

ORDINANCE NO. 2023-002

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

1 **WHEREAS**, the Chapter 13, "Land Development Code," Article III, "Zoning
2 Regulations," Division 4, "Accessory Uses And Structures," Subdivision IV, "Landscape
3 Standards and Requirements" (the "Landscape Code"), of the City of Coconut Creek
4 Code of Ordinances provides detailed landscape regulations, including regulations
5 related to tree planting, maintenance, and removal requirements; and
6

7 **WHEREAS**, the Florida Legislature adopted legislation in 2019 and 2022, codified
8 in Section 163.045, Florida Statutes, which restricts a local government's ability to
9 regulate the pruning, trimming, or removal of certain trees on single family residential
10 property; and
11

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

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16 **WHEREAS**, in reviewing the Landscape Code to implement the State’s legislative
17 changes, staff has identified additional amendments to update definitions, procedures,
18 and language to generally eliminate conflict and duplication and improve the user
19 friendliness of the Landscape Code in order to enhance implementation; and
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21 **WHEREAS**, the Planning and Zoning Board reviewed the proposed text
22 amendment at a public hearing held on December 14, 2022, and voted to recommend
23 that the changes be approved with modifications; and
24

25 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning
26 Agency, has determined that the changes proposed in this ordinance are consistent with
27 and further the goals, objectives, and policies of the City’s Comprehensive Plan; and
28

29 **WHEREAS**, the City Commission is charged with protecting the health, safety, and
30 welfare of its residents and believes this ordinance to be in the best interest of the
31 residents.
32

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

35
36 **Section 1: Ratification.** That the foregoing “WHEREAS” clauses are hereby
37 ratified and confirmed as being true and correct and are hereby made a specific part of
38 this ordinance.
39

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

45 Fees for structural permits are non-refundable and may not be applied to any permit
46 application other than the one for which it was originally paid and shall be assessed as
47 follows:
48

49 *****

50 (17) Landscaping:

51 a. Minimum fee.....40.00

- 52 b. Plan review, minimum.....40.00
- 53 c. Each required tree (new or transplant).....10.00
- 54 d. Required hedges, per 100 lineal feet or fraction thereof.....16.00
- 55 e. Required shrubs, each.....0.50
- 56 f. Required ground cover per 1,000 sq. ft. or fraction thereof up to 30,000 sq. ft.....
- 57 10.00
- 58 Each 1,000 sq. ft. thereafter.....5.50
- 59 g. Tree preservation—Tree removal or relocation.
- 60 1. Minimum Base fee (includes plan review).
- 61 i. No fee will be required for the tree removal of ~~one (1)~~ tree from an existing
- 62 single family home
- 63 ii. All other properties (except single family home).....40.00
- 64 2. Per tree to be relocated.....10.00
- 65 3. Per replacement tree (based on tree removal requirement).....12.00
- 66 ~~3-5 ... 12.00~~
- 67 ~~6-10 ... 10.00~~
- 68 ~~Over 10 ... 8.00~~
- 69 4. Per tree to be removed ~~without replacement (exempt from tree preservation~~
- 70 ~~code)~~.....10.00
- 71 5. Per tree removed and not replaced. Per subsection 13-448 “Preservation and
- 72 protection of trees and tree preservation”—~~(w)(4)g(i)~~. Required per
- 73 tree....~~500.00~~800.00
- 74 6. Change of plans for tree removal (after permit issuance) shall be a minimum
- 75 fifty dollars (\$50.00) plus fees listed above for removal and replacement of
- 76 additional trees.
- 77 h. Change of landscape plans (after permit).....50.00
- 78 i. Waiver to landscape requirements:
- 79 1. Application: 50.00 plus fees listed above for removal and replacement of
- 80 additional trees approved under the permit.
- 81 2. Inspection of approved permit: 75.00
- 82 j. Waiver to landscape requirements, if changes made without a permit, where
- 83 permit was required:
- 84 1. Application: 50.00 plus fees listed above for removal and replacement of
- 85 additional trees approved under the permit.
- 86 2. Inspection of approved permit: 200.00
- 87 k. Change of contractor.....25.00
- 88 j.l. Landscape, re-inspections.....40.00

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

Subdivision IV. - Landscape Standards and Requirements

98 Sec. 13-441. - Objective.

99

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

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

110

111 In construing the provisions of this chapter, if no definition is provided herein and
112 when the context will permit, the following publications recognized as authoritative in the
113 landscaping, scientific and engineering fields, in their most current version, shall apply:
114 The American National Standards Institute ("ANSI") A-300, ~~Standards for Tree Care~~
115 ~~Operations: Tree, Shrub and Other Woody Plant Maintenance~~ Management-Standard
116 Practices, and Z133.4-2006 The American National Standard for Arboricultural
117 Operations: Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and
118 Cutting Brush - Safety Requirements ; Florida Department of Agriculture and Consumer
119 Services, Division of Plant Industry, Grades and Standards for Nursery Plants ; Nelda
120 Matheny and Jim Clark, Trees and Development: A Technical Guide to Preservation of
121 Trees During Land Development ; Council of Tree and Landscape Appraisers, Guide for
122 Plant Appraisal, Ninth Edition, 2000; Richard Harris, Arboriculture Integrated
123 Management of Landscape Trees, Shrubs and Vines, Fourth Edition; Gary W. Watson
124 and E.B. Himelick, Principles and Practices of Planting Trees and Shrubs ; Florida Urban
125 Forestry Council, Selecting and Planting Trees for the South Florida Urban Forest ;
126 Florida Power and Light's ~~Plant The Right Tree, In the Right Place~~
127 (<https://www.fpl.com/reliability/trees/tree-location.html>); University of Florida IFAS
128 Extension's Trees and Power Lines (<https://hort.ifas.ufl.edu/treesandpowerlines/>)
129 guidelines, South Florida version; Florida Urban Forestry Council's "Right Tree/ Right
130 Place – Selecting & Planting Tree for the South Florida Urban Forest" (fufc.org); Timothy
131 K. Broschat & Alan W. Meerow, Betrock's Reference Guide to Florida Landscape Plants
132 Plant Guide, Third Printing, 1994; Edward F. Gilman, Trees for Urban and Suburban
133 landscapes, 1st Edition, 1997; Dr. George K. Rogers, Landscape Plants for South Florida:
134 A Manual For Gardeners, Landscapers & Homeowners, 1st Edition, 2009; and University
135 of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), A Guide to Florida-
136 Friendly Landscaping, Guide to Plant Selection & Landscape Design Florida Yards &
137 Neighborhoods, 3rd Edition, 2006; and UF/IFAS Florida-Friendly Landscaping Pattern
138 Book: Sample Plant Lists and Designs for Four Florida Regions: USDA Hardiness Zones
139 10a, 10b and 11, South Florida, Gail Hansen, Kelly Perez, and Esen Momol. Other words
140 in these standards have their customary dictionary definition except as specifically
141 defined herein. The words "shall" and "must" are mandatory, and the words "may" and
142 "should" are permissive.

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

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

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

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

155 *ANSI* means the American National Standards Institute.

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

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

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

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

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

166 *Berm* means a linear earthen mound.

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

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

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

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

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

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

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

189 Dicot or conifer:

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

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

193 ~~Caliper of a monocot~~Monocot:

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

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

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

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

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

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

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

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

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

216 *Conservation easement* means a right or interest in real property as defined in F.S. §
217 704.06, as amended.

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

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

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

224 *Crown.* See canopy.

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

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

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

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

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

245 *Documentation* means a written report of an onsite assessment consistent with *Best*
246 *Management Practices Tree Risk Assessment*, Second Edition, as updated, Section
247 94.6.2.1 ANSI A-300 Part 9, “*Tree, Shrub, and Other Woody Plant Management –*
248 *Standard Practices (Tree Risk Assessment a. Tree Failure)*”, or equivalent reference
249 manual, from an arborist certified by the International Society of Arboriculture or
250 Landscape Architect, licensed to practice in the state of Florida under Chapter 481 Part
251 II, Florida Statutes or as otherwise provided in Section 163.045 Fla. Stat. as amended
252 from time to time.

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

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

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

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

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

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

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

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

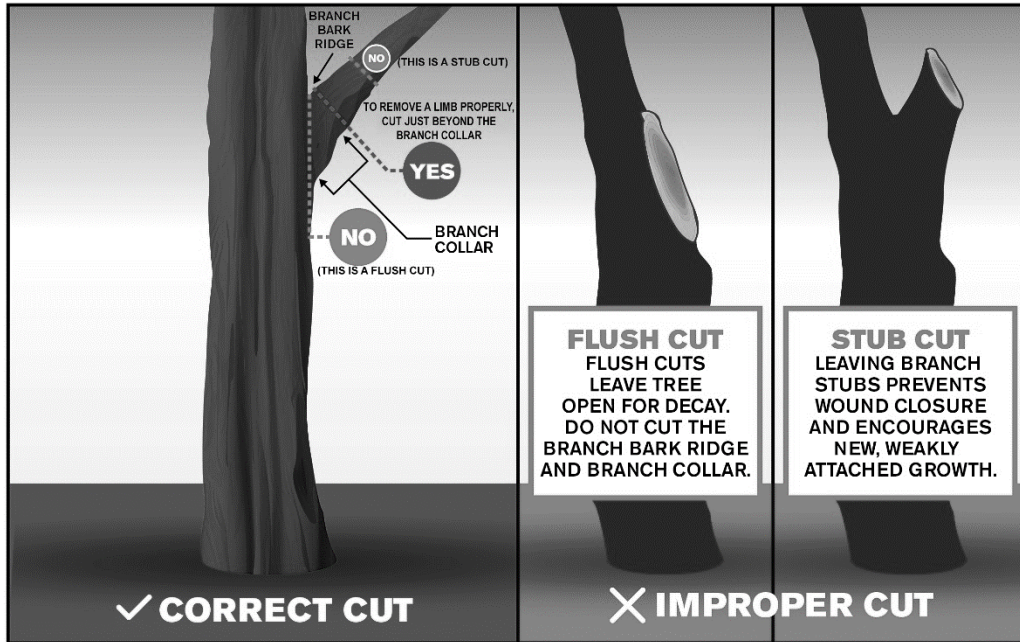
279 *Fertilize, fertilizing, or fertilization* means the act of applying fertilizer to turf,
280 specialized turf, or landscape plants.

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

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

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

FIGURE 13-442.1



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

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

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

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

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

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

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

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

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

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

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

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

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

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

346 *Internode* means a part of the branch between two nodes.

347
348 *Invasive exotic plant species* means an introduced species that has been shown to
349 displace the native vegetation by out-competing native species, as identified by the
350 University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) ~~and~~ or the
351 Florida ~~Exotic Pest Plant~~ Invasive Species Council (FLEPPGISC), Category I & II.

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

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

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

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

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

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

370 *Landscape/Landscaping:*

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

379 (2) (When used as a verb) The process of installing or planting materials commonly
380 used in environmental design.

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

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

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

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

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

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

398 *Native topsoil* means the uppermost layer of existing soil on the site capable of
399 supporting plant growth.
400

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

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

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

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

413 *Nuisance trees.* For purposes of this section, ~~the following are considered to be~~
414 ~~nuisance trees:~~ nuisance trees are those trees identified as "Nuisance Trees" in Section
415 27-404, "Definitions," of the Broward County Code of Ordinances, as amended.

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

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

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

432 *Overlift* means the removal of the majority of the inner lateral branches and foliage
433 thereby displacing weight and mass to the ends of the branches. ~~The alteration of the~~
434 ~~tree's live crown ratio may be considered as evidence of overlifting~~ more than one-half
435 (1/2) of the foliage on branches arising in the lower two-thirds (2/3) of the tree which
436 unevenly distributes weight and wind stress along the trunk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

483 (1) *Dry retention* is an area which is designed for temporary storage of stormwater
484 runoff and which is one (1) foot above the ground water level as established by
485 the city engineer and has a maximum slope of 4:1.

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

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

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

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

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

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

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

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

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

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

515 *Sod.* See turf.

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

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

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

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

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

533 (a) ~~Non-native fruit trees that are cultivated or grown for the specific purpose of~~
534 ~~producing edible fruit, including, but not limited to: mangos, avocados, or citrus.~~

535 (b) ~~Species~~species of the genus *Ficus* except *F. aurea* (strangler fig), *F. laevigata*
536 (short leaf fig), *F. rubiginosa* (rusty fig or rusty leaf fig), and *F. jacquinifolia*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

582 *Tree abuse* means any of the following:

583 (1) The removal of greater than twenty-five (25) percent of a tree's canopy within a
584 one-year period; or

585 (2) Pruning that reduces the height or spread of a tree that has not attained a height
586 or spread of thirty (30) feet, topping; or

587 (3) The hatracking of a tree; or

588 (4) Cutting upon a tree which destroys its natural habit of growth; or

589 (5) Pruning that leaves stubs or results in a flush cut; or splitting of limb ends; or

590 (6) Peeling or striping of bark; or the removal of bark to the extent that:

591 a. If a line is drawn at any damaged area around the circumference of the tree,
592 over one-quarter of the length of the line falls on portions of the tree where
593 the bark has been damaged or no longer remains horizontally or vertically;
594 or

595 b. Separate sections of the tree within the same area where bark damage has
596 occurred totaling one-quarter of the circumference.

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

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

627 *Tree canopy.* See canopy.

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

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

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

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

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

647 *Trim*. See prune.

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

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

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

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

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

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

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

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

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

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

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

683 The minimum landscape requirements for zoning districts are as follows:

684 (1) *RS-1 districts*. Each plot shall contain a minimum of six (6) trees per acre and a
685 minimum of thirty (30) shrubs per acre. In addition, each plot shall contain a
686 minimum of one (1) tree and five (5) shrubs for each seven thousand two hundred
687 sixty (7,260) square feet of plot area over one (1) acre. No less than seventy-five
688 (75) percent of the required landscaping shall be located in the front one-half of
689 the plot.

690 (2) *RS-3, RS-4, RC-5, RS-8, RM-10, RM-16, MH-1 (T-1A, B, C), and PUD districts*.
691 Each plot shall contain in the landscaped open space a minimum of one (1) tree
692 and six (6) shrubs per two thousand (2,000) square feet of plot area, or portion
693 thereof. Not less than ~~seventy-five (75)~~ fifty (50) percent of the required
694 landscaping shall be planted in the front of the ~~plot~~ residential structure, except
695 odd-shaped plots that converge in the front, creating a lesser plot area in the front
696 one-half of the plot may contain no less than ~~fifty (50)~~ twenty-five (25) percent of
697 the required landscaping in the front one-half of the plot. MH-1 districts are
698 permitted to plant twenty-five (25) percent of the landscape requirement in the
699 front of the ~~plot~~ residential structure. Community club houses, country clubs or
700 other residential amenity buildings shall be treated as commercial structures
701 regardless of the zoning district unless provided otherwise in an approved
702 development order.

703 ~~(3) *RM districts abutting RS or RD districts including designated plots in PUD*~~
704 ~~*districts*. When any RM district is contiguous to or only separated by a right-of-~~
705 ~~*way of eighty (80) feet or less from any RS or RC district, additional landscaping*~~
706 ~~*shall be required. For each one hundred (100) linear feet of abutting RM-zoned*~~
707 ~~*property, the landscaping requirement shall be three (3) trees and a continuous*~~
708 ~~*hedge. Each tree shall be a minimum of fifteen (15) feet in height at planting and*~~
709 ~~*have a minimum eight-foot spread.*~~

710 ~~(4)~~(3) *B-2, B-3, B-4, O-2, O-3, and PCD districts and plots designated commercial in*
711 *PUD districts*. Each plot shall contain one (1) tree and five (5) shrubs for every
712 one thousand (1,000) square feet of plot area or portion thereof, not utilized for
713 structures and parking.

714 ~~(5)~~(4) *IM-1 and IO-1 districts*. Each plot shall contain two (2) trees and five (5) shrubs
715 for every one thousand (1,000) square feet of plot area or portion thereof not
716 utilized for structures and parking.

717 ~~(6) *Commercial and industrial districts abutting residential districts*. When any~~
718 ~~*commercial or industrial district is contiguous to or only separated by a right-of-*~~

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

729 ~~(7)~~(5) *Special Additional minimum provisions.*

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

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

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

774 ~~(8)(6)~~ Required landscaping adjacent to street rights-of-way in RC and RM districts.
775 The portion of any plot utilized for off-street parking and any other vehicular use
776 area shall be landscaped according to the following:

777 a. A landscaped strip of at least ten (10) feet in width including adjacent
778 easements, and the off-street parking and any other vehicular use area which
779 is exposed to an adjacent right-of-way, shall be landscaped with one (1) tree
780 for each forty (40) linear feet or fraction thereof. Such trees shall be located
781 between the abutting right-of-way and off-street parking area or other
782 vehicular use area and shall be placed in a planting area of at least twenty-
783 five (25) square feet with a width of at least five (5) feet. In addition, a hedge,
784 wall or other durable landscaped screen at least three (3) feet in height shall
785 be placed on the interior perimeter of such landscaped strip. If a wall or other
786 nonliving material is installed, one (1) shrub or vine shall be planted along
787 the street side of such wall for each five (5) feet thereof and shall be a
788 minimum of two (2) feet in height at time of planting. Grass/turf, ground cover
789 or other landscape material shall be installed in the remainder of the required
790 landscaped area.

791 b. Accessways from public rights-of-way through required landscaped areas to
792 service parking or other vehicular use area may be subtracted from the ~~linear~~
793 linear dimensions used to determine the number of trees required by this
794 section.

795 ~~(9)(7)~~ Landscaping adjacent to street rights-of-way in B, O, IO and IM districts. The
796 portion of any plot adjacent to off-street parking and other vehicular use areas
797 shall be landscaped as follows and in addition to other landscape requirements
798 of this chapter:

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

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

813 b. All property, other than the required landscaped strip lying between the right-
814 of-way and off-street parking area or other vehicular use area shall be
815 landscaped with the minimum requirements required by this section.

816 c. Accessways, from public rights-of-way through required landscaped areas to
817 service parking or other vehicular use area may be subtracted from the ~~linear~~
818 linear dimensions used to determine the number of trees required by this
819 section.

820 ~~(10)~~(8) *Perimeter landscaping in RM, B, O, IO, and IM districts ~~abutting other districts~~.*

821 a. ~~On the site of a building or structure or open lot use providing an off-street~~
822 ~~parking area or other vehicular use area,~~In addition to other landscape
823 requirements of this chapter, all development in an RM, B, O, IO, or IM zoning
824 district shall provide a perimeter landscaped strip of at least ten (10) feet in
825 width shall be provided to form a visual screen between the property and the
826 off-street parking area or other vehicular use area. from the property line as
827 follows:

828 1. *Where overhead utilities do not exist.* Trees shall be required at one (1)
829 tree for each forty (40) linear feet of property line (excluding street
830 frontage), or portion thereof, where overhead utility lines do not exist.

831 2. *Where overhead utilities do exist.* Street trees shall be required at one
832 (1) tree for each thirty (30) linear feet of property line (excluding street
833 frontage), or portion thereof, where overhead utility lines exist.

834 3. The visual screen shall ~~consist of~~ also include a continuous hedge and
835 one (1) tree shall be provided for each forty (40) linear feet of such
836 landscaped strip or fraction thereof. along the perimeter of the property.

837 4. Such trees shall be located between the common lot line and the off-
838 street parking area or other vehicular use area and may be randomly
839 spaced along the property line with no trees located closer than fifteen
840 (15) feet to one another, except the Director of Sustainable Development,
841 or designee, may permit the clustering of trees due to conflicts with
842 existing utility easements or power lines and provided the trees are still
843 located within the designated perimeter strip. Each tree shall be placed
844 in a planting area of at least twenty five (25) square feet. Each planting
845 area landscaped strip shall be landscaped with grass, ground cover or
846 other landscape material in addition to the required trees. These
847 provisions shall not be applicable to a proposed parking area or other
848 vehicular use area abutting an existing landscaped strip which contains
849 the required hedges and trees complying with all other applicable
850 standards of this section. if the property is providing a landscaped buffer

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

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

873 c. B, O, IO or IM districts abutting RS, RC, or RM districts. Where property
874 located in B, O, IO or IM districts is separated from RS, RC, or RM zoned
875 property, by a right-of-way, street, alley, canal or other open space of more
876 than one hundred (100) eighty (80) feet in width, such nonresidential district
877 shall install a landscaped screen of not less than one (1) tree for each
878 adjacent forty (40) linear feet of abutting RS, RC, or RM zoned property, or
879 portion thereof. Each tree shall be a minimum of fifteen (15) feet in height
880 and have an eight (8)foot spread at time of planting. Such trees shall be
881 located adjacent to the abutting property line.

882 d. RM districts abutting RS or RC districts including designated plots in PUD
883 districts. When any RM district is contiguous to or only separated by a right-
884 of-way of eighty (80) feet or less from any RS or RC district, additional
885 landscaping shall be required. For each one hundred (100) linear feet of
886 abutting RM zoned property, the landscaping requirement shall be three (3)
887 trees and a continuous hedge. Each tree shall be a minimum of fifteen (15)
888 feet in height at planting and have a minimum eight (8)foot spread.

889
890 (11)(9) *Open storage areas.* Open storage areas shall be screened with landscaping
891 and/or fencing materials as specified in this subsection and shall be located to
892 substantially hide them from view. In addition, storage areas containing refuse,
893 garbage or rubbish containers shall be further screened as described below:

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

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

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

905 ~~(12)~~(10) *Interior landscape requirements for vehicular use area*

906 a. Intermediate and terminal islands. ~~Where more than ten (10) off-street~~
907 ~~parking spaces are provided on the same parcel of land, there shall be a~~
908 ~~minimum of one (1) tree for every ten (10) parking spaces. One (1) tree shall~~
909 ~~be required in every intermediate and terminal island. Such trees shall be~~
910 ~~planted in a curvedcurbed island of at least twelve (12) feet in width,~~
911 ~~measured outside of curb to outside of curb, or if no curb is present,~~
912 ~~measured pavement to pavement with a minimum length equal to the length~~
913 ~~of the paved area of the adjacent parking space(s). ~~Such trees~~ Planting~~
914 ~~islands shall be spaced within the parking area with no more than twelve (12)~~
915 ~~parking spaces separating planting islands. The remaining area of~~
916 ~~landscaped islands shall be landscaped with turf/grass, ground cover or other~~
917 ~~landscaped material. All limerock shall be excavated from islands to a depth~~
918 ~~of two and one-half (2½) feet and backfilled with the ~~specified~~ planting mix~~
919 ~~specified on the landscape plan.~~

920 b. In addition, other vehicular use areas shall have one (1) square foot of
921 landscaped area for each one hundred (100) square feet or fraction thereof
922 of paved area. Where the property contains both parking areas and other
923 vehicular use areas, parking space area and vehicular use area may be
924 separated for purposes of determining other vehicular use areas by first
925 multiplying the total number of parking spaces by three hundred (300) and
926 subtracting the resulting figure from the total square footage of paved area.
927 Such landscaping shall be in addition to the perimeter landscaping
928 requirements.

929 c. Divider medians. Where any row of contiguous parking spaces faces or abuts
930 another row of contiguous parking spaces or an interior driveway, a
931 landscaped divider median shall be installed which is ~~averages~~ not less than
932 five (5) feet in width, not including vehicular overhang. Such divider median
933 shall be placed between contiguous parking spaces or between a row of
934 parking spaces and an interior driveway. One (1) canopy tree shall be
935 provided for each forty (40) ~~lineal~~ linear feet of required divider median. The
936 remainder of such median shall be landscaped with turf/grass or other
937 permitted ground cover.

938 d. Divider medians between roads. Where vehicular traffic is separated by a
939 divider median, such medians shall be not less than five (5) feet in width,

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

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

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

972 a. *Where overhead utilities do not exist.* Street trees shall be required at one (1)
973 tree for each forty (40) linear feet of street frontage, or portion thereof, where
974 overhead utility lines do not exist.

975 b. *Where overhead utilities do exist.* Street trees shall be required at one (1)
976 tree for each thirty (30) linear feet of street frontage, or portion thereof, where
977 overhead utility lines exist.

978 c. *Calculation of street frontage.* Vehicular access ways meeting the
979 requirements of the City Code of Ordinances or legally approved by the City
980 shall be excluded from the calculation of linear street frontage for purposes
981 of street tree calculation.

982 d. *Location.*

983 1. Street trees are in addition to required property or buffer trees and shall
984 be planted in the rights-of-way along each street frontage, outside of any
985 required buffer. Street trees shall be planted in the rights-of-way along
986 each street frontage.

987 2. Where right-of-way widths cannot accommodate planting within the rights-
988 of-way, such trees shall be required to be planted within the adjacent
989 landscape buffer or private land, no more than ten (10) feet from the front
990 property line, as close to in-line with other existing street trees along the
991 block as possible.

992 3. The Director of Sustainable Development or designee may permit the
993 location of required street trees more than ten (10) feet from the right-of-
994 way if necessary due to conflicts with existing utility easements and
995 provided the trees are still located within the front yard.

996 4. Street trees may be clustered, however, trees shall be planted no closer
997 than twenty-five (25) feet and no farther than sixty (60) feet apart.

998 e. *Tree Requirements.*

999 1. Tree variety/species shall be selected from the “Recommended Tree List”
1000 maintained by the City’s Urban Forester and shall be installed at the
1001 required minimum sizes and quality as determined at time of site plan
1002 approval or building permit where site plan approval is not required.

1003 2. The use of palms as street trees will be considered under specific
1004 circumstances where existing conditions require consistent with Right-
1005 Tree-Right-Place principals.

1006 ~~(14)~~(12) Sight distance for landscaping adjacent to public rights-of-way and points of
1007 access. Where an accessway intersects a public right-of-way or where property
1008 abuts the intersection of two (2) or more public rights-of-way, all landscaping
1009 within the triangular areas described below shall provide unobstructed cross
1010 visibility at a vertical level between thirty (30) inches and six (6) feet from
1011 pavement. Trees or palms having limbs and foliage trimmed in such a manner so
1012 that no limbs or foliage extend into cross visibility area shall be permitted provided
1013 that their location does not create a traffic hazard. Landscaping except required
1014 grass or ground cover shall not be located closer than three (3) feet from the edge
1015 of any accessway pavement. The triangular areas referred to above are:

1016 a. The areas of property on both sides of an accessway formed by the
1017 intersection of each side of the accessway and the public right-of-way line
1018 with two (2) sides of each triangle being ten (10) feet in length from the point
1019 of intersection and the third side being a line connecting the ends of the other
1020 two (2) sides; or

1021 b. The area of property located at a corner formed by the intersection of two (2)
1022 street edges of pavement with two (2) sides of the triangular area being forty

1023 (40) feet in length along the abutting public right-of-way lines, measured from
1024 their point of intersection and the third side being a line connecting the ends
1025 of the other two (2) lines.

1026 c. The areas of property on both sides of an accessway formed by the
1027 intersection of each side of the accessway and the street edge of pavement
1028 with the two (2) sides of each triangle being ten (10) feet in length from the
1029 point of intersection and the third side being a line connecting the ends of the
1030 other two (2) sides.

1031 ~~(15)~~(13) *Roadway landscape buffer standards.* The intent of this section is to provide
1032 enhanced consistent landscaped roadways. This section shall provide minimum
1033 requirements for landscape, berms and irrigation within all roadway buffer areas.
1034 Such buffer areas shall be separate and distinct from and in addition to, other
1035 landscaping and landscape strips which may be required by this subdivision.
1036 Such landscape is to provide safety, consistent appearance, character and
1037 aesthetic quality thereby promoting the general welfare of the city.

1038 a. Roadway landscape buffer widths shall conform to 13-331(g).

1039 b. Roadway landscape buffers shall be shown and delineated as separate
1040 parcels on all plats and site plans. All building, structure and vehicular use
1041 setbacks shall be measured from the interior parcel line, not the property line.
1042 At time of plat and site plan, all buffer parcels shall be noted to include
1043 ownership and the perpetual maintenance responsibility of the owner or
1044 assigns.

1045 c. Required landscaping within the buffers is intended to continue the provision
1046 of a meandering, undulating, continuous landscape buffer with a minimum of
1047 three (3) different maintained levels or tiers of landscape in addition to all
1048 other trees and plantings required by this subdivision, and shall consist of the
1049 following:

1050 ~~1. Meandering and undulating berms to the highest elevation possible not~~
1051 ~~to exceed a maximum 1:3 slope with a one-foot level sod area adjacent~~
1052 ~~to all sidewalks and parking areas.~~

1053 2.1. Trees shall be required within the buffer area at one (1) tree per two
1054 thousand (2,000) square feet (1:2,000 square feet) or portion thereof of
1055 total land area where overhead utility lines do not exist. Where overhead
1056 utility lines exist, tree species acceptable to under Florida Power and
1057 Light Company Company's (FPL) Right Tree, Right Place principles
1058 (<https://www.fpl.com/reliability/trees/tree-location.html>), University of
1059 Florida IFAS's (UF IFAS) Trees and Power Lines guidelines
1060 (<https://hort.ifas.ufl.edu/treesandpowerlines/>) and Florida Urban
1061 Forestry Council's "Right Tree/ Right Place – Selecting & Planting Tree
1062 for the South Florida Urban Forest" (fufc.org) shall be required at one (1)
1063 tree per each one thousand (1,000) square feet (1:1,000 square feet) or
1064 portion thereof of total area. Tree location setbacks from overhead utility
1065 lines shall be in conformance with FPL FPL's standards Right Tree, Right
1066 Place principles (<https://www.fpl.com/reliability/trees/tree-location.html>),

1067 UF IFAS's Trees and Power Lines guidelines
1068 (<https://hort.ifas.ufl.edu/treesandpowerlines/>) and Florida Urban Forestry
1069 Council's "Right Tree/ Right Place – Selecting & Planting Tree for the
1070 South Florida Urban Forest" (fufc.org). Trees may be clustered, however,
1071 trees shall be planted no closer than twenty-five (25) feet and no farther
1072 than sixty (60) feet apart. Palms may be spaced closer together provided
1073 there is adequate stagger in height. Tree sizes shall be in accordance
1074 with specifications as provided within the landscape section of this Code.

1075 ~~3.2.~~ Palms, where utilized, shall be counted as three (3) palms (3:1) for each
1076 required shade tree, in place of the requirement for canopy trees with the
1077 exception of Royal Palms (*Roysonea elata*), Canary Island Date Palms
1078 (*Phoenix canariensis*), Edible Date Palm (*Phoenix dactylifera*), Coconut
1079 Palm (*Cocos nucifera*) and Bismarck Palms (*Bismarckia nobilis*), which
1080 shall be counted as one (1) palm for each required shade tree (1:1).
1081 Palms shall also conform to FPL's standards Right Tree, Right Place
1082 principles (<https://www.fpl.com/reliability/trees/tree-location.html>), UF
1083 IFAS's Trees and Power Lines guidelines
1084 (<https://hort.ifas.ufl.edu/treesandpowerlines/>) and Florida Urban Forestry
1085 Council's "Right Tree/ Right Place – Selecting & Planting Tree for the
1086 South Florida Urban Forest" (fufc.org) as to species and location.

1087 ~~4.3.~~ Hedges shall be provided and planted at twenty-four (24) inches in height
1088 with eighteen (18) inch spread, branches touching. ~~Special exception~~
1089 ~~may be accommodated administratively, where appropriate, to provide~~
1090 ~~vistas into commercial properties.~~ Minimum maintained height of hedges
1091 shall be three (3) feet unless specified otherwise on a site plan and
1092 approved by the city.

1093 ~~5.4.~~ Shrubs shall be a minimum of forty (40) shrubs per two thousand (2,000)
1094 square feet (~~40/2,000~~40: 2,000 square feet) of open space or portion
1095 thereof in addition to required hedges. Shrub size shall be in accordance
1096 with specifications as provided within the landscape section of this Code.
1097 The intent of this section is to provide a meandering, undulating,
1098 continuous landscape buffer with a minimum of three (3) different
1099 maintained levels or tiers of landscape excluding required sod. Additional
1100 plant material may be required to create the desired ~~affect~~ effect.

1101 ~~6.5.~~ Ground cover plants shall be provided in order to provide a tiered effect.
1102 Ground cover plants shall be utilized in mass and as borders for shrubs
1103 and other plant beds. ~~The intent of this section is to continue the provision~~
1104 ~~of a meandering, undulating, continuous landscape buffer with a~~
1105 ~~minimum of three (3) different maintained levels or tiers of landscape~~
1106 ~~excluding required sod.~~

1107 d. Walls and entry feature walls where required by ~~planning and zoning board~~
1108 ~~review and determination or provided~~ shall be constructed within the required
1109 landscape buffer area/width but within the rear one-third (1/3) of the width
1110 which is opposite the right-of-way line. The wall may not be higher than eight
1111 (8) feet above the elevation at the edge of the right-of-way. The criteria for

1112 wall placement are evaluated by the location of residential versus
1113 nonresidential land uses on opposite sides of the roadway. Such conditions
1114 are a consideration for the need of a wall. Fences may not be designed or
1115 constructed in the buffer unless decorative and incorporated into the wall
1116 feature. ~~If a wall is not determined to be necessary by the planning and~~
1117 ~~zoning board, then a fence, minimum five (5) feet and maximum six (6) in~~
1118 ~~height, shall be required at the interior buffer line.~~

1119 e. There shall be no sidewalks and/or pedestrian or vehicular usage within the
1120 landscape buffer area unless approved by the city commission during Site
1121 Plan approval.

1122 f. In lieu of the required landscape buffer, a perimeter project greenway and
1123 multi-purpose path may be provided to satisfy the intent of this section. This
1124 alternative shall only be considered in areas of the city where greenway
1125 connections are reflected in a master greenway plan as may be modified.
1126 Further, such an alternative must be approved by the director of sustainable
1127 development and the development review committee. As a condition of
1128 approval, all greenways shall be delineated as separate parcels and provide
1129 for public access through dedication of such an easement. These parcels
1130 shall be noted to include ownership and perpetual maintenance responsibility
1131 of the owner or assigns.

1132 Sec. 13-444. - Installation, maintenance and materials for all zoning districts.

1133
1134 (a) *Installation*. The owner of the property, or his agent, or applicable association shall
1135 be responsible for the installation and all maintenance and cost of installation and
1136 maintenance of all landscaping, where landscaping is required by this chapter
1137 (including abutting/adjacent portions of rights-of-way, swales, medians, canals, lakes
1138 and waterways, to include easements thereon) in accordance with the following
1139 standards.

1140 Minimum requirements: The following shall be considered the minimum
1141 requirements for the installation of all landscaping. All landscaping shall be installed
1142 according to planting procedures of this section of the Code with the quality of plant
1143 materials as hereinafter described and in a sound, workmanlike manner according
1144 to accepted good planting procedures as prescribed by the publications as
1145 described in section13-442.

1146 (1) Soil structure. All required landscape materials shall be installed using a planting
1147 soil mix comprised of a type appropriate to the individual proposed plant material
1148 and the ~~native~~ existing soil found on the site.

1149 (2) ~~Native~~ Existing topsoil retention requirement. That amount of ~~native~~ existing
1150 topsoil found on the site, in such a quantity to cover all proposed landscape areas
1151 of the site to a minimum depth of twelve (12) inches should be retained on site.
1152 Said retained topsoil shall be clear and free of construction debris, weeds, and
1153 rock. Rock or debris (stone, coral, etc.) shall not exceed one (1) ~~and one-half~~
1154 ~~(1½)~~ inches inch in size for planting beds or sod preparation area.

1155 (3) Soil requirements.

1156 a. Planting soil requirement. All planting beds for shrubs, hedges and
 1157 groundcovers shall consist of a minimum depth of ~~eighteen (18)~~ twenty-four
 1158 (24) inches and backfilled with the specified planting mix of soil suitable for
 1159 the intended plant materials. A minimum of six (6) inches of soil, to meet
 1160 plant growth requirements shall be required in all other landscaped areas.
 1161 Planting beds and landscaped areas shall be free from rock, weeds and
 1162 construction debris.

1163 b. Soil Requirements for trees and palms. In all districts required to provide
 1164 trees and palms per other sections of this code, there shall be provided
 1165 adequate soil area consistent with existing best practices, with a minimum
 1166 depth of three (3) feet, to promote health, growth and the ability to achieve
 1167 the size potential for the species. See Table 13-444.T1 below:
 1168

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

1169 In any case that the required square footage of area or soil depth for tree
 1170 roots is not achievable or warranted under proposed urban design
 1171 guidelines, a suspended pavement system or structured soil, shall be used
 1172 to meet soil depth and volume requirements in areas where the soil surface
 1173 must be covered by pavement for parking lots, driveways or sidewalks.
 1174
 1175

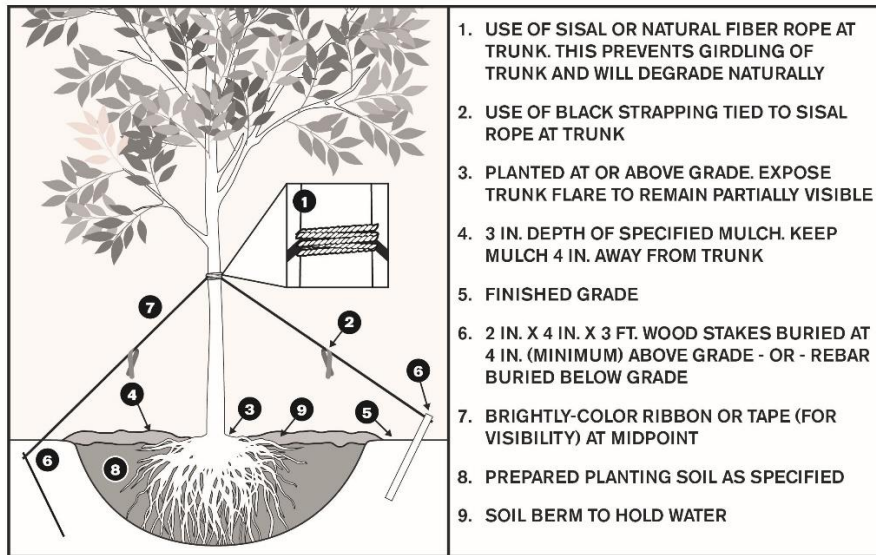
1176 (4) Use of organic mulches. All mulch shall be organic, weed-free, sterilized mulch,
 1177 certified arsenic free. Cypress mulch is not permitted. Eucalyptus and Melaleuca
 1178 mulch are recommended. A two (2) inch minimum thickness, after initial watering
 1179 in, of approved organic mulch material shall be installed in all areas not covered
 1180 by buildings, pavement, sod, and preserved areas. Each tree and palm shall have
 1181 a ring of organic mulch no less than two (2) feet beyond its trunk in all directions,
 1182 leaving a band of soil, four (4) inches wide, free of mulch adjacent to the base of
 1183 the trunk.

1184 Mulch shall be pulled away from the base of shrubs and groundcover.

1185 (5) Stabilization. All trees and palms planted as trees shall be securely guyed,
 1186 braced, and/or staked with sisal rope or other organic material at the time of
 1187 planting until establishment. No synthetic material may be used around the tree
 1188 trunk. The use of nails, wire, rope, or other methods, which damage the tree or
 1189 palm are prohibited. All plants shall be installed with the top of the root ball

1190 positioned so that the top-most root is even with or slightly (two (2) inches) higher
1191 than the surrounding landscape grade. See Figure 13-444.1.

1192 FIGURE 13-444.1



1193
1194 (6) Iron rebar or similar material used for stabilization must be driven below grade
1195 and remain below grade after guy wires, straps, etc., are removed after tree
1196 establishment.

1197 (7) Flagging tape shall be used on guying/staking supports.

1198 (8) Sight distance triangle for landscaping adjacent to rights-of-way and points of
1199 access, including the intersection of public to public, private to public or private
1200 to private vehicular use areas. See Section 13-443(44)(1).

1201 (9) Landscaped areas abutting parking shall require protection from vehicular
1202 encroachment by placing curbing or wheel stops at least two (2) feet from the
1203 edge of such landscaped areas. If the two (2) feet of vehicular parking area is left
1204 unpaved, it shall be landscaped and shall not be included in the minimum
1205 perimeter landscape buffer requirement. Other landscaped islands, medians and
1206 areas abutting curved or angular drives shall be curbed, if determined by the city,
1207 based on necessary high traffic areas or easily encroached areas by vehicular
1208 use. Wheel stops or curb shall be a minimum four (4) inches in height.

1209 (10) Where hedge rows, shrubs and/or trees abut parking, said landscape shall be
1210 placed a minimum of three (3) feet from edge of pavement, wheel stop or
1211 continuous curb.

1212 (11) Trees and palms shall not be planted so close to a building as to inhibit future
1213 growth in a natural manner. Proper plant selection shall be given consideration
1214 per site.

1215 (12) Trees and palms planted within six (6) feet of any hardscape elements (including
1216 paved surfaces, sidewalks, and artificial turf) or buildings shall incorporate the
1217 use of a root barrier system to prevent future damage.

1218 (12)(13) Once the tree, palm, or shrub planted is set, ~~B & B material~~ burlap, wire
1219 cages and/or ropes shall be removed from the top half of the root ball prior to
1220 backfilling the planting hole. All synthetic material, including grow bags or grow
1221 bag type material, must be completely removed from the root ball prior to planting
1222 and backfilling of planting hole.

1223 (13)(14) Replacement requirements: Vegetation that has died, which is required to
1224 be planted by this Code, shall be replaced with equivalent vegetation ~~if it is not~~
1225 living. Preserved vegetation for which credit was awarded, which subsequently
1226 die within two (2) years of the issuance of the certificate of occupancy shall be
1227 replaced with equivalent vegetation according to the requirements established in
1228 this Code. Periodic inspections of landscape shall be performed by the city to
1229 insure health and vigorous growth of such landscape to intended mature
1230 specifications. Landscaping below city Code requirements shall be brought into
1231 compliance within ninety (90) days of said inspection, after the property owner
1232 has been notified in writing.

1233 (14)(15) Upon inspection of required landscaping, all trees, shrubs, ground covers,
1234 vines, sod or other landscape material shall be free from foreign material, which
1235 includes but is not limited to, paint, stucco, construction debris or other similar
1236 material. Should any foreign material be present upon inspection, the plant
1237 material shall be replaced prior to reinspection.

1238 (15)(16) Electric meter clear zone requirements must be met for safety reasons. Prior
1239 to the installation of landscape material, the landscape subcontractor and/or the
1240 general contractor shall verify with the city electrical inspector the area required
1241 to be clear. Plant material, other than sod, shall not encroach within the
1242 designated clear zone.

1243 (16)(17) Fire hydrant clear zone must be met for safety reasons. Fire hydrant clear
1244 zone, as defined in the Florida Fire Prevention Code (FFPC) as amended from
1245 time to time, must be depicted on landscape drawings prior to approval. Plant
1246 material shall be installed in accordance with the fire hydrant clear zone.

1247 (17)(18) Prior to final inspection, the entire site to be inspected as well as adjacent
1248 rights-of-way, lots, property and water bodies, shall be free of all construction
1249 material, refuse, debris, excess landscape material and landscape debris.

1250 (18)(19) Landscaping that is installed adjacent to public or private rights-of-way in
1251 buffer areas shall be designed to accommodate earthen berms or, with city
1252 approval, pedestrian improvements. ~~A~~ as outlined in subsection 13-443(15)(12).
1253 Modifications to approved plans may be made according to section 13-549,
1254 "Modifications to approved site plan".

1255 (b) *Maintenance*. The owner of the property or his agent, shall be responsible for the
1256 maintenance and cost of maintenance of all landscaping located in areas where
1257 landscaping is required by this section (including abutting/adjacent portions of right-
1258 of-way, swales, canals, lakes, waterways to include all easements thereon) in
1259 accordance with the following standards:

1260 (1) Landscaping shall be kept reasonably free of visible signs of insects, disease and
1261 shall be appropriately irrigated and fertilized to enable landscaping to be in a

1262 healthy, vigorous and growing condition. All landscaped areas except those
1263 utilizing xeriscape or preserve areas shall have an underground irrigation system
1264 designed to provide one hundred (100) percent coverage with fifty (50) percent
1265 overlap except approved site planned areas that existed prior to the adoption of
1266 this ordinance. See the irrigation subsection 13-444(b)(~~6~~)(7) for further
1267 provisions.

1268 (2) Mowing, trimming or pruning of landscaping shall be provided in a manner and
1269 at a frequency appropriate to the use made of the material and species on the
1270 site so as not to detract from the appearance of the general area. Parking of
1271 vehicles in the swale shall not degrade the condition of the sod and said area
1272 shall be mowed with the same frequency as the remainder of the yard. Vehicles
1273 shall be moved to accommodate mowing. Pruning shall not interfere with the
1274 design intent of the original installation. Growth and size of plant material at
1275 maturity shall be considerations where future conflicts such as views, signage,
1276 street lighting, utilities and circulation may arise. The owner or agent shall be
1277 directed by the city to correct obstructions caused or created by plant material.

1278 a. All yards, swales, medians and parcels of land shall be maintained in
1279 accordance with the standards referenced below. The property owner is
1280 required to ensure an acceptable ~~aes-thetic~~ aesthetic appearance and
1281 alleviate the attraction of rodents and debris accumulation.

1282 1. Areas partially or fully developed with structures shall have turf/grass and
1283 weeds no more than six (6) inches high in all zoning districts.

1284 2. Areas partially developed without structures shall have turf/grass and
1285 weeds no more than twelve (12) inches high.

1286 3. Undeveloped areas without structures shall have turf/grass and weeds
1287 no more than twenty-four (24) inches high.

1288 4. Sidewalks cannot be encroached upon by adjacent weeds, turf/grass, or
1289 vegetation.

1290 5. Invasive exotic plant species shall be eradicated from all areas where
1291 landscaping is required.

1292 6. In no case shall turf/grass clippings, vegetative material, and/or
1293 vegetative debris be washed, swept, or blown off into stormwater drains,
1294 ditches, conveyances, water bodies, wetlands, sidewalks, or roadways,
1295 either intentionally or accidentally.

1296 7. Yard wastes shall not be disposed of or stored by shorelines, ditches,
1297 swales, or the vicinity of storm drains. Yard waste and compost sites
1298 must be hidden from street view, maintained to prevent odor, and be free
1299 of weeds.

1300 8. Turf/grass clippings should be left on the lawn to replace nutrients.
1301 Shredded yard clippings and leaves should be used for mulch or be
1302 composted for use as fertilizer. However, diseased material should not
1303 be mulched and should be properly disposed of to avoid spreading
1304 disease.

1305 (3) Maintenance of all landscaping is required to minimize property damage and
1306 public safety hazards. This includes removal of dead or decaying plant material,
1307 lifting trees to a minimum height of fourteen (14) feet over roads, lifting trees to a
1308 minimum height of eight (8) feet over sidewalks and/or walkways, and which may
1309 obstruct street lighting and removal of roots, which show evidence of destroying
1310 public or private property, and maintenance of sight distance standards as set
1311 forth in this subdivision. Landscaping, including sod, adjacent to a sidewalk
1312 and/or walkway shall be maintained in such a manner as to provide clear passage
1313 for the entire width of such sidewalk. Hedges shall be maintained at a height not
1314 to exceed eight (8) feet. Hedges shall be maintained at a height not to exceed
1315 thirty (30) inches in the front yard setback. Any dead vegetation shall be promptly
1316 replaced with healthy living plantings of a like plant material as that originally
1317 installed or with plants as provided in this subdivision and approved by the city.

1318 Mulching. Two (2) inches of clean, weed free, approved organic mulch should
1319 be maintained at all times over all areas originally required by site plan to be
1320 mulched. Plastic sheeting and other impervious materials shall not be used
1321 under mulched areas.

1322 Mowing. Mowing of turf/grass shall be to encourage deep root growth.

1323 a. St. Augustine turf/grass/sod shall be mowed by removing no more than one-
1324 third (1/3) of the leaf blade at each cutting and should be maintained at a
1325 height no less than three (3) inches.

1326 b. Bahia turf/grass shall be mowed at a height no less than three (3) inches.

1327 Composting. Composting of yard wastes provides many benefits and is strongly
1328 encouraged. Other recycled solid waste products are also available and should
1329 be used when appropriate.

1330 (4) Tree and palm abuse and pruning.

1331 Vehicles used by tree services/arborists operating within the city shall be clearly
1332 marked with the name and telephone number of the tree service/arborist. A
1333 photocopy of a local business tax receipt and certificate of insurance shall be
1334 available for inspection at each job site.
1335

1336 a. Prohibition of tree abuse: No person shall abuse a tree located within
1337 Coconut Creek unless one (1) of the exemptions applies.

1338 1. Tree abuse exemptions:

1339 ~~(a) The tree is one of the following species and the abuse does not result~~
1340 ~~in a tree that threatens public safety or adjacent property;~~

1341 ~~*Acacia auriculiformis (Earleaf acacia)~~

1342 ~~*Araucaria heterrophylla (Norfolk Island Pine)~~

1343 ~~*Bischofia javanica (Bischofia, Bishopwood)~~

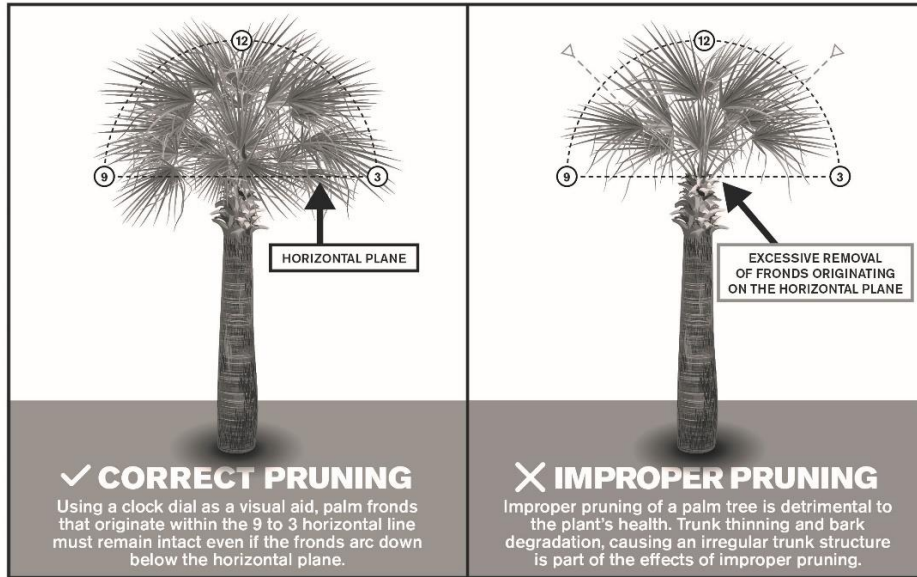
1344 ~~*Brassaia actinophylla (Schefflera)~~

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- 1345 *~~Casuarina, equisetifolia (Australian Pine)~~
- 1346 *~~Cupaniopsis anacardiopsis (Carrotwood)~~
- 1347 *~~Dalbergia sissoo (Indian rosewood)~~
- 1348 *~~Leucaena leucocoephala (Lead tree)~~
- 1349 *~~Melaleuca quinquenervia (Punk Cajeput)~~
- 1350 *~~Metopium toxiferun (Poison wood)~~
- 1351 *~~Schinus terebinthifolious (Brazilian pepper, Florida holly)~~
- 1352 *~~Syzygium cumini (Java plum)~~
- 1353 i.~~(b)~~ The abuse is necessary to alleviate a dangerous condition posing an
- 1354 ~~immediate or imminent~~ threat to the public or property provided that
- 1355 the threat cannot be remedied by pruning that is not defined as tree
- 1356 abuse; or a determination by the city must be made whether the
- 1357 condition is dangerous or not prior to the pruning of the tree. In the
- 1358 situation of immediate imminent danger, a photograph shall be
- 1359 ~~submitted to the city for documentation purposes within seventy-two~~
- 1360 ~~(72) hours of said situation, obtained. Failure to obtain and provide~~
- 1361 such documentation shall be evidence that the abuse was not
- 1362 subject to this exemption.
- 1363 ii.~~(c)~~ County, municipal, school board or franchised utilities, water control
- 1364 districts, and their authorized agents, may obtain a permit from the
- 1365 city, renewable on an annual basis, authorizing the pruning of trees
- 1366 in a manner that may be defined herein as tree abuse provided such
- 1367 pruning is necessary to prevent interference with the utility or
- 1368 operation of water control structures. Stubbing and flush cutting are
- 1369 not permitted under any circumstance.
- 1370 iii.~~(d)~~ Topiary pruning shall only be allowed for those trees that were not
- 1371 installed to meet minimum landscaping requirements and are
- 1372 identified on an approved landscape plan as appropriate for topiary
- 1373 pruning, and are located outside of rights-of-way or roadway
- 1374 easements.
- 1375 iv.~~(e)~~ Shaping of trees to protect property, such as buildings and
- 1376 infrastructure, in which there is adequate evidence accepted by the
- 1377 city that shaping has occurred historically.
- 1378 v. The abuse is otherwise exempt pursuant to state law.
- 1379
- 1380 2. Tree abuse ~~variances~~ waivers: Any person may apply to the ~~enforcement~~
- 1381 agency Department of Sustainable Development for a ~~variance~~ waiver
- 1382 from the terms of the section provided that:

- 1383 ~~i.(a)~~ The application is made before any actions for which a ~~variance~~
1384 waiver is sought have been undertaken; and
- 1385 ~~ii.(b)~~ Any alleged hardship is not self created by any person having any
1386 interest in the property. A hardship shall not be considered self
1387 created if the subject tree was installed or abused prior to the
1388 effective date of this ordinance; and
- 1389 ~~iii.(c)~~ There are unique and special circumstances or conditions applying
1390 to the subject tree or the property upon which it is located that do not
1391 apply generally to other trees or properties; and
- 1392 ~~iv.(d)~~ The ~~variance~~ waiver proposed is the minimum ~~variance~~ waiver
1393 necessary to alleviate the hardship; and
- 1394 ~~v. (e)~~ That the granting of the ~~variance~~ waiver will be in harmony with the
1395 general intent and purposes of this section, and will not create a
1396 dangerous condition, whether imminent or future, that threatens the
1397 public or property; and
- 1398 ~~vi. (f)~~ The term of the ~~variance~~ waiver shall last for a maximum period of
1399 two (2) years unless extenuating circumstances exist that require a
1400 longer period to be approved by the ~~variance~~ waiver authority.
- 1401 b. Tree pruning is to be performed strictly adhering to the most current
1402 standards established by the ANSI A-300. Said standards as may be
1403 amended from time to time are incorporated herein by reference. Unless
1404 special approval is provided by the city, trees shall be allowed to attain their
1405 normal size and shape for the species and shall not be severely pruned or
1406 hatracked. Overlifting of branches/limbs on a tree that destroys the natural
1407 shape and/or integrity of the tree shall be a violation of this article and subject
1408 to fine and/or replacement of tree. Hatracking, topping, shaping, improper
1409 palm pruning, and/or tree abuse as defined in the code, is not permitted within
1410 the municipal limits of the City of Coconut Creek.
- 1411
- 1412 c. Palm pruning. Proper palm pruning shall consist of the following: the removal
1413 of leaves (called fronds), the inflorescence (flower spikes), remains of
1414 inflorescence, young seed stalks, remains of seed stalks, and/or the fruits.
1415 ~~Fronds that have dropped below the 9 o'clock and 3 o'clock position may be~~
1416 ~~removed.~~ The fronds should be cut close to the trunk with a sharp pruning
1417 saw or lopping shears. Fronds that arise at or above the nine (9) o'clock and
1418 three (3) o'clock position shall be retained, thereby leaving no less than a one
1419 hundred eighty (180) degree head of fronds. See Figure 13-444.2. Removing
1420 palm fronds that initiate at or above the horizontal plane (other than dead or
1421 those interfering with the integrity of a structure) shall constitute tree abuse,
1422 as defined herein, and shall be considered a violation of this section.

FIGURE 13-444.2



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d. Pruning and tree abuse remedial actions required.

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1. In the event a person abuses a tree in violation of this subdivision, the violator shall be responsible to undertake pruning and other remedial actions that the city determines is reasonably necessary to protect public safety and property, and to help the tree survive the tree abuse damage if the tree is not a nuisance tree species.

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2. If the city determines that a tree will not survive and grow in a safe manner, i.e. threatens public safety of property, due to the destruction of the natural habit of growth, the violator shall remove the abused tree and install a replacement tree(s). The diameter inches of the replacement tree(s) shall be equal to or greater than the diameter inches of the abused tree. Replacement(s) shall be made within forty-five (45) days of the removal of the tree(s) except as required by state law.

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3. If the city determines that a tree will survive the tree abuse damage but greater than fifty (50) percent of the tree's canopy has been removed due to the tree abuse damage and remedial actions required under subsection (1), the violator shall install a replacement tree(s) except as required by state law. The diameter inches of the replacement tree(s) shall be equal to or greater than one-half ($\frac{1}{2}$) the diameter inches of the abused tree.

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4. Replacement trees shall be installed on site or on public lands if such installation is approved by the city. If no suitable public lands are located or if all replacement trees cannot be accommodated on site, the violator shall pay a fee into the Coconut Creek Tree Preservation trust account. Each replacement tree shall be a species found on the ~~list of approved trees adopted and found herein~~ “Recommended Tree List” maintained by the City’s Urban Forester. Replacement trees shall be Florida No. 1

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1453 quality or better. More than one (1) tree may be utilized for replacement
1454 if the aggregate sum of the diameter inches of the replacement trees is
1455 equal to or greater than the required replacement tree diameter inches.
1456 For each abused tree, the fee shall be determined by multiplying the
1457 aggregate diameters of the replacement trees that cannot be replaced
1458 on site, by one hundred fifty dollars (\$150.00) per diameter inch.
1459 Replacement trees shall have a diameter of not less than three (3) inches
1460 as measured four and one-half (4½) feet above the ground.

1461 5. In any instance, the minimum number of trees must be provided and
1462 maintained on each parcel or lot as required by the zoning district and/or
1463 the approved site plan.

1464 6. Remedial actions, replacement or donation required under this section
1465 shall be completed within ~~sixty (60)~~ forty-five (45) days of notice from the
1466 city that such actions are required. The city may require the violator to
1467 immediately undertake remedial actions in the event the abused tree is
1468 an immediate threat to the public or property.

1469 7. A tree removal permit shall be required under the Coconut Creek Code
1470 of Ordinances to remove a tree as required by the city, unless exempted
1471 from a permit by state law. This permit may be applied for in conjunction
1472 with a clearing and grubbing or burn permit.

1473 (5) Vegetation abuse and trimming.

1474 a. Vegetation abuse is prohibited.

1475 b. Ornamental grasses shall only be pruned severely (with one-half, or more, of
1476 the blades removed) once a year, in January or February. Blades
1477 overhanging and shading out sod areas may be removed at any time.

1478 ~~(5)~~(6) Turf edge trimming. All roadways, curbs and sidewalks shall be edged to
1479 prevent encroachment from the adjacent turfed areas. Line trimmers shall not be
1480 used or used with extreme caution to trim turf abutting trees or other plant
1481 materials. Girdled trees may die, making replacement necessary. Girdling is
1482 considered tree abuse.

1483 ~~(6)~~(7) Irrigation.

1484 a. *Irrigation systems.*

1485 1. Residential districts (i.e. RS, RC, PUD, etc.) of less than thirty-five
1486 thousand (35,000) square feet shall provide irrigation in all areas, to
1487 include common areas and individual lots ~~unless site plan approved,~~
1488 ~~depending upon the housing design concept~~ per code requirements. For
1489 those common areas, irrigation shall be provided sufficient to maintain
1490 the landscaping in a live vegetative state. Irrigation on private lots may
1491 be provided as per site plan requirements. The irrigation may be applied
1492 in the form of a controlled or manual below grade irrigation system.
1493 Single-family plots over thirty-five thousand (35,000) square feet are
1494 exempt from irrigation requirements in the rear fifty (50) percent of the
1495 lot, unless otherwise exempted.

- 1496 2. All other landscape areas in other zoning districts, except preserved
 1497 ecological communities, shall be irrigated by an automatic controlled or
 1498 manual below grade system.
- 1499 3. Low-volume, drip, trickle, emitter irrigation and other forms of micro-
 1500 irrigation are encouraged to promote Florida Friendly Landscaping™
 1501 principals where applicable.
- 1502 b. *Coverage requirements.* All irrigation systems shall be designed to have a
 1503 minimum of one hundred (100) percent coverage with a minimum fifty (50)
 1504 percent overlap. Drip, trickle, or other nonvisible irrigation systems will be
 1505 permitted if designated on an irrigation plan along with the approved
 1506 landscape plan. Irrigation systems shall be designed, installed and
 1507 maintained to minimize application of water to impervious areas such as
 1508 roadways and sidewalks.
- 1509 c. *Irrigation hydrozones.*
- 1510 1. Low water demand landscape areas shall be designed as separate
 1511 zones from high water demand areas, such as grass/turf; and
- 1512 2. Heads with different precipitation rates shall be installed on separate
 1513 zones.
- 1514 d. *Control systems.* Controlled irrigation systems shall be operated by an
 1515 irrigation controller capable of irrigating low water demand areas on a
 1516 different schedule from high water demand areas.
- 1517 e. *Use of nonpotable water.* Use of nonpotable water, in the irrigation of
 1518 landscape areas, is required when determined to be available and safe.
 1519 Water use permits/licenses must be submitted to the city from appropriate
 1520 agencies prior to irrigation (or well) permit issuance for all system sources
 1521 other than city water: i.e., well, canal, lake, etc.
- 1522 f. *Water application rates.* Water shall not be applied more frequently than as
 1523 mandated by the South Florida Water Management District.
- 1524 g. *Operation of irrigation systems.* Irrigation systems shall be operated ~~between~~
 1525 ~~the hours of 4:00 p.m. and 10:00 a.m., or as amended by state, county, city~~
 1526 ~~and/or as mandated by the~~ South Florida Water Management District
 1527 regulations, under 40E-24.201 (1)-(6), 40E-24.401, and 40E-24.501, F.A.C.
 1528 Operation of the irrigation system for maintenance, repair, sod installation for
 1529 new construction and landscape maintenance activities (such as required
 1530 application of water to apply fertilizer, herbicides and pesticides) is not limited
 1531 to these hours.
- 1532 h. *Enforcement* shall be the responsibility of city code inspectors and/or police
 1533 officers.
- 1534 ~~i. Penalties shall be according to the fine schedule in section 1-8, City of~~
 1535 ~~Coconut Creek Code of Ordinances.~~
- 1536 ~~j.i.~~ *Maintenance of irrigation systems.* Irrigation systems shall be maintained to
 1537 eliminate waste of water due to loss from damaged, missing or improperly

1538 operating sprinkler heads, emitters, pipes and all other portions of the
1539 irrigation system.

1540 ~~k.i.~~ Water use permits. Water use permits from the South Florida Water
1541 Management District shall be required for all wells and irrigation systems
1542 utilizing wells, lakes or canal water for all zoning areas ~~other than single-~~
1543 ~~family and duplex individual lots.~~

1544 ~~l.k.~~ Temporary irrigation. Temporary irrigation system shall be required to
1545 establish planting areas not intended to be permanently irrigated. Temporary
1546 irrigation systems shall be designated along with the approved landscape
1547 plan.

1548 ~~(7)(8)~~ Required management of preserved vegetation areas. There shall be no use
1549 of mechanical equipment in accomplishing the maintenance of preserved
1550 ecological communities unless specifically authorized in writing by the city.

1551 ~~(8)(9)~~ Pesticide regulation compliance. Persons, corporations, businesses or any
1552 others who apply pesticides, and/or any other regulated substances, shall comply
1553 with all applicable local, state and federal regulations as amended from time to
1554 time. Integrated pest management (IPM) provides many benefits and is strongly
1555 encouraged.

1556 ~~(9)~~ Fertilizer regulation compliance. ~~Within one (1) year after February 14, 2013, all~~
1557 ~~persons providing landscape maintenance services, commercial fertilizer~~
1558 ~~applicator services, and institutional fertilizer applicator services within the city~~
1559 ~~shall:~~

1560 ~~a. Attend training in the best management practices described in the most~~
1561 ~~recent edition of the *Florida-Friendly Best Management Practices for*~~
1562 ~~*Protection of Water Resources by the Green Industries* (Florida Department~~
1563 ~~of Environmental Protection)); and~~

1564 ~~b. Have at least one (1) person holding a current certificate of completion for~~
1565 ~~training in the best management practices described in the *Florida-Friendly*~~
1566 ~~*Best Management Practices for Protection of Water Resources by the Green*~~
1567 ~~*Industries* (Florida Department of Environmental Protection, 2010) present at~~
1568 ~~all times on any job site while fertilizer application is in progress.~~

1569 (c) Landscape material general provisions. Plant material used in conformance with
1570 provisions of this subdivision shall conform to the standards of Florida No. 1 or better,
1571 as given in the current *Grades and Standards for Nursery Plants*, State of Florida,
1572 Department of Agriculture, Tallahassee, or equivalent and as may be amended from
1573 time to time. Plant materials and species shall be in accordance with this section. The
1574 minimum quantities of native plants and plant species for each type of required plant
1575 material installed, excluding ~~groundcover and turf/grasses~~grass shall be fifty (50)
1576 percent.

1577 The types of required plant materials as provided below include: shade/canopy
1578 trees, intermediate trees, small trees, palms, and shrubs; but excluding groundcover
1579 and all grasses. No more than twenty-five (25) percent of the new materials brought
1580 to a site may be of the same species except ~~hedge plant materials and sod.~~ Grass

1581 ~~seed Sod~~ shall be clean, free of weeds, noxious pests, insects and diseases. ~~Grass~~
1582 ~~seed shall be delivered to the job site in bags with Florida Department of Agriculture~~
1583 ~~tags attached indicating the seed grower's compliance with the department's quality~~
1584 ~~control program, if permitted during site plan approval.~~

1585 (1) Trees, palms, shrubs and ground cover.

1586 a. Trees. Trees shall not be placed where they could materially damage above
1587 or below ground utilities, as outlined in Selecting and Planting Trees for the
1588 South Florida Urban Forest, by the Florida Urban Forestry Council, Broward
1589 County, and Florida Power and Light.

1590 Minimum tree specifications (all zoning districts):

1591 1. Shade/canopy tree. Shade/canopy trees shall be a minimum overall
1592 height of twelve (12) feet, with a minimum trunk caliper of two (2) inches.
1593 Canopy spread shall be characteristic of the species at that height and
1594 caliper. Minimum canopy spread shall be five (5) feet. This category shall
1595 constitute forty (40) percent minimum of the total trees required. For
1596 single-family lots, this category shall constitute thirty (30) percent
1597 minimum of the total trees required.

1598 2. Intermediate tree. Intermediate trees shall be a minimum overall height
1599 of ten (10) feet and minimum trunk caliper of two (2) inches. Canopy
1600 spread shall be characteristic for the species when they meet height and
1601 caliper requirements. Minimum canopy spread shall be four (4) feet. This
1602 category shall constitute thirty (30) percent minimum of the total trees
1603 required.

1604 3. Small tree. Small trees shall be a minimum overall height of eight (8) feet
1605 and a minimum canopy spread of four (4) feet, and minimum trunk
1606 diameter at three (3) feet of one and one-half (1½) inches for at least one
1607 (1) of the trunks for a multi-stem tree. This category shall constitute no
1608 more than ten (10) percent of total trees required.

1609 4. Tree Compliance with tree specification standards. ~~Tree standards below~~
1610 Trees which do not meet the minimum tree heights and spreads as
1611 required by the tree specifications listed above shall not fulfill minimum
1612 tree requirements of this section of the Code.

1613 5. When percentage requirements cannot be met due to individual lot sizes,
1614 shade/canopy and intermediate trees shall comprise the majority
1615 requirements with one (1) small tree fulfilling the lesser percentage
1616 requirement. Single-family lots can replace one (1) required large tree
1617 with one (1) intermediate tree, two (2) small trees, or three (3) palms.

1618 ~~6. Trees to be planted within fifteen (15) feet of a public street or other public~~
1619 ~~right-of-way shall be selected from an approved list of trees. Said list shall~~
1620 ~~be compiled and maintained by the city. Such list shall not include root~~
1621 ~~aggressive trees.~~

1622 b. Palms. Palms, where utilized, shall be counted as three (3) palms (3:1) for
1623 each required shade tree, in place of the requirement for canopy trees, with
1624 the exception of Royal Palms (*Roysonia elata*), Canary Island Date Palms
1625 (*Phoenix canariensis*), Edible Date Palm (*Phoenix dactylifera*), and Bismarck
1626 Palms (*Bismarckia nobilis*), which shall be counted as one (1) palm for each
1627 required shade tree (1:1). Palms shall also conform to FPL standards FPL's
1628 Right Tree, Right Place principles ([https://www.fpl.com/reliability/trees/tree-](https://www.fpl.com/reliability/trees/tree-location.html)
1629 [location.html](https://www.fpl.com/reliability/trees/tree-location.html)), UF IFAS's *Trees and Power Lines* guidelines
1630 (<https://hort.ifas.ufl.edu/treesandpowerlines/>), and Florida Urban Forestry
1631 Council's "Right Tree/ Right Place – Selecting & Planting Tree for the South
1632 Florida Urban Forest" (fufc.org) as to species and location. Palms in
1633 groupings of greater than one (1), shall be planted with staggered heights
1634 and minimum clear trunk height starting at eight (8) feet. If palms are used,
1635 they shall make up no more than fifty (50) percent of the total trees required.
1636 Native palms shall be exempt from the twenty-five (25) percent similar
1637 species rule as listed prior.

1638 c. Shrubs.

1639 1. Shrubs classified as "spreading type" shall have a minimum height of
1640 twelve (12) inches with a minimum spread of eighteen (18) inches, and
1641 those classified as "upright type" shall have a minimum height of twenty-
1642 four (24) inches with a spread of eighteen (18) inches, when measured
1643 immediately after planting.

1644 2. Hedges, where required, shall be planted and maintained so as to form
1645 a continuous visual screen. Shrubs used as hedges shall be a minimum
1646 height of twenty-four (24) inches full to base and a minimum spread of
1647 eighteen (18) inches, when measured immediately after planting. Such
1648 shrubs shall be capable of reaching a minimum of three (3) feet in height
1649 within two (2) years from the date of planting.

1650 Plant spacing shall be adjusted according to plant sizes as long as a solid
1651 screen is achieved. Hedges shall not be permitted in front yards higher
1652 than thirty (30) inches and may not extend into the public or private swale
1653 area. When shrubs are used as a visual buffer around vehicular use
1654 areas, the height of said shrubs at installation shall be measured as a
1655 minimum of two (2) feet above finished grade and shall attain a height of
1656 three (3) feet within one (1) year.

1657 d. Ground cover.

1658 1. Grass Turf/grass areas shall be sodded with a species ~~of grass~~ that will
1659 survive as a permanent lawn in Broward County, provided with
1660 appropriate and adequate watering and fertilizing. Primarily,
1661 turf/grass/sod types used for residential, commercial, office, industrial,
1662 and other use areas include St. Augustine and St. Augustine cultivars.
1663 Alternative drought resistant sod, such as Bahia may be used with
1664 permission of the city. The sod provided must be true to type, viable, free
1665 of weeds, noxious pests, insects and disease, and capable of growth and

1666 development. In general, sod strips shall be aligned with tightly-fitted
1667 joints with no overlap of butts or sides ~~is permitted, and sod~~ Sod pieces
1668 shall have adequate soil backing for continuous root growth and irrigation
1669 retention. Subgrade of lawn areas shall be free of all stones, sticks, rocks,
1670 roots and other matter prior to the placement of sod.

1671 2. ~~Grass~~ Turf/grass/sod shall be placed on all areas not covered by main
1672 and accessory structures, walks, vehicular use areas and other
1673 landscape areas. ~~Grass~~ Turf/grass/sod shall extend to any abutting
1674 street pavement edge, swale and swale rights-of-way and to the mean
1675 water line of any abutting canal, lake or waterway. Where the slope does
1676 not exceed 2:1, landscape material shall be used and installed in such a
1677 manner as to allow reasonable maintenance. Where existing slopes are
1678 steeper than 2:1, they shall be cut back at time of construction to result
1679 in a slope of 2:1 or less. No slope shall be changed without approval of
1680 the city and water control district having jurisdiction. ~~No lawn area shall~~
1681 ~~be constructed with more than ten (10) percent of the total area of gravel,~~
1682 ~~stone, concrete, asphalt, or other similar material, excepting necessary~~
1683 ~~walks and vehicular use areas.~~ Sod requirements do not apply to
1684 xeriscape and preserve areas. Nothing in this section of the code is
1685 meant to negate the use of other appropriate turf/grass types for their
1686 specific site uses in accordance with accepted horticultural practices.
1687 Large turf/grass areas, not subject to erosion, such as playfields, may be
1688 grassed by methods other than laid sod if previously approved by the
1689 city.

1690 3. Decorative rocks, pebbles, stone, gravel, concrete, asphalt, or other
1691 similar material, etc., excluding legally permitted walks and vehicular use
1692 areas, shall only be used to accent organic landscape material and shall
1693 not cover more than ten (10) percent of any open space yard area.

1694 4. ~~Ground covers used in lieu of turf/grass in whole or in part shall be~~
1695 ~~planted in such a manner as to present a finished appearance and~~
1696 ~~complete coverage shall be planted with a minimum of seventy-five (75)~~
1697 ~~percent coverage with one hundred (100) percent coverage occurring~~
1698 ~~within six (6) months of installation.~~

1699 (2) Landscape provisions.

1700 a. Plant ball diameter on all plant materials shall conform to or exceed the
1701 minimum standards as noted in the most current edition of Florida Grades
1702 and Standards.

1703 b. Use of site specific plant materials. Plants used in the landscape design
1704 pursuant to this section of the code shall, to the greatest extent, be
1705 appropriate to the soil and other environmental conditions in which they are
1706 to be planted.

1707 ~~c. Ground covers shall be planted with a minimum of fifty (50) percent coverage~~
1708 ~~with one hundred (100) percent coverage occurring within six (6) months of~~
1709 ~~installation.~~

1710 d.c. Vines shall be a minimum of thirty (30) inches in supported height
1711 immediately after planting, and may be used in conjunction with fences,
1712 visual screens or walls, to meet landscape buffer requirements as specified.

1713 (3) Artificial or Synthetic Turf. Artificial turf shall be considered impervious
1714 hardscape and is only allowed on the side or rear of a lot, not visible from the
1715 street or sidewalk. Artificial turf installation shall be subject to all setback and
1716 impervious surface area requirements and conform to all requirements and
1717 restrictions relative to hardscape and impervious surfaces under zoning,
1718 landscape, and engineering review. The allowance of artificial turf under this
1719 section of code does not constitute the negation of any other code requirements,
1720 specifically landscape, trees, zoning, and engineering drainage requirements.
1721

1722 a. Design Standards. Artificial turf shall comply with all the following design
1723 standards:

- 1724 1. Simulate the appearance of live turf, organic turf, grass, sod or lawn;
- 1725 2. Be manufactured from polyethylene monofilament, dual yarn system; and
- 1726 3. Be lead free and flame retardant.

1727
1728 b. Installation Standards. Artificial turf shall comply with all the following
1729 installation standards:

- 1730 1. Be installed in a manner prescribed by the manufacturer;
- 1731 2. Be installed to provide positive drainage and alleviate flooding;
- 1732 3. Be anchored at all edges and seams;
- 1733 4. Not have visible seams between multiple panels;
- 1734 5. Have seams that are joined in a tight and secure manner; and
- 1735 6. Have an infill medium consisting of clean silica sand or other mixture,
1736 pursuant to the manufacturer's specifications.

1737
1738 Sec. 13-445. - Removal of existing ~~plant material~~ vegetation.
1739

1740 (a) In instances where healthy ~~plant material~~ vegetation exists on a site and is to be
1741 retained, the city may adjust the application of the minimum requirements to allow
1742 credit for or consideration of such ~~plant material~~ vegetation, if such an adjustment will
1743 preserve the intent of this subdivision. When allowances are given, in no case shall
1744 the quantities of existing ~~plant materials~~ vegetation retained be less than the
1745 quantities required in this subdivision. In such cases, a survey shall be provided
1746 specifying the species, approximate height and caliper as well as the location and
1747 condition of any ~~plant material~~ vegetation used as a basis for requesting any
1748 adjustment. Any adjustments shall be based on unique circumstances applicable to
1749 the lot in question with the object of such adjustment being to preserve existing
1750 vegetation or to maintain tree canopy.

1751 (b) No existing ~~plant material~~ vegetation shall be destroyed or removed without the
1752 consent of the city by permit unless such ~~plant material~~ vegetation creates an
1753 immediate imminent danger to public safety because of disease or damage or is
1754 otherwise exempted from permit requirements by state law. Documentation of the
1755 condition must be presented to the city within forty-eight (48) hours after removal

1756 unless exempt by state law. This section shall not apply to nuisance trees that were
1757 not part of the approved landscape plan. If nuisance trees are removed as a
1758 prerequisite to land clearing, tree removal, clearing and grubbing or a burn permit,
1759 their location must be noted on a plan with the associated permit.

1760 Sec. 13-446. - Plan approval.

1761
1762 (a) Prior to the issuance of a building permit, a landscape plan shall be submitted to and
1763 approved by the city. The landscape plan shall be drawn to a scale not less than one
1764 (1) inch to fifty (50) feet. The plan shall include, but not be limited to, the following:

1765 (1) Existing and/or proposed parking spaces or other vehicular use areas, access
1766 aisles, driveways, roads, waterways and/or permanent features, such as, but not
1767 limited to curbs, wheel stops, fire hydrants, site lights, existing and proposed
1768 utilities such as water and sewer lines, overhead and underground electrical
1769 lines.

1770 (2) Irrigation, source and/or water outlet locations.

1771 (3) Size, number and description of all landscape materials required and proposed.

1772 (4) Total plot size in square feet, less any or all authorized deductions. This shall
1773 include total calculations and ratios of native and exotic trees and shrubs per
1774 square foot, required and proposed, and any other necessary calculations.

1775 (5) The location and identification of any and all buildings existing and/or proposed.

1776 (6) Designate by name and location the plant material to be used in accordance with
1777 the requirements of this subdivision.

1778 (7) A landscape data box shall list the project landscape requirements in reference
1779 to the satisfaction of all landscape specifications of this subdivision.

1780 (8) City Standard landscape ~~Landscape notes~~ Notes, fire hydrant clear zone and
1781 drawings as required by the city.

1782 (9) Any landscape plans submitted for review and approval shall be signed, sealed
1783 and dated by a Florida registered (licensed) landscape architect licensed to
1784 practice in the state of Florida under Chapter 481 Part II, Florida Statutes as
1785 amended from time to time, with the ~~exemption~~ exception of ~~owner occupied~~
1786 single-family residences or nurseries for the installation of stock plant material.

1787 (b) All other landscape requirements for location and quantities must be satisfied for each
1788 code section. Existing tree/plant quantities cannot be substituted to other area
1789 requirements on site.

1790 (c) No permit shall be issued for any building unless the landscape plan complies with
1791 the provisions of this subdivision. A landscape plan for single-family district lots shall
1792 be submitted in the form of a typical planting program. Landscaping detail, including
1793 quantity, size and location, shall be shown on the approved site plan as well as any
1794 required street trees or perimeter buffers.

1795 (d) Failure to follow the procedures as required by this section shall constitute grounds
1796 for withholding site plans previously approved; revoking building permits, occupancy

1797 permits or any other appropriate approval necessary to permit or continue
1798 development. Nothing contained in this section shall prohibit the city from enforcing
1799 this section by any other appropriate legal means.

1800 (e) Upon completion of construction, an as-built landscape plan shall be provided to the
1801 city depicting any and all deviations from the previously approved landscape plan.

1802 (f) Existing properties with landscaping which does not meet the minimum standards of
1803 an approved site plan or landscape plan, or if neither exists, this article, shall be
1804 considered nonconforming and shall not be permitted to increase the degree of
1805 nonconformity as it pertains to this article.

1806 (g) Wherever existing development have required landscaped areas, said areas are to
1807 conform to previously approved landscaping plans or approved alternative
1808 enhancement landscaping plans, and be maintained to the requirements of this
1809 article.

1810 (1) This section does not require removal of desirable healthy plant material.

1811 (2) This section does not require meeting the native species ratio set forth elsewhere
1812 in this article.

1813 ~~(3) Failure to comply with this section shall be a violation of this chapter.~~

1814 (h) Nonconforming Landscaping. Site improvements which require any type of site plan
1815 amendment, shall be brought into full compliance with the requirements of this Article.
1816 A property which does not comply with this Article or with an approved site plan or
1817 landscape plan, as applicable, must be brought into full compliance with this Article
1818 or the approved site plan or landscape plan, if:

1819 (1) Additions or remodeling to the existing structure(s) on any type of property
1820 increase the amount of impervious surface area on the lot;

1821 (2) Additions or remodeling to the existing structure(s) on any type of property do not
1822 increase the amount of impervious surface area on the lot, but the cost of the
1823 improvements exceeds twenty-five (25) percent of the assessed value of all the
1824 existing structures on the property as identified by the most current Broward
1825 County Property Assessment.

1826
1827 Sec. 13-447. - Preservation of natural habitats.
1828

1829 If habitats/plant communities of significant value (as determined by the
1830 comprehensive plan, land development regulations or other jurisdictional agencies) are
1831 on a site, they shall be protected and preserved in their natural state and/or mitigated by
1832 an approved program. Eradication of invasive exotic plant species shall be conducted as
1833 needed to maintain the naturally occurring environmental conditions of the habitats and
1834 plant communities. Protected trees and animals are listed in F.S. Ch. 581.

1835 Sec. 13-448. - Preservation and protection of trees and tree preservation trust account.
1836

1837 (a) *Declaration of legislative intent.* The city commission of the City of Coconut Creek
1838 (the "commission") finds and declares that the preservation of trees is integral to the

1839 prevention of air and water pollution in that trees use their leaf surface to trap and
1840 filter out ash, dust and pollen in the air, thereby helping to alleviate air pollution; that
1841 the root systems of trees hold and consolidate soil and other loose earthen materials,
1842 thereby helping to prevent erosion, reducing nonpoint source water pollution and
1843 maintaining the continued vitality of natural habitats for the propagation and
1844 protection of wildlife, birds, game, fish and other aquatic life; that protection of trees
1845 increases property values and protects all of the resources of the city; and that
1846 removal of trees causes increased surface run-off which contributes to water
1847 pollution. Owing to the many benefits provided to the community by trees, it is the
1848 intent of the commission, in order to protect the land, air and water of Coconut Creek,
1849 to preserve this valuable natural resource of Coconut Creek for the health, safety and
1850 welfare of the general public. While the destruction of a single tree may not have a
1851 significant environmental impact, the commission recognizes that tree destruction
1852 has a cumulative impact that causes severe environmental degradation and causes
1853 severe deterioration of the quality of life in Coconut Creek and, because of this
1854 impact, the commission finds that tree destruction is a public nuisance that must be
1855 controlled. In the evaluation of a tree removal permit, priority shall be given to
1856 preservation and relocation. Removal with replacement, and or payment into the tree
1857 preservation trust fund is the last option. Based on these factual considerations, this
1858 section shall be the minimum standards of the city for tree preservation.

1859 (b) *Permit required; exemptions.* No person shall cut down, destroy, effectively destroy,
1860 remove, relocate or damage any tree or cause any tree to be cut down, destroyed,
1861 effectively destroyed, removed, relocated or damaged, without first obtaining a permit
1862 from the city as provided in this section, except as permitted by state law.

1863 For the purpose of the permitting requirements of this section, the following are
1864 exempt:

1865 ~~(1) Removal of tree species occurring in regulated waters as defined by sections 27-~~
1866 ~~331 to 27-339 of the Broward County Code of Ordinances when the mitigation~~
1867 ~~required by that license for the removal of the trees is equal to or greater than the~~
1868 ~~replacement requirements of this section; or~~

1869 ~~(2)~~(1) Removal of any tree that is diseased, or injured such that it poses an
1870 unacceptable risk to persons or property or in danger of falling, to the extent that
1871 its continued existence threatens the health and/or safety of contiguous persons
1872 or property provided that the owner of the property can obtains document
1873 documentation of the risk (photographs, or other documentation which may be
1874 required by state law, etc.) that such condition(s) existed prior to the removal of
1875 the tree. In the case of natural forest communities, specimen trees or historic
1876 trees, documentation of the condition must be presented to the city within forty-
1877 eight (48) hours after removal unless exempt under state law;

1878 ~~(3)~~(2) Removal of any tree on owner-occupied residential properties of one (1) acre
1879 or less developed for detached single-family and duplex usage, except the
1880 following:

1881 a. Previously preserved, relocated or replaced trees that were preserved,
1882 relocated or replaced as a condition of granting a tree removal permit; or

- 1883 b. Historical or Special Status Category Trees; or
- 1884 c. Site plan required landscape buffers located on private property; or
- 1885 d. Plantings in Site site plan required landscape easements located on private
- 1886 property; or
- 1887 e. Trees planted on public or private property with the intent of providing a
- 1888 consistent street tree theme or image; or
- 1889 f. Trees planted on public or private ingress/egress rights-of-way and/or
- 1890 easements with the intent of providing a consistent street tree theme or
- 1891 image; or
- 1892 ~~(4)~~(3) Under emergency conditions such as hurricanes, war, or any natural disasters
- 1893 of similar scope, county utilities, water management district, improvement
- 1894 districts, Florida Department of Transportation, municipal utilities and franchised
- 1895 utilities, except as provided below, may remove a tree in order to prevent an
- 1896 imminent interruption of service or to restore interrupted service. Franchised
- 1897 utilities shall cooperate with the city to preserve such trees by relocation or
- 1898 replacement in the same vicinity or as determined by the city for the best public
- 1899 benefit. Each tree removed shall be replaced by a tree as designated in
- 1900 ~~subsection (g)(2), Appendix 1 or Appendix 2 as approved by the city on the~~
- 1901 “Recommended Tree” List” or “Recommended Trees Adjacent to Power Lines”
- 1902 list maintained by the City’s Urban Forester; or
- 1903 ~~(5)~~(4) Removal of trees by all city-licensed nurseries, botanical gardens and
- 1904 commercial grove operations but only in relation to those trees which are planted
- 1905 and growing for the sale or intended sale to the general public in the ordinary
- 1906 course of said licensed business; or
- 1907 ~~(6)~~(5) Removal of trees by all governmental and private nurseries with respect to trees
- 1908 which have been planted and are growing for future relocation; or
- 1909 ~~(7)~~(6) During emergency conditions caused by a hurricane or other disaster, the
- 1910 provisions of this section may be suspended by direction of the city manager until
- 1911 the conclusion of the emergency; or
- 1912 ~~(8)~~(7) Removal or relocation of planted landscape trees prior to the issuance of a
- 1913 certificate of occupancy; or
- 1914 ~~(9)~~(8) Removal of trees, except historical or special status category trees, by
- 1915 franchised utilities after the city and the record owner of the property on which
- 1916 the trees proposed to be removed are located, receive notification, delivered
- 1917 fifteen (15) calendar days prior to tree removal. The record owners may appeal
- 1918 the tree removal by submitting a letter of appeal to the city prior to the expiration
- 1919 of the fifteen (15) day period. The appeals process shall be pursuant to section
- 1920 ~~13-549~~ 13-34, “Appeals,” of the Coconut Creek Code of Ordinances ~~for~~
- 1921 ~~administrative approval.~~ Tree removal may proceed after the expiration of the
- 1922 fifteen (15) day period, providing no letters of appeal have been received by the
- 1923 city, if the utility can:
- 1924 a. Prove prior to tree removal that:

- 1925 1. The tree will cause a continual disruption of service (specimen palm trees
1926 may be removed under this exemption).
- 1927 2. The easement or property was in actual use conveying utilities prior to
1928 the effective date of this section, and
- 1929 3. The threat of service interruption cannot be remedied by tree pruning in
1930 accordance with ANSI A-300 or palm pruning in accordance with city
1931 standards; or
- 1932 b. Prove prior to tree removal that the removal is for the purpose of providing
1933 new/additional on-site service to existing development. ~~Under this provision,~~
1934 ~~the notification shall be in writing prior to the tree removal.~~ The franchised
1935 utility shall not be required to obtain a permit, but shall comply with all the
1936 standards, requirements, and conditions of this section; and
- 1937 c. Provide a report to the city to prove compliance with section 13-448,
1938 “Preservation and protection of trees and tree preservation”; or
- 1939 (10)(9) Removal of trees, except historical or special status category trees, by a water
1940 management district or improvement district in or immediately adjacent to canals
1941 and lakes operated by the district provided that the district delivers to the city and
1942 to the record owner of the property on which the trees proposed to be removed
1943 are located, written notification, at least fifteen (15) calendar days prior to the
1944 removal of the tree(s). The record owners may appeal the tree removal by
1945 submitting a letter of appeal to the city prior to the expiration of the fifteen (15)
1946 day period. The appeals process shall be pursuant to section 13-34,549
1947 “Appeals” of the Coconut Creek Code of Ordinances ~~for administrative approval.~~
1948 After the expiration of the fifteen (15) day period, providing that no letters of
1949 appeal have been received by the city, the district may remove tree(s) provided
1950 that:
- 1951 a. The removal complies with all the standards, requirements, and conditions,
1952 other than Permitting [subsections 13-448(d) and (e)] and Bonding
1953 {subsection 13-448(l)} of this section, and
- 1954 b. The canal was excavated in compliance with all appropriate county and/or
1955 city code sections or the canal was excavated prior to the effective date of
1956 the current county and/or city code sections, and
- 1957 c. The canal is not an agricultural canal or ditch,
- 1958 d. And proves that:
- 1959 1. The tree is causing an immediate disruption of water flow so that the
1960 canal cannot function at its designed capacity, or;
- 1961 2. The canal was in existence, in actual use conveying water, and under a
1962 vegetation management program prior to the effective date of this section
1963 as shown by a map of district water management canals which shall be
1964 submitted to the city within one (1) month after the adoption of this
1965 section.

- 1966 e. And provides a report to the city to prove compliance with section 13-448
1967 "Preservation and protection of trees and tree preservation".
- 1968 (11)(10) Removal of trees, except historical or special status category trees, by the
1969 Florida Department of Transportation or by Broward County or municipal
1970 transportation departments, on roads or immediately adjacent to actual existing
1971 roads (not rights-of-way) maintained by the department provided that the
1972 department delivers to the city and to the record owner of the property on which
1973 the tree(s) proposed to be removed is located written notification, at least fifteen
1974 (15) days prior to the removal of the tree(s). The record owners may appeal the
1975 tree removal by submitting a letter of appeal to the city prior to the expiration of
1976 the fifteen-day period. The appeals process shall be pursuant to section 13-549
1977 13-34, "Appeals," of the Coconut Creek Code of Ordinances ~~for administrative~~
1978 ~~approval~~. After the expiration of the fifteen (15) day period, providing that no
1979 letters of appeal have been received by the city, the department may remove
1980 tree(s) provided that:
- 1981 a. The removal is necessary because the tree(s) is an actual and immediate
1982 traffic safety hazard to individuals using the road(s).
- 1983 b. The removal complies with all standards, requirements, and conditions, other
1984 than Permitting ~~{[subsections 13-448(d) and (e)]}~~ and Bonding ~~{[subsection~~
1985 ~~13-448(l)]}~~ of this section.
- 1986 c. The traffic safety hazard caused by the tree(s) cannot be remedied by
1987 pruning in accordance with ANSI A-300 standards or palm pruning in
1988 accordance with city standards and/or the standards listed in "Arboriculture
1989 Second Edition" by Richard W. Harris, as amended.
- 1990 d. And provides a report to the city showing compliance with section 13-
1991 448"Preservation and protection of trees and tree preservation".
- 1992 (12)(11) Removal of nuisance trees, as defined by section 13-442, "Definitions".
- 1993 (c) *Prohibitions.*
- 1994 (1) *General.* A person shall not cause, suffer, permit or allow the removal of any tree
1995 without first obtaining a permit from the city as herein provided. The property
1996 owner, holder of an easement and/or person removing a tree without a permit
1997 shall be responsible for the violation. ~~The Tree abuse or~~ removal of trees in
1998 violation of this section is a public nuisance.
- 1999 (2) *Historical trees.* A person shall not cause, suffer, permit or allow the removal of
2000 any historical tree without first obtaining a variance from the commission to
2001 conduct the removal.
- 2002 (3) *Land clearing.* ~~Land~~ A person shall not cause, suffer, permit or allow the land
2003 clearing of an area designated as a natural forest community without first
2004 obtaining a tree removal license from the governing agency as herein provided.
- 2005 (d) *Permit application.* An owner of fee simple title may apply for a tree removal permit.
2006 After submitting certified approval of the fee simple owner, the agent of the owner,
2007 the lessee of the property, optionee, contract purchaser, or holder of an easement

2008 may apply for a tree removal permit. A holder of an easement may obtain a permit
2009 only when the proposed tree removal is consistent with the use granted by the
2010 easement. The city shall require that any tree surveys or site plans be prepared by
2011 any person qualified to do so under the Laws of Florida.

2012 (1) *Application for permit.* Application for a tree removal, relocation, or replacement
2013 permit shall be made on city forms and be, at a minimum, accompanied by as
2014 many copies as required by the city for review and processing, drawings to the
2015 largest practical scale, of the following documents in a legible form:

- 2016 a. A completed, signed and notarized application form;
- 2017 b. Maps showing the size and location of the site where the proposed permitted
2018 activities are to be conducted;
- 2019 c. A starting date and duration of the proposed permitted activities;
- 2020 d. A brief description of the work to be performed, including a plan of the
2021 proposed work, showing the location of all existing or proposed buildings,
2022 structures, improvements and site uses, properly dimensioned and
2023 referenced as to property lines, yard setback areas and special relationships;
- 2024 e. Location of existing or proposed utility services;
- 2025 f. A certified tree survey, and site plan of identical scale designating those
2026 trees, which are proposed to be preserved, relocated, or removed, unless not
2027 required by the city. However, in no case shall a tree survey be required when
2028 the property contains five (5) or less trees. Groups of trees in close proximity
2029 may be designated as clusters with the estimated total number noted. The
2030 name, common and scientific, height and DBH of those trees to be removed,
2031 relocated, or replaced shall be shown on the site plan; and
- 2032 g. Information required above for trees proposed to be removed, relocated or
2033 replaced, shall be summarized in tabular form on the plan, and shall include
2034 condition, canopy spread, a statement of reasons for such removal,
2035 relocation or replacement; and
- 2036 h. Tree surveys and tabular form tree inventories shall be prepared, signed and
2037 sealed by a Florida registered surveyor with verification of genus, species,
2038 height, spread, DBH and condition by a Florida registered landscape
2039 architect or other recognized professional qualified to determine same.
2040 Verification shall be provided in letter form on the recognized professional's
2041 letterhead, signed and sealed if required by state law and/or notarized and
2042 attached to the certified survey.

2043 (2) ~~Application procedures and required fees. Permission for removal, relocation or~~
2044 ~~replacement of trees shall be requested by written application to the city, on a~~
2045 ~~form provided by the city. Required fees, for the removal, relocation, or~~
2046 ~~replacement of any tree(s) shall be paid at time of permit issuance as set forth~~
2047 ~~below: in section 13-84(17).~~

2048 a. ~~Permit plan review fee: Set by 13-83, Minimum fee.~~

- 2049 b. ~~Tree removal fees: The permit fee, except as otherwise provided, shall be~~
2050 ~~ten dollars (\$10.00) per tree to be destroyed. No fee shall be charged for~~
2051 ~~trees which are relocated or lie within a utility easement and are required to~~
2052 ~~be removed to provide utility service to the property.~~
- 2053 c. ~~Tree replacement fee: The permit fee shall be ten dollars (\$10.00) per~~
2054 ~~required tree to be planted.~~
- 2055 d. ~~For any substantial deviation from the original application there shall be an~~
2056 ~~additional fee. Change of plans for tree removal (after permit issuance) shall~~
2057 ~~be a minimum fifty dollars (\$50.00) plus fees listed above for removal and~~
2058 ~~replacement of additional trees.~~
- 2059 e. ~~The permit fee is not refundable and may not be applied to any permit~~
2060 ~~application other than the one for which it was originally paid.~~
- 2061 (3) Application for a tree removal permit constitutes consent by the property owner
2062 and/or applicant for the city to conduct site inspections in furtherance of section
2063 13-448 "Preservation and protection of trees and tree preservation" of the subject
2064 property.
- 2065 (e) *Tree removal permit - Review of application: Conditions for permit.*
- 2066 (1) As a condition precedent ~~of~~ to removal of a tree or to any land clearing and/or
2067 site development where any tree removal or relocation is to be conducted, except
2068 as otherwise exempted under this section or state law, a person shall be required
2069 to obtain a tree removal permit and/or clear and grub permit. The For site
2070 development or redevelopment, property owner or property owner/agent may
2071 submit a sworn/notarized affidavit to the city stating that the property the person
2072 wishes to develop does not contain trees that are protected under this ordinance.
2073 The city may conduct a review or site inspection.
- 2074 (2) *Review of application.* Application for a permit shall be reviewed by the director
2075 of the department of sustainable development. Such review may include visual
2076 inspection on the subject plot or site, and referral of the application to such city
2077 departments or other agencies having an interest in the determination of the
2078 effect upon the public welfare, adjacent properties, or public services and
2079 facilities.
- 2080 (3) *Conditions for permit.*
- 2081 a. For any properties, a tree may not be removed if it can be relocated in a
2082 manner which would permit the proposed development. A tree may be
2083 removed only when an applicant has demonstrated to the city ~~that the~~
2084 ~~proposed development~~ that a proposed improvement cannot be located on
2085 the site without the relocation or removal of the tree, and that there is no
2086 practical way to avoid tree removal and relocation would still not permit the
2087 proposed development. As a condition to the granting of a permit, the city
2088 shall have the option of requiring the applicant to relocate or replace a tree
2089 except as required by state law. ~~Such relocation or replacement shall only~~
2090 ~~be credited for planted trees exceeding other requirements contained in this~~
2091 ~~subdivision.~~

2092 b. In determining if the applicant may remove trees pursuant to a tree removal
2093 permit, ~~the city shall consider at a minimum the following, and no permit shall~~
2094 ~~be issued for tree removal unless at least one~~ (1) of the following conditions,
2095 as determined by the city, must exist:

2096 ~~a.~~1. A site plan submitted by the applicant shows that a proposed structure,
2097 permissible under all applicable laws and regulations, can be situated
2098 on the subject parcel only if specific trees are removed or relocated (the
2099 need to remove or relocate a tree in order to locate a structure does not
2100 qualify the tree as a danger or identify an unacceptable risk under
2101 Section 163.045 Fla. Stat. as amended from time to time), or

2102 ~~b.~~2. The applicant has made every reasonable effort to incorporate existing
2103 trees and to minimize the number of trees removed, or

2104 ~~c.~~3. The tree is located in such proximity to existing or proposed structures
2105 of the utility or the structural integrity of such structures is materially
2106 impaired, or

2107 ~~d.~~4. The trees proposed to be removed are the minimum number necessary,
2108 or

2109 ~~e.~~5. The tree materially interferes with the location, servicing or functioning
2110 of public utility lines or service, or

2111 ~~f.~~6. The trees proposed to be removed are of poor quality and condition, or

2112 ~~g.~~7. The trees proposed to be removed are obstructing safe vehicular cross
2113 visibility or otherwise creates a substantial traffic hazard, or

2114 ~~h.~~8. The trees proposed to be removed are damaging existing improvements
2115 in such a way that the damage to the improvements cannot be corrected,
2116 or

2117 ~~i.~~9. The trees proposed to be removed are creating ongoing safety problems
2118 ~~for existing development~~ (growth of the tree to its natural size and shape,
2119 or leaves, berries, seeds, fruit, flowers that can be trimmed or cleaned
2120 to prevent damage or danger or eliminate risk, do not qualify to support
2121 tree removal unless removal is the only means of mitigating the related
2122 safety issues), or

2123 ~~j.~~10. The trees to be removed are growing in too close proximity to other trees
2124 and/or structures/buildings to permit normal growth and development of
2125 affected trees consistent with good forestry practices, or

2126 ~~k.~~11. Trees planted in over-crowded conditions creating a condition where
2127 trees cannot grow to proper horticultural standards, may be removed.
2128 For each tree removed a minimum of one (1) tree must be replaced from
2129 category 1, 2, 3, or 4 ~~as provided in 13-448 Appendix 1 in the~~
2130 “Recommended Tree List” or “Recommended Trees Adjacent to Power
2131 Lines” list maintained by the City’s Urban Forester. One (1) tree
2132 replacement for each one (1) tree removed is permissible for this
2133 subsection, except as exempted by state law.

2134 The applicant must relocate the trees to be removed. If relocation is not
2135 a viable solution, an applicant shall replace removed trees, except as
2136 exempted by state law. If it is determined that an applicant cannot
2137 relocate nor replace removed trees, the applicant shall pay the
2138 appropriate fee into the tree preservation trust fund.

2139 (4) Determination. A determination of the extent of jurisdictional environmental
2140 impact by the project development shall be performed by the appropriate
2141 governing agency as a conceptual review. Upon review of the findings by the
2142 governing agency and considering the application needs, condition and locations
2143 of the tree(s), and the requirements of this chapter, the city shall make a
2144 determination based upon drawings or site plan and a completed tree removal
2145 permit application form submitted to the city by the applicant. City and the
2146 appropriate governing agency staff shall have the right to conduct field
2147 inspections.

2148 (5) Site improvements. The applicant shall be responsible for the relocation or the
2149 replacement of trees removed for utilities, roads, drainage, and other services
2150 constructed to benefit the property for which the application was filed. The need
2151 to remove any given tree or trees to accommodate new or relocated utilities,
2152 roads, drainage, and other services does not qualify the tree as a danger or
2153 identify the tree as posing an unacceptable risk under Section 163.045 Fla. Stat
2154 as amended from time to time.

2155 (6) Other trees. The permittee shall only remove those trees so specified in the
2156 permit. Any damage to any other tree on the site shall constitute a violation of this
2157 section.

2158 (7) Duration. A permit shall be valid for ~~development for not more than two (2) years~~
2159 ~~from the date of issuance.~~ three (3) months with city approval unless specified
2160 otherwise by code enforcement action, however, if the tree(s) is to be removed
2161 to facilitate construction, such relocation or replacement must be completed prior
2162 to the earlier of the final inspection or the issuance of a certificate of occupancy
2163 as applicable. A one-time extension of ~~up to two (2) years~~ equal to the original
2164 duration of the permit may be issued provided there is no substantial deviation
2165 from the original application and the permit extension complies with all standards
2166 in effect at the time of the permit extension. Additional conditions may be imposed
2167 in the permit extension when there is a change in site conditions that may affect
2168 trees. A violation of the permit may be prosecuted at any time. Where any activity
2169 regulated by the tree removal permit has occurred, the permittee must comply
2170 with all conditions of the permit even though the permit may have expired.

2171 (f) *Tree relocation.*

2172 (1) Before the city issues a tree removal permit that allows the replacement of any
2173 tree instead of relocation of the original tree, the applicant must demonstrate that
2174 relocation is not a viable alternative. Relocation shall occur either within the site
2175 or off-site with the concurrence of the City of Coconut Creek ~~having jurisdiction~~,
2176 where the site is public property, or with the concurrence of the property owner,
2177 where the site is private property. The site shall be in reasonable proximity to the

2178 original site and have physiographic conditions similar to the original site. If any
2179 tree is to be located either on-site or off-site, a relocation plan shall be submitted.
2180 Relocation plans, as required by this section, must first be reviewed and
2181 approved by the city prior to granting any tree removal permit. Before a permit is
2182 issued for tree relocation, performance bonds may be required to be posted.

2183 (2) Methods for relocation. The In addition to the requirements of section 13-444(a),
2184 “Installation,” the following standards shall be followed to ensure successful
2185 transplanting of trees designated for transplanting:

2186 a. Any tree being relocated shall not be unnecessarily damaged during removal,
2187 transport or replanting of that tree.

2188 b. If the trees have a dormant period, they should be transplanted during that
2189 time. Trees should not be transplanted during periods of strong, dry winter
2190 winds or during droughts.

2191 c. Adequate space and soil volume, per section 13-444(a)(3) for root and crown
2192 development shall be provided.

2193 d. Trees shall be root and canopy pruned according to sound arboricultural
2194 standards prior to transplanting.

2195 e. A root barrier system shall be installed as required in section 13-444(a)(3)b.

2196 f. During and following transplanting, the root ball and trunk shall be protected.
2197 The root ball shall be kept moist at all times.

2198 f-g. Transplanted trees shall be braced in accordance with *Arboriculture*
2199 *Integrated Management of Landscape Trees, Shrubs and Vines*, Fourth
2200 Edition, by Richard W. Harris, as amended. (Broward County states "for at
2201 least one year.")

2202 g-h. Transplanted trees shall be fertilized as appropriate and shall be watered
2203 sufficiently until the tree growth is re-established.

2204 h-i. All ~~crown~~ pruning shall be done in accordance with ANSI A-300 standards or
2205 ~~palm pruning~~ in accordance with city standards and/or the standards listed in
2206 *Arboriculture Integrated Management of Landscape Trees, Shrubs and*
2207 *Vines*, Fourth Edition by Richard W. Harris, as amended.

2208 (g) *Tree replacement.*

2209 (1) Replacement criteria. Trees that are removed and not relocated, even if exempt
2210 from the permit requirement above, shall be replaced except as required by state
2211 law so that there is, at a minimum, no loss of tree canopy coverage upon maturity
2212 of the replacement trees. Exemption from the City’s tree replacement
2213 requirement under state law does not relieve a property owner from compliance
2214 with any applicable approved site plan requirements or Homeowner’s Association
2215 minimum landscape requirements. Performance bonds may be required to be
2216 posted. The following procedures shall be used to determine the tree
2217 replacement requirements:

- 2218 a. Tree coverage on-site shall first be determined using one (1) or any
 2219 combination of the following methods: review of aerial photography, on-site
 2220 inspection, and/or review of a tree survey. The city shall require the applicant
 2221 to submit a tree survey in order to make this determination, unless the
 2222 applicant can demonstrate that it is clearly unnecessary;
- 2223 b. Relocation of trees on-site will be counted towards equivalent replacement.
 2224 Relocation of trees off-site shall be counted as half credit towards equivalent
 2225 replacement. Guidelines in this section shall be followed for any trees to be
 2226 relocated;
- 2227 c. Native trees identified in ~~13-448 Appendix 1 and Appendix 2~~ the
 2228 “Recommended Tree List” or “Recommended Trees Adjacent to Power
 2229 Lines” list maintained by the City’s Urban Forester shall be required to
 2230 replace native tree coverage removed;
- 2231 d. A determination of the number of trees to be replaced shall be performed.
 2232 This determination shall be based upon the area of impact and the category
 2233 of replacement trees selected by the applicant. The replacement at tree
 2234 maturity shall at least equal the canopy removed. The following table shall be
 2235 used to determine the number of required replacement trees:

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

- 2236 e. For tree replacement requirements of one (1) to five (5) trees, a minimum of
 2237 one (1) species shall be utilized as a replacement tree. For six (6) to ten (10)
 2238 replacement trees required, a minimum of two (2) species shall be utilized.
 2239 For eleven (11) to twenty (20) replacement trees required, a minimum of
 2240 three (3) species shall be utilized. For twenty one (21) to fifty (50)
 2241 replacement trees required, a minimum of four (4) species shall be utilized.
 2242 For fifty one (51) or more replacement trees required, a minimum of five (5)
 2243 species shall be utilized.

- 2244 f. For trees removed pursuant to section 13-448(e)(3)~~a., b., 1., 2. or 6., or f.,~~ an
 2245 additional fifty (50) percent tree replacement shall be required.

- 2246 g. Replacement of specimen trees and trees of eighteen (18) inches DBH or
2247 greater shall be determined in accordance with 13-448(k).
- 2248 (2) Minimum standards for tree replacement.
- 2249 a. All trees to be used as replacement trees shall be a minimum quality of
2250 Florida No. 1 grade or better (Grades and Standards for Nursery Plants).
- 2251 b. Only trees listed in ~~13-448~~ from the "Recommended Tree List" or
2252 "Recommended Trees Adjacent to Power Lines" list maintained by the City's
2253 Urban Forester shall be used as replacement trees. The applicant shall have
2254 the option of choosing the category of trees for replacement provided the total
2255 square footage of canopy coverage at least equals the area of canopy
2256 coverage effectively destroyed, and at least fifty (50) percent of the
2257 replacement trees are from Category 1. If Category 1 ~~native~~ trees are
2258 unavailable, then Category 2 ~~native~~ trees may be used to fulfill this
2259 requirement. Minimum size specifications of replacement shade and
2260 ornamental trees shall be as follows:
- 2261 1. Category 1 - minimum of twelve (12) feet in height, five (5) foot spread,
2262 and two (2) inches caliper at time of planting (see section 13-448
2263 "Preservation and protection of trees and tree preservation").
- 2264 2. Category 2 - minimum of ~~eight (8)~~ ten (10) feet in height, ~~three-foot four~~
2265 (4)foot spread and ~~1.5~~ two (2) inches caliper at time of planting (see
2266 section 13-448 "Preservation and protection of trees and tree
2267 preservation").
- 2268 3. Category 3 - minimum of ~~six (6)~~ eight (8) feet in height, ~~two-foot four-foot~~
2269 spread and one and a half (1.5) inch caliper at time of planting (see
2270 section 13-448 "Preservation and protection of trees and tree
2271 preservation").
- 2272 4. ~~Minimum size specifications for palms shall be of like or similar kind and~~
2273 ~~grey wood; height equal to or greater than those destroyed. Category 4~~
2274 ~~- this covers replacement palm trees --~~ minimum of ~~six (6)~~ eight (8) feet
2275 clear trunk or ~~grey wood~~ at time of planting for mitigation (see section 13-
2276 448 "Preservation and protection of trees and tree preservation"). For
2277 replacement purposes, palms shall be of like or similar species and
2278 replacement palm tree height shall be equal to or greater than those
2279 replaced.
- 2280 ~~c. For each tree removed, a minimum of one (1) tree must be replaced from~~
2281 ~~category 1, 2 or 3, as provided herein.~~
- 2282 ~~d.c.~~ Should it be demonstrated to the city that the minimum tree size is
2283 unavailable, smaller trees may be substituted with additional trees planted to
2284 compensate for size as approved by the City.
- 2285 (3) Clearing of a site noted as a natural resource area in Coconut Creek, as indicated
2286 on a conservation map series as designated by the city commission as a resource
2287 for the city, without benefit of a tree removal permit and/or a clear and grub permit
2288 from the city shall constitute a violation of this section. If this violation occurs, the

2289 property owner or assigns shall be responsible for the replacement of trees as
2290 per the replacement regulations prescribed herein. The area destroyed shall be
2291 determined by the most recent aerial photographs or tree survey available prior
2292 to destruction of the site. The smallest scale of photographs shall be one (1) inch
2293 equals three hundred (300) feet.

2294 (4) Replacement trees shall not be removed or effectively destroyed unless approval
2295 has been granted by a valid tree removal permit. The original permittee and
2296 owner of any property on which trees have been replaced or relocated shall place
2297 on record a notice that shall inform subsequent purchasers, assigns and
2298 occupants of the replacement site that trees on the replacement site may not be
2299 removed without a valid tree removal permit.

2300 (h) *General relocation/replacement conditions.*

2301 (1) Any tree remaining on-site shall not be unnecessarily damaged while relocating
2302 trees or planting or preparing the site for any replacement trees.

2303 (2) Replacement or relocated trees shall not be placed where they will interfere with
2304 existing or proposed buildings and utilities, either above or below ground.
2305 Acceptable trees that can be planted in the vicinity of overhead power lines are
2306 listed in ~~13-448 Appendix 2~~ the "Recommended Trees Adjacent to Power Lines"
2307 list maintained by the City's Urban Forester.

2308 (3) Where practicable, replacement tree species, installation methods and
2309 maintenance methods shall follow Florida Friendly Landscaping™ principles.

2310 (4) The permittee shall replace each tree specified in the permit within a time period
2311 of up to ~~six (6)~~ three (3) months with city approval unless specified as other by
2312 code enforcement action however, if the tree(s) is to be removed to facilitate
2313 construction, such relocation or replacement must be completed prior to the
2314 earlier of the final inspection of the issuance of a certificate of occupancy as
2315 applicable. A time extension may be granted if future construction will endanger
2316 the replacement trees. However, ~~where an extension for planting has been~~
2317 ~~granted,~~ each tree specified in the permit must be replaced prior to the approval
2318 of a certificate of occupancy regardless of any planting extensions granted.

2319 (5) All relocated or replacement trees shall be located where they will have adequate
2320 space for root and canopy development, except where ~~small trees planted in~~
2321 ~~close proximity to one another are to be later relocated to other areas of the site~~
2322 trees are to be later relocated to other areas of the site and are planted
2323 temporarily in a holding area prior to final placement, although holding areas are
2324 not recommended.

2325 (6) Relocated or replacement trees, which may reach a height of thirty (30) feet shall
2326 not be placed within ~~twenty (20)~~ thirty (30) feet of an overhead powerline;

2327 (i) *Maintenance/monitoring requirements.*

2328 (1) The ~~permitted~~ permittee shall be responsible for maintaining the health of any
2329 replacement or relocated tree for one (1) year from planting.

2330 (2) Determination of success.

- 2331 a. The permittee shall determine the condition of each tree one (1) year after
 2332 the tree was relocated or planted. This determination shall be submitted in
 2333 writing to the city for approval within thirty (30) days of being made.
- 2334 b. Should any tree die or be in a state of unnatural decline within one (1) year
 2335 of being planted or relocated, the permittee shall be required to notify the city
 2336 and replace the tree within sixty (60) days of that notification. The one (1)
 2337 year monitoring and approval period shall begin anew whenever a tree is
 2338 replaced. If that replacement tree is found not to be viable at the end of the
 2339 second yearly monitoring period, the permittee may pay the appropriate
 2340 amount into the tree preservation trust fund as required by 13-448(j) in lieu
 2341 of planting a third replacement tree. If the licensee fails to replace the tree or
 2342 pay the appropriate amount into the tree preservation trust fund within sixty
 2343 (60) days, then the permittee shall be in violation of this section.
- 2344 (3) Large scale projects. If a tree removal permit includes the relocation of ten (10)
 2345 or more trees, or the planting of one hundred (100) or more replacement trees,
 2346 the determination of success for the overall relocation effort shall be based upon
 2347 a percent survival rate. A successful project shall be one in which ninety (90)
 2348 percent or more of the relocated or replacement trees are determined to be viable
 2349 after a period of one (1) year. If a large scale project is determined to be
 2350 successful, additional replacement trees will not be required.
- 2351 (j) *Payment in lieu of replacement/relocation.* When allowed by a tree removal permit,
 2352 any trees which are removed and not relocated shall be replaced in accordance with
 2353 the requirements of this section. As a condition of being granted permission to remove
 2354 any trees, the developer, property owner or other applicant shall be required to
 2355 replace such trees, unless it is demonstrated that replacement is not a viable
 2356 alternative due to a lack of available space. Where replacement cannot be
 2357 accomplished the applicant shall pay a replacement fee in lieu of actual tree
 2358 replacement costs into the city tree preservation trust fund. The replacement fee shall
 2359 be calculated as follows:
- 2360 [Total canopy square footage not replaced onsite] / [Category 1 Equivalent
 2361 Replacement Canopy Area under Section 13-448(g)(1)d] x [Application Fee for "Per
 2362 tree removed and not replaced" under Section 13-84(17)g.5].
- 2363
 2364 ~~A schedule for current value of replacement trees plus installation costs which will be~~
 2365 ~~used to calculate replacement fees shall be established by the city, and updated as~~
 2366 ~~necessary. Replacement fees paid in lieu of actual tree replacement costs for natural~~
 2367 ~~forest communities shall be used exclusively for creation/restoration of natural forest~~
 2368 ~~communities in areas designated by the city. This section shall not apply to specimen~~
 2369 ~~trees.~~
- 2370
 2371 (k) *Special status category trees or areas.* Projects containing special status category
 2372 trees are subject to the following additional procedures and criteria:
- 2373 (1) Criteria and procedures for designation as a natural forest community.

- 2374 a. On the effective date of this ordinance all Local Areas of Particular Concern
2375 (LAPC), Natural Resource Areas (NRA), Urbain Wilderness Inventory Site
2376 (UWIS), Environmentally Sensitive Lands (ESL) which are at least two (2)
2377 acres in size and are generally comprised of a canopy, subcanopy and
2378 groundcover shall also be designated as a natural forest community.
- 2379 b. The designation of other real property as a natural forest community shall be
2380 made by the Coconut Creek City Commission following a public hearing.
2381 Before a site is designated as a natural forest community, the commission
2382 shall make a finding that the natural forest community is at least two (2) acres
2383 in size, is generally comprised of a canopy, subcanopy and groundcover, and
2384 is populated by native vegetation associated with one (1) or more of the
2385 following communities:
- 2386 1. *Scrub community.* An inland community that occurs on ~~early~~ nearly level
2387 to sloping land. Soils are deep, acid, somewhat poorly to excessively
2388 drained and coarse textured. Trees found in such communities include:
2389 sand pine, Chapman oak, sand live oak and myrtle oak. Shrubs include:
2390 saw palmetto, scrub palmetto, gopher apple, prickly pear, shiny
2391 blueberry, staggerbush, fetterbush and palafoxia. Ground cover is
2392 scattered and large areas of light colored sand are often noticeable.
 - 2393 2. *Pine flatwoods community.* This community is identified by flat
2394 topography and pine and palmetto vegetation with an understory of
2395 grasses and herbs. Trees found in such communities include slash pine
2396 and occasional oaks. Shrubs include saw palmetto, shiny blueberry,
2397 gallberry, tarflower and wax myrtle. Flatwood communities have a
2398 ~~highwater~~ high water table during the rainy season.
 - 2399 3. *High hammock community.* This community develops slowly as organic
2400 materials accumulate creating a favorable land elevation. The presence
2401 of a high hammock indicates that the site has been undisturbed for a
2402 period of time. High hammocks are among the most diverse systems in
2403 South Florida often containing more than one hundred (100) species of
2404 trees and shrubs. Characteristic tree species include: live oak, pigeon
2405 plum, paradise tree, gumbo limbo, willow bustic, lancewood, mastic,
2406 strangler fig, satinleaf, mulberry, Simpson stopper. Shrubs include
2407 marlberry and wild coffee and such communities include a variety of
2408 ferns.
 - 2409 4. *Low hammock community.* Low hammocks are areas of dense forest
2410 vegetation dominated by tree species, such as laurel oak, strangler fig,
2411 cabbage palm, dahoon holly, scattered cypress trees and wax myrtle.
2412 Low hammocks develop on land that is of sufficient elevation to be
2413 seldom flooded, but in close proximity to water environments, and is
2414 protected from fire. They frequently occur in transitional areas between
2415 drier upland communities and lowland vegetation types, such as marsh,
2416 wet prairie, cypress swamp or mangrove.

- 2417 5. *Cypress wetland community (freshwater swamp)*. Cypress wetlands
 2418 occupy some portions of the freshwater lowlands of the Atlantic Coastal
 2419 Plain in Florida. Temperate deciduous trees dominate and the areas are
 2420 often seasonally flooded. Soils are nearly level or depressional, poorly
 2421 drained and have a loamy top layer and sandy subsoils. Characteristic
 2422 trees include: bald cypress, red maple, cocoplum, dahoon holly, strangler
 2423 fig and pond apple. Leather fern, royal fern and other fern species are
 2424 found in cypress wetland communities.
- 2425 c. The Coconut Creek City Commission shall by resolution direct the city
 2426 manager to publish and mail or hand deliver a notice of hearing to consider
 2427 designation of a site as a natural forest community. Notice of hearings to be
 2428 held by the Coconut Creek City Commission to consider designation of a site
 2429 as a natural forest community shall be published in a newspaper of general
 2430 circulation in Broward County and shall be given by mail or hand delivery to
 2431 the property owners at least fifteen (15) days prior to the hearing date. Such
 2432 notice shall state that the property is proposed for designation as a natural
 2433 forest community, shall include the time, date and place of the hearing, the
 2434 location of the property under consideration, the ecological community or
 2435 communities alleged to be included within the property, and the effect of the
 2436 designation on lands classified as natural forest communities. For purposes
 2437 of this notification, an owner of property shall be deemed to be the person
 2438 who is shown as the owner on the tax rolls of the Broward County Property
 2439 Appraiser unless the city has actual notice that a person or entity other than
 2440 the person or entity shown on the tax roll is the owner. In such case, the
 2441 notice shall be mailed to the person or entity known to be the owner.
- 2442 d. Following designation of a natural forest community, notification of such
 2443 designation shall be sent to the property owner(s). In addition, the map
 2444 depicting sites designated as natural forest community shall be furnished to
 2445 the Broward County Planning Council; and shall be maintained at the city for
 2446 viewing by the public.
- 2447 e. Utility line installations above or below ground shall not be located in natural
 2448 forest communities.
- 2449 f. Sites may be designated by the city in conjunction with the adoption of this
 2450 ordinance provided that the procedures in this section have been complied
 2451 with.
- 2452 f.g. Sites may also be designated by Broward County during the conceptual
 2453 review process.
- 2454 (2) Natural forest communities trees may be removed provided that the applicant
 2455 adheres to the following preservation requirements to the extent determined to
 2456 be practicable by the city:
- 2457 a. Any areas identified during the permitting process as providing habitat to
 2458 listed species in the most recent version of "~~Official Lists of Endangered and~~
 2459 ~~Potentially Endangered Fauna and Flora in Florida~~" the "Endangered and
 2460 Threatened Species Report

- 2461 [\(https://myfwc.com/wildlifehabitats/wildlife/reports/\)](https://myfwc.com/wildlifehabitats/wildlife/reports/) by the Florida ~~Game and~~
2462 ~~Freshwater Fish and Wildlife Conservation~~ Commission shall be identified
2463 and preserved.
- 2464 b. Areas of high wildlife utilization on-site shall be identified and preserved.
- 2465 c. Areas which contain relatively undisturbed canopy and/or have good
2466 stratification of cover (e.g. canopy, subcanopy, ground cover) shall be
2467 identified and preserved.
- 2468 ~~d. Utility line installations above or below ground shall not be located in~~
2469 ~~preservation areas.~~
- 2470 e-d. Resource management plan. Any proposed development activity which
2471 would negatively impact the Natural Forest Community must be mitigated
2472 through a Resource Management Plan, approved by the city, which
2473 significantly improves the viability of the remainder of the resource. No tree
2474 removal permit shall be issued until an agreement providing for the
2475 implementation of the resource management plan has been executed and
2476 recorded, and any covenants, easements or physical improvements required
2477 by the plan are in place. A certificate of occupancy shall not be approved for
2478 developments that include natural forest communities unless it is determined
2479 that the applicable provisions of the resource management plan have been
2480 met.
- 2481 f.e. Conservation easement: As a condition of an issuance of a permit under this
2482 subcategory where preservation is required, a conservation easement shall
2483 be granted by the applicant to Coconut Creek ~~and the citizens of Coconut~~
2484 ~~Creek~~. The conservation easement shall:
- 2485 1. Be duly executed and recorded and placed on the face of the plat.
 - 2486 2. Meet the approval of the city attorney's office.
 - 2487 3. Prohibit land clearing, development or other harmful activity on the
2488 preserved portion of the natural forest community.
 - 2489 4. Allow access to the conservation easement by agents of the City of
2490 Coconut Creek and Broward County Board of County Commissioners to
2491 conduct studies, inspections, and other activities consistent with the
2492 purpose of the conservation easement, and
 - 2493 5. Access to the general public is not a necessary requirement.
- 2494 (3) Specimen trees. Projects containing specimen tree(s) or any trees of eighteen
2495 (18) inches DBH or greater are subject to the following additional criteria:
- 2496 a. Specimen trees and trees of eighteen (18) inches DBH or greater are subject
2497 to the preservation and relocation criteria of this section. If it is determined by
2498 the city that tree preservation or relocation is not feasible, then payment shall
2499 be made into the tree preservation trust fund. Payment shall be based on the
2500 value of the tree(s), as determined by with the Trunk Formula Method using
2501 the *Guide for Plant Appraisal, 9th Edition*, as amended, by the Council of

2502 Tree and Landscape Appraisers. Appraisals to be provided by a certified
2503 arborist.

2504 b. The permittee may, at the city's discretion, substitute for this payment the
2505 planting of the equivalent value of replacement trees which shall be done in
2506 compliance with 13-448(g), (h) and (i). ~~This option may be exercised at the~~
2507 ~~city's discretion.~~

2508 (l) *Bond requirement.* Bonds, as required by this ~~section~~ division, shall be in the form of
2509 letters of credit, certificates of deposit, cash bond, bonds issued by an insurance
2510 company legally doing business in the State of Florida, or other acceptable means
2511 agreeable to the city attorney. The letters of credit and certificates of deposit shall be
2512 drawn upon banks or savings and loans legally and actually doing business in Florida.
2513 Such bonds must meet the approval of the city attorney's office. This bond shall be in
2514 addition to any other bond required by any other government entity.

2515 (1) Bonds shall be required for permits involving the replacement of ten (10) or more
2516 trees, or the relocation of five (5) or more trees, or the relocation of any tree with
2517 a DBH of ten (10) inches or greater.

2518 (2) Calculations for the amount of bonds shall be computed based upon the
2519 equivalent canopy replacement criteria applied to each tree to be relocated or
2520 replaced, as provided in 13-448(g) and upon the cost of installation and
2521 maintenance. The fair market value of the cost of trees that would be required to
2522 compensate for the canopy to be relocated or replaced shall be posted. The bond
2523 period, which shall be a minimum of one (1) year after planting, shall be for the
2524 tree replacement performance period, as stated in the permit or as extended or
2525 released, plus an additional sixty (60) days. The form of security shall be reviewed
2526 by the city attorney's office for legal sufficiency and may not be accepted until
2527 approved by the city attorney.

2528 (3) Release of bonds.

2529 a. Upon successful tree relocation and replacement as determined by this
2530 section and written approval by the city, bonds required for tree relocation
2531 and replacement shall be released. Where possible, bonds shall be partially
2532 released for partially successful relocation/replacement projects, with the
2533 amount retained equal to the value of the additional replacement trees
2534 required, plus installation and required maintenance.

2535 b. Bonds may be released by the city when fee simple title of the property upon
2536 which the subject trees are located is transferred. The city may condition the
2537 release of the bond upon the establishment of a new bond by the new owner
2538 in fee simple.

2539 (4) Where the permittee plants fifty (50) percent more than the required number of
2540 replacement trees and establishes a suitable maintenance plan to ensure the
2541 viability of the replacement trees, the city may recognize the additional
2542 replacement trees as suitable security in lieu of a bond.

2543 (m) *Historical trees.*

- 2544 (1) Request for designation. The state, county or any historical preservation society
2545 designated by the city commission may request that the city designate a
2546 particular tree or group of trees within its jurisdiction as a historical tree. Also, any
2547 property owner may make a similar request providing the request is for a tree or
2548 group of trees located on property under his or her control or ownership. The
2549 request shall contain the exact location of the tree(s), the name and address of
2550 the current owner and ~~effected~~ affected utilities of the land upon which the tree is
2551 located, and the reasons for requesting the designation. Upon receipt of the
2552 request, the city shall immediately notify the affected property owner and affected
2553 utilities by certified mail of the request. The particular tree or group of trees which
2554 is the subject of the request shall not be removed during the designation request
2555 process ~~and has been acted upon by the commission~~ or anytime thereafter if so
2556 designated historical.
- 2557 (2) Consideration by the city commission. A public hearing shall be scheduled within
2558 sixty (60) days of receipt of the request to consider the matter. When the
2559 person(s) requesting this designation is not the property owner, the property
2560 owner shall be notified of the request and the time, date, and place of the hearing.
2561 The commission shall only designate a tree or group of trees which meets the
2562 following criteria:
- 2563 a. The tree(s) must be related to an event in modern history, historic events or
2564 individuals since the birth of our nation, or any event in the known history of
2565 the human race; and
- 2566 1. The tree or group of trees resides on historically significant property and
2567 can be linked to the person or event of historical significance, or
- 2568 2. The tree or group of trees is uniquely related to the heritage of Broward
2569 County, or
- 2570 b. The tree or group of trees has value due to extreme age (a tree(s) that is at
2571 least seventy-five (75) years old).
- 2572 (n) *Protection from construction work.* During any construction, land development or lot
2573 clearing, the contractor and the owner of the property subject to this section shall
2574 adhere to the following requirements ~~which follow~~:
- 2575 (1) Place and maintain protective barriers around the furthest drip line or critical root
2576 zone, whichever area is largest, of all trees to be retained on the site to prevent
2577 their destruction or damage. The protective barriers shall be at least four (4) feet
2578 in height and conspicuously colored to be seen easily by operators of trucks and
2579 other equipment. Protective barriers shall be constructed of sturdy material (not
2580 flagging or ribbons) and shall be installed prior to and during construction and/or
2581 land development;
- 2582 (2) Not store or use materials or equipment within the furthest drip line or critical root
2583 zone, whichever area is largest, of any tree to be retained on site unless the
2584 activity is being done to protect trees;
- 2585 (3) Not discharge or contaminate the soil within the furthest drip line or critical root
2586 zone, whichever area is largest, of any tree to be retained on site with any

- 2587 construction materials such as paint, oil, solvents, petroleum products, asphalt,
2588 concrete, mortar, or other materials that may cause adverse impacts;
- 2589 (4) Clearing of vegetation within the dripline of trees designated for preservation shall
2590 only be by hand or light rubber wheeled equipment that will not damage tree
2591 roots; said equipment shall be a maximum of forty-eight (48) inches wide, tire to
2592 tire, with a maximum weight of three thousand five hundred (3,500) pounds;
- 2593 (5) Utilize retaining walls and drywells where needed to protect trees to be preserved
2594 from severe grade changes;
- 2595 (6) Pruning of trees to be preserved shall be in accordance with the standards for
2596 pruning established by ANSI A-300;
- 2597 (7) Make no attachments, other than those of a protective and ~~non-damaging~~ non-
2598 damaging nature, to any tree to be retained on the site;
- 2599 (8) Not change the natural grade above the root system within the drip line of any
2600 tree to be retained on site unless it can be demonstrated to the city that it will not
2601 damage any tree;
- 2602 (9) Avoid any encroachments, excavations or severe grade changes within the drip
2603 line of preserved trees unless it can be demonstrated to the city that it will not
2604 impact any tree; ~~and~~
- 2605 (10) Not cause soil compaction within the dripline of any tree to be retained on site;
2606 and
- 2607 (11) Any trees designated to be preserved which are damaged during construction
2608 shall promptly be repaired.
- 2609 (o) *Protection of trees.* No attachments, other than those of a protective and
2610 nondamaging nature, shall be attached to any tree, except those trees approved by
2611 the city to be eliminated and not to be retained or relocated.
- 2612 (p) *Trees on public land.* No trees, including trees which would not require a permit for
2613 removal, shall be removed from any public land, including, but not limited to, street
2614 rights-of-way and swale areas, without the approval of the city according to the
2615 appropriate sections of this chapter.
- 2616 (q) *Administration.* The city manager shall designate city personnel to be responsible for
2617 implementing and enforcing the provisions of this section and any pertinent policies
2618 of the city commission and shall prescribe the duties thereof.
- 2619 (r) ~~Variance and appeal~~ Variances and waivers. Variances or waivers may be granted
2620 pursuant to the following criteria. Where a variance, waiver or alternative to an
2621 approved landscape plan or the requirements of this Article is granted, the property
2622 owner may be required to provide an as-built landscape plan upon completion of the
2623 planting.
- 2624 (1) Variances to other code requirements to support tree preservation. The
2625 preservation of any tree may be considered as the basis for the granting of a
2626 variance from the literal application of the provisions of the city zoning or
2627 subdivision regulations pursuant to section 13-33 "Variances". If, in the

2628 determination of the city manager or his designee, the sole basis for the request
2629 for a variance is to preserve any trees which would otherwise have to be
2630 removed, ~~he~~they may direct the required variance fee to be waived.

2631 (2) Waiver during installation of approved landscaping for new development or
2632 redevelopment. If during landscape installation for new development or
2633 redevelopment, the Director of Sustainable Development, or designee
2634 determines that plant materials required by an approved landscape plan are
2635 unavailable, the Director may approve alternate species or specifications (size).
2636 If the unavailable plant is a native species, a native species shall be used for the
2637 replacement. Such alternate plant materials shall, at the time of maturation,
2638 provide the same coverage, canopy, heights, and purpose as those designated
2639 on the approved landscape plans. The waiver request shall not be based on
2640 financial hardship. Revised landscape plans shall be provided.

2641 (3) Waiver to landscape requirements. Upon review by the City's Urban Forester,
2642 the Director of Sustainable Development, or designee, may allow alternatives to
2643 an approved landscaping plan or design provided the proposed plan/design
2644 meets the intent of this Article when the landscaping for a site, landscape
2645 easement/buffer or roadway buffer, cannot be installed, maintained or replaced
2646 consistent with the requirements of Section 13-443, "Minimum landscape
2647 requirements for zoning districts" or the applicable approved landscape plans in
2648 circumstances such as:

2649 a. Roadwork construction, right-of-way changes or easement revisions have
2650 altered the size or character of the area available for planting; or

2651 b. Portions of the landscaping as approved have matured in such a way as to
2652 impact the viability of other aspects of the approved landscaping plan.

2653 (4) Waiver to street tree requirements.

2654 a) If an existing or missing street tree needs to be replaced and the Director of
2655 Sustainable Development, or designee determines that the tree species
2656 identified on the approved landscape plans is inappropriate for the location
2657 due to its species, size, disease proclivity or growth pattern, the Director
2658 may approve a like tree-substitution (native for native) provided the new
2659 tree:

2660 1. Enhances or maintains the design intent of the existing streetscape and
2661 is compatible with a city-approved applicable neighborhood street tree
2662 plan or theme; and

2663 2. Provides similar canopy and heights or canopy and heights appropriate
2664 to the space available; and

2665 3. is from the "Recommended Tree List" or "Recommended Trees Adjacent
2666 to Power Lines" list maintained by the City's Urban Forester; and

2667 4. is a more disease resistant or a more appropriate species or size for the
2668 location; and

2669 5. is consistent with FPL's *Right Tree, Right Place* principles
 2670 (<https://www.fpl.com/reliability/trees/tree-location.html>), University of
 2671 Florida IFAS's *Trees and Power Lines* guidelines
 2672 (<https://hort.ifas.ufl.edu/treesandpowerlines/>), Florida Urban Forestry
 2673 Council's "Right Tree/ Right Place – Selecting & Planting Tree for the
 2674 South Florida Urban Forest" (fufc.org) and best horticultural practices;
 2675 and

2676 6. the conditions which have inspired the request are not self-imposed or
 2677 based on financial hardship. Further, natural tree features, including
 2678 leaf dropping or trimming requirements are not growth patterns which
 2679 justify substitutions under this section.

2680 b) No waiver may be granted under this section for a property subject to a
 2681 landscape plan approved through a Neighborhood Enhancement Grant.

2682 ~~(2) Any person or party aggrieved by an administrative decision, an order of the city,~~
 2683 ~~or the implementation and enforcement of the provisions of this section may~~
 2684 ~~appeal to the planning and zoning board, setting forth the facts and reasons why~~
 2685 ~~they feel such administrative decision or order is not reasonable or in the public~~
 2686 ~~interest, according to the intent of this section.~~

2687 (s) *Penalty for violation.*

2688 (1) Any person who violates any provision of this ~~section~~ subdivision shall be
 2689 punished as provided by law. Each and every tree damaged, defaced, destroyed,
 2690 or removed in violation of this section shall constitute a separate and distinct
 2691 violation.

2692 (2) An individual shall be in violation of this section if the trees are not relocated or
 2693 replaced as specified by this section within ~~six (6)~~ three (3) months or as specified
 2694 elsewhere within this section, of the granting of the tree removal permit; provided,
 2695 however, if the trees are to be removed to facilitate construction, such relocation
 2696 or replacement must be completed prior to the earlier of completion of a final
 2697 inspection or issuance of a certificate of occupancy as applicable.

2698 (3) An individual shall be in violation of this section if the trees to be relocated or
 2699 replaced are not maintained in a healthy condition for a period of one (1) year.

2700 (4) Fines for violation of this subdivision shall be as provide in table XY below:
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Table 13-448.T2 – Fines for violation of Subdivision			
<u>Violation</u>	<u>Fine</u>	<u>Required Mitigation</u>	<u>Code Section</u>
<u>Removal of a tree without a permit on a single family or duplex property or right of way adjacent thereto, where a permit is required</u>	<u>\$500.00</u>	<u>All tree replacement, canopy replacement, and mitigation requirements shall apply in addition to the fine</u>	<u>13-448(b)</u> <u>13-448(c)</u>
<u>Removal of a tree on any property other than</u>	<u>\$2,000.00</u>	<u>All tree replacement, canopy replacement,</u>	<u>13-448(b)</u> <u>13-448(c)</u>

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

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(t) *Tree preservation trust fund.*

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(1) *Establishment of trust.* There is hereby created a tree preservation account in the general fund of the city for the purpose of accepting and disbursing the cash payments made in lieu of planting trees for the use and beautification of the city. This fund shall solely be used for the planting of trees in Coconut Creek and any other ancillary costs associated with the planting of trees. Ancillary costs shall not exceed twenty (20) percent of the cost of the particular tree planting project.

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(2) *Term of existence.* The tree preservation trust account (hereinafter the "trust") shall be self-perpetuating from year to year unless specifically terminated by the city commission.

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(3) *Trust assets.* All monies received hereunder from public or private concerns shall be placed in trust for the use and benefit of the city or any designated branch thereof, and its successors and assigns in interest. Such funds shall be expended, utilized and disbursed only for the use designated by the city manager to enable the division to administer the city's tree preservation program.

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(4) *Monetary payment-trust administration.*

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a. Trust funds shall be expended, utilized and disbursed only within the City of Coconut Creek and only for the purposes designated by the city.

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b. All monies ~~deposited~~ collected hereunder shall be deposited in the trust, which shall be a separate account established and maintained apart from the general revenue funds and accounts of Coconut Creek.

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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.

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~~d. Funds collected from a tree removal permit shall be used only within Coconut Creek.~~

- 2731 e. ~~Any monies received subject to a condition shall be expended strictly in~~
 2732 ~~accordance with such condition.~~
- 2733 f.d. ~~The acceptance of payments of the trust~~ Direct payment into the trust fund
 2734 ~~shall only be allowed only when permitted when the site being developed~~
 2735 ~~cannot support the number of trees required thereon or when the number of~~
 2736 ~~trees being removed from a site exceeds the number of trees being placed~~
 2737 ~~on a site. Such excess removal or nonreplacement shall be permitted only~~
 2738 ~~with the approval of the director of the department of sustainable~~
 2739 ~~development of his or her designee.~~ by this subdivision.
- 2740 g. ~~In determining the amount of money to be accepted in place of trees, the~~
 2741 ~~department of sustainable development shall obtain and average estimates~~
 2742 ~~of the cost of desirable trees with a minimum height of twelve (12) feet of No.~~
 2743 ~~1 quality from at least two (2) local nurseries, and estimates of the direct labor~~
 2744 ~~costs for the planting and relocation of the trees, which cost estimate shall be~~
 2745 ~~updated every six (6) months.~~
- 2746 (5) *Dispersal or conversion of assets; city commission approval.*
- 2747 a. Expenditures shall be in accordance with city policy.
- 2748 b. Expenditures for tree planting will be made in accordance with city
 2749 procedures pertaining to contracting and purchasing. The disbursements of
 2750 these monies shall be under the control of the city manager and, when
 2751 required, by the city commission. ~~These monies will be used to obtain trees,~~
 2752 ~~landscaping, sprinkler systems, and similar equipment for any public land in~~
 2753 ~~the city. With city commission approval, these monies may also be utilized to~~
 2754 ~~engage supporting elements, such as landscape architects and additional~~
 2755 ~~personnel if deemed necessary in the opinion of the city manager. These~~
 2756 ~~monies may also be used to cover the expense of relocation of trees in the~~
 2757 ~~city. Such monies shall be expended, utilized and disbursed only for the~~
 2758 ~~purposes designated by the city manager to enable the city to administer its~~
 2759 ~~tree program.~~
- 2760 c. Trust funds ~~will~~ may be used to obtain trees, landscaping, sprinkler systems,
 2761 equipment, and any other items or materials necessary and proper for the
 2762 preservation, maintenance, relocation or restoration of tree ecosystems, for
 2763 any public land in Coconut Creek. These monies may also be used to cover
 2764 the expense of relocation of trees in Coconut Creek ~~and the expense of~~
 2765 ~~periodically distributing, to periodically purchase and distribute~~ saplings to the
 2766 public, to restore the City's tree canopy as part of the Tree Canopy
 2767 Replacement Program, and to engage supporting elements, such as
 2768 landscape architects and additional personnel if deemed necessary in the
 2769 opinion of the city manager. Monies must be expended, utilized and
 2770 disbursed only for the purposes designated by the city manager to enable the
 2771 city to administer its tree program.
- 2772 (u) *Violations.* Any violation of this ~~section~~ subdivision shall be penalized as provided in
 2773 the Coconut Creek Code of Ordinances and the Laws of Florida.

2774 (v) *Mitigation*. Mitigation shall be required to offset any environmental impacts caused by
 2775 the removal of any tree(s), environmentally sensitive lands or natural forest
 2776 community.

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

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

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*native to Florida

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

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

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buttercup tree	Cochlospermum vitifolium
*buttonwood (silver)	Conocarpus erectus (var. sericeus)
*cherry laurel	Prunus caroliniana
*crabwood	Gymnanthes lucida
curly pod	Caesalpinia mexicana
*dahoon holly	ilex cassine
*east palatka holly	Ilex x attenuata
*fiddlewood	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
lychee	Litchi chinensis
Madagascar olive	Noronhia emarginata
mimusops	Manilkara roxburghiana
Mueller's almond	Terminalia muelleri
*persimmon	Diospyros virginiana
*pigeon plum	Coccoloba diversifolia
pink trumpet tree	Tabebuia heterophylla
*pond apple	Annona glabra
queen's crape-myrtle	Lagerstroemia speciosa
*soapberry	Sapindus saponaria
*southern magnolia	Magnolia grandiflora
Spanish cherry	Mimusops elengi
*strangler fig	Ficus aurea
*sugarberry	Celtis laevigata
*sweet bay	Magnolia virginiana
weeping podocarpus	Podocarpus gracillior
*wild tamarind	Lysiloma latisiliqua
*willow bustic	Dipholis salicifolia
yellow poinciana	Peltophorum pterocarpum

2787 ~~native to Florida~~

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

Common Name	Latin Name
allspice	Pimenta dioica

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beach acacia	Acacia-cyanophylla
*black ironwood	Krugiodendron ferreum
*blolly	Guapira-discolor
bottlebrush tree	Callistemon spp.
brush-cherry	Syzygium paniculatum
*cabbage palm	Sabal palmetto
Canary Island date palm	Phoenix canariensis
chinese fan palm	Livistona chinensis
coconut palm	Cocos nucifera
*cocoplum	Chrysobalanus icaco
coral bean	Erythrina spp.
rape-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	Washington robusta
*wax myrtle	Myrica cerifera
white geiger	Gordia boissieri
*wild lime	Zanthoxylum fagara

2791 *~~native to Florida~~

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CATEGORY 4 PALMS

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

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2793 *native to Florida

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

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

CODING: Words in *struck through* type are deletions from existing text.
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tree ligustrum	Ligustrum lucidum
wax-myrtle	Myrica cerifera
White Geiger*	Cordia boissieri
wild tamarind	Lysiloma sabicu
yellow-elder*	Tecoma stans

2801 -

2802 *Flowering

2803 **Edible fruit

2804 PALMS

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

2805 ~~Note:~~

2806 ~~All species are considered Category 3 trees except as otherwise noted in Appendix 1.~~

2807 Sec. 13-449. - Stop work orders.

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2809 Whenever any person is performing work which is being done by a person not in
2810 compliance with this article, or work is being performed by a person who is not
2811 appropriately licensed for the work being completed, a landscape inspector or code
2812 compliance officer may order that work be stopped and such persons performing such
2813 work shall immediately cease such work. The work may not resume until such time as the
2814 person is has demonstrated compliance with the applicable licensing or permit
2815 requirements or has provided a work plan demonstrating that the work will be performed
2816 in compliance with this article.

2817 Sec. 13-450. - Fertilizer management.

2818 (a) *Applicability.* The provisions of this section shall apply to all fertilizer applications
2819 within the city, with the following exceptions:

2820 (1) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. §
2821 823.14, as amended, provided that fertilizers are applied in accordance with the
2822 appropriate best management practices manual adopted by the Florida
2823 Department of Agriculture and Consumer Services, Office of Agricultural Water
2824 Policy, for the crop in question.

2825 (2) Fertilizer applications for golf courses, parks, and athletic fields, provided that the
2826 provisions of Rule 5E-1.003(2)(d), F.A.C., as amended, are followed.

2827 (b) *Licensing and training of commercial fertilizer applicators.*

2828 (1) All persons providing landscape maintenance services, commercial fertilizer
2829 applicator services, and institutional fertilizer applicator services within the city
2830 shall have at least one (1) person holding a current certificate of completion for
2831 training in the best management practices described in the UF/IFAS Extension's
2832 *Best Management Practices for Protection of Water Resources by the Green*
2833 *Industries – Florida-Friendly Landscaping Program* present at all times on any
2834 job site while fertilizer application is in progress.2801-2807

2835 ~~(1)(2)~~ By January 1, 2014, application Application of fertilizer to an urban landscape
2836 shall only be done by a commercial fertilizer applicator certified by the
2837 Department of Agriculture and Consumer Services pursuant to F.S. § 482.1562,
2838 as amended.

2839 ~~(2)(3)~~ All commercial and institutional fertilizer applicators shall comply with the
2840 standards adopted in this section.

2841 ~~(3)(4)~~ Noncommercial fertilizer applicators not otherwise required to be certified, such
2842 as private citizens applying fertilizer on their own residential properties, are
2843 encouraged to follow the most recent edition of the *Florida Yards and*
2844 *Neighborhoods Handbook* (Univ. of Florida) and UF/IFAS Extension's most
2845 recent Florida Yards and Neighborhoods program recommendations.

2846 (c) *Fertilizer content, application rates and practices.*

2847 (1) Fertilizers applied to turf and/or landscape plants shall be formulated and applied
2848 in accordance with requirements and directions as provided on the fertilizer bag
2849 and by Rule 5E-1003(2), F.A.C., as amended. Nitrogen or phosphorus fertilizer
2850 shall only be applied to turf or landscape plants during growth periods, not during
2851 dormant periods. These fertilizers shall be applied only in accordance with the

- 2852 directions on the fertilizer bag, unless a soil or plant tissue deficiency has been
2853 verified by UF/IFAS Extension or another accredited laboratory or test.
- 2854 (2) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf
2855 and/or landscape plants during times which a flood, tropical storm, or hurricane
2856 watch or warning issued by the National Weather Service is in effect for any
2857 portion of Broward County.
- 2858 (3) Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector
2859 shield or drop spreader is used, of any pond, stream, watercourse, lake, canal,
2860 wetland, or from the top of any seawall. It is provided, however, that newly-
2861 planted turf and/or landscape plants may be fertilized in this zone, but only for the
2862 first sixty (60) day establishment period, and caution shall be used to prevent
2863 direct deposition of nutrients into the water.
- 2864 (4) A voluntary ten (10) foot low maintenance zone is strongly recommended from
2865 any pond, stream, water course, lake, wetland, or from the top of any seawall. A
2866 swale/berm system is recommended for installation at the landward edge of this
2867 low maintenance zone to capture and filter runoff. No mowed or cut vegetative
2868 material should be deposited or left remaining in this zone or deposited in the
2869 water. Care should be taken to prevent the over-spray of aquatic weed products
2870 in this zone.
- 2871 (5) Spreader deflector shields are required when fertilizing via rotary (broadcast)
2872 spreaders. Deflectors must be positioned so that fertilizer granules are deflected
2873 away from all impervious surfaces, fertilizer-free zones, and water bodies,
2874 including wetlands.
- 2875 (6) Fertilizer shall not be applied, spilled, or otherwise deposited on any hardscape
2876 or other impervious surfaces.
- 2877 (7) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on
2878 any hardscape or other impervious surface shall be immediately and completely
2879 removed to the greatest extent practicable.
- 2880 (8) Fertilizer released on a hardscape or other impervious surface must be
2881 immediately contained and either legally applied to turf or any other legal site, or
2882 returned to the original or other appropriate container.

2883 Secs. 13-451—13-455. - Reserved.

2884 *****
2885 *****

2886 **Section 4: Conflicts.** That all ordinances or parts of ordinances, all City Code
2887 sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict
2888 with this ordinance are hereby repealed to the extent of such conflict.

2889
2890 **Section 5: Severability.** That should any section or provision of this ordinance or
2891 any portion thereof, any paragraph, sentence, clause or word be declared by a court of
2892 competent jurisdiction to be invalid, such decision shall not affect the validity of the
2893 remainder hereof as a whole or part hereof other than the part declared invalid. The City
2894 Commission specifically intends that severability shall be applied to these landscape

2895 regulations even if the result would be less regulation. Further, should provisions of this
2896 Ordinance be declared by a court of competent jurisdiction to be invalid, to the extent that
2897 the court strikes this entire ordinance, the regulations shall revert to those existing prior
2898 to enactment of this ordinance.

2899
2900 **Section 6: Codification.** That the provisions of this ordinance shall be codified
2901 within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph
2902 or section may be renumbered to conform with the Code of Ordinances.

2903
2904 **Section 7: Effective Date.** That this ordinance shall become effective upon its
2905 passage on second and final reading.

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2907

2908 **PASSED FIRST READING THIS 24TH DAY OF AUGUST, 2023.**

2909

2910

2911 **PASSED SECOND READING THIS 14TH DAY OF SEPTEMBER, 2023.**

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Joshua Rydell, Mayor

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Attest:

2918

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2920

Joseph J. Kavanagh, City Clerk

2921

2922

2923

2924

2925

1st

2nd

2926

Rydell Aye Aye

2927

Welch Aye Aye

2928

Railey Aye Aye

2929

Brodie Aye Aye

2930

Wasserman Aye Aye

2931

2932