**

##### **Sec. 406.09. Purpose.**

The purpose of this Article is to implement policies contained in the Alachua County Comprehensive Plan to preserve, protect, and enhance the quality and quantity of the County's tree canopy while balancing the need for development and improvement of property. Protection of trees and native vegetation promotes carbon dioxide absorption, oxygen production, dust filtration, reduction of wind, noise, and glare, soil stabilization and enrichment, erosion prevention, surface drainage improvement and aquifer recharge, water pollution reduction, wildlife habitat, energy conservation, temperature moderation, scenic beauty, quality of life, and the health, safety, welfare, and well-being of the community.

##### **Sec. 406.10. Applicability.**

This Article applies to all new development and redevelopment in unincorporated Alachua County, as well as existing residential lots and existing developments as provided for in applicable Sections.

Developments with a valid preliminary development plan or planned development, approved prior to July 28, 2025, may provide tree canopy protection in a Final Development Plan consistent with the approved preliminary development plan or planned development and are exempt from Sections 406.14(a) and 406.14(c).

##### **Sec. 406.11 Administration**

Additional requirements are included in other portions of this ULDC, including but not limited to the special area studies, activity centers, and special planning districts in Chapter 405.

##### **(a) Regulated trees include:**

- (1) Native tree species eight (8) inches diameter breast height (dbh) or more; and
- (2) Specimen trees identified in Table 406.16.5.

##### **(b) Definitions.**

- (1) *Diameter at Breast Height (DBH)*: The diameter of a tree measured at four and one-half (4.5) ft above the naturally occurring ground level.
  - a. Trees that fork at or within 6 inches of grade are treated as separate trees and measured separately.
  - b. Trees that fork at or above 6 inches and below four and one-half (4.5) feet are measured below the fork and recorded as a single trunk.

- (2) Tree, Abundant species: Common species that are widely planted or are short lived, regardless of condition.:
  - a. Laurel Oaks;
  - b. Water Oaks;
  - c. Loblolly pine;
  - d. Slash pine;
  - e. Pecan; and
  - f. Sweetgum.
- (3) Tree, champion: Those trees that have been identified by the Florida Forest Service being the largest of their species within the State of Florida or by American Forests as the largest of their species in the United States.
- (4) Tree, heritage: All native tree species 20 inches dbh or greater, except for laurel or water oaks, which are heritage trees when measured at thirty (30) inches or greater in diameter.
- (5) Tree, landmark live oak: live oaks 45-inches dbh or greater and rated four (4) or greater.
- (6) Trees, specimen: Trees of notable interest or high value because of their age, size, species, condition, historic habitat association, and/or uniqueness  
Specimen status applies to all trees defined in Table 406.16.5.
- (7) Tree canopy: Coverage by branches and foliage of the crown spreads or driplines of all regulated trees existing on a site.
- (8) Tree Protection Zone (TPZ): The area surrounding a tree calculated as a radius of one (1) foot for every one (1) inch of dbh, and measured from the center of the tree.
- (9) Tree root plate: The below-ground area adjacent to the trunk where major buttress roots and support roots occur. The area is calculated as a radius of four (4) times the diameter of the tree trunk. (e.g., a two-foot diameter trunk has a root plate radius of eight (8) feet).
- (c) A qualified professional, in this section, includes a:
  - (1) Florida licensed landscape architect,
  - (2) Environmental professional, or
  - (3) Arborist, certified by the International Society for Arboriculture.

#### **Sec. 406.12. Prohibitions**

- (a) All land clearing and regulated tree removal, in all Future Land Use and zoning districts, is prohibited without prior approval from the County, with the following exceptions:

- (1) Activities covered by an exemption specifically provided for in Sec. 406.06; or
  - (2) Under brushing and mowing for the purposes of maintenance of Nuisance Overgrowth per Article VI, Chapter 74 of Alachua County's Administrative Code.
- (b) Property owners, developers, or contractors must not remove regulated trees after the issuance of a certificate of occupancy without securing another tree removal permit.
- (c) The planting of non-native vegetation listed in F.A.C. 5B-64.011, Prohibited Aquatic Plants, and F.A.C. 5B-57.007, Noxious Weed List, or species listed in Table 406.16.6 is prohibited. The removal or control of all non-native invasive species is encouraged where not required by this Section and is not subject to a tree removal permit requirement.

### **Sec. 406.13. Exemptions.**

The following are exempt from the permitting requirements of this Article.

- (a) *Hazardous trees.* If a property owner obtains documentation, from an arborist certified by the International Society for Arboriculture or a Florida licensed landscape architect demonstrating that a tree on property with an existing residential structure presents an unacceptable risk to persons or property, no notice, application, approval, permit, fee or mitigation is required to prune, trim, or remove the tree, consistent with F.S. § 163.045.  
A tree poses an unacceptable risk if removal is the only means of mitigating its risk below "moderate," as determined by the tree risk assessment procedures outlined in the current, most recent edition of International Society of Arboriculture (ISA) Best Management Practices – Tree Risk Assessment.
- (b) *Removal for protection of health, safety and welfare.* A utility, or other public entity, may remove a tree for the immediate protection of the health, safety, or welfare of the public without a tree removal permit.
- (c) *Agricultural and silvicultural activities.* Clearing and replanting or reestablishing vegetation for bona fide agricultural purposes (including bona fide forestry) is exempt from this section, subject to the following provisions:
  - (1) Activities must be conducted in accordance with all applicable federal, state, and water management district best management practices, and verified in accordance with Subsection 406.05(c).
  - (2) The permit exemption does not apply to the following:
    - a. The removal of champion trees.
    - b. The removal of heritage trees within fifty (50) feet of property ownership boundaries or within one hundred (100) feet of all publicly owned parks for bona fide agricultural purposes other than forestry

(d) Development plans. The following types of development are exempt from the minimum tree canopy preservation requirements of Section 406.14(b):

- (1) Personal wireless services facilities;
- (2) Rural subdivisions with no more than nine lots in the rural agricultural area developed per Sec. 407.76 and Family Homestead Subdivisions developed per Sec. 407.75. These subdivisions are subject to the single-family lot tree removal regulations in Sec.406.16.2.
- (3) Redevelopment of existing sites

**Sec. 406.14. Tree protection requirements for development plan applications.**

- (a) Landmark live oaks and Champion Trees. Landmark live oaks and Champion Trees must be preserved unless approved for removal by the Board of County Commissioners.

An applicant must demonstrate that the development or construction activity cannot occur in any other location on the site, that removal is unavoidable due to site conditions and/or design considerations beyond the applicant's control, or that there is a specific public purpose.

(b) Minimum Preservation Required. All development applications, set forth in Chapter 402, Article X, are subject to tree canopy preservation regulations.

- 1) Development plans and subdivision plats must retain a minimum of twenty (20) percent of the existing tree canopy.
- 2) TNDs and TODs, cottage neighborhoods, and affordable housing developments, must retain a minimum of five (5) percent of the existing tree canopy.
- 3) Residential developments, other than TNDs, TODs, cottage neighborhoods, and affordable housing development, that achieve ninety (90) percent of the maximum allowable residential density must retain a minimum of ten (10) percent of the existing tree canopy.

(c) Hierarchy. Development plans must preserve native trees that exhibit the characteristics listed below and prioritize them in the following order:

- (1) Champion trees
- (2) Landmark live oaks
- (3) Heritage and specimen trees rated four (4) and above
- (4) Located within Conservation Management Areas required for preservation by this ULDC
- (5) Exist in natural groupings to create qualifying Open Space areas or connectivity to other natural areas
- (6) Other required buffers
- (7) Complement project design such as enhancement of street scape appearance, in the absence of the above



(d) Tree Protection Standards.

(1) Primary protection zone. For Champion trees, landmark live oaks and heritage red oaks, the primary protection zone shall be the Tree Protection Zone (TPZ). For all other trees in the minimum preservation area required in 406.14(b), the primary protection zone shall be the dripline.

(2) Impacts to the primary protection zone may only be proposed for up to 50 percent of the protected area of each individual tree. Management techniques as noted in (4), below, may be required with the Final Development Plan. No mitigation is required for impacts up to 50 percent.

(3) For trees retained beyond the minimum required in 406.14(b), up to 75 percent of the dripline of each individual tree may be impacted with appropriate management techniques. For impacts between 50 and 75 percent of the dripline, 50 percent of the mitigation amount in Table 406.15.1 is required. In no case can trees that require TPZs be impacted beyond the 50 percent of the required protection area. For trees within a developed site that has existing impacts, additional de minimis impacts may be allowed on a case-by-case basis depending on the overall health of the tree, and type of new impacts proposed

(4) Appropriate management techniques include, but are not limited to: mulching, irrigation, soil amendments, aeration tubes, and a timeframe for monitoring during and after construction.

(5) The root plate must be protected with the exception of pedestrian and ADA facilities. Proposed impacts to the root plate may be allowed for purposes of ADA accessibility and pedestrian network standards, if provided by ADA-compliant, elevated boardwalks or bridges that allow pedestrian facilities to pass over tree roots without causing damage. Mitigation is not required if elevated structures are used.

(6) Any reduction of the canopy for vertical or horizontal clearance must be reviewed by the County, and a pruning prescription may be required as a condition of the construction permit issuance.

(e) Development Plan Application requirements.

- (1) Prior to preliminary development plan submittal. The applicant must schedule a pre-design onsite meeting with County staff to locate regulated trees and assess their rating according to Table 406.16.1. A tree survey may be required

prior to the onsite meeting. The County Forester and Landscape Inspector will provide field notes with ratings and an assessment of the trees to prioritize for inclusion in the minimum tree canopy preservation areas required in Sec. 406.14(b).

(2) *Preliminary Development Plan.* The following information, in addition to the common application requirements in Chapter 402, Article II, Common Development Application Elements, is required with preliminary development plan applications:

- a. A tree survey, except as noted below. The tree survey must graphically depict the location, field tag number, species, and diameter (dbh) of trees regulated by this section and a tabular list of regulated trees.

The Growth Management Director may determine that a survey identifying each individual protected tree is not warranted for the following:

- 1. Trees in conservation management areas with no proposed impacts;
- 2. Trees, such as pines, planted as part of a bona fide agricultural or silvicultural operation; or trees planted as part of a tree nursery.
- 3. Specimen trees under 8-inches;
- 4. Proposed improvements that do not otherwise affect or impact trees on an existing developed site; or
- 5. Sites where few trees exist. The County Forester may assist in capturing the data for inclusion in the application.

- b. Tree canopy preservation plan including the following:

- 1. The development plan, tree survey data points and tag numbers overlaid on a recent aerial with tree canopy outlines clearly delineated;
- 2. A table with the rating number assigned by the County at the pre-design onsite meeting;
- 3. Calculation of the existing tree canopy based on aerial, survey data, or other acceptable methods approved by the County; planted pine silviculture canopy is not included in the existing tree canopy calculation.
- 4. Calculation of the tree canopy proposed for retention.

(3) *Final Development Plan.* The final development plan application must include:

- a. A demolition plan at a maximum scale of 1"=60' with the location of tree barricades;
- b. An updated Tree Canopy Preservation Plan with development plan overlaid on tree canopy outlines, location of each tree and tag number, calculation of the initial tree canopy based on aerial, survey data, or other acceptable methods approved by the County, and calculation of tree canopy proposed to be removed and retained. Additionally, provide a

graphic indication of each tree proposed for removal, and location of proposed tree barricades;

- c. A tree mitigation plan with numbered tabular list of all regulated trees surveyed indicating the field tag number, species, and diameter (DBH), rating, and whether the tree is proposed to remain or be removed, any mitigation required for its removal, and calculation of total amount of required and proposed mitigation.

**Sec. 406.15. Replacement, mitigation, or relocation.**

Replacement, mitigation, or relocation is required for the alteration of regulated trees as set forth below.

(a) Mitigation by replacement.

- (1) If a regulated tree cannot be retained or relocated, the parcel owner must install replacement plantings per Table 407.50.1 *Appropriate Tree Plantings*. Mitigation for the removal of native heritage trees must be with preferred native tree species appropriate for the historic or current site conditions, subject to the following:
- (2) Regulated trees between eight (8) inches and twenty (20) inches dbh, except those trees listed in Subsection (4) below, must be replaced at a ratio of one (1) tree planted for every tree removed.
- (3) Regulated trees greater than or equal to twenty (20) inches dbh, other than trees listed in Subsection (5) below, must be replaced with native trees at the rates in Table 406.15.1.

**Table 406.15.1: Heritage Tree Replacement Rate**

<u>DBH of tree to be replaced</u>	<u>Replacement Rate</u>
<u>20"-29"</u>	<u>Replacement 1" for 1"</u>
<u>30"-39"</u>	<u>Replacement above plus 1.5" for every inch between 30"-39"</u>
<u>40"-44"</u>	<u>Replacement above plus 3" for every inch between 40"-44"</u>
<u>45" +</u>	<u>Replacement above plus 4" for every inch 45" and above</u>

- (4) Regulated trees found to be in poor health (rated 2) per Table 406.16.1 must be replaced at a ratio of one (1) tree planted for every tree removed.

- (5) No mitigation is required for abundant species such as loblolly pine, slash pine, sweetgum, pecan, under twenty (20) inches dbh and laurel or water oaks under thirty (30) inches dbh.
- (6) Mitigation for abundant species of heritage size must be replaced at a ratio of one (1) tree planted for each tree removed.
- (7) For developments that are guaranteed to include 10 percent or more of the housing units which are affordable for 30 years to households at or below 80 percent of the Household Median Income, mitigation rates are 50 percent of the required replacement rates.
- (8) Replacement trees must meet the following:
  - a. At least eight (8) feet in height, 1.25 caliper inches;
  - b. Consist of native vegetation, indigenous to the area; and
  - c. Be Florida Grade No. 1 or better in quality according to the current, most recent edition of "Grades and Standards for Nursery Plants", 2nd edition, published by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and available from the Florida Nursery, Growers, and Landscape Association (FNGLA). Nursery invoices or labels must clearly specify that Grade #1 or better were purchased and installed on the site.
  - d. Smaller replacement trees may be used on sites where the County determines, on a case-by-case basis, that it is more appropriate due to site conditions and increased likelihood of successful establishment.
- (9) Native trees identified in Section 407.50 of this ULDC that are planted to meet the requirements for landscaping in Article IV of Chapter 407 may count toward total mitigation requirements for tree replacement.
- (10) If on-site planting is not feasible due to physical constraints such as limited space or unsuitable soils, off-site replacement may be allowed on a location approved by the County.
- (11) Monitoring time frames must be established for mitigation and replacement trees when needed.
- (12) Planted palms receive only two (2) inches of mitigation credit for each palm planted.

(b) Mitigation by fee in lieu payment.

- (1) If relocation or mitigation by replacement are not feasible, a fee may be paid to Alachua County in lieu of replacement planting prior to issuance of a County Construction Permit.

- (2) Replacement trees may be satisfied by a fee-in-lieu payment to the County for the purchase and relocation of a like tree. The payment amount is in the fee schedule and based on the average cost of the purchase, installation, and maintenance for one (1) year of an equivalent number of replacement trees or actual cost of removing and replanting regulated trees.

(c) Relocation.

- (1) The relocation of a regulated tree may be approved by the County if there is not a reasonable alternative to incorporating it into the development's design.
- (2) The parcel owner must provide irrigation, mulch, soil amendments and other practical means to ensure survival of any relocated tree. If a relocated tree does not survive within a period of three (3) years, the property owner must replace it per the standards set forth in Subsection 406.15(a)). Trees that are successfully relocated do not require mitigation.
- (3) A tree proposed for relocation must be mitigated per the requirements of this article if the County determines that the long-term survival is questionable due to size, species, or other factors.

**Sec. 406.16 Tree protection during construction.**

The property owner and contractor may only remove vegetation and trees after the issuance of a construction permit outlined in Article XXX of Chapter 402. The removed vegetation and trees must be consistent with the approved development plan.

(a) Protection during construction.

Protection methods, including pruning of trees and tree barricades, must conform to American National Standards Institute (ANSI) A-300.

- (1) All development activity must comply with the approved tree protection measures that are identified in the approved plans during all phases of construction, including both infrastructure (horizontal) or buildings (vertical).
- (2) The property owner and contractor must maintain protective barriers that are consistent with approved development plans until the completion of construction, or the County issues the certificate of occupancy. The County Forester and Landscape Inspector must inspect the location of protective measures before the County issues the construction permit.
- (3) The property owner must ensure that all contractors on site are aware of all required protective measures and/or maintenance activities. The County will issue a stop worker for all development activity if a violation of the approved protective measures is found.
- (4) The property owner and contractor must remove or eradicate any prohibited or discouraged non-native vegetation, identified in Subsection 406.12(c), from the entire parcel concurrent with tree removal and construction permit, and prior to

the County issuing a certificate of completion for the construction permit, unless a phasing plan has been submitted in writing and approved by the County.

(b) Tree barricade construction. The contractor must construct barricades that are:

- (1) Supported by posts, placed no more than ten (10) feet apart and implanted deeply enough in the ground to be stable with at least three (3) feet of the post visible above the ground. The posts must be wood posts, angle iron fence posts, or other post material of equivalent size and strength;
- (2) Linked together by a brightly colored, net fence fabric; and
- (3) Located in a way that does not cause harm to protected vegetation; and
- (4) Must place silt fencing on the development side of any required tree barricading where silt fencing is required.

(c) Alternative fencing requirement. The County may require alternative fencing materials, such as chain link fencing, on a case-by-case basis where additional protection is necessary due to intensity of development activity, vulnerability of trees or native vegetation to be protected, or similar circumstance.

(d) Restrictions within the undisturbed areas. The following construction activities are prohibited in the undisturbed areas:

- (1) Digging, trenching, construction lay-down areas, placement of hazardous materials, including fuels and solvents, placement of fill or soils, and parking of construction vehicles or employee vehicles;
- (2) Attaching wires, other than those of a protective and non-damaging nature, to any tree.
- (3) Grade changes within any undisturbed area without prior approval by the County inspector. If a grade change is made and roots larger than one (1) inch in diameter are damaged or exposed, the contractor must cut the roots cleanly and re-cover them with soil.
- (4) Landscape preparation in the undisturbed area is prohibited, unless specifically approved by the County, and is limited to placement of sod, mulch, or other ground covers.

(e) Repair of damage. The property owner and contractor must replace trees that have been destroyed or received major damage during development activities prior to the issuance of the Certificate of Occupancy, in accordance with Section 406.16.3 Penalty for Unauthorized Removal.

**Sec. 406.16.1 Tree Rating System:** The County Forester and Landscape Inspector and qualified professionals must use the following table to assess the health of and mitigation requirements

for champion, heritage, and specimen trees under consideration for the required minimum preservation areas.

**Table 406.16.1: Tree Rating and Associated Mitigation**

<b><u>RATING</u></b>	<b><u>CHARACTERISTICS PRESENT</u></b>	<b><u>HEALTH/ MITIGATION</u></b>
<b><u>5</u></b>	<u>a. Live crown density greater than 85%</u> <u>b. Balanced canopy</u> <u>c. Strong branch structure</u> <u>d. No fungal pathogens, diseases, or pest observed</u> <u>e. Healthy trunk taper</u> <u>f. Root collar completely visible and root system is uncompromised</u> <u>g. Complete compartmentalization of previous injuries and pruning with healthy response growth</u>	<b><u>Excellent/ Table 406.15.1</u></b>
<b><u>4</u></b>	<u>a. Live crown density between 70% and 85%</u> <u>b. Canopy is balanced or may be slightly imbalanced</u> <u>c. A mixture of strong and weak branching structure</u> <u>d. No fungal pathogens, diseases, or pests observed</u> <u>e. Healthy to moderate trunk taper</u> <u>f. Root collar completely visible and root system is uncompromised</u> <u>g. Signs of compartmentalization, tension wood or response growth present to support natural lean</u> –	<b><u>Good/ Table 406.15.1</u></b>
<b><u>3</u></b>	<u>a. Live crown density between 50% and 70%</u> <u>b. Canopy is slightly imbalanced or skewed</u> <u>c. Moderate codominant branching and stems</u> <u>d. Little to no fungal pathogens, diseases, pests observed</u> <u>e. Moderate trunk to less than average taper due to growth in densely wooded environment</u> <u>f. Root collar visibility varies (partially covered or covered), and root system generally appears uncompromised or may have some decay or girdling</u>	<b><u>Average/ Table 406.15.1</u></b>

<u><b>RATING</b></u>	<u><b>CHARACTERISTICS PRESENT</b></u>	<u><b>HEALTH/ MITIGATION</b></u>
	<u>g. Some areas of decay with response growth present from previous injuries or part failures</u>	
<u><b>2</b></u>	<u>a. Live crown density between 25% and 50%</u> <u>b. Unbalanced canopy</u> <u>c. Significant codominance, poor branching structure with weak unions or attachments</u> <u>d. Fungal conchs, disease symptoms, or pests present. Root collar not visible, lifted root plate</u> <u>e. Poor trunk taper, bark on trunk missing with no response growth</u> <u>f. Root collar not visible, lifted root plate or compromised roots. Fungal conchs or other fatal pathogens present</u> <u>g. Prominent lean with no supporting tension wood, lack of compartmentalization, and no response growth; decay present</u>	<u><b>Poor/ Tree for Tree</b></u>
<u><b>1</b></u>	<u>a. Dead or in extreme decline</u> <u>b. Live crown density less than 25%</u> <u>c. Significant codominance</u> <u>d. Complete colonization of fungal or other pathogens easily visible</u> <u>e. Extensive decay, greater than 50%, hollow</u> <u>f. Heaving root plate</u>	<u><b>Dead or Extreme Decline/None</b></u>

#### **Sec. 406.16.2 Tree removal permits**

(a)Permit applications. The following information is required for all regulated tree removal permit applications for residential lots of record and existing developed sites:

- (1) Name, address, telephone number, and email address of the property owner, if the application is submitted by a property owner.



- (2) A notarized affidavit designating the authority to file an application to the agent in addition to the information in this section if the applicant is applying on behalf of the property owner.
- (3) A description of the project including the number of trees to be removed, species, and associated sizes. If the tree removal is needed for an affiliated building permit, or Preapplication Screening review, then note the file number in the description. The County strongly encourages including a site plan or survey of the property which identifies the area of any proposed clearing for improvements as an attachment in the application.

(b) Residential Lots. All construction activity on a lot of record that is to be used for residential purposes is subject to the requirements for tree removal set forth below, unless otherwise specified in an approved development order. A tree removal permit may be issued for activity on a lot of record where the tree has not been calculated for canopy retention under Subsection 406.14.

- (1) Landmark Live Oaks. Removal may be approved by the Board of County Commissioners upon demonstration by the applicant that the development or construction activity cannot occur in any other location on the site, or that removal is unavoidable due to site conditions and/or design considerations beyond the control of the applicant.
- (2) A tree removal permit and any associated mitigation are not required on residential lots of record one (1) acre or less provided no champion or heritage trees are removed and all other ULDC requirements are met. If a champion or heritage tree is proposed to be removed, a tree permit is required per the requirements of Subsections (3) and (4) below.
- (3) Regulated trees less than twenty (20) inches, and water or laurel oaks less than thirty (30) inches, do not require mitigation, provided their removal is restricted to an area of no more than one (1) acre.
- (4) Mitigation for heritage trees within the one (1) acre must comply with Table 406.15.1, unless otherwise specified in below.
- (5) Applicants may be required to submit a tree survey and a tree protection plan demonstrating that no heritage trees are impacted in the acreage beyond the one (1) acre allowance, and that the plan complies with all other applicable ULDC requirements, if an area greater than one (1) acre is proposed to be cleared.
- (6) Heritage trees removed for construction of a new residence that are located within twenty (20) feet of the building footprint may be replaced at a ratio of half the mitigation required in Table 406.16.1 if the tree is rated 3-5. For trees rated 2, then one (1) replacement tree for each tree removed will be required. If the tree is rated 1 or in extreme decline, then no mitigation is required.

(7) Heritage trees located within ten (10) feet of an existing structure, such as the home, pool, or detached garage, or other similar accessory structure, and that are causing damage to the structure must be replaced one (1) replacement tree for each tree removed.

(8) Any other tree removal outside the areas specified above will be subject to the mitigation requirements of Table 406.15.1

(c) Other tree removal. A tree removal permit may be issued for the removal of regulated trees when the tree:

(1) Is under attack from an infestation of harmful insects or fungi that are not generally present on other trees of the species and may reasonably be expected to spread to trees not so infested;

(2) Constitutes an immediate safety hazard, either to persons or to domestic animals, or to buildings, or to other constructions, or to motor, or bicycle, or pedestrian traffic; or

(3) Is causing progressive damage to buildings or structures, by the normal growth of its branches or roots, where no reasonable correction or prevention is available other than removal.

#### **Sec. 406.16.3 Penalty for Unauthorized Removal**

When regulated trees are removed or damaged without a permit or when trees that were to be preserved in place are damaged or destroyed during activities conducted with a permit, the offending party must replace them at up to double the rate identified in Section 406.15(a).

Remedies for violations of the Tree Code are subject to the Violations, Penalties, and Enforcement provisions of Chapter 409 of this ULDC.

#### **Sec. 406.16.4 – Tree and vegetation lists**

(a) Specimen tree list. The list of trees identified in Table 406.16.5 includes specimen trees identified by the County to be of notable interest or high value for their species because of their age, size, condition, historic habitat association, and/or uniqueness. Protection of these species that are less than heritage size through preservation, relocation, or replacement will be determined on a tree-by-tree basis by the County.

(b) Prohibited non-native vegetation list. The planting of non-native vegetation listed in Table 406.16.6, or species listed in F.A.C. 5B-64.011, Prohibited Aquatic Plants, and F.A.C. 5B-57.007, Noxious Weed List, is prohibited.

**Table 406.16.5: Specimen Tree List.****Specimen status shall apply to any size tree unless otherwise specified below.**

<u>Latin Name</u>	<u>Common Name</u>	<u>dbh</u>
<u>Acer negundo</u>	<u>Boxelder maple</u>	<u>10"</u>
<u>Acer rubrum</u>	<u>Red maple</u>	<u>10"</u>
<u>Acer saccharinum</u>	<u>Silver maple</u>	<u>10"</u>
<u>Acer saccharum subsp. floridanum</u>	<u>Florida maple</u>	<u>10"</u>
<u>Aesculus pavia</u>	<u>Red buckeye</u>	<u>5"</u>
<u>Alnus serrulata</u>	<u>Hazel alder</u>	<u>Any</u>
<u>Aralia spinosa</u>	<u>Devil's-walkingstick</u>	<u>3"</u>
<u>Betula nigra</u>	<u>River birch</u>	<u>10"</u>
<u>Carpinus caroliniana</u>	<u>American hornbeam</u>	<u>5"</u>
<u>Carya aquatica</u>	<u>Water hickory</u>	<u>10"</u>
<u>Carya cordiformis</u>	<u>Bitternut hickory</u>	<u>10"</u>
<u>Carya floridana</u>	<u>Scrub hickory</u>	<u>10"</u>
<u>Carya glabra</u>	<u>Pignut hickory</u>	<u>20"</u>
<u>Carya tomentosa</u>	<u>Mockernut hickory</u>	<u>20"</u>
<u>Castanea pumila</u>	<u>Florida chinquapin</u>	<u>10"</u>
<u>Catalpa bignonioides</u>	<u>Southern catalpa</u>	<u>10"</u>
<u>Celtis laevigata</u>	<u>Sugarberry</u>	<u>20"</u>
<u>Cephalanthus occidentalis</u>	<u>Buttonbush</u>	<u>Any</u>
<u>Cercis canadensis</u>	<u>Redbud</u>	<u>5"</u>
<u>Chamaecyparis thyoides</u>	<u>Atlantic white cedar</u>	<u>5"</u>
<u>Chionanthus virginicus</u>	<u>White fringe tree</u>	<u>3"</u>
<u>Cliftonia monophylla</u>	<u>Black titi</u>	<u>Any</u>
<u>Cornus asperifolia</u>	<u>Roughleaf dogwood</u>	<u>Any</u>
<u>Cornus florida</u>	<u>Flowering dogwood</u>	<u>10"</u>
<u>Cornus foemina</u>	<u>Swamp dogwood</u>	<u>Any</u>
<u>Crataegus aestivalis</u>	<u>May haw</u>	<u>Any</u>
<u>Crataegus crus-galli</u>	<u>Cockspur hawthorn</u>	<u>Any</u>
<u>Crataegus flava</u>	<u>Yellowleaf hawthorn</u>	<u>Any</u>
<u>Crataegus marshallii</u>	<u>Parsley hawthorn</u>	<u>Any</u>
<u>Crataegus michauxii</u>	<u>Michaux's hawthorn</u>	<u>5"</u>
<u>Crataegus uniflora</u>	<u>Dwarf hawthorn</u>	<u>Any</u>
<u>Crataegus viridis</u>	<u>Green hawthorn elderberry</u>	<u>Any</u>
<u>Cyrilla racemiflora</u>	<u>Red titi</u>	<u>Any</u>
<u>Diospyros virginiana</u>	<u>Common persimmon</u>	<u>10"</u>
<u>Fagus grandifolia</u>	<u>American beech</u>	<u>5"</u>
<u>Forestiera acuminata</u>	<u>Swampprivet</u>	<u>Any</u>
<u>Fraxinus americana</u>	<u>White ash</u>	<u>20"</u>
<u>Fraxinus caroliniana</u>	<u>Carolina pop ash</u>	<u>10"</u>
<u>Fraxinus pennsylvanica</u>	<u>Green ash</u>	<u>10"</u>
<u>Fraxinus profunda</u>	<u>Pumpkin ash</u>	<u>10"</u>
<u>Gleditsia aquatica</u>	<u>Water locust</u>	<u>10"</u>

<u>Latin Name</u>	<u>Common Name</u>	<u>dbh</u>
<u>Gleditsia triacanthos</u>	<u>Honey locust</u>	<u>10"</u>
<u>Gordonia lasianthus</u>	<u>Loblolly bay</u>	<u>10"</u>
<u>Halesia carolina</u>	<u>Carolina silverbell</u>	<u>Any</u>
<u>Hamamelis virginiana</u>	<u>Witch-hazel</u>	<u>Any</u>
<u>Ilex ambigua</u>	<u>Carolina holly</u>	<u>Any</u>
<u>Ilex cassine</u>	<u>Dahoon Holly</u>	<u>10"</u>
<u>Ilex cassine var. myrtifolia</u>	<u>Myrtle-leaved holly</u>	<u>Any</u>
<u>Ilex coriacea</u>	<u>Large gallberry</u>	<u>Any</u>
<u>Ilex decidua</u>	<u>Possumhaw</u>	<u>Any</u>
<u>Ilex opaca var. arenicola</u>	<u>American holly</u>	<u>10"</u>
<u>Ilex vomitoria</u>	<u>Yaupon holly</u>	<u>Any</u>
<u>Juglans nigra</u>	<u>Black walnut</u>	<u>10"</u>
<u>Juniperus virginiana</u>	<u>Southern red cedar</u>	<u>20"</u>
<u>Liriodendron tulipifera</u>	<u>Tulip tree</u>	<u>10"</u>
<u>Lyonia ferruginea</u>	<u>Tree lyonia</u>	<u>Any</u>
<u>Magnolia grandiflora</u>	<u>Southern magnolia</u>	<u>20"</u>
<u>Magnolia macrophylla</u>	<u>Bigleaf magnolia, Ashe magnolia</u>	<u>3"</u>
<u>Magnolia virginiana</u>	<u>Sweetbay magnolia</u>	<u>10"</u>
<u>Malus angustifolia</u>	<u>Crabapple</u>	<u>5"</u>
<u>Morus rubra</u>	<u>Red mulberry</u>	<u>10"</u>
<u>Myrica cerifera</u>	<u>Waxmyrtle</u>	<u>5"</u>
<u>Nyssa aquatica</u>	<u>Water tupelo</u>	<u>10"</u>
<u>Nyssa ogeche</u>	<u>Ogeechee tupelo</u>	<u>10"</u>
<u>Nyssa sylvatica var. biflora or sylvatica</u>	<u>Swamp tupelo, Blackgum</u>	<u>20"</u>
<u>Osmanthus americanus</u>	<u>Wild olive, Devilwood</u>	<u>3"</u>
<u>Ostrya virginiana</u>	<u>Ironwood, Hop hornbeam</u>	<u>5"</u>
<u>Persea borbonia var. borbonia or humilis</u>	<u>Red bay or Silk bay</u>	<u>5"</u>
<u>Pinus clausa</u>	<u>Sand pine</u>	<u>20"</u>
<u>Pinus echinata</u>	<u>Shortleaf pine</u>	<u>10"</u>
<u>Pinus glabra</u>	<u>Spruce pine</u>	<u>20"</u>
<u>Pinus palustris</u>	<u>Longleaf pine</u>	<u>20"</u>
<u>Pinus serotina</u>	<u>Pond pine</u>	<u>20"</u>
<u>Planera aquatica</u>	<u>Water elm, Planer tree</u>	<u>10"</u>
<u>Platanus occidentalis</u>	<u>Sycamore</u>	<u>20"</u>
<u>Populus deltoides</u>	<u>Eastern cottonwood</u>	<u>20"</u>
<u>Prunus americana</u>	<u>American plum</u>	<u>5"</u>
<u>Prunus angustifolia/umbellata</u>	<u>Chickasaw, Flatwoods, Hog plum</u>	<u>5"</u>
<u>Prunus caroliniana</u>	<u>Cherry-laurel</u>	<u>10"</u>
<u>Prunus serotina var. serotina</u>	<u>Black cherry</u>	<u>20"</u>
<u>Ptelea trifoliata</u>	<u>Wafer ash, Hop-tree</u>	<u>5"</u>
<u>Quercus alba</u>	<u>White oak</u>	<u>10"</u>
<u>Quercus austrina</u>	<u>Bluff oak</u>	<u>20"</u>
<u>Quercus chapmanii</u>	<u>Chapman's oak</u>	<u>10"</u>

<u>Latin Name</u>	<u>Common Name</u>	<u>dbh</u>
<u>Quercus falcata</u>	<u>Spanish oak, Southern red oak</u>	<u>20"</u>
<u>Quercus geminata</u>	<u>Sand live oak</u>	<u>10"</u>
<u>Quercus incana</u>	<u>Bluejack oak</u>	<u>10"</u>
<u>Quercus laevis</u>	<u>Turkey oak</u>	<u>10"</u>
<u>Quercus lyrata</u>	<u>Overcup oak</u>	<u>10"</u>
<u>Quercus margaretta</u>	<u>Sand post oak</u>	<u>10"</u>
<u>Quercus marilandica</u>	<u>Blackjack oak</u>	<u>10"</u>
<u>Quercus michauxii</u>	<u>Basket oak, Swamp chestnut oak</u>	<u>20"</u>
<u>Quercus muehlenbergii</u>	<u>Chinquapin oak</u>	<u>10"</u>
<u>Quercus myrtifolia</u>	<u>Myrtle oak</u>	<u>10"</u>
<u>Quercus pagoda</u>	<u>Cherrybark oak</u>	<u>10"</u>
<u>Quercus phellos</u>	<u>Willow oak</u>	<u>10"</u>
<u>Quercus shumardii</u>	<u>Shumard oak</u>	<u>20"</u>
<u>Quercus stellata</u>	<u>Post oak</u>	<u>10"</u>
<u>Quercus virginiana</u>	<u>Live oak</u>	<u>20"</u>
<u>Rhamnus caroliniana</u>	<u>Carolina buckthorn</u>	<u>5"</u>
<u>Rhus copallinum</u>	<u>Winged sumac</u>	<u>Any</u>
<u>Sabal palmetto</u>	<u>Cabbage palm</u>	<u>10"</u>
<u>Salix caroliniana</u>	<u>Carolina willow</u>	<u>5"</u>
<u>Salix floridana</u>	<u>Florida willow</u>	<u>5"</u>
<u>Salix nigra</u>	<u>Black willow</u>	<u>5"</u>
<u>Sambucus nigra subsp. canadensis</u>	<u>Elderberry</u>	<u>Any</u>
<u>Sapindus saponaria</u>	<u>Soapberry</u>	<u>10"</u>
<u>Sassafras albidum</u>	<u>Sassafras</u>	<u>5"</u>
<u>Sideroxylon alachuense</u>	<u>Silver buckthorn</u>	<u>Any</u>
<u>Sideroxylon lanuginosum</u>	<u>Gum bumelia</u>	<u>Any</u>
<u>Sideroxylon lycoides</u>	<u>Buckthorn bully</u>	<u>Any</u>
<u>Sideroxylon tenax</u>	<u>Tough bully</u>	<u>3"</u>
<u>Styrax americanus</u>	<u>American snowbell</u>	<u>Any</u>
<u>Symplocos tinctoria</u>	<u>Horse sugar/sweetleaf</u>	<u>Any</u>
<u>Taxodium ascendens</u>	<u>Pond cypress</u>	<u>20"</u>
<u>Taxodium distichum</u>	<u>Bald cypress</u>	<u>20"</u>
<u>Tilia americana var. caroliniana</u>	<u>Carolina basswood</u>	<u>20"</u>
<u>Ulmus alata</u>	<u>Winged elm</u>	<u>10"</u>
<u>Ulmus americana</u>	<u>Florida elm</u>	<u>10"</u>
<u>Ulmus crassifolia</u>	<u>Cedar elm</u>	<u>10"</u>
<u>Ulmus rubra</u>	<u>Slippery elm</u>	<u>10"</u>
<u>Vaccinium arboreum</u>	<u>Sparkleberry, Farkleberry</u>	<u>3"</u>
<u>Viburnum nudum</u>	<u>Possumhaw viburnum</u>	<u>Any</u>
<u>Viburnum obovatum</u>	<u>Walter viburnum</u>	<u>3"</u>
<u>Viburnum rufidulum</u>	<u>Rusty blackhaw</u>	<u>3"</u>
<u>Zanthoxylum clava-herculis</u>	<u>Hercules club</u>	<u>5"</u>

**Table 406.16.6: Prohibited Non-Native Vegetation List**

<b>Latin Name</b>	<b>Common Name</b>
<u>Abrus precatorius</u>	<u>rosary pea</u>
<u>Albizia julibrissin</u>	<u>silktree; mimosa</u>
<u>Albizia lebeck</u>	<u>woman's tongue</u>
<u>Aleurites fordii</u>	<u>tungoil tree; tung tree</u>
<u>Anredera vesicaria (A. leptostachys)</u>	<u>Texas medeira vine</u>
<u>Antigonon leptopus</u>	<u>coral vine</u>
<u>Aristolochia littoralis</u>	<u>elegant Dutchman's-pipe</u>
<u>Asparagus densiflorus</u>	<u>Sprenger's asparagus-fern</u>
<u>Begonia cucullata</u>	<u>wax begonia</u>
<u>Broussonetia papyrifera</u>	<u>paper mulberry</u>
<u>Cinnamomum camphora</u>	<u>camphor tree</u>
<u>Clematis terniflora</u>	<u>sweet autumn virginsbower</u>
<u>Clerodendrum bungei</u>	<u>rose glorybower</u>
<u>Colocasia esculenta</u>	<u>wild taro; dasheen</u>
<u>Cyperus involucratus (C. alternifolius)</u>	<u>umbrella plant</u>
<u>Cyperus prolifer</u>	<u>flatsedge</u>
<u>Eleagnus pungens</u>	<u>silverthorn</u>
<u>Eriobotrya japonica</u>	<u>loquat</u>
<u>Hedera helix</u>	<u>English ivy</u>
<u>Ipomoea cairica</u>	<u>mile-a-minute vine</u>
<u>Koelreuteria elegans (K. formosana; K. paniculata misapplied)</u>	<u>flamegold; golden raintree</u>
<u>Lantana camara</u>	<u>lantana; shrub verbena</u>
<u>Leucaena leucocephala</u>	<u>white leadtree</u>
<u>Ligustrum lucidum</u>	<u>glossy privet</u>
<u>Livstonia chinensis</u>	<u>Chinese fan palm</u>
<u>Lonicera japonica</u>	<u>Japanese honeysuckle</u>
<u>Macfadyena unguis-cati</u>	<u>catclaw vine</u>
<u>Melia azedarach</u>	<u>chinaberry tree</u>
<u>Merremia dissecta</u>	<u>cutleaf morningglory; wood rose</u>
<u>Morus alba</u>	<u>white mulberry</u>
<u>Nandina domestica</u>	<u>sacred bamboo; heavenly bamboo</u>
<u>Nephrolepis cordifolia</u>	<u>tuberous sword fern</u>
<u>Oeceoclades maculata</u>	<u>monk orchid</u>
<u>Panicum repens</u>	<u>torpedograss</u>
<u>Pennisetum purpureum</u>	<u>elephantgrass</u>
<u>Pteris vittata</u>	<u>Chinese ladder brake</u>
<u>Rhynchelytrum repens</u>	<u>rose natalgrass</u>
<u>Ricinus communis</u>	<u>castorbean</u>
<u>Ruellia brittoniana (R. tweediana in Wunderlin)</u>	<u>Mexican bluebell</u>

<u>Latin Name</u>	<u>Common Name</u>
<u>Sansevieria hyacinthoides</u> (syn. = <u>S. trifasciata</u> )	<u>bowstring hemp; mother-in-law tongue</u>
<u>Senna pendula</u> (syn. = <u>Cassia coluteoides</u> )	<u>valamuerto; Bahama or Christmas senna</u>
<u>Sesbania punicea</u>	<u>rattlebox</u>
<u>Solanum diphyllum</u>	<u>twoleaf nightshade</u>
<u>Syngonium podophyllum</u>	<u>American evergreen</u>
<u>Tradescantia fluminensis</u>	<u>basketplant; white-flowered wandering jew</u>
<u>Urena lobata</u>	<u>Caesarweed</u>
<u>Urochloa mutica</u> (syn. = <u>Brachiaria mutica</u> )	<u>paragrass</u>
<u>Wedelia trilobata</u>	<u>creeping oxeye</u>
<u>Wisteria sinensis</u>	<u>Chinese wisteria</u>
<u>Xanthosoma sagittifolium</u>	<u>arrowleaf elephantear</u>

**Exhibit B**  
**Unified Land Development Code Revision Language**  
CODE: Words ~~stricken~~ are deletions; words underlined are additions

**Sec. 401.02. Powers and duties.**

The BOCC shall have the powers and duties listed below, in addition to those provided elsewhere in the Alachua County Code.

- (a) *Appointments.* The BOCC shall appoint members of the Planning Commission and such other commissions, boards or officers as required by this ULDC and consistent with the Rules and Procedures of the Alachua County BOCC and the Guidelines for Citizens Advisory Boards and Committees.
- (b) *Comprehensive Plan amendments.* The BOCC has the authority to adopt, adopt with changes, or reject proposed amendments to the Comprehensive Plan and any evaluation and appraisal reports prepared to update the Comprehensive Plan.
- (c) *ULDC amendments.* The BOCC has the authority to approve, approve with changes or deny amendments to the text of this ULDC.
- (d) *Land Development Regulation Commission.* The BOCC shall serve as the Land Development Regulation Commission (LDRC) as provided in F.S. §§ 163.3164(25) and 163.3194(2).
- (e) *Consideration of applications and other actions.* The BOCC has authority to approve, approve with conditions or deny the development applications, including application revisions, and other proposed actions listed below:
  - (1) Amendments to the official zoning map;
  - (2) Special exceptions;
  - (3) Special use permits;
  - (4) Activity center plans;
  - (5) Special area studies;
  - (6) Special area plans;
  - (7) Major or minor amendments to an approved planned development zoning district;
  - (8) Development agreements as provided in F.S. § 163.3220;
  - (9) Developments of regional impact as provided in F.S. Ch. 380;
  - (10) Plats, including final plats, replats, and vacation or abandonment of plats;
  - (11) Vacation or abandonment of streets;
  - (12) Preliminary development plans that exceed thresholds, as established in Article X, Development Plan Review, of Chapter 402;
  - (13) All water and sewer line extensions outside the Urban Cluster line;
  - (14) Change from one nonconforming use to another in accordance with Subsection 408.12(a)(1)(a);
  - (15) Construction agreements, plans, and maintenance for public works projects; and
  - (16) Final redevelopment plans.
  - (17) Removal of Landmark Live Oaks per Article II of Chapter 406.



- (18) For single-family residence - Adverse impact to surface water and wetlands and their buffers; wetland buffer mitigation proposals.

**Sec. 402.12. Types of public notice.**

Forms of notice required for various public hearings may include mailed notice, published notice provided via a newspaper of general circulation, and posted notice by signs located on the subject property. Neighborhood workshops, in accordance with the procedures of Article V, Neighborhood Workshops, of this Chapter, provide additional notice to the public regarding certain types of development applications. The public notice requirements for development applications are indicated in Table 402.12.1.

**Table 402.12.1: Required Public Notice for Development Applications**

Proposal	Types of Public Notice			
	Written	Published	Posted	Neighborhood Workshop
Comprehensive Plan Amendment, text		X		
Comprehensive Plan Amendment, map	X	X	X	X
ULDC Text Amendment		X		
Rezoning, or Rezoning to Planned Development, Special Exception, Special Use Permit (including Major Amendments)	X	X	X	X
Minor Amendment to Planned Development, Special Exception or Special Use Permit	X	X	X	
Development Plan, heard by DRC		X	X	
Any application for uses included in Sec. 402.14(a)5 heard by DRC or BoCC	X	X	X	X
Preliminary Development Plan, Exceeding thresholds	X	X	X	X
Plat or Replat		X		
Variance		X	X	
Scenic Road Variance	X	X	X	
Activity Center Master Plan	X	X	X	X
Neighborhood Workshop	X	X		
Preliminary CLSC		X	X	
Final Redevelopment Plan		X	X	

Proposal	Types of Public Notice			
	Written	Published	Posted	Neighborhood Workshop
New Electric Substation Siting in Residential Areas				X
Subdivisions with no more than 9 lots in the rural agricultural area with a proposed unpaved access way or driveway longer than 1,000 feet.		X	X	
Live Local Act Implementation Applications with 24 or few units			X	
Live Local Act Implementation Applications exceeding 24 units	X		X	X
<u>Single family residence – adverse impact to surface water and wetlands and their buffers; wetland and buffer mitigation proposals</u>		<u>X</u>	<u>X</u>	
<u>Single family Landmark Live Oak removal permit</u>		<u>X</u>	<u>X</u>	

## ARTICLE V. OPEN SPACE

### Sec. 407.51. Purpose.

This Article implements the open space policies contained in the future land use and conservation and open space elements of the comprehensive plan and provides for permanently preserved public open space areas designed to protect natural resources, provide recreation, and augment the community network of bicycle and pedestrian infrastructure.

### Sec. 407.52. Minimum open space requirement.

At least ten percent of the area of any development shall be designated as open space and delineated on development plans and plats except as provided for in Subsections (a) and (b) below. Multiphase developments shall designate the required open space for all phases with the first final development plan or an instrument acceptable to the County Attorney that details timing of improvements and management of the open space. Open space shall not be contained on lots except as provided in Subsection (b) below. No provision of this Article shall be interpreted to reduce the protection of conservation areas or significant habitats as provided for in Chapter 406.

- 
- (a) Rural/agriculture clustered subdivisions, as addressed in Section 407.77 of this Chapter, shall include open space on at least 50 percent of a development and shall meet all provisions of that Section.
  - (b) Nonresidential developments, family homestead subdivisions as addressed in Section 407.75, and rural ~~agricultural~~ residential subdivisions with no more than 9 lots ~~unpaved roads~~ as addressed in Section 407.76 shall not be required to include open space beyond the conservation management areas identified in Subsection 407.54(a). Nonresidential developments not required to include open space shall still provide pedestrian and bicycle connections to adjacent open space, parks, and bicycle and pedestrian facilities. Open space provided under this Section is not required to comply with Sections 407.56 and 407.57 and may be contained on a single lot under the ownership and maintenance responsibility of a single property owner.

#### **Sec. 407.53. Open space identification process.**

Prior to the submittal of a preliminary development plan or planned development rezoning, an applicant shall consult with County staff to identify the most appropriate portion of the development to be designated as open space. ~~Open space identification shall utilize mapping data of adjacent properties in order that potential open space networks may be created through multiple open space set asides.~~

#### **Sec. 407.54. Open space areas.**

- (a) When land development involves a parcel that contains regulated historic and natural resources ~~conservation management areas~~, the open space requirement shall first be fulfilled with these areas. ~~which shall be protected in accordance with Chapter 406, Article XVII.~~
- (b) After the requirements of Subsection (a) above have been met, ~~the~~ any additional required open space shall be located to minimize the fragmentation of a development project's open space areas be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent open space, except as specified in Section 407.55. Open space designated per this Section shall have an average width of no less than 50 feet and shall be located within the development in a location that best meets the following goals:
  - (1) ~~Augments conservation management areas~~ protected regulated natural and historic resources ~~or open space on adjoining parcels.~~
  - (2) Promotes preservation of other tree canopy to meet the requirements of Article II, Chapter 406.
  - ~~(2 3)~~ Promotes connectivity to greenways, trails, public parks, and existing or potential open space on adjoining parcels.

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**Sec. 407.55. Exceptions to open space areas.**

The following criteria may be considered for deviation from the requirements of Subsection 407.54(b):

- ~~—(a) Open space can be designated in two locations where proposed residential units within a development would otherwise be located further than one-half mile from a single designated open space location as measured in a straight line.~~
- ~~(b) There are no adjacent undeveloped lands or designated open space areas and open space is more appropriately located internal to the site.~~
- (~~e~~a) There is an opportunity for the open space to link to a designated greenway.
- (~~d~~b) Open space in cottage neighborhoods shall be provided per Section 407.155.
- (~~e~~c) Mixed Use TND/TODs approved per Chapter 407 Article VII that have a minimum density of six units per acre may have open space(s) in multiple locations so long as the minimum width of any individual space is not less than 25 feet and that all designated open space conforms with the uses in Section 407.56.
- (~~f~~d) Notwithstanding the requirements in Subsection 407.54(b), developments with a valid preliminary development plan or planned development that identifies open space and was approved prior to January 28, 2025 may provide open space consistent with the approved preliminary development plan or planned development.

**Sec. 407.56. Open space uses.**

- (a) Open space shall either be left in a natural condition or provide accessible spaces such as community gardens, community fields, greens, or pocket parks.
- (b) Open space shall be primarily pervious except for limited impervious surfaces associated with bicycle/pedestrian paths and unconditioned structures that augment the open space such as gazebos and picnic pavilions. Impervious surfaces associated with hardscaped civic space are an allowable open space use within a TND or TOD approved per Article VII of this Chapter.
- (c) Open space shall not include stormwater retention or detention areas constructed per Article IX of this Chapter. The integration of low impact design (LID) best management practices to manage stormwater runoff shall not eliminate an otherwise qualifying open space within a TND or TOD approved per Article VII of this Chapter.
- (d) Open space shall not include spoil piles or berms.

**Sec. 407.57. Access to open space.**

Required open space shall be accessible from the development. Access to open space areas shall be provided in the form of Americans with Disabilities Act compliant hard surfaced paths that connect the open space to the transportation network and adjacent open spaces, parks

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and bicycle and pedestrian facilities. Impassable fences or obstacles that impede connectivity between adjacent open space or greenspace are not allowed. These paths shall be shown clearly on the development plan, maintained, and marked. The level and type of access to a conservation management area, will be determined by the adopted conservation management plan. Any pedestrian facilities proposed near Champion Trees, Landmark Live Oaks, or other tree canopy will be required to meet the standards outlined Article II of Chapter 406.

**Sec. 407.58. Protection and maintenance of open space areas.**

- (a) All open space shall be maintained and remain in a condition consistent with uses in Section 407.56 and accessibility requirements of Section 407.57. An open space management plan shall be approved with any final development plan that includes open space. It shall be a condition of all development approval that such open spaces shall remain as shown on the development plan or plat, shall remain accessible as required by this Article, and shall be maintained according to the approved management plan. Any failure to abide by this condition shall be deemed a violation of the development plan or plat. Open space shall be protected by appropriate barricades where necessary to prevent vehicular damage during construction.
- (b) All conservation management areas, except for Champion Trees and Landmark Live Oaks, shall be identified and protected in accordance with Article XVII, Chapter 406 of this ULDC.
- (c) A responsible entity, which may include the owner, a property owner's association, the County, another public agency or a non-profit organization, shall be designated to be responsible for maintaining the open space in a manner that is consistent with all applicable County requirements and the purpose for which it was created.

## **Sec. 407.59. Alternative compliance.**

- (a) The provisions of this Article shall be liberally construed to effectively carry out the purpose and the intent of the comprehensive plan and of this Article in the interest of the health, safety and welfare of the residents of the County.
- (b) An applicant may submit an open space plan which varies from the strict application of the requirements of this Article in order to accommodate unique site features or characteristics or to take advantage of innovative design. In no event, however, shall there be variation from the requirement to provide a minimum of ten percent of the development site as open space area.
- (c) An alternative compliance open space plan may be approved only upon a finding that it fulfills the purpose and intent of the comprehensive plan and of this Article as well as or more effectively than would adherence to the strict requirements.

### **Chapter 410 - Definitions**

~~*Diameter breast height (dbh):* The diameter of a tree measured at four and one-half (4.5) feet above ground level.~~

*Diameter at Breast Height (DBH): Diameter at Breast Height (DBH):* The diameter of a tree measured at four and one-half (4.5) ft above the naturally occurring ground level.

- a. Trees that fork at or within 6 inches of grade are treated as separate trees and measured separately.
- b. Trees that fork at or above 6 inches and below four and one-half (4.5) feet are measured below the fork and recorded as a single trunk.

*Tree, Abundant species:* Common species that are widely planted or are short lived, regardless of condition:

- a. Laurel Oaks;
- b. Water Oaks;
- c. Loblolly pine;
- d. Slash pine;
- e. Pecan; and
- f. Sweetgum.

~~*Tree, champion:* Those trees that have been identified by the Florida Division of Forestry as being the largest of their species within the State of Florida or by the American Forestry Association as the largest of their species in the United States. The current list of champion trees in Alachua County is on file in the department of growth management.~~

*Tree, champion:* Those trees that have been identified by the Florida Forest Service being the largest of their species within the State of Florida or by American Forests as the largest of their species in the United States.

~~*Tree, heritage:*~~ All native tree species, except water and laurel oaks, 20 inches or greater in diameter at a point four and one half (4.5) feet above ground level, and all water and laurel oaks thirty (30) inches or greater in diameter.

*Tree, heritage:* All native tree species 20 inches dbh or greater, except for water or laurel oaks, which are heritage trees when measured at thirty (30) inches or greater in diameter.

*Tree, landmark live oak:* live oaks 45-inches dbh or greater and rated four (4) or greater

~~*Tree, regulated:*~~ Champion and Heritage trees; any woody native tree species eight (8) inches or more in diameter at breast height (dbh); and those small specimen trees specifically identified in Table 406.16.1 in Article II, Chapter 406 of this ULDC.

~~*Tree root plate:*~~ the below ground area adjacent to the trunk where major buttress roots and support roots occur. It is generally defined as a circular area with a radius of four (4) times the diameter of the tree trunk at ground level. For example, a two-foot diameter trunk at ground level has a root plate radius of eight (8) feet outside the trunk on all sides.

*Tree root plate:* The below-ground area adjacent to the trunk where major buttress roots and support roots occur. The area is calculated as a radius of four (4) times the diameter of the tree trunk. (e.g., a two-foot diameter trunk has a root plate radius of eight (8) feet).

~~*Trees, specimen:*~~ A tree which has been identified by the County to be of notable interest or high value because of its age, size, species, condition, historic habitat association, and/or uniqueness. Specimen status shall apply to all trees as defined in Table 406.16.1.

*Trees, specimen:* Trees of notable interest or high value because of their age, size, species, condition, historic habitat association, and/or uniqueness Specimen status applies to all trees defined in Table 406.16.4.

~~*Tree canopy:*~~ The area of the property that contains coverage by trees and consists of the total crown spreads or drip lines of all trees existing on-site.

*Tree canopy:* Coverage by branches and foliage of the crown spreads or driplines of all regulated trees existing on a site.

*Tree Protection Zone (TPZ):* The area surrounding a tree calculated as a radius of one (1) foot for every one (1) inch of dbh.