



TO: Technical Review Committee
FROM: Kev Freeman, Planning Director
RE: Technical Review for Project: 99800003
TRC DATE: **SEPTEMBER 21, 2023**

STAFF REPORT

Requested Action: Review Proposed Revision to City Code Language
Site Location: Citywide

Background: See attached.

Summary of Request: Proposed removal of Landscape Bond requirement and replacement with a Landscape Maintenance Agreement.

Please respond with comments referencing project # to:

Kev Freeman
kfreeman@cityoffortpierce.com

Sec. 123-6. Landscape Maintenance Agreement

In those instances where the landscape plan requires review pursuant to section 125-313, the property owner shall provide a landscape maintenance agreement. The agreement shall be attached to the landscape plan and should note that approved landscaping shall be installed, irrigated, and maintained in perpetuity in accordance with City Code Sec. 123-37, in order that it continues to present a healthy, neat, and orderly appearance free of refuse and debris, in conformity with the following requirements:

- a. Vegetation required by this article shall be replaced with equivalent or better vegetation if it is not living. All trees for which credit is awarded and which subsequently die shall be replaced by the same or greater number of living trees according to the standards established in this article.
- b. Maintenance shall include sufficient weeding, watering, fertilizing, pruning, mowing, edging, mulching and other horticultural practices to ensure that the landscaping continues to maintain a healthy, neat, and orderly appearance.

The maintenance agreement for required landscaping shall be approved by the city prior to issuance of certificate of occupancy.

Sec. 123-7. Enforcement.

The Initial landscape installation shall be inspected and approved by the city arborist, or designee, prior to issuance of final CO to ensure conformity with the approved landscape plan. Thereafter, the city will inspect the required landscaping and maintenance of such at least one time a year. Maintenance shall include the replacement of all unhealthy/dead material within 30 days after a notification of violation in conformance with the approved site plan or landscape plan. Violations of this article, or failure to maintain all required landscaping as reflected in the approved landscaping plan, shall be grounds for referral to the special magistrate for appropriate action. The 30-day rule for compliance may be extended, when necessary, by the city manager to permit recovery from acts of nature such as a hurricane or freeze.

ORDINANCE NO. 23-NNN

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, CHAPTER 123 – VEGETATION, SECTION 123-6. - REQUIRED BOND; SECTION 123-7, - ENFORCEMENT; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce, through condition of site development desires to maintain minimum landscaping standards and to further provide for the protection of trees, in order to protect and preserve the appearance, character, and value of the properties within the city and thereby promote the public health, safety and general welfare of the citizens of the city, and

WHEREAS, the existing process of site plan review, which requires the property owner to provide security through a landscape bond to ensure that all approved landscaping is maintained, places additional cost upon property owners, and

WHEREAS, the City of Fort Pierce, through code enforcement provisions is able to inspect and require that approved landscaping is maintenance, protection and replacement of landscaping and trees as approved, and

WHEREAS, the City of Fort Pierce Planning Board held a properly noticed hearing at a regularly scheduled meeting to consider the revisions, and at their _____, 2023, meeting, voted _____ to recommend _____ of the request.

WHEREAS, the

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Chapter 123-6 and Chapter 123-7 are hereby amended so the same shall read as follows:

. Sec. 123-6. ~~Required bond-Landscape Maintenance Agreement~~

In those instances where the landscape plan ~~is submitted with a site plan~~ requiring review pursuant to section 125-313, the property owner shall provide a maintenance agreement. The agreement shall be attached to the landscape plan and should note that approved landscaping shall be installed, irrigated, and maintained in perpetuity in accordance with City Code Sec. 123-37, in order that it continues to present a healthy, neat, and orderly appearance free of refuse and debris, in conformity with the following requirements:

- a. Vegetation required by this article shall be replaced with equivalent or better vegetation if it is not living. All trees for which credit is awarded and which subsequently die shall be replaced by the same or greater number of living trees according to the standards established in this article.

- b. Maintenance shall include sufficient weeding, watering, fertilizing, pruning, mowing, edging, mulching and other horticultural practices to ensure that the landscaping continues to maintain a healthy, neat, and orderly appearance.

The maintenance agreement for required landscaping shall be approved by the city prior to issuance of certificate of occupancy.

~~file with the director of finance at the time of completion certification by the landscape architect, a security bond, certified deposit (CD), cashier's check or a certified check upon a solvent local bank conditioned to secure 100 percent of the supply and installation cost of the landscaping improvements required by this article, in accordance with the plan approved by the department, for a period of 24 months after certification by the landscape architect to ensure the establishment and maintenance of the plant material required under this section. No such bond, CD, or check shall be accepted unless it be enforceable by or payable to the city. This security bond shall be reduced to ten percent of the supply and installation cost of the landscape improvements for the second year, after the first year inspection determines 100 percent required landscape improvements exist and have been maintained properly. A property owner shall warrant and guarantee a survival rate of 100 percent for all required plantings by other permitting agencies including littoral zone plantings around created lakes and retention ponds for a period of 24 months following the expiration of time for installation of required plant materials, or 24 months following certification of installation by the property owners landscape architect, whichever is earlier. Such security shall be released upon inspection and final approval by the department that the provisions of this section have been met. The standard contract for maintenance of required landscaping, with security as provided in this section is required by the city before issuance of certificate of occupancy.~~

Sec. 123-7. Enforcement.

The Initial landscape installation shall be inspected and approved by the City Arborist, or designee, prior to issuance of final CO to ensure conformity with the approved landscape plan. After a 24-month establishment period for landscaping subject to section 123-6, Thereafter, the city will inspect the required landscaping and maintenance of such at least one time a year. Maintenance shall include the replacement of all unhealthy/dead material within 30 days after a notification of violation in conformance with the approved site plan or landscape plan. Violations of this article, or failure to maintain all required landscaping as reflected in the approved landscaping plan, shall be grounds for referral to the special magistrate for appropriate action. The 30-day rule for compliance may be extended, when necessary, by the city manager to permit recovery from acts of nature such as a hurricane or freeze.

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be and become effective immediately upon final passage.

STATE OF FLORIDA

COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 23-NNN was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on Sunday, _____, 2023 and Sunday, _____, 2023; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on _____, 2023; and was duly introduced, read by title only, and passed on second and final reading _____, 2023, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HERewith, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this ____ of _____, 2023.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM AND
CORRECTNESS:

Sara Hedges, Esq.
ACTING CITY ATTORNEY