

Chapter 123 - VEGETATION

Footnotes:

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State Law reference— *Municipal Home Rule Powers Act, F.S. ch. 166.*

ARTICLE I. - IN GENERAL

Sec. 123-1. - Definitions.

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

Clear trunk means the distance measured from ground level up to the first live branch or palm frond. Clear trunk of a palm tree should be measured disregarding the boots or the persistent palm frond bases.

Crown spread means the average extent of the horizontal reach of branches in the top of a tree. Draw a circle directly under the drip line on the ground. The average diameter of this circle is the crown spread.

Damage means abuse to any flora covered by this article, through actions or inactions which have caused severe decline, disfigurement, discoloration, defoliation, removal or death of any such flora. Abuse includes, but is not limited to, failure to properly water, fertilize, control pests and fungus, or prune; it also means physically or chemically damaging flora by cutting the main plant leader stem, removing any mature wood larger than three inches in diameter, topping or heading back, reducing the total circumference or canopy spread by more than one-third, burning, cutting, scaring, painting or poisoning.

Department means the planning department for the city.

Diameter breast height (DBH) means the diameter of a single stemmed tree measured at 4½ feet above grade. When a tree grows with multiple trunks, stems at breast height, DBH shall be equal to the sum or aggregate of the individual stems diameters measured at 4½ feet above grade.

Drip line means an imaginary vertical line extending from the outermost circumference of the branches of a tree to the ground.

Erosion control plan means a written description of proposed methods to prevent exposed soil from being carried off property by rain, wind or other natural conditions or any construction operations associated with development.

Ground cover means low growing plants that cover the ground and are used in place of turf. They reach a height of not more than 24 inches in approximately 12 months and present a finished appearance.

Grubbing means the removal of vegetation from land by means of digging, raking, dragging or otherwise disturbing the roots of vegetation and the soil in which such roots are located.

Hatracking means to flat cut the top of a tree, severing the leader; or pruning a tree by stubbing off mature wood larger than three inches in diameter; or reducing the total circumference of canopy spread not in conformance with the current National Arborist Association standards.

Hedge means plant materials utilized to provide a continuous screen and that must be a minimum of 24 inches high upon planting, with a maximum spacing of 2½ feet on center. All plant materials must be capable of attaining at least 75 percent opacity within 12 months.

Historic tree means a tree which has been determined to be of notable historic interest and value to the city because of its location, size, or historic association with the community, and which has been so designated by the commission in the official record books of the city following a public hearing with due notice in advance by certified mail to the owner.

Landscaped area means a plot or plots of ground consisting of, but not limited to, living plant material and non-living plant landscape material.

Landscaping means landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms, and complimentary structural landscape architectural features, such as rocks, mulch, fountains, sculptures, decorative walls and tree wells.

Micro-site means the process of arranging proposed development on a site.

Net buildable area means that portion of a site within a lot on which a structure or improvements, including driveways, sidewalks and parking lots may be erected.

Person means any individual, firm, corporation, partnership, joint venture, association, principal, trustee, municipal corporation, political subdivision, special district, or any agent or representative thereof.

Pollarding means the term given to the practice of regulating size and shape of a young nursery-age tree (topping a large tree is not pollarding). Also called "high coppicing."

Protected area means an area surrounding a protected, or historic tree within which physical intrusion is prohibited in order to prevent damage to the tree, roots and soil around the tree base, the dimensions of which shall be established by the planning director and set forth in the tree removal permit as provided in this chapter.

Protected tree means any tree having a diameter at breast height of eight inches and/or a circumference of 25 inches or more.

Prune or trim means to cut away parts of a plant/tree top or lateral limbs, so as not to cause death or to shorten the floral life span.

Remove or removal means:

- (1) The actual removal of vegetation;
- (2) Direct or indirect actions resulting in the effective removal of vegetation through damage or poison; or
- (3) Similar actions directly or indirectly resulting in the death of flora subject to provisions of this article.

Topping means the trimming of a tree to prevent the natural upwardly growth of a tree, significantly altering its natural shape.

Tree means a living, woody plant having a well-defined stem, a more or less well-defined crown, and which is capable of attaining a height of at least 15 feet.

Tree canopy means the crown diameter or spread of a tree.

Tree survey means an aerial photograph or drawing prepared by a state-registered surveyor to scale and plotted by accurate techniques, which provides the location, size and common name of all protected trees located in a given lot or parcel.

Trim means to reduce, shorten or diminish a tree, plant, or parts of a plant, without substantially altering the existing shape.

(Code 1983, § 22-177; Ord. No. K-126, § 4, 1-22-2002)

Sec. 123-2. - Purpose.

- (a) The intent of this article is to provide minimum landscaping standards and to further provide for the protection of trees, in order to protect and preserve the appearance, character, and value of the properties within the city and thereby promote the public health, safety and general welfare of the citizens of the city. The article implements strategies for such tree protection, including natural crown development and shading, as well as removal and relocation.
- (b) Enforcement provisions are established to ensure maintenance, protection and replacement of landscaping and trees. It is the further intent of this article to provide flexible guidelines which encourage landscaping beyond the minimum standards.

(Code 1983, § 22-175; Ord. No. K-126, § 4, 1-22-2002)

Sec. 123-3. - Scope.

The terms and provisions of this article shall apply to all real property, public and private, without exception, lying within the municipal boundaries of the city.

(Code 1983, § 22-176; Ord. No. K-126, § 4, 1-22-2002)

Sec. 123-4. - Submission of plans.

- (a) *Landscape plan for site plan approval.* Where site development approval is required by this Code, a landscape conceptual plan will be submitted to the department with any application for development or redevelopment approval. Review of such landscaping plan will proceed in the same manner as the application for development or redevelopment approval. The landscape plan shall be prepared, signed and sealed by a registered Florida landscape architect when site plan review is subject to section 125-313 or application is made for issuance of a residential building permit for improvements greater than 4,000 square feet of interior floor area and all commercial, industrial or public development.
- (b) *Landscape plan for building permit (after site plan approval).* Review of a detailed landscaping plan will proceed in the same manner as the application for development or redevelopment approval. Any construction or improvements of residential structures of 4,000 square feet of interior floor area or nonresidential buildings of any size shall require landscape and irrigation plans prepared, signed and sealed by a registered Florida Landscape Architect, or as may be permitted under F.S. § 481.329. The landscape plan shall include and indicate the following:
 - (1) Location, type and size of all existing trees to be preserved or removed as described in section 123-66;
 - (2) Location of all structures, freestanding signs, parking areas, drives, vehicular use areas, retention/detention areas and other improvements to remain or proposed for installation on the property;

- (3) Location of existing and proposed overhead power lines and adjacent rights-of-way;
 - (4) Location and description of existing native plant communities to remain, undisturbed, as applicable;
 - (5) Location, type, size, and quantity of all proposed landscape materials;
 - (6) Plant list including quantity, size and botanical names of all proposed landscape materials;
 - (7) General notes including mulching requirements, fertilization and installation details, and such other information as needed;
 - (8) Planting detail specifications for trees and shrubs;
 - (9) Dimensions of the property; and
 - (10) Tabulations which clearly show relevant statistical information necessary to evaluate compliance with provisions of this chapter. This shall include, but not be limited to, required buffers, vehicular use landscaping/screening, non-vehicular landscaping, and such other information as needed.
- (c) *Irrigation plan.* In conjunction with a detailed landscape plan, an irrigation plan shall be required for all residential improvements of 4,000 square feet or nonresidential buildings of any size. Residential improvements less than 4,000 square feet shall have a readily available water supply, with at least one outlet within 100 feet of all plant material to be maintained. Such plan shall indicate use of a low volume irrigation system designed specifically for the proposed landscape installation, establishment and maintenance. All designs shall meet or exceed the minimum compliance set forth within the Standards and Specifications for Turf and Landscape Irrigation Systems published by the Florida Irrigation Society, as amended. The required irrigation plans shall be prepared by or under the landscape architect's authority and shall include the following minimum information:
- (1) Scale; same as site plan;
 - (2) Existing vegetation to remain, species size, condition and location;
 - (3) Site improvements to remain: the location and outline of existing buildings, drainage swales, stormwater retention/detention areas and other structures;
 - (4) Proposed improvements. The location and outline of proposed buildings, drainage swales, stormwater retention/detention areas and other structures;
 - (5) Off-street parking, access aisles, driveways and other vehicular use areas;
 - (6) Water main. Location, size and specifications;
 - (7) Valve. Location, size and specifications;
 - (8) Pump. Location, size and specifications or water source;
 - (9) Controller. Location and specifications (rain-sensor override devices are required for irrigation systems);
 - (10) Typical irrigation zone plan: indicate head types, specifications and spacings, and separate zoning details for different types of irrigation heads;
 - (11) Total volume (gallons required) for typical depths of application and application rate, inches per hour; and
 - (12) Reclaimed water irrigation system. If applicable, and whether the system is temporary or permanent.

(Code 1983, § 22-178; Ord. No. K-126, § 4, 1-22-2002)

Sec. 123-5. - Permit applications.

Application for landscape permit, tree removal and land-clearing permits required by this article shall be made prior to beginning any site work or tree removal, replacement, relocation or substantial alteration and shall be subject to the provisions of this subsection.

- (1) *Landscape permit.* A non-refundable administrative fee established by the city commission by resolution to offset the cost of evaluating application and plans shall be paid to the city upon filing of an application.
- (2) *Tree removal permit.* A non-refundable administrative fee established by the city commission by resolution to offset the cost of evaluating the application and trees shall be paid to the city upon filing of an application.
- (3) *Land-clearing permit.* A non-refundable administrative fee established by the city commission by resolution shall be paid to the city upon filing of an application.
- (4) *Application.* Shall be made in writing to the building department on a form provided by the building department. The form shall request all information necessary to evaluate the application, including, but not limited to, the following:
 - a. Statement as to the applicants interest in the property;
 - b. Legal description of the property and a boundary survey or accurately scaled drawing thereof;
 - c. A tree survey, if applicable, indicating the species of the trees, which protected trees are intended for removal, relocation or alteration in any way, and those which will be undisturbed. On sites which are larger than two acres, protected trees may be depicted as a group or cluster rather than as individual trees, providing the group or cluster is one which is receiving uniform treatment within its individual members;
 - d. If land clearing is intended, an erosion control plan together with reasons for clearing or grubbing of the site;
 - e. The application should be submitted and processed concurrently with site plan review or subdivision approvals when such approvals are otherwise required to make use of the property. The site plan or subdivision plat should be prepared in a manner to allow ready comparison with any tree survey so as to assess whether the cited criteria have been met. All items shown shall be properly dimensioned, scaled and referenced to the property lines and set back requirements. Existing and proposed site elevations and major contours should be included if required;
 - f. The filing of an application shall be deemed to extend permission to the department to inspect the property subject to such application, if inspection is found necessary for purposes of evaluating the application;
 - g. For those applications that are not being processed concurrently with site plan or subdivision approval, the department shall have 15 working days following the receipt of a completed application within which to make a determination on whether a permit shall be issued as requested. If the permit is not issued, the department shall state in writing the reasons for denial and advise the applicant of any re-submission requirements or appeal remedies available. Should additional review time be necessary due to complexity of the submission, the department may have a reasonable extension of time within which to complete its review;
 - h. Any permit issued hereunder shall remain valid for a term of six months and may be renewed for a second six-month period upon request to the department. The department may require re-application and full review in those renewal instances where site conditions have changed from the date of issuance of the initial permit as a result of natural growth of trees or high winds, hurricane,

tornado, flooding, fire or other acts of God. If a permit required by this section has been issued concurrently with site plan or subdivision approval, then such permit shall run concurrently with the site plan or subdivision approval and shall be renewed together therewith;

- i. The department may designate, as appropriate, a protected area on the landscaping site where essential for preservation of trees. The protected area shall be established based upon consideration of the species, age, size, condition of the tree, soil condition, topography, means of protective barrier proposed, or other relevant criteria, and shall be established for the purpose of protecting the roots and trunk of a tree during or after construction. Any existing vegetation previously within the protected area and allowed by the department to remain shall be maintained in its natural state so as not to alter the water and oxygen content of the soil or upset the soil's natural function. Grade changes, ditching for underground irrigation or installation of utility lines shall not take place except upon issuance of a permit which shall be issued by the department upon a showing by the applicant to the department satisfaction that plant root systems are protected to the greatest extent possible. The following additional requirements apply to the protected area:
 1. No soil may be removed;
 2. No fill material may be stored, deposited and/or disposed of within a protected area; signs, permits, wires or attachments other than for protection of trees and vegetation within the protective area, and which are non-damaging in nature, may be affixed or attached to the vegetation;
 3. Landscaping may not be installed following designation of the protected area without a permit;
 4. No equipment, including vehicles, may be driven, parked or stored within the designated area.
- j. Based upon reasonable forestry considerations, such as species, age, size, location or condition of a tree affected by the work for which application is made, the department may require as a condition for permit application that a suitable protective barrier be placed and maintained around individual trees or groups of trees, in a manner specified by the department. The department may alternatively require, during construction, that designated trees or groups of trees should be prominently highlighted by the installation stakes connected with ropes, plastic tape, ribbon or other material so as to form a continuous, unbroken perimeter at a specified distance from the tree or group of trees to provide protection from clearing activities. Any such perimeter markings should be prominently visible to equipment operators. Any protective barrier or boundary marker required by this subsection shall remain in place until removal is authorized by the department or there is issued a certificate of occupancy;
- k. Local permit not exclusive. It is the intent of this section that permits or approvals required hereunder shall be in addition to and not in place of any federal and state approvals which may be required for the same or similar activities. In the event provisions of this article conflict with any other regulations on this subject matter, the more restrictive shall apply. Compliance with provisions of this section does not excuse any person for noncompliance with either applicable federal, state or local laws.

(Code 1983, § 22-179; Ord. No. K-126, § 4, 1-22-2002; Ord. No. L-86, § 6, 7-20-2009)

Sec. 123-6. - Required bond.

In those instances where the landscape plan is submitted with a site plan requiring review pursuant to section 125-313, the property owner shall file with the director of finance at the time of completion certification by the landscape architect, a security bond, certified deposit (CD), cashier's check or a certified check upon a solvent local bank conditioned to secure 100 percent of the supply and installation cost of the landscaping improvements required by this article, in accordance with the plan approved by the department, for a period of 24 months after certification by the landscape architect to ensure the establishment and maintenance of the plant material required under this section. No such bond, CD, or check shall be accepted unless it be enforceable by or payable to the city. This security bond shall be reduced to ten percent of the supply and installation cost of the landscape improvements for the second year, after the first year inspection determines 100 percent required landscape improvements exist and have been maintained properly. A property owner shall warrant and guarantee a survival rate of 100 percent for all required plantings by other permitting agencies including littoral zone plantings around created lakes and retention ponds for a period of 24 months following the expiration of time for installation of required plant materials, or 24 months following certification of installation by the property owners landscape architect, whichever is earlier. Such security shall be released upon inspection and final approval by the department that the provisions of this section have been met. The standard contract for maintenance of required landscaping, with security as provided in this section is required by the city before issuance of certificate of occupancy.

(Code 1983, § 22-180; Ord. No. K-126, § 4, 1-22-2002)

Sec. 123-7. - Enforcement.

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

(Code 1983, § 22-181; Ord. No. K-126, § 4, 1-22-2002; Ord. No. 17-017, § 14, 6-5-2017)

Sec. 123-8. - Variances and administrative appeals.

A variance from any of these substantive requirements of this section or an appeal of any administrative determination made by the planning director may be made in accordance with the procedures set forth for such relief under the current zoning code of the city. Any appeal should be initiated by a written notice filed with the planning department within 30 days of the date of the administrative determination which is the subject of such appeal.

(Code 1983, § 22-182; Ord. No. K-126, § 4, 1-22-2002; Ord. No. 19-044, § 16, 11-4-2019)

Secs. 123-9—123-34. - Reserved.

ARTICLE II. - LANDSCAPING

Sec. 123-35. - Scope.

This division sets out requirements and standards for plant materials, installation, irrigation, design and developer responsibilities.

(Code 1983, § 22-185; Ord. No. K-126, § 4, 1-22-2002)

Sec. 123-36. - Landscaping design standards for single- and two-family residential structures.

These standards shall apply to all new single-family and two-family dwelling that have less than 4,000 square feet of interior floor area or the remodeling of existing units with less than 4,000 square feet of interior floor area that require a building permit.

- (1) Residential structures constructed with other than slab on grade foundations shall be provided with a continuous skirting of landscaping, in the form of shrubs or hedges, for the entire perimeter of the foundation. Shrubs used to meet the requirements of this section shall be a minimum of 36 inches in height when planted. Hedges shall be planted and maintained so as to form a 36-inch or higher continuous, unbroken, solid screen at time of planting. Stone wall foundations may be used in place of landscaping.
- (2) A minimum of four trees must exist or be planted on each developed lot where either a single-family residence or two-family residence is the principal structure. Existing trees must be a species that are acceptable to the department, located away from utility conflicts and in good health. Trees to be planted must be of a variety compatible with the existing soil and drainage conditions and must be provided with adequate water and fertilizer to encourage long term growth. Trees should be planted in locations so as not to present a potentially dangerous condition or interfere with existing structures or utilities at maturity.
- (3) Residential lots must either be fully grass-covered or provided with a combination of grass cover and landscape for the entire ground area, except for permitted, impervious surfaces such as sidewalks, patios, and driveways. Landscaping shall comply with section 124-37, as applicable.
- (4) Public right-of-way which abuts property on which either a single-family residence or a two-family residence is the principal structure must be sodded by the owner to the back of the curb or edge of the pavement, whichever is applicable. Trees shall be planted, as determined by the department, either on the public right-of-way or land adjacent to the public right-of-way so as to serve as shade for sidewalks and contribute to the streetscape design of the adjoining roadway.

(Code 1983, § 22-186; Ord. No. K-126, § 4, 1-22-2002)

Sec. 123-37. - General landscaping requirements.

All landscape plans shall meet or exceed the following general landscaping requirements which shall be considered complimentary to the landscaping provisions of any other city ordinance. This section shall not apply to lots subject to section 124-36. A certificate of occupancy shall not be issued on any permit for the use, construction, repair or renovation of any structure within the city, whether residential, commercial, industrial or accessory, unless application for any such permit is accompanied by a detailed landscape plan meeting all requirements of this article. The department is not authorized to exempt the permit application from any requirement except as expressly provided for in this article.

- (1) *Requirements for plant materials.* Plant materials used for conformance with this article shall meet or exceed the standards for Florida No. 1 as set out in the most current edition of Grades and Standards for Nursery Plants Part 1 and Part 2, State of Florida, Department of Agriculture, Tallahassee. The clerk's office shall maintain a stock of these manuals to be given to permit applicants, particularly though not exclusively to homeowners, for the applicant's use in submitting the required landscape plan. All trees

required by this article (excluding palms that are exempt from the grades and standards) shall have a Florida No. 1 or better grades and standards certification tag attached at time of delivery through final inspection. Grass sod shall be clean and free of weeds, pests and diseases.

a. *Trees.*

1. Trees used to meet the requirements of this section shall be species which when planted have a height of at least 12 feet and have trunks which can be maintained in a clean condition for over five feet of clear wood. At planting, the trees shall have a diameter of at least 2½ inches at a point 4½ feet above ground level and a spread of at least five feet (except for palms which shall have a minimum clear trunk of ten feet).
2. Trees used to meet the requirements of this section shall also be species which in the county normally grow in a manner such that at maturity they will have a minimum crown spread of 15 feet and a minimum height of 15 feet. Trees which can meet the height requirement at maturity but not the crown requirements may be grouped to form a wider crown, but will be counted as one tree. Three palms may be substituted for one tree provided that 50 percent of requirement shall be trees.
3. Fifty percent of the required trees shall be species other than palm trees (Palmaceae family) except when planted in accordance with an approved plan prepared by a state-registered landscape architect.
4. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be three feet times five feet and five feet deep, and for which the construction requirements shall be six-inch thick concrete with fiber mesh and no wire mesh or by a root barrier product approved by the city engineer.
5. None of the following trees shall be planted in the city and where they presently exist when permit application is made, their removal shall be a condition of any final development order: Melaleuca, leucadendron (punk tree), Schinus terebinthifolius (Brazilian pepper) and Casuarina ssp. (Australian pine). Nor may any of the following trees be planted for purposes of complying with requirements of this article: any species designated as category I on the Exotic Plant Pest Council's current list of Florida's Most Invasive Species, Cupaniopsis anacardioides (Carrotwood), Dalbergia sissoo (Rosewood), Albizzia lebbek (Woman's tongue), Araucaria heterophylla (Norfolk Island pine), Grevillea robusta (Silk oak), Melia azadaracha (Chinaberry), Ficus spp. (non-native Ficus), Eucalyptus spp. (Eucalyptus).

b. *Shrubs and hedges.* Shrubs used to meet the requirements of this section shall be a minimum of 24 inches in height when planted. Hedges, where required, shall be planted and maintained so as to form a 36-inch or higher continuous, unbroken, solid, visual screen.

c. *Ground covers.* Ground covers used in lieu of grass, or in part, to meet the requirements of this section, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three months after planting.

d. *Grass.* Grass used to meet the requirements of this section shall be planted with species normally grown as permanent lawns in the county. Grass areas will be sodded, except that plugging, sprigging or seeding of grassy areas is permissible with respect to single-family and two-family

residential lots. As to all lots, solid sod shall be used in swales, detention or retention areas and other areas subject to erosion.

- e. *Existing plant material.* When plant material exists on a site prior to the date application for a permit is made, credit may be allowed for such plant material provided that it is protected during construction and incorporated into the required landscaping in a manner which satisfies the requirements of this article.
- (2) *Landscaped areas.* Each separate landscaped area shall have at least one tree, one or more shrubs as approved by the department, or one or more hedges, and ground cover. So as to support long-term plant health, planting soil for all landscaped areas shall consist of existing soil mixed with 50 percent recycled top soil. Such planting soil shall be free of debris, roots, clay, stones, plants or other foreign materials. The planting soil meeting requirements of this subsection shall extend to an appropriate depth so as to eliminate any hindrance to planting operations or detriment to good plant growth. Compliance with these soil requirements shall be verified as part of the final inspection.
 - (3) *Landscaping design standards.* For commercial, professional, multifamily, industrial and institutional structures, these design standards are in addition to, and not in place of, other requirements imposed by this article.
 - (4) *Landscape strips.* Between street rights-of-way and vehicular use, building and retention/detention areas, there shall be a landscaped strip of land, except where driveways are located, meeting these requirements:
 - a. The strip shall be at least six feet wide for lots under 10,000 square feet in size and at least ten feet wide for lots 10,000 square feet or larger;
 - b. The landscape strip shall include an average of at least one tree for each 300 square feet of required landscaped area. The remainder of the required landscaped area shall be completely covered with grass, ground cover or other landscaped treatment and shall additionally contain a screen of landscaping which shall be installed and maintained so as to form a 36-inch or higher continuous, unbroken, solid, visual screen within a maximum of one year after the landscaping takes place, except in clear vision areas required in section 125-308.
 - (5) *Other property.* All property, other than the required landscape strip, located between street right-of-way and buildings, shall be completely covered with grass or other ground cover except to the extent there are permitted, impervious surface structure such as sidewalks, plazas and driveways.
 - (6) *Vehicular use, building, retention/detention areas adjacent to other property.* Landscape standards for these areas are as follows:
 - a. Where a vehicular use area does not abut a street right-of-way but abuts other property, there will be a landscaped strip of land which is at least ten feet wide. When a property line abuts a building, another structure, a joint driveway or joint parking area, such landscaped strip shall not be required.
 - b. The landscaping strip required by the immediately foregoing subsection shall include an average of at least one tree for each 200 square feet of the required landscape area. The remainder of the required landscape area shall be landscaped with grass, ground cover or other landscape treatment. When the area to be screened abuts residentially zoned property, a site-obscuring fence or planted material which is not less than six feet in height shall be included. If planted material is

used, it shall be planted and maintained so as to form a three-foot or higher continuous, unbroken, solid visual screen within a maximum of one year after planting. The planted material shall be a species which in the county normally grows to a height of six feet or more.

(7) *Interior vehicular use areas.* The following are standards relating to landscaping of interior vehicular use areas:

- a. Lots with vehicular use areas that are 4,000 or more square feet in size shall have at least one square foot of interior landscaping for each 15 square feet of vehicular use area, except that areas in an I-1 or I-2 zone shall only be required to have at least one square foot of interior landscaping for each 30 square feet of vehicular use area. Each separate landscaped area shall be curbed and contain a minimum of 100 square feet of area and shall be at least ten feet wide and ten feet deep exclusive of curbing in all locations. Progressive urban parking area designs may be used to provide adequate space for multiple tree plantings and allow for proper tree root development so shade trees can grow and develop large canopies to reduce parking lot heat islands.
- b. Interior landscaping shall include an average of at least one tree for each 100 square feet of required landscaped area. The remainder of the required landscaped area shall be landscaped with grass, ground cover or other landscaped treatment. Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction.
- c. When trees exist on a site prior to site development, the amount of the required interior landscaped area may be reduced by the following amount for preserving existing trees, provided that the total amount of the interior landscaped area is not reduced by more than 50 percent.

<i>Diameter of Tree</i>	<i>Reduction in Interior</i>
4.5 feet above ground level	Landscaped areas
Over 12 inches	500 square feet
6 inches to 12 inches	400 square feet
Under 6 inches but over 3 inches	100 square feet

These reductions in the interior landscaped areas shall only apply where the preserved tree is in a planting area which has dimensions not less than the radius of the crown spread measured from the trunk center and where no grade changes within the landscaped area may be anticipated.

- (8) *Lands adjacent to street right-of-way.* Lands immediately adjacent to street right-of-way shall meet the following requirements:
- a. Trees will be planted along the public right-of-way in a manner directed by the department so as to ensure shading for sidewalks and to contribute to the streetscape design of the roadway;
 - b. Palms, trees and shrubs may be required for driveway entrances or other key points of interest as determined by the department to the extent that such plantings do not exceed requirements set for

clear vision areas as specified by section 125-308.

- (9) *Other areas.* When an area other than a vehicular use and retention/detention area of a developed lot in a C-1, C-2, C-3, C-4, C-5, I-1, or I-2 zone abuts a lot in an E-1, R-1, R-2, R-3, R-4, R-5, OS-1, or OS-2, such area in a commercial or industrial zone shall have a site obscuring fence or planted material so as to provide a visual and noise buffer between such areas and the lot in the residential or open space zone. Such fence will be constructed from wood, stone, brick or other suitable material and be a minimum of six feet high. If planted material is used, it shall be planted and maintained so as to form a 36-inch or higher continuous, unbroken solid screen. There shall be at least one shrub, bush or vine planted along the fence for each ten feet of fence for the purpose of beautifying the fence. Slats shall not be put into chain-link fence to obscure the view. The planted material shall be a species which in the county normally grows to a height of six feet or more.
- (10) *Screening of refuse collection areas.* Refuse and recycling dumpsters utilized by multifamily residential complexes, in commercial, industrial and institutional facilities shall be screened from view on all sides and shall be gated. Gates may be left open only on scheduled pick up days and must be closed following pick up. Such screening shall consist of a six-foot-high masonry wall or wooden fence. In addition, when feasible, one shrub or hedge shall be planted at two-foot centers along the outside perimeter of the screen. Dumpsters shall be located in an area that minimizes public view. This subsection shall apply to dumpsters servicing structures built on or after June 1, 1996.
- (11) *Installation of landscaping.* All landscaping required by this article shall be installed in compliance with these requirements:
- a. Landscaping shall be installed in accordance with the approved landscape plan, including all specified conditions to a particular landscape approval, and inspected prior to issuance of a certificate of occupancy. Such inspection shall include verification that planting soil meets specified composition and depth requirements. In the event there are any changes to the approved landscape plan, such changes must be reviewed and approved by the department and noted on the plan prior to notification for the final inspection for a certificate of occupancy.
 - b. Landscaped areas shall be covered in their entirety with shrubs, ground cover, turf, or three inches of bulk organic mulch or other suitable material which permits percolation and is approved by the department. Where mulch is used, it must be protected from washing out of the planting bed. Inorganic mulch, such as gravel or rock, should only be used where washouts occur. The final inspection prior to issuance of certificate of occupancy, shall include verification that any mulch is installed at the requisite depth.
 - c. Trees which are balled and burlaped must have the burlap removed or folded down at the time of the planting. All twine or rope must be removed. If wire baskets are used, the upper rows must be cut before planting. Remove all soil from above the root flare and plant the tree so the top of the root ball is ten percent above the landscape soil. Do not place any soil or mulch over the root ball. If stakes or guide wires are used to support a tree, the wire must be covered with protective material where it is in contact with the tree and the stakes or guide wires must be removed after one year.
 - d. All landscaping required by the city must be protected from vehicular and pedestrian traffic by the installation of curbing, wheel stops or other protective devices along the perimeter of any landscaping which adjoins vehicular use areas or sidewalks. These protected devices shall have a minimum height of six inches above grade.
 - e. No parking, display of vehicles or outside storage or display of merchandise is permitted in or over

any required landscape area, nor are vehicles permitted to overhang any required landscaped area.

- f. Soil, except for planting soil, in which required landscape is to be installed must be generally indigenous to the locale. Soil must be loose, friable, and free of limestone and other construction materials, road base material, rocks, weeds, grasses, hard pan, clay or other debris. PH shall be adjusted where necessary to be compatible with the plant species being installed. Soil shall be slightly swaled to retain surface stormwater. Backfill soil material shall be thoroughly watered in and around plant root balls to prevent any air pockets. The use of amended and enriched soils may be required by the department where necessary to increase the water retention capabilities of soil in order to reduce the amount of watering needed to meet the landscaping water requirement. Final inspection of required landscape prior to issuance of the certificate of occupancy shall include PH testing to verify compatibility with permitted plantings.
 - g. To minimize traffic hazards at street or driveway intersections, all landscaping installations must provide unobstructed views as required in section 125-308.
 - h. Any irrigation system placed on city right-of-way will be the responsibility of the property owner who shall relocate, replace or repair the system as appropriate in the event it is damaged due to permitted construction in the right-of-way.
 - i. Prior to issuance of certificate of occupancy, final landscape installation shall be certified as complete and in conformance to the approved landscape plan by submission of a certification letter by a landscape architect.
- (12) *Maintenance of landscaping.* Property owners shall maintain all required landscaping so that it continues to present a healthy, neat and orderly appearance free of refuse and debris, in conformity with the following requirements:
- a. Vegetation required by this article shall be replaced with equivalent vegetation if it is not living. All trees for which credit is awarded and which subsequently die shall be replaced by the same number of living trees according to the standards established in this article.
 - b. Maintenance shall include sufficient weeding, watering, fertilizing, pruning, mowing, edging, mulching and other horticultural practices so as to ensure that the landscaping continues to maintain a healthy, neat and orderly appearance.

(Code 1983, § 22-187; Ord. No. K-126, § 4, 1-22-2002; Ord. No. K-485, § 1, 4-16-2007)

Secs. 123-38—123-62. - Reserved.

ARTICLE III. - TREE PROTECTION

Sec. 123-63. - Benefits of tree protection.

Trees can be used to combat pollution, protect soil and water resources, beautify, increase property values and generally enhance the quality of life in a community. Tree removal impairs benefits to existing property owners in the surrounding area, impairs economic stability and the value of improved and unimproved real property, and causes environmental problems such as increased surface draining and soil erosion resulting in increased public expense.

(Code 1983, § 22-191; Ord. No. K-126, § 4, 1-22-2002)

Sec. 123-64. - Permit required.

- (a) *Tree removal permit.* No person shall, directly or indirectly, cut down, substantially alter, destroy, remove, relocate, damage or authorize any such act involving a protected tree situated on land within the city, without first obtaining a tree removal permit. But the following activities may be done without applying for a permit:
- (1) Pruning and trimming of trees or other vegetation when necessary to conduct a survey or site examination for the preparation of subdivision plats, site plans or tree surveys, providing that such pruning and trimming is conducted under the direction of a state-registered surveyor or engineer.
 - (2) Routine landscape maintenance such as limited trimming or pruning of vegetation that is not intended to result in the eventual death of the plant, or any other landscaping activity which is commonly recognized as routine maintenance.
 - (3) Removal, trimming, pruning or alteration of any tree or vegetation in an existing utility easement or public right-of-way, provided such work is done by or under the control of the operating utility company and said company has received all necessary licenses or permits to provide utility service within the easement. This exemption shall not apply to the removal, trimming or alteration of any historic tree, Live oak (*Quercus virginiana*) tree or other valuable tree designated by the department that falls in the protected tree size range.
 - (4) Removal, trimming or alteration of any tree or vegetation for the purpose of maintaining existing legal access to a property.
 - (5) Any activity conducted by a lawfully operating and bond fide commercial nursery or agricultural operation, when the activity occurs on property owned or lawfully occupied by the person conducting such activity.
 - (6) Removal or replacement of any tree which has been damaged or destroyed beyond saving, from extreme weather conditions, insects, disease and fire, or which constitutes an immediate peril to life or property and has been confirmed by the department.
- (b) *Permitting requirements.* The permitting requirements of this section may be suspended or waived by the department during a period officially declared by the city manager. Nor shall removal of any of the trees belonging to any of the following species require a permit:
- (1) *Casuarina* spp. (Australian pine);
 - (2) *Melaleuca quinquenervia* (Melaleuca);
 - (3) *Schinus terebinthifolius* (Brazilian pepper).

(Code 1983, § 22-192; Ord. No. K-126, § 4, 1-22-2002)

Sec. 123-65. - Conditions for issuing permits.

The following permits shall be available upon proper application at the building department in compliance with this section: tree removal permit and land clearing permit. Criteria governing issuance:

- (1) *Tree removal permit.* No tree removal permit shall be issued unless the department finds that at least one of the following criteria is satisfied with respect to each protected tree designated for removal:
 - a. That the tree is located within the net buildable area of a given site as identified on the tree survey and site plan by the applicant;
 - b. The tree is located within an existing or proposed right-of-way;
 - c. The tree is located within an existing or proposed easement, stormwater management tract or

facility, provided that only the minimum area reasonably necessary for the service or use shall be considered for purposes of determining whether there is necessity for tree removal;

- d. The tree is located where it creates or will create a safety or health hazard or a nuisance with respect to existing or proposed structures or vehicles or pedestrian routes;
 - e. The tree is located where it interferes with the installation, delivery or maintenance of proposed or existing utility services to the site except a higher degree of necessity must be demonstrated by the applicant in the case of a historic tree, Live oak tree (*Quercus virginiana*) or other valuable tree designated by the department which qualifies as a protected tree;
 - f. The tree is confirmed by the department to be diseased, severely injured or in danger of falling; or
 - g. The tree unreasonably prevents development of a lot or parcel of the physical use thereof.
- However, a tree removal permit shall not be granted where the applicant has failed to design and locate the proposed improvements so as to minimize the removal of trees consistent with the permitted use of the lot or parcel under the zoning ordinance, as amended.

(2) *Land-clearing permit.* No land-clearing permit shall be issued unless the department finds that each of the following criteria is satisfied:

- a. The land clearing or grubbing is necessary to make those certain site improvements authorized by an improved site plan, subdivision approval or land development permit. In the event the area to be cleared is the minimum necessary for such work or in the event the aforementioned approvals are not required by law for the intended use of the property, that the proposed clearing is the minimum necessary for the proposed use or improvement;
- b. The applicant provides a written erosion control plan describing methods to control erosion which may be expected to occur as a result of the proposed clearing or grubbing;
- c. The applicant is complying with all other provisions of this article and specific codes such as section 18-1, open burning of trash, garbage, etc., or as appropriate;
- d. A land clearing permit does not authorize the damage, removal, relocation or destruction of protected trees.

(Code 1983, § 22-193; Ord. No. K-126, § 4, 1-22-2002)

Sec. 123-66. - Tree protection and mitigation.

- (a) Prior to the removal or grubbing of native vegetation for the purpose of implementing a final development order, the removal plan shall demonstrate that reasonable effort was made to micro-site impervious surfaces so as to protect such vegetation.
- (b) Any native tree at least 14 inches in diameter at breast height (DBH), except for palms which have a minimum clear trunk of ten feet, shall be preserved and protected in accordance with this article, unless the tree is determined to be a safety hazard, prevents the reasonable development of a site, is causing damage to structures or more desirable trees around it, is infected with disease or is infested with insects. A land clearing applicant shall demonstrate why the tree should not be protected or why it is not feasible to develop without removing the tree.
- (c) When a native tree is at least 14 inches DBH, except for palms which shall have a minimum clear trunk of ten feet, is to be removed pursuant to a tree removal permit, such permit shall not be issued unless or until there is additionally approved by the department a mitigation plan. Any replacement trees which are the subject of such mitigation shall be planted, relocated, or preserved before issuance of the final development order.

- (d) Mitigation shall be required for the loss of any native tree at least 14 inches DBH (except for palms which shall have a minimum clear trunk of ten feet) and shall include the following:
- (1) The replacement trees, either preserved, relocated or newly planted, shall be of the same or other native species as the tree approved for removal;
 - (2) The quality and replacement of the replacement trees shall exceed the minimum landscape requirements otherwise set out in this article and shall be at least 12 feet tall and 2½ inches DBH except for palms which shall have a minimum clear trunk of ten feet. Any tree which is the subject of a mitigation plan shall be replaced at a ratio of one inch DBH for each inch of DBH removed, except that each palm tree which is preserved through on-site protection or relocation will count towards any required palm tree mitigation requirement at a rate of one palm tree preserved/relocated equal to one palm tree removed. The following mitigation credit shall apply:
 - a. Trees preserved or relocated on-site, which exceed the minimum landscape requirements of this article shall count as equivalent replacement DBH;
 - b. Trees planted on-site which exceed the minimum landscape code shall count as half credit towards the mitigation requirements.
 - (3) The replanting design shall provide adequate space for root and crown development;
 - (4) The property owner shall be responsible for maintenance of the mitigation trees, such responsibility to include replacement of unhealthy and dead trees. The property owner shall submit to an on-site inspection of the planted/preserved vegetation 12 months after the issuance of the final development order or permit approval. If it is determined that the planted vegetation is dead, diseased or otherwise not in compliance with provisions of this Code and the original approved mitigation plan, the property owner shall be provided notice and directed to correct any such deficiencies and replace all noncompliant materials within 60 days;
 - (5) When the property being developed is not suitable for on-site mitigation, the applicant's plan, may, with city approval, provide for use of a site on city public lands providing that the applicant furnishes all necessary services incident to such mitigation on public property, including, but not limited to, funding of plant materials and labor. Alternatively, the applicant may contribute a fee established by the city commission by resolution per inch DBH required for mitigation to the city to be used by the city for acquisition, maintenance or planting of native trees on publicly owned lands. Any such monies contributed in satisfaction of the applicant's mitigation requirement shall be placed in a specially designated fund entitled the City of Fort Pierce Tree Preservation Funds, the use of which is limited as provided in this section.
- (e) Tree protection as justification for variance relief from other land development regulations. Inasmuch as tree protection is determined to be a vital importance to the health, safety, aesthetics and wellbeing of the community, the interest in preserving a protected tree shall be considered prima facie a unique or special condition or circumstance peculiar to the land involved for the purpose of application for a variance from the literal requirements of a land development ordinance, such as building setbacks, parking space requirements, or minor or residential street right-of-way widths, providing adjustments are made elsewhere on the site to preserve the maximum permitted lot coverage and the total minimum number of parking spaces, and provided safety precautions are taken to offset any hazard resulting from decreased right-of-way widths.
- (f) Pruning and trimming. Trees shall be pruned only as necessary to promote uniform healthy growth. Trees shall be allowed to attain their natural size. Trees may be pruned to remove diseased or dying portions in areas where falling limbs may be a hazard to people or property. Lower limbs and suckers may be selectively

removed to provide clearance for pedestrians. In addition, trees located in association with vehicular use areas shall also be pruned to allow for a clearance of seven feet from ground level to avoid potential for damage or injury to vehicles and pedestrians. However, excessive pruning or pollarding of trees into round balls of crown or branches, which results in an unnecessary reduction of leaf mass shall be prohibited. Severe cutting back of lateral branches and canopy or toppings or hatracking trees is expressly prohibited. All pruning shall be accomplished in accordance with National Arborists Association standards for pruning. The department shall maintain a stock of these written standards to give out to permit applicants, particularly though not exclusively to homeowners. Pruning restrictions shall not apply to trees under power lines except for historic trees, Live oak trees (*Quercus virginiana*) and other valuable trees specified by the department that fall in the protected tree size range. In the event that any tree trimmer is found to be in violation of these guidelines, the planning director is authorized to direct that all tree trimming activities are halted until corrective measures are accomplished, such as, but not limited to, installation of protective covers for electric wires that will eliminate the need for trimming specific trees.

(Code 1983, § 22-194; Ord. No. K-126, § 4, 1-22-2002; Ord. No. L-86, § 7, 7-20-2009)