

ORDINANCE NO. 2023-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE 1, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 4, "FEE SCHEDULES," SECTION 13-84, "NONREFUNDABLE BUILDING PERMIT FEES," TO UPDATE LANDSCAPING FEES; AND AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 4, "ACCESSORY USES AND STRUCTURES," SUBDIVISION IV, "LANDSCAPE STANDARDS AND REQUIREMENTS," IN ITS ENTIRETY TO UPDATE DEFINITIONS, IMPLEMENT STATE LAW REQUIREMENTS FOR TREE REMOVAL, AND UPDATE REQUIREMENTS, PROCEDURES AND LANGUAGE TO ELIMINATE CONFLICT AND DUPLICATION AND IMPROVE USER FRIENDLINESS AND IMPLEMENTATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Chapter 13, "Land Development Code," Article III, "Zoning Regulations," Division 4, "Accessory Uses And Structures," Subdivision IV, "Landscape Standards and Requirements" (the "Landscape Code"), of the City of Coconut Creek Code of Ordinances provides detailed landscape regulations, including regulations related to tree planting, maintenance, and removal requirements; and

WHEREAS, the Florida Legislature adopted legislation in 2019 and 2022, codified in Section 163.045, Florida Statutes, which restricts a local government's ability to regulate the pruning, trimming, or removal of certain trees on single family residential property; and

WHEREAS, the City desires to update the Landscape Code to address the requirements of Florida Statutes and allow for the pruning, trimming, and removal of trees that pose an unacceptable risk to persons or property without a permit with proper documentation consistent with the requirements of Florida Law; and

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WHEREAS, in reviewing the Landscape Code to implement the State’s legislative changes, staff has identified additional amendments to update definitions, procedures, and language to generally eliminate conflict and duplication and improve the user friendliness of the Landscape Code in order to enhance implementation; and

WHEREAS, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on December 14, 2022, and voted to recommend that the changes be approved with modifications; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the changes proposed in this ordinance are consistent with and further the goals, objectives, and policies of the City’s Comprehensive Plan; and

WHEREAS, the City Commission is charged with protecting the health, safety, and welfare of its residents and believes this ordinance to be in the best interest of the residents.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, Chapter 13, “Land Development Code,” Article I, “Administration, Regulations and Procedures,” Division 4, “Fee Schedules,” Section 13-84, “Nonrefundable building permit fees,” shall be amended to read as follows:

Sec. 13-84. Nonrefundable building permit fees.

Fees for structural permits are non-refundable and may not be applied to any permit application other than the one for which it was originally paid and shall be assessed as follows:

- (17) Landscaping:
a. Minimum fee.....40.00

- b. Plan review, minimum.....40.00
- c. Each required tree (new or transplant).....10.00
- d. Required hedges, per 100 lineal feet or fraction thereof.....16.00
- e. Required shrubs, each.....0.50
- f. Required ground cover per 1,000 sq. ft. or fraction thereof up to 30,000 sq. ft.....
10.00
Each 1,000 sq. ft. thereafter.....5.50
- g. Tree preservation—Tree removal or relocation.
 - 1. Minimum Base fee (includes plan review).
 - i. ~~No fee will be required for the tree removal of one (1) tree from an existing single family home~~
 - ii. All other properties (except single family home).....40.00
 - 2. Per tree to be relocated.....10.00
 - 3. Per replacement tree (based on tree removal requirement).....12.00
~~3-5 ... 12.00~~
~~6-10 ... 10.00~~
~~Over 10 ... 8.00~~
 - 4. Per tree to be removed ~~without replacement (exempt from tree preservation code).....10.00~~
 - 5. Per tree removed and not replaced. Per subsection 13-448 “Preservation and protection of trees and tree preservation”—~~(w)(4)g(i)~~. Required per tree....~~500.00~~800.00
 - 6. Change of plans for tree removal (after permit issuance) shall be a minimum fifty dollars (\$50.00) plus fees listed above for removal and replacement of additional trees.
- h. Change of landscape plans (after permit).....50.00
- i. Waiver to landscape requirements:
 - 1. Application: 50.00 plus fees listed above for removal and replacement of additional trees approved under the permit.
 - 2. Inspection of approved permit: 75.00
- j. Waiver to landscape requirements, if changes made without a permit, where permit was required:
 - 1. Application: 50.00 plus fees listed above for removal and replacement of additional trees approved under the permit.
 - 2. Inspection of approved permit: 200.00
- k. Change of contractor.....25.00
- j-l. Landscape, re-inspections.....40.00

Section 3: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, Chapter 13, “Land Development Code,” Article III, “Zoning Regulations,” Division 4, “Accessory Uses And Structures,” Subdivision IV., “Landscape Standards and Requirements,” shall be amended to read as follows:

Subdivision IV. - Landscape Standards and Requirements

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Sec. 13-441. - Objective.

The objective of this subdivision is to provide regulations for installation and maintenance of landscaping and landscaped open space to promote the establishment of functional and sustainable landscapes and to ensure the safety, appearance, character and aesthetic quality thereby promoting the general welfare of the city. In addition, it shall be the policy of the city commission that every effort shall be made to preserve and maintain natural vegetation within the city, as identified in the land use element of the comprehensive plan. Other subdivisions and guidelines of the Land Development Code shall be used as appropriate.

Sec. 13-442. - Definitions. [NOTE TO CODIFIER: PLEASE ALPHABETIZE REVISED DEFINITIONS]

In construing the provisions of this chapter, if no definition is provided herein and when the context will permit, the following publications recognized as authoritative in the landscaping, scientific and engineering fields, in their most current version, shall apply: The American National Standards Institute ("ANSI") A-300, ~~Standards for Tree Care Operations: Tree, Shrub and Other Woody Plant Maintenance~~Management-Standard Practices, and Z133.4-2006 The American National Standard for Arboricultural Operations: Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements; Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Grades and Standards for Nursery Plants; Nelda Matheny and Jim Clark, Trees and Development: A Technical Guide to Preservation of Trees During Land Development; Council of Tree and Landscape Appraisers, Guide for Plant Appraisal, Ninth Edition, 2000; Richard Harris, Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines, Fourth Edition; Gary W. Watson and E.B. Himelick, Principles and Practices of Planting Trees and Shrubs; Florida Urban Forestry Council, Selecting and Planting Trees for the South Florida Urban Forest; Florida Power and Light's ~~Plant The Right Tree, In the Right Place~~ (<https://www.fpl.com/reliability/trees/tree-location.html>); University of Florida IFAS Extension's Trees and Power Lines (<https://hort.ifas.ufl.edu/treesandpowerlines/>) guidelines, South Florida version; Florida Urban Forestry Council's "Right Tree/ Right Place – Selecting & Planting Tree for the South Florida Urban Forest" (fufc.org); Timothy K. Broschat & Alan W. Meerow, ~~Betrock's Reference Guide to Florida Landscape Plants Plant Guide, Third Printing, 1994~~; Edward F. Gilman, Trees for Urban and Suburban landscapes, 1st Edition, 1997; Dr. George K. Rogers, Landscape Plants for South Florida: A Manual For Gardeners, Landscapers & Homeowners, 1st Edition, 2009; and University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), ~~A Guide to Florida-Friendly Landscaping, Guide to Plant Selection & Landscape Design Florida Yards & Neighborhoods, 3rd Edition, 2006~~; and UF/IFAS Florida-Friendly Landscaping Pattern Book: Sample Plant Lists and Designs for Four Florida Regions: USDA Hardiness Zones 10a, 10b and 11, South Florida, Gail Hansen, Kelly Perez, and Esen Momol. Other words in these standards have their customary dictionary definition except as specifically defined herein. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive.

Applicable definitions found in other articles, divisions, subdivisions and/or sections of the City of Coconut Creek Land Development Code shall be used in this subdivision; and definitions found herein shall apply to all other articles, divisions, subdivisions and/or sections of the City of Coconut Creek Land Development Code.

When there are two (2) or more definitions for the same item, the more stringent of the definitions shall apply as determined by the ~~city~~ Director of Sustainable Development, regardless of the location of the definition.

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

Accessway means a vehicular roadway intersecting a ~~public~~ right-of-way providing vehicular entrance and/or exit for a property.

ANSI means the American National Standards Institute.

Applicant means the owner of the property or his legally authorized agent.

Application or *apply* means the actual physical deposit of fertilizer to turf or landscape plants.

Applicator means any person who applies fertilizer on turf and/or landscape plants in the city.

Artificial Turf means an artificial product manufactured from synthetic materials that effectively simulates the appearance of live or natural turf, grass, sod, or lawn.

Balled and burlapped (B and B) means field grown trees or shrubs with roots established in an earthen ball encompassing the root system necessary for the full recovery of the plant; wrapped and bound to support the root ball.

Berm means a linear earthen mound.

Best management practices (BMP) means turf and landscape practices or a combination of those practices which, based on research, field-testing, expert review, and economic and technological considerations, are determined to be the most effective and practicable on-location means for improving water quality, conserving water supplies, and protecting natural resources.

Bona fide agricultural property means property designated for agricultural use by the City of Coconut Creek and Broward County and which is referenced on a valid occupational license for an agricultural business on the date of the adoption of this regulation, and is further determined to be an agricultural business by the Broward County Property Appraiser's Office.

Building area means the portion of a lot which is not located within any minimum required yard setback, landscape strip/area, or buffer; that portion of a lot wherein a building may be located, exclusive of certain accessory structures.

Building walkways means the paved area between a building and the vehicular use area.

Buffer means an area established to separate different use districts, or to separate property on which a special permit exists, from a property of a same use district or a

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different use district. Buffer zones are distinguished by physical characteristics as described by berms, shrubs, trees, ground covers, walls or other acceptable landscape and/or hardscape.

Caliper means the diameter of a ~~dicot or conifer~~ tree trunk as measured at the heights as follows:

Dicot or conifer:

Six (6) inches from the ground on trees up to and including four (4) inches in caliper.

Twelve (12) inches above the ground for trees larger.

~~*Caliper of a monocot*~~Monocot:

~~is the diameter of the tree trunk measured one (1) foot~~ Twelve (12) inches above the ground.

~~*Cambial dieback* means the irreparable radial or vertical interruption of a tree's cambium, usually caused by mechanical damage, such as "skinning bark"; or from excessive heat.~~

~~*Cambium* means tissue within the woody portion of trees and shrubs which gives rise to the woody water and nutrient conducting system, and energy substrate transport system in trees. Cambium growth activity results in a tree's radial development; i.e. increase in diameter.~~

~~*Canopy* means that area filled by the foliage of a tree, consisting of limbs, branches and leaves. the portion of the tree with foliage from the lowest branch to the topmost part of the tree; also, the collection of several to many crowns of different trees.~~

Canopy coverage means the aerial extent of ground within the dripline of the tree.

Clear trunk means the area from the point above the root ball along the vertical trunk of a tree to the point at which lateral branching or fronds begin.

~~*Clear wood or grey wood* means that portion of the palm trunk which is mature, hard wood measured from the top of the root ball to the base of the new, green, soft terminal growth or fronds.~~

Commercial fertilizer applicator means any person who applies fertilizer on turf and/or landscape plants in exchange for money, goods, services, or other valuable consideration.

Coniferous means belonging to the group of cone-bearing evergreen trees or shrubs.

Conservation easement means a right or interest in real property as defined in F.S. § 704.06, as amended.

~~*Container grown* means plant material grown in a container of suitable size to allow adequate room for the healthy development of the root system.~~

Critical root zone means the rooting area of a tree established to limit root disturbances. This zone is generally defined as a circle with a radius extending from a

tree's trunk to a point no less than the furthest crown dripline. Disturbances within this zone will directly affect a tree's chance of survival.

Crown. See canopy.

Danger means there is the presence of non-treatable disease which threatens the physical integrity of the tree or other vegetation or is highly likely to spread to other vegetation, there is an imminent threat to the extent that its continued existence threatens the health and/or safety of contiguous persons or property, or there is an imminent or probable likelihood of failure, as defined in *Best Management Practices Tree Risk Assessment*, Second Edition, as updated.

Deciduous means not persistent; the shedding of leaves annually. A deciduous tree sheds its leaves annually.

Destruction of natural habit of growth means the pruning that causes irreparable damage and permanent disfigurement to a tree such that, even with regrowth, the tree will never regain the original characteristics of its tree species, and is a danger to the public or property; or pruning defined herein as tree abuse that results in the tree's death.

~~*Developed land*~~ means land upon which permanent, principle buildings have been constructed.

Diameter breast height (DBH) means a standard measure of tree size; a tree trunk diameter measured in inches at a height of four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below four and one-half (4½) feet, then the trunk is measured at its most narrow point beneath the split. Diameter breast height may be identified by a landscape architect by another specification; however, such specification must meet or exceed the City of Coconut Creek landscape requirements.

Documentation means a written report of an onsite assessment consistent with *Best Management Practices Tree Risk Assessment*, Second Edition, as updated, Section 94.6.2.1 ANSI A-300 Part 9, "*Tree, Shrub, and Other Woody Plant Management – Standard Practices (Tree Risk Assessment a. Tree Failure)*", or equivalent reference manual, from an arborist certified by the International Society of Arboriculture or Landscape Architect, licensed to practice in the state of Florida under Chapter 481 Part II, Florida Statutes or as otherwise provided in Section 163.045 Fla. Stat. as amended from time to time.

Dripline means the peripheral limits of the horizontal crown of tree spread vertically to the ground, provided, however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.

Dumpster means a refuse container of one (1) cubic yard or larger.

Ecological communities shall consist of, but shall not be limited to coastal strand forest community, scrub community, pine flatwoods community, high hammock community, low hammock community, and cypress wetland community (freshwater swamp).

Effectively destroy means to cause, allow or permit any act, which will cause a tree landscape material to die or go into a period of unnatural decline. Acts which may effectively destroy a tree landscape material include, but are not limited to, poisoning.

damage inflicted upon the foliage or critical root system by heavy machinery; zone; excessive trimming; changing the natural grade above the critical root system zone or around the trunk; damage intentionally inflicted on the ~~tree~~ landscape material permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the ~~tree~~ landscape material permitting infection or pest infestation, the infliction of a trunk wound that is fifty (50) percent or greater than the circumference of the tree or palm trunk, or the removal of sufficient canopy to cause the unnatural decline of the tree or palm.

Encroachment means any protrusions of a vehicle outside of a parking space, a display area or accessway into a landscaped area.

Equivalent replacement means substituting landscape material equal to or greater size for vegetation that was removed or destroyed. The city shall determine size and quantity of replacement landscape material.

Equivalent value means a monetary amount reflecting the cost of vegetation to be replaced.

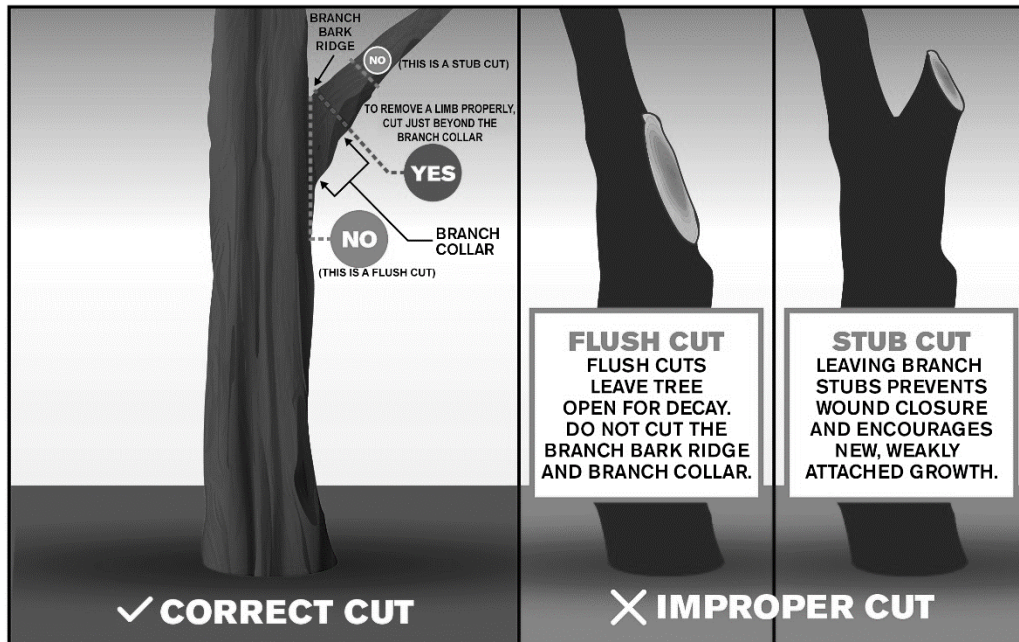
Fertilize, fertilizing, or fertilization means the act of applying fertilizer to turf, specialized turf, or landscape plants.

Fertilizer means any substance or mixture of substances, ~~except pesticide/fertilizer mixtures such as "weed and feed" products~~, that contains one (1) or more recognized plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides for soil enrichment, or provides other corrective measures to the soil.

Florida-Friendly Landscaping™ means quality landscapes that conserve water, protect the environment, are appropriate for local conditions, and are drought, wind, and/or salt tolerant. The principles of Florida-Friendly Landscaping™ include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components of Florida-Friendly Landscaping™ include planning and design, soil analysis, the use of solid waste compost, practical use of turf, and proper maintenance.

Flush cut means a destructive removal cut made through the branch collar or into the branch bark ridge. See figure 13-442.1.

FIGURE 13-442.1



Functional and sustainable landscaping means the combination of living and nonliving materials that, when installed or planted, creates an ongoing system providing aesthetic and environmental services to a particular site and surrounding area—, which is capable of being maintained and continued with minimal long-term effect on the environment

Girdling means circular, or partial circular pressure to the bark area of branches, trunks and/or roots, thereby choking or restricting the natural flow of water, nutrients and tree manufactured foods. Girdling a tree can also be caused by the use of mechanical or manual equipment (e.g., use of a weedeater, mower damage, guy wires, etc.)

~~Grey~~Gray wood. See clear wood. means that portion of a palm trunk which is mature, hard wood measured from the top of the root ball to the base of the new, green, soft terminal growth or fronds.

Ground cover means low growing plants that, by the nature of their growth characteristics, completely cover the ground and do not usually exceed two (2) feet in height.

Hardscape means areas such as artificial turf, patios, decks, driveways, paths, sidewalks, or other impervious surfaces that do not require irrigation.

Hatracking means the severe cutting back of branches, making internodal cuts to lateral limbs leaving branch stubs; internodal cutting. Severing the leader or leaders; or pruning a tree by stubbing off or reducing the total circumference or canopy spread.

Hedge means a close planting of shrubs or other vegetation which forms a compact, dense, visually opaque living barrier when mature. Hedges shall be maintained at a height

not to exceed eight (8) feet. Hedges shall be maintained at a height not to exceed thirty (30) inches in the a residential front yard setback.

Historical tree means a particular tree or palm or group of trees or palms which has historical value because of its unique relationship to the region, state, nation or world.

Horizontal plane shall mean an imaginary line that begins at the base of the live frond petioles.

Hydrozone means a distinct grouping of plants with similar water needs and climatic requirements. A hydrozone is also referred to as water use zone. It also means the design practice in irrigation in an effort to improve watering efficiency. The system is designed so that plants with similar watering requirements are watered together and treated differently from plants with different requirements.

Imminent means failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.

Institutional fertilizer applicator means any person, other than a noncommercial or commercial fertilizer applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional fertilizer applicators shall include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium, common ownership, and/or common management.

Integrated pest management (IPM) means a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as encouraging biological control, use of resistant plant varieties, and adoption of alternate cultural practices to make the habitat less conducive to pest development. Pesticides are used only when careful monitoring indicates they are needed, or to prevent pests from significantly interfering with the purposes for which plants are being grown.

Internode means a part of the branch between two nodes.

Invasive exotic plant species means an introduced species that has been shown to displace the native vegetation by out-competing native species, as identified by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) ~~and~~ or the Florida ~~Exotic Pest Plant~~ Invasive Species Council (FLEPPCISC), Category I & II.

Irrigation means a continuous supply of water provided by artificial means.

Land clearing means the clearing of vegetation and soil for the purpose of land development activities. This includes, but is not limited to, construction for buildings, rights-of-way, utility easements or access, drainage ways, parking lots and other structures, rock mining, and agricultural activities that involve the removal of trees, palms, or any form of tree abuse ~~as defined by this section.~~

Landscape architect means any person duly licensed pursuant to Chapter 481 Part II, Florida Statutes as amended from time to time (1988), to practice landscape architecture as prescribed by law.

Landscape inspector means an agent or employee of the city who is authorized by the director of sustainable development or applicable statute, law, or ordinance to enforce city codes and ordinances.

Landscape material means any of the following or a combination thereof such as but not limited to turf/grass, ground cover, shrubs, vines, hedges, trees or palms and other materials subject to section 13-444(c)(1)d.3, such as rocks, mulch, pebbles, sand, but not including paving.

~~*Landscape manual* is a guide for citizens and property owners and shall illustrate recommended horticultural and ecological practices.~~

Landscape/Landscaping:

- (1) (When used as a noun) Living plant materials such as, but not limited to, turf, ground cover, shrubs, vines, trees or palms and nonliving durable materials commonly used in environmental design such as, but not limited, rocks, pebbles, sand, walls or fences and aesthetic grading and mounding; but excluding paving and structures. Nonliving material usage must meet the intent of the landscape code and be approved by the city during the approval process. ~~Decorative rocks, pebbles, stone, etc., should only be used to accent organic landscape material and should not cover more than ten (10) percent of any open space yard area.~~
- (2) (When used as a verb) The process of installing or planting materials commonly used in environmental design.

Lifting means the removal of lower branches or limbs of a tree, palm, or shrubs.

Low maintenance zone means an area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

Micro-irrigation means the application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation that deliver water directly to plant root zones with a high degree of efficiency, no runoff, and little to no evaporation.

Mitigation means the compensation for the impacts to tree(s) and palm(s).

Mulch means an organic material such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

Native plant species means any plant species with a geographic distribution indigenous to all, or part, of the state of Florida as identified in the *Guide to the Vascular Plants of Florida*-, R.P. Wunderlin and Bruce Hansen, 1998, University Press of Florida, Gainesville, or the *Atlas of Florida Vascular Plants* (<http://www.florida.plantatlas.usf.edu>).

Native topsoil means the uppermost layer of existing soil on the site capable of supporting plant growth.

Natural area means an area, as identified in the land use element of the comprehensive plan, designated on the site plan containing natural vegetation, which will remain undisturbed when the property is fully developed.

Natural forest community means a vegetative area generally comprised of a canopy, subcanopy and groundcover, and which meets the criteria for the classification of an area as a natural forest community under section 13-448 "Preservation and protection of trees and tree preservation"-(n)(k)(1)a.

Node means a point on a branch from which another branch naturally arises.

Noncommercial fertilizer applicator means any natural person who applies fertilizer on turf and/or landscape plants on his/her own private, residential property, or that of another when not done in exchange for money, goods, services, or other valuable consideration.

Nuisance trees. For purposes of this section, ~~the following are considered to be nuisance trees:~~ nuisance trees are those trees identified as "Nuisance Trees" in Section 27-404, "Definitions," of the Broward County Code of Ordinances, as amended.

- (1) ~~Acacia auriculiformis (Earleaf acacia)~~
- (2) ~~Araucaria heterophylla (Norfolk Island Pine)~~
- (3) ~~Bischofia javanica (Bischofia, Bishopwood)~~
- (4) ~~Brassaia actinophylla (Schefflera)~~
- (5) ~~Casuarina spp. (Australian pine, all species)~~
- (6) ~~Cupaniopsis anacardiopsis (Carrotwood)~~
- (7) ~~Dalbergia sissoo (Indian rosewood)~~
- (8) ~~Leucaena leucocephala (Lead tree)~~
- (9) ~~Melaleuca quinquenervia (Cajuput tree/Melaleuca)~~
- (10) ~~Metopium toxiferum (Poison wood)~~
- (11) ~~Schinus terebinthifolius (Brazilian pepper, Florida holly)~~
- (12) ~~Syzygium cumini (Java plum)~~

Off-site, for tree relocation and tree replacement, means any location ~~in excess of one (1) mile from the tree's original location~~ not on the subject property.

On-site, for tree relocation and tree replacement, means any location ~~one (1) mile or less from the tree's original location~~ on the subject property.

Overlift means the removal of ~~the majority of the inner lateral branches and foliage thereby displacing weight and mass to the ends of the branches. The alteration of the tree's live crown ratio may be considered as evidence of overlifting more than one-half (1/2) of the foliage on branches arising in the lower two-thirds (2/3) of the tree which unevenly distributes weight and wind stress along the trunk.~~

Owner means the actual property owner, developer or other agency, individual, company, corporation, entity or other group that holds title and/or deed to real property.

Owner-occupied means a dwelling in a habitable condition occupied by the owner of record, as the owner's primary residence, and holding a valid certificate of occupancy.

Pervious area means a landscaped area that can be penetrated or permeated by water.

Probable means failure may be expected under normal weather conditions within a specified time frame.

Landscape Plan approval means city review and approval of a plan complying with the landscaping requirements as identified in Division 5 of this article.

Planting soil means a medium composed of naturally occurring mineral particles and organic matter, which provides the physical, chemical and biological properties necessary for plant growth.

Planting strip or Landscape easement or landscape buffer means any portion of land which is set aside or designated on a landscape plan or site plan, or by plat, or written agreement, to buffer the boundary of adjacent uses.

Plot area means the platted site less paved surfaces of dedicated rights-of-way and water surface areas of ponds, lakes or canals only, at mean water level.

Protected tree, palm, or plant means a tree, palm, or plant of a species which due to its size, shape, character, age, historic significance and/or aesthetic value is a locally unique example of the species and practically irreplaceable as declared by the city commission.

~~*Protected zone* means all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space and/or all areas required as landscaping strips according to provisions of the city zoning regulations or conditions of zoning approval.~~

Protective barrier means fences or like structures at least four (4) feet in height that are conspicuously colored and prevent or obstruct passage.

Prune or trim means to cut away, remove, cut off or cut back parts of a tree, palm, or other plants.

Remedial action means a corrective action required to offset the impacts of tree or palm abuse as defined in this section.

Removal means to cut down, dig up, destroy, effectively destroy, remove or relocate any tree or palm.

~~*Removal of tree* means and includes any act which will cause a tree to die over a period of two (2) years, e.g. damage inflicted upon the root system by heavy machinery or lethal substances, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemicals, or paving over the root system.~~

~~*Representative on site* means the property owner, his agent, or his designated employee.~~

~~Responsible party, person means the owner, developer or other agency, individual, company, corporation, entity or other group that holds title and/or deed to real property and/or has interest in real property and/or improvements on real property.~~

Retention area means an area designed and used for the temporary or permanent storage of stormwater runoff, which may be either dry or wet retention as defined below:

- (1) *Dry retention* is an area which is designed for temporary storage of stormwater runoff and which is one (1) foot above the ground water level as established by the city engineer and has a maximum slope of 4:1.
- (2) *Wet retention* is an area which is designed for the permanent storage of water and is at least one-half acre in size, with an average width of not less than one hundred (100) feet and a minimum depth of eight (8) feet below ground water level as established by the city engineer, with a maximum slope of 4:1 extending to a point located two (2) feet below the water line.

~~Revegetation means the replacement of native trees and landscape plant materials into the minimum required landscape areas, as determined by the zoning regulations, conditions of zoning approval, or the tree preservation ordinance.~~

~~Root collar means the point of attachment of major woody roots to the tree trunk, usually at or near the groundline and associated with a marked swelling of the tree trunk.~~

Runoff means the water that results from and occurs following a rain event, or following an irrigation event, because the water is not absorbed by the soil or landscape and flows off from the area.

Setback and yard areas means the front, side and rear area of yards as established and required under this chapter and within the zoning district requirements applicable thereto.

Shade/canopy tree means a single or multi-trunked tree, which by virtue of its natural shape, provides, at maturity, a minimum shade canopy thirty (30) feet in diameter.

~~*Shape Shaping* means the regular and frequent shearing of outer tree branches, making pruning cuts of one (1) inch in diameter or less, for the purpose of controlling the size and shape of the tree canopy reducing the size of a tree by pruning the outer edge of a crown with small diameter (less than 2 inches) heading cuts.~~

~~*Shearing* means the cutting of many small diameter stems of one (1) inch in diameter or less.~~

Shrub means a bushy, self-supporting, woody plant, usually with several permanent stems, or ornamental grasses with a mature height of at least three (3) feet, and usually not over ten (10) feet in height at maturity.

Site specific plant materials means the use of the best adapted plant species to minimize supplemental irrigation, fertilization, and necessary pest control.

Sod. See turf.

Soil compaction means a change in soil physical properties which includes an increase in soil weight per unit volume, and a decrease in soil pore space. Soil compaction is caused by repeated vibrations, frequent traffic and weight. As related to tree or palm

roots, compacted soil can cause physical root damage, a decrease in soil oxygen level with an increase in toxic gasses, and can be impervious to new root development.

Special status category tree or palm means any tree, palm, or group of trees as designated by Broward County ~~and~~or approved by the City of Coconut Creek that occur in any of the following areas:

- (1) Natural forest community.
- (2) Local area of particular concern.
- (3) Natural resource area.
- (4) Urban wilderness area.
- (5) Specimen trees are also included within this designation.

Specimen tree means any tree which has a DBH of eighteen (18) inches or greater with a condition rating of sixty (60) percent or greater in accordance with the condition rating guidelines as specified in the *Guide for Plant Appraisal* 9th edition, as amended; with the exception of ~~the following~~:

- ~~(a) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to: mangos, avocados, or citrus.~~
- ~~(b) Species~~species of the genus Ficus except *F. aurea* (strangler fig), *F. laevigata* (short leaf fig), *F. rubiginosa* (rusty fig or rusty leaf fig), and *F. jacquinifolia*.

Storage area means any exterior area used for garbage or trash cans, dumpsters, newspaper containers and any other mechanical appurtenances.

Street trees means trees that meet the requirements of section 13-443(13).

Structure means anything built or constructed. Examples include, but are not limited to, buildings, trailers, fences, billboards, swimming pools, poles, pipelines, ditches, roads, utility installations, transmission lines, track and advertising signs.

Structured soil means a sub-grade soil medium, such as CU-Structural Soil™ or similar, that meets engineering requirements for a load-bearing paving base used in conjunction with a quantity of uncompacted soil that supports tree root growth.

Substantial deviation means any proposed modification or modification to a development, a permit or a permit application which, either individually or cumulatively with other changes, creates a reasonable likelihood of additional environmental impact, as covered by the scope of this section, or any change or proposed change that may result in any impacts on trees or natural forest communities not previously reviewed by the city as covered by the scope of section 13-448 "Preservation and protection of trees and tree preservation".

Suspended Pavement System means a structural system that can support the weight of hard-surfaced area while creating a void space underneath for growing medium, tree root development and storm water management, and includes structured soil cells.

~~*Sustainable* means capable of being continued with minimal long-term effect on the environment.~~

Topiary pruning means the practice of pruning a tree into an ornamental shape by pruning branches one (1) inch in diameter or less provided this practice was started during the tree's young stage.

Topping means undesirable pruning practices resulting in internodal cutting back of branches with little regard to the natural shape of the tree. See "hatracking."

Topsoil means a medium composed of naturally occurring mineral particles and organic matter which provides physical, chemical and biological properties necessary for plant growth.

~~*Trafficway* means a street designated as a trafficway by the city commission or the board of county commissioners as shown on the land use element of the comprehensive plan.~~

Transplant means the movement of a living plant from one (1) location to another.

Tree means any living, self-supporting, conifer or dicotyledonous woody perennial plant which has a ~~DBH caliper~~ of no less than ~~two (2)~~ one and one-half (1 ½) inches and normally grows to an overall height of no less than ten (10) feet in southeast Florida or no less than the minimum size required for landscaping under the applicable landscape code. The term "tree" shall include palm trees where consistent with the context.

Tree, intermediate means a tree which naturally develops an average height between twenty (20) and thirty (30) feet at maturity as characteristic of the species.

Tree, small means a tree which by virtue of its natural shape, provides at maturity typically less than twenty (20) feet in height.

Tree, palm (palm) means a monocotyledonous tree having fronds with parallel venation and no true woody bark ~~with a minimum overall natural height of ten (10) feet at maturity and a minimum clear trunk of eight (8) feet.~~

Tree abuse means any of the following:

- (1) The removal of greater than twenty-five (25) percent of a tree's canopy within a one-year period; or
- (2) Pruning that reduces the height or spread of a tree that has not attained a height or spread of thirty (30) feet, topping; or
- (3) The hatracking of a tree; or
- (4) Cutting upon a tree which destroys its natural habit of growth; or
- (5) Pruning that leaves stubs or results in a flush cut; or splitting of limb ends; or
- (6) Peeling or striping of bark; or the removal of bark to the extent that:
 - a. If a line is drawn at any damaged area around the circumference of the tree, over one-quarter of the length of the line falls on portions of the tree where the bark has been damaged or no longer remains horizontally or vertically; or
 - b. Separate sections of the tree within the same area where bark damage has occurred totaling one-quarter of the circumference.

- (7) Girdling of trees by guying, staking, supports, string trimmers, nonremoval of ~~planting~~ materials from root balls; or
- (8) Use of climbing spikes, nails, screws, tacks, staples, or hooks on trees or palms for any purpose other than total tree removal; or
- (9) Soil compaction within the dripline of a tree; or
- (10) Shaping a tree; or
- (11) Pruning of live palm fronds which initiate at or above the horizontal plane; or
- (12) Overlifting a tree; or
- (13) Pruning of palms in a manner other than as set forth ~~and illustrated~~ in this subdivision; or
- (14) Pruning that does not conform to standards or recommendations set by the American National Standards Institute, as amended; or
- (15) Lawn mower or mower deck damage inflicted on any portion of a tree or palm; or
- (16) Vehicular damage inflicted causing bark removal, tree leaning and/or destruction; or
- (17) Structures being placed or constructed within or on a tree; or
- (18) Posting of signs, hand bills, etc; or
- (19) Utilizing any portion of a tree as a fence post ~~or similar~~ or similar structural support; or
- (20) Any act which will cause a tree to die over a period of two (2) years, e.g. damage inflicted upon the root system by heavy machinery or lethal substances, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest-infestation, application of herbicides or other chemicals, or paving or water/flooding over the root system.

The removal of diseased or dead portions of a tree, the removal of interfering, obstructing, or weak branches, the selective removal of interior branches in order to decrease wind resistance, or the complete removal of a tree pursuant to a valid tree removal permit, shall not constitute tree abuse under this section, providing proper horticultural practices as described herein are practiced.

Tree canopy. See canopy.

~~*Tree preservation ordinance* means an ordinance approved and adopted by the City to regulate and provide standards for the preservation of trees through development and construction processes within the city.~~

Tree stand means a contiguous grouping of native trees including its understory and ground cover consisting of oak, pine, cypress, or other native species including its understory and groundcover.

Tree standard means a woody perennial plant with one (1) stem which has been trained into an upright, small, tree-like form.

Tree survey means a document signed and sealed by a ~~Florida Registered Land Surveyor meeting the requirements of F.S. § 472.025, as amended~~ licensed Professional Surveyor and Mapper, which must provide, at a minimum, the following information:

- (1) The location plotted by accurate techniques, of all existing trees with a DBH of two (2) inches or greater and all palm trees ten (10) feet overall height or greater;
- (2) The common and scientific name of each tree and palm;
- (3) The DBH of each tree, or if a multiple trunk tree, the sum DBH for all trunks;
- (4) Native/nonnative indication;
- (5) Condition of each tree and palm (in tabular form within tree inventory);
- (6) Verification of the ~~tree~~-species names and conditions by a Florida Registered Landscape Architect.

Trim. See prune.

Turf means the upper layer of soil bound by grassy plant roots and covered by viable grass blades. (Sod.)

Unacceptable risk shall have the meaning provided in Section 163.045, Fla. Stat., as amended from time to time.

Vegetation means angiosperms (monocyledons, dicotyledons), gymnosperms, ferns and mosses; i.e. trees, shrubs, ground covers, etc.

Vegetation abuse means outright removal or any act which causes vegetation to die or significantly decline, within a period of two (2) years including, but not limited to; damage inflicted upon the root system by heavy machinery or lethal substances; changing the natural grade above or below the root system; damage inflicted on the vegetation permitting infection or pest infestation; excessive pruning, cutting or mowing; application of herbicides or other chemicals; paving over the root system.

Vehicular use area means all yard areas and areas used for circulation, parking and/or display of any and all types of vehicles, boats or equipment, whether self-propelled or not and all land upon which vehicles maneuver as a function of the primary use. This shall include, but not be limited to, streets, drive-in facilities, and new and used car lots. Only driveways and parking spaces serving single-family uses shall be exempt from this definition.

Vine means any plant with a long, slender stem that trails or creeps on the ground or climbs by winding itself on a support.

Violator. ~~A~~ means a person who abuses a tree or other vegetation or otherwise violates this subdivision and/or the owner of property upon which the violation has occurred or the abused tree/vegetation is located shall also be deemed a violator if the violation or tree abuse is undertaken by the owner's employee, agent or person under the owner's control.

Visual screen means a physical obstruction used to separate two (2) areas or uses which is at least seventy-five (75) percent opaque. Visual screens shall be living plant material, natural or man-made construction material or any combinations thereof.

Water control district means the governmental agency with primary responsibility for the conveyance or retention of stormwater within an established area.

Xeriscape means landscaping utilizing water thrifty plants and ground cover needing little maintenance, which is detailed in the South Florida Water Management District publication, *Water Wise Landscaping*, incorporated herein by reference and as may be amended or revised from time to time.

Sec. 13-443. - Minimum landscape requirements for zoning districts.

The minimum landscape requirements for zoning districts are as follows:

- (1) *RS-1 districts*. Each plot shall contain a minimum of six (6) trees per acre and a minimum of thirty (30) shrubs per acre. In addition, each plot shall contain a minimum of one (1) tree and five (5) shrubs for each seven thousand two hundred sixty (7,260) square feet of plot area over one (1) acre. No less than seventy-five (75) percent of the required landscaping shall be located in the front one-half of the plot.
- (2) *RS-3, RS-4, RC-5, RS-8, RM-10, RM-16, MH-1 (T-1A, B, C), and PUD districts*. Each plot shall contain in the landscaped open space a minimum of one (1) tree and six (6) shrubs per two thousand (2,000) square feet of plot area, or portion thereof. Not less than ~~seventy-five (75)~~ fifty (50) percent of the required landscaping shall be planted in the front of the ~~plot~~ residential structure, except odd-shaped plots that converge in the front, creating a lesser plot area in the front one-half of the plot may contain no less than ~~fifty (50)~~ twenty-five (25) percent of the required landscaping in the front one-half of the plot. MH-1 districts are permitted to plant twenty-five (25) percent of the landscape requirement in the front of the ~~plot~~ residential structure. Community club houses, country clubs or other residential amenity buildings shall be treated as commercial structures regardless of the zoning district unless provided otherwise in an approved development order.
- ~~(3) RM districts abutting RS or RD districts including designated plots in PUD districts. When any RM district is contiguous to or only separated by a right-of-way of eighty (80) feet or less from any RS or RC district, additional landscaping shall be required. For each one hundred (100) linear feet of abutting RM-zoned property, the landscaping requirement shall be three (3) trees and a continuous hedge. Each tree shall be a minimum of fifteen (15) feet in height at planting and have a minimum eight-foot spread.~~
- ~~(4)~~(3) *B-2, B-3, B-4, O-2, O-3, and PCD districts and plots designated commercial in PUD districts*. Each plot shall contain one (1) tree and five (5) shrubs for every one thousand (1,000) square feet of plot area or portion thereof, not utilized for structures and parking.
- ~~(5)~~(4) *IM-1 and IO-1 districts*. Each plot shall contain two (2) trees and five (5) shrubs for every one thousand (1,000) square feet of plot area or portion thereof not utilized for structures and parking.
- ~~(6) Commercial and industrial districts abutting residential districts. When any commercial or industrial district is contiguous to or only separated by a right-of-~~

~~way of less than eighty (80) feet from any residential district, a six-foot high masonry wall shall be required along common property lines. When such districts are separated by a right-of-way of eighty (80) linear feet or less, additional landscaping will be required. For each one hundred (100) linear feet of abutting commercial or industrial zoned property, the landscaping requirement shall be three (3) trees and a continuous hedge. Each tree shall be a minimum of fifteen (15) feet in height at planting and have an eight-foot spread. The masonry wall requirement may be waived by the planning and zoning board if landscaping is substituted. Such landscaping shall consist of berms, canopy trees, hedges or a combination thereof, to provide an adequate buffer.~~

~~(7)(5)~~ Special Additional minimum provisions.

- a. In addition to the other requirements of this section, corner plots shall contain a minimum of one (1) tree and four (4) shrubs in the corner side yard.
- b. Landscaping shall be placed on all areas not covered by main and accessory structures, walks and driveways and shall extend to any abutting street pavement edge and to the main waterline of any abutting canal, lake or waterway.
- c. A minimum five-foot (5) landscaped buffer shall be located around the perimeter of a project that abuts a similar district.
- d. Single family and duplex residential buildings. Landscaping is required ~~within~~ along the front and side building walkway facades area of all residential single family and duplex buildings- which shall include at a minimum, ten (10) shrubs or thirty (30) ground cover for ~~Each~~ each ~~forty (40) linear feet of building facade, or portion thereof, walkway requires a minimum of one (1) tree and ten (10) shrubs or one (1) tree and thirty (30) ground cover plants.~~
- e. Residential buildings other than single family or duplex. All residential buildings, except single family or duplex, shall provide a tiered landscape at various levels along the front and side building facades, utilizing as many shrubs and ground cover as necessary to achieve the desired tiered effect, which shall include at a minimum, one (1) tree, ten (10) shrubs and thirty (30) ground cover for each forty (40) linear feet of building facade, or portion thereof.
- e-f. Commercial, office, industrial, recreational and community facility buildings. ~~Landscaping~~ A tiered landscape at various levels is required within the green space/planter areas mandated by the zoning district regulations, of all commercial, office, industrial, recreational, community facility, and industrial buildings between the building and parking or vehicular use area areas per the zoning code. utilizing as many trees, shrubs and ground cover as necessary to achieve the desired effect, which shall include at a minimum, one (1) tree, twenty (20) shrubs and thirty (30) ground cover plants for each forty (40) linear feet of building facades, or portion thereof. Each forty (40) linear feet, or portion thereof, of green area requires a minimum of one (1) tree and twenty (20) shrubs and thirty (30) ground cover plants. This area is to provide tiered landscape at various levels.

f.g. In order to facilitate effective illumination, trees shall be setback from parking lot lighting by fifteen (15) feet or the radius of the mature canopy of the tree, whichever is less, and seven and one half (7 ½) feet for palms and small trees. This provision does not apply to lighting whose primary purpose is aesthetic. For the purpose of traffic safety, trees shall not be installed where they obscure stop signs or create traffic hazards in the parking lot. Parking lot islands are intended for landscape including trees. Site lights shall be located out of parking lot islands such that trees are not affected and do not impede site lights.

~~g. Recreation areas and community facilities shall be landscaped according to commercial landscaped requirements.~~

~~(8)~~(6) *Required landscaping adjacent to street rights-of-way in RC and RM districts.*

The portion of any plot utilized for off-street parking and any other vehicular use area shall be landscaped according to the following:

- a. A landscaped strip of at least ten (10) feet in width including adjacent easements, and the off-street parking and any other vehicular use area which is exposed to an adjacent right-of-way, shall be landscaped with one (1) tree for each forty (40) linear feet or fraction thereof. Such trees shall be located between the abutting right-of-way and off-street parking area or other vehicular use area and shall be placed in a planting area of at least twenty-five (25) square feet with a width of at least five (5) feet. In addition, a hedge, wall or other durable landscaped screen at least three (3) feet in height shall be placed on the interior perimeter of such landscaped strip. If a wall or other nonliving material is installed, one (1) shrub or vine shall be planted along the street side of such wall for each five (5) feet thereof and shall be a minimum of two (2) feet in height at time of planting. Grass/turf, ground cover or other landscape material shall be installed in the remainder of the required landscaped area.
- b. Accessways from public rights-of-way through required landscaped areas to service parking or other vehicular use area may be subtracted from the ~~linear~~ linear dimensions used to determine the number of trees required by this section.

~~(9)~~(7) *Landscaping adjacent to street rights-of-way in B, O, IO and IM districts.* The portion of any plot adjacent to off-street parking and other vehicular use areas shall be landscaped as follows and in addition to other landscape requirements of this chapter:

- a. A landscaped strip at least ten (10) feet in width located between the adjacent right-of-way and the off-street parking and any other vehicular use area, which is exposed to an adjacent right-of-way, shall be landscaped to include one (1) tree for each forty (40) linear feet or fraction thereof. Such trees shall be located between the adjacent right-of-way and off-street parking area or other vehicular use area and shall be placed in a planting area of at least twenty-five (25) square feet with a width of at least ten (10) feet. In addition, a visual screen of at least three (3) feet in height shall be placed along the

interior perimeter of such landscaped strip. If such visual screen is of nonliving material, one (1) shrub or vine shall be planted along the street side of the visual screen for each five (5) feet thereof and shall be a minimum of two (2) feet in height at time of planting. Grass/turf, ground cover or other landscape materials shall be installed on the remainder of the required planting area.

- b. All property, other than the required landscaped strip lying between the right-of-way and off-street parking area or other vehicular use area shall be landscaped with the minimum requirements required by this section.
- c. Accessways, from public rights-of-way through required landscaped areas to service parking or other vehicular use area may be subtracted from the ~~linear~~ linear dimensions used to determine the number of trees required by this section.

~~(10)(8)~~ Perimeter landscaping in RM, B, O, IO, and IM districts abutting other districts.

- a. ~~On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area,~~ In addition to other landscape requirements of this chapter, all development in an RM, B, O, IO, or IM zoning district shall provide a perimeter landscaped strip of at least ten (10) feet in width shall be provided to form a visual screen between the property and the off-street parking area or other vehicular use area. from the property line as follows:
 - 1. Where overhead utilities do not exist. Trees shall be required at one (1) tree for each forty (40) linear feet of property line (excluding street frontage), or portion thereof, where overhead utility lines do not exist.
 - 2. Where overhead utilities do exist. Street trees shall be required at one (1) tree for each thirty (30) linear feet of property line (excluding street frontage), or portion thereof, where overhead utility lines exist.
 - 3. The visual screen shall consist of also include a continuous hedge and one (1) tree shall be provided for each forty (40) linear feet of such landscaped strip or fraction thereof. along the perimeter of the property.
 - 4. Such trees shall be located between the common lot line and the off-street parking area or other vehicular use area and may be randomly spaced along the property line with no trees located closer than fifteen (15) feet to one another, except the Director of Sustainable Development, or designee, may permit the clustering of trees due to conflicts with existing utility easements or power lines and provided the trees are still located within the designated perimeter strip. Each tree shall be placed in a planting area of at least twenty-five (25) square feet. Each planting area landscaped strip shall be landscaped with grass, ground cover or other landscape material in addition to the required trees. These provisions shall not be applicable to a proposed parking area or other vehicular use area abutting an existing landscaped strip which contains the required hedges and trees complying with all other applicable standards of this section. if the property is providing a landscaped buffer

under other provisions of this code which provides at least the minimum area and plantings required under this section.

- b. ~~Where property located in B, O, IO or IM districts, abuts RS or RC zoned property, without any separating feature such as a street, alley, canal or other open space of at least one hundred (100) feet in width, such nonresidential district shall provide a landscaped visual screen of at least ten (10) feet in width located adjacent to the abutting property line. Such landscaped visual screen shall have a continuous hedge of at least two (2) feet in height at time of planting. In addition, one (1) tree not less than fifteen (15) feet in height shall be provided for each forty (40) linear feet or fraction thereof.~~ B, O, IO or IM districts abutting RS, RC, or RM districts. Where property located in B, O, IO, or IM districts is contiguous to or only separated from any RS, RC, or RM zoning district property by a right-of-way, street, alley, canal, or other open space of less than eighty (80) feet, a six (6) foot high masonry wall shall be required along the property lines and additional landscaping will be required. For each one hundred (100) linear feet of abutting RS, RC or RM zoned property, the landscaping requirement shall be three (3) trees and a continuous hedge. Each tree shall be a minimum of fifteen (15) feet in height at planting and have an eight (8)foot spread. The masonry wall requirement may be waived by the city commission if additional landscaping is added in lieu of the wall. Such additional landscaping shall consist of berms, canopy trees, hedges, or a combination thereof, to provide an adequate buffer.
- c. B, O, IO or IM districts abutting RS, RC, or RM districts. Where property located in B, O, IO or IM districts is separated from RS, RC, or RM zoned property, by a right-of-way, street, alley, canal or other open space of more than one hundred (100) eighty (80) feet in width, such nonresidential district shall install a landscaped screen of not less than one (1) tree for each adjacent forty (40) linear feet of abutting RS, RC, or RM zoned property, or portion thereof. Each tree shall be a minimum of fifteen (15) feet in height and have an eight (8)foot spread at time of planting. Such trees shall be located adjacent to the abutting property line.
- d. RM districts abutting RS or RC districts including designated plots in PUD districts. When any RM district is contiguous to or only separated by a right-of-way of eighty (80) feet or less from any RS or RC district, additional landscaping shall be required. For each one hundred (100) linear feet of abutting RM zoned property, the landscaping requirement shall be three (3) trees and a continuous hedge. Each tree shall be a minimum of fifteen (15) feet in height at planting and have a minimum eight (8)foot spread.

(11)(9) *Open storage areas.* Open storage areas shall be screened with landscaping and/or fencing materials as specified in this subsection and shall be located to substantially hide them from view. In addition, storage areas containing refuse, garbage or rubbish containers shall be further screened as described below:

- a. Screening. Storage areas, dumpsters and mechanical equipment such as air conditioning compressors, pool pumps, sprinkler pumps and electrical

transformers shall be screened on at least three (3) sides. Such screening shall meet the minimum requirements of section 13-444(c)(1)c at time of planting and shall exceed the vertical height of the object by at least six (6) inches within two (2) years of issuing a certificate of occupancy. Dumpsters shall be screened by a masonry wall which exceeds the vertical height of the dumpster by at least six (6) inches. Storage of materials cannot exceed the height of the fence, wall, or enclosure.

- b. Dumpster screen openings. Any opening provided for access to dumpsters shall be screened by use of a durable metal gate.

~~(12)~~(10) *Interior landscape requirements for vehicular use area*

- a. Intermediate and terminal islands. ~~Where more than ten (10) off-street parking spaces are provided on the same parcel of land, there shall be a minimum of one (1) tree for every ten (10) parking spaces. One (1) tree shall be required in every intermediate and terminal island.~~ Such trees shall be planted in a curved~~curbed~~ island of at least twelve (12) feet in width, measured outside of curb to outside of curb, or if no curb is present, measured pavement to pavement with a minimum length equal to the length of the paved area of the adjacent parking space(s). ~~Such trees~~ Planting islands shall be spaced within the parking area with no more than twelve (12) parking spaces separating planting islands. The remaining area of landscaped islands shall be landscaped with turf/grass, ground cover or other landscaped material. All limerock shall be excavated from islands to a depth of two and one-half (2½) feet and backfilled with the ~~specified~~ planting mix specified on the landscape plan.
- b. In addition, other vehicular use areas shall have one (1) square foot of landscaped area for each one hundred (100) square feet or fraction thereof of paved area. Where the property contains both parking areas and other vehicular use areas, parking space area and vehicular use area may be separated for purposes of determining other vehicular use areas by first multiplying the total number of parking spaces by three hundred (300) and subtracting the resulting figure from the total square footage of paved area. Such landscaping shall be in addition to the perimeter landscaping requirements.
- c. Divider medians. Where any row of contiguous parking spaces faces or abuts another row of contiguous parking spaces or an interior driveway, a landscaped divider median shall be installed which is ~~averages~~ not less than five (5) feet in width, not including vehicular overhang. Such divider median shall be placed between contiguous parking spaces or between a row of parking spaces and an interior driveway. One (1) canopy tree shall be provided for each forty (40) ~~lineal~~ linear feet of required divider median. The remainder of such median shall be landscaped with turf/grass or other permitted ground cover.
- d. Divider medians between roads. Where vehicular traffic is separated by a divider median, such medians shall be not less than five (5) feet in width.

measured from back of curb to back of curb, curbed and contain a minimum of one (1) tree for each forty (40) lineal linear feet or portion thereof. The trees may be randomly spaced not to exceed more than sixty (60) feet between groups.

~~(13) *Street trees.* Street trees shall be required at one (1) tree for each forty (40) lineal feet of street frontage where overhead utility lines do not exist, excluding vehicular accessways. Where overhead utility lines exist, tree species acceptable to Florida Power and Light Company (FPL) shall be required at one (1) tree for each thirty (30) lineal feet of street frontage. Street trees shall be installed by the developer or builder prior to the request for a final landscape/zoning inspection and prior to the issuance of certificate of occupancy on or about the adjacent site. Where possible, street trees shall be planted outside the buffer area in the rights-of-way. Where rights-of-way widths cannot accommodate planting within the rights-of-way, such trees shall be required to be planted within the adjacent landscape buffer or private land. The variety and species of street trees shall be designed pursuant to the approved list of canopy trees found in section 13-448, or as may be approved during the site plan approval process. The minimum tree size shall be in accordance with the standards set forth in this section. Tree variety species shall be installed as determined at time of site plan approval or building permit where site plan approval is not required. Street trees may be clustered, however, trees shall be planted no closer than twenty-five (25) feet and no farther than sixty (60) feet apart. The use of palms as street trees will be considered under specific circumstances where existing conditions require. Street tree species are to provide a consistent theme with surrounding properties. Tree sizes shall be in accordance with specifications as provided within the landscape section of this Code.~~

(11) *Street Trees.* The selection and location of street tree species are to provide a consistent theme with surrounding properties. Street trees shall be selected in compliance with *Right-Tree-Right-Place principles* and shall be installed by the developer or builder prior to the request for a final landscape/zoning inspection and prior to the issuance of a certificate of occupancy on the property for which the street trees are required as follows:

- a. *Where overhead utilities do not exist.* Street trees shall be required at one (1) tree for each forty (40) linear feet of street frontage, or portion thereof, where overhead utility lines do not exist.
- b. *Where overhead utilities do exist.* Street trees shall be required at one (1) tree for each thirty (30) linear feet of street frontage, or portion thereof, where overhead utility lines exist.
- c. *Calculation of street frontage.* Vehicular access ways meeting the requirements of the City Code of Ordinances or legally approved by the City shall be excluded from the calculation of linear street frontage for purposes of street tree calculation.
- d. *Location.*

1. Street trees are in addition to required property or buffer trees and shall be planted in the rights-of-way along each street frontage, outside of any required buffer. Street trees shall be planted in the rights-of-way along each street frontage.
2. Where right-of-way widths cannot accommodate planting within the rights-of-way, such trees shall be required to be planted within the adjacent landscape buffer or private land, no more than ten (10) feet from the front property line, as close to in-line with other existing street trees along the block as possible.
3. The Director of Sustainable Development or designee may permit the location of required street trees more than ten (10) feet from the right-of-way if necessary due to conflicts with existing utility easements and provided the trees are still located within the front yard.
4. Street trees may be clustered, however, trees shall be planted no closer than twenty-five (25) feet and no farther than sixty (60) feet apart.

e. Tree Requirements.

1. Tree variety/species shall be selected from the "Recommended Tree List" maintained by the City's Urban Forester and shall be installed at the required minimum sizes and quality as determined at time of site plan approval or building permit where site plan approval is not required.
2. The use of palms as street trees will be considered under specific circumstances where existing conditions require consistent with Right-Tree-Right-Place principals.

~~(14)~~(12) *Sight distance for landscaping adjacent to public rights-of-way and points of access.* Where an accessway intersects a public right-of-way or where property abuts the intersection of two (2) or more public rights-of-way, all landscaping within the triangular areas described below shall provide unobstructed cross visibility at a vertical level between thirty (30) inches and six (6) feet from pavement. Trees or palms having limbs and foliage trimmed in such a manner so that no limbs or foliage extend into cross visibility area shall be permitted provided that their location does not create a traffic hazard. Landscaping except required grass or ground cover shall not be located closer than three (3) feet from the edge of any accessway pavement. The triangular areas referred to above are:

- a. The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way line with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides; or
- b. The area of property located at a corner formed by the intersection of two (2) street edges of pavement with two (2) sides of the triangular area being forty

(40) feet in length along the abutting public right-of-way lines, measured from their point of intersection and the third side being a line connecting the ends of the other two (2) lines.

- c. The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the street edge of pavement with the two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.

~~(15)~~(13) *Roadway landscape buffer standards.* The intent of this section is to provide enhanced consistent landscaped roadways. This section shall provide minimum requirements for landscape, berms and irrigation within all roadway buffer areas. Such buffer areas shall be separate and distinct from and in addition to, other landscaping and landscape strips which may be required by this subdivision. Such landscape is to provide safety, consistent appearance, character and aesthetic quality thereby promoting the general welfare of the city.

- a. Roadway landscape buffer widths shall conform to 13-331(g).
- b. Roadway landscape buffers shall be shown and delineated as separate parcels on all plats and site plans. All building, structure and vehicular use setbacks shall be measured from the interior parcel line, not the property line. At time of plat and site plan, all buffer parcels shall be noted to include ownership and the perpetual maintenance responsibility of the owner or assigns.
- c. Required landscaping within the buffers is intended to continue the provision of a meandering, undulating, continuous landscape buffer with a minimum of three (3) different maintained levels or tiers of landscape in addition to all other trees and plantings required by this subdivision, and shall consist of the following:
 - ~~1. Meandering and undulating berms to the highest elevation possible not to exceed a maximum 1:3 slope with a one-foot level sod area adjacent to all sidewalks and parking areas.~~
 - 2.1. Trees shall be required within the buffer area at one (1) tree per two thousand (2,000) square feet (1:2,000 square feet) or portion thereof of total land area where overhead utility lines do not exist. Where overhead utility lines exist, tree species acceptable to under Florida Power and Light Company's (FPL) Right Tree, Right Place principles (<https://www.fpl.com/reliability/trees/tree-location.html>), University of Florida IFAS's (UF IFAS) Trees and Power Lines guidelines (<https://hort.ifas.ufl.edu/treesandpowerlines/>) and Florida Urban Forestry Council's "Right Tree/ Right Place – Selecting & Planting Tree for the South Florida Urban Forest" (fufc.org) shall be required at one (1) tree per each one thousand (1,000) square feet (1:1,000 square feet) or portion thereof of total area. Tree location setbacks from overhead utility lines shall be in conformance with FPL's standards Right Tree, Right Place principles (<https://www.fpl.com/reliability/trees/tree-location.html>).

UF IFAS's *Trees and Power Lines* guidelines (<https://hort.ifas.ufl.edu/treesandpowerlines/>) and Florida Urban Forestry Council's "Right Tree/ Right Place – Selecting & Planting Tree for the South Florida Urban Forest" (fufc.org). Trees may be clustered, however, trees shall be planted no closer than twenty-five (25) feet and no farther than sixty (60) feet apart. Palms may be spaced closer together provided there is adequate stagger in height. Tree sizes shall be in accordance with specifications as provided within the landscape section of this Code.

3-2. Palms, where utilized, shall be counted as three (3) palms (3:1) for each required shade tree, in place of the requirement for canopy trees with the exception of Royal Palms (*Roystonea elata*), Canary Island Date Palms (*Phoenix canariensis*), Edible Date Palm (*Phoenix dactylifera*), Coconut Palm (*Cocos nucifera*) and Bismarck Palms (*Bismarckia nobilis*), which shall be counted as one (1) palm for each required shade tree (1:1). Palms shall also conform to FPL's standards *Right Tree, Right Place* principles (<https://www.fpl.com/reliability/trees/tree-location.html>), UF IFAS's *Trees and Power Lines* guidelines (<https://hort.ifas.ufl.edu/treesandpowerlines/>) and Florida Urban Forestry Council's "Right Tree/ Right Place – Selecting & Planting Tree for the South Florida Urban Forest" (fufc.org) as to species and location.

4-3. Hedges shall be provided and planted at twenty-four (24) inches in height with eighteen (18) inch spread, branches touching. ~~Special exception may be accommodated administratively, where appropriate, to provide vistas into commercial properties.~~ Minimum maintained height of hedges shall be three (3) feet unless specified otherwise on a site plan and approved by the city.

5-4. Shrubs shall be a minimum of forty (40) shrubs per two thousand (2,000) square feet (~~40/2,000~~ 40: 2,000 square feet) of open space or portion thereof in addition to required hedges. Shrub size shall be in accordance with specifications as provided within the landscape section of this Code. The intent of this section is to provide a meandering, undulating, continuous landscape buffer with a minimum of three (3) different maintained levels or tiers of landscape excluding required sod. Additional plant material may be required to create the desired ~~affect~~ effect.

6-5. Ground cover plants shall be provided in order to provide a tiered effect. Ground cover plants shall be utilized in mass and as borders for shrubs and other plant beds. ~~The intent of this section is to continue the provision of a meandering, undulating, continuous landscape buffer with a minimum of three (3) different maintained levels or tiers of landscape excluding required sod.~~

d. Walls and entry feature walls where required by ~~planning and zoning board review and determination or provided~~ shall be constructed within the required landscape buffer area/width but within the rear one-third (1/3) of the width which is opposite the right-of-way line. The wall may not be higher than eight (8) feet above the elevation at the edge of the right-of-way. The criteria for

wall placement are evaluated by the location of residential versus nonresidential land uses on opposite sides of the roadway. Such conditions are a consideration for the need of a wall. Fences may not be designed or constructed in the buffer unless decorative and incorporated into the wall feature. ~~If a wall is not determined to be necessary by the planning and zoning board, then a fence, minimum five (5) feet and maximum six (6) in height, shall be required at the interior buffer line.~~

- e. There shall be no sidewalks and/or pedestrian or vehicular usage within the landscape buffer area unless approved by the city commission during Site Plan approval.
- f. In lieu of the required landscape buffer, a perimeter project greenway and multi-purpose path may be provided to satisfy the intent of this section. This alternative shall only be considered in areas of the city where greenway connections are reflected in a master greenway plan as may be modified. Further, such an alternative must be approved by the director of sustainable development and the development review committee. As a condition of approval, all greenways shall be delineated as separate parcels and provide for public access through dedication of such an easement. These parcels shall be noted to include ownership and perpetual maintenance responsibility of the owner or assigns.

Sec. 13-444. - Installation, maintenance and materials for all zoning districts.

- (a) *Installation.* The owner of the property, or his agent, or applicable association shall be responsible for the installation and all maintenance and cost of installation and maintenance of all landscaping, where landscaping is required by this chapter (including abutting/adjacent portions of rights-of-way, swales, medians, canals, lakes and waterways, to include easements thereon) in accordance with the following standards.

Minimum requirements: The following shall be considered the minimum requirements for the installation of all landscaping. All landscaping shall be installed according to planting procedures of this section of the Code with the quality of plant materials as hereinafter described and in a sound, workmanlike manner according to accepted good planting procedures as prescribed by the publications as described in section13-442.

- (1) Soil structure. All required landscape materials shall be installed using a planting soil mix comprised of a type appropriate to the individual proposed plant material and the ~~native~~ existing soil found on the site.
- (2) ~~Native~~ Existing topsoil retention requirement. That amount of ~~native~~ existing topsoil found on the site, in such a quantity to cover all proposed landscape areas of the site to a minimum depth of twelve (12) inches should be retained on site. Said retained topsoil shall be clear and free of construction debris, weeds, and rock. Rock or debris (stone, coral, etc.) shall not exceed one (1) ~~and one-half (1½) inches~~ inch in size for planting beds or sod preparation area.
- (3) Soil requirements.

- a. Planting soil requirement. All planting beds for shrubs, hedges and groundcovers shall consist of a minimum depth of ~~eighteen (18)~~ twenty-four (24) inches and backfilled with the specified planting mix of soil suitable for the intended plant materials. A minimum of six (6) inches of soil, to meet plant growth requirements shall be required in all other landscaped areas. Planting beds and landscaped areas shall be free from rock, weeds and construction debris.
- b. Soil Requirements for trees and palms. In all districts required to provide trees and palms per other sections of this code, there shall be provided adequate soil area consistent with existing best practices, with a minimum depth of three (3) feet, to promote health, growth and the ability to achieve the size potential for the species. See Table 13-444.T1 below:

<u>Table 13-444.T1. Soil requirements for trees based on their size at maturity.</u>		
<u>Tree Size at Maturity</u>	<u>Total Soil Area*</u>	<u>Distance from Paved Surface</u>
<u>Small – Category 3</u>	<u>100 square feet</u>	<u>3 feet</u>
<u>Medium – Category 2</u>	<u>400 square feet</u>	<u>6 feet</u>
<u>Large – Category 1</u>	<u>900 square feet</u>	<u>10 feet</u>
<u>*Required rootable soil depth should be 3 feet or greater. For soil less than 3 feet deep, smaller maturing trees are recommended.</u>		

In any case that the required square footage of area or soil depth for tree roots is not achievable or warranted under proposed urban design guidelines, a suspended pavement system or structured soil, shall be used to meet soil depth and volume requirements in areas where the soil surface must be covered by pavement for parking lots, driveways or sidewalks.

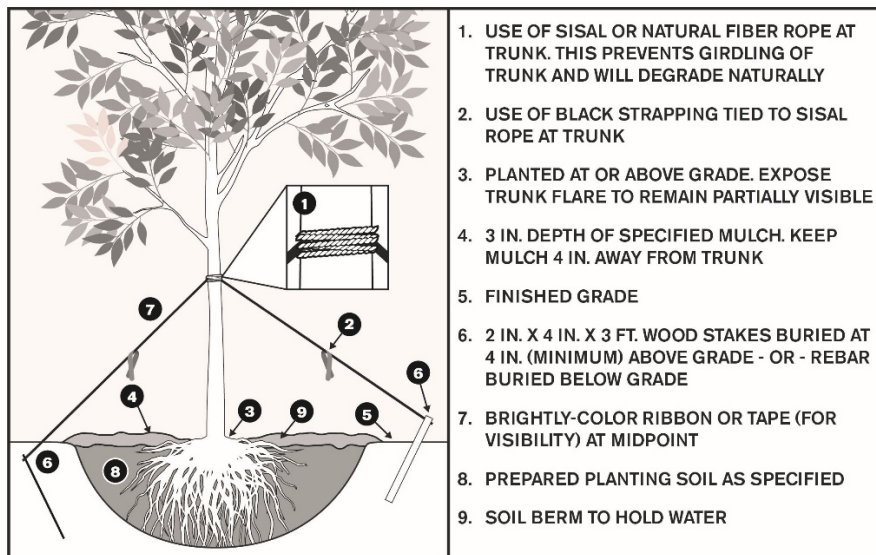
- (4) Use of organic mulches. All mulch shall be organic, weed-free, sterilized mulch, certified arsenic free. Cypress mulch is not permitted. Eucalyptus and Melaleuca mulch are recommended. A two (2) inch minimum thickness, after initial watering in, of approved organic mulch material shall be installed in all areas not covered by buildings, pavement, sod, and preserved areas. Each tree and palm shall have a ring of organic mulch no less than two (2) feet beyond its trunk in all directions, leaving a band of soil, four (4) inches wide, free of mulch adjacent to the base of the trunk.

Mulch shall be pulled away from the base of shrubs and groundcover.

- (5) Stabilization. All trees and palms planted as trees shall be securely guyed, braced, and/or staked with sisal rope or other organic material at the time of planting until establishment. No synthetic material may be used around the tree trunk. The use of nails, wire, rope, or other methods, which damage the tree or palm are prohibited. All plants shall be installed with the top of the root ball

positioned so that the top-most root is even with or slightly (two (2) inches) higher than the surrounding landscape grade. See Figure 13-444.1.

FIGURE 13-444.1



- (6) Iron rebar or similar material used for stabilization must be driven below grade and remain below grade after guy wires, straps, etc., are removed after tree establishment.
- (7) Flagging tape shall be used on guying/staking supports.
- (8) Sight distance triangle for landscaping adjacent to rights-of-way and points of access, including the intersection of public to public, private to public or private to private vehicular use areas. See Section 13-443~~(44)~~(1).
- (9) Landscaped areas abutting parking shall require protection from vehicular encroachment by placing curbing or wheel stops at least two (2) feet from the edge of such landscaped areas. If the two (2) feet of vehicular parking area is left unpaved, it shall be landscaped and shall not be included in the minimum perimeter landscape buffer requirement. Other landscaped islands, medians and areas abutting curved or angular drives shall be curbed, if determined by the city, based on necessary high traffic areas or easily encroached areas by vehicular use. Wheel stops or curb shall be a minimum four (4) inches in height.
- (10) Where hedge rows, shrubs and/or trees abut parking, said landscape shall be placed a minimum of three (3) feet from edge of pavement, wheel stop or continuous curb.
- (11) Trees and palms shall not be planted so close to a building as to inhibit future growth in a natural manner. Proper plant selection shall be given consideration per site.
- (12) Trees and palms planted within six (6) feet of any hardscape elements (including paved surfaces, sidewalks, and artificial turf) or buildings shall incorporate the use of a root barrier system to prevent future damage.

- (12)(13) Once the tree, palm, or shrub planted is set, ~~B & B material~~ burlap, wire cages and/or ropes shall be removed from the top half of the root ball prior to backfilling the planting hole. All synthetic material, including grow bags or grow bag type material, must be completely removed from the root ball prior to planting and backfilling of planting hole.
- (13)(14) Replacement requirements: Vegetation that has died, which is required to be planted by this Code, shall be replaced with equivalent vegetation ~~if it is not living~~. Preserved vegetation for which credit was awarded, which subsequently die within two (2) years of the issuance of the certificate of occupancy shall be replaced with equivalent vegetation according to the requirements established in this Code. Periodic inspections of landscape shall be performed by the city to insure health and vigorous growth of such landscape to intended mature specifications. Landscaping below city Code requirements shall be brought into compliance within ninety (90) days of said inspection, after the property owner has been notified in writing.
- (14)(15) Upon inspection of required landscaping, all trees, shrubs, ground covers, vines, sod or other landscape material shall be free from foreign material, which includes but is not limited to, paint, stucco, construction debris or other similar material. Should any foreign material be present upon inspection, the plant material shall be replaced prior to reinspection.
- (15)(16) Electric meter clear zone requirements must be met for safety reasons. Prior to the installation of landscape material, the landscape subcontractor and/or the general contractor shall verify with the city electrical inspector the area required to be clear. Plant material, other than sod, shall not encroach within the designated clear zone.
- (16)(17) Fire hydrant clear zone must be met for safety reasons. Fire hydrant clear zone, as defined in the Florida Fire Prevention Code (FFPC) as amended from time to time, must be depicted on landscape drawings prior to approval. Plant material shall be installed in accordance with the fire hydrant clear zone.
- (17)(18) Prior to final inspection, the entire site to be inspected as well as adjacent rights-of-way, lots, property and water bodies, shall be free of all construction material, refuse, debris, excess landscape material and landscape debris.
- (18)(19) Landscaping that is installed adjacent to public or private rights-of-way in buffer areas shall be designed to accommodate earthen berms or, with city approval, pedestrian improvements. A as outlined in subsection 13-443(15)(12). Modifications to approved plans may be made according to section 13-549, "Modifications to approved site plan".
- (b) *Maintenance.* The owner of the property or his agent, shall be responsible for the maintenance and cost of maintenance of all landscaping located in areas where landscaping is required by this section (including abutting/adjacent portions of right-of-way, swales, canals, lakes, waterways to include all easements thereon) in accordance with the following standards:
- (1) Landscaping shall be kept reasonably free of visible signs of insects, disease and shall be appropriately irrigated and fertilized to enable landscaping to be in a

healthy, vigorous and growing condition. All landscaped areas except those utilizing xeriscape or preserve areas shall have an underground irrigation system designed to provide one hundred (100) percent coverage with fifty (50) percent overlap except approved site planned areas that existed prior to the adoption of this ordinance. See the irrigation subsection 13-444(b)(6)(7) for further provisions.

- (2) Mowing, trimming or pruning of landscaping shall be provided in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Parking of vehicles in the swale shall not degrade the condition of the sod and said area shall be mowed with the same frequency as the remainder of the yard. Vehicles shall be moved to accommodate mowing. Pruning shall not interfere with the design intent of the original installation. Growth and size of plant material at maturity shall be considerations where future conflicts such as views, signage, street lighting, utilities and circulation may arise. The owner or agent shall be directed by the city to correct obstructions caused or created by plant material.
 - a. All yards, swales, medians and parcels of land shall be maintained in accordance with the standards referenced below. The property owner is required to ensure an acceptable ~~aes-thetic~~ aesthetic appearance and alleviate the attraction of rodents and debris accumulation.
 1. Areas partially or fully developed with structures shall have turf/grass and weeds no more than six (6) inches high in all zoning districts.
 2. Areas partially developed without structures shall have turf/grass and weeds no more than twelve (12) inches high.
 3. Undeveloped areas without structures shall have turf/grass and weeds no more than twenty-four (24) inches high.
 4. Sidewalks cannot be encroached upon by adjacent weeds, turf/grass, or vegetation.
 5. Invasive exotic plant species shall be eradicated from all areas where landscaping is required.
 6. In no case shall turf/grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, sidewalks, or roadways, either intentionally or accidentally.
 7. Yard wastes shall not be disposed of or stored by shorelines, ditches, swales, or the vicinity of storm drains. Yard waste and compost sites must be hidden from street view, maintained to prevent odor, and be free of weeds.
 8. Turf/grass clippings should be left on the lawn to replace nutrients. Shredded yard clippings and leaves should be used for mulch or be composted for use as fertilizer. However, diseased material should not be mulched and should be properly disposed of to avoid spreading disease.

- (3) Maintenance of all landscaping is required to minimize property damage and public safety hazards. This includes removal of dead or decaying plant material, lifting trees to a minimum height of fourteen (14) feet over roads, lifting trees to a minimum height of eight (8) feet over sidewalks and/or walkways, and which may obstruct street lighting and removal of roots, which show evidence of destroying public or private property, and maintenance of sight distance standards as set forth in this subdivision. Landscaping, including sod, adjacent to a sidewalk and/or walkway shall be maintained in such a manner as to provide clear passage for the entire width of such sidewalk. Hedges shall be maintained at a height not to exceed eight (8) feet. Hedges shall be maintained at a height not to exceed thirty (30) inches in the front yard setback. Any dead vegetation shall be promptly replaced with healthy living plantings of a like plant material as that originally installed or with plants as provided in this subdivision and approved by the city.

Mulching. Two (2) inches of clean, weed free, approved organic mulch should be maintained at all times over all areas originally required by site plan to be mulched. Plastic sheeting and other impervious materials shall not be used under mulched areas.

Mowing. Mowing of turf/grass shall be to encourage deep root growth.

- a. St. Augustine turf/grass/sod shall be mowed by removing no more than one-third (1/3) of the leaf blade at each cutting and should be maintained at a height no less than three (3) inches.
- b. Bahia turf/grass shall be mowed at a height no less than three (3) inches.

Composting. Composting of yard wastes provides many benefits and is strongly encouraged. Other recycled solid waste products are also available and should be used when appropriate.

- (4) Tree and palm abuse and pruning.

Vehicles used by tree services/arborists operating within the city shall be clearly marked with the name and telephone number of the tree service/arborist. A photocopy of a local business tax receipt and certificate of insurance shall be available for inspection at each job site.

- a. Prohibition of tree abuse: No person shall abuse a tree located within Coconut Creek unless one (1) of the exemptions applies.

1. Tree abuse exemptions:

~~(a) The tree is one of the following species and the abuse does not result in a tree that threatens public safety or adjacent property;~~

~~*Acacia auriculiformis (Earleaf acacia)~~

~~*Araucaria heterophylla (Norfolk Island Pine)~~

~~*Bischofia javanica (Bischofia, Bishopwood)~~

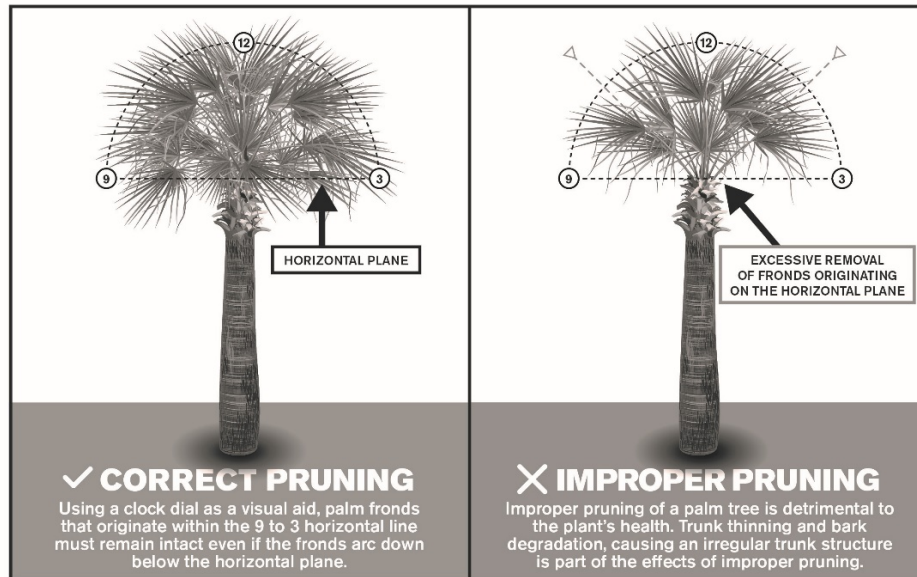
~~*Brassaia actinophylla (Schefflera)~~

- ~~*Casuarina, equisetifolia (Australian Pine)~~
- ~~*Cupaniopsis anacardiopsis (Carrotwood)~~
- ~~*Dalbergia sissoo (Indian rosewood)~~
- ~~*Leucaena leucocoephala (Lead tree)~~
- ~~*Melaleuca quinquenervia (Punk Cajeput)~~
- ~~*Metopium toxiferum (Poison wood)~~
- ~~*Schinus terebinthifolius (Brazilian pepper, Florida holly)~~
- ~~*Syzygium cumini (Java plum)~~

- i.~~(b)~~ The abuse is necessary to alleviate a dangerous condition posing an ~~immediate~~ or imminent threat to the public or property provided that the threat cannot be remedied by pruning that is not defined as tree abuse; or a determination by the city must be made whether the condition is dangerous or not prior to the pruning of the tree. In the situation of immediate imminent danger, a photograph shall be submitted to the city for documentation purposes ~~within seventy-two (72) hours of said situation.~~ obtained. Failure to obtain and provide such documentation shall be evidence that the abuse was not subject to this exemption.
 - ii.~~(c)~~ County, municipal, school board or franchised utilities, water control districts, and their authorized agents, may obtain a permit from the city, renewable on an annual basis, authorizing the pruning of trees in a manner that may be defined herein as tree abuse provided such pruning is necessary to prevent interference with the utility or operation of water control structures. Stubbing and flush cutting are not permitted under any circumstance.
 - iii.~~(d)~~ Topiary pruning shall only be allowed for those trees that were not installed to meet minimum landscaping requirements and are identified on an approved landscape plan as appropriate for topiary pruning, and are located outside of rights-of-way or roadway easements.
 - iv.~~(e)~~ Shaping of trees to protect property, such as buildings and infrastructure, in which there is adequate evidence accepted by the city that shaping has occurred historically.
 - v. The abuse is otherwise exempt pursuant to state law.
2. Tree abuse ~~variances~~ waivers: Any person may apply to the enforcement agency Department of Sustainable Development for a ~~variance~~ waiver from the terms of the section provided that:

- i.~~(a)~~ The application is made before any actions for which a ~~variance~~ waiver is sought have been undertaken; and
 - ii.~~(b)~~ Any alleged hardship is not self created by any person having any interest in the property. A hardship shall not be considered self created if the subject tree was installed or abused prior to the effective date of this ordinance; and
 - iii.~~(c)~~ There are unique and special circumstances or conditions applying to the subject tree or the property upon which it is located that do not apply generally to other trees or properties; and
 - iv.~~(d)~~ The ~~variance~~ waiver proposed is the minimum ~~variance~~ waiver necessary to alleviate the hardship; and
 - v. ~~(e)~~ That the granting of the ~~variance~~ waiver will be in harmony with the general intent and purposes of this section, and will not create a dangerous condition, whether imminent or future, that threatens the public or property; and
 - vi. ~~(f)~~ The term of the ~~variance~~ waiver shall last for a maximum period of two (2) years unless extenuating circumstances exist that require a longer period to be approved by the ~~variance~~ waiver authority.
- b. Tree pruning is to be performed strictly adhering to the most current standards established by the ANSI A-300. Said standards as may be amended from time to time are incorporated herein by reference. Unless special approval is provided by the city, trees shall be allowed to attain their normal size and shape for the species and shall not be severely pruned or hatracked. Overlifting of branches/limbs on a tree that destroys the natural shape and/or integrity of the tree shall be a violation of this article and subject to fine and/or replacement of tree. Hatracking, topping, shaping, improper palm pruning, and/or tree abuse as defined in the code, is not permitted within the municipal limits of the City of Coconut Creek.
- c. Palm pruning. Proper palm pruning shall consist of the following: the removal of leaves (called fronds), the inflorescence (flower spikes), remains of inflorescence, young seed stalks, remains of seed stalks, and/or the fruits. ~~Fronds that have dropped below the 9 o'clock and 3 o'clock position may be removed.~~ The fronds should be cut close to the trunk with a sharp pruning saw or lopping shears. Fronds that arise at or above the nine (9) o'clock and three (3) o'clock position shall be retained, thereby leaving no less than a one hundred eighty (180) degree head of fronds. See Figure 13-444.2. Removing palm fronds that initiate at or above the horizontal plane (other than dead or those interfering with the integrity of a structure) shall constitute tree abuse, as defined herein, and shall be considered a violation of this section.

FIGURE 13-444.2



d. Pruning and tree abuse remedial actions required.

1. In the event a person abuses a tree in violation of this subdivision, the violator shall be responsible to undertake pruning and other remedial actions that the city determines is reasonably necessary to protect public safety and property, and to help the tree survive the tree abuse damage if the tree is not a nuisance tree species.
2. If the city determines that a tree will not survive and grow in a safe manner, i.e. threatens public safety of property, due to the destruction of the natural habit of growth, the violator shall remove the abused tree and install a replacement tree(s). The diameter inches of the replacement tree(s) shall be equal to or greater than the diameter inches of the abused tree. Replacement(s) shall be made within forty-five (45) days of the removal of the tree(s) except as required by state law.
3. If the city determines that a tree will survive the tree abuse damage but greater than fifty (50) percent of the tree's canopy has been removed due to the tree abuse damage and remedial actions required under subsection (1), the violator shall install a replacement tree(s) except as required by state law. The diameter inches of the replacement tree(s) shall be equal to or greater than one-half ($\frac{1}{2}$) the diameter inches of the abused tree.
4. Replacement trees shall be installed on site or on public lands if such installation is approved by the city. If no suitable public lands are located or if all replacement trees cannot be accommodated on site, the violator shall pay a fee into the Coconut Creek Tree Preservation trust account. Each replacement tree shall be a species found on the ~~list of approved trees adopted and found herein~~ "Recommended Tree List" maintained by the City's Urban Forester. Replacement trees shall be Florida No. 1

quality or better. More than one (1) tree may be utilized for replacement if the aggregate sum of the diameter inches of the replacement trees is equal to or greater than the required replacement tree diameter inches. For each abused tree, the fee shall be determined by multiplying the aggregate diameters of the replacement trees that cannot be replaced on site, by one hundred fifty dollars (\$150.00) per diameter inch. Replacement trees shall have a diameter of not less than three (3) inches as measured four and one-half (4½) feet above the ground.

5. In any instance, the minimum number of trees must be provided and maintained on each parcel or lot as required by the zoning district and/or the approved site plan.
6. Remedial actions, replacement or donation required under this section shall be completed within ~~sixty (60)~~ forty-five (45) days of notice from the city that such actions are required. The city may require the violator to immediately undertake remedial actions in the event the abused tree is an immediate threat to the public or property.
7. A tree removal permit shall be required under the Coconut Creek Code of Ordinances to remove a tree as required by the city, unless exempted from a permit by state law. This permit may be applied for in conjunction with a clearing and grubbing or burn permit.

(5) Vegetation abuse and trimming.

a. Vegetation abuse is prohibited.

b. Ornamental grasses shall only be pruned severely (with one-half, or more, of the blades removed) once a year, in January or February. Blades overhanging and shading out sod areas may be removed at any time.

~~(5)~~(6) Turf edge trimming. All roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas. Line trimmers shall not be used or used with extreme caution to trim turf abutting trees or other plant materials. Girdled trees may die, making replacement necessary. Girdling is considered tree abuse.

~~(6)~~(7) Irrigation.

a. *Irrigation systems.*

1. Residential districts (i.e. RS, RC, PUD, etc.) of less than thirty-five thousand (35,000) square feet shall provide irrigation in all areas, to include common areas and individual lots ~~unless site plan approved, depending upon the housing design concept~~ per code requirements. For those common areas, irrigation shall be provided sufficient to maintain the landscaping in a live vegetative state. Irrigation on private lots may be provided as per site plan requirements. The irrigation may be applied in the form of a controlled or manual below grade irrigation system. Single-family plots over thirty-five thousand (35,000) square feet are exempt from irrigation requirements in the rear fifty (50) percent of the lot, unless otherwise exempted.

2. All other landscape areas in other zoning districts, except preserved ecological communities, shall be irrigated by an automatic controlled or manual below grade system.
 3. Low-volume, drip, trickle, emitter irrigation and other forms of micro-irrigation are encouraged to promote Florida Friendly Landscaping™ principals where applicable.
- b. *Coverage requirements.* All irrigation systems shall be designed to have a minimum of one hundred (100) percent coverage with a minimum fifty (50) percent overlap. Drip, trickle, or other nonvisible irrigation systems will be permitted if designated on an irrigation plan along with the approved landscape plan. Irrigation systems shall be designed, installed and maintained to minimize application of water to impervious areas such as roadways and sidewalks.
 - c. *Irrigation hydrozones.*
 1. Low water demand landscape areas shall be designed as separate zones from high water demand areas, such as grass/turf; and
 2. Heads with different precipitation rates shall be installed on separate zones.
 - d. *Control systems.* Controlled irrigation systems shall be operated by an irrigation controller capable of irrigating low water demand areas on a different schedule from high water demand areas.
 - e. *Use of nonpotable water.* Use of nonpotable water, in the irrigation of landscape areas, is required when determined to be available and safe. Water use permits/licenses must be submitted to the city from appropriate agencies prior to irrigation (or well) permit issuance for all system sources other than city water: i.e., well, canal, lake, etc.
 - f. *Water application rates.* Water shall not be applied more frequently than as mandated by the South Florida Water Management District.
 - g. *Operation of irrigation systems.* Irrigation systems shall be operated ~~between the hours of 4:00 p.m. and 10:00 a.m., or as amended by state, county, city and/or~~ as mandated by the South Florida Water Management District regulations, under 40E-24.201 (1)-(6), 40E-24.401, and 40E-24.501, F.A.C. Operation of the irrigation system for maintenance, repair, sod installation for new construction and landscape maintenance activities (such as required application of water to apply fertilizer, herbicides and pesticides) is not limited to these hours.
 - h. *Enforcement* shall be the responsibility of city code inspectors and/or police officers.
 - ~~i. *Penalties* shall be according to the fine schedule in section 1-8, City of Coconut Creek Code of Ordinances.~~
 - ~~j.i.~~ *Maintenance of irrigation systems.* Irrigation systems shall be maintained to eliminate waste of water due to loss from damaged, missing or improperly

operating sprinkler heads, emitters, pipes and all other portions of the irrigation system.

k.i. *Water use permits.* Water use permits from the South Florida Water Management District shall be required for all wells and irrigation systems utilizing wells, lakes or canal water for all zoning areas ~~other than single-family and duplex individual lots.~~

l.k. *Temporary irrigation.* Temporary irrigation system shall be required to establish planting areas not intended to be permanently irrigated. Temporary irrigation systems shall be designated along with the approved landscape plan.

~~(7)~~(8) Required management of preserved vegetation areas. There shall be no use of mechanical equipment in accomplishing the maintenance of preserved ecological communities unless specifically authorized in writing by the city.

~~(8)~~(9) Pesticide regulation compliance. Persons, corporations, businesses or any others who apply pesticides, and/or any other regulated substances, shall comply with all applicable local, state and federal regulations as amended from time to time. Integrated pest management (IPM) provides many benefits and is strongly encouraged.

~~(9)~~ Fertilizer regulation compliance. Within one ~~(1)~~ year after February 14, 2013, all persons providing landscape maintenance services, commercial fertilizer applicator services, and institutional fertilizer applicator services within the city shall:

a. ~~Attend training in the best management practices described in the most recent edition of the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries* (Florida Department of Environmental Protection); and~~

b. ~~Have at least one (1) person holding a current certificate of completion for training in the best management practices described in the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries* (Florida Department of Environmental Protection, 2010) present at all times on any job site while fertilizer application is in progress.~~

(c) *Landscape material general provisions.* Plant material used in conformance with provisions of this subdivision shall conform to the standards of Florida No. 1 or better, as given in the current *Grades and Standards for Nursery Plants*, State of Florida, Department of Agriculture, Tallahassee, or equivalent and as may be amended from time to time. Plant materials and species shall be in accordance with this section. The minimum quantities of native plants and plant species for each type of required plant material installed, excluding ~~groundcover and turf/grasses~~grass shall be fifty (50) percent.

The types of required plant materials as provided below include: shade/canopy trees, intermediate trees, small trees, palms, and shrubs; but excluding groundcover and all grasses. No more than twenty-five (25) percent of the new materials brought to a site may be of the same species except ~~hedge plant materials and sod.~~ Grass

~~seed Sod~~ shall be clean, free of weeds, noxious pests, insects and diseases. ~~Grass seed shall be delivered to the job site in bags with Florida Department of Agriculture tags attached indicating the seed grower's compliance with the department's quality control program, if permitted during site plan approval.~~

(1) Trees, palms, shrubs and ground cover.

- a. Trees. Trees shall not be placed where they could materially damage above or below ground utilities, as outlined in Selecting and Planting Trees for the South Florida Urban Forest, by the Florida Urban Forestry Council, Broward County, and Florida Power and Light.

Minimum tree specifications (all zoning districts):

1. Shade/canopy tree. Shade/canopy trees shall be a minimum overall height of twelve (12) feet, with a minimum trunk caliper of two (2) inches. Canopy spread shall be characteristic of the species at that height and caliper. Minimum canopy spread shall be five (5) feet. This category shall constitute forty (40) percent minimum of the total trees required. For single-family lots, this category shall constitute thirty (30) percent minimum of the total trees required.
2. Intermediate tree. Intermediate trees shall be a minimum overall height of ten (10) feet and minimum trunk caliper of two (2) inches. Canopy spread shall be characteristic for the species when they meet height and caliper requirements. Minimum canopy spread shall be four (4) feet. This category shall constitute thirty (30) percent minimum of the total trees required.
3. Small tree. Small trees shall be a minimum overall height of eight (8) feet and a minimum canopy spread of four (4) feet, and minimum trunk diameter at three (3) feet of one and one-half (1½) inches for at least one (1) of the trunks for a multi-stem tree. This category shall constitute no more than ten (10) percent of total trees required.
4. Tree Compliance with tree specification standards. ~~Tree standards below Trees which do not meet the minimum tree heights and spreads as required by the tree specifications listed above shall not fulfill minimum tree requirements of this section of the Code.~~
5. When percentage requirements cannot be met due to individual lot sizes, shade/canopy and intermediate trees shall comprise the majority requirements with one (1) small tree fulfilling the lesser percentage requirement. Single-family lots can replace one (1) required large tree with one (1) intermediate tree, two (2) small trees, or three (3) palms.
6. ~~Trees to be planted within fifteen (15) feet of a public street or other public right-of-way shall be selected from an approved list of trees. Said list shall be compiled and maintained by the city. Such list shall not include root aggressive trees.~~

- b. Palms. Palms, where utilized, shall be counted as three (3) palms (3:1) for each required shade tree, in place of the requirement for canopy trees, with the exception of Royal Palms (*Roysonia elata*), Canary Island Date Palms (*Phoenix canariensis*), Edible Date Palm (*Phoenix dactylifera*), and Bismarck Palms (*Bismarckia nobilis*), which shall be counted as one (1) palm for each required shade tree (1:1). Palms shall also conform to FPL standards FPL's Right Tree, Right Place principles (<https://www.fpl.com/reliability/trees/tree-location.html>), UF IFAS's *Trees and Power Lines* guidelines (<https://hort.ifas.ufl.edu/treesandpowerlines/>), and Florida Urban Forestry Council's "Right Tree/ Right Place – Selecting & Planting Tree for the South Florida Urban Forest" (fufc.org) as to species and location. Palms in groupings of greater than one (1), shall be planted with staggered heights and minimum clear trunk height starting at eight (8) feet. If palms are used, they shall make up no more than fifty (50) percent of the total trees required. Native palms shall be exempt from the twenty-five (25) percent similar species rule as listed prior.
- c. Shrubs.
 1. Shrubs classified as "spreading type" shall have a minimum height of twelve (12) inches with a minimum spread of eighteen (18) inches, and those classified as "upright type" shall have a minimum height of twenty-four (24) inches with a spread of eighteen (18) inches, when measured immediately after planting.
 2. Hedges, where required, shall be planted and maintained so as to form a continuous visual screen. Shrubs used as hedges shall be a minimum height of twenty-four (24) inches full to base and a minimum spread of eighteen (18) inches, when measured immediately after planting. Such shrubs shall be capable of reaching a minimum of three (3) feet in height within two (2) years from the date of planting.

Plant spacing shall be adjusted according to plant sizes as long as a solid screen is achieved. Hedges shall not be permitted in front yards higher than thirty (30) inches and may not extend into the public or private swale area. When shrubs are used as a visual buffer around vehicular use areas, the height of said shrubs at installation shall be measured as a minimum of two (2) feet above finished grade and shall attain a height of three (3) feet within one (1) year.
- d. Ground cover.
 1. Grass Turf/grass areas shall be sodded with a species ~~of grass~~ that will survive as a permanent lawn in Broward County, provided with appropriate and adequate watering and fertilizing. Primarily, turf/grass/sod types used for residential, commercial, office, industrial, and other use areas include St. Augustine and St. Augustine cultivars. Alternative drought resistant sod, such as Bahia may be used with permission of the city. The sod provided must be true to type, viable, free of weeds, noxious pests, insects and disease, and capable of growth and

development. In general, sod strips shall be aligned with tightly-fitted joints with no overlap of butts or sides ~~is permitted, and sod~~ Sod pieces shall have adequate soil backing for continuous root growth and irrigation retention. Subgrade of lawn areas shall be free of all stones, sticks, rocks, roots and other matter prior to the placement of sod.

2. ~~Grass~~ Turf/grass/sod shall be placed on all areas not covered by main and accessory structures, walks, vehicular use areas and other landscape areas. ~~Grass~~ Turf/grass/sod shall extend to any abutting street pavement edge, swale and swale rights-of-way and to the mean water line of any abutting canal, lake or waterway. Where the slope does not exceed 2:1, landscape material shall be used and installed in such a manner as to allow reasonable maintenance. Where existing slopes are steeper than 2:1, they shall be cut back at time of construction to result in a slope of 2:1 or less. No slope shall be changed without approval of the city and water control district having jurisdiction. ~~No lawn area shall be constructed with more than ten (10) percent of the total area of gravel, stone, concrete, asphalt, or other similar material, excepting necessary walks and vehicular use areas.~~ Sod requirements do not apply to xeriscape and preserve areas. Nothing in this section of the code is meant to negate the use of other appropriate turf/grass types for their specific site uses in accordance with accepted horticultural practices. Large turf/grass areas, not subject to erosion, such as playfields, may be grassed by methods other than laid sod if previously approved by the city.
3. Decorative rocks, pebbles, stone, gravel, concrete, asphalt, or other similar material, etc., excluding legally permitted walks and vehicular use areas, shall only be used to accent organic landscape material and shall not cover more than ten (10) percent of any open space yard area.
4. Ground covers used in lieu of turf/grass in whole or in part shall be planted in such a manner as to present a finished appearance and complete coverage shall be planted with a minimum of seventy-five (75) percent coverage with one hundred (100) percent coverage occurring within six (6) months of installation.

(2) Landscape provisions.

- a. Plant ball diameter on all plant materials shall conform to or exceed the minimum standards as noted in the most current edition of Florida Grades and Standards.
- b. Use of site specific plant materials. Plants used in the landscape design pursuant to this section of the code shall, to the greatest extent, be appropriate to the soil and other environmental conditions in which they are to be planted.
- c. ~~Ground covers shall be planted with a minimum of fifty (50) percent coverage with one hundred (100) percent coverage occurring within six (6) months of installation.~~

d.c. Vines shall be a minimum of thirty (30) inches in supported height immediately after planting, and may be used in conjunction with fences, visual screens or walls, to meet landscape buffer requirements as specified.

(3) Artificial or Synthetic Turf. Artificial turf shall be considered impervious hardscape and is only allowed on the side or rear of a lot, not visible from the street or sidewalk. Artificial turf installation shall be subject to all setback and impervious surface area requirements and conform to all requirements and restrictions relative to hardscape and impervious surfaces under zoning, landscape, and engineering review. The allowance of artificial turf under this section of code does not constitute the negation of any other code requirements, specifically landscape, trees, zoning, and engineering drainage requirements.

a. Design Standards. Artificial turf shall comply with all the following design standards:

1. Simulate the appearance of live turf, organic turf, grass, sod or lawn;
2. Be manufactured from polyethylene monofilament, dual yarn system; and
3. Be lead free and flame retardant.

b. Installation Standards. Artificial turf shall comply with all the following installation standards:

1. Be installed in a manner prescribed by the manufacturer;
2. Be installed to provide positive drainage and alleviate flooding;
3. Be anchored at all edges and seams;
4. Not have visible seams between multiple panels;
5. Have seams that are joined in a tight and secure manner; and
6. Have an infill medium consisting of clean silica sand or other mixture, pursuant to the manufacturer's specifications.

Sec. 13-445. - Removal of existing ~~plant material~~ vegetation.

- (a) In instances where healthy ~~plant material~~ vegetation exists on a site and is to be retained, the city may adjust the application of the minimum requirements to allow credit for or consideration of such ~~plant material~~ vegetation, if such an adjustment will preserve the intent of this subdivision. When allowances are given, in no case shall the quantities of existing ~~plant materials~~ vegetation retained be less than the quantities required in this subdivision. In such cases, a survey shall be provided specifying the species, approximate height and caliper as well as the location and condition of any ~~plant material~~ vegetation used as a basis for requesting any adjustment. Any adjustments shall be based on unique circumstances applicable to the lot in question with the object of such adjustment being to preserve existing vegetation or to maintain tree canopy.
- (b) No existing ~~plant material~~ vegetation shall be destroyed or removed without the consent of the city by permit unless such ~~plant material~~ vegetation creates an immediate imminent danger to public safety because of disease or damage or is otherwise exempted from permit requirements by state law. Documentation of the condition must be presented to the city within forty-eight (48) hours after removal

unless exempt by state law. This section shall not apply to nuisance trees that were not part of the approved landscape plan. If nuisance trees are removed as a prerequisite to land clearing, tree removal, clearing and grubbing or a burn permit, their location must be noted on a plan with the associated permit.

Sec. 13-446. - Plan approval.

- (a) Prior to the issuance of a building permit, a landscape plan shall be submitted to and approved by the city. The landscape plan shall be drawn to a scale not less than one (1) inch to fifty (50) feet. The plan shall include, but not be limited to, the following:
- (1) Existing and/or proposed parking spaces or other vehicular use areas, access aisles, driveways, roads, waterways and/or permanent features, such as, but not limited to curbs, wheel stops, fire hydrants, site lights, existing and proposed utilities such as water and sewer lines, overhead and underground electrical lines.
 - (2) Irrigation, source and/or water outlet locations.
 - (3) Size, number and description of all landscape materials required and proposed.
 - (4) Total plot size in square feet, less any or all authorized deductions. This shall include total calculations and ratios of native and exotic trees and shrubs per square foot, required and proposed, and any other necessary calculations.
 - (5) The location and identification of any and all buildings existing and/or proposed.
 - (6) Designate by name and location the plant material to be used in accordance with the requirements of this subdivision.
 - (7) A landscape data box shall list the project landscape requirements in reference to the satisfaction of all landscape specifications of this subdivision.
 - (8) City Standard landscape-Landscape notes_Notes, fire hydrant clear zone and drawings as required by the city.
 - (9) Any landscape plans submitted for review and approval shall be signed, sealed and dated by a Florida registered (licensed) landscape architect licensed to practice in the state of Florida under Chapter 481 Part II, Florida Statutes as amended from time to time, with the exemption exception of ~~owner-occupied single-family residences or nurseries~~ for the installation of stock plant material.
- (b) All other landscape requirements for location and quantities must be satisfied for each code section. Existing tree/plant quantities cannot be substituted to other area requirements on site.
- (c) No permit shall be issued for any building unless the landscape plan complies with the provisions of this subdivision. A landscape plan for single-family district lots shall be submitted in the form of a typical planting program. Landscaping detail, including quantity, size and location, shall be shown on the approved site plan as well as any required street trees or perimeter buffers.
- (d) Failure to follow the procedures as required by this section shall constitute grounds for withholding site plans previously approved; revoking building permits, occupancy

permits or any other appropriate approval necessary to permit or continue development. Nothing contained in this section shall prohibit the city from enforcing this section by any other appropriate legal means.

- (e) Upon completion of construction, an as-built landscape plan shall be provided to the city depicting any and all deviations from the previously approved landscape plan.
- (f) Existing properties with landscaping which does not meet the minimum standards of an approved site plan or landscape plan, or if neither exists, this article, shall be considered nonconforming and shall not be permitted to increase the degree of nonconformity as it pertains to this article.
- (g) Wherever existing development have required landscaped areas, said areas are to conform to previously approved landscaping plans or approved alternative enhancement landscaping plans, and be maintained to the requirements of this article.
 - (1) This section does not require removal of desirable healthy plant material.
 - (2) This section does not require meeting the native species ratio set forth elsewhere in this article.
 - ~~(3) Failure to comply with this section shall be a violation of this chapter.~~
- (h) Nonconforming Landscaping. Site improvements which require any type of site plan amendment, shall be brought into full compliance with the requirements of this Article. A property which does not comply with this Article or with an approved site plan or landscape plan, as applicable, must be brought into full compliance with this Article or the approved site plan or landscape plan, if:
 - (1) Additions or remodeling to the existing structure(s) on any type of property increase the amount of impervious surface area on the lot;
 - (2) Additions or remodeling to the existing structure(s) on any type of property do not increase the amount of impervious surface area on the lot, but the cost of the improvements exceeds twenty-five (25) percent of the assessed value of all the existing structures on the property as identified by the most current Broward County Property Assessment.

Sec. 13-447. - Preservation of natural habitats.

If habitats/plant communities of significant value (as determined by the comprehensive plan, land development regulations or other jurisdictional agencies) are on a site, they shall be protected and preserved in their natural state and/or mitigated by an approved program. Eradication of invasive exotic plant species shall be conducted as needed to maintain the naturally occurring environmental conditions of the habitats and plant communities. Protected trees and animals are listed in F.S. Ch. 581.

Sec. 13-448. - Preservation and protection of trees and tree preservation trust account.

- (a) *Declaration of legislative intent.* The city commission of the City of Coconut Creek (the "commission") finds and declares that the preservation of trees is integral to the

prevention of air and water pollution in that trees use their leaf surface to trap and filter out ash, dust and pollen in the air, thereby helping to alleviate air pollution; that the root systems of trees hold and consolidate soil and other loose earthen materials, thereby helping to prevent erosion, reducing nonpoint source water pollution and maintaining the continued vitality of natural habitats for the propagation and protection of wildlife, birds, game, fish and other aquatic life; that protection of trees increases property values and protects all of the resources of the city; and that removal of trees causes increased surface run-off which contributes to water pollution. Owing to the many benefits provided to the community by trees, it is the intent of the commission, in order to protect the land, air and water of Coconut Creek, to preserve this valuable natural resource of Coconut Creek for the health, safety and welfare of the general public. While the destruction of a single tree may not have a significant environmental impact, the commission recognizes that tree destruction has a cumulative impact that causes severe environmental degradation and causes severe deterioration of the quality of life in Coconut Creek and, because of this impact, the commission finds that tree destruction is a public nuisance that must be controlled. In the evaluation of a tree removal permit, priority shall be given to preservation and relocation. Removal with replacement, and or payment into the tree preservation trust fund is the last option. Based on these factual considerations, this section shall be the minimum standards of the city for tree preservation.

- (b) *Permit required; exemptions.* No person shall cut down, destroy, effectively destroy, remove, relocate or damage any tree or cause any tree to be cut down, destroyed, effectively destroyed, removed, relocated or damaged, without first obtaining a permit from the city as provided in this section, except as permitted by state law.

For the purpose of the permitting requirements of this section, the following are exempt:

~~(1) Removal of tree species occurring in regulated waters as defined by sections 27-331 to 27-339 of the Broward County Code of Ordinances when the mitigation required by that license for the removal of the trees is equal to or greater than the replacement requirements of this section; or~~

~~(2)~~(1) Removal of any tree that is diseased, or injured such that it poses an unacceptable risk to persons or property or in danger of falling, to the extent that its continued existence threatens the health and/or safety of contiguous persons or property provided that the owner of the property ~~can~~ obtains document documentation of the risk (photographs, or other documentation which may be required by state law, etc.) that such condition(s) existed prior to the removal of the tree. In the case of natural forest communities, specimen trees or historic trees, documentation of the condition must be presented to the city within forty-eight (48) hours after removal unless exempt under state law;

~~(3)~~(2) Removal of any tree on owner-occupied residential properties of one (1) acre or less developed for detached single-family and duplex usage, except the following:

- a. Previously preserved, relocated or replaced trees that were preserved, relocated or replaced as a condition of granting a tree removal permit; or

- b. Historical or Special Status Category Trees; or
 - c. Site plan required landscape buffers located on private property; or
 - d. Plantings in Site site plan required landscape easements located on private property; or
 - e. Trees planted on public or private property with the intent of providing a consistent street tree theme or image; or
 - f. Trees planted on public or private ingress/egress rights-of-way and/or easements with the intent of providing a consistent street tree theme or image; or
- (4)(3) Under emergency conditions such as hurricanes, war, or any natural disasters of similar scope, county utilities, water management district, improvement districts, Florida Department of Transportation, municipal utilities and franchised utilities, except as provided below, may remove a tree in order to prevent an imminent interruption of service or to restore interrupted service. Franchised utilities shall cooperate with the city to preserve such trees by relocation or replacement in the same vicinity or as determined by the city for the best public benefit. Each tree removed shall be replaced by a tree as designated in subsection (g)(2), Appendix 1 or Appendix 2 as approved by the city on the "Recommended Tree" List or "Recommended Trees Adjacent to Power Lines" list maintained by the City's Urban Forester; or
- (5)(4) Removal of trees by all city-licensed nurseries, botanical gardens and commercial grove operations but only in relation to those trees which are planted and growing for the sale or intended sale to the general public in the ordinary course of said licensed business; or
- (6)(5) Removal of trees by all governmental and private nurseries with respect to trees which have been planted and are growing for future relocation; or
- (7)(6) During emergency conditions caused by a hurricane or other disaster, the provisions of this section may be suspended by direction of the city manager until the conclusion of the emergency; or
- (8)(7) Removal or relocation of planted landscape trees prior to the issuance of a certificate of occupancy; or
- (9)(8) Removal of trees, except historical or special status category trees, by franchised utilities after the city and the record owner of the property on which the trees proposed to be removed are located, receive notification, delivered fifteen (15) calendar days prior to tree removal. The record owners may appeal the tree removal by submitting a letter of appeal to the city prior to the expiration of the fifteen (15) day period. The appeals process shall be pursuant to section 13-34, "Appeals," of the Coconut Creek Code of Ordinances ~~for administrative approval~~. Tree removal may proceed after the expiration of the fifteen (15) day period, providing no letters of appeal have been received by the city, if the utility can:
- a. Prove prior to tree removal that:

1. The tree will cause a continual disruption of service (specimen palm trees may be removed under this exemption).
 2. The easement or property was in actual use conveying utilities prior to the effective date of this section, and
 3. The threat of service interruption cannot be remedied by tree pruning in accordance with ANSI A-300 or palm pruning in accordance with city standards; or
- b. Prove prior to tree removal that the removal is for the purpose of providing new/additional on-site service to existing development. ~~Under this provision, the notification shall be in writing prior to the tree removal.~~ The franchised utility shall not be required to obtain a permit, but shall comply with all the standards, requirements, and conditions of this section; and
 - c. Provide a report to the city to prove compliance with section 13-448, "Preservation and protection of trees and tree preservation"; or
- (10)(9) Removal of trees, except historical or special status category trees, by a water management district or improvement district in or immediately adjacent to canals and lakes operated by the district provided that the district delivers to the city and to the record owner of the property on which the trees proposed to be removed are located, written notification, at least fifteen (15) calendar days prior to the removal of the tree(s). The record owners may appeal the tree removal by submitting a letter of appeal to the city prior to the expiration of the fifteen (15) day period. The appeals process shall be pursuant to section 13-34.549 "Appeals" of the Coconut Creek Code of Ordinances ~~for administrative approval.~~ After the expiration of the fifteen (15) day period, providing that no letters of appeal have been received by the city, the district may remove tree(s) provided that:
- a. The removal complies with all the standards, requirements, and conditions, other than Permitting [subsections 13-448(d) and (e)] and Bonding ~~{[subsection 13-448(l)]}~~ of this section, and
 - b. The canal was excavated in compliance with all appropriate county and/or city code sections or the canal was excavated prior to the effective date of the current county and/or city code sections, and
 - c. The canal is not an agricultural canal or ditch,
 - d. And proves that:
 1. The tree is causing an immediate disruption of water flow so that the canal cannot function at its designed capacity, or;
 2. The canal was in existence, in actual use conveying water, and under a vegetation management program prior to the effective date of this section as shown by a map of district water management canals which shall be submitted to the city within one (1) month after the adoption of this section.

- e. And provides a report to the city to prove compliance with section 13-448 “Preservation and protection of trees and tree preservation”.

(11)(10) Removal of trees, except historical or special status category trees, by the Florida Department of Transportation or by Broward County or municipal transportation departments, on roads or immediately adjacent to actual existing roads (not rights-of-way) maintained by the department provided that the department delivers to the city and to the record owner of the property on which the tree(s) proposed to be removed is located written notification, at least fifteen (15) days prior to the removal of the tree(s). The record owners may appeal the tree removal by submitting a letter of appeal to the city prior to the expiration of the fifteen-day period. The appeals process shall be pursuant to section 13-549 13-34, “Appeals,” of the Coconut Creek Code of Ordinances ~~for administrative approval~~. After the expiration of the fifteen (15) day period, providing that no letters of appeal have been received by the city, the department may remove tree(s) provided that:

- a. The removal is necessary because the tree(s) is an actual and immediate traffic safety hazard to individuals using the road(s).
- b. The removal complies with all standards, requirements, and conditions, other than Permitting ~~{[subsections 13-448(d) and (e)]}~~ and Bonding ~~{[subsection 13-448(l)]}~~ of this section.
- c. The traffic safety hazard caused by the tree(s) cannot be remedied by pruning in accordance with ANSI A-300 standards or palm pruning in accordance with city standards and/or the standards listed in "Arboriculture Second Edition" by Richard W. Harris, as amended.
- d. And provides a report to the city showing compliance with section 13-448“Preservation and protection of trees and tree preservation”.

(12)(11) Removal of nuisance trees, as defined by section 13-442, “Definitions”.

(c) *Prohibitions.*

- (1) *General.* A person shall not cause, suffer, permit or allow the removal of any tree without first obtaining a permit from the city as herein provided. The property owner, holder of an easement and/or person removing a tree without a permit shall be responsible for the violation. The Tree abuse or removal of trees in violation of this section is a public nuisance.
 - (2) *Historical trees.* A person shall not cause, suffer, permit or allow the removal of any historical tree without first obtaining a variance from the commission to conduct the removal.
 - (3) *Land clearing.* ~~Land~~ A person shall not cause, suffer, permit or allow the land clearing of an area designated as a natural forest community without first obtaining a tree removal license from the governing agency as herein provided.
- (d) *Permit application.* An owner of fee simple title may apply for a tree removal permit. After submitting certified approval of the fee simple owner, the agent of the owner, the lessee of the property, optionee, contract purchaser, or holder of an easement

may apply for a tree removal permit. A holder of an easement may obtain a permit only when the proposed tree removal is consistent with the use granted by the easement. The city shall require that any tree surveys or site plans be prepared by any person qualified to do so under the Laws of Florida.

(1) *Application for permit.* Application for a tree removal, relocation, or replacement permit shall be made on city forms and be, at a minimum, accompanied by as many copies as required by the city for review and processing, drawings to the largest practical scale, of the following documents in a legible form:

- a. A completed, signed and notarized application form;
- b. Maps showing the size and location of the site where the proposed permitted activities are to be conducted;
- c. A starting date and duration of the proposed permitted activities;
- d. A brief description of the work to be performed, including a plan of the proposed work, showing the location of all existing or proposed buildings, structures, improvements and site uses, properly dimensioned and referenced as to property lines, yard setback areas and special relationships;
- e. Location of existing or proposed utility services;
- f. A certified tree survey, and site plan of identical scale designating those trees, which are proposed to be preserved, relocated, or removed, unless not required by the city. However, in no case shall a tree survey be required when the property contains five (5) or less trees. Groups of trees in close proximity may be designated as clusters with the estimated total number noted. The name, common and scientific, height and DBH of those trees to be removed, relocated, or replaced shall be shown on the site plan; and
- g. Information required above for trees proposed to be removed, relocated or replaced, shall be summarized in tabular form on the plan, and shall include condition, canopy spread, a statement of reasons for such removal, relocation or replacement; and
- h. Tree surveys and tabular form tree inventories shall be prepared, signed and sealed by a Florida registered surveyor with verification of genus, species, height, spread, DBH and condition by a Florida registered landscape architect or other recognized professional qualified to determine same. Verification shall be provided in letter form on the recognized professional's letterhead, signed and sealed if required by state law and/or notarized and attached to the certified survey.

(2) ~~Application procedures and required fees. Permission for removal, relocation or replacement of trees shall be requested by written application to the city, on a form provided by the city. Required fees, for the removal, relocation, or replacement of any tree(s) shall be paid at time of permit issuance as set forth below: in section 13-84(17).~~

- ~~a. Permit plan review fee: Set by 13-83, Minimum fee.~~

- ~~b. Tree removal fees: The permit fee, except as otherwise provided, shall be ten dollars (\$10.00) per tree to be destroyed. No fee shall be charged for trees which are relocated or lie within a utility easement and are required to be removed to provide utility service to the property.~~
 - ~~c. Tree replacement fee: The permit fee shall be ten dollars (\$10.00) per required tree to be planted.~~
 - ~~d. For any substantial deviation from the original application there shall be an additional fee. Change of plans for tree removal (after permit issuance) shall be a minimum fifty dollars (\$50.00) plus fees listed above for removal and replacement of additional trees.~~
 - ~~e. The permit fee is not refundable and may not be applied to any permit application other than the one for which it was originally paid.~~
- (3) Application for a tree removal permit constitutes consent by the property owner and/or applicant for the city to conduct site inspections in furtherance of section 13-448 "Preservation and protection of trees and tree preservation" of the subject property.
- (e) *Tree removal permit - Review of application: Conditions for permit.*
- (1) As a condition precedent ~~of~~ to removal of a tree or to any land clearing and/or site development where any tree removal or relocation is to be conducted, except as otherwise exempted under this section or state law, a person shall be required to obtain a tree removal permit and/or clear and grub permit. ~~The~~ For site development or redevelopment, property owner or property owner/agent may submit a sworn/notarized affidavit to the city stating that the property the person wishes to develop does not contain trees that are protected under this ordinance. The city may conduct a review or site inspection.
 - (2) *Review of application.* Application for a permit shall be reviewed by the director of the department of sustainable development. Such review may include visual inspection on the subject plot or site, and referral of the application to such city departments or other agencies having an interest in the determination of the effect upon the public welfare, adjacent properties, or public services and facilities.
 - (3) *Conditions for permit.*
 - a. For any properties, a tree may not be removed if it can be relocated in a manner which would permit the proposed development. A tree may be removed only when an applicant has demonstrated to the city ~~that the proposed development~~ that a proposed improvement cannot be located on the site without the relocation or removal of the tree, and that there is no practical way to avoid tree removal and relocation would still not permit the proposed development. As a condition to the granting of a permit, the city shall have the option of requiring the applicant to relocate or replace a tree except as required by state law. ~~Such relocation or replacement shall only be credited for planted trees exceeding other requirements contained in this subdivision.~~

- b. In determining if the applicant may remove trees pursuant to a tree removal permit, the city shall consider at a minimum the following, and no permit shall be issued for tree removal unless at least one (1) of the following conditions, as determined by the city, must exist:
- a. 1. A site plan submitted by the applicant shows that a proposed structure, permissible under all applicable laws and regulations, can be situated on the subject parcel only if specific trees are removed or relocated (the need to remove or relocate a tree in order to locate a structure does not qualify the tree as a danger or identify an unacceptable risk under Section 163.045 Fla. Stat. as amended from time to time), or
 - b. 2. The applicant has made every reasonable effort to incorporate existing trees and to minimize the number of trees removed, or
 - c. 3. The tree is located in such proximity to existing or proposed structures of the utility or the structural integrity of such structures is materially impaired, or
 - d. 4. The trees proposed to be removed are the minimum number necessary, or
 - e. 5. The tree materially interferes with the location, servicing or functioning of public utility lines or service, or
 - f. 6. The trees proposed to be removed are of poor quality and condition, or
 - g. 7. The trees proposed to be removed are obstructing safe vehicular cross visibility or otherwise creates a substantial traffic hazard, or
 - h. 8. The trees proposed to be removed are damaging existing improvements in such a way that the damage to the improvements cannot be corrected, or
 - i. 9. The trees proposed to be removed are creating ongoing safety problems for existing development (growth of the tree to its natural size and shape, or leaves, berries, seeds, fruit, flowers that can be trimmed or cleaned to prevent damage or danger or eliminate risk, do not qualify to support tree removal unless removal is the only means of mitigating the related safety issues), or
 - j. 10. The trees to be removed are growing in too close proximity to other trees and/or structures/buildings to permit normal growth and development of affected trees consistent with good forestry practices, or
 - k. 11. Trees planted in over-crowded conditions creating a condition where trees cannot grow to proper horticultural standards, may be removed. For each tree removed a minimum of one (1) tree must be replaced from category 1, 2, 3, or 4 as provided in 13-448 Appendix 1 in the "Recommended Tree List" or "Recommended Trees Adjacent to Power Lines" list maintained by the City's Urban Forester. One (1) tree replacement for each one (1) tree removed is permissible for this subsection, except as exempted by state law.

The applicant must relocate the trees to be removed. If relocation is not a viable solution, an applicant shall replace removed trees, except as exempted by state law. If it is determined that an applicant cannot relocate nor replace removed trees, the applicant shall pay the appropriate fee into the tree preservation trust fund.

- (4) Determination. A determination of the extent of jurisdictional environmental impact by the project development shall be performed by the appropriate governing agency as a conceptual review. Upon review of the findings by the governing agency and considering the application needs, condition and locations of the tree(s), and the requirements of this chapter, the city shall make a determination based upon drawings or site plan and a completed tree removal permit application form submitted to the city by the applicant. City and the appropriate governing agency staff shall have the right to conduct field inspections.
 - (5) Site improvements. The applicant shall be responsible for the relocation or the replacement of trees removed for utilities, roads, drainage, and other services constructed to benefit the property for which the application was filed. The need to remove any given tree or trees to accommodate new or relocated utilities, roads, drainage, and other services does not qualify the tree as a danger or identify the tree as posing an unacceptable risk under Section 163.045 Fla. Stat as amended from time to time.
 - (6) Other trees. The permittee shall only remove those trees so specified in the permit. Any damage to any other tree on the site shall constitute a violation of this section.
 - (7) Duration. A permit shall be valid for ~~development for not more than two (2) years from the date of issuance.~~ three (3) months with city approval unless specified otherwise by code enforcement action, however, if the tree(s) is to be removed to facilitate construction, such relocation or replacement must be completed prior to the earlier of the final inspection or the issuance of a certificate of occupancy as applicable. A one-time extension of ~~up to two (2) years~~ equal to the original duration of the permit may be issued provided there is no substantial deviation from the original application and the permit extension complies with all standards in effect at the time of the permit extension. Additional conditions may be imposed in the permit extension when there is a change in site conditions that may affect trees. A violation of the permit may be prosecuted at any time. Where any activity regulated by the tree removal permit has occurred, the permittee must comply with all conditions of the permit even though the permit may have expired.
- (f) *Tree relocation.*
- (1) Before the city issues a tree removal permit that allows the replacement of any tree instead of relocation of the original tree, the applicant must demonstrate that relocation is not a viable alternative. Relocation shall occur either within the site or off-site with the concurrence of the City of Coconut Creek ~~having jurisdiction~~, where the site is public property, or with the concurrence of the property owner, where the site is private property. The site shall be in reasonable proximity to the

original site and have physiographic conditions similar to the original site. If any tree is to be located either on-site or off-site, a relocation plan shall be submitted. Relocation plans, as required by this section, must first be reviewed and approved by the city prior to granting any tree removal permit. Before a permit is issued for tree relocation, performance bonds may be required to be posted.

(2) Methods for relocation. The In addition to the requirements of section 13-444(a), "Installation," the following standards shall be followed to ensure successful transplanting of trees designated for transplanting:

- a. Any tree being relocated shall not be unnecessarily damaged during removal, transport or replanting of that tree.
- b. If the trees have a dormant period, they should be transplanted during that time. Trees should not be transplanted during periods of strong, dry winter winds or during droughts.
- c. Adequate space and soil volume, per section 13-444(a)(3) for root and crown development shall be provided.
- d. Trees shall be root and canopy pruned according to sound arboricultural standards prior to transplanting.
- e. A root barrier system shall be installed as required in section 13-444(a)(3)b.
- f. During and following transplanting, the root ball and trunk shall be protected. The root ball shall be kept moist at all times.
- ~~f.g.~~ Transplanted trees shall be braced in accordance with *Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines*, Fourth Edition, by Richard W. Harris, as amended. (Broward County states "for at least one year.")
- ~~g.h.~~ Transplanted trees shall be fertilized as appropriate and shall be watered sufficiently until the tree growth is re-established.
- ~~h.i.~~ All ~~crown~~ pruning shall be done in accordance with ANSI A-300 standards or palm pruning in accordance with city standards and/or the standards listed in *Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines*, Fourth Edition by Richard W. Harris, as amended.

(g) *Tree replacement.*

- (1) Replacement criteria. Trees that are removed and not relocated, even if exempt from the permit requirement above, shall be replaced except as required by state law so that there is, at a minimum, no loss of tree canopy coverage upon maturity of the replacement trees. Exemption from the City's tree replacement requirement under state law does not relieve a property owner from compliance with any applicable approved site plan requirements or Homeowner's Association minimum landscape requirements. Performance bonds may be required to be posted. The following procedures shall be used to determine the tree replacement requirements:

- a. Tree coverage on-site shall first be determined using one (1) or any combination of the following methods: review of aerial photography, on-site inspection, and/or review of a tree survey. The city shall require the applicant to submit a tree survey in order to make this determination, unless the applicant can demonstrate that it is clearly unnecessary;
- b. Relocation of trees on-site will be counted towards equivalent replacement. Relocation of trees off-site shall be counted as half credit towards equivalent replacement. Guidelines in this section shall be followed for any trees to be relocated;
- c. Native trees identified in ~~13-448 Appendix 1 and Appendix 2~~ the “Recommended Tree List” or “Recommended Trees Adjacent to Power Lines” list maintained by the City’s Urban Forester shall be required to replace native tree coverage removed;
- d. A determination of the number of trees to be replaced shall be performed. This determination shall be based upon the area of impact and the category of replacement trees selected by the applicant. The replacement at tree maturity shall at least equal the canopy removed. The following table shall be used to determine the number of required replacement trees:

<u>Table 13-448.T1 – Replacement Tree Calculator</u>	
Replacement tree category (See 13-448 Appendix 1 and Appendix 2 <u>“Recommended Tree List” and “Recommended Trees Adjacent to Power Lines” list maintained by the City’s Urban Forester</u>)	Equivalent replacement canopy area in sq. ft.
Category 1 Tree	300
Category 2 Tree	150
Category 3 Tree	100
Category 4 Tree	50

- e. For tree replacement requirements of one (1) to five (5) trees, a minimum of one (1) species shall be utilized as a replacement tree. For six (6) to ten (10) replacement trees required, a minimum of two (2) species shall be utilized. For eleven (11) to twenty (20) replacement trees required, a minimum of three (3) species shall be utilized. For twenty one (21) to fifty (50) replacement trees required, a minimum of four (4) species shall be utilized. For fifty one (51) or more replacement trees required, a minimum of five (5) species shall be utilized.
- f. For trees removed pursuant to section 13-448(e)(3)~~a., b., 1., 2. or 6., or f.,~~ an additional fifty (50) percent tree replacement shall be required.

- g. Replacement of specimen trees and trees of eighteen (18) inches DBH or greater shall be determined in accordance with 13-448(k).
- (2) Minimum standards for tree replacement.
 - a. All trees to be used as replacement trees shall be a minimum quality of Florida No. 1 grade or better (Grades and Standards for Nursery Plants).
 - b. Only trees listed in ~~13-448~~ from the "Recommended Tree List" or "Recommended Trees Adjacent to Power Lines" list maintained by the City's Urban Forester shall be used as replacement trees. The applicant shall have the option of choosing the category of trees for replacement provided the total square footage of canopy coverage at least equals the area of canopy coverage effectively destroyed, and at least fifty (50) percent of the replacement trees are from Category 1. If Category 1 ~~native~~ trees are unavailable, then Category 2 ~~native~~ trees may be used to fulfill this requirement. Minimum size specifications of replacement shade and ornamental trees shall be as follows:
 1. Category 1 - minimum of twelve (12) feet in height, five (5) foot spread, and two (2) inches caliper at time of planting (see section 13-448 "Preservation and protection of trees and tree preservation").
 2. Category 2 - minimum of ~~eight (8)~~ ten (10) feet in height, ~~three-foot four (4) foot~~ spread and ~~4.5~~ two (2) inches caliper at time of planting (see section 13-448 "Preservation and protection of trees and tree preservation").
 3. Category 3 - minimum of ~~six (6)~~ eight (8) feet in height, ~~two-foot four-foot~~ spread and ~~one and a half~~ (1.5) inch caliper at time of planting (see section 13-448 "Preservation and protection of trees and tree preservation").
 4. ~~Minimum size specifications for palms shall be of like or similar kind and grey wood; height equal to or greater than those destroyed. Category 4 - this covers replacement palm trees -~~ minimum of ~~six (6)~~ eight (8) feet clear trunk or ~~grey wood~~ at time of planting for mitigation (see section 13-448 "Preservation and protection of trees and tree preservation"). For replacement purposes, palms shall be of like or similar species and replacement palm tree height shall be equal to or greater than those replaced.
 - c. ~~For each tree removed, a minimum of one (1) tree must be replaced from category 1, 2 or 3, as provided herein.~~
 - d. ~~c.~~ Should it be demonstrated to the city that the minimum tree size is unavailable, smaller trees may be substituted with additional trees planted to compensate for size as approved by the City.
- (3) Clearing of a site noted as a natural resource area in Coconut Creek, as indicated on a conservation map series as designated by the city commission as a resource for the city, without benefit of a tree removal permit and/or a clear and grub permit from the city shall constitute a violation of this section. If this violation occurs, the

property owner or assigns shall be responsible for the replacement of trees as per the replacement regulations prescribed herein. The area destroyed shall be determined by the most recent aerial photographs or tree survey available prior to destruction of the site. The smallest scale of photographs shall be one (1) inch equals three hundred (300) feet.

- (4) Replacement trees shall not be removed or effectively destroyed unless approval has been granted by a valid tree removal permit. The original permittee and owner of any property on which trees have been replaced or relocated shall place on record a notice that shall inform subsequent purchasers, assigns and occupants of the replacement site that trees on the replacement site may not be removed without a valid tree removal permit.

(h) *General relocation/replacement conditions.*

- (1) Any tree remaining on-site shall not be unnecessarily damaged while relocating trees or planting or preparing the site for any replacement trees.
- (2) Replacement or relocated trees shall not be placed where they will interfere with existing or proposed buildings and utilities, either above or below ground. Acceptable trees that can be planted in the vicinity of overhead power lines are listed in ~~13-448~~ Appendix 2 the "Recommended Trees Adjacent to Power Lines" list maintained by the City's Urban Forester.
- (3) Where practicable, replacement tree species, installation methods and maintenance methods shall follow Florida Friendly Landscaping™ principles.
- (4) The permittee shall replace each tree specified in the permit within a time period of up to ~~six (6)~~ three (3) months with city approval unless specified as other by code enforcement action however, if the tree(s) is to be removed to facilitate construction, such relocation or replacement must be completed prior to the earlier of the final inspection of the issuance of a certificate of occupancy as applicable. A time extension may be granted if future construction will endanger the replacement trees. However, ~~where an extension for planting has been granted,~~ each tree specified in the permit must be replaced prior to the approval of a certificate of occupancy regardless of any planting extensions granted.
- (5) All relocated or replacement trees shall be located where they will have adequate space for root and canopy development, except where ~~small trees planted in close proximity to one another are to be later relocated to other areas of the site~~ trees are to be later relocated to other areas of the site and are planted temporarily in a holding area prior to final placement, although holding areas are not recommended.
- (6) Relocated or replacement trees, which may reach a height of thirty (30) feet shall not be placed within ~~twenty (20)~~ thirty (30) feet of an overhead powerline;

(i) *Maintenance/monitoring requirements.*

- (1) The ~~permitted~~ permittee shall be responsible for maintaining the health of any replacement or relocated tree for one (1) year from planting.
- (2) Determination of success.

- a. The permittee shall determine the condition of each tree one (1) year after the tree was relocated or planted. This determination shall be submitted in writing to the city for approval within thirty (30) days of being made.
 - b. Should any tree die or be in a state of unnatural decline within one (1) year of being planted or relocated, the permittee shall be required to notify the city and replace the tree within sixty (60) days of that notification. The one (1) year monitoring and approval period shall begin anew whenever a tree is replaced. If that replacement tree is found not to be viable at the end of the second yearly monitoring period, the permittee may pay the appropriate amount into the tree preservation trust fund as required by 13-448(j) in lieu of planting a third replacement tree. If the licensee fails to replace the tree or pay the appropriate amount into the tree preservation trust fund within sixty (60) days, then the permittee shall be in violation of this section.
- (3) Large scale projects. If a tree removal permit includes the relocation of ten (10) or more trees, or the planting of one hundred (100) or more replacement trees, the determination of success for the overall relocation effort shall be based upon a percent survival rate. A successful project shall be one in which ninety (90) percent or more of the relocated or replacement trees are determined to be viable after a period of one (1) year. If a large scale project is determined to be successful, additional replacement trees will not be required.
- (j) *Payment in lieu of replacement/relocation.* When allowed by a tree removal permit, any trees which are removed and not relocated shall be replaced in accordance with the requirements of this section. As a condition of being granted permission to remove any trees, the developer, property owner or other applicant shall be required to replace such trees, unless it is demonstrated that replacement is not a viable alternative due to a lack of available space. Where replacement cannot be accomplished the applicant shall pay a replacement fee in lieu of actual tree replacement costs into the city tree preservation trust fund. The replacement fee shall be calculated as follows:

$$\frac{[\text{Total canopy square footage not replaced onsite}]}{[\text{Category 1 Equivalent Replacement Canopy Area under Section 13-448(g)(1)d}]} \times [\text{Application Fee for "Per tree removed and not replaced" under Section 13-84(17)g.5}].$$

~~A schedule for current value of replacement trees plus installation costs which will be used to calculate replacement fees shall be established by the city, and updated as necessary. Replacement fees paid in lieu of actual tree replacement costs for natural forest communities shall be used exclusively for creation/restoration of natural forest communities in areas designated by the city. This section shall not apply to specimen trees.~~
- (k) *Special status category trees or areas.* Projects containing special status category trees are subject to the following additional procedures and criteria:
 - (1) Criteria and procedures for designation as a natural forest community.

- a. On the effective date of this ordinance all Local Areas of Particular Concern (LAPC), Natural Resource Areas (NRA), Urbain Wilderness Inventory Site (UWIS), Environmentally Sensitive Lands (ESL) which are at least two (2) acres in size and are generally comprised of a canopy, subcanopy and groundcover shall also be designated as a natural forest community.
- b. The designation of other real property as a natural forest community shall be made by the Coconut Creek City Commission following a public hearing. Before a site is designated as a natural forest community, the commission shall make a finding that the natural forest community is at least two (2) acres in size, is generally comprised of a canopy, subcanopy and groundcover, and is populated by native vegetation associated with one (1) or more of the following communities:
 1. *Scrub community.* An inland community that occurs on ~~early~~ nearly level to sloping land. Soils are deep, acid, somewhat poorly to excessively drained and coarse textured. Trees found in such communities include: sand pine, Chapman oak, sand live oak and myrtle oak. Shrubs include: saw palmetto, scrub palmetto, gopher apple, prickly pear, shiny blueberry, staggerbush, fetterbush and palafoxia. Ground cover is scattered and large areas of light colored sand are often noticeable.
 2. *Pine flatwoods community.* This community is identified by flat topography and pine and palmetto vegetation with an understory of grasses and herbs. Trees found in such communities include slash pine and occasional oaks. Shrubs include saw palmetto, shiny blueberry, gallberry, tarflower and wax myrtle. Flatwood communities have a ~~highwater~~ high water table during the rainy season.
 3. *High hammock community.* This community develops slowly as organic materials accumulate creating a favorable land elevation. The presence of a high hammock indicates that the site has been undisturbed for a period of time. High hammocks are among the most diverse systems in South Florida often containing more than one hundred (100) species of trees and shrubs. Characteristic tree species include: live oak, pigeon plum, paradise tree, gumbo limbo, willow bustic, lancewood, mastic, strangler fig, satinleaf, mulberry, Simpson stopper. Shrubs include marlberry and wild coffee and such communities include a variety of ferns.
 4. *Low hammock community.* Low hammocks are areas of dense forest vegetation dominated by tree species, such as laurel oak, strangler fig, cabbage palm, dahoon holly, scattered cypress trees and wax myrtle. Low hammocks develop on land that is of sufficient elevation to be seldom flooded, but in close proximity to water environments, and is protected from fire. They frequently occur in transitional areas between drier upland communities and lowland vegetation types, such as marsh, wet prairie, cypress swamp or mangrove.

5. *Cypress wetland community (freshwater swamp).* Cypress wetlands occupy some portions of the freshwater lowlands of the Atlantic Coastal Plain in Florida. Temperate deciduous trees dominate and the areas are often seasonally flooded. Soils are nearly level or depressional, poorly drained and have a loamy top layer and sandy subsoils. Characteristic trees include: bald cypress, red maple, cocoplum, dahoon holly, strangler fig and pond apple. Leather fern, royal fern and other fern species are found in cypress wetland communities.
- c. The Coconut Creek City Commission shall by resolution direct the city manager to publish and mail or hand deliver a notice of hearing to consider designation of a site as a natural forest community. Notice of hearings to be held by the Coconut Creek City Commission to consider designation of a site as a natural forest community shall be published in a newspaper of general circulation in Broward County and shall be given by mail or hand delivery to the property owners at least fifteen (15) days prior to the hearing date. Such notice shall state that the property is proposed for designation as a natural forest community, shall include the time, date and place of the hearing, the location of the property under consideration, the ecological community or communities alleged to be included within the property, and the effect of the designation on lands classified as natural forest communities. For purposes of this notification, an owner of property shall be deemed to be the person who is shown as the owner on the tax rolls of the Broward County Property Appraiser unless the city has actual notice that a person or entity other than the person or entity shown on the tax roll is the owner. In such case, the notice shall be mailed to the person or entity known to be the owner.
- d. Following designation of a natural forest community, notification of such designation shall be sent to the property owner(s). In addition, the map depicting sites designated as natural forest community shall be furnished to the Broward County Planning Council; and shall be maintained at the city for viewing by the public.
- e. Utility line installations above or below ground shall not be located in natural forest communities.
- f. Sites may be designated by the city in conjunction with the adoption of this ordinance provided that the procedures in this section have been complied with.
- ~~f.g.~~ Sites may also be designated by Broward County during the conceptual review process.
- (2) Natural forest communities trees may be removed provided that the applicant adheres to the following preservation requirements to the extent determined to be practicable by the city:
 - a. Any areas identified during the permitting process as providing habitat to listed species in the most recent version of "~~Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida~~" the "Endangered and Threatened Species Report

[\(https://myfwc.com/wildlifehabitats/wildlife/reports/\)](https://myfwc.com/wildlifehabitats/wildlife/reports/) by the Florida ~~Game and Freshwater Fish and Wildlife Conservation~~ Commission shall be identified and preserved.

- b. Areas of high wildlife utilization on-site shall be identified and preserved.
- c. Areas which contain relatively undisturbed canopy and/or have good stratification of cover (e.g. canopy, subcanopy, ground cover) shall be identified and preserved.
- d. ~~Utility line installations above or below ground shall not be located in preservation areas.~~

e.~~d.~~ Resource management plan. Any proposed development activity which would negatively impact the Natural Forest Community must be mitigated through a Resource Management Plan, approved by the city, which significantly improves the viability of the remainder of the resource. No tree removal permit shall be issued until an agreement providing for the implementation of the resource management plan has been executed and recorded, and any covenants, easements or physical improvements required by the plan are in place. A certificate of occupancy shall not be approved for developments that include natural forest communities unless it is determined that the applicable provisions of the resource management plan have been met.

f.~~e.~~ Conservation easement: As a condition of an issuance of a permit under this subcategory where preservation is required, a conservation easement shall be granted by the applicant to Coconut Creek ~~and the citizens of Coconut Creek~~. The conservation easement shall:

1. Be duly executed and recorded and placed on the face of the plat.
2. Meet the approval of the city attorney's office.
3. Prohibit land clearing, development or other harmful activity on the preserved portion of the natural forest community.
4. Allow access to the conservation easement by agents of the City of Coconut Creek and Broward County Board of County Commissioners to conduct studies, inspections, and other activities consistent with the purpose of the conservation easement, and
5. Access to the general public is not a necessary requirement.

(3) Specimen trees. Projects containing specimen tree(s) or any trees of eighteen (18) inches DBH or greater are subject to the following additional criteria:

- a. Specimen trees and trees of eighteen (18) inches DBH or greater are subject to the preservation and relocation criteria of this section. If it is determined by the city that tree preservation or relocation is not feasible, then payment shall be made into the tree preservation trust fund. Payment shall be based on the value of the tree(s), as determined by with the Trunk Formula Method using the *Guide for Plant Appraisal, 9th Edition*, as amended, by the Council of

Tree and Landscape Appraisers. Appraisals to be provided by a certified arborist.

- b. The permittee may, at the city's discretion, substitute for this payment the planting of the equivalent value of replacement trees which shall be done in compliance with 13-448(g), (h) and (i). ~~This option may be exercised at the city's discretion.~~
- (l) *Bond requirement.* Bonds, as required by this ~~section~~ division, shall be in the form of letters of credit, certificates of deposit, cash bond, bonds issued by an insurance company legally doing business in the State of Florida, or other acceptable means agreeable to the city attorney. The letters of credit and certificates of deposit shall be drawn upon banks or savings and loans legally and actually doing business in Florida. Such bonds must meet the approval of the city attorney's office. This bond shall be in addition to any other bond required by any other government entity.
 - (1) Bonds shall be required for permits involving the replacement of ten (10) or more trees, or the relocation of five (5) or more trees, or the relocation of any tree with a DBH of ten (10) inches or greater.
 - (2) Calculations for the amount of bonds shall be computed based upon the equivalent canopy replacement criteria applied to each tree to be relocated or replaced, as provided in 13-448(g) and upon the cost of installation and maintenance. The fair market value of the cost of trees that would be required to compensate for the canopy to be relocated or replaced shall be posted. The bond period, which shall be a minimum of one (1) year after planting, shall be for the tree replacement performance period, as stated in the permit or as extended or released, plus an additional sixty (60) days. The form of security shall be reviewed by the city attorney's office for legal sufficiency and may not be accepted until approved by the city attorney.
 - (3) Release of bonds.
 - a. Upon successful tree relocation and replacement as determined by this section and written approval by the city, bonds required for tree relocation and replacement shall be released. Where possible, bonds shall be partially released for partially successful relocation/replacement projects, with the amount retained equal to the value of the additional replacement trees required, plus installation and required maintenance.
 - b. Bonds may be released by the city when fee simple title of the property upon which the subject trees are located is transferred. The city may condition the release of the bond upon the establishment of a new bond by the new owner in fee simple.
 - (4) Where the permittee plants fifty (50) percent more than the required number of replacement trees and establishes a suitable maintenance plan to ensure the viability of the replacement trees, the city may recognize the additional replacement trees as suitable security in lieu of a bond.

(m) *Historical trees.*

- (1) Request for designation. The state, county or any historical preservation society designated by the city commission may request that the city designate a particular tree or group of trees within its jurisdiction as a historical tree. Also, any property owner may make a similar request providing the request is for a tree or group of trees located on property under his or her control or ownership. The request shall contain the exact location of the tree(s), the name and address of the current owner and ~~effected~~ affected utilities of the land upon which the tree is located, and the reasons for requesting the designation. Upon receipt of the request, the city shall immediately notify the affected property owner and affected utilities by certified mail of the request. The particular tree or group of trees which is the subject of the request shall not be removed during the designation request process ~~and has been acted upon by the commission~~ or anytime thereafter if so designated historical.
- (2) Consideration by the city commission. A public hearing shall be scheduled within sixty (60) days of receipt of the request to consider the matter. When the person(s) requesting this designation is not the property owner, the property owner shall be notified of the request and the time, date, and place of the hearing. The commission shall only designate a tree or group of trees which meets the following criteria:
 - a. The tree(s) must be related to an event in modern history, historic events or individuals since the birth of our nation, or any event in the known history of the human race; and
 1. The tree or group of trees resides on historically significant property and can be linked to the person or event of historical significance, or
 2. The tree or group of trees is uniquely related to the heritage of Broward County, or
 - b. The tree or group of trees has value due to extreme age (a tree(s) that is at least seventy-five (75) years old).
- (n) *Protection from construction work.* During any construction, land development or lot clearing, the contractor and the owner of the property subject to this section shall adhere to the following requirements ~~which follow~~:
 - (1) Place and maintain protective barriers around the furthest drip line or critical root zone, whichever area is largest, of all trees to be retained on the site to prevent their destruction or damage. The protective barriers shall be at least four (4) feet in height and conspicuously colored to be seen easily by operators of trucks and other equipment. Protective barriers shall be constructed of sturdy material (not flagging or ribbons) and shall be installed prior to and during construction and/or land development;
 - (2) Not store or use materials or equipment within the furthest drip line or critical root zone, whichever area is largest, of any tree to be retained on site unless the activity is being done to protect trees;
 - (3) Not discharge or contaminate the soil within the furthest drip line or critical root zone, whichever area is largest, of any tree to be retained on site with any

construction materials such as paint, oil, solvents, petroleum products, asphalt, concrete, mortar, or other materials that may cause adverse impacts;

- (4) Clearing of vegetation within the dripline of trees designated for preservation shall only be by hand or light rubber wheeled equipment that will not damage tree roots; said equipment shall be a maximum of forty-eight (48) inches wide, tire to tire, with a maximum weight of three thousand five hundred (3,500) pounds;
 - (5) Utilize retaining walls and drywells where needed to protect trees to be preserved from severe grade changes;
 - (6) Pruning of trees to be preserved shall be in accordance with the standards for pruning established by ANSI A-300;
 - (7) Make no attachments, other than those of a protective and ~~non-damaging~~ non-damaging nature, to any tree to be retained on the site;
 - (8) Not change the natural grade above the root system within the drip line of any tree to be retained on site unless it can be demonstrated to the city that it will not damage any tree;
 - (9) Avoid any encroachments, excavations or severe grade changes within the drip line of preserved trees unless it can be demonstrated to the city that it will not impact any tree; ~~and~~
 - (10) Not cause soil compaction within the dripline of any tree to be retained on site; and
 - (11) Any trees designated to be preserved which are damaged during construction shall promptly be repaired.
- (o) *Protection of trees.* No attachments, other than those of a protective and nondamaging nature, shall be attached to any tree, except those trees approved by the city to be eliminated and not to be retained or relocated.
- (p) *Trees on public land.* No trees, including trees which would not require a permit for removal, shall be removed from any public land, including, but not limited to, street rights-of-way and swale areas, without the approval of the city according to the appropriate sections of this chapter.
- (q) *Administration.* The city manager shall designate city personnel to be responsible for implementing and enforcing the provisions of this section and any pertinent policies of the city commission and shall prescribe the duties thereof.
- (r) ~~Variance and appeal~~ Variances and waivers. Variances or waivers may be granted pursuant to the following criteria. Where a variance, waiver or alternative to an approved landscape plan or the requirements of this Article is granted, the property owner may be required to provide an as-built landscape plan upon completion of the planting.
- (1) Variances to other code requirements to support tree preservation. The preservation of any tree may be considered as the basis for the granting of a variance from the literal application of the provisions of the city zoning or subdivision regulations pursuant to section 13-33 "Variances". If, in the

determination of the city manager or his designee, the sole basis for the request for a variance is to preserve any trees which would otherwise have to be removed, ~~he-they~~ may direct the required variance fee to be waived.

(2) Waiver during installation of approved landscaping for new development or redevelopment. If during landscape installation for new development or redevelopment, the Director of Sustainable Development, or designee determines that plant materials required by an approved landscape plan are unavailable, the Director may approve alternate species or specifications (size). If the unavailable plant is a native species, a native species shall be used for the replacement. Such alternate plant materials shall, at the time of maturation, provide the same coverage, canopy, heights, and purpose as those designated on the approved landscape plans. The waiver request shall not be based on financial hardship. Revised landscape plans shall be provided.

(3) Waiver to landscape requirements. Upon review by the City's Urban Forester, the Director of Sustainable Development, or designee, may allow alternatives to an approved landscaping plan or design provided the proposed plan/design meets the intent of this Article when the landscaping for a site, landscape easement/buffer or roadway buffer, cannot be installed, maintained or replaced consistent with the requirements of Section 13-443, "Minimum landscape requirements for zoning districts" or the applicable approved landscape plans in circumstances such as:

- a. Roadwork construction, right-of-way changes or easement revisions have altered the size or character of the area available for planting; or
- b. Portions of the landscaping as approved have matured in such a way as to impact the viability of other aspects of the approved landscaping plan.

(4) Waiver to street tree requirements.

a) If an existing or missing street tree needs to be replaced and the Director of Sustainable Development, or designee determines that the tree species identified on the approved landscape plans is inappropriate for the location due to its species, size, disease proclivity or growth pattern, the Director may approve a like tree-substitution (native for native) provided the new tree:

1. Enhances or maintains the design intent of the existing streetscape and is compatible with a city-approved applicable neighborhood street tree plan or theme; and
2. Provides similar canopy and heights or canopy and heights appropriate to the space available; and
3. is from the "Recommended Tree List" or "Recommended Trees Adjacent to Power Lines" list maintained by the City's Urban Forester; and
4. is a more disease resistant or a more appropriate species or size for the location; and

5. is consistent with FPL's *Right Tree, Right Place* principles (<https://www.fpl.com/reliability/trees/tree-location.html>), University of Florida IFAS's *Trees and Power Lines* guidelines (<https://hort.ifas.ufl.edu/treesandpowerlines/>), Florida Urban Forestry Council's "Right Tree/ Right Place – Selecting & Planting Tree for the South Florida Urban Forest" (fufc.org) and best horticultural practices; and

6. the conditions which have inspired the request are not self-imposed or based on financial hardship. Further, natural tree features, including leaf dropping or trimming requirements are not growth patterns which justify substitutions under this section.

b) No waiver may be granted under this section for a property subject to a landscape plan approved through a Neighborhood Enhancement Grant.

~~(2) Any person or party aggrieved by an administrative decision, an order of the city, or the implementation and enforcement of the provisions of this section may appeal to the planning and zoning board, setting forth the facts and reasons why they feel such administrative decision or order is not reasonable or in the public interest, according to the intent of this section.~~

(s) *Penalty for violation.*

(1) Any person who violates any provision of this section subdivision shall be punished as provided by law. Each and every tree damaged, defaced, destroyed, or removed in violation of this section shall constitute a separate and distinct violation.

(2) An individual shall be in violation of this section if the trees are not relocated or replaced as specified by this section within ~~six (6)~~ three (3) months or as specified elsewhere within this section, of the granting of the tree removal permit; provided, however, if the trees are to be removed to facilitate construction, such relocation or replacement must be completed prior to the earlier of completion of a final inspection or issuance of a certificate of occupancy as applicable.

(3) An individual shall be in violation of this section if the trees to be relocated or replaced are not maintained in a healthy condition for a period of one (1) year.

(4) Fines for violation of this subdivision shall be as provide in table XY below:

Table 13-448.T2 – Fines for violation of Subdivision			
<u>Violation</u>	<u>Fine</u>	<u>Required Mitigation</u>	<u>Code Section</u>
<u>Removal of a tree without a permit on a single family or duplex property or right of way adjacent thereto, where a permit is required</u>	<u>\$500.00</u>	<u>All tree replacement, canopy replacement, and mitigation requirements shall apply in addition to the fine</u>	<u>13-448(b)</u> <u>13-448(c)</u>
<u>Removal of a tree on any property other than</u>	<u>\$2,000.00</u>	<u>All tree replacement, canopy replacement,</u>	<u>13-448(b)</u> <u>13-448(c)</u>

<u>single family or duplex, without a permit where a permit is required</u>		<u>and mitigation requirements shall apply in addition to the fine</u>	
<u>Any violation of Section 13-444 or 13-448 unless cited under the tree removal sections above</u>	<u>\$150 - first offense \$250 - second and subsequent offenses</u>	<u>All required remediation requirements shall apply in addition to the fine</u>	<u>13-444 13-448</u>
<u>All other violations of this Subdivision</u>	<u>Section 1-8</u>		
<u>In addition to any fines noted above, any violation deemed irreparable or irreversible in nature by order of the special magistrate shall be subject to a fine not to exceed five thousand dollars (\$5,000.00) per violation.</u>			

(t) *Tree preservation trust fund.*

- (1) *Establishment of trust.* There is hereby created a tree preservation account in the general fund of the city for the purpose of accepting and disbursing the cash payments made in lieu of planting trees for the use and beautification of the city. This fund shall solely be used for the planting of trees in Coconut Creek and any other ancillary costs associated with the planting of trees. Ancillary costs shall not exceed twenty (20) percent of the cost of the particular tree planting project.
- (2) *Term of existence.* The tree preservation trust account (hereinafter the "trust") shall be self-perpetuating from year to year unless specifically terminated by the city commission.
- (3) *Trust assets.* All monies received hereunder from public or private concerns shall be placed in trust for the use and benefit of the city or any designated branch thereof, and its successors and assigns in interest. Such funds shall be expended, utilized and disbursed only for the use designated by the city manager to enable the division to administer the city's tree preservation program.
- (4) *Monetary payment-trust administration.*
 - a. Trust funds shall be expended, utilized and disbursed only within the City of Coconut Creek and only for the purposes designated by the city.
 - b. All monies ~~deposited~~ collected hereunder shall be deposited in the trust, which shall be a separate account established and maintained apart from the general revenue funds and accounts of Coconut Creek.
 - c. Monies obtained hereunder may be accepted on behalf of the city by the director of the department of sustainable development or his or her designee, and upon receipt shall be delivered to the Coconut Creek Finance and Administrative Services Department, which shall cause the same to be credited to the trust.
 - ~~d. Funds collected from a tree removal permit shall be used only within Coconut Creek.~~

- e. ~~Any monies received subject to a condition shall be expended strictly in accordance with such condition.~~
- f.d. ~~The acceptance of payments of the trust~~ Direct payment into the trust fund shall only be allowed only when permitted ~~when the site being developed cannot support the number of trees required thereon or when the number of trees being removed from a site exceeds the number of trees being placed on a site. Such excess removal or nonreplacement shall be permitted only with the approval of the director of the department of sustainable development of his or her designee. by this subdivision.~~
- g. ~~In determining the amount of money to be accepted in place of trees, the department of sustainable development shall obtain and average estimates of the cost of desirable trees with a minimum height of twelve (12) feet of No. 1 quality from at least two (2) local nurseries, and estimates of the direct labor costs for the planting and relocation of the trees, which cost estimate shall be updated every six (6) months.~~

(5) *Dispersal or conversion of assets; city commission approval.*

- a. Expenditures shall be in accordance with city policy.
- b. Expenditures for tree planting will be made in accordance with city procedures pertaining to contracting and purchasing. The disbursements of these monies shall be under the control of the city manager and, when required, by the city commission. ~~These monies will be used to obtain trees, landscaping, sprinkler systems, and similar equipment for any public land in the city. With city commission approval, these monies may also be utilized to engage supporting elements, such as landscape architects and additional personnel if deemed necessary in the opinion of the city manager. These monies may also be used to cover the expense of relocation of trees in the city. Such monies shall be expended, utilized and disbursed only for the purposes designated by the city manager to enable the city to administer its tree program.~~
- c. Trust funds ~~will~~ may be used to obtain trees, landscaping, sprinkler systems, equipment, and any other items or materials necessary and proper for the preservation, maintenance, relocation or restoration of tree ecosystems, for any public land in Coconut Creek. These monies may also be used to cover the expense of relocation of trees in Coconut Creek ~~and the expense of periodically distributing, to periodically purchase and distribute saplings to the public, to restore the City's tree canopy as part of the Tree Canopy Replacement Program, and to engage supporting elements, such as landscape architects and additional personnel if deemed necessary in the opinion of the city manager. Monies must be expended, utilized and disbursed only for the purposes designated by the city manager to enable the city to administer its tree program.~~

- (u) *Violations.* Any violation of this ~~section~~ subdivision shall be penalized as provided in the Coconut Creek Code of Ordinances and the Laws of Florida.

- (v) *Mitigation*. Mitigation shall be required to offset any environmental impacts caused by the removal of any tree(s), environmentally sensitive lands or natural forest community.

APPENDIX 1
TREE PRESERVATION
CITY OF COCONUT CREEK
RECOMMENDED TREES FOR CANOPY REPLACEMENT
CATEGORY 1 TREES

Common Name	Latin Name
African mahogany	Khaya spp.
flame bottle tree	Brachychiton acerifolius
*bald cypress	Taxodium distichum
floss silk tree	Chorisia speciosa
golden rain tree	Koelreuteria formosana
golden shower tree	Cassia fistula
*gumbo limbo	Bursera simaruba
Indian tamarind	Tamarindus indica
jacaranda	Jacaranda mimosifolia
kapok tree	Ceiba pentandra
*laurel oak	Quercus laurifolia
*live oak	Quercus virginiana
*magnolia	Magnolia grandiflora
*mahogany	Swietenia mahogani
*mastic	Mastichodendron foetidissimum
*paradise tree	Simarouba glauca
*pitch apple	Glusia rosea
*pond cypress	Taxodium ascendens
*red bay	Persea borbonia
*red maple	Acer rubrum
*red mulberry	Morus rubra
red silk cotton tree	Bombax ceiba
royal poinciana	Delonix regia
rusty leaf fig	Ficus rubiginosa
*shortleaf fig	Ficus citrifolia
*slash pine	Pinus elliottii var. densa

*native to Florida

CATEGORY 2 TREES
(Also includes trees listed under Category 1)

Common Name	Latin Name
African tulip tree	Spathodea campanulata
black sapote	Diospyros dignya
Brazil beautyleaf	Calophyllum brasiliense

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buttercup tree	Cochlospermum vitifolium
*buttonwood (silver)	Conocarpus erectus (var. sericeus)
*cherry laurel	Prunus caroliniana
*crabwood	Gymnanthes lucida
curly pod	Caesalpinia mexicana
*dahoon holly	ilex cassine
*east palatka holly	Ilex x attenuata
*fiddlewood	Githarexylum fruticosum
frangipani	Plumeria spp.
glaucous cassia	Senna surattensis
*Guiana plum	Drypetes lateriflora
*Jamaica dogwood	Piscidia piscipula
*Krug's holly	Ilex krugiana
Florida lilac	Lonchocarpus
*Lancewood	Nectandra coriacea
longan	Euphoria longan
loquat	Eriobotrya japonica
lychee	Litchi chinensis
Madagascar olive	Noronhia emarginata
mimusops	Manilkara roxburghiana
Mueller's almond	Terminalia muelleri
*persimmon	Diospyros virginiana
*pigeon plum	Coccoloba diversifolia
pink trumpet tree	Tabebuia heterophylla
*pond apple	Annona glabra
queen's crape-myrtle	Lagerstroemia speciosa
*soapberry	Sapindus saponaria
*southern magnolia	Magnolia grandiflora
Spanish cherry	Mimusops elengi
*strangler fig	Ficus aurea
*sugarberry	Celtis laevigata
*sweet bay	Magnolia virginiana
weeping podocarpus	Podocarpus gracillior
*wild tamarind	Lysiloma latisilqua
*willow bustic	Dipholis salicifolia
yellow poinciana	Peltophorum pterocarpum

*native to Florida

CATEGORY 3 TREES
(Also includes trees listed under
Categories 1 and 2)

Common Name	Latin Name
allspice	Pimenta dioica

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beach acacia	Acacia-cyanophylla
*black ironwood	Krugiodendron ferreum
*blolly	Guapira-discolor
bottlebrush tree	Callistemon spp.
brush-cherry	Syzygium paniculatum
*cabbage palm	Sabal palmetto
Canary Island date palm	Phoenix canariensis
chinese fan palm	Livistona chinensis
coconut palm	Cocos nucifera
*cocoplum	Chrysobalanus icaco
coral bean	Erythrina spp.
crape-myrtle	Lagerstroemia indica
*geiger tree	Gordia sebestena
*Jamaica caper	Capparis cynophallophora
Macadamia nut	Macadamia spp.
*redberry stopper	Eugenia confusa
royal palm	Roystonea spp.
*Simpson stopper	Myrcianthes fragrans
snailseed	Cocculus laurifolius
*Spanish stopper	Eugenia foetida
*sweet acacia	Acacia farnesiana
*torchwood	Amyris elemifera
Washington palm	Washington robusta
*wax myrtle	Myrica cerifera
white geiger	Gordia boissieri
*wild lime	Zanthoxylum fagara

*native to Florida

CATEGORY 4 PALMS

Common Name	Latin Name
Alexandra palm	Archontophoenix alexandrae
bottle palm	Hyophorbe lagenicaulis
carpenter palm	Carpentaria acumenata
date palm	Phoenix dactylifera
*Florida cherry palm	Pseudophoenix sargentii
*Florida silver palm	Coccothrinax argentata
*Florida thatch palm	Thrinax radiata
*paurotis palm	Acoelorrhaphe wrightii
pindo palm	Butia capitata
red latan palm	Latania lontaroides
Senegal data palm	Phoenix reclinata
triangle palm	Dypsis decaryi
windmill palm	Trachycarpus fortunei

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*native to Florida

APPENDIX 2
CITY OF COCONUT CREEK
TREE PRESERVATION ORDINANCE
PROPOSED LIST OF TREES & PALMS
Recommended for
Planting Under Electrical Lines
TREES

Common Name	Latin Name
allspice	Pimenta dioica
argentine Shower*	Cassia carneval
black Ironwood	Krugiodendron ferreum
blolly	Guapira discolor
bottlebrush (weeping)*	Callistemon viminalis
buttonwood (silver)	Conocarpus erectus variety sericeus
Carambola (Star-fruit)**	Averrhoa carambola
cassia	
chaste-tree*	Vitex agnus-castus
citrus (except grapefruit trees)**	Citrus spp.
crape-myrtle*	Lagerstroemia indica
dahoon holly	Ilex cassine
dwarf poinciana*	Caesalpinia pulcherrima
ebony (Jamaican rain tree)*	Brya ebenus
Geiger Tree	Cordia sebestena
golden trumpet*	Tabebuia chrysotricha
inkwood	Exothea paniculata
lancewood	Nectandra coriacea
loquat**	Eriobotrya japonica
Mexican caesalpinia	Caesalpinia mexicana
milletia*	Millettia ovalifolia
mimusops	Manilkara roxburghiana
pitch-apple*	Glusia rosea
princess flower*	Tibouchina semidecandra
silver trumpet tree*	Tabebuia caraiba

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tree ligustrum	Ligustrum lucidum
wax-myrtle	Myrica cerifera
White Geiger*	Cordia boissieri
wild tamarind	Lysiloma sabicu
yellow-elder*	Tecoma stans

-

*Flowering

**Edible fruit

PALMS

Common Name	Latin Name
areca palm	Chrysalidocarpus lutescens
bottle palm	Hyophorbe lagenicaulis
European fan palm	Chamaerops humilis
Florida thatch palm	Thrinax radiata
horncone cycad	Ceratozamia mexicana
Lady palm	Rhapis excelsa
Manila ("adonidia") palm Xmas	Veitchia merrillii
opsiandra palm	Gausia maya
parlor palm	Chamaedorea spp.
pindo palm	Butia capitata
pigmy date palm	Phoenix roebelenii
queen sago palm (cycas)	Cycas circinalis
sago palm	Cycas spp.
spindle palm	Hyophorbe verschaffeltii
thatch palm	Thrinax spp.
windmill palm	Trachycarpus fortunei

Note:

All species are considered Category 3 trees except as otherwise noted in Appendix 1.

Sec. 13-449. - Stop work orders.

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Whenever any person is performing work which is being done by a person not in compliance with this article, or work is being performed by a person who is not appropriately licensed for the work being completed, a landscape inspector or code compliance officer may order that work be stopped and such persons performing such work shall immediately cease such work. The work may not resume until such time as the person is has demonstrated compliance with the applicable licensing or permit requirements or has provided a work plan demonstrating that the work will be performed in compliance with this article.

Sec. 13-450. - Fertilizer management.

(a) *Applicability.* The provisions of this section shall apply to all fertilizer applications within the city, with the following exceptions:

- (1) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14, as amended, provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, for the crop in question.
- (2) Fertilizer applications for golf courses, parks, and athletic fields, provided that the provisions of Rule 5E-1.003(2)(d), F.A.C., as amended, are followed.

(b) *Licensing and training of commercial fertilizer applicators.*

(1) All persons providing landscape maintenance services, commercial fertilizer applicator services, and institutional fertilizer applicator services within the city shall have at least one (1) person holding a current certificate of completion for training in the best management practices described in the UF/IFAS Extension's *Best Management Practices for Protection of Water Resources by the Green Industries – Florida-Friendly Landscaping Program* present at all times on any job site while fertilizer application is in progress.~~2801-2807~~

~~(1)(2)~~ By January 1, 2014, application Application of fertilizer to an urban landscape shall only be done by a commercial fertilizer applicator certified by the Department of Agriculture and Consumer Services pursuant to F.S. § 482.1562, as amended.

~~(2)(3)~~ All commercial and institutional fertilizer applicators shall comply with the standards adopted in this section.

~~(3)(4)~~ Noncommercial fertilizer applicators not otherwise required to be certified, such as private citizens applying fertilizer on their own residential properties, are encouraged to follow the most recent edition of the *Florida Yards and Neighborhoods Handbook* (Univ. of Florida) and UF/IFAS Extension's most recent Florida Yards and Neighborhoods program recommendations.

(c) *Fertilizer content, application rates and practices.*

(1) Fertilizers applied to turf and/or landscape plants shall be formulated and applied in accordance with requirements and directions as provided on the fertilizer bag and by Rule 5E-1003(2), F.A.C., as amended. Nitrogen or phosphorus fertilizer shall only be applied to turf or landscape plants during growth periods, not during dormant periods. These fertilizers shall be applied only in accordance with the

directions on the fertilizer bag, unless a soil or plant tissue deficiency has been verified by UF/IFAS Extension or another accredited laboratory or test.

- (2) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during times which a flood, tropical storm, or hurricane watch or warning issued by the National Weather Service is in effect for any portion of Broward County.
- (3) Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector shield or drop spreader is used, of any pond, stream, watercourse, lake, canal, wetland, or from the top of any seawall. It is provided, however, that newly-planted turf and/or landscape plants may be fertilized in this zone, but only for the first sixty (60) day establishment period, and caution shall be used to prevent direct deposition of nutrients into the water.
- (4) A voluntary ten (10) foot low maintenance zone is strongly recommended from any pond, stream, water course, lake, wetland, or from the top of any seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. No mowed or cut vegetative material should be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.
- (5) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned so that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones, and water bodies, including wetlands.
- (6) Fertilizer shall not be applied, spilled, or otherwise deposited on any hardscape or other impervious surfaces.
- (7) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any hardscape or other impervious surface shall be immediately and completely removed to the greatest extent practicable.
- (8) Fertilizer released on a hardscape or other impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

Secs. 13-451—13-455. - Reserved.

Section 4: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid. The City Commission specifically intends that severability shall be applied to these landscape

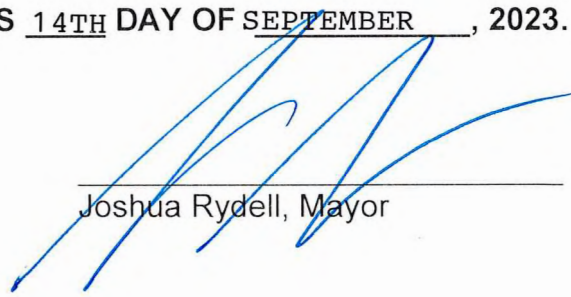
regulations even if the result would be less regulation. Further, should provisions of this Ordinance be declared by a court of competent jurisdiction to be invalid, to the extent that the court strikes this entire ordinance, the regulations shall revert to those existing prior to enactment of this ordinance.

Section 6: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 7: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

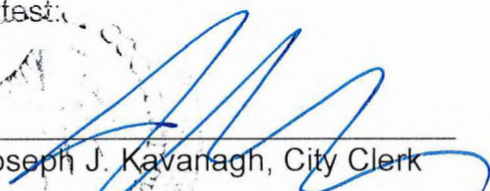
PASSED FIRST READING THIS 24TH DAY OF AUGUST, 2023.

PASSED SECOND READING THIS 14TH DAY OF SEPTEMBER, 2023.



Joshua Rydell, Mayor

Attest:



Joseph J. Kavanagh, City Clerk

1st

2nd

Rydell	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>
Brodie	<u>Aye</u>	<u>Aye</u>
Wasserman	<u>Aye</u>	<u>Aye</u>