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CHAPTER 175. TREE PROTECTION, LANDSCAPING, BUFFERING

PART 1. TREE PRESERVATION CODE.

§ 175.001. GENERAL PROVISIONS.

~~CHAPTER 180: TREES AND SHRUBBERY; LANDSCAPING~~

~~Section~~

~~Tree Preservation and Removal Code~~

~~Part 1. General Provisions~~

~~—180.01 Intent~~

~~—180.02 Definitions~~

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~~—180.99— Penalty~~

~~TREE PRESERVATION AND REMOVAL CODE:~~

~~PART 1. GENERAL PROVISIONS~~

~~§ 175.002. § 180.01~~ INTENT.

~~(A) —(A)—~~ The city finds that trees provide many ~~beneficial functions to man, including many~~ environmental, aesthetic, and economic ~~amenities~~ functions. It is declared to be ~~necessary~~ essential to preserve trees as a means to:

~~(1) —(1)—~~ Protect the value of lands and water quality;

~~(2) —(2)—~~ Preserve community appearance; and

~~(3) —(3)—~~ Assist climate control, soil stabilization, oxygen exchange, and noise and air pollution abatement.

~~(B) —(B)—~~ These factors relate to the economy of the city and provide for the health, safety and welfare of residents and visitors of the city. It is the intent of this code to provide for the enhancement, preservation, and protection of the City's existing tree canopy and to regulate ~~control over~~ the removal, relocation, or destruction of trees.

~~(74 Code, § 22½ 11) (Ord. 89 12, passed 4 27 89)~~

~~§ 180.02 DEFINITIONS.~~

~~§ 175.003. —FOR THE PURPOSE OF THIS SUBCHAPTER, THE~~ REMOVAL CRITERIA.

~~The following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~(A) —CLEARING. The~~ justifications shall be considered for the proposed removal of trees existing tree(s) and brush from the land, not including the ordinary mowing of grass. vegetation:

(1) Necessity to remove trees which present a hazard or other unsafe condition to people, vehicular traffic, or threaten to cause disruption to public services or public easements;

(2) Removal of Class I invasive species of trees and/or vegetation (as identified annually by the Florida Invasive Species Council) which characteristically becomes nuisance overgrowth and outcompetes native vegetation.

(3) Necessity to remove diseased or fallen trees or trees weakened by age, storm, or fire;

(4) The extent to which tree or vegetation removal is likely to result in damage to the property or structures of the applicant or others, public or private, including damage to buildings accessory structures, lakes, ponds, streams or rivers, drainage canals or swales;

(5) Proposed landscaping improvements including plans whereby the applicant has planted or will plant trees or vegetation to replace those that are proposed to be cleared;

- (6) Necessity to remove trees or vegetation in order to construct proposed improvements to allow economic use of the property, including the need for access for construction equipment (maximum of ten feet) and essential grade changes;
- (7) Topography of the land and the adverse impact of tree or vegetation removal on erosion, soil retention and the diversion or increased flow of surface water, which is necessary to use the land while conserving natural resources;
- (8) Must be removed so the applicant may use the property for any use permitted, conditional, or special use for the zoning district in which the property is located and that such a use could not be made of the property unless the tree is removed; and
- (9) Alternative site plans shall be considered to determine if protected trees, specimen trees, and native vegetation may be retained.

§ 175.004. PROTECTION OF TREES TO BE PRESERVED

- (A) All trees not approved for removal shall be protected and maintained during site preparation and construction, as specified herein:
 - (1) Identification of trees to be preserved. All trees to be preserved shall be identified on-site with harmless bands, flagging, or other suitable markings. These shall correspond with the approved site plan.
 - (2) For all activities requiring a site plan, the method of protection shall appear in the graphic details within the approved site plan.
 - (3) All efforts shall be made through the grading and drainage plan to maintain the natural drainage to those trees to be preserved. Swaling and minor negative grade changes should always be designed outside the critical root zone as much as possible. Piping should be used where deep swales or ditches would require significant grade changes adjacent to trees to be saved. Trenching of any type should be avoided in the CRZ. Where underground installations are required adjacent to the trunks of trees to be preserved, tunneling should be used. When trenching or tunneling near trees to remain, all possible protective measures should be taken.
 - (4) Critical Root Zone (CRZ). shall be established for each tree retained on site. This shall be calculated by taking the DBH of the tree and multiplying by twelve (12). This is the diameter in inches of the CRZ, centered on the tree. Visible barricades shall be erected along the CRZ line of all trees to be protected. These barricades shall be no closer than the calculated CRZ or ten (10) feet from the trunk of the tree, whichever is greater. The CRZ for all existing palms shall be three (3) feet from trunk. For clusters of four or more trees, a limit of development shall be indicated on the site plan which provides no less than twelve (12) feet of protection from the base of the outermost trees. The following activities shall be limited within the CRZ as described herein:
 - (a) All felled material shall be promptly and carefully removed from the site in order to avoid potential damage to remaining trees and vegetation
 - (b) Underbrush and vegetation within the CRZ shall be hand cleared
 - (c) Materials, machinery, and soil shall not be placed within the CRZ.

(d) Materials, wires, signs, or nails shall not be attached to any tree unless such materials are used to preserve the tree.

~~—CROWN. The main mass of branching of a plant above the ground.~~

~~—DBH (DIAMETER AT BREAST HEIGHT) or BREAST HEIGHT. Fifty four (54) inches above the surface of the ground at the base of the plant or tree. in the case of a tree with multiple main stems, the diameter shall be the sum of the diameter of the stems.~~

~~—DRIP LINE. A vertical line running through the outermost portion of the tree crown extending to the ground.~~

~~—EXCEPTIONAL SPECIMEN. Those trees which have a DBH of eighteen (18) inches or more.~~

~~—MANGROVE.~~

~~—(1) Rooted trees and seedlings of the following species, but only when having a coastal or estuarine association:~~

~~—(a) Red mangrove (*Rhizophora mangle* L.)~~

~~—(b) White mangrove (*Laguncularia racemosa* Gaertn.)~~

~~—(c) Black mangrove (*Avicennia germinans* (L.)L.)~~

~~—(d) Buttonwood mangrove (*Conocarpus erecta* L.)~~

~~—(2) An assemblage of one (1) or more of the following species:~~

~~—(a) Black mangrove (*Avicennia nitida*);~~

~~—(b) Red mangrove (*Rhizophora mangle*);~~

~~—(c) White mangrove (*Languncularia racemosa*); and~~

~~—(d) Buttonwood (*Conocarpus erecta*).~~

~~—PROTECTED TREE. Any self-supporting wood plant which has a DBH of six (6) or more inches, and which is not otherwise exempted from this subchapter. For the purpose of this subchapter, all mangroves are declared to be protected trees. In addition, all palms with at least four and one-half (4½) feet of clear trunk between the ground level and the lowest branch are declared to be protected trees.~~

~~—RESTORATION TREE. A nursery grown tree with a DBH of at least five (5) inches and a minimum height of fifteen (15) feet and a minimum crown width of ten (10) feet of a species approved by the City Planner.~~

~~(‘74 Code, § 22½-12) (Ord. 89-12, passed 4-27-89)~~

(B) § 180.03 All trees to be preserved, except palms, shall have their natural soil level maintained to the maximum extent practicable. Tree wells, retaining walls, or landscape timbers may be utilized where necessary to maintain the natural existing soil level.

§ 175.005. RESERVED

§ 175.006. RESERVED

§ 175.007. RESERVED

§ 175.008. RESERVED

§ 175.009. RESERVED

PART 2. TREE REMOVAL, GRUBBING, AND SITE WORK PERMITTING.

§ 175.010. APPLICABILITY; ~~PERMIT.~~

~~—~~The terms and provisions of this subchapter shall apply to all lands lying within ~~the city~~City limits, including publicly owned lands, rights-of-way, and easements, except as provided for in this subchapter. It shall be unlawful ~~without first securing a permit from the Planning Division~~ to remove, destroy, cut down or damage existing tree(s) or habitat, except as defined in this subchapter. Exceptions to this subchapter shall be permitted in the manner prescribed herein.

§ 175.011. EXPIRATION OF PERMITS.

Any permit issued hereunder shall remain valid for six (6) months and may be renewable for a second six (6) month period upon request to the City Manager or designee, provided such request occurs prior to the expiration date of the initial permit. If a permit required by this subchapter has been issued in conjunction with an approved site plan, subdivision, or building permit, then such permit shall remain valid for the life of the approved site plan, subdivision or building permit unless any of these approvals expire, are revoked or suspended.

§ 175.012. RENEWAL OF PERMITS.

The City Manager or designee may require reapplication and full review in those renewal cases where site conditions have changed substantially from the date of issuance of the initial permit as a result of natural growth of trees and vegetation or high winds, hurricane, tornado, flooding, fire, or other acts of nature.

§ 175.013. APPEALS.

Any application for a tree removal, small residential site land clearing, grubbing, or site work permit that has been denied may be appealed pursuant to § 169.006 provided a written request is submitted to the City Manager or designee. Such appeal shall follow the procedures set forth therein.

§ 175.014. TREE REMOVAL AND SMALL RESIDENTIAL SITE LAND CLEARING PERMIT.

It shall be unlawful without first securing a permit to remove, destroy, cut down, damage, or cause the removal, destruction, cutting down ~~or damage of any tree(s) as defined by this subchapter~~, or damage of any trees having a diameter at breast height (DBH) of six (6) inches or greater or palms having four and a half (4-1/2) feet of clear wood or greater, as measured from the ground to the base of the first fronds. This permit is also required for any land clearing activities on all residential lots which are less than one (1) acre in area.

~~— ('74 Code, § 22½-13) (Ord. 89-12, passed 4-27-89)~~

~~— § 180.04 EXCEPTIONS.~~

~~The following exceptions to this subchapter shall be permitted in the manner prescribed:~~

~~(A) — (A) — Exceptions.~~ Trees may be removed without a tree removal permit on the following properties:

~~(1) — (1) —~~ Bona fide agricultural uses, cultivation, or grazing lands;

~~(2) — (2) —~~ Commercial ~~plant~~ nursery sites; ~~and~~

~~(3) — Single family and two family lots with less than one (1) acre of area.~~

~~(B) — After notifying the Planning Director the following trees may be removed without a permit: Beefwood, Scaly-barked beefwood, Australian pine, Melaleuca, Brazilian pepper, Castor bean, Eucalyptus, Chinaberry, ear tree, and camphor tree.~~

~~(3) — (C) —~~ Publicly owned lands, provided compliance with the Municipal Tree Code or for the purpose of habitat management or restoration;

~~(4) —~~ Undeveloped multi-family, commercial, industrial, or institutional sites with a recently approved site plan and a valid Site Work Permit, which has not yet received a certificate of occupancy;

~~(5) —~~ Developed single- and two-family lots, which meet the criteria of and provide the City with the documentation required in accordance with Florida State Statute 163.045;

~~(6) —~~ After receiving approval from the City Manager or designee, any species of trees determined to be prohibited pursuant to § 175.18(C)

~~(7) —~~ In the event that any tree shall ~~endanger health or safety, and require~~ pose an immediate removal without delay ~~threat to persons or property, and require immediate removal~~, on-site verbal authorization may be given by a City ~~Planner~~ Manager or designee to allow for the removal of the tree without obtaining a ~~written~~ permit as herein required. ~~Such verbal authorization shall later~~

~~(8) —~~ In the event of the Declaration of a Public Emergency caused by a hurricane or other natural disaster, the provisions of this article may be ~~confirmed~~ suspended.

~~(B) Application.~~ Anyone desiring a permit to remove a tree as defined by this code or clear a residential lot which is less than an acre in ~~writing~~ area shall perform the following application requirements:

~~(1) —~~ Fee. Submit a fee at time of application, as established by resolution pursuant to § 169.004.

~~(2) —~~ Recorded deed indicating the current owner

~~(3) —~~ Hold Harmless agreement initialed and signed by the owner or authorized representative

~~(4) —~~ Letter of Authorization is required should the applicant not be the owner of the property

~~(5) —~~ Site sketch. Submit a site drawing of the parcel with application which clearly indicates the following information:

1. Existing and proposed site features, such as structures, roads, and surface waters;

2. The diameter at breast height (DBH) and species of all trees on the entire parcel;

3. Indicate which trees are proposed for removal and which are to be preserved;

4. Indicate location and species of any proposed replacement trees to be added to the site, as required in this subsection.

5. Explain reason(s) for removal.

(C) Review Criteria. The permit application shall be processed within seven (7) days' time. 10) days. Requests for tree removal permits shall be reviewed based on the approved reasons for removal, pursuant to § 175.02. In addition, the following considerations may apply:

~~(74 Code, § 22½-14) (Ord. 89-12, passed 4-27-89; Am. Ord. 94-03, passed 2-17-94)~~

~~§ 180.05 VIOLATIONS.~~

- (1) —When there is a question of tree hazard, the applicant may be required to provide documentation from a certified arborist.
- (2) Single- and two-family residential properties less than an acre, which are requesting land clearing to allow for proposed development or improvement(s), must also have the necessary building permit(s) currently under review and shall provide the permit application number with request.
- (3) On developed multi-family, commercial, industrial, or institutional sites which have received a certificate of occupancy, an approved tree removal may require replacement plantings to maintain the site's conformance with the approved site plan.
- (4) On all single- and two-family residential properties, an approved tree removal may require replacement plantings to maintain conformance with § 175.12
- (5) Tree Credits. On single- and two-family residential properties, for each existing tree which is to remain and meets the following criteria, credit may be applied as determined herein towards the number of trees required by this chapter.

(a) Existing trees which are classified as protected or specimen as defined in this chapter:

<u>DBH</u>	<u>CREDIT PER TREE</u>
<u>6" – less than 12"</u>	<u>3 trees</u>
<u>12" – less than 20"</u>	<u>4 trees</u>
<u>20" – and larger</u>	<u>5 trees</u>

(b) Existing palms having four and a half (4-1/2) feet of clear wood or more, as measured from the ground to the base of the first fronds which are retained are credited on a one-for-one basis, provided they may not account for more than fifty (50%) of total trees required.

(D) Violations. Each failure to comply with any of the provisions of this subchapter shall constitute an individual violation. The property owner, contractor and/or authorized agent shall be issued a stop work order and/or a violation notice and shall have one (1) week to apply for a tree removal permit for which the application fee shall be equal to twice the standard fee for the permit pursuant to § 169.004. The following penalties may also apply:

- (1) Restoration Plan. Dependent on the extent of violation, a restoration plan may be required. They shall then have a maximum of two (2) weeks to submit a restoration plan as described below. For projects that are under construction, a stop-work order will be issued when applicable and the issuance of a certificate of occupancy for any attendant structure(s) will be withheld until the restoration plan is submitted and approved by the Planning Division. This restoration plan shall, include where applicable:

(a) Provide information as described in § 175.08(D)

(b) Identify the locations of new tree plantings to restore the site, providing:

1. One (1) restoration tree as described shall be shown for each six (6) inches of trunk diameter at breast height (DBH) of those specimen trees, as defined in this chapter, which was severely damaged, cut down, or removed from the site. Each required restoration tree shall have a minimum five (5) inch DBH and a minimum height of fifteen (15) feet and shall be a native canopy species approved by the City Manager or designee.
2. One (1) replacement tree shall be shown for each protected tree, as defined in this chapter, which was severely damaged, cut down or removed from the site. Each required replacement tree shall have a minimum two and a half (2-1/2) inch DBH, three (3) feet of clear wood, a minimum height of twelve (12) feet and shall be a native canopy species approved by the City Manager or designee.
3. Provide irrigation system or method for the maintenance for the new trees, in compliance with §175.19(B).
4. All replanted trees shall be properly planted, mulched, and secured to ensure their establishment.
5. Indicate a schedule for the restoration to occur which shall at the latest coincide with the final inspection for a site development, where applicable, or within three (3) months where final inspections would not normally occur. If the restoration does not occur within the approved time schedule, each day of which the property is not in compliance shall constitute a violation of this subchapter and the violation shall be presented to Special Magistrate for action.

(2) Mitigation Fee. Should it be determined that a restoration plan is not feasible, then for each restoration tree not replanted as required above, the specimen tree mitigation fee shall be paid and for each replacement tree not replanted as required above, the protected tree mitigation fee shall be paid pursuant to § 169.004. If the site has been cleared, and little evidence of the removed trees is present so as to determine the extent of the violation, then they shall be held responsible for the replanting of four (4) restoration trees, as defined above, per one quarter (1/4) acre of disturbed area or shall pay specimen tree mitigation fee for the four (4) trees pursuant to § 169.004.

(3) Environmental Regulations. In the event it is determined that a violation as defined herein has resulted in potential impacts to protected species or habitats, the applicable regulatory agencies shall be notified, and additional penalties may be imposed.

§ 175.015. GRUBBING PERMIT.

It shall be unlawful without first securing a Grubbing Permit to remove or destroy underbrush vegetation except as defined by this subchapter. A grubbing permit does not authorize the clearing, scraping, balancing, or filling of land or the removal of protected trees, specimen trees, or mangroves. Methods of grubbing include hand clearing, roto-chopping, or mulching in place.

(A) Exceptions. The following exceptions to this subchapter shall be permitted in the manner prescribed: shrubs, vegetation, or underbrush may be removed without a grubbing permit on the following properties:

(1) Bona fide agricultural uses, cultivation, or grazing lands;

(2) Commercial nursery sites;

(3) Publicly owned lands, provided in compliance with the Municipal Tree Code or for the purposes of habitat management or restoration;

(4) Single- and two- family residential sites less than an acre in size.

(5) Undeveloped multi-family, commercial, industrial, or institutional development which has an approved site plan and a valid Site Work Permit and has not yet received a Certificate of Occupancy.

(6) Any site in which the area to be grubbed is one quarter (1/4) acre in area or less.

(B) Application. Anyone desiring a permit for grubbing activities as defined by this code shall perform the following application requirements:

(1) Fee. Submit a fee at time of application, as established by resolution pursuant to § 169.004;

(2) Recorded deed indicating the current owner;

(3) Hold Harmless agreement initialed and signed by the owner or authorized representative

(4) Letter of Authorization is required should the applicant not be the owner of the property

(5) Site sketch. Submit a site drawing with application which clearly shows all the following information:

(a) All major existing and proposed site features, such as: structures, roads, and surface waters;

(b) The diameter at breast height (DBH), scientific, and common names of each tree within and in the vicinity of the area to be grubbed;

(c) Clearly delineate and provide the estimated acreage of the proposed area of grubbing; and

(d) Explain reason(s) for grubbing.

(C) Review Criteria. The permit application shall be processed within seven (10) days. Requests for grubbing permits shall be reviewed based on the approved reasons for removal, pursuant to § 175.02. In addition, the following considerations may apply:

(1) Environmental summary. For larger areas, which are determined to be environmentally sensitive, an environmental summary of the subject property may be required which provides information regarding any natural habitats (FLUCCS Map) and species within the proposed grubbing area and the immediate vicinity.

(2) If the proposed grubbing site does not have a submitted plan for development, grubbing of environmentally sensitive lands may be restricted by the requirement for external agency permits and/or the presence of protected species or habitat.

(D) Violations. Each failure to comply with any of the provisions of this subchapter shall constitute an individual violation. The property owner, contractor and/or authorized agent shall be issued a stop work order and/or a violation notice and ~~they~~ shall have two (2) weeks to apply for a grubbing permit for which the application fee shall be equal to twice the standard fee for the permit pursuant to § 169.004. The following penalties may also apply:

(1) Restoration Plan. Dependent on the extent of violation, a restoration plan may be required. They shall then have a maximum of two (2) weeks to submit a restoration plan as described below. For projects that are under construction, a stop-work order will be issued when applicable and the issuance of ~~and a~~ certificate of occupancy for any attendant structure(s) will be withheld until the restoration plan is submitted and approved by the ~~Planning Division.~~City Manager or designee. This restoration plan shall, include where applicable:

~~—(A) Provide information as described in § 180.15.~~

~~(a) —175.09(B) Identify the appropriate preservation practices as described in § 180.18.~~

~~—(C) Identify the locations and species of new tree plantings as required by City Manager or designee to restore ~~the site, providing:~~~~

~~—(1) Each restoration tree shall be a minimum five (5) inch DBH trunk diameter nursery grown tree, and a minimum height of fifteen (15) feet and a minimum crown width of ten (10) feet, and the species shall be approved by the Planning Director.~~

~~(b) —(2) One (1) restoration tree as described above shall be shown for each six (6) inches of trunk diameter of those trees any native habitat that ~~were severely~~ may have been damaged, ~~cut down or removed from the site.~~~~

~~—(3) If the site has been cleared, and little evidence of the removed trees are present so as to determine the extent of the violation then it shall be assumed that eight (8) trees with six (6) inch trunk diameter existed per acre of disturbed area.~~

~~(c) —(D) Provide irrigation system or method for the maintenance of the new ~~trees.~~ vegetation, in compliance with 175.19(B).~~

~~(d) —(E) Indicate a schedule for the restoration to occur which shall at the latest coincide with the final inspection for a site development, where applicable, or within three (3) months where final inspections would not normally occur. If the restoration does not occur within the approved time schedule, each day of which the property is not in compliance shall constitute a violation of this subchapter and the violation shall be presented to the ~~Enforcement Board~~ Magistrate for action.~~

~~(74 Code, § 22½ 19) (Ord. 89-12, passed 4-27-89)~~

~~TREE PRESERVATION AND REMOVAL CODE:~~

~~PART 2. TREE REMOVAL PERMIT~~

~~(e) § 180.15 APPLICATION — Should it be determined that a mitigation plan is not feasible, then they shall pay the amount equal to the specimen tree mitigation fee for each one quarter acre of land that is grubbed, pursuant to § 169.004.~~

(2) Environmental Regulations. In the event it is determined that a violation as defined herein has resulted in potential impacts to protected species or habitats, the applicable regulatory agencies shall be notified, and additional penalties may be imposed.

§ 175.016. SITE WORK PERMIT.

It shall be unlawful without first securing a Site Work Permit to clear, scrape, balance, and fill the land surface except as defined by this subchapter. A site work permit also authorizes the removal of trees and underbrush vegetation in accordance with the provisions of the approved site plan.

(A) Exceptions. The following exceptions to this subchapter shall be permitted in the manner prescribed: land clearing, scraping, filling, land balancing activities may occur without a permit on the following properties:

- (1) Bona fide agricultural uses, cultivation, or grazing lands;
- (2) Commercial nursery sites
- (3) Single- and two-family sites with less than one acre of area; and
- (4) Publicly owned lands provided compliance with the Municipal Tree Code or for the purposes of habitat management or restoration.

~~(A) Application. GENERAL PROVISIONS.~~

(B) —Anyone desiring a permit ~~to remove a tree or clear property~~ for site work activities as defined by this code shall perform the following application requirements:

- (1) —(A)—Fee. ~~Submit a fee to the Land Development Division~~ Fee must be submitted during the site plan review process, as established by resolution pursuant to § 169.004.

~~(A) (B) Expiration of permit. Any permit issued hereunder shall remain valid for six (6) months and may be renewable for a second six (6) month period upon request to the Planning Director, provided such request occurs prior to the expiration date of the initial permit. If a permit required by this subchapter has been issued in conjunction with an approved site plan, subdivision, or building permit, then such permit shall remain valid for the life of the approved site plan, subdivision or building permit unless any of these approvals expire, are revoked or suspended.~~

~~—(C) Renewal of permit. The Planning Director may require reapplication and full review in those renewal cases where site conditions have changed substantially from the date of issuance of the initial permit as a result of natural growth of trees and vegetation or high winds, hurricane, tornado, flooding, fire, or other acts of nature.~~

- (2) —(D) Site plan drawing(s). ~~Submit a site plan drawing(s) to the Planning Division~~ Recorded deed indicating the current owner;
- (3) Documentation that all applicable external agency permits have been acquired and;
- (4) Site Plan Approval. A City-stamped, approved, site plan must be submitted at time of application;
- (5) Environmental Assessment. Full environmental report for the subject property which provides information regarding any natural habitats, soils, vegetation, and species, and surface waters (natural and manmade) present on the proposed development site and within the immediate vicinity. This shall also include related maps and whether the site is within the protected Turkey Creek or Indian River Lagoon watersheds.

(6) Tree Survey Required. A complete survey of trees on the proposed development site shall be part of the site plan submittal and shall be at a scale of no greater than one (1) inch equals fifty (50) feet (1~~€=~~
~~50€~~) which clearly shows ~~all of~~ the following information drawn to scale:

- ~~—— (1) Sites to ten (10) acres. The diameter at breast height, botanical, and common names of each tree as defined in this subchapter.~~
- ~~—— (2) Sites above ten (10) acres. The diameter at breast height, botanical, and common names of each exceptional specimen tree or those trees required to be listed by the City Planning Division. General distribution/groupings of protected trees as defined in this subchapter can be shown on the site plan instead of individual trees. The scale of this drawing may be increased as per the City Planning Division.~~
- (a) — (3) All existing, and proposed site features, such as: structures, grading and drainage, pavements, easement, landscaping, utilities, streets, screening requirements;
- (b) — (4) Explanation of or code Sites to ten (10) acres. The diameter at breast height, scientific, and common names of every tree on the site;
- (c) Sites above ten (10) acres. identify The diameter at breast height, botanical, and common names of all protected and specimen trees as defined in this subchapter. General distribution/groupings of protected trees as defined in this subchapter may be shown on the site plan instead of individual trees. The scale of this drawing may be increased as per the City Manager or designee.
- (d) Identification of those trees proposed to be removed and those to be preserved.
- (e) — (5) Details or Provide the number of all protected trees to be removed and the sum of the DBH of all specimen trees to be removed.
- (f) Graphic details and notes explaining the ~~methods~~method(s) for the ~~preservation~~protection of those trees to remain in compliance with § 175.03.
- (g) — (6) Name, signature, address, and telephone number of property owner and his agent, if applicable.
- (h) — (7) Legal description and address of property.
- (i) — (8) North arrow and scale.
- ~~—— (9) Reason(s) for proposed removal of tree(s).~~

(C) — (E) Tree Credits. The property owner, developer, contractor, and/or authorized agents shall make every effort to retain existing trees on site. The preservation of groupings of trees and native vegetation is preferred. For each existing tree that is retained on a development site which meets the following criteria, credit may be applied towards the number of trees required by this chapter, as follows:

(1) Existing protected and specimen trees, as defined in this chapter:

<u>Diameter at Breast Height</u>	<u>Credit Per Tree</u>
<u>6" – less than 12"</u>	<u>3 trees</u>
<u>12" – less than 20"</u>	<u>4 trees</u>
<u>20" – and larger</u>	<u>5 trees</u>

- (2) A grouping of four (4) or more existing trees, some of which may be less than six (6) inches DBH, may be credited according to the sum of their DBH, provided the sum DBH is equal to at least six (6) inches.
- (3) Existing palms, as defined in this chapter, having four and a half (4- 1/2) feet of clear wood or more, as measured from the ground to the base of the first fronds are credited on a one-for-one basis. Palms retained for credit shall not comprise more than thirty (30%) percent of the total trees required.
- (4) In lieu of tree credits, the preservation of existing vegetation may be presented in consideration for administrative variance approval of the following, provided the request meets the criteria set forth in §169.009(G):
 - (a) Parking space reduction waivers,
 - (b) Increases in intensity/ density,
 - (c) increase in building height/ length, or
 - (d) decreases in required landscaping.
- (5) Pre-Sitework Meeting. Following site plan approval and prior to issuance of a Sitework Permit, a Pre-Sitework Meeting shall be held.

~~Review Criteria. Identification of trees to be preserved. Identify all trees to be preserved on site with harmless bands, flagging, or other suitable markings. These shall correspond with the above site plan explanation in division (D)(4) above.~~

~~(74 Code, § 22½ 15) (Ord. 89-12, passed 4-27-89; Am. Ord. 94-03, passed 2-17-94; Am. Ord. 2006-08, passed 2-2-06)~~

~~§ 180.16 REVIEW CRITERIA:~~

~~—The Planning Department shall review the tree removal request based on the following criteria:~~

~~(D) —(A)—The permit application shall be processed within seven (7) days, except that no tree removal site work permit shall be issued until the owner/developer has applied for a building permit(s) and all pertinent applicable subdivision and/or site plan reviews have been completed and approved. In addition, the following may apply:~~

~~—(B)—The signing of the certificate of approval on a subdivision plat and approved engineering drawings shall be considered as an issued permit under the terms of this subchapter. This shall only allow that clearing necessitated by the installation of the approved public improvements. However, tree preservation measures may still be required for exceptional specimens and trees within these areas after review in the field by the Planning and Engineering Departments.~~

- (1) —(C)—Reasonable efforts shall be made on the property to save and design around existing healthy trees. Preservation of exceptional protected and specimen trees may be required after review in the field by the Planning Director City Manager or his designee. However, this shall not reasonably restrict the development of a permitted use and shall not create an unsafe condition.
- (2) —(D)—Effort shall be made to preserve enough trees on site so as to maintain the character of the existing tree coverage in the neighborhood based upon the number, type, size and distribution of trees.

~~—(E) Exceptional specimen trees approved to be removed shall be replaced with trees of the same species or other species as approved by the Planning Director. Replacement trees shall have a two (2) inch caliper and shall be a minimum of ten (10) feet overall height immediately after planting. One (1) replacement tree as described above shall be planted for each six (6) inches of trunk diameter of those exceptional specimen trees removed. In addition, all required trees as set forth in § 185.142, the off-street parking area landscaping requirements, shall have a one (1) inch caliper at planting.~~

~~(3) —(F) Efforts shall be made to preserve specimen trees and those trees which are of significant historical, aesthetic, or ecological importance to a site and/or the city.~~

~~(4) —(G) Efforts shall be made to preserve trees, especially groupings of trees which are in required landscape areas or yards.~~

~~(5) —(H) Efforts shall be made to select, design and locate permitted signs so that they do not necessitate the removal of trees.~~

~~(‘74 Code, § 22½ 16) (Ord. 89-12, passed 4-27-89; Am. Ord. 94-03, passed 2-17-94)~~

~~§ 180.17 APPEALS.~~

~~(A) Any application for a tree removal permit that has been denied may be appealed pursuant to § 169.009 provided a written request is submitted to the Growth Management Director. Such appeal shall follow the procedures set forth therein.~~

~~(‘74 Code, § 22½ 17) (Ord. 89-12, passed 4-27-89)~~

~~§ 180.18 PROTECTION OF TREES TO BE PRESERVED.~~

~~—The property owner, developer, contractor, and/or authorized agents shall make every effort to protect those trees to be preserved during site preparation and construction. To this end, the following methods and procedures shall be followed:~~

~~—(A) The use of hand labor may be necessary to clear vegetation within the drip line of those trees to be preserved. This shall be determined by the City Planner at the time of barricading as described below.~~

~~—(B) Materials, machinery and soil shall not be placed within nor use the area within the drip line of any tree to be preserved.~~

~~(1) —(C) Materials, wires, signs, or nails shall not be attached to any tree unless such materials are used to preserve the tree.~~

~~—(D) All felled material shall be promptly and carefully removed from the site in order to avoid potential damage to remaining trees and vegetation.~~

~~—(E) Visible barricades shall be erected around those trees to be preserved. These barricades shall be at the drip line of the tree(s) and no closer than ten (10) feet to the trunk of the tree.~~

~~—(F) All trees to be preserved, except palms, shall have their natural soil level maintained. Tree wells and/or retaining walls shall be provided where necessary to maintain the natural existing soil level. The design of these structures shall be approved by the Planning Director and shall generally be consistent with methods specified in Tree Protection Manual for Builders and Developers, published by the Florida Department of Agriculture and Consumer Services, Division of Forestry, latest edition.~~

~~—(G) All efforts shall be made through the grading and drainage plan to maintain the natural drainage to those trees to be preserved. Swaling and minor negative grade changes should always be designed outside the drip line area as much as possible. Piping should be used where deep swales or ditches would require significant grade changes adjacent to trees to be saved. Trenching of any type should be avoided in the drip line area. Where underground installations are required adjacent to the trunks of trees to be preserved, tunneling should be used. When trenching or tunneling near trees to remain, protective measures should be taken as specified in Tree Protection Manual for Builders and Developers.~~

~~—(H) All trees not approved for removal shall be protected and maintained during construction, as specified in the Tree Protection Manual for Builders and Developers or other comparable publications approved by the Planning Division.~~

~~(74 Code, § 22½-18) (Ord. 89-12, passed 4-27-89; Am. Ord. 94-03, passed 2-17-94)~~

(6) In addition to trees required by the Landscaping Code, one (1) restoration tree shall be shown on approved landscape plan for each six (6) inches DBH of specimen trees, defined as having twelve (12) or more inches DBH, which was approved for removal. Each required restoration tree shall have a minimum five (5) inch DBH trunk and a minimum height of fifteen (15) feet and shall be a native canopy species approved by the City Manager or designee.

(7) In addition to trees required by the Landscaping Code, one (1) replacement tree shall be shown on the approved landscape plan for each protected tree, having from six (6") to less than twelve (12) inches DBH, which was approved for removal. Each required replacement tree shall have a minimum two and a half (2-1/2) inch DBH trunk, three (3) feet of clear wood, a minimum height of twelve (12) feet and shall be a native canopy species approved by the City Manager or designee.

(8) In the event that trees as required above are not added to the landscape plan, the following fees will apply: for each restoration tree, the specimen tree mitigation fee shall be paid and for each replacement tree required above, the protected tree mitigation fee shall be paid pursuant to §169.004.

(E) Violations. Each failure to comply with any of the provisions of this subchapter shall constitute an individual violation. The property owner, contractor and/or authorized agent shall be issued a stop work order and/or a violation notice and shall have one (1) week to apply for a site work permit for which the application fee shall be equal to twice the standard fee for the permit pursuant to § 169.004. The following penalties may also apply.

(1) Restoration Plan. Dependent on the extent of violation, a restoration plan may be required. For proposed development sites, the restoration plan may be incorporated into the landscape plan as part of a site plan submittal. A stop-work order will be issued when applicable and the issuance of a certificate of occupancy for any attendant structure(s) will be withheld until the restoration requirements have been satisfied. The following information shall be incorporated into the restoration plan, where applicable:

(a) Identify the locations of new tree(s) and vegetation plantings to restore the site, providing:

1. One (1) restoration tree as described shall be shown for each six (6) inches of trunk diameter at breast height (DBH) of those specimen trees, having twelve (12) or more inches DBH which was severely damaged, cut down, or removed from the site. Each required restoration tree shall

have a minimum five (5) inch DBH trunk and a minimum height of fifteen (15) feet and shall be a native canopy species approved by the City Manager or designee.

2. One (1) replacement tree shall be shown for each protected tree, having from six (6") to less than twelve (12) inches DBH, which was severely damaged, cut down or removed from the site. Each required replacement tree shall have a minimum two and a half (2-1/2) inch DBH trunk, three (3) feet of clear wood, a minimum height of fifteen (12) feet and shall be a native canopy species approved by the City Manager or designee.

(b) Provide irrigation system or method for the maintenance for the new trees, in compliance with § 175.19(B).

(c) All replanted trees shall be properly planted, mulched, and secured to ensure their establishment.

(d) Indicate a schedule for the restoration to occur which shall at the latest coincide with the final inspection for a site development, where applicable, or within three (3) months where final inspections would not normally occur. If the restoration does not occur within the approved time schedule, each day of which the property is not in compliance shall constitute a violation of this subchapter and the violation shall be presented to Special Magistrate for action.

(2) Mitigation Fees. Should it be determined that a restoration plan is not feasible, then for each restoration tree not replanted as required above, the specimen tree mitigation fee shall be paid and for each protected tree not replanted as required above, the protected tree mitigation fee shall be paid pursuant to § 169.004.

(3) Stormwater Violation. Conducting site work activities without an approved drainage plan is in violation of the Stormwater Management and Conservation Ordinance and may be subject to the penalties provided in §174.079.

(4) Environmental Regulations. In the event it is determined that a violation as defined herein has resulted in potential impacts to protected species or habitats, the applicable regulatory agencies shall be notified, and additional penalties may be imposed.

§ 175.017. RESERVED

§ 175.018. RESERVED

§ 175.019. RESERVED

PART 3. LANDSCAPING ~~REGULATIONS~~ AND BUFFER REQUIREMENTS

§ 175.020. PURPOSE AND INTENT

The purpose of the landscape and buffer requirements is to enhance the aesthetic quality of the city, promote water conservation, mitigate the impact that a use or traffic may have on the neighboring sites, and promote the health and general welfare of the citizens.

§ 175.021. LANDSCAPING STANDARDS FOR ~~NEWLY DEVELOPED~~ SINGLE- AND TWO-FAMILY RESIDENTIAL LOTS

~~— § 180.25 APPLICABILITY; PERMIT REQUIRED.~~

(A) —Applicability; Building Permit Required. The terms and provisions of this subchapter shall apply to ~~all single and two family residential lots~~ property within the City, as defined in the zoning regulations set forth in Chapter 185 of this code of ordinances, developed after the effective date of this subchapter. Every ~~residential lot~~ parcel developed hereafter shall be provided with landscaping in accordance with the provisions set forth herein. Where a principal structure existed or was in the process of being developed at the effective date of this subchapter, the principal structure may be modernized, altered, or repaired without providing the required landscaping. All detached accessory structures to the principal structure are permitted to be developed, modernized, altered, or repaired without providing the required landscaping for new principal structures.

~~—(Ord. 94-15, passed 7-7-94)~~

~~—§ 180.26 GENERAL PROVISIONS.~~

(B) —Minimum Landscaping Required. The following minimum landscaping is required for all newly developed single- and two-family residential lots: (required vegetation shall meet the landscaping materials standards of § 175.11):

(1) —(A) —Required Vegetation. Prior to the issuance of a certificate of completeness or a certificate of occupancy ~~for newly constructed single and two family residences~~, the following number of trees and shrubs must exist or be planted on the lot:

~~—(1) Lots smaller than one (1) acre in size:~~

~~—(a) Four (4) trees; and~~

~~—(b) Ten (10) shrubs.~~

~~—(2) Lots larger than or equal to one (1) acre in size:~~

~~—(a) Six (6) trees plus two (2) additional trees for each one-half (½) acre above one (1) acre in size, up to a maximum of forty (40) trees.~~

~~—(b) Twenty (20) shrubs plus ten (10) additional shrubs for each acre above one (1) acre in size, up to a maximum of fifty (50) shrubs.~~

~~1. —(B) Of the required trees, a minimum of fifty~~

<u>LOT SIZE</u>	<u>NUMBER OF TREES</u>	<u>NUMBER OF SHRUBS</u>
<u>Less than one acre</u>	<u>4</u>	<u>10</u>
<u>One acre or larger</u>	<u>6</u> <u>plus 4 trees for each additional</u> <u>acre*, up to a maximum of 40 trees</u>	<u>20</u> <u>plus 10 shrubs for each additional</u> <u>acre*, up to a maximum of 50 shrubs</u>

(2) Tree Species. Fifty percent (50%) ~~shall of all trees planted must be~~ native canopy species ~~native to~~ Small trees and/or Palms may comprise the ~~county. Required shrubs may be either native or non-~~ remaining fifty percent (50%).

- (3) ~~(C) Existing Vegetation.~~ Existing trees and shrubs may be utilized to meet the requirements of this subchapter, in conformance with the approved provided such vegetation is located within the property lines of the lot and not in any rights-of-way or easements. ~~Planted trees~~
- (4) Required Groundcover. One hundred percent (100%) of the lot, excluding principal structures, accessory structures, vehicle-use areas, and shrubs pedestrian walkways must be covered with turf grass or other approved living ground cover. Nonliving ground cover is permitted only within designated landscape beds. All drainage swales, easements, and rights-of-way areas shall be one hundred percent (100%) covered with turfgrass.
- (5) The intent of this section is that all landscaped areas present a variety finished appearance, as determined by the City Manager or designee.

(C) Landscape Plan Required. Applicants for single- and two-family building permits shall submit a landscape plan, unless one was approved as part of the subdivision approval. The landscape plan must be shown on a survey drawing, or on the site plan submitted for the building permit. The plan must show compliance with the requirements of this subsection and shall include the following:

- (1) All existing and proposed site features, such as structures, pavements, easements, landscaping, irrigation, streets, drainage, septic tanks and drain fields, and above ground utility poles.
- (2) Identify the location, species, and DBH of those trees to be preserved
- (3) The location, species, number, and size at planting of proposed shrubs, trees, and living ground cover shall be shown or listed in a key.
- (4) The type and location of all nonliving ground cover also must be shown or listed in a key.

§ 175.022. LANDSCAPING WITHIN VEHICULAR USE AREAS.

(A) Applicability. Sites with off-street parking areas in excess of one thousand five hundred (1,500) square feet, or five (5) spaces, shall conform to the minimum landscaping requirements set forth in this section. Single-family and duplex residential uses on individually platted lots and multilevel parking structures shall be exempt from this section. All landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops or other similar devices.

- (1) When existing off-street parking or other vehicular use areas are enlarged, the enlarged areas shall meet the provisions of this section. The newly enlarged areas shall not cause the existing parking area landscaping to be more nonconforming.
- (2) When existing off-street parking or other vehicular use areas are modified, the modification shall not cause the existing parking area landscaping to be more nonconforming. The intent of this provision is that any existing off-street parking or vehicular use areas shall, when feasible, become more conforming to the landscaping requirements of this section. Determination of the feasibility of modifying the existing parking or vehicular use areas, to become more conforming, shall be made by the City Manager or designee. This determination shall be based on the following considerations:
- (a) Cost of compliance with specific criteria in the parking area landscaping code;
- (b) Physical space available within the existing areas to comply with specific criteria in the parking area landscaping codes, such as existing "green" spaces;

- (c) The extent that existing conditions represent safety hazards; and
- (d) The extent to which ~~is~~ modification addresses other criteria within the Code of Ordinances, such as, but not limited to, enhanced landscape installation, compliance with the Americans with Disabilities Act (ADA), stormwater management requirements, and similar regulations.

(B) Minimum Landscaping Required in Vehicular Use Areas

- (1) Required interior parking area landscaping. All parking areas shall be internally landscaped to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.
 - (a) Interior landscaping, excluding required parking setbacks, shall account for ten percent (10%) of the total parking area. Landscape dividing strips, with or without walkways, shall be used to subdivide the parking area into rows with not more than an average of ten (10) spaces, per row except that parking rows adjacent to required landscape row dividers shall only be required such landscape strips at the end of each landscape row divider.
 - (b) Each separate landscape area shall contain a minimum of one hundred (100) square feet and shall have a minimum dimension of at least ten (10) feet, measured at its narrowest area, except that islands required to be designed with turn radii are permitted to have less than ten (10) feet if approved by the City Manager or designee, and shall include at least one (1) tree, with the remaining area meeting the requirements of this code.
 - (c) The total number of trees shall not be less than one (1) per two hundred (200) square feet or fraction thereof of required interior landscaped area and shall exclude those trees required along the perimeter of the parcel. Such landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops or landscape timbers.
 - (d) Whenever an off-street parking area is designed to provide parking of vehicles in five (5) rows or more, at least one (1) interior landscaped area not less than ten (10) feet in width shall be provided for the length of the parking rows, with at least one (1) landscaped row divider required for every five (5) parking rows.
 - (e) Landscaped areas, including landscaped islands, within or abutting vehicular use areas shall be excavated to a depth of two (2) feet to remove lot base course material, lime rock, asphalt, concrete, and similar material in order to ensure that adequate planting soil exists.
 - (f) In parking areas where the strict application of this section will seriously limit the function of such areas, such as off-street loading areas, the required landscaping may be located near the perimeter of the paved area. Such interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements.
 - (g) The front of a vehicle may encroach upon any interior landscaped area or walkway when the area is at least three and one-half (3½) feet in depth per abutting parking space and protected by motor vehicle stops or curbing. An overhang may be permitted in such landscaped area or walkway. If shrubs or hedges are planted in front of such parking areas, the shrubs must be planted a minimum of three and one-half (3½) feet from the back of the curb or wheel stop to prevent damage to the hedge.

- (h) Interior landscaped areas may be used for retention and detention sites for groundwater recharge.
- (i) Landscape vines, shrubs, or a combination of the two, are required to be planted along the outside of subdivision walls or any required masonry walls facing canal, road, or other rights-of-way.

§ 175.023. PEDESTRIAN ZONE LANDSCAPING

Non-residential, mixed use, and multifamily buildings shall provide a pedestrian landscaped zone, defined as the area between the front and side building facades and the adjacent parking area or driveway, which meets the following criteria:

- (A) The pedestrian zone shall include a sidewalk with a maximum width of five (5) feet and a five (5)-foot landscaping strip.
- (B) A minimum of five (5) feet of the width of the required pedestrian zone shall be clear of roof overhead.
- (C) Facades that include drive-through windows or loading/unloading spaces and overhead doors in industrial/warehouse or commercial buildings shall be exempt from these provisions.
- (D) All multi-family and all non-residential development shall have at least two (2) trees planted per pedestrian zone, except for areas under a canopy. The tree requirement shall not apply to gasoline stations if such trees cause a line-of-sight obstruction.

§ 175.024. LANDSCAPING IN OTHER INTERIOR SITE AREAS.

- (A) Foundation landscaping. Non-residential, mixed use, and multifamily buildings shall include a four-foot-wide landscaped strip adjacent to all building walls facing public and private streets. Shrubs, meeting the standards of §175.016, shall be planted within the strip and cover a minimum of 60 percent of the total length of each building wall.
- (B) Dumpster Enclosures. All garbage/refuse containers shall be screened on at least three (3) sides by concrete block, wall, or fencing at least six (6) feet in height and gated which renders the view of the container opaque. Shrubs, meeting the standards of §175.016, shall be provided adjacent to three sides of dumpster enclosures.

§ 175.025. PERIMETER LANDSCAPING AND BUFFER REQUIREMENTS.

- (A) Required Perimeter Landscaping and Buffers. Table 175-1 shows the minimum perimeter landscaping/buffer width, landscaping materials, and solid screening required based on the proposed and adjacent uses.

Table 175 - 1. Required Perimeter Landscaping and Buffers (1)

	<u>Width (minimum)</u>	<u>Trees (type and minimum quantity ⁽²⁾)</u>	<u>Shrubs</u>	<u>Screen (minimum height and type)</u>
<u>ALONG TO RIGHTS-OF-WAY</u>				
<u>Single-family, duplex, townhouse, and multi-family developments ⁽³⁾</u>	<u>10' along arterial and collector roads; 7'</u>	<u>1 canopy tree per 50 linear feet</u>	<u>Continuous row</u>	<u>6' masonry wall or fence</u>

	<u>Width (minimum)</u>	<u>Trees (type and minimum quantity ⁽²⁾)</u>	<u>Shrubs</u>	<u>Screen (minimum height and type)</u>
	<u>along local roads</u>			
<u>Vehicular use areas (regardless of the principal use)</u>	<u>10'</u>	<u>1 canopy tree per 50 linear feet or fraction thereof</u>	<u>Continuous row</u>	<u>3' hedge or street wall or 2' berm</u>
<u>ALONG SHARED PROPERTY LINES</u>				
<u>Any use adjacent to the same type of use</u>	<u>5'</u>	<u>None</u>	<u>Continuous row</u>	<u>None</u>
<u>Multi-family use adjacent to single family, duplex, townhome, mobile home park use or district</u>	<u>25'</u>	<u>1 understory tree per 35 linear feet or fraction thereof</u>	<u>Continuous row</u>	<u>6' masonry wall or fence</u>
<u>Non-residential use adjacent to any residential or institutional use or district</u>	<u>25'</u>	<u>1 understory tree per 35 linear feet or fraction thereof</u>	<u>Continuous row</u>	<u>6' masonry wall</u>
<u>Heavy industrial use adjacent to other non-residential use or district</u>	<u>25'</u>	<u>1 understory tree per 35 linear feet or fraction thereof</u>	<u>Continuous row</u>	<u>6' masonry wall</u>
<u>Heavy industrial use adjacent to any residential or institutional use or district</u>	<u>40'</u>	<u>1 understory tree per 35 linear feet or fraction thereof</u>	<u>Continuous row</u>	<u>6' masonry wall</u>

⁽¹⁾ These requirements may be waived per subsection C below.

⁽²⁾ Fractions shall be rounded up.

⁽³⁾ The fence requirement shall be waived if the buildings along the perimeter streets are oriented to the street (see Figure 175-1).

See §175.016 for plant specifications and §175.017 for installation and maintenance.

Figure 175 - 1. Development buffers along rights-of-way



Left: Buffer required; Right: Buffer not required

(B) Buffer specifications.

- (1) Buffers shall not include buildings or vehicular use areas but may include stormwater ponds.
- (2) The required perimeter landscape area shall be provided above and beyond the minimum maintenance berm around a retention pond, unless otherwise approved by the City Manager or designee.
- (3) The required plantings shall not be placed in any drainage facility or easement.
- (4) Where a masonry wall is required, it shall be constructed of a finished, maintenance-free material such as brick, split-faced masonry block, textured concrete, or similar materials and shall be consistent with the architectural style of the building(s) on site and surrounding properties. Columns or pilasters shall be required and shall not be spaced more than 50 linear feet on center. The height of the wall shall be measured on the interior side of the wall.
- (5) Where a fence is required, it shall be constructed of wood, or PVC.
- (6) For perimeter fences or walls adjacent to road rights-of-way, ivy or clinging vines may be used in lieu of the shrub requirement. Earthen berms may be approved in lieu of the wall or fence provided the berm is six (6) feet in height with landscaping provided as identified in this Chapter.
- (7) Street walls shall be constructed of wrought iron, brick, masonry, stone, powder-coated aluminum or other decorative materials that complement the finish on the primary building. Chain link, wood and PVC street walls/fences shall be prohibited. Street walls shall have a minimum height of two and a half (2.5) feet high and a maximum height of four (4) feet in height if the portion above the 2.5-foot height (or the entire wall) is transparent (i.e., wrought iron or similar material).

Figure 175 - 2. Street Wall Examples



(8) Required masonry walls (including street walls) shall be set back from the property line a minimum of three (3) feet to provide adequate room for maintenance of both sides of the wall.

(9) Screening walls and fences between abutting properties shall be built along the property line and the required landscaping shall be placed between the wall and the proposed development. Walls and fences required along a right-of-way shall be placed between the required landscaping and the proposed development.

(10) Canopy trees may be used in lieu of understory trees but shall comply with the minimum separation requirements stated above.

(11) Where existing canopy trees are located within 50 feet of a required tree location, understory trees may be provided in lieu of the required canopy trees.

(12) Whenever the adjacent use changes to a more intensive use requiring less buffer requirements, the subject site may modify the buffer components.

(C) Buffer adjustments. The Development Review Committee (DRC) may approve a waiver or modification of some of the requirements of this section if the committee determines that the waiver/modification will not adversely impact the compatibility of land and water uses in the area, the use of a masonry wall would adversely impact adjacent residential uses, or existing specimen trees greater than 30 inches DBH and in good health would be affected by the buffer requirements.

(1) The DRC may allow a six-foot high solid hedge or a solid fence instead of the required wall. All other perimeter landscape area width and landscaping requirements shall still apply.

(2) The DRC may allow a narrower width for the perimeter landscape area or buffer if a six-foot high solid hedge or a solid fence is instead of the required shrubs. All other perimeter landscape area width and landscaping requirements shall still apply.

(3) The DRC may waive the perimeter landscape area, landscaping, and buffer requirements between uses if their vehicular use areas are unified and designed to be shared.

§ 175.026. STREET TREES IN RESIDENTIAL DEVELOPMENTS

(A) Proposed residential developments shall submit a street tree plan to ensure that street trees will be planted and established in accordance with the standards of this chapter. The street tree plan shall specify

proposed methods by which the developer, owner or homeowner's association will implement to ensure maintenance, liability, establishment, protection, watering, and initial structural pruning of the trees.

(B) Street trees shall consist of canopy trees planted every fifty (50) linear feet within a minimum six (6) foot-wide parkway located between the travel lane and the sidewalk. Small trees may be permitted in areas where there is a conflict with overhead powerlines. Palm trees may not be utilized to meet this requirement unless they are grouped with a minimum of two (2) palms for each required canopy tree. No more than twenty-five (25%) percent of proposed street trees may be palms.

(C) Palm trees may not be utilized to meet this requirement, unless they are grouped with a minimum of two (2) used for each canopy tree. A maximum of twenty-five (25) percent of all proposed residential street trees may be palm trees.

(D) Street trees shall not be planted within 10 feet of an underground utility line or within a public or private utility easement. Street trees shall also not be within the site visibility triangle.

§ 175.027. LANDSCAPING MATERIALS CRITERIA

Trees and plants required by this chapter must be selected from the latest edition of the Florida-Friendly Landscaping Plant Guide. The varieties chosen shall be compatible with the existing soil and drainage conditions, and must be in locations which will not cause danger or interference with existing structures, on-site septic systems, wells, utility lines (both above and below ground), driveways ~~or water bodies, and are not permitted within any easement or right-of-way,~~ or waterbodies. Artificial plant material or lawns shall not be used to meet the requirements of this chapter. All proposed landscaping shall conform to the following landscaping materials criteria:

~~— (D) One hundred percent (100%) of the lot must be covered with lawn grass or other approved living ground cover, excluding principal structures, accessory structures, vehicle use areas, and pedestrian walkways. Nonliving ground cover is permitted within planting beds/flower beds provided such beds do not occupy more than ten percent (10%) of the lot, less the excluded impervious areas. The Planning Director may approve landscape beds with a mix of living and nonliving ground cover in excess of ten percent (10%) following submission of a detailed landscape plan depicting the proposed plantings. The intent of this section is that all landscaped areas present a finished appearance, as determined by the Planning Director.~~

~~— (Ord. 94-15, passed 7-7-94)~~

~~— § 180.27 RESIDENTIAL LOT LANDSCAPING DESIGN CRITERIA:~~

~~— All single and two-family residential lots shall conform to the following landscaping design criteria:~~

(A) ~~(A) Plant material — existing vegetation.~~ Conformance with State Standards. All plant material added to the site shall conform to the standards for Florida No. 1, or better, as established in Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture.

(B) Existing Vegetation. The preservation and maintenance of existing native vegetation ~~and the use of drought-tolerant plant materials or water conservation techniques, as referenced in the St. Johns River Water Management District's Xeriscape Plant Guide, or other comparable publications approved by the Planning Division, is~~ is strongly encouraged. ~~The following~~ and may be utilized to fulfill the requirements of this chapter, provided such vegetation is located inside of the property boundary and not within rights-of-

way or easements. Credit received for preserving native trees and vegetation shall be as established in the approved land clearing or site work permit.

(C) Prohibited Species. All Class I invasive plant species, if as established annually by the Florida Invasive Species Council are prohibited. If any of these species are existing on the residential lot, are property at the time of development, they must be removed before development will receive a certificate of occupancy; they may not to be used as substitutes for to fulfill the requirements in this section, nor shall they be planted on site. These species include but are not limited to:

<u>BOTANICAL NAME</u>	<u>COMMON NAMES</u>
<u>Casuarina</u>	<u>Australian pine, beefwood</u>
<u>Melaleuca</u>	<u>Cajeput, punk tree, paperbark tree</u>
<u>Eucalyptus</u>	<u>Eucalyptus, gum tree</u>
<u>Schinus terebinthifolius</u>	<u>Brazilian pepper</u>
<u>Ricinus cummunis</u>	<u>Castor bean</u>
<u>Melia azedarach</u>	<u>Chinaberry</u>
<u>Enterolobium cyclocarpum</u>	<u>Ear tree, elephant ear</u>
<u>Cinnamomum camphora</u>	<u>Camphor tree</u>
<u>Sapium sebiferum</u>	<u>Chinese Tallow</u>
<u>Cupaniopsis anacardioides</u>	<u>Carrotwood</u>
<u>Leucaena leucocephala</u>	<u>White Leadtree</u>

(D) Trees. Any self-supporting woody plant which is of a species having an average mature height of fifteen (15) feet or greater and having trunks which can be maintained in a clean condition with over five (5) feet of clear wood measured from the ground at maturity. No single species of tree shall be used to total more than fifty (50%) percent of the required number of trees.

(1) Avoiding Conflicts. Tree species known to cause damage to roadways and sidewalks shall not be planted closer than 10 feet to public rights-of-way, or utility line, unless the root system is completely contained within a barrier for which the minimum interior dimensions shall be four (4) inches thick concrete reinforced with No.6 load mesh (6x6x6) or equivalent.

(2) Canopy Trees. Tree species having an average mature height of twenty-five (25) feet or more, under local climatic conditions. A minimum of fifty percent (50%) of all trees added to the site must be native canopy trees with a minimum of eight (8) feet in height with a DBH of two and a half (2-1/2) inches at planting. Recommended species include but are not limited to:

<u>Botanical Name</u> <u>COMMON NAME</u>	<u>Common Names</u> <u>SCIENTIFIC NAME</u>
Casuarina <u>Live Oak (native)</u>	Australian pine, beefwood <u>Quercus virginiana</u>
Melaleuca <u>Slash Pine (native)</u>	Cajeput, punk tree, paperbark <u>Pinus elliotti</u>
Eucalyptus <u>Red Maple (native)</u>	Eucalyptus, gum tree <u>Acer rubrum</u>

Schinus terebinthifolius Southern Magnolia (native)	Brazilian pepper Magnolia grandiflora
Ricinus cummunis Bald Cypress (native)	Castor bean Taxodium spp.

~~Melia azedarach~~ Chinaberry
~~Enterolobium cyclocarpum~~ Ear tree, elephant ear
~~Cinnamomum camphora~~ Camphor tree

~~—(B) Trees. Any self-supporting woody plant (including mangroves, regardless of height, and palms) of a species which normally, in the county, grows at maturity to a minimum overall height of fifteen (15) feet. Required tree species native to the county must be those species identified by the Brevard County Agricultural Extension Services, Florida Department of Agriculture, Florida Native Plant Society, the City of Palm Bay Planning Division, or as approved by the Planning Director. Tree species shall be a minimum of six (6) feet overall height immediately after planting. Existing wax myrtles, cabbage palms, mangroves, saw palmetto or other native species having a trunk height of at least four (4) feet and having a caliper of at least two (2) inches may be substituted for the tree planting requirements in this section. These native species are strongly encouraged to be preserved on single and two-family residential lots.~~

~~—(C)—~~

(3) Small Trees. Tree species which have an average mature height of no less than fifteen (15) feet and no more than twenty-five (25) feet, under local climactic conditions. Small Trees added to a site shall be a native or Florida-Friendly species with minimum of eight (8) feet in height with a DBH of one and a half (1-1/2) at planting. Recommended species include but are not limited to:

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
<u>Silver Buttonwood (native)</u>	<u>Conocarpus erectus</u>
<u>Holly (native)</u>	<u>Ilex spp.</u>
<u>Crape Myrtle</u>	<u>Lagerstroemia indica</u>
<u>Stoppers (native)</u>	<u>Eugenia spp.</u>
<u>Southern Red Cedar (native)</u>	<u>Juniperus silicicola</u>

(4) Palms. Unbranched evergreen tree with a crown of long feathered or fan-shaped leaves. This shall include only true palms which are classified as Florida-Friendly by the University of Florida. Palms planted shall have at least four and a half (4-1/2) inches of clear wood at planting and shall not account for more than thirty percent 30% of required trees.

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
<u>Cabbage Palm (native)</u>	<u>Sabal palmetto</u>
<u>Bismark Palm</u>	<u>Bismackia nobilus</u>
<u>Date Palms</u>	<u>Phoenix spp.</u>

Saw Palmetto (native)	Acoelorrhaphe wrightii
Needle Palm (native)	Rhapidophyllum hystrix

~~—~~ Shrubs.

~~(1) Definition. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~(5) —~~ SHRUB. and Hedges. A bushy, woody ~~plant~~plants, usually with several permanent stems, and usually less than ten (10) feet tall at maturity. Fifty percent (50%) of shrubs or hedges planted must be a native species. All shrubs planted shall be three (3) feet tall at planting and spaced thirty (30) inches apart. All required hedges shall be two (2) feet tall at planting and be spaced and maintained to form a continuous, unbroken, solid visual screen within 6 months of planting. Recommended species include but are not limited to:

~~(2) Existing vegetation may be used to fulfill the shrub requirements in this section.~~

~~—(D)—~~

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
Cocoplum (native)	Chrysobalanus icaco
Firebush (native)	Hamelia patens
Wax Myrtle (native)	Myrica cerifera
Walters Viburnum (native)	Viburnum obovatum
Hibiscus/ Mallows (native)	Hibiscus spp.

~~(6) Living ground covers. Living ground cover shall~~ Ground Covers. Plants that are low growing, form a dense mat of foliage, and spread easily by stolons, runners, or rhizomes. These may include ~~all~~ annuals, perennials, ornamental grasses, and/or vines. Species may be Native or Florida Friendly species. Living ground covers ~~used in lieu of grasses~~ shall be planted within designated landscape beds so as to present a finished appearance. Recommended species include but are not limited to:

~~—(E)—~~

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
Coontie (native)	Zamia pumila
Dune Sunflower (native)	Helianthus debillis
Muhly Grass (native)	Muhlenbergia capillaris
Cordgrass	Spartina spp.
Liriope	Liriope spp.

~~(7) Turfgrass.~~ Any species of grassy living groundcover which resists mowing and foot traffic, typically installed as sod, seeds, or plugs. May be Native or Florida Friendly species but species used shall be a grass species commonly grown as permanent lawns in this region. Grass shall be clean and reasonably free of weeds, noxious pests or disease. Turfgrass must be used in swales or other areas subject to erosion. Recommended species include but are not limited to:

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
<u>Bermudagrass</u>	<u>Cynodon dactylon L.</u>
<u>Centipedegrass</u>	<u>Eremochloa ophiuroides</u>
<u>Bahiagrass</u>	<u>Paspalum noatum Flugge</u>
<u>St. Augustinegrass</u>	<u>Stenotaphrum secundatum</u>
<u>Zoysiagrass</u>	<u>Zoysia japonica Steud.</u>

(8) Nonliving ~~ground covers.~~Ground Covers. Mulch, rocks, pine straw, or other types of approved similar nonliving ground cover. are only permitted within designated planted landscape beds. The use of ~~astroturf~~synthetic turf, marl, crushed shell, coquina, or other road base material as a ground cover is unacceptable. Railroad ties, wood, bricks, and synthetic materials ~~can~~may be used to separate landscape areas, but ~~cannot~~may not be used in place of required living ground cover.

~~—(F) Lawn grass. Lawn grass used as a living ground cover shall be planted in grass species normally grown as permanent lawns in the county such as, but not limited to bahia, St. Augustine, and Bermuda species. Lawn grass must be used in swales or other areas subject to erosion.~~

~~{Ord. 94-15, passed 7-7-94}~~

§ 175.028. § 180.29-INSTALLATION AND MAINTENANCE

(A) All landscaping shall be installed to accepted commercial planting procedures. Soil, which is free of lime rock, pebbles, or other construction debris shall be provided. The owner of the property shall be responsible for the maintenance of all landscaping in good condition so as to present a neat, healthy, and orderly appearance, free of refuse and debris.

(B) Irrigation. All landscaped areas shall be provided with a permanent irrigation system. Therefore, an irrigation plan showing identifying the water source(s) and showing sufficient details and coverage of all landscaped areas shall be required as part of the site plan submittal. For sites with an area of one quarter acre or less, available water supply may be utilized, provided that at least one (1) outlet is located within one hundred and fifty (150) feet of all plant material. Where existing native vegetation is preserved, irrigation is not required. To reduce irrigation requirements, the following water saving techniques will be encouraged:

- (1) The use of reclaimed water where available;
- (2) The use of stormwater from wet detention areas
- (3) The use of water sourced from a well
- (4) Irrigation systems shall use drip, trickle, low flow sprinkler heads or any other recognized method of low volume, high efficiency irrigation
- (5) Rain sensing override devices shall be required on all automatic irrigation systems. Soil moisture sensing devices are encouraged;
- (6) The use of native ground cover species instead of exotic ornamental turfgrass;

(7) Watering schedules for automatic systems shall reduce irrigation in the rainy summer and dormant winter seasons and be zoned to provide for the peak irrigation requirements of the specific plant material;

(8) The commitment to irrigate between sunset and sunrise when evaporation is minimal;

(9) Irrigation systems shall be designed to the greatest extent practical to avoid surface runoff, overspray onto adjacent properties, and non-irrigated areas. Water being applied to impervious areas shall be eliminated;

(10) The use of Florida-Friendly Landscaping Program techniques for watering efficiently, as developed by The University of Florida

(C) Replacement of Vegetation. If any living material that is required by this code and shown on the approved site/landscape plan dies or fails to achieve normal growth, it shall be replaced within thirty (30) days of notification from the City Manager or designee. Such replacement landscaping shall meet all requirements of this code and the approved site/landscape plan. Failure to maintain the minimum landscape requirements of this section shall constitute a violation of this code.

(D) Pruning and Topping. Pruning restrictions shall not apply for trees located under power lines. Trees shall be pruned only as necessary to promote healthy growth. Trees shall be allowed to attain their normal size and shall not be severely pruned or “hat racked” in order to permanently maintain growth at a reduced height. Trees may be periodically pruned or thinned in order to reduce leaf mass in preparation for tropical storms. All pruning shall be accomplished in accordance with the National Arborist’s Standards.

(E) Nuisance trees. All recognized nuisance trees (i.e., pepper trees, Australian pines, etc.) shall be removed during site preparation and perpetually removed (upon re- growth) after issuance of a Certificate of Occupancy.

(F) All landscaping and buffering shall meet the sight triangle requirements (see Chapter 176).

§ 175.029. LANDSCAPE ~~PLAN CRITERIA~~ AND IRRIGATION PLANS

(A) —Landscape Plan. All development applications multi-family, commercial, industrial, or institutional sites shall submit a landscape plan verifying compliance with the requirements of this chapter. The plan shall contain the following:

(1) An engineering scale (One (1) inch equals twenty (20) feet preferred).

(2) Property boundary lines.

(3) All site dimensions.

(4) Existing and proposed structures.

(5) Location of water lines or other underground utilities, fire hydrants and other above ground utility fixtures.

(6) Accurate parking lot design showing parking spaces, aisles, loading areas, driveways, islands, signs, and parking lot or security light fixtures and the like.

(7) Calculations of total square footage of the parking and landscaped areas.

(8) Calculations of all landscape requirements in table listing what is required and what is being provided

(9) Plant specification list which is keyed to the plan and contains the botanical name, common name, size at planting, quantity of each.

(B) Irrigation Plan. Applicants for building permits shall submit an irrigation plan showing items (A)(1) through (6) above, in addition to the location of the water source and size of well (if applicable), backflow preventer (if applicable), the location of water use zones, irrigation heads, drip lines, water lines or other items to show sufficient coverage of all landscaped areas in compliance with this chapter.

~~Applicants for single family and two-family building permits shall submit a landscape plan. The landscape plan must be shown on a survey drawing, and can be shown on the site plan survey to be submitted for the building permit. The landscape plan must contain the following:~~

~~(A) An engineering scale and north arrow.~~

~~(B) The legal description and address of the property.~~

~~(C) The property lines.~~

~~(D) All existing and proposed site features, such as structures, pavements, easements, landscaping, streets, drainage, septic tanks and drain fields, and above ground utility poles.~~

~~(E) Explanation of or legend to identify those trees to be preserved (a tree survey is not required.) The approximate type, size, and location of the trees to be preserved must be shown on the landscape plan.~~

~~(F) The location, common names, estimated size at planting including the plant height and quantity of proposed landscape plant, tree, and living ground cover shall be shown or listed in a key on the landscape plan. Only the type, quantity, and location of all nonliving ground cover must be shown or listed in a key on the landscape plan.~~

~~(Ord. 94-15, passed 7-7-94)~~

~~MUNICIPAL TREE CODE~~

~~§ 180.45 INTENT.~~

~~The city recognizes that trees on municipal property serve the public interest by providing oxygen, soil stabilization, erosion prevention, shelter for wildlife and conservation of energy through shade and air filtration. Trees in parks and other public areas enhance the image of the city, are a valuable contributor to the city's environment and are not only desirable but essential to the health, safety and welfare of all the citizens. It is the intent of this subchapter to provide for the planting, protection and maintenance of municipal trees and to designate a City Tree Department.~~

~~(Ord. 95-21, passed 5-4-95)~~

~~§ 180.46 DEFINITIONS.~~

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~CITY. The City of Palm Bay, the City Manager or his or her designee(s).~~

~~CITY TREE DEPARTMENT or DEPARTMENT. The City of Palm Bay Parks and Recreation Department, its respective divisions and personnel, and any designated agent thereof.~~

~~MUNICIPAL TREE. Any tree, existing or to be planted on municipally owned property or property upon which the City has a legal right to plant trees.~~

~~PARK. Any developed or designated future municipal park site.~~

~~RIGHT OF WAY. Any interest in land granted, conveyed, dedicated, or acquired for city purposes, or devoted to vehicular and/or pedestrian traffic. This shall include but not be limited to land in which the city has an easement or to which the city owns fee simple title, or has any type of ownership thereof or interest in any land utilized by the city for vehicular and/or pedestrian traffic or other purposes.~~

~~TOPPING. The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.~~

~~TREE. Any self-supporting woody plant which has a minimum height of six (6) feet and which is of a species having an average mature spread or crown spread of fifteen (15) feet or greater in area and having trunks which can be maintained in a clean condition with over six (6) feet of clear wood measured from the ground at maturity. In addition, all palms with at least four and one half (4½) feet of clear trunk between the ground level and the lowest branch are declared to be trees.~~

~~(Ord. 95-21, passed 5-4-95)~~

~~§ 180.47 APPLICABILITY.~~

~~The terms and provisions of this subchapter shall apply to all municipally owned property lying within the city limits, including developed parks, designated parks, road and drainage rights of way and utility and drainage sites except as otherwise provided in this subchapter. The Parks and Recreation Department of the city is hereby designated as responsible for the tree program for the city and shall act as the City Tree Department. It shall be unlawful, without permission from the city, to remove, destroy, cut down, damage, plant, replant, prune or otherwise maintain any municipally owned trees as defined by this subchapter.~~

~~(Ord. 95-21, passed 5-4-95) Penalty, see § 180.99~~

~~§ 180.48 DUTIES AND RESPONSIBILITIES.~~

~~(A) It shall be the responsibility of the Parks and Recreation Department to study, investigate, develop, update annually, and administer a tree plan which encourages city beautification, shade, and air filtration, noise abatement, property value enhancement and other desirable attributes of trees within the city. Such plan shall be reviewed and approved by the appropriate city departments and presented annually to the Environmental Advisory Board of the city for their review, and then to the City Council. Upon Council's acceptance and approval of a plan, it shall constitute the official comprehensive tree plan for the city until amended.~~

~~(B) The Parks and Recreation Department, when requested by the City Council, shall consider, investigate, make findings of fact, report and make recommendations upon any special matter or question coming within the scope of its duties.~~

~~(Ord. 95-21, passed 5-4-95)~~

~~§ 180.49 GENERAL STANDARDS.~~

- ~~(A) The city, its agent(s) or its designee(s) shall have the right to plant, prune, maintain, and remove any trees, shrubs, and other plants within all municipally owned road rights of way, subject to the standards defined and outlined in the 1988 Florida Department of Transportation Highway Beautification and Planting Regulations, and in parks and on other municipally owned property.~~
 - ~~(B) The city, its agent(s) or designee(s) may remove or cause to be removed from municipal property any tree or part thereof which is in an unsafe condition which by reason of its nature is injurious to sewers, water lines, electric lines, gas lines, or other public utilities or improvements or that is infected with any injurious fungus, insect or pest which is determined by the County Urban Forester to be a health hazard to neighboring trees, shrubs or other vegetation.~~
 - ~~(C) It shall be unlawful as a normal practice for any person or firm to top any tree growing on municipally owned property without the approval of the city. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this provision. Such exemption must be requested from the city in writing. Trees planted under overhead wires or other obstructions shall be of species whose growth is not normally expected to create a need for topping.~~
 - ~~(D) Every owner of any tree overhanging any municipal road right of way within the city shall prune the branches so that such branches shall not interfere with the maintenance of the right of way. All such pruning shall be done to comply with the 1988 Florida Department of Transportation Highway Beautification and Planting Regulations and so that there shall be a clear space of nine (9) feet above the surface of any sidewalk or bike path for public access.~~
 - ~~(E) Owners of tree shall remove all dead, diseased or dangerous trees or parts thereof that obstruct road rights of way, sidewalks, or bike paths, or which are injurious to sewers, water lines, electric lines, gas lines or other public utilities or improvements.~~
 - ~~(F) The city shall have the right to prune or remove any tree or shrub on private property when it meets any of the conditions described in divisions (D) and (E) above.~~
 - ~~(G) Owners of property that abut rights of way property are permitted to plant trees providing that the selection and location of such trees are in accordance with the other provisions of this subchapter and that such planting are approved in writing after review and approval by the city.~~
 - ~~(H) No tree shall be planted near a structure, paved surface, or water, sewer or other underground utilities if it is of a species generally recognized as having a habit of invasive root growth.~~
- ~~(Ord. 95-21, passed 5-4-95) Penalty, see § 180.99~~

~~§ 180.50 ARBOR DAY.~~

~~Arbor Day shall be observed each year with an official ceremony and proclamation.~~

~~(Ord. 95-21, passed 5-4-95)~~

~~§ 180.51 EXCEPTIONS.~~

~~The following exceptions to this subchapter shall be permitted in the manner described:~~

- ~~(A) In the event that any tree or trees shall be determined to be in imminently hazardous or dangerous condition, as determined by the city so as to endanger health or safety and require immediate removal without delay, verbal authorization may be given by the city.~~
- ~~(B) During the event of emergencies such as hurricane, windstorm, flood, freeze, or other disasters, the requirements of this subchapter may be waived by the city. Any such waivers shall be temporary.~~
- ~~(C) Specifically exempt from the protections expressed by the terms and provisions of this subchapter are the following species of trees:~~
- ~~(1) Australian Pine (*Casuariana* spp.);~~
 - ~~(2) Brazilian Pepper (*Schinus terebinthifolius*);~~
 - ~~(3) Melaleuca (*Melaleuca quinquenervia*);~~
 - ~~(4) Chinaberry (*Melia azedarach*);~~
 - ~~(5) Camphor Tree (*Cinnamomum camphora*);~~
 - ~~(6) Ear Tree (*Enterolobium cyclocarpum*);~~
 - ~~(7) Eucalyptus (*Eucalyptus* spp.);~~
 - ~~(8) Castor Bean (*Ricinus communis*);~~
 - ~~(9) Chinese Tallow (*Sapium sebiferum*).~~
- ~~(Ord. 95-21, passed 5-4-95)~~
- ~~§ 180.99 PENALTY.~~
- ~~It shall be unlawful for any person to prevent, delay or interfere with the city or any of its agent(s), employees, or contractors, while engaging in the planting, cultivating, mulching, pruning, spraying or removing of any municipally owned tree. Any person violating any provision of §§ 180.45 et seq. shall be guilty of a second degree misdemeanor punishable as provided in Fla. Stat. §§ 775.082 and 775.083.~~
- ~~(Ord. 95-21, passed 5-4-95)~~