



TOWN OF MICANOPY, FLORIDA

ORDINANCE 2017-01

BEFORE THE TOWN COMMISSION

AN ORDINANCE OF THE TOWN OF MICANOPY, FLORIDA, PROVIDING FOR DESIGNATION OF AND STANDARDS FOR A CANOPY TREE PROTECTION ZONE; CREATING ARTICLE II OF CHAPTER 15 OF THE CODE OF ORDINANCES; MAKING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR A PREFERRED TREE LIST; SPECIFYING AN INVASIVE TREE LIST; PROVIDING FOR TREE MAINTENANCE TRIMMING AND REMOVAL FOR UTILITY LINES; PROVIDING STANDARDS FOR REMOVAL AND PRUNING OF TREES; ESTABLISHING THE STRUCTURE OF THE TREE COMMITTEE; PROVIDING FOR TERRITORY EMBRACED; REPEALING EMERGENCY ORDINANCE 2014-02; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF MICANOPY, FLORIDA:

SECTION 1. Amendment to the Code of Ordinances. Chapter 15 of the Code of Ordinances of Micanopy, Florida, is hereby amended by adding a section to be numbered Article II, which reads as follows:

ARTICLE II. TREES

Sec. 15-10. Title

This Article shall be known and cited as the Town of Micanopy Canopy Tree Protection Zone Ordinance.

Sec. 15-11. Findings

Micanopy has a significant existing tree canopy that serves the benefit of all of its citizens. The Town recognizes that healthy and sound trees (1) reduce heating and cooling costs and increase human comfort by providing shade to structures and streets, (2) reduce soil erosion by slowing and deflecting rainfall and binding soil with their roots, (3) reduce flooding by lowering the soil water table through transpiration, (4) reduce air pollutants such as carbon dioxide and particulates while providing life-giving oxygen, (5) increase real estate values, and (6) lift the human spirit and provide the Town with an attractive ambience that enhances the economic vitality of our business areas.

Sec. 15-12. Definitions

The words, terms, and phrases, when used in this article, shall have the meanings as ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) DBH is the acronym for diameter at breast height, which is the tree's main stem (trunk) diameter measured at 4.5 feet above the ground.

(b) Specimen tree means any tree which is determined by the Town Commission to be of unique and intrinsic value to the general public because of its size, age, location, historic association, or ecological value or any tree designated a Florida State Champion, United States Champion, or World Champion by the American Forestry Association. Trees on private property to be considered for inclusion on the specimen tree list shall be approved by the property owner prior to being added to the list. The Town Administrator shall keep a record of all specimen trees so designated and their location.

(c) Tree means any self-supporting perennial plant whose one main stem attains at least a DBH of 3 inches (9 inches in circumference) and a height of at least 15 feet at maturity.

Sec. 15-13. Canopy Tree Protection Zone Designated

To provide protection of designated specimen trees within the Town of Micanopy, all roads (local, county, and state-owned whether paved or unpaved) within Micanopy are designated as Canopy Tree Protection Zone roads. All property within the rights-of-way (local, county, or state-owned) plus property lying within 25 feet of the center of the actual and/or platted roadway and all municipally-owned land shall be known as the Canopy Tree Protection Zone. No person or agency shall cut, remove, trim, or in any way damage any specimen tree located within the Canopy Tree Protection Zone without obtaining approval from the Town Administrator. The removal or trimming of specimen trees that have been damaged due to a storm may be performed without approval of the Town Administrator. Such cutting or trimming is limited to that necessary to protect structures, restore safe traffic flow, or restore safe utility delivery.

Sec. 15-14. Establishment of a Preferred Tree List

A list of preferred tree species is available to property owners wishing to plant new trees, as follows:

Common Name	Scientific Name
Ash (white or green)	<i>Fraxinus americana</i> or <i>F. pennsylvanica</i>
Basswood	<i>Tilia caroliniana</i>
Blue beech	<i>Carpinus caroliniana</i>
Cedar (red)	<i>Juniperus virginiana</i>
Cypress (bald or pond)	<i>Taxodium distichum</i> or <i>T. ascendens</i>
Eastern hophornbeam	<i>Ostrya virginiana</i>
Elm (winged, Florida, or cedar)	<i>Ulmus alata</i> , <i>U. americana</i> , or <i>U. crassiflora</i>
Gum (sour or black)	<i>Nyssa sylvatica</i> or <i>N. biflora</i>
Hickory (pignut or mockernut)	<i>Carya glabra</i> or <i>C. alba</i>
Holly (American)	<i>Ilex opaca</i>
Magnolia (southern or sweetbay)	<i>Magnolia grandiflora</i> or <i>M. virginiana</i>
Maple (Florida or red)	<i>Acer barbatum</i> or <i>A. rubrum</i>
Oak (bluff, live, post, sand live, Shumard's, southern red, chestnut)	<i>Quercus austrina</i> , <i>Q. virginiana</i> , <i>Q. stellata</i> , <i>Q. geminata</i> , <i>Q. shumardii</i> , <i>Q. falcata</i> , or <i>Q. michauxii</i>
Persimmon (native)	<i>Diospyros virginiana</i>
Pine (longleaf, loblolly, pond, sand, slash, or spruce)	<i>Pinus palustris</i> , <i>P. taeda</i> , <i>P. serotina</i> , <i>P. elliotii</i> , or <i>P. glabra</i>
Sweetgum	<i>Liquidamber styraciflua</i>
Tulip tree	<i>Liriodendron tulipifera</i>

Sec. 15-15. Invasive Tree List

The following trees are considered invasive and residents are encouraged to remove these tree species:

- (a) Camphor (*Cinnamomum camphora*)
- (b) Mimosa (*Albizia julibrissin*)
- (c) Chinaberry (*Melia azedarach*)
- (d) Chinese tallow (*Sapium sebiferum*)
- (e) Golden rain tree (*Koelreuteria paniculata*)

Sec. 15-16. Utility Line Maintenance Trimming and Tree Removal

The removal and trimming of trees within Micanopy for the purposes of maintaining or installing utility lines shall require approval of the Town Administrator and shall be performed with the following specifications-through an approved Vegetation Management Plan (VMP).

- (a) During tree trimming operations, a Certified Arborist or graduate forester is required to be in the field with and in charge of the trimming crew.
- (b) Mature established overhang growth (branches not trimmed during previous maintenance cycles) will be left in place. Any growth since the last trimming cycle will be trimmed back to previous cuts as needed to meet conductor clearance.
- (c) Upper diameter limit of limbs to be trimmed on slow growing species is 2 inches and on fast growing species is 4 inches. The pruning may vary depending on tree species growth rate, which can vary even within the groups of slow growing species and fast growing species.
- (d) The VMP application will include the following information:
 - (1) Written plan for the type of trimming that will occur, including clearance distance needed, during the operation for specimen trees by slow growing species group and fast growing species group.
 - (2) GIS coordinates for all designated specimen trees.
 - (3) A list of slow growing species and a list of fast growing species specific to Micanopy.
 - (4) The dates during which the operation will be performed.
 - (5) Evidence of the level of training of the trimming crew leader.
 - (6) Evidence of a Certified Arborist or graduate forester in charge of the field crew.
 - (7) Contact information for Town Administrator and utility crew leader.
- (e) For removal of specimen trees on private property, the Town Administrator will obtain approval from the property owner.
- (f) The VMP will be prepared by the utility company and reviewed and approved by the Town Administrator. The final VMP must be presented to, reviewed by and approved by the Town Commission.

Sec. 15-17. Standards for Removal and Pruning of Trees

- (a) Removal of a tree.
 - (1) That the tree is dead, diseased or imminently hazardous to persons or structures.

- (2) That the tree prevents construction of principal improvements on an approved building site.
- (3) That the removal will benefit the health and survival of adjacent healthy tree(s).
- (b) Normal pruning. Normal pruning of trees is defined as no more than 25% of the canopy and it is encouraged that property owners conduct such pruning in accordance with the adopted Tree Pruning Standards of the National Arborist Association. Property owners are encouraged to remove dead or diseased limbs, or limbs that impede the safe passage of vehicles.
- (c) Pruning practices not encouraged or permitted. The following pruning practices are not encouraged or permitted (with the exception of trees planted and maintained as topiaries):
 - (1) Hat-racking: the severe trimming of trees in which most branches are cut and few branches with leaves remain.
 - (2) Lolli popping: the severe trimming of trees to create a non-natural shape.
 - (3) Topping: the severe trimming of trees that removes the top branch or leader.
 - (4) Removal of healthy limbs larger than 8 inches in diameter.

Sec. 15-18. Tree Committee Structure

The Tree Committee shall consist of three residents of the Town of Micanopy that have been appointed by the Town Commission with each member serving a three year term. The Tree Committee shall annually elect a Chair, Vice Chair, and Recorder from among its members. The Recorder will submit the agenda and approved minutes to the Town Administrator for distribution to the appropriate parties. The Tree Committee’s responsibilities shall include:

- (1) Annual application for Tree City USA Certification.
- (2) Preparation and maintenance of an updated specimen tree inventory and their locations.
- (3) Preparation and maintenance of a tree brochure for residents.
- (4) Preparation and maintenance of a tree walking tour for visitors.
- (5) Act as the public relations coordinators for tree-related education and outreach events of the Town:
 - a) Coordination of Arbor Day and related events.
 - b) Tree planting occasions.
 - c) Municipal park tree requests.
 - d) Special requests concerning trees to be made to the Commission.

The Tree Committee will meet on an as needed basis scheduling upcoming meetings through the Town Administrator according to public meeting protocols.

Sec. 15-19. Territory Embraced

All territory within the legal boundaries of the Town of Micanopy, as they may be changed from time to time, shall be embraced by the provisions of this Article.

SECTION 2. Repeal of Emergency Ordinance 2014-02 adopted on May 13, 2014.

Ordinance 2014-02 adopted on May 13, 2014, is hereby repealed.

SECTION 3. Severability. Should any section or provision of this ordinance or any portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared to be invalid.

SECTION 4. Inclusion in the Code of Ordinances. Section 1 of this ordinance shall be included in the Code of Ordinances. The codifier may re-letter or renumber sections in order to conform the provisions of this ordinance to the existing code.

SECTION 5. Effective Date. This ordinance shall become effective ten days after approval on second reading.

On first reading passed by a vote of ____ to ____ on the 14th day of November, 2017.

On second reading passed by a vote of ____ to ____ on the 12th day of December, 2017.

TOWN OF MICANOPY

Virginia L. Mance, Mayor

ATTEST:

Debbie Gonano, Town Administrator

APPROVED AS TO FORM AND LEGALITY:

S. Scott Walker, Town Attorney