

ORDINANCE NO. 2010-025
AN ORDINANCE OF THE CITY OF COCONUT CREEK,
FLORIDA, AMENDING CHAPTER 13, CODE OF
ORDINANCES, ENTITLED "LAND DEVELOPMENT
CODE," BY AMENDING ARTICLE III THEREOF,
ENTITLED "ZONING REGULATIONS," BY AMENDING
DIVISION 4 THEREOF, ENTITLED "ACCESSORY USES
AND STRUCTURES," BY AMENDING SUBDIVISION IV
THEREOF, ENTITLED "LANDSCAPE STANDARDS AND
REQUIREMENTS," BY AMENDING SECTIONS 13-441, 13-
442, 13-443, 13-444, 13-445, 13-446, 13-447, AND 13-448;
PROVIDING FOR CODIFICATION; PROVIDING FOR
SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, Subdivision IV of the City Land Development Code, entitled "Landscape Standards and Requirements," sets forth standards and requirements for the installation and maintenance of landscaping and landscaped open space; and

WHEREAS, staff is recommending that Sections 13-441 through 13-448 be amended to ensure consistency with Broward County minimum standards, industry trends, and new technologies; and

WHEREAS, the Planning and Zoning Board has reviewed this amendment at a duly noticed hearing on July 14, 2010, and recommended its adoption subject to the following condition:

1. That clarifying language relating to the removal of landscaping that creates an immediate danger to public safety shall be included in Section 13-445; and

WHEREAS, the City Commission of the City of Coconut Creek, Florida finds and determines that the Landscape Standards and Requirements are in need of amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending

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Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-441 to read and provide as follows:

ARTICLE III: ZONING REGULATIONS

DIVISION 4: ACCESSORY USES AND STRUCTURES

Subdivision IV: Landscape Standards and Requirements

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.

Section 2: That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-442 to read and provide as follows:

ARTICLE III: ZONING REGULATIONS

DIVISION 4: ACCESSORY USES AND STRUCTURES

Subdivision IV: Landscape Standards and Requirements

Sec. 13-442. 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 scientific and engineering fields shall apply: The American National Standards Institute ("ANSI") A-300, Standards for Tree Care Operations: Tree, Shrub and Other Woody Plant Maintenance-Standard Practices, and Z-133.1, Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush Safety Requirements Z133.1-2006 Arboricultural Operations: Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush – Safety

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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*, South Florida version; Timothy K. Broschat & Alan W. Meerow, *Betrock's Reference Guide to Florida Landscape Plants*, 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, Florida Yards & Neighborhoods*, 3rd Edition, 2006.

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

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

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.

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

Crown see *Canopy*.

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.

Effectively destroy means to cause, allow or permit any act, which will cause a tree to die or go into a period of unnatural decline . Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery; excessive trimming; changing the natural grade above the root system or around the trunk; damage intentionally inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is fifty (50) percent or greater than the circumference of the trunk, or the removal of sufficient canopy to cause the unnatural decline of the tree.

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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.

Grey wood. See clear wood.

Hedge means a close planting of shrubs 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 front yard setback.

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

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.

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 as defined by this section.

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.

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,

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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.

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

Native plant species means those published in the latest issue of the Association of Florida Native Nurseries Native Plant and Service Directory.

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 13-448(n)(1)a.

Nuisance trees. For purposes of this section, the following are considered to be nuisance trees:

- (1) *Acacia auriculiformis* (Earleaf acacia)
- (2) *Araucaria heterophylla* (Norfolk Island Pine)
- (3) *Bischofia javanica* (Bischofia, Bishopwood)
- (4) *Braselia 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* (Cajeput 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.

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

Protected tree or plant means a tree 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.

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

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

Special status category tree means any tree or group of trees as designated by Broward County and 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 percent (60%) 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 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*.

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.

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.

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".

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.

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Tree means any living, self-supporting, dicotyledonous woody perennial plant which has a DBH of no less than two (2) 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.

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

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

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 survey means a document signed and sealed by a Florida Registered Land Surveyor meeting the requirements of F.S. § 472.025, as amended, 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;
- (2) The common and scientific name of each tree;
- (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 (in tabular form within tree inventory).
- (6) Verification of the tree species names and conditions by a Florida Registered Landscape Architect.

Trim see *prune*.

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.

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Section 3: That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-443 to read and provide as follows:

ARTICLE III: ZONING REGULATIONS

DIVISION 4: ACCESSORY USES AND STRUCTURES

Subdivision IV: Landscape Standards and Requirements

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

(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.

(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) *Special provisions.*

- d. Landscaping is required within the front and side building walkway area of all residential buildings. Each forty (40) linear feet of, or portion thereof,

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walkway requires a minimum of one (1) tree and ten (10) shrubs or one (1) tree and thirty (30) ground cover plants.

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

- 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.

(9) *Landscaping adjacent to street rights-of-way in B, O, IO and IM districts.*

- 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.

(10) *Perimeter landscaping in 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, a 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. The visual screen shall consist of a continuous hedge and one (1) tree shall be provided for each forty (40) linear feet of such landscaped strip or fraction thereof.

- 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.
- c. Where property located in B, O, IO or IM districts is separated from RS, RC, or RM zoned property, by a street, alley, canal or other open space of more than one hundred (100) 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 or portion thereof. Such trees shall be located adjacent to the abutting property line.

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

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- 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. Such trees shall be planted in a curved island of at least twelve (12) feet in width with a minimum length equal to the length of the paved area of the adjacent parking space(s).. Such trees 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 grass, ground cover or other landscaped material. All limerock shall be excavated from islands to a depth of 2-1/2 feet and backfilled with the specified planting mix.
- 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.

(13) *Street trees.*

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.

- (14) *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.

- 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.

(15) *Roadway landscape buffer standards.*

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a. Roadway landscape buffer widths shall conform to 13-331(g) .

c. Required landscaping within the buffers shall consist of the following:

2. 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.

3. 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*), 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 standards as to species and location.

5. Shrubs shall be a minimum of forty (40) shrubs per two thousand (2,000) square feet (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.

d. Walls and entry feature walls where required by planning and zoning board review and determination 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. *****

e. There shall be no sidewalks and/or pedestrian or vehicular usage within the landscape buffer area unless approved by the city.

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

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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.

Section 4: That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-444 to read and provide as follows:

ARTICLE III: ZONING REGULATIONS

DIVISION 4: ACCESSORY USES AND STRUCTURES

Subdivision IV: Landscape Standards and Requirements

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

(a) *Installation.*

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 13-442.

- (2) Native topsoil requirement. That amount of native 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 and one-half (1 1/2) inches in size for planting beds or sod preparation area.
- (3) Planting soil requirement. All planting beds for shrubs, hedges and groundcovers shall consist of a minimum depth of eighteen (18) inches 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.
- (4) Use of organic mulches. 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

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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.

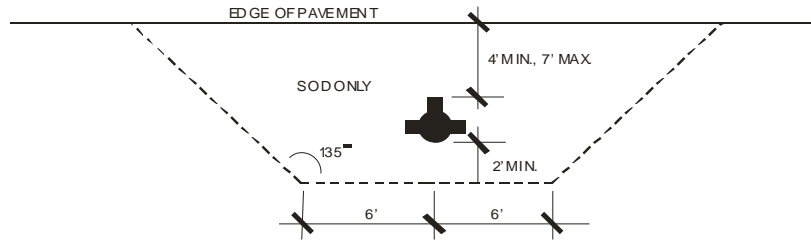
Mulch shall be pulled away from the base of shrubs and groundcover.

- (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.

- (12) Once the tree or shrub planted is set, B & B material, 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) Replacement requirements: Vegetation, 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 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.

- (15) 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) Fire hydrant clear zone must be met for safety reasons. Fire hydrant clear zone diagram must be installed on landscape drawings prior to approval. Plant material shall be installed in accordance with the fire hydrant clear zone. **INSERT FIGURE 1:**

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Fire Hydrant Clear Zone

Not to Scale

Requirements apply to fire hydrants, siamese connections and any other fire equipment for utilizing fire hose on public or private property.

The diagram shall appear on all landscape plans prior to approval.

The clear zone shall be free of landscape (except sod), mailboxes, parking, lamp-posts and all other objects (exceptions: other fire fighting equipment, or traffic posts to protect fire fighting equipment).

(b) *Maintenance.*

- (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(f) 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.

- (4) Tree and palm abuse and pruning.
 - 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)

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

- 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. Removing palm fronds that initiate 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.

- d. Pruning and tree abuse remedial actions required.

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).

7. A tree removal permit shall be required under the Coconut Creek Code of Ordinances to remove a tree as required by the city. This permit may be applied for in conjunction with a clearing and grubbing or burn permit.

- (5) 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) 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,

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to include common areas and individual lots unless site plan approved, depending upon the housing design concept. 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.

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.* Low water demand landscape areas shall be designed as separate zones from high water demand areas, such as turf.
 - 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 South Florida Water Management District regulations. 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.

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- i. *Penalties* shall be according to the fine schedule in section 1-8, City of Coconut Creek Code of Ordinances.
 - j. *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. *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. *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) *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) *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.
- (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 shall be 50%.

The types of required plant materials include: shade/canopy trees, intermediate trees, small trees, palms, and shrubs; but excluding groundcover and all turf 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 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.

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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.

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.

- 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. Palms shall also conform to FPL standards 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.

d. Ground cover.

1. 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, 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 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) Landscape provisions.

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Section 5: That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-445 to read and provide as follows:

ARTICLE III: ZONING REGULATIONS

DIVISION 4: ACCESSORY USES AND STRUCTURES

Subdivision IV: Landscape Standards and Requirements

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

- (b) No existing plant material shall be destroyed or removed without the consent of the city by permit unless such plant material creates an immediate danger to public safety because of disease or damage. Documentation of the condition must be presented to the city within forty-eight (48) hours after removal. 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.

Section 6: That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-446 to read and provide as follows:

ARTICLE III: ZONING REGULATIONS

DIVISION 4: ACCESSORY USES AND STRUCTURES

Subdivision IV: Landscape Standards and Requirements

Sec. 13-446. Plan approval.

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- (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.

- (8) Standard landscape 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 with the exemption of owner occupied single family residences or nurseries for the installation of stock plant material.

- (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 shall not be permitted to increase the degree of nonconformity as it pertains to this article. 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.

Section 7: That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-447 to read and provide as follows:

ARTICLE III: ZONING REGULATIONS

DIVISION 4: ACCESSORY USES AND STRUCTURES

Subdivision IV: Landscape Standards and Requirements

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

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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.

Section 8: That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-448 to read and provide as follows:

ARTICLE III: ZONING REGULATIONS

DIVISION 4: ACCESSORY USES AND STRUCTURES

Subdivision IV: Landscape Standards and Requirements

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

(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.

(4) 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; or

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- (9) Removal of trees, except historical or special status 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-day period. The appeals process shall be pursuant to 13-549 of the Coconut Creek Code of Ordinances for administrative approval. Tree removal may proceed after the expiration of the fifteen-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).

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

c. Provide a report to the city to prove compliance with 13-448; or

- (10) 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-day period. The appeals process shall be pursuant to 13-549 of the Coconut Creek Code of Ordinances for administrative approval. After the expiration of the fifteen-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 (13-448(d) and (e)) and Bonding [13-448(l)] of this section, and

e. And provides a report to the city to prove compliance with 13-448.

- (11) 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

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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 13-549 of the Coconut Creek Code of Ordinances for administrative approval. After the expiration of the fifteen-day period, providing that no letters of appeal have been received by the city, the department may remove tree(s) provided that:

- b. The removal complies with all standards, requirements, and conditions, other than Permitting [13-448(d) and (e)] and Bonding [13-448(l)] of this section.

- d. And provides a report to the city showing compliance with 13-448.

(12) Removal of nuisance trees, as defined by 13-442.

(c) Prohibitions.

- (3) *Land clearing.* Land clearing 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.

(1) Application for permit.

- 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.

- 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

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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.

- (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 13-448 of the subject property.

(e) *Tree removal permit - Review of application: Conditions for permit.*

- (1) As a condition precedent of any land clearing and/or site development where any tree removal or relocation is to be conducted, except as otherwise exempted under this section, a person shall be required to obtain a tree removal permit and/or clear and grub permit. The 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.*

- k. 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. One (1) tree replacement for each one (1) tree removed is permissible for this subsection.
The applicant must relocate the trees to be removed. If relocation is not a viable solution, an applicant shall replace removed trees. 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) 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 findings by the governing agency, 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.

(f) *Tree relocation.*

- (1) Before the city issues a tree removal permit that allows the replacement of any 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 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.

- f. 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. Transplanted trees shall be fertilized as appropriate and shall be watered sufficiently until the tree growth is re-established.
- h. 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.*

- c. Native trees identified in 13-448 Appendix 1 and Appendix 2 shall be required to replace native tree coverage removed;

TABLE INSET:

Replacement tree category (See 13-448 Appendix 1 and Appendix 2)	Equivalent replacement canopy area in sq. ft.
Category 1 Tree	300

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Category 2 Tree	150
Category 3 Tree	100
Category 4 Tree	50

- f. For trees removed pursuant to 13-448(e)(3)a, b, or f, an additional fifty (50) percent tree replacement shall be required.
- g. Replacement of specimen trees and trees of 18" 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 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-foot spread, and two (2) inches caliper at time of planting (see 13-448.
Category 2 - minimum of eight (8) feet in height, three-foot spread and 1.5 inches caliper at time of planting (see 13-448.
 - 3. Category 3 - minimum of six (6) feet in height, two-foot spread and one (1) inch caliper at time of planting (see 13-448.
 - 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) feet clear trunk or grey wood at time of planting (see 13-448.

- (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.*

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- (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.
- (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) months with city approval unless specified as other by code enforcement action. 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.

- (6) Relocated or replacement trees, which may reach a height of thirty (30) feet shall not be placed within twenty (20) feet of an overhead powerline;

(i) *Maintenance/monitoring requirements.*

- 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.

(j) *Payment in lieu of replacement/relocation.*

(k) *Special status category trees.*

- (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), Urban 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.

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- f. Sites may also be designated by Broward County during the conceptual review process.

- (3) Specimen trees. Projects containing specimen tree(s) are subject to the following additional criteria:
- a. Specimen trees and trees of 18" 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 using the *Guide for Plant Appraisal*, 9th Edition, as amended, by the Council of Tree and Landscape Appraisers.
 - b. The permittee may 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.*

- (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.

(3) Release of bonds.

- b. Bonds may be released by the city when fee simple title 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.

(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 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.

(n) *Protection from construction work.*

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- (6) Pruning of trees to be preserved shall be in accordance with the standards for pruning established by ANSI A-300.

(o) *Protection of trees.*

(p) *Trees on public land.* No trees 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.*

(r) *Variance and appeal.*

(s) *Penalty for violation.*

(t) *Tree preservation trust fund.*

(4) *Monetary payment-trust administration.*

- 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.

- f. The acceptance of payments of the trust shall only be 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.
- 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.*

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- b. Expenditures for tree planting will be made in accordance with city procedures pertaining to contracting and purchasing.

(u) *Violations.*

(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.

GRAPH

CATEGORY 1 TREES TABLE INSET:

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
<u>*magnolia</u>	<u>Magnolia grandiflora</u>
*mahogany	Swietenia mahogani
*mastic	Mastichodendron foetidissimum
*paradise tree	Simarouba glauca
*pitch apple	Clusia rosea
*pond cypress	Taxodium ascendens
*red bay	Persea borbonia

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*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)

TABLE INSET:

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

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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 gracilior
*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)

TABLE INSET:

Common Name	Latin Name
allspice	Pimenta dioica
beach acacia	Acacia cyanophylla
*black ironwood	Krugiodendron ferreum
*blolly	Guapira discolor
bottlebrush tree	Callistemon spp.
brush cherry	Syzygium paniculatum

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*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	Cordia 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	Washingtonia robusta
*wax myrtle	Myrica cerifera
white geiger	Cordia boissieri
*wild lime	Zanthoxylum fagara

*native to Florida

CATEGORY 4 PALMS TABLE INSET:

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

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*Florida silver palm	Coccothrinax argentata
*Florida thatch palm	Thrinax radiata
*paurotis palm	Acoelorrhaphe wrightii
pindo palm	Butia capitata
red latan palm	Latania lontaroides
Senegal date palm	Phoenix reclinata
triangle palm	Dypsis decaryi
windmill palm	Trachycarpus fortunei

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

TREES
TABLE INSET:

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

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Geiger Tree	Cordia sebestena
golden trumpet*	Tabebuia chrysotricha
inkwood	Exothea paniculata
lancewood	Nectandra coriacea
loquat**	Eriobotrya japonica
Mexican caesalpinia	Caesalpinia mexicana
millettia*	Millettia ovalifolia
mimusops	Manilkara roxburghiana
pitch-apple*	Clusia rosea
princess-flower*	Tibouchina semidecandra
silver trumpet tree*	Tabebuia caraiba
tree ligustrum	Ligustrum lucidum
wax-myrtle	Myrica cerifera
White Geiger*	Cordia boissieri
wild tamarind	Lysiloma sabicu
yellow-elder*	Tecoma stans

*Flowering

**Edible fruit

Section 9: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 10: 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 11: That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

Section 12: That this Ordinance shall take effect immediately upon its passage and adoption.

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PASSED FIRST READING THIS 14th DAY OF October, 2010.

PASSED SECOND READING THIS 14th DAY OF October, 2010.

/s/ Lisa K. Aronson

Lisa K. Aronson, Mayor

Attest:

/s/ Barbara S. Price

Barbara S. Price, MMC
City Clerk

	<u>1st</u>	<u>2nd</u>
Aronson	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Gerber	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>

SR:PS:mb

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8-16-10

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