

4.3.2 APPLICABILITY

The only filling permitted in the town is the depositing of approved material to bring any proposed building site to an elevation that is one foot above the base flood elevation, or when grading activities are necessary or desired to restore natural contours and vegetation.

4.7.7 DIMENSIONAL REQUIREMENTS FOR OFF-STREET PARKING AREAS

A. Off-street parking areas shall be designed to meet the following angles, dimensions and requirements. Dimensions for parking at any of these angles are:

Table 4-9 Parking Space Dimensional Requirements

| (Angle) | * | 45° | 50° | 55° | 60° | 90° | 180° |
|--------------------------------------|---|-------|-------|-------|-------|-------|-------|
| Offset | A | 22.5' | 22.1' | 19.0' | 15.8' | 5.0' | 5.0' |
| Stall width | B | 9.0' | 9.0' | 9.0' | 9.0' | 9.0' | 22.0' |
| Stall width (perpendicular to aisle) | C | 12.7' | 12.4' | 11.5' | 11.0' | 9.0' | 9.0' |
| Stall depth (perpendicular to aisle) | D | 19.8' | 20.7' | 21.0' | 21.2' | 19.0' | 9.0' |
| Stall depth | E | 19.0' | 19.0' | 19.0' | 19.0' | 19.0' | 22.0' |
| Buffer | F | 5.0' | 5.0' | 5.0' | 5.0' | 5.0' | 5.0' |
| Driveway (one-way) | G | 14.0' | 15.0' | 16.0' | 18.0' | 22.0' | 15.0' |
| (Two-way) | | 20.0' | 22.0' | 22.0' | 22.0' | 24.0' | 24.0' |
| Turn-around | H | 12.0' | 11.0' | 10.0' | 9.0' | 5.0' | 14.0' |

* Letters refer to this figure:

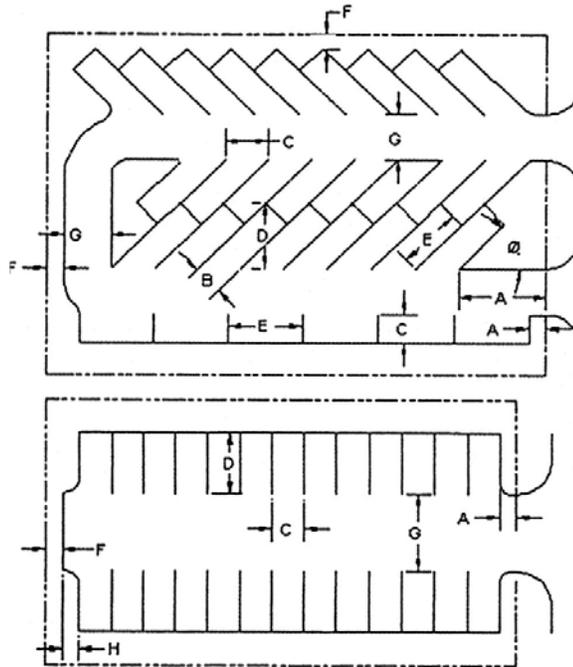


Figure 4-12 Parking Area Dimensions

B. Design standards adjacent to landscape areas

1. Continuous non-mountable six-inch high concrete curbing shall be installed adjacent to all landscape areas to protect landscape planters required by Subsection 4.10.3.C.2. Curbing shall be similar or equal to Florida DOT type "D" or "F" curbs as shown on DOT Standard Index No. 300. Curbs extruded onto the surface of the pavement are not permitted.
2. The top of the curbing shall run parallel to the adjacent pavement. The face of the curb shall be sloped to be two inches narrower at the top than at the base. All surfaces of the curbing shall be smooth and all corners rounded to prevent chipping. Sharp corners shall be avoided by using a minimum three-foot transition radius between any two sides.
3. If the building official determines that the curbs are insufficient to prevent vehicular encroachment into landscape areas, then bollards or similar devices that prohibit encroachment may be required. These fixtures shall be architecturally consistent with other site fixtures and structures.
4. Alternative permanent barriers may be used in parking lots surfaced with crushed shell provided the barrier is sufficient to prevent vehicle overhang encroachment and can separate any loose material in the parking area from the landscape area.
5. At the head of parking stalls, curbing or precast concrete wheel stops of standard size shall be placed and secured to prevent vehicular encroachment into the required landscape area.

SECTION 4.10: TREE AND NATIVE VEGETATION PRESERVATION, BUFFERS AND LANDSCAPE REQUIREMENTS

4.10.1 PURPOSE AND INTENT

The purpose of this section is to establish minimum standards for protecting existing native trees and vegetation and for the design, installation, and maintenance of landscaping and buffers. These standards incorporate principles of Florida-Friendly landscaping pursuant to F.S. 166.048, and are intended to achieve the following:

- A. *Aesthetics and value*: Contribute to the natural beauty and land value of the Town by harmonizing and enhancing its natural and built environments.
- B. *Public safety*: Employ landscaping as an integral element in site design to orient and reinforce circulation patterns, to separate motor vehicle and pedestrian movement, and to control views and define spaces in the built environment.
- C. *Environmental quality*: Utilize the numerous environmental benefits of existing native vegetation, trees, and supplemental landscaping to:
 - Improve air and water quality through photosynthesis, mineral uptake, and biological filtering;
 - Reduce air, light, noise, heat, and chemical pollution;
 - Decrease energy demand by creating shade, reducing heat gain from buildings and paved areas, and lowering microclimate temperatures through evapo-transpiration;
 - Minimize the need for pesticides and fertilizers that contribute to nonpoint source pollution of water resources.
- D. *Community Character*: Preserve, maintain, and reestablish the shade tree canopy throughout the Town, environmentally sensitive resources and productive natural ecosystems.
- E. *Natural habitat*: Preserve, maintain, and reestablish environmentally sensitive resources, productive natural ecosystems, and the ecological range of habitats between the Atlantic Ocean and the Halifax River, encompassing the beach, dunes and maritime hammock.
- F. *Coastal hazards*: Protect property and infrastructure from storm events, floods, and sea-level rise through soil and shoreline stabilization.
- G. *Efficiency*: Promote economically efficient development of limited land resources by incorporating existing native vegetation and trees for landscaping and buffering purposes.
- H. *Water conservation*: Encourage irrigation practices in conjunction with Volusia County water-wise standards that conserve local water supplies and minimize adverse effects on surface and groundwater resources.
- I. *Buffering*: Provide for effective and aesthetic transitions between incompatible land uses in close proximity to one another.
- J. *Cultivation*: Increase access to fresh produce by incorporating fruit trees and vegetable gardens into the landscape.

4.10.2 APPLICABILITY

A. Required Compliance

All development and redevelopment is subject to all requirements of this section, except for single- and two-family development on existing subdivided lots or parcels, which are exempt from the following:

1. Subsection 4.10.3.B (Landscaping coverage),
2. Subsection 4.10.3.E (Paved vehicular use area interior landscaping).

B. Levels of Compliance for Redevelopment, Change of Use, or Abandonment of Use

1. Redevelopment involving the expansion, improvement, or alteration of existing properties shall include landscaping in accordance with the following table. The amount of landscaping required is based on the cost of improvements to the site and/or building exterior, measured as a percent of the assessed value of the existing improvements on the property, not including land value, recorded in the Volusia County Property Appraiser's office. The landscaping required is only that necessary to achieve compliance with the minimum standards of this code in the location(s) indicated.

Table 4-14 Landscaping Required for Redevelopment

| Cost of New Improvements as % of Existing Improvements | Landscaping Required |
|--|-------------------------|
| 10%-35% | Along street perimeters |
| 36%-50% | Along all perimeters |
| 51% + | Full compliance |

2. Full compliance is required with changes to the use of the property as defined Article 9 and with the re-occupancy of properties where the principal use has been closed for one year or more.

C. Development Agreements

Agreements submitted in conjunction with development applications may provide for landscaping, buffering and tree preservation standards in lieu of the standards in this Section.

D. Limit on Restrictions

The provisions of this section shall not be interpreted to restrict creative designs or the inclusion of landscape elements such as vegetable gardens, fruit trees, arbors, water gardens, and decorative site furnishings and hardscape elements such as trellises, pergolas, pathways and sculptures.

4.10.3 LANDSCAPING, BUFFERING, AND SCREENING

A. In General

1. Relationship of Landscaping, Buffering, and Screening Requirements

- a. Bufferyards refer to the area around the perimeter of a property where landscaping coverage, buffers, screening, installation and inspection requirements are applied.
- b. Landscape buffers refer to the amount and type of landscaping and/or preserved vegetation located within bufferyards. Buffers are used to improve the aesthetic appearance of the community, soften visual and noise impacts between potentially incompatible land uses, and provide screening between developments and between development and public rights-of-way.
- c. Buffers serve as the primary mechanism for requiring landscaping for single- and two-family development.
- d. Landscaping coverage refers to the amount and type of landscaping required for multi-family and non-residential development in addition to the buffering requirements, e.g. within paved vehicular use areas and around buildings.
- e. Screening refers to physical barriers established between single- and two-family developments and other development types, in addition to required landscape buffers and coverage. Screening is also applicable to paved vehicular use areas.

Figure 4-13 below illustrates the general relationship of these standards to each other.

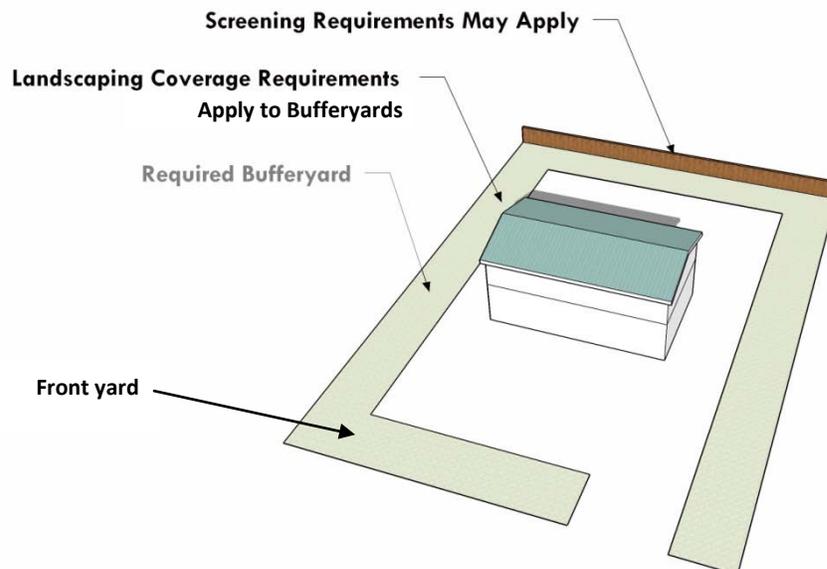


Figure 4-13 Overview of Landscaping Standards

2. Existing Vegetation and Trees Credited Towards Requirements

Where practicable, existing trees and vegetation protected pursuant to Section 4.10.4 shall be incorporated into required landscape areas and bufferyards. Existing vegetation meeting the

minimum size requirements in Table 4-16 for new plantings shall be credited toward the amount required.

3. Measurements of Landscape Areas

Minimum planter or yard area dimensions refer to the actual planting soil area, excluding curbs and borders.

4. Permitted Uses in Bufferyards

In addition to structures that are allowed in yard setbacks per Section 3.2.4., the following structures and development activities are permitted within a required landscaped bufferyard:

Table 4-15 Structures and Development Activity Permitted in Required Landscaped Bufferyards

| | | Single- and Two-Family Development | Multifamily and Nonresidential Development |
|----------|---|------------------------------------|--|
| a | Ingress/egress driveways, except within required setbacks between multifamily or non-residential uses and residentially-zoned property. | ✓ | ✓ |
| b | Required stormwater, drainage, or utility improvements, subject to landscaping and screening guidelines in subsection 4, below. | | ✓ |
| c | Ground signs consistent with the sign and lighting regulations in Section 3.30. | | ✓ |
| d | Clearing for sight distances at intersections and permitted ingress/egress points as required for reasonable traffic safety pursuant to Section 4.6.14. | ✓ | ✓ |

5. Additional General Standards

- a.** A landscape buffer required for one use does not satisfy the landscape buffer requirement for an adjoining use.
- b.** Where required buffers are in waterfront yards, the lineal foot measurement and required trees and shrubs shall only be for the area permitted for construction by the Florida Department of Environmental Protection.

B. Landscaping Requirements for Single- and Two-Family Development

Two trees and 10 shrubs shall be required within the bufferyard for every 100 lineal feet along the property boundary.

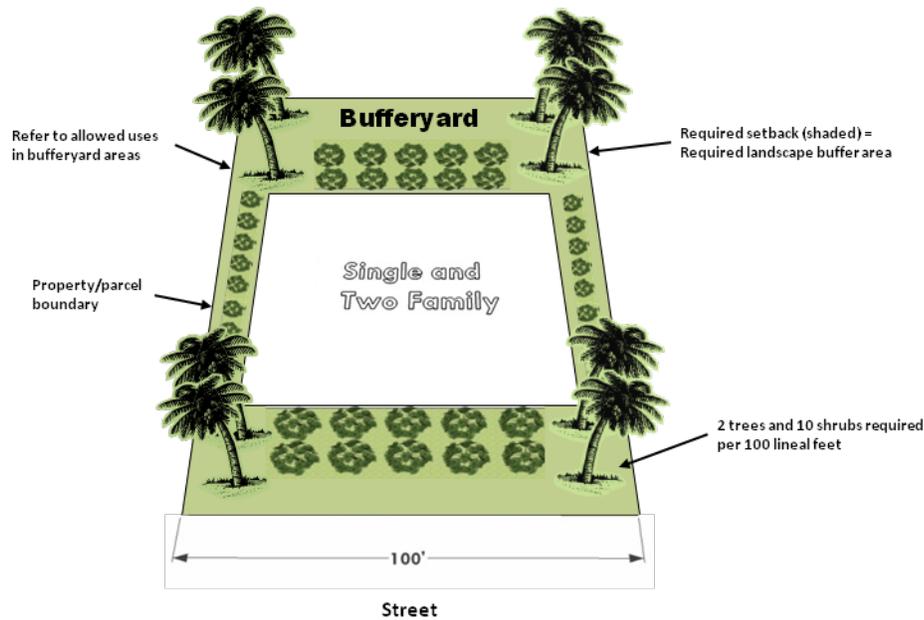


Figure 4-14a Landscaping Requirements for Single- and Two-Family Development

C. Landscaping Coverage and Buffer Requirements for Multifamily and Nonresidential Development

1. Required Site Plantings

Four trees and 20 shrubs shall be required within the bufferyard for every 100 lineal feet along the property boundary. Additional standards apply to all required landscaped areas and buffers as per Table 4-16 below. Nonresidential zoned properties abutting each other within the Lighthouse Overlay District are exempt from the tree planting requirements of Table 4-16 in side yard and waterfront yard buffers. Additional standards may apply for screening and for vehicular use areas as set forth in Section 4.10.3.C.2 below.

Table 4-16 Landscape Coverage Requirements

| Type | Amount | Standards |
|---------------------------|--|--|
| Landscape Coverage | 80 percent of each required landscaped area | <ul style="list-style-type: none"> Coverage material must be living, organic plants Trees and shrubs meeting the minimum size requirements are credited toward the amount. Coverage amount must be achieved within 1 year after planting. 3 plant species required per landscape or bufferyard. |
| Trees | <ul style="list-style-type: none"> One tree per 200 square feet of required landscape area One tree per 1,500 square feet of total property area | <p>Dimensions</p> <ul style="list-style-type: none"> 10' planters if adjacent to a wall or building 8 feet or greater in height. Shade trees: minimum 2.5- inch DBH and 10 feet high at the time of planting, except as required for specimen tree replacement in Section 4.10.4.D. Must reach a minimum 25-foot height and 15-foot crown spread at maturity. Ornamental trees: minimum 1.5-inch DBH and 8 feet high at the time of planting. Palm trees: minimum 6-foot clear trunk at the time of planting. <p>Tree Type and Species Variety</p> <ul style="list-style-type: none"> Shade trees: minimum 75%, half of which must be evergreen. |

ARTICLE 4: DEVELOPMENT STANDARDS

SECTION 4.10: TREE AND NATIVE VEGETATION PRESERVATION, BUFFERS AND LANDSCAPE REQUIREMENTS

| Type | Amount | Standards | | | | | | | | |
|-----------------------------------|--|--|--------------------------|-------------------|-------|---|-------|---|-----|---|
| | | <ul style="list-style-type: none"> Ornamental and palm trees: maximum 25% except 100% palms allowed east of Atlantic Avenue due to severe salt spray exposure. Palms must be planted in pairs, which are equivalent to one shade tree. <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Required Number of Trees</th> <th>Number of Species</th> </tr> </thead> <tbody> <tr> <td>11—20</td> <td>2</td> </tr> <tr> <td>21—30</td> <td>3</td> </tr> <tr> <td>31+</td> <td>4</td> </tr> </tbody> </table> | Required Number of Trees | Number of Species | 11—20 | 2 | 21—30 | 3 | 31+ | 4 |
| Required Number of Trees | Number of Species | | | | | | | | | |
| 11—20 | 2 | | | | | | | | | |
| 21—30 | 3 | | | | | | | | | |
| 31+ | 4 | | | | | | | | | |
| Shrubs | 25% of total required landscaped area | <ul style="list-style-type: none"> Minimum group size: 20 square feet Maximum group spacing: 40 feet apart along property perimeters. Minimum height, property interior: 12 inches at the time of planting. Specifications for screening as per Table 4-17. | | | | | | | | |
| Accent Plantings | | <ul style="list-style-type: none"> Minimum size: 20 s.f. each Required along the outside of fences, walls, hedges, and berms within street yards, spaced ≤ 40 feet on center; flanking driveway entrances; at building corners; and along pedestrian entrance walks. | | | | | | | | |
| Bldg. Foundation Plantings | 1 understory tree or palm per 25 lineal feet along outside walls; and min. 1 tree per wall | <ul style="list-style-type: none"> Required continuously along building foundations. Understory trees must be vertically proportioned. Minimum depth = 5 feet, but larger if necessary for plant growth beneath roof overhangs. Minimum depth = 10 feet next to parking garages and decks. | | | | | | | | |

Multifamily and Nonresidential Development

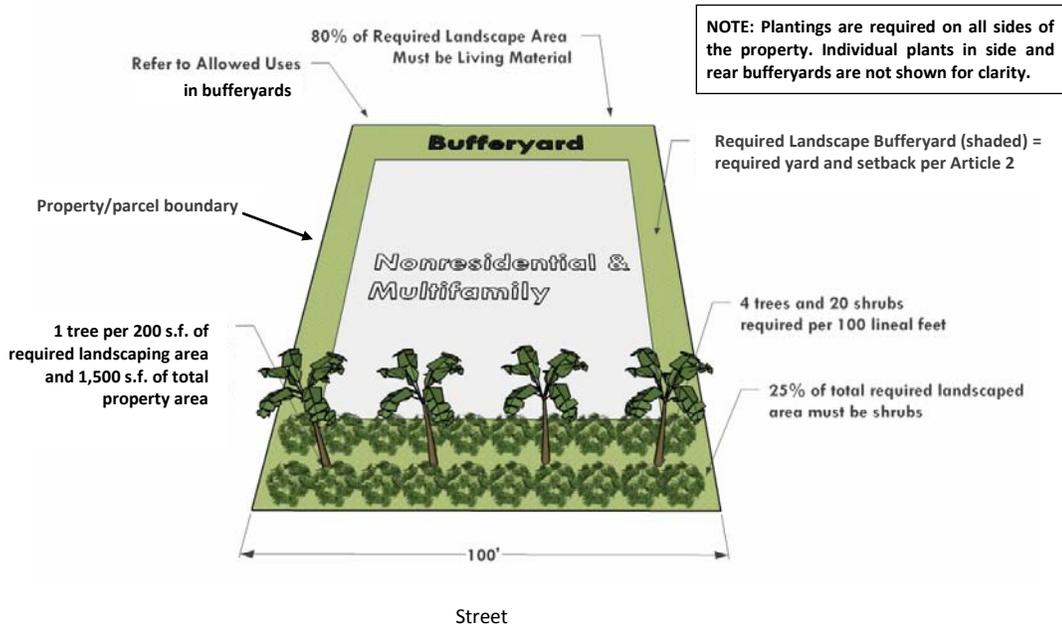


Figure 4-14b Landscaping Requirements for Multifamily and Nonresidential Development

2. Screening

a. Screening shall be required as set forth in Table 4-17 below.

Table 4-17 Screening Requirements

| Abutting Uses | Type of screening | Standards |
|---|--|--|
| Multifamily or Nonresidential Abutting Single- or Two-Family | Opaque fence, wall or hedge | <ul style="list-style-type: none"> • Placed along all abutting property boundaries. • Minimum required height: 5 feet except as limited by Section 4.4. • Maximum height: as allowed by Section 4.4. • Hedge: evergreen shrubs, minimum 3-feet tall and 75% opacity at planting, maintained to reach required height and 100% opacity within 1 year. |
| Nonresidential Abutting Multifamily | | |
| Vehicular Use Areas | Hedge, berm, wall or fence, or any combination | <ul style="list-style-type: none"> • Placed immediately adjacent to vehicular use area. • Minimum height of 3 feet above level of vehicular use area. • Hedge: evergreen shrubs, minimum 2-feet tall and 75% opacity at planting, maintained to grow into a continuous hedge within 1 year. |

b. Fence, Wall, and Hedge Location

Fences and walls shall be located to avoid specimen trees. Hedges shall be set back a sufficient distance from the common property lines to allow access for maintenance of each side.

c. Installation and Maintenance of Fence, Wall, or Hedge.

- (1) The responsibility for financing, installing and maintaining the fence or wall shall be borne by the property owner.
- (2) Hedges that are not maintained as necessary to provide required screening shall be replaced by a fence or wall.

d. Waivers and Reductions

Pursuant to 4.10.3.F.

3. Paved Vehicular Use Area Interior Landscaping

Landscaping and planters within vehicular use areas provide visual relief from expansive paved areas, provide shade trees to reduce heat gain, preserve existing trees, delineate traffic flow patterns, and screen loading and service areas. For purposes of this subsection, “paved area” includes any parking area improved with pavement, but does not include pervious surfaces such as washed or crushed shell. The following standards shall apply to all vehicular use areas.

a. Location and Amount Required

Pursuant to Figure 14-5 below.

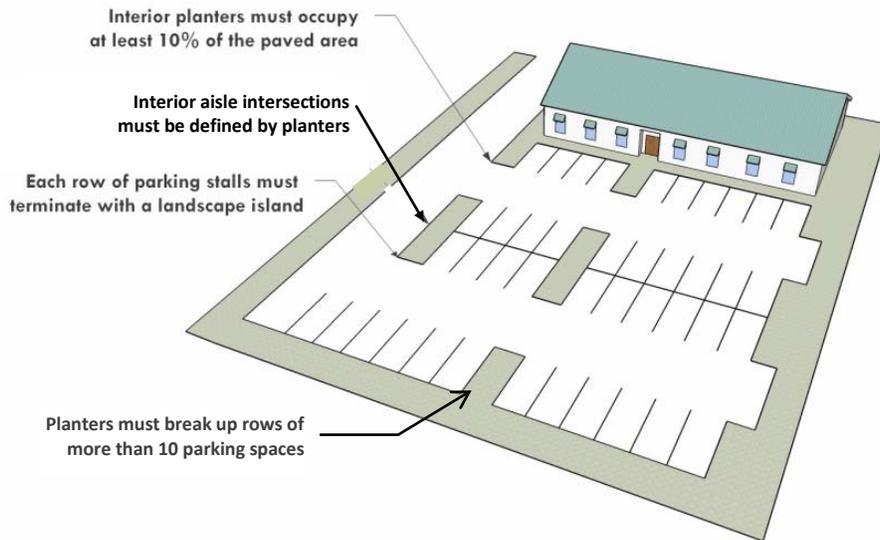


Figure 4-15 Vehicular Use Area Landscaping

b. Size, Elevation, and Location of Planters

- (1) Planters shall have a minimum area of 80 square feet, with a minimum width of five feet. The ends of planters next to parking stalls shall be set back two feet from the driving aisles.
- (2) Planters shall be designed at the same elevation as the adjacent vehicular use area so that they are visible and relieve the visual impact and glare of the paved area. However, the elevation may be adjusted to save existing trees or to provide additional stormwater drainage treatment capacity for the site as a bio-swale, rain garden, or low-impact stormwater management system.
- (3) Planters for nonpublic, specialized vehicular use areas where large machinery or large vehicles are stored, serviced, or used may be relocated to perimeter areas as additional buffers, screening, or beautification.
- (4) Curbing and/or wheel stops shall be placed adjacent to landscaped areas in accordance with Section 4.7 if needed to protect landscaped areas and existing vegetation, but shall otherwise be minimized to allow stormwater runoff sheetflow into properly designed bio-swailes, rain gardens, or low-impact stormwater management systems.

c. Planters Around Protected Trees

Planters around existing trees to be preserved shall have a minimum width of 10 feet, plus an additional two feet per each inch of trunk DBH. Any parking lot pavement allowed under the drip line shall be installed with root aeration pipes consistent with best management practices and methods for tree protection specified in the Tree Protection Manual for Builders and Developers, published by the Florida Department of Agriculture and Consumer Services, Division of Forestry, latest edition.

D. Materials and Installation

The requirements below apply to new development, redevelopment, re-landscaping of 50% or more of existing front yards, and to code-required landscape upgrades pursuant to subsection 4.10.2.

However, performance standards under paragraphs D.3.d and D.4 shall continue to apply after installation in order to prevent adverse impacts to adjacent properties.

1. General Specifications

All new living plant materials installed shall be:

- a. Nursery-grown and root-pruned stock;
- b. Free of insects, disease, and defects;
- c. Rated Florida grade no. 1 quality or better as defined in the most current edition of Grades and Standards for Nursery Plants, Florida Department of Agriculture and Consumer Services;
- d. Planted in a sound, professional manner according to the Town's best practices guide or recognized industry equivalent;
- e. Properly fertilized at the time of installation; and
- f. Grouped together by irrigation demand.

Individual plants should be species best suited for their location and placed optimally where they are able to thrive on minimal amounts of water, fertilizer, and pesticides.

2. Allowable Plant Species

Plant species used to meet the requirements of this section shall be selected from the approved Town Plant List, adopted by separate resolution. Noxious or hazardous plant materials are prohibited. The use of salt-tolerant and drought-tolerant plants from the Town plant list is encouraged. The Town may approve native and Florida-friendly plant species not appearing on this list, as well as fruit and vegetable species. Non-invasive ornamental plants may be installed as desired to supplement required landscaping.

3. Lawn Grass, Ground Cover, Gardens, and Mulch

- a. Lawn grass may be used in areas intended for pedestrian traffic, recreation, cover for septic tank drainfields, soil erosion control on slopes or in swales, or other similar practical uses. Lawn grass may also be used as a unifying feature of the landscape design.
- b. Spreading ground cover plants may be utilized as desired in lieu of lawn grass.
- c. Low-lying shrubs and vegetation may be established in planting beds in lieu of lawn grass, spaced to achieve at least 75% coverage within two years. Such beds shall contain mulch (either organic or inorganic) to minimize weeds, absorb and retain soil moisture, prevent erosion, enrich the soil, and present a neat and orderly appearance of the landscaped area. Mulched planting beds adjacent to property lines, rights of way, and shorelines or seawalls shall have raised borders to prevent washout of mulch material.
- d. Vegetable gardens may be established in planting beds outside of required bufferyards and designated protection zones in lieu of lawn grass. Gardens may take up a maximum of 30% of the total available yard area, half of which (up to 15% of the total) may be located in the front yard. Temporary items, such as stakes and other growing support structures, are limited to five feet in height. Gardens in the front yard shall be set back a minimum of three feet from the front and side property lines, and shall have defined edge treatments such as a minimum three-foot-wide planting strip of shrubs and trees, a 3-4' high fence, an elevated planter box, or other landscape feature such as a bio-swale/rain garden or berm. Gardens must be continually cultivated to be usable as a landscape feature in the front yard. Front-

yard gardens lying fallow for more than three months shall be replaced with permanent landscaping.

- e. Organic mulch materials may be used in yard areas to accommodate new or expanded planting areas and their natural growth and in natural areas or areas of heavy shade where lawn maintenance has been unsuccessful. Organic or inorganic mulch may be used by itself in limited areas subject to foot traffic where maintenance has been unsuccessful.
- f. Artificial turf, gravel, river rock, shell and similar inorganic materials shall not be used alone in front yards as a substitute for lawn grass or as a landscape ground cover except as limited below, since they increase the need for herbicide use, have no habitat value, and do not produce oxygen, and therefore do not meet the purpose and intent of this code. Such materials shall be limited in front yards to 25% of the yard area, excluding required buffers and the abutting right of way. On corner lots or lots with more than one street frontage, the 25% applies equally to each yard abutting a street; however, the percentage from one yard shall not be shifted or reallocated to the other yard.
- g. At installation, mulched planting beds shall be a minimum of 2.5 feet wide. The cross slope of mulched planting beds shall not exceed 1:8. The slope of grassed berms shall not exceed 1:3.

4. Green Roofs

Green roofs shall be allowed on all developments as follows:

- a. New and existing developments may incorporate green roofs as desired for personal use and enjoyment to supplement required landscaping.
- b. Existing multifamily and nonresidential developments that lack sufficient land area to meet landscaping coverage requirements upon substantial improvement or redevelopment, pursuant to subsection 4.10.2, shall be permitted to utilize green roof plantings for up to 25% of the total amount required.
- c. Green roofs shall be subject to the landscaping maintenance requirements of paragraph F below. In addition, in wind-prone areas such as near the ocean shore, green-roof systems must be stabilized, anchored, and shielded to prevent them from being blown onto adjacent properties.
- d. Roof-top vegetation used to meet the landscaping requirements of this section must be maintained for the life of the building. Contact information for the property owner or manager along with maintenance responsibilities shall be provided to the town with the building permit application. Green roofs are subject to periodic inspections by the town staff to ensure proper maintenance and functioning.
- e. A green roof must be certified by a licensed professional architect that it is in compliance with the Florida Building Code. Structural calculations must be provided with the permit application as necessary.

E. Irrigation Standards

Irrigation systems shall comply with the minimum county environmental “Water-Wise” standards (Ch. 50, Art. III, Div. 10, Volusia County Code of Ordinances), and with the Water Conservation: Landscape Irrigation requirements (Chapter 78, Article III) of this code.

F. Modifications and Waivers

1. The Town may consider waivers or modifications to landscape design requirements as described below. Such requests shall be submitted and reviewed pursuant to the procedures and criteria under subsection 4.10.5.A.
 - a. For new development utilizing proposed innovative designs, landscaping techniques, and site amenities that fulfill the intent of this section, and
 - b. For redevelopment projects where existing structural or pavement locations prohibit compliance with the requirements of this section, relocation of landscape areas to other portions of the site is allowed. Other modifications or waivers are permitted if the project approaches compliance and meets the intent of this section.
2. Supplemental landscaping in side or rear yards abutting nonresidential or multifamily developments may be relocated elsewhere on the site if the site design would be better served.
3. The Town Council may waive, modify, or reduce fence/wall/hedge requirements during the review of a development application if it finds that adequate separation exists due to any of the following:
 - a. Existing native vegetation of an adequate height and density,
 - b. A buffer design that exceeds the requirements of this section.

G. Maintenance

1. Responsibility for Maintenance

The current property owner shall be responsible for maintenance of all landscape areas, irrigation, designated protection zones, protected trees, and hardscape improvements in accordance with the standards of this code and any approved development permit/order exhibits and representations. Maintenance standards shall apply to all properties, whether vacant or developed.

2. Standards for Maintenance

Landscape areas, designated protection zones, and protected trees shall be maintained in healthy condition pursuant to accepted industry practices. Landscape areas shall not become overgrown with weeds, infested by invasive exotic plant species or vermin, or become a source of erosion, stormwater runoff, or pollution. Landscape areas and site improvements shall be kept free from refuse and debris. Irrigation systems shall be fully operational. Hardscape improvements shall be kept in good repair and maintained in their approved location. Mulch shall be kept at the proper coverage and depth. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, mowing, and other standard horticultural practices so as to grow to their normal shape, color, and height, and meet the requirements of this section. Dead trees that may cause imminent personal injury or significant property damage to existing structures and adjoining property shall be removed. All dead plants shall be replaced as required. All damaged plants including lawn grass shall be replaced or restored.

3. Violations and Appeals

Pursuant to Section 4.10.6.

H. Inspection of Landscaping Installation

Pursuant to Section 4.10.5.C.

I. Miscellaneous Standards

1. Coordination with Other Elements of Site Development

- a. Accessory uses, buildings, poles, fixtures, dumpster pads, utility lines and pipes, easements, and other appurtenances shall not encroach upon or conflict with the required landscape areas. Signs, walkways, fences, and screening walls shall be integrated into the landscape design.
- b. Utility line and easement locations shall not preclude the design and installation of required landscape or the required protection of vegetation and/or trees. Where utility lines or easements exist on-site before development, proposed site elements shall either be designed away from the lines and easements so that the required landscape areas can still be provided, or an equivalent amount of understory trees and vegetation acceptable to the Town shall be installed that will not interfere with their function and maintenance.

2. Landscaped Areas in Right-of-Way

- (a) Landscaping in the public right-of-way must first be authorized by the Town pursuant to Code of Ordinances Ch. 70, Section 70-92.
- (b) Areas within the public right-of-way and off-site areas which have been disturbed by construction activity shall be cleaned of all debris, regraded to the proper elevations, and replanted with sod or acceptable Florida-friendly ground cover as per paragraph D above. Sod and ground cover replacement shall be consistent in species and density with the type that was removed. Abandoned curb cuts and driveway aprons shall be removed and replaced with curbing, fill, and sod or ground cover.

3. Relationship of Stormwater Standards to Landscaping

Sheet drainage flow of storm water run-off may be permitted through mulched planting beds if designed as a bio-swale, rain garden, or low-impact stormwater management system. Otherwise, surface run-off shall be routed into flumes or pipes through the planting beds, spaced no less than one flume for every 50 lineal feet of pavement edge. Storm water retention areas within street yards shall be designed as attractive integral parts of the overall design. Artificially created, open storm water retention areas shall not occupy more than one-third of the street yard.

4.10.4 TREE/VEGETATION PROTECTION AND REMOVAL

A. Permit Applicability and Exemptions

1. Permit Required for Tree/Vegetation Removal

Except as provided below, a permit is required to clear land, alter the existing grade, or otherwise remove any protected tree or vegetation (as defined in Article 9) on any property within the town.

- a. A tree/vegetation removal permit is required for the removal of individual trees and/or the clearing of trees and vegetation, unless exempted below.
- b. Changes to the existing or natural grade require a grading permit.
- c. A separate tree/vegetation removal permit is not required for land clearing, grading, and/or removal of trees or vegetation in conjunction with any activity for which a development permit is required.
- d. Cutting or removal of trees and vegetation on public property must first be authorized by the Town, pursuant to Code of Ordinances Ch. 82, Section 82-1.

2. Permitting Exemptions

The following activities are exempt from obtaining a tree/vegetation removal permit:

- a. Selective pruning and thinning of trees and vegetation for the purpose of maintaining and encouraging the general long-term ecological integrity, productivity and sustainability of natural plant communities and landscaping.
- b. Selective pruning and thinning of trees and vegetation as necessary to survey property lines and structures.
- c. Pruning, thinning, and removal of vegetation and trees within existing public or private rights-of-way or easements to maintain utility systems, electrical service, and visual clearance for drivers, and to construct public infrastructure improvements.
- d. Pruning, thinning, and removal of trees and understory vegetation not defined as protected in Article 9.
- e. The removal of trees that may cause imminent personal injury or significant property damage to existing structures, and therefore require immediate removal, including
 - (1) Trees that are dead or weakened by age, storm, fire, or disease;
 - (2) Trees demonstrated to have already caused property damage and are likely to do so again if not removed; and
 - (3) Non-specimen trees located within eight feet of an existing principal structure on single- and two-family lots.

When time is of the essence, the Director may verbally authorize such removals, but shall provide written confirmation within five working days. For trees to be removed after damage or injury has occurred, the property owner shall provide proof of injury or damage, including photographs, repair receipts, or other acceptable documentation.

- f. Removal of invasive and/or noxious plant species, as established on the Florida Exotic Pest Plant Council List of Invasive Species as may be amended.

B. Designated Protected Zones

Designated protected zones are set forth below. Within any designated protected zone, protected vegetation and trees shall be preserved and maintained in accordance with this section. These terms are defined in Article 9.

1. Single- and Two- Family Residential Protected Zones

- a. On property zoned for single-family or two-family uses, 30% of each lot shall be designated to protect the most significant and sensitive vegetation on the property. The required area may be constituted as one or more sub-areas within the property, as long as half (50%) of the area protected lies within the front yard. The protected area may also include required landscape plantings and protected specimen trees. The protected area shall be sufficiently sized to comply with the minimum tree protection standards of this code. The following areas and uses are not included in the protected zones:
 - (1) The actual footprint of the approved principal and accessory structures;
 - (2) Uses permitted in buffers, as per Table 4-15; and
 - (3) The area lying within eight feet of the house (clear zone).
- b. Removal of understory vegetation not otherwise required by subsection 4.10.3 may be permitted between the house and property lines, up to a horizontal distance of 30 feet from the house.

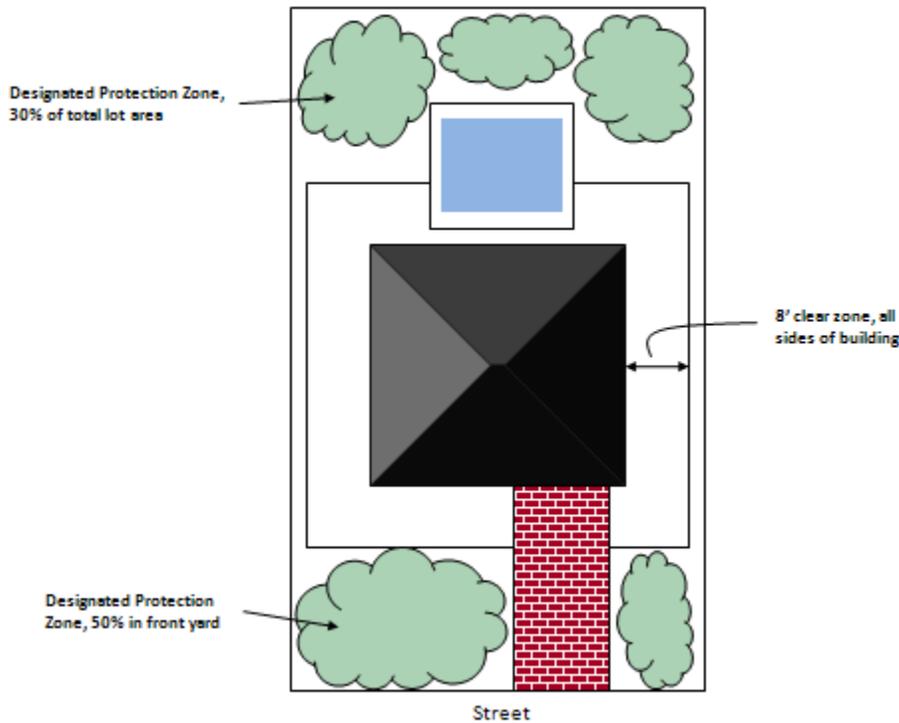


Figure 4-16 Single- And Two-Family Designated Protected Zone

2. Multifamily and Nonresidential Designated Protected Zones

On parcels zoned for uses other than single-family or two-family, the designated protected zone shall include the full extent of all required front, side and rear yards, except the minimum area necessary for ingress and egress driveways. Driveways shall be oriented perpendicular to the adjacent roadway to the extent practicable to minimize the extent of encroachment.

3. Removal of Threatened Species Prohibited

Removal of the Twinberry, Twinberry Stopper and Simpson's Stopper (*Myrcianthes fragrans*) is not allowed within designated protection zones.

4. Fences in Designated Protected Zones

Fences may be constructed within the designated protected zone if they can be installed and erected without the removal of trees and the removal of protected understory is minimized.

5. Restrictions on Attachments

The attachment of objects, structures, fasteners and wires to a tree in a manner that damages its long-term health shall be prohibited.

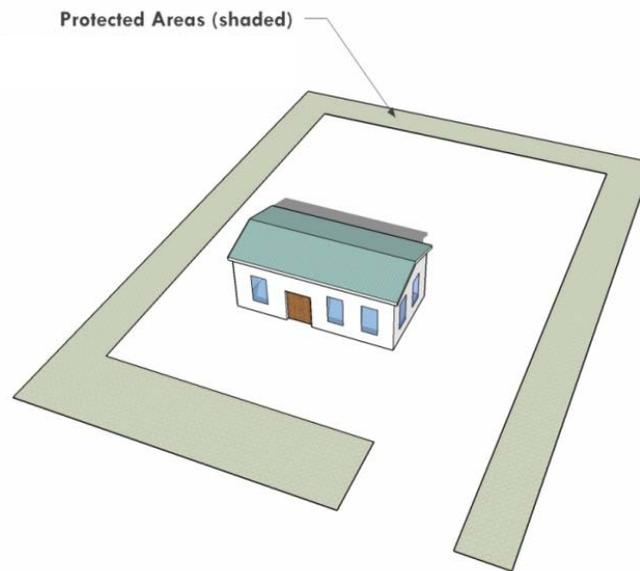


Figure 4-17 Designated Protected Zone, All Other Development

C. Protection of Specimen and Historic Trees

1. Specimen and historic trees are protected even outside of designated protected zones. The species and sizes of specimen and historic trees are defined in Article 9.
2. A reasonable effort shall be made to reposition the footprint of a proposed principal or accessory structure to save any historic or specimen trees.
3. Specimen trees in parking or driving areas shall not be removed if practicable alternative locations can be provided. The Town Council may reduce or waive parking standards to avoid removing or damaging a specimen or historic tree.
4. Every attempt shall be made to avoid placing a storm water management/drainage facility or any other improvement which requires the removal of a specimen tree. Where necessary to place such improvements in close proximity to a specimen tree, the town shall require measures to protect the long-term health of the tree, such as retaining walls, tree wells, root pruning, concrete pavers, turf block, root drainage systems, subsurface soil stabilization systems, special fill procedures and other appropriate restrictions required by subsection 4.10.4.D.

D. Standards

1. Criteria for Determining Extent of Tree and Vegetation Protection and Removal

To determine the amount of tree or vegetation removal permitted, the Town shall review applications based on the factors below. If necessary, the Town may request applicants to submit additional information addressing these factors.

- a. The actual or intended use of the property;
- b. The desirability of preserving any tree by reason of its size, age, or other outstanding quality, such a uniqueness, rarity, or status as a specimen, historic or landmark tree;
- c. The extent to which the area would be subject to increased water runoff or environmental degradation due to removal of the trees;
- d. The need for visual screening in transitional/buffer areas between different types of uses; from non-residential service areas and structures; and from glare, blight, or other unsightliness; or any other affront to the visual or aesthetic sense in the area;
- e. The effect that changes to the natural grade will have on the trees to be preserved;
- f. The extent to which a reasonable design effort has been made to save as many of the existing trees found on-site as possible and to work with the existing grades; and
- g. The extent to which site design considerations, including the relocation of roads and utilities, have been incorporated into the project.

2. Standards for Clearing and Grading Activities

- a. The Town may authorize clearing and grading (including excavating and/or filling) within the designated protected zone to accommodate required drainage improvements, when a licensed civil engineer shows that the improvements cannot feasibly be located outside the buffer or when grading activities are necessary or desired to restore natural contours and vegetation, enhance buffers and/or improve supplemental landscaping where no vegetation currently exists.
- b. When grading necessitates the removal of protected vegetation, the minimum disturbance feasible shall be allowed.
- c. Disturbed areas shall be replanted with native species that will mature to an area of like mass within two years.

3. Vegetation in Wetland Areas

There shall be no clearing, grading, or removal of native vegetation within any wetland or required wetland buffer, except where authorized by Subsection 4.8.3 of the LUDC.

4. Vegetation and Tree Protection Methods

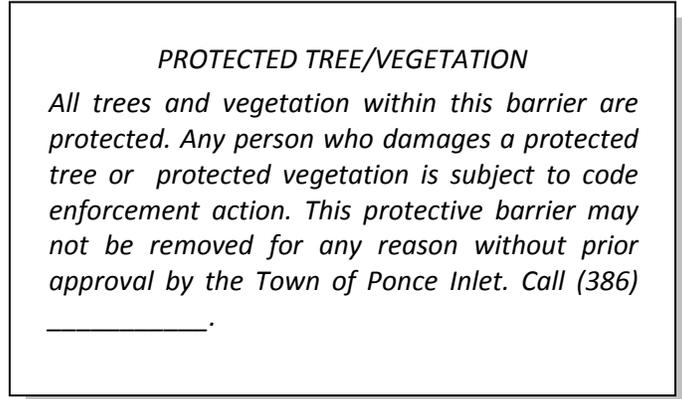
Appropriate measures to prevent the destruction or damage of all protected vegetation and trees shall include, but may not be limited to, the following standards:

a. Barriers Around Designated Protected Zones

- (1) Prior to any tree removal, clearing, or grading, barriers shall be placed around all designated protection zones and all other vegetation to be preserved. The barriers shall be placed at the tree drip line or around the combined cluster of trees. The Town shall inspect the barriers prior to the start of any permitted tree removal, clearing, or grading activity. Barriers shall have adequate strength and stability to remain securely in place

throughout the duration of construction activities. No construction activity, debris disposal, or vehicular traffic shall take place within this area.

- (2) Placards shall be posted clearly on all barriers identifying them as protected zones and



protected trees. The placards shall include the following language:

b. Minimizing Tree Disturbance During Development

(1) Natural Soil Level/Tree Wells

All trees and replacement stock (except for palm trees) shall maintain their natural soil level. All efforts shall be made to maintain natural drainage to such trees. If more than six inches of fill is necessary, a tree well and/or planter island may be required to save the tree from removal.

(2) Restricted Activities in Drip Line Area

- (a) Certain activities are restricted within or near drip line areas, as per Table 4-18 below.

Table 4-18 Restricted Activities around Drip Line Areas

| Restricted Activity | Restricted Area |
|---|--|
| Placement of material, pavement, machinery, temporary soil deposits or additional fill | Within drip line or six feet from tree trunk, whichever is greater |
| Cleaning of equipment or material | Within drip line |
| Disposal of harmful waste material or chemicals | Within drip line |
| Fuel storage; refueling, servicing and maintenance of heavy equipment and machinery; and washing of cement-handling equipment | Within 10 feet of the drip line |
| Placement of fill greater than six inches deep | Within drip line |
| Disturbing predevelopment grade and drainage flow | Within drip line of specimen and historic trees only |

- (b) Any required excavation in or around the drip line to accommodate underground services, structural footings, etc., shall be performed without the use of heavy equipment or machinery.

- (c) Where disturbance must occur within the drip line, trees shall be cared for throughout the construction process. For example, trees must be watered sufficiently, particularly if any portion of the tree's root system has been disturbed by excavation.
- (d) Driveways or parking areas beneath tree branches are allowed if the impervious surface amounts to no more than 30 percent of the total area under drip line of the tree. The impervious surface is not allowed closer than six feet from the trunk of the tree.

(3) Root Pruning and Removal

- (a) If root pruning is absolutely necessary, then no more than 33 percent of the tree roots may be removed, with no more than 25 percent being disturbed in any 180 degree radius.
- (b) For trees 12 inches DBH or less, roots shall not be removed within four feet of the outer edge of the tree trunk. For trees with diameters over 12 DBH, the distance from the outer edge of the tree trunk shall increase 12 inches for every three inches in additional DBH. For example, the roots of a 15-inch DBH tree shall not be removed closer than five feet from the tree trunk.
- (c) Roots shall be cut cleanly after excavation with clean, sharp tools to promote callus formation and wound closure. Wounds shall be dressed with a tree rooting hormone compound.

(4) Backfilling Excavation Areas

Backfilling of any excavation shall be accomplished as soon as possible. The tree shall be adequately watered to avoid leaving air pockets. If necessary, soil improvements (e.g., peat moss) shall be supplemented in the fill to promote new root growth.

5. Damage to Vegetation and Trees During Construction

If, during construction, any apparent injury to a tree occurs, the damage shall be mitigated to the extent practicable. Vegetation and/or trees located immediately adjacent to rights-of-way and utility and drainage easements that are damaged during construction shall be replaced in accordance with Subsection 4.10.3.D.

E. Tree Replacement Mitigation

The following standards apply to all protected trees on any portion of a property, including areas not in Designated Protected Zones.

1. Tree Replacement, Generally

- a. All protected trees removed shall be replaced with protected tree species. Non-protected trees may be replaced with protected tree or non-protected tree species, or other species approved pursuant to subsection 4.10.3.E.2. Trees classified as Invasive Species do not qualify as replacement stock.
- b. On heavily wooded lots, replacement shall not be required for trees removed from the building footprint and driveway if every effort is made to position the building and site elements to minimize tree removal, and no trees are removed from the designated protection zone.

- c. The Town encourages invasive tree species to be removed during clearing for development. Invasive trees are not required to be replaced. Furthermore, for each invasive tree removed, the number of protected trees otherwise required to be replaced shall be reduced by two, provided the number of trees remaining meets the minimum landscaping requirement per subsection 4.10.3.
- d. Dead protected trees removed from the front yard a property shall be replaced within the timeframes below if the Director determines the number of trees remaining on the property is less than the minimum number required by the landscaping standards for new development in subsection 4.10.3. The Town shall notify property owners of the replacement requirement six months in advance of the replacement deadline or sooner.
 - (1) If dead from natural causes or disease, or removed to preclude imminent personal injury or significant property damage to existing structures pursuant to paragraph 4.10.4.A.2.e, replacement shall be required within one year after removal.
 - (2) If destroyed or damaged by a natural disaster, replacement shall be required within three years after removal.

2. Tree Replacement Mitigation

- a. Tree replacement mitigation shall be determined based on the table below. As an incentive to minimize tree removal, the required ratio of replacement trees is reduced to 1:1 if the owner protects any trees outside the designated protected zone.

Table 4-19 Tree Replacement Mitigation

| Tree Size in DBH | Number of Replacement Trees Required per Tree Removed | |
|-----------------------|---|--|
| | If trees preserved in protected zone only | If trees also preserved outside protected zone |
| 4 inches--6 inches | 1 | 1 |
| >6 inches--8 inches | 2 | 1 |
| >8 inches--12 inches | 3 | 1 |
| >12 inches--18 inches | 5 | 1 |
| >18"+ | 7 | 1 |

- b. For single- and two-family development, replacement stock for both specimen and non-specimen trees shall be a minimum of six feet in height and 2.5 inches DBH.
- c. For multi-family and non-residential development, replacement stock for specimen trees shall be a minimum of 10 feet in height and 4.5 inches DBH. Replacements for non-specimen trees shall be a minimum of six feet in height and 2.5 inches DBH.

3. Use of Palms for Tree Replacement Mitigation

- a. Palms may be used as replacement stock up to 100% of the palms being removed. Palms may be substituted as replacements for other species up to a maximum of 25 percent of the total number of trees being removed.

- b. Palms are substituted at a 4:1 ratio based on DBH. For example, a 10-inch DBH palm tree may be substituted for a 2.5-inch DBH hardwood tree. The following table indicates common size comparisons.

Table 4-20 Tree Replacement Mitigation Using Palms

| DBH of Palm (inches) | DBH of Non-palm Species (inches) |
|-----------------------------|---|
| 10 equates to | 2.5 |
| 12 equates to | 3 |
| 14 equates to | 3.5 |
| 16 equates to | 4 |

4. On-Site Reductions in Required Tree Replacement

The town may reduce on-site tree replacement if adequate tree cover can be provided with less than the required number of replacement trees or if on-site conditions make conformance impractical. Requests for such reductions shall be submitted and reviewed pursuant to Section 4.10.5.B.4.

a. Upsizing

The minimum-size replacement stock may be substituted with a smaller number of larger trees at a 2:1 ratio, measured by DBH, such that half the number of trees may be planted that are twice the minimum size. For example, two 2.5” DBH trees may be substituted with one 5” DBH tree. Larger ratios may be utilized if necessary on legal non-conforming lots that do not meet the minimum dimensional requirements of their zoning district.

b. Off-Site Plantings

The applicant may install the balance of the required replacement trees on publicly owned sites, which may include rights-of-way, to be selected by the town. The trees may be installed in the right of way immediately in front of the applicant’s property if the town has adopted a tree canopy planting plan for that street.

c. Tree Mitigation Bank Contributions

- (1) Where there are no presently available sites suitable for required plantings, the applicant shall pay an amount equal to the number of replacement trees required per Table 4-20, multiplied by the tree replacement fee schedule adopted by Town Council.
- (2) The contributions under this section shall be earmarked for tree or native vegetation planting purposes.
- (3) Contributions made pursuant to this section shall not count toward the individual lot landscaping requirements of section 4.10.3.

5. Inspection of Tree Protection and Replacement

Pursuant to Section 4.10.5.C.

6. Tree Survival

All trees replaced in accordance with this section shall be replaced if the trees expire within one year after planting. Any replaced trees shall be maintained in accordance with sound industry

practices, including watering, and as provided in section 4.10.3.F. One year after of the issuance of a vegetation/tree permit or development permit, the owner shall submit photo documentation or other sufficient evidence that the planting material is healthy and sustainable. Preserved trees for which credit was awarded, but which subsequently die within one year after completion of development, shall be replaced according to the standards in this section.

F. Relationship of Standards with Scenic Roadways

1. This section does not supersede Chapter 70, Article VI of the Code of Ordinances, Scenic Roadways, which remains in full force and effect.
2. If a tree protected under scenic roadway provisions is permitted to be removed or destroyed, the replacement standards in this section apply.
3. The following provisions apply to the Beach Street Scenic Road established by Resolution No. 99-11:
 - a. Tree removal is prohibited in the protected area in accordance with Section 70-197(a)(6) of the Scenic Road Ordinance.
 - b. Tree trimming is subject to the following:
 - (1) No trimming of any part of any branch of any tree shall take place within 13.5 feet of the ground within the right-of-way of Beach Street, as measured from the top-most level of the paved road surface.
 - (2) No cutting of any tree along Beach Street is permitted that would have the effect of altering the canopy over the right-of-way or hindering the establishment of a canopy over the eastern portion of the road.
 - (3) Electrical or telephone utility companies may trim trees as necessary to ensure continued service to their customers, in accordance with the company's tree-trimming guidelines on file with the Town. Special care must be taken in such activities so as not to detrimentally affect the Beach Street tree canopy.
4. Along the Sailfish Drive Scenic Road established by Resolution No. 2000-09, no tree measuring four inches or more in DBH shall be removed within the Protected Area except for dead trees or trees found by the Chief of Police to hinder sight lines so as to create a traffic hazard.

4.10.5 PROCEDURES

A. Landscape Plans

This subsection applies to all new development, redevelopment, changes of use, and re-occupancy of properties vacant for one year or more in accordance with subsection 4.10.2 and Table 4-16.

1. Landscape Plan Application and Review

a. Concurrent Review with Development Permit

Landscape plans shall be reviewed as part of a development application whenever landscaping requirements apply to the development. In that event, the development permit and/or development order shall serve as the landscape permit.

b. Referral to Parks, Recreation, and Tree Advisory Board (PRATAB) Recommendation

Landscape plans submitted in association with a site plan or subdivision development application shall be referred to the Parks, Recreation, and Tree Advisory Board for review and comment prior to review by the Planning Board and/or Town Council.

c. Expiration of Landscape Plans; Extensions

All approved landscape plans shall expire concurrently with their associated development order or permit. Landscape plan approvals may be extended by the Town with their associated development order or permit in the same manner as they were originally approved.

d. Changes to Approved Landscape Plans

Proposed minor adjustments, including field changes to material type or location in compliance with this section, may be approved administratively prior to issuance of certificates of completion or occupancy. Major changes or redesign to approved landscape plans require the same review process as the original approval. Proposed adjustments that take an approved landscape plan out of compliance with this section shall require approval of a waiver as described below.

2. Review of Modifications and Waivers

Modifications and waivers to code requirements, pursuant to 4.10.3.F., shall be reviewed as follows:

a. Application and Approval

Requests shall be submitted in writing and may be included as part of a development permit application. Requests may be granted by the entity responsible for approving the landscape plan.

b. Criteria

A request for modifications and waivers shall be approved only if it meets the following criteria:

- (1)** Is consistent with the Comprehensive Plan, other adopted plans, and the stated purpose of this section; and
- (2)** Meets all other applicable standards of the LUDC; and
- (3)** Will not adversely affect the proposed development, adjacent property, or neighborhood; and

- (4) Will not change the character of the area in which the property is located; and
- (5) Is necessary to either: (a) compensate for some practical difficulty or unusual aspect of the property not shared by landowners in general; or (b) accommodate an alternative or innovative design practice that achieves the same or better result as the standard being modified.

3. Required Drawings and Exhibits for Landscape Plans

a. General Requirements

- (1) Plans for new development or redevelopment, except one- and two-family dwellings shall be signed and sealed by a Florida-registered landscape architect.
- (2) For all other projects, plans may be submitted by a landscape nursery professional, landscape contractor, architect, or engineer.
- (3) All plan drawings shall be drawn at the same scale, at no greater than 1"=30'. All drawings shall have a graphic scale, north arrow, street address, and project name for the property.
- (4) Plans shall include the information required by Article 10, along with any additional information required to demonstrate compliance with this section.
- (5) All required plans and drawings for a project including architecture, landscaping, and engineering plans shall be consistent with each other in regard to the layout of the site elements both horizontally and vertically. Architectural, utility, signage, and engineering plans shall not conflict with the landscape requirements of this section.

b. Landscape Plans

- (1) Landscape plans shall graphically portray the layout of all supplemental landscape and plant materials, pavement and parking areas, curbing, structures, signs, utility service lines, and all other site improvements. Designated protection zones and protected trees shall be accurately depicted and shall specify plant materials.
- (2) The quantity, size, and spacing of the plant material depicted shall correspond to the specifications of section 4.10.3. A plant list and materials summary that lists the name, size, quantity, and spacing of each item shall be included on the plan.

c. Irrigation Plan

When necessary, an irrigation plan shall be provided showing a detailed layout and description of a workable underground irrigation system as required by subsection 4.10.3.E. The plan shall include specifications such as piping circuits, pipe sizes, heads, valves, controls, pumps, meters, power source, and all others necessary to demonstrate compliance with applicable codes.

B. Vegetation and Tree Removal Permitting

1. Permit Application Requirements

Applications for Vegetation/Tree Removal Permits shall be submitted and reviewed in accordance with the standards in this section.

a. Application with a Development Permit

Applications submitted in conjunction with development permits shall provide the following:

(1) Tree Survey

A tree survey, pursuant to Article 10, prepared by a Florida licensed land surveyor, identifying all boundary information and the exact locations for all trees over 4" DBH lying within proposed clearing, construction, public improvements, rights of way, and easements, and within 25 feet of all such areas. Said surveys shall identify all trees by location, common name and DBH. The survey shall indicate proposed finished floor elevations of structures, and elevations of roads and driveways. All plans shall show the limits of fill and beginning of natural grade occurring prior to construction activity. The plan legend shall denote whether the trees are existing trees to be removed or retained.

(2) Tree Replacement Plans

Tree replacement plans shall be consistent with the mitigation standards in Section 4.10.4.E. Such plans may be combined with required landscape plans, and shall be prepared professionally in the same manner.

b. Application with Single-Family or Two-Family Construction

A tree survey shall be submitted at the time of application for building permits for single-family or two-family residential home construction, identifying all boundary information and the exact locations for all trees over 4" DBH lying within proposed buildings, driveways, and/or accessory structures, or areas proposed to be cleared or graded, and within 25 feet of all such areas. The tree survey shall identify all trees by location, common name and/or scientific name, and DBH. The survey shall also indicate the finished floor elevations of existing and proposed structures and driveways, and the existing and proposed grades. The applicant shall also submit a tree replacement plan pursuant to Section 4.10.4.E.

c. Application without Development Permit Review

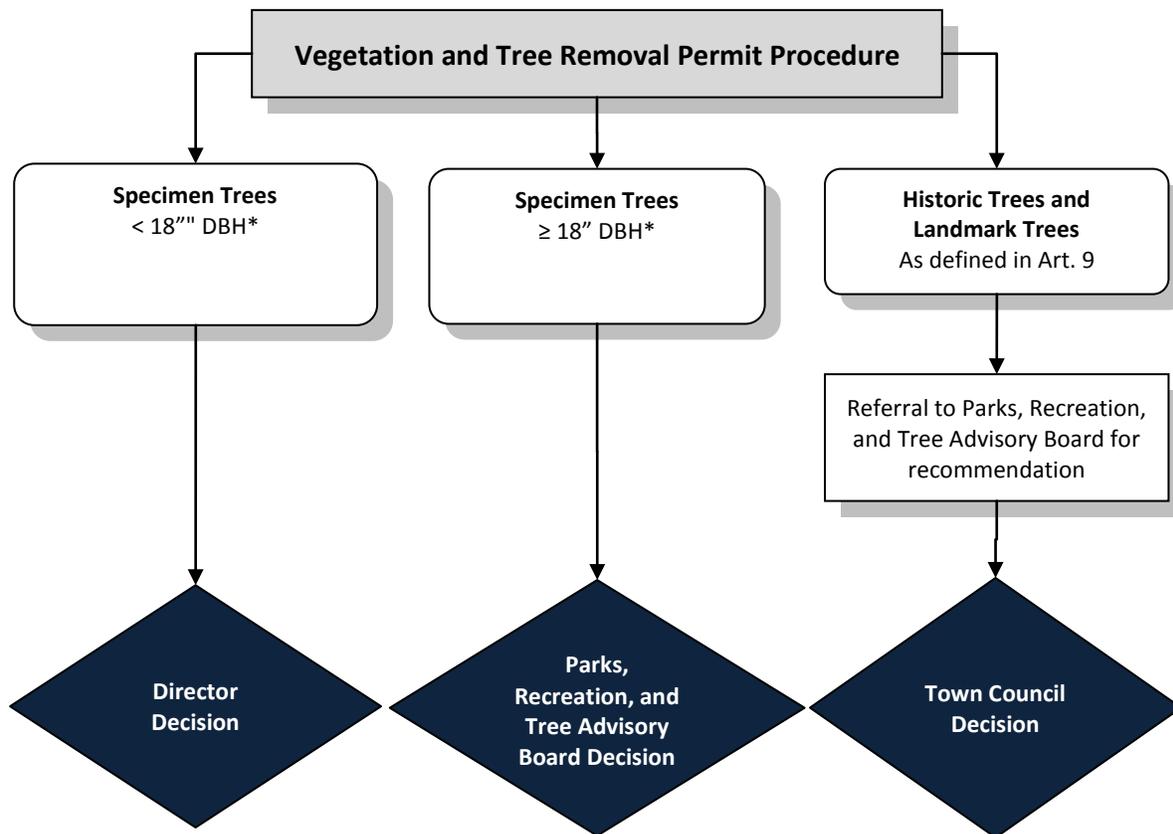
Applications to clear, cut down, or remove vegetation and/or trees not associated with construction on the property shall include the following information:

- (1)** A tree survey identifying all boundary information, along with the location of all trees over 4" DBH proposed to be removed or areas proposed to be cleared or graded, and within 25 feet of all such areas. The tree survey shall identify all trees by location, common name and/or scientific name, and DBH. The Town may allow documentation of these trees and areas on an existing property survey without a separate tree survey. The survey shall show the limits of fill, if any, and the natural grade occurring prior to construction activity;
- (2)** Name, signature, address, and contact information of the property owner;
- (3)** Legal description of the property;
- (4)** North arrow, scale, and street names;
- (5)** Reason for removal of vegetation and/or trees; and
- (6)** A tree replacement plan consistent with the mitigation standards set forth in Section 4.10.4.E.

2. Historic and Specimen Tree Removal

- a.** Table 4-21 below establishes the review and decision-making authority for tree removal, including that of historic and specimen trees. Table 4-21 indicates whether the tree removal requires a referral to the Parks, Recreation, and Tree Advisory Board (PRTAB) and/or Town Council. The "final decision maker" is agency or official with authority to approve, approve with conditions, or deny the proposed tree removal.

Figure 4.18 Vegetation and Tree Removal Permit Procedure



*DBH = Diameter at Breast Height

Table 4-21 Procedures for Historic or Specimen Trees

| Tree Type / Size | Referral to PRTAB? | Final Decision-maker |
|-----------------------------------|--------------------|----------------------|
| Specimen trees < 18" DBH | No | Director |
| Any specimen tree ≥18" DBH | Yes | PRTAB |
| Historic trees and Landmark trees | Yes | Town Council |

- b. The removal of historic and specimen trees is subject to all provisions of this section, and the following procedures:
- (1) Applications for the removal of historic and specimen trees ≥ 18" DBH are referred to the Parks, Recreation and Tree Advisory Board. This board shall consider the application at its next scheduled meeting. If no meeting is scheduled or held within 31 days from submission of a substantially complete application, no referral is required. Applications

submitted closer than two weeks prior to any scheduled Parks, Recreation and Tree Advisory Board meeting shall be referred to the following scheduled meeting.

- (2) Referral comments and review by a certified arborist or licensed landscape specialist may be obtained by the Director at his/her discretion to determine the probable age, health, rarity, environmental value, and relative importance of preserving the specimen tree.

3. Expiration Of Vegetation/Tree Removal Permit

- (a) Vegetation/tree removal permits approved in conjunction with development shall expire concurrently with their associated development order or permit. Such approvals may be extended by the Town in the same manner as the development order or permit.
- (b) Vegetation/tree removal permits not associated with a development permit shall expire one year from the date of issuance unless the Director grants a time extension. Application for extensions shall be made in writing to the Director at least 30 days prior to the expiration of the permit. No more than two extensions, of 90 days each, may be granted for good cause shown.

4. Authority and Procedures for Reductions of On-Site Tree Replacement

The town may reduce on-site tree replacement pursuant to subsection 4.10.4.E. Authority for reviewing and approving such reductions is described on the table below:

Table 4-22 Approval of Tree Replacement Reductions

| Development Type | Referral to PRTAB? | Final Decision-maker |
|--|---------------------------|-----------------------------|
| Development plans subject to Town Council approval | Yes | Town Council |
| Developments approvable by the Director | Yes | PRTAB |
| Single- and two-family development | No | Director |

5. Application Fees

The Town Council may set reasonable fees and charges to offset the review of plans and permits required by this section by resolution. The fees may include plan review by experts retained by the town, inspections, and other customary and necessary processing activities.

C. Inspections and Certificates of Occupancy

1. Inspections

A licensed landscape architect, certified arborist, or horticultural specialist shall visit the site and determine whether tree removal, protection, and replacement methods are in accordance with the requirements of this code and the applicable approved development permit. This determination shall be provided in writing to the Town. The Town may inspect the plantings required for one single- or two-family dwelling, in lieu of one of the specialists noted in this paragraph.

2. Prohibition on Use of Property Prior to Inspection

The Town shall not issue a certificate of completion, occupancy, or license for any site or structure until the installation of all landscaping, irrigation, and required tree replacement has been accepted by the Town, or else included as part of a conditional certificate of occupancy, as described below.

3. Conditional Certificates of Occupancy

A conditional certificate of occupancy may be issued for 30 days, subject to the following:

- a. All site paving, curbing, irrigation and finished grading shall be in place.
- b. Prior to issuance, a landscaping completion agreement and a financial guarantee in an amount equal to 150 percent of the cost of the unfinished landscaping improvements, shall be submitted to the Town guaranteed by either cash or a letter of credit.
- c. The unfinished site work shall be completed and accepted by the Town within 30 days, upon which the financial guarantee shall be returned and a certificate of occupancy issued.
- d. Failure to satisfactorily complete the site work within the 30-day period is a violation of this section, and the Town may install the landscaping and apply the financial guarantee toward payment of all costs incurred.

D. Designation of Historic and Landmark Trees

1. Generally

The Town may designate certain trees as Historic or Landmark Trees if deemed to be irreplaceable due to size, age, and historic, aesthetic, or cultural significance. The Parks, Recreation, and Tree Advisory Board may recommend designation of a historic or landmark tree on land owned by the town or trees nominated by property owners on property they own. The Town Council may designate such recommended trees by resolution.

2. Criteria for Designation

In order to be eligible for historic or landmark designation, the following criteria shall be met:

- a. The tree must be indigenous to the region;
- b. The tree must be in apparent good health;
- c. The tree must have a DBH of at least 25"; and
- d. The tree must possess significance in one or more of the following ways:
 - (1) The tree has a documented association with a historical figure, property, or significant historical event.
 - (2) The tree is associated with a historic landmark, site, or event.
 - (3) The tree was planted as a commemoration, memorial or tribute.
 - (4) The tree is distinctive due to a functional or aesthetic relationship with a natural resource, such as trees located along stream banks or along dune or ridge lines.
 - (5) The tree has exceptional or unique architecture.
 - (6) The tree is identified by the town as having significant arboricultural or horticultural value to the citizens of the town.
 - (7) The tree is identified as playing a significant role in the landscape or architecture of a specific location.

4.10.6 VIOLATIONS AND APPEALS

A. Right of Redemption

1. Upon notice of a violation, the property owner shall provide the necessary treatment and care to restore any damaged plants. The treatment plan and procedures must restore the plants to their normal growth and the original design intent within 90 days, or else the plants must be replaced.
 - a. Trees and vegetation removed without a permit shall be replaced pursuant to subsections 4.10.3 and 4.10.4. However, tree replacement shall equal 100% of the total DBH of the tree(s) removed. For example, a 10" DBH tree unlawfully removed would need to be replaced with four 2.5" DBH trees or other combination adding up to 10". Replacement vegetation must equal the mass and volume of vegetation removed.
 - b. Replacement landscaping and materials different from the original approved landscaping plans shall be approved by the Town prior to installation.

2. Code Enforcement Action

Violations left uncorrected after 90 days are subject to code enforcement action and are punishable pursuant to LUDC Article 8 and Section 1-11 of the Code of Ordinances.

B. Appeals

Decisions of the Parks, Recreation and Tree Advisory Board may be appealed to the Town Council. Appeals shall be in writing and submitted to the town within 15 days of the decision or action of the board. The Town Council will hear the appeal at its next available meeting.

9.4 DEFINITIONS

Bufferyard

The area around the perimeter of a property where landscaping coverage, buffers, screening, installation and inspection requirements are applied.

Florida-friendly landscaping

A set of landscaping principles and best management practices designed to create sustainable landscapes adapted to Florida's environment and ecology while minimizing the use of fertilizer, pesticides, and irrigation. Florida-Friendly Landscaping principles include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components include planning and design, soil analysis, the use of solid waste compost, practical use of turf, and proper maintenance.

These practices and principles are based on the Florida Yards and Neighborhoods (FYN) and Environmental Landscape Management (ELM) programs operated by the University of Florida Cooperative Extension Service, the Xeriscape programs of the state's water management districts, and practices identified in the *Green Industries Best Management Practices for Protection of Water Resources in Florida (2002)*, as amended, and are authorized by F.S. 166.048.

Green roof

A roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. Green roofs serve several purposes for a building, such as absorbing rainwater, providing insulation, creating a habitat for wildlife, and helping to lower urban air temperatures and mitigate the heat island effect.

Heavily Wooded Lot

An undeveloped property with an abundance of trees and a canopy coverage of at least 90%.

Lawn

Ground that is covered with grass and is kept mowed.

Microclimate

The climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind, than surrounding areas or the area as a whole.

Mulch

Non-living, organic or synthetic materials customarily used in landscape design to impede erosion and retain moisture.

Protected tree

Any of the following:

- Any specimen-~~species~~ tree that has a DBH of more than 4 inches, and which is not otherwise exempted ~~under Section 4.10 from this section~~, and
- All Mangroves, Cedars - *Juniperus silicola*, ~~and~~ Red Bay -*Persea borbonia*,~~and~~
- ~~All palm trees with at least 4.5 feet of clear trunk between the ground level and lowest branch~~

~~Trees meeting these criteria are considered protected on any part of any property.~~

Protected vegetation

The following species are considered protected vegetation:

- Cabbage Palm – *Sabal palmetto*
- Florida privet – *Forestiera segregata*
- Hercules club – *Zanthoxylum clava-herculis*
- All Salt Marsh vegetation, including Smooth Cordgrass - *Spartina alterniflora*, Black Needlerush - *Juncus roemerianus*, Saltgrass - *Distichlis spicata*, Glasswort - *Salicornia perennia*, and Saltwort - *Batis maritima*;
- Tough bumelia – *Bumelia tenax*
- Twinberry, Twinberry Stopper and Simpson's Stopper (*Myrcianthes fragrans*).
- Wax myrtle – *Myrica cerifera*
- Wild olive – *Osmanthus Americana*
- Yaupon holly – *Ilex vomitoria*
- Species listed as critically imperiled (S1), imperiled (S2), very rare (S3), or historical (SH) as ranked by the Florida Natural Areas Inventory ~~shall also be considered Protected Vegetation.~~

Protected zone

see “Designated Protected Zone”

Sod

A piece of turf-covered soil held together by the roots of the turf.

Specimen tree

Any of the following listed trees with a DBH of 6 inches or greater:

| Common Name | Scientific Name | <u>Size (DBH)</u> |
|--------------------------|--|--------------------------|
| Tough bumelia | <i>Bumelia tenax</i> | -- |
| Southern red cedar | <i>Juniperus silicicola</i> | <u>6</u> |
| Hercules club | <i>Zanthoxylum clava-herculis</i> | -- |
| Yaupon holly | <i>Ilex vomitoria</i> | -- |
| Wax myrtle | <i>Myrica cerifera</i> | -- |
| Red bay | <i>Persea borbonia</i> | <u>6</u> |
| <u>Southern magnolia</u> | <u><i>Magnolia grandiflora</i></u> | <u>6</u> |
| <u>Sweetbay</u> | <u><i>Magnolia virginiana</i></u> | <u>6</u> |
| Live oak | <i>Quercus virginiana</i> | <u>8</u> |
| Myrtle oak | <i>Quercus myrtifolia</i> | <u>8</u> |
| Scrub live oak | <i>Quercus geminata</i> | <u>8</u> |
| <u>Other oaks</u> | -- | <u>8</u> |
| <u>Loblolly bay</u> | <u><i>Gordonia lasianthus</i></u> | <u>12</u> |

ARTICLE 9: DEFINITIONS AND RULES OF INTERPRETATION
SECTION 9.4: DEFINITIONS

| | | |
|---------------------------|--|-----------|
| <u>Swamp bay</u> | <u><i>Persea palustris</i></u> | <u>12</u> |
| <u>Turkey oak</u> | <u><i>Quercus laevis</i></u> | <u>12</u> |
| <u>Bald Cypress</u> | <u><i>Taxodium distichum</i></u> | <u>18</u> |
| <u>Elm</u> | <u><i>Ulmus spp.</i></u> | <u>18</u> |
| <u>Hickory</u> | <u><i>Carya spp.</i></u> | <u>18</u> |
| <u>Maple</u> | <u><i>Acer spp.</i></u> | <u>18</u> |
| <u>Sweet gum</u> | <u><i>Liquidambar styraciflua</i></u> | <u>18</u> |
| <u>Sycamore</u> | <u><i>Platanus occidentalis</i></u> | <u>18</u> |
| Wild olive | <i>Osmanthus Americana</i> | -- |
| Slash pine | <i>Pinus elliotii</i> | -- |
| Florida privet | <i>Forestiera segregate</i> | -- |
| <u>Cabbage Palm</u> | <u><i>Sabal palmetto</i></u> | -- |

ARTICLE 10: SUBMITTAL REQUIREMENTS
SECTION 10.1: SUBMITTAL REQUIREMENTS

| Table 10-1 Submittal Requirements | | | | | | | |
|--|-----------------|------------------------------------|--------------------------------|------------------------------|----------------------------|----------------------------------|-----------------------------|
| Content | Pre-application | Rezoning / Special Exception | Concept Development Plan | Final Development Plan | Record Subdivision Plat | Variance / Admin. Variance | Tree/Vegetatio n Removal |
| Proposed Site Data | | | | | | | |
| * * Existing unchanged content above is omitted here for brevity * | | | | | | | |
| Tree survey, including <ul style="list-style-type: none"> information from boundary survey any proposed and existing improvements and easements, including buildings, roadways, utility easements, stormwater retention/detention areas, public improvements, etc. size, location, and species of trees larger than 4" DBH lying inside of and within a 25' radius of all proposed improvements, and areas proposed to be cleared or graded boundary of required vegetation protection zones finished floor elevation of proposed structures existing and proposed grades and limits of fill <u>all trees to be removed</u> | | | | * | | | * |
| * * Existing unchanged content is omitted here for brevity * | | | | | | | |
| Landscape plan, including <ul style="list-style-type: none"> all trees to be protected and retained on site all trees to removed canopy coverage for any tree proposed to be removed or substantially trimmed, if applicable extent and location of understory vegetation lying inside of and within a 25' radius of all proposed improvements, and areas proposed to be cleared or graded existing and proposed site improvements and utility easements location, size, spacing, and type of required landscaping material and/or replacement trees | | *1,5 | | * | | | * |
| Table Notes: 1. Conceptual level only. 2. Required only for proposed increases in density and/or intensity. 3. Traffic statement only is required 4. For rezoning only. 5. For special exception only. | | | | | | | |