
Sec. 4.6.19. Tree preservation, protection, enforcement, and maintenance.

- (A) **Purpose.** The purpose of this section is to promote the public health, safety and general welfare and to encourage the preservation, protection, enforcement, and maintenance of trees. Through maintaining and enhancing their canopy, trees contribute to making cities sustainable by: providing food and securing nutrition, increasing natural biodiversity, housing wildlife, mitigating climate change, cooling the air, filtering pollutants, improving physical and mental health, reducing storm water runoff, reducing carbon emissions and increasing property values. (Ord. No. 19-17, § 1, 8-2-17)
- (B) **Applicability.** This section shall apply to all improved and unimproved properties within the City, including single family homes and duplexes. (Ord. No. 19-17, § 1, 8-2-17)
- (C) **Compliance, enforcement and relief.** (Ord. No. 19-17, § 1, 8-2-17)
- (1) **Compliance.** (Ord. No. 19-17, § 1, 8-2-17)
- (a) Prior to the issuance of a landscape permit or a building permit for a structure, a paving permit, or site permit for infrastructure installation, compliance with the requirements of this section shall be assured through the review and approval of a landscape plan submitted pursuant to Section 2.4.3(C) and 4.6.16. (Ord. No. 19-17, § 1, 8-2-17)
- (b) Prior to any tree removal or land clearing operation, a Vegetation Removal Permit per Sec. 4.6.19(E), must be submitted and approved. (Ord. No. 19-17, § 1, 8-2-17)
- (2) **Enforcement.** Violations of this section that are deemed to be public nuisances under Chapter 100 of the Code of Ordinances may be enforced in accordance with all remedies and alternative remedies provided under Chapter 100. Violations may also be enforced by the Code Enforcement Board, County Court Citation, a Notice to Appear, and/or any other means available under state or federal law, inclusive. (Ord. No. 19-17, § 1, 8-2-17)
- (D) **Preservation and promotion of existing trees and palms.** To the fullest extent practicable, all development proposals (land development application or building permit) must provide for the protection of existing trees having a trunk four inch or greater diameter measured at four and one-half feet above grade (Diameter at Breast Height "DBH") and palms having a Clear Trunk (CT) of eight feet or more. (See Appendix "A" Definitions) Concurrent with a land development application, a Tree Disposition Plan shall be required, displaying the location, diameter, species, condition, and disposition of all trees greater than four inches DBH and palms greater than eight feet CT and shall illustrate all new development in relation to the existing condition of the site. The Tree Disposition Plan shall identify trees and palms to be preserved, relocated, and removed. Tree and palm protection and relocation measures shall be specified on the plan, as well as mitigation calculations (i.e. In Lieu Fees). The Tree Disposition Plan, including the relocation measures and mitigation (including transport methods, watering details, etc.), shall be subject to review by SPRAB, as a part of the development proposal's landscape plan, and may be approved, denied, or approved with conditions. (Ord. No. 19-17, § 1, 8-2-17)
- (1) **Preservation of native plant communities.** All existing native plant communities on sites proposed for development shall be preserved where possible through their incorporation into the site design. Existing plant communities that are specified to remain shall be preserved to the greatest extent possible with trees, understory, and ground covers left intact and undisturbed, except for the eradication of prohibited and/or invasive plant species. In addition, stands of trees with or without understory plantings shall also be preserved. (Ord. No. 19-17, § 1, 8-2-17)
- (2) **Preservation of trees.** To the fullest extent possible, trees are to be preserved on site and protected from damage during the construction process. The Planning, Zoning and Building Director shall have the authority to require the preservation of trees on site and condition the approval of the

development to incorporate existing trees into the site design. To accommodate the site development scenarios conducive to preserving trees, the City will consider flexible site design options. Proposed flexible site design options will be considered on a case-by-case and are subject to review and approval by the Historic Preservation Board (HPB) or Site Plan Review and Appearance Board (SPRAB), as appropriate. Trees designated to be preserved that do not survive shall be replaced by a tree of equal DBH size or an equivalent number of trees with the total trunk DBH equal to the DBH size of the perished tree(s). Palms designated to be preserved that do not survive shall be replaced by one palm of equal overall height for each perished palm. Replacements shall be the same species or an alternate species approved by the City. (Ord. No. 19-17, § 1, 8-2-17)

- (3) **Relocation of trees and palms.** If tree preservation is not feasible, trees and palms must be relocated on site. If tree relocations severely restrict the use of the property, then trees and palms may be relocated off-site to a location approved by the City. To determine feasibility of relocation, a written report from a certified arborist, per Section 4.6.19(E)(2)(C), must be submitted with the land development application, as well as the arborist's assessment of relocation. (Ord. No. 19-17, § 1, 8-2-17)

Trees designated to be relocated that do not survive shall be replaced by a tree of equal DBH size or an equivalent number of replacement trees with the total trunk caliper size equal to the total DBH size of the perished tree(s) as required by Section 4.6.16. Palms designated to be relocated that do not survive shall be replaced by one palm of equal overall height for each perished palm. (Ord. No. 19-17, § 1, 8-2-17)

- (4) **Tree and palm removal.** A tree may be removed only when an applicant has demonstrated that the proposed development will preclude preservation of trees in place and that relocation of trees is not feasible either on or off-site. Tree removal requires the issuance of a Vegetation Removal Permit. All trees removed must be mitigated per Section 4.6.19(E)(5). (Ord. No. 19-17, § 1, 8-2-17)

- (E) **Vegetation removal permits.** A Vegetation Removal Permit is required subject to the following: (Ord. No. 19-17, § 1, 8-2-17)

- (1) **Permit required.** It shall be unlawful for any person, without first obtaining a permit, to remove, cause to be removed, or effectively remove through damaging any tree, having a DBH of four inches. (Ord. No. 19-17, § 1, 8-2-17)
- (a) No Vegetation Removal Permit shall be issued for a property until the proposed development plan has received site plan approval, if required. Application for a Vegetation Removal Permit may commence only after the site plan and corresponding landscape plan has been approved and the building permit and mitigation fees have been paid. (Ord. No. 19-17, § 1, 8-2-17)
 - (b) For single family homes and duplexes that are located within the historic or are individually designated as historic properties shall follow the planning and zoning process as provided in the Land Development Regulations. The Vegetation Removal Permit will be reviewed with the entire permit package, per 4.6.16 and per 4.6.19(E)(2)(a) through (e). (Ord. No. 19-17, § 1, 8-2-17)
 - (c) For all single family homes and duplexes not located in a historic overlay district, the Vegetation Removal Permit will be administratively reviewed by City Staff along with the proposed building and landscape plans, per 4.6.16 and 4.6.19(E)(2)(f). (Ord. No. 19-17, § 1, 8-2-17)
- (2) **Permit application information required.** The following information and documentation must be provided with the Vegetation Removal Permit application: (Ord. No. 19-17, § 1, 8-2-17)
- (a) A copy of the approved site/landscape plan showing the location of proposed or existing driveways, parking and structures on the site. (Ord. No. 19-17, § 1, 8-2-17)

-
- (b) A tree survey shall be required for all projects, including single family home and duplexes within the historic or beach overlay districts. (Ord. No. 19-17, § 1, 8-2-17)
 - (c) For development applications, a condition assessment (See Appendix "A" for definitions) for all trees performed by a certified arborist that describes the condition percentage rating of the tree, makes note of hazardous trees and identifies trees that are a threat to endanger structures, pavement, and/or utilities. Those trees that are identified to be relocated will require a written assessment of transplant feasibility. (Ord. No. 19-17, § 1, 8-2-17)
 - (d) Designation of the disposition of all trees proposed to be preserved, relocated, or removed, presented on a Tree Disposition Plan. (Ord. No. 19-17, § 1, 8-2-17)
 - (e) Any proposed grade changes which might adversely affect or endanger any trees on the site with specifications as to how to maintain such endangered trees. (Ord. No. 19-17, § 1, 8-2-17)
 - (f) For single family homes and duplexes outside of the historic or beach overlay districts, a sketch plan, indicating the approximate location of all trees four-inch DBH and larger with identification of species, trunk diameter at breast height (DBH), approximate overall tree height, and the designation of the dispositions of the trees per Section 4.6.19(E)(2)(d) may be substituted for a professional tree survey. An arborist report may be required per Section 4.6.19(E)(5)(e). (Ord. No. 19-17, § 1, 8-2-17)
- (3) **Procedure.** Upon acceptance of the application, the Planning, Zoning and Building Director, or designee, shall inspect the site, verify the information provided in the application, identify additional information required to complete the application, and approve or deny the application. Trees may be removed if either of the following conditions exist: (Ord. No. 19-17, § 1, 8-2-17)
- (a) The tree is located in the buildable area or yard area where a structure or improvements are to be placed and it unreasonably restricts the permitted use of the property; and, the tree cannot be relocated on the site or to an off-site location because of its condition, size, type, or age; or (Ord. No. 19-17, § 1, 8-2-17)
 - (b) The tree is diseased, injured, in danger of falling, interferes with utility services, creates unsafe vision clearance, or deemed to be hazardous by the Planning, Zoning, and Building Director or designee. Observable physical damage to building foundations, driveways, and water and sewer lines shall also constitute a reasonable request for the removal of a tree only if root protection devices (such as root barriers) are not a viable option. (Ord. No. 19-17, § 1, 8-2-17)
- (4) **Issuance of permit.** (Ord. No. 19-17, § 1, 8-2-17)
- (a) **Normal issuance.** Upon approval of the application and payment of the application fee, a permit shall be issued. The permit shall require compliance with the conditions of approval, a copy of which shall be provided with the permit. The permit shall be valid for a period of 180 days. Permit applications that include tree removal must be submitted by a tree trimmer or arborist, licensed with the City of Delray Beach. Contractors licensed simply as a landscape contractor shall not remove trees. (Ord. No. 19-17, § 1, 8-2-17)
 - (b) **Issuance for single family homes and duplexes.** On the property of single family homes and duplexes, the owner may submit a tree removal permit application to do the work himself, providing the dwelling is owner occupied and providing that the extent of the work, in the determination of the Planning Zoning and Building Director, or designee, can be done safely by the property owner. However, street trees that are depicted on the landscape plan of record for a subdivision may not be removed unless conditions as described within LDR Section 4.6.9(E)(3) exist. Mitigation requirements shall apply per Section 4.6.19 E(5)(e). (Ord. No. 19-17, § 1, 8-2-17)

-
- (c) **Emergency issuance.** In the event that any tree shall be determined to be hazardous or in a condition so as to endanger the public health or safety, and require removal without delay, verbal authorization may be given by the Planning Zoning and Building Director or designee and the tree may be removed prior to the issuance of a permit as herein required. A permit shall be applied for retroactively within seven days of the verbal authorization and removal. (Ord. No. 19-17, § 1, 8-2-17)
- (d) **Hurricanes.** During emergencies caused by hurricanes or other disaster, the City may suspend all or part of the land clearing and tree removal permit requirements for an indefinite period of time. Trees which have been uprooted, blown over and cannot be righted, or whose major branches are split or broken may be removed after a hurricane, for a period of 60 days after the storm event without obtaining a permit from the City. Trees identified on a 'Landscape Plan of Record' will ultimately have to be replaced. Residential uses shall have one year after the storm event for replacements and non-residential uses shall have six months to replace required trees and palms. (Ord. No. 19-17, § 1, 8-2-17)
- (5) **Imposition of conditions.** The permit shall set forth mitigation of adverse impacts, included in the "conditions of approval" associated with removal or relocation as provided for in the following: (Ord. No. 19-17, § 1, 8-2-17)
- (a) **Relocation.** The tree may be required to be relocated to a suitable location on the site or off site. (Ord. No. 19-17, § 1, 8-2-17)
- (b) **Mitigation.** The total DBH of all trees with a condition rating of 50 percent or greater removed shall be replaced with the equivalent number of caliper inches of replacement trees, installed at a minimum size as required by Section 4.6.16. (Ord. No. 19-17, § 1, 8-2-17)
- Removed palms with a condition rating of 50 percent or greater shall be replaced with one palm of equal overall height or a replacement palm of 16 feet overall height, whichever is greater. Replacement trees and palms may contribute to the requirements of Section 4.6.16. The caliper of minimum required tree sizes (Per Section 4.6.16) may be increased so the added caliper inches can contribute to the total required for mitigation. Mitigation trees may not be substituted by palms. (Ord. No. 19-17, § 1, 8-2-17)
- Trees and palms with a condition rating less than 50 percent are exempt from DBH/caliper inch-for-inch replacement, but are required to be mitigated on a tree-for-tree or palm-for-palm basis per Section 4.6.19.E.6.a. (Ord. No. 19-17, § 1, 8-2-17)
- (c) **Replacement.** All replacement trees must be planted within 60 days of the issuance of the permit, or within the guidelines established for tree replacements in connection with major storm events, unless a phasing plan has been approved by the City. (Ord. No. 19-17, § 1, 8-2-17)
- (d) **In lieu fee.** Where the property cannot accommodate tree replacement on a DBH/caliper inch-per-inch basis, an in-lieu of fee shall be deposited into the Tree Trust Fund for those trees with a condition rating of 50 percent or greater. The in-lieu fee is calculated per DBH inch for each tree that cannot be mitigated by replacement and shall be approved by the Site Plan Review and Appearance Board (SPRAB) or the Historic Preservation Board (HPB), as appropriate, as part of the landscape plan. The in-lieu fee shall be calculated on an escalating scale: (Ord. No. 19-17, § 1, 8-2-17)
- DBH 0 inches through 8 inches are calculated at \$450.00/DBH inch; (Ord. No. 19-17, § 1, 8-2-17)
 - DBH 9 inches through 12 inches are calculated at \$650.00/ DBH inch; (Ord. No. 19-17, § 1, 8-2-17)

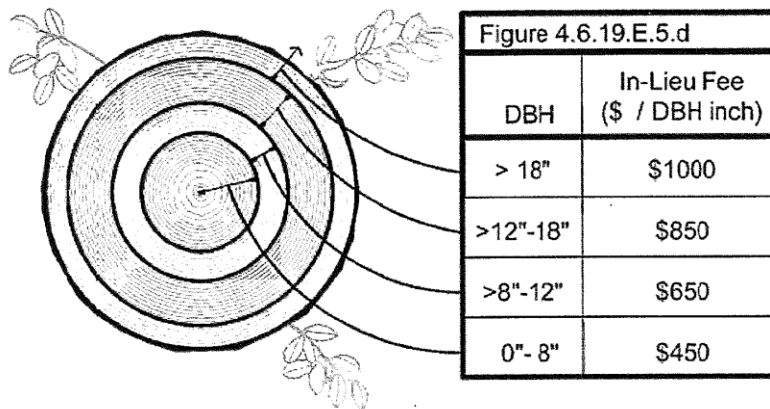
- DBH 13 inches through 18 inches are calculated at \$850.00/DBH inch; (Ord. No. 19-17, § 1, 8-2-17)
- DBH 19 inches and greater are calculated at \$1,000.00 per inch. (Ord. No. 19-17, § 1, 8-2-17)

Refer to Figure 4.6.19.E.5.d. (Ord. No. 19-17, § 1, 8-2-17)

Example 1: The in lieu fee for a six inches DBH tree calculation would be: $(\$450.00 \times 6") = \$2,700.00$ (Ord. No. 19-17, § 1, 8-2-17)

Example 2: The in lieu fee for a 21 inches DBH tree calculation would be: $(\$450.00 \times 8") + (\$650.00 \times 4") + (\$850.00 \times 6") + (\$1,000.00 \times 3") = \$3,600.00 + \$2,600.00 + \$5,100.00 + \$3,000.00 = \$14,300.00$ (Ord. No. 19-17, § 1, 8-2-17)

For trees with a condition rating of between 25 percent and 50 percent, the in-lieu fee shall be calculated at 50 percent of the above escalating scale. (Ord. No. 19-17, § 1, 8-2-17)



(Ord. No. 19-17, § 1, 8-2-17)

- (e) **[Exemption.]** Existing single family homes and duplexes outside of historic or beach overlay districts, are exempt from mitigation requirements so long as Diameter at Breast Height (DBH) four inches the property contains the minimum number of code required trees per Section 4.6.16. (Ord. No. 19-17, § 1, 8-2-17)

(6) **Exceptions to permit requirements.** (Ord. No. 19-17, § 1, 8-2-17)

(7) **Permit fees.** (Ord. No. 19-17, § 1, 8-2-17)

(8) **Penalties.** (Ord. No. 19-17, § 1, 8-2-17)

TABLE 4.6.19.E.8. DETERMINING REQUIRED NUMBER OF REPLACEMENT TREES
(FOR TREES REMOVED BEFORE OBTAINING AUTHORIZATION BY PERMIT)

Replacement Tree Type	Replacement Canopy Area Credit (In Square Feet)
Type 1 Tree	300
Type 2 Tree	100
Type 3 Tree	50

Notes:

Type 1: Minimum of 14 feet in height, Florida Grade #1 canopy tree at time of planting;

Type 2: Minimum of 10 feet in height, Florida Grade #1 understory tree at time of planting;

Type 3: Minimum of 14 feet in height, Florida Grade #1 palm tree at time of planting.

(Ord. No. 19-17, § 1, 8-2-17)

- (c) Specimen Trees and Triple Permit Fees: The penalty for removing a specimen tree with a Diameter at Breast Height (DBH) of 18 inches or greater or with a canopy size of 1,600 square feet or greater without obtaining a permit shall be a one thousand dollar-fine per tree in addition to mitigation for the removed tree. If the DBH can be calculated based on tree remnants or a tree survey, mitigation is per Section 4.6.19(E)(5). If the DBH size of the removed tree(s) cannot be determined from any remnants, aerial photography will be used to calculate mitigation based on canopy size. Mitigation for canopy replacement shall be calculated per Section 4.6.19(E)(8)(b). Where the property cannot accommodate required replacement trees, an in-lieu fee shall be deposited into the Tree Trust Fund. The in-lieu fee for Exceptional Specimen Trees shall be calculated at \$1,000.00 per DBH inch or \$1,000.00 per 100 square feet of canopy removed. This in-lieu fee is in addition to the exceptional specimen tree removal penalty and triple permit fee penalty. (Ord. No. 19-17, § 1, 8-2-17)
- (F) Tree Pruning: The purpose of pruning of trees is to allow for uniform and healthy growth. Pruning of tree limbs on a regularly scheduled basis will improve tree health, control growth, and enhance fruiting, flowering and appearance. (Ord. No. 19-17, § 1, 8-2-17)
 - (1) Tree pruning does not require a permit, but if it is done in violation of these regulations, the property owner shall be cited, and the following remedial requirements shall be imposed: (Ord. No. 19-17, § 1, 8-2-17)
 - (a) The property owner will be required to replace the tree as per the landscape plan of record, or with a shade tree a minimum of 12 feet in height, with a six-foot spread of canopy. (Ord. No. 19-17, § 1, 8-2-17)
 - (b) In lieu of replacement, the property owner may have the option of contracting with a certified arborist, to provide remedial pruning to the disfigured tree over a period of three years in an effort to repair the structural damage to the tree, if in the opinion of the arborist, this can be accomplished. A report from a certified arborist and a copy of the contract for remedial pruning must be submitted to the City for consideration of this option. (Ord. No. 19-17, § 1, 8-2-17)
 - (2) Trees shall be allowed to attain their normal size, and at a minimum attain a 20 feet spread of canopy. It is important to trim trees when they are young to develop a strong structure and to remove diseased limbs, co-dominant leaders, sucker growth, crossing branches or to remove limbs or foliage that present a hazard to power lines or structures. Trees should be pruned for the first time, two to three years after planting, and then every five years thereafter. Tree trimming practices in the City of Delray Beach must adhere to the following: (Ord. No. 19-17, § 1, 8-2-17)
 - (a) Lower branches and suckers must be selectively removed to provide a minimum of six feet of clear trunk, and as they mature, the clearance shall be increased to seven feet adjacent to sidewalks and in areas where trees may impact traffic and pedestrian visibility. (Ord. No. 19-17, § 1, 8-2-17)
 - (b) Severely cutting back branches and canopy, or "hatracking" is expressly forbidden. Topping a large tree causes excessive sprouting of weakly attached new branches, and increases wind resistance by creating denser branching patterns. All cuts must be made at the juncture of a lateral branch. (Ord. No. 19-17, § 1, 8-2-17)

-
- (c) The practice of "Lion's Tailing" wherein all foliage is removed except at the end of the branch, is expressly forbidden. This excessive lifting creates a condition where trees become top-heavy and can increase the chances of wind damage. (Ord. No. 19-17, § 1, 8-2-17)
 - (d) Trees shall be periodically thinned to reduce leaf mass in preparation of tropical storms. No more than 30 percent of a tree's interior canopy, however, shall be removed through thinning. Do not over-thin since foliage within a tree's canopy can help protect structures from flying debris during high winds. (Ord. No. 19-17, § 1, 8-2-17)
 - (e) All pruning shall be accomplished in accordance with the 'National Arborist's Association Standards' or 'The American National Standards Institute A 300 (ANSI A300)'. A tree's habit of growth must be considered before planting to prevent conflicts with view or signage, and such a conflict shall not, of itself, necessarily permit the removal of the tree. (Ord. No. 19-17, § 1, 8-2-17)
- (G) **Palm tree pruning.** Many palms are self-pruning, however, for aesthetic reasons palm fronds are often removed. The practice of removing all but a few fronds significantly weakens the trunk of a palm and could result in it snapping in high winds, and, is therefore, prohibited. In particular, Sabal Palms are often 'carrot topped' or 'hurricane cut'. Unless palms are being prepared for relocation, no fronds shall be removed unless they hang below a horizontal position. Fronds that touch a structure should be removed. (Ord. No. 19-17, § 1, 8-2-17)
- (H) **Tree pruning/removal/maintenance requirements in the public rights-of-way.** The adjacent property owner is responsible to maintain trees and vegetation between the property line/right-of-way line, and the edge of pavement of the adjacent improved right-of-way, or between the property line and the centerline of an unimproved alley. These trees may not be removed without obtaining a permit. Trees and vegetation must be maintained so as not to restrict use or visibility of public improvements, as follows: (Ord. No. 19-17, § 1, 8-2-17)
- (a) Trees and vegetation must be maintained so as not to interfere with traffic flow or traffic safety. This includes maintaining visibility at intersections, not obstructing traffic lights, stop signs or other traffic signage. (Ord. No. 19-17, § 1, 8-2-17)
 - (b) Trees and vegetation must be maintained so as not to obstruct streetlights, street signs, sidewalks, roads, utilities and other public improvements. (Ord. No. 19-17, § 1, 8-2-17)
- (I) **Existing street trees.** New development and building expansion shall take into consideration the existing vegetation and provide designs which will not result in the removal of street trees, or diminish existing streetscapes. (Ord. No. 19-17, § 1, 8-2-17)
- (J) **Hurricane preparedness and cleanup.** (Ord. No. 19-17, § 1, 8-2-17)
- (1) **Shade tree and palm tree pruning.** (Ord. No. 19-17, § 1, 8-2-17)
 - (a) Palm fronds that are dead should be removed. All coconut palms must have their coconuts removed prior to hurricane season. (Ord. No. 19-17, § 1, 8-2-17)
 - (b) Shade trees can be pruned to enable trees to hold up better to high winds and storm damage. The following pruning practices can promote the growth of strong branches: (Ord. No. 19-17, § 1, 8-2-17)
 - 1. Encourage a good branch angle. A narrow angle between branches signals a point of future weakness. To prevent this, remove one of the two branches when the tree is young. (Ord. No. 19-17, § 1, 8-2-17)
 - 2. Encourage strong branch/trunk size relationships. Lateral branches should be no more than $\frac{1}{2}$ to $\frac{3}{4}$ the diameter of the trunk. Branches heavier than that often cannot be supported by

the trunk in high winds. Large lower lateral branches should be removed. (Ord. No. 19-17, § 1, 8-2-17)

3. Maintain a stable center of gravity. If a tree has grown off center, due to loss of limbs or other problems. Selectively removing branches on the leaning side and encouraging branch growth on the opposite side can help re-balance the tree. (Ord. No. 19-17, § 1, 8-2-17)
4. Remove rubbing branches, suckers and water sprouts. Branches rubbing against each other produce wounds and decay, and one of the branches should be removed. Water sprouts and sucker growth can occur at the base of the tree and inside the crown. These branches are weakly attached and should be removed before they increase in size and add stress to the tree's limbs. (Ord. No. 19-17, § 1, 8-2-17)
5. Do not cut branches back to stubs or 'hatrack' the tree. When a branch is cut to a stub, new branches will grow from the edges which are weakly attached and will be a weak point in high winds. (Ord. No. 19-17, § 1, 8-2-17)

(2) **Hazardous tree removal.** (Ord. No. 19-17, § 1, 8-2-17)

- (a) All trees and palms which are dead must be removed prior to hurricane season. Tree removal permits shall be required. (Ord. No. 19-17, § 1, 8-2-17)
- (b) Trees or palms, which by reason of height, proximity to adjacent structures, physical condition or other peculiar characteristic, which increase the probability that in times of hurricane winds prevalent in this region, the tree might cause damage to life, property or utilities within the immediate area are declared to be hazard and a public nuisance. The City shall retain the right to require corrective measures which may include the removal of the tree(s), or which may result in the reduction of the tree's height or canopy. (Ord. No. 19-17, § 1, 8-2-17)

(3) **Cleanup.** (Ord. No. 19-17, § 1, 8-2-17)

- (a) After a storm, all property owners are required to have trees trimmed to reduce hazards from hanging limbs and branches and to provide reconstructive pruning to restore the tree's canopy, to the extent possible. (Ord. No. 19-17, § 1, 8-2-17)
- (b) Tree stumps and remains of trees that constitute a hazard shall be removed within six months after the storm event. (Ord. No. 19-17, § 1, 8-2-17)
- (c) All properties with a landscape plan of record shall be required to replace trees and landscaping per the approved plan. Trees shall be replaced per the approved plan on a tree per tree basis and not on a caliper inch basis, thereby not requiring a deposit into the tree trust fund. Residential properties have one year from the storm event, and non-residential properties have six months after the storm event. The Planning, Zoning and Building Director or designee may approve additional time for replacement in instances where damage has been severe or tree replacements are unavailable. (Ord. No. 19-17, § 1, 8-2-17)

(K) **Nuisance species prohibited.** The following is a list of invasive and exotic nuisance species that must be removed from all properties proposed for development or redevelopment. (Ord. No. 19-17, § 1, 8-2-17)

- (1) Australian Pine — ***Casuarina Species***
- (2) Brazilian Pepper — ***Schinus terebinthifolius***
- (3) Melaleuca — ***Melaleuca quinquenervia***
- (4) Carrotwood — ***Cupianopsis anacardioides***
- (5) Earleaf Acacia — ***Acacia auriculiformis***

-
- (6) Schefflera — ***Brassaia actinophylla***
- (7) Bischofia — ***Bischofia javanica***
- (L) ***Prohibited species removed.*** All Prohibited Species shall be removed from all properties and tree replacements may be required if trees were used to satisfy landscape code requirements at the direction of the Planning Zoning and Building Director or designee. Trees shall be replaced per an approved plan on a tree-per-tree basis and not on a caliper inch basis, thereby not requiring a deposit into the tree trust fund. (Ord. No. 19-17, § 1, 8-2-17)
- (M) ***Lethal yellowing.*** (Ord. No. 19-17, § 1, 8-2-17)
- (1) Lethal yellowing is a systemic disease of palms caused by bacterium transmitted by tropical insects. Palms considered to be highly susceptible to lethal yellowing are to be limited in use. The following common palms are known to be susceptible to lethal yellowing disease: (Ord. No. 19-17, § 1, 8-2-17)
- (a) Christmas Palm — ***Adonidia merrillii***
- (b) Coconut Palm — ***Cocos nucifera***
- (c) Hurricane Palm — ***Dictyosperma album***
- (f) Chinese Fan Palm — ***Livistonia Chinensis***
- (g) Canary Island Date Palm — ***Phoenix canariensis***
- (h) Edibe Date Palm — ***Phoenix dactylifera***
- (d) Senegal Date Palm — ***Phoenix reclinata***
- (e) Wild Date Palm — ***Phoenix sylvestris***
- (f) Arikury Palm — ***Syagrus schizophylla***
- (2) Palm varieties resistant to lethal yellowing shall be planted in favor of palms known to be susceptible to lethal yellowing. (Ord. No. 19-17, § 1, 8-2-17)
- (3) Coconut palms proposed as a part of a permit application must be resistant to lethal yellowing. Proof of the variety must be provided at the time of permit inspection. (Ord. No. 19-17, § 1, 8-2-17)

Editor's note(s)—Ord. No. 19-17, § 1, adopted Aug. 2, 2017, amended § 4.6.19 in its entirety to read as herein set out. Former § 4.6.19 pertained to similar subject matter and derived from Amd. 37-06, adopted Sep. 19, 2006; Amd. Ord. 35-08, adopted Sep. 16, 2008; Amd. Ord. 38-09, adopted Aug. 18, 2009; and Amd. Ord. 22-15, adopted Dec. 8, 2015.