

ORDINANCE NO. 125

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, REGULATING LANDSCAPING IN THE TOWN; PROVIDING DEFINITIONS; SETTING THE STANDARDS FOR PUBLIC AND PRIVATE USE AREAS; ESTABLISHING LANDSCAPING REQUIREMENTS; ESTABLISHING REQUIREMENTS FOR LANDSCAPE PLANS AND PERMITS; ESTABLISHING STANDARDS FOR THE MAINTENANCE OF LANDSCAPE AND VEGETATION; DEFINING PROTECTED TREES; ESTABLISHING POLICIES REGARDING PROTECTED TREES; ESTABLISHING PROCEDURES FOR ENFORCEMENT; ESTABLISHING PENALTIES; PROVIDING FOR THE SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, that:

1. The landscaping requirements, procedures and actions described herein are adopted for the purpose of establishing protective regulations for trees and landscaped areas within the Town. Such areas preserve the ecological balance of the environment, control erosion, sedimentation and stormwater runoff, provide shade and reduce heat and glare, abate noise pollution, buffer incompatible land uses, and enhance the aesthetic value of the community.

2. The intent of this ordinance is to encourage preservation of existing trees and landscaped areas and to promote the planting of new vegetation within the Town in order to maintain and enhance the immediate and long-term health, safety and general welfare of the present and future citizens of the Town of Cinco Bayou.

SECTION 1 - Title

This Ordinance shall be known as the Landscaping Ordinance for the Town of Cinco Bayou.

SECTION 2 - Definitions

The following words and phrases, when used in this ordinance, shall have the meanings respectively ascribed to them.

Crown - means the main point of branching or foliage of a tree or the upper portion of a tree.

Developable area - means the total area of a lot or parcel, excluding public rights-of-way.

Dripline - means the circumference of the tree canopy extended vertically to the ground.

Ground cover - means low growing plants planted in such a manner as to form a continuous cover over ground, e.g., confederate jasmine; English ivy, or other similar plants.

Irrigation system - means the water supply system used to irrigate the landscaping consisting of underground watering systems, outlets for manual watering, or other appropriate technology.

Landscape material - means living material including but not limited to, trees, shrubs, vines, lawn grass, ground cover; landscape water feature; and nonliving durable material commonly used in landscaping, including, but not limited to polypropylene and jute mesh, brick pavers, earthen mounds, but excluding impervious surfaces for vehicular use. Fifty percent (50%) of all ground cover shall be living.

the development activity, directing him forthwith to cease and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the project into compliance. If such person fails to complete the recommended action after the issuance of such stop work order, then a stop work order may be issued on all or any portion of the entire project.

(2) Penalties.

(a) The fine for removing a tree without a permit shall be based on the size of the tree removed and is established at fifty dollars (\$50.00) per diameter inch. The measurement to establish said fine shall be based on the remaining tree material left intact on the site. Each protected tree removed without a permit or in violation of a permit shall be considered a separate offense.

(b) Fines for violation of a stop work order will be in accordance with the fines stated in Section 1-8, General Penalty, of the Town's Code of Ordinances. Each day a violation of a stop work order continues shall constitute a separate offense.

SECTION 10 - Severability

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

SECTION 11 - REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS

All ordinances and resolutions of the governing body in conflict herewith are repealed.

SECTION 12 - EFFECTIVE DATE.

This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this 5th day of July, 1988.



APPROVED:

Charles R. Laginess
Mayor

ATTEST:

William B. Boscawen
Town Manager/Clerk