

## City of Pembroke Pines Landscape Code Revisions

The general goals of the Landscape Code revisions are the following:

- Preserve and improve the tree canopy as well as the aesthetic quality of our landscaping.
- Locate the right landscape material in the right place.
- Address nonconforming areas throughout the City; find ways to enhance properties throughout the community.
- Clarify and simplify the landscape code to make it easier for professionals and residents to comprehend.
- Evaluate plans and sites for compliance with a Code that is fair and sustainable.

### Summary of Changes

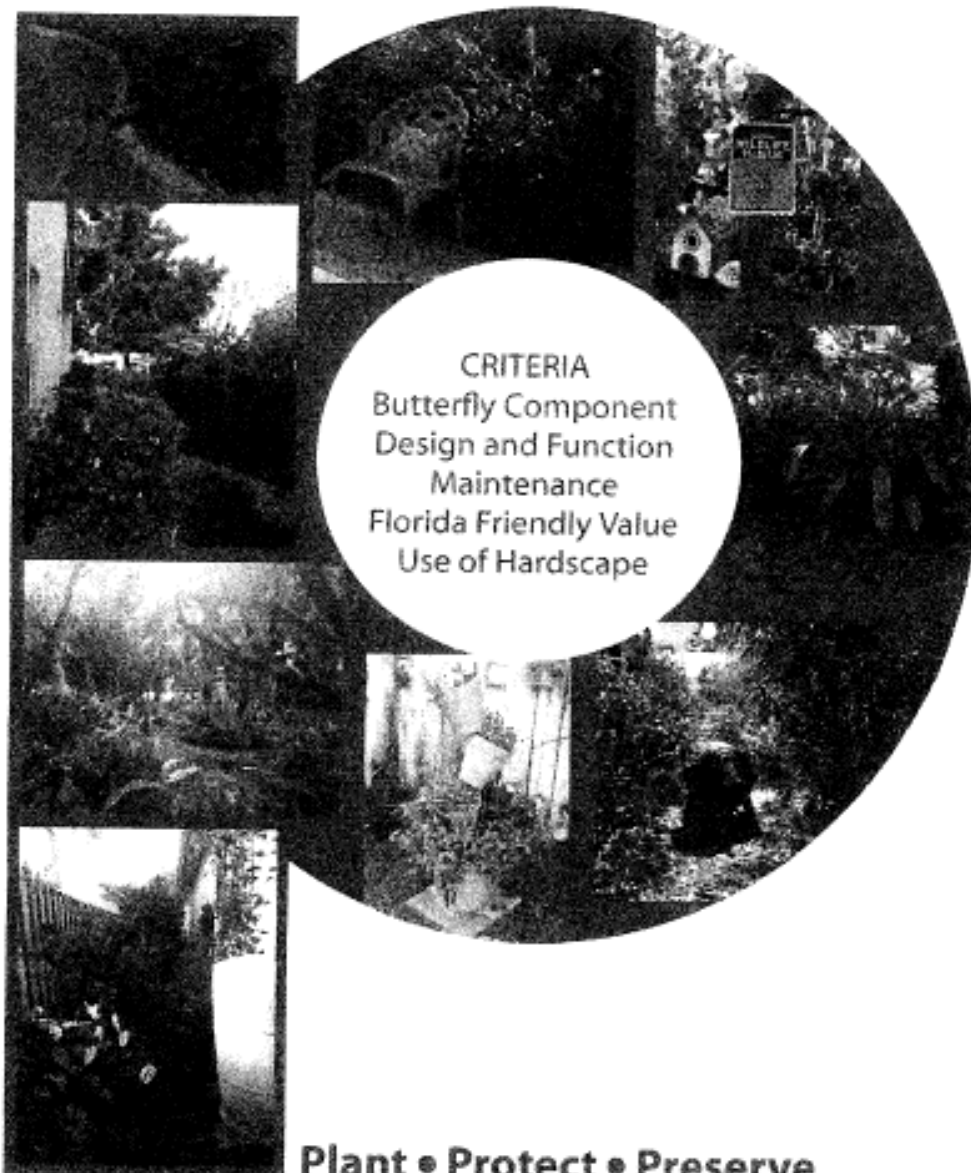
1. Combine Chapter 98 with Chapter 153.
2. Create one simplified Landscape Chapter (153)
3. Add new definitions
4. Enhance sections pertaining to landscape plan review.
5. Create flexibility through mitigation plans.
6. Stronger penalties for those who abuse trees.
7. New standards for developments ( commercial and residential).
8. Focus on right tree in the right place.
9. Removal of species from the code in favor of a species list that can be amending without Commission action.
  - a. We did this because disease hits landscape materials fast (white fly, sooty mold, queen palm nutrient deficiencies and the diseases hitting fox tail palms).
  - b. We can amend the list quickly and prevent replacement of species that are not doing well in our area.



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**Natalie Belmonte Great Yards Award**



**CRITERIA**  
Butterfly Component  
Design and Function  
Maintenance  
Florida Friendly Value  
Use of Hardscape

### **Plant • Protect • Preserve**

Applications found at [www.ppines.com](http://www.ppines.com) search: Natalie Belmonte Contest done in conjunction with the Landscape Advisory Board

**DEADLINE FOR SUBMITTAL: APRIL 14**



THE CITY OF  
**PEMBROKE PINES**

PLANNING AND ECONOMIC DEVELOPMENT DIVISION  
10100 PINES BLVD • PEMBROKE PINES FL 33026  
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## **CHAPTER 153: LANDSCAPING**

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## GENERAL PROVISIONS

### § 153.01 PURPOSE.

The purpose of this chapter shall be to establish the minimum standards and requirements of property owners for the installation and maintenance of landscaped areas. Proper landscaping promotes the general welfare, public safety, and public health through trees and other plant materials by creating aesthetically pleasing, sustainable residential and non-residential environments that promote improved air quality, an urban canopy, and many other benefits. (Because the City Commission finds that the peculiar characteristics and qualities of the City justify regulations to perpetuate this aesthetic appeal on a city-wide basis, this chapter is enacted.)

### § 153.02 DEFINITIONS.

**ACCESSWAYS.** Areas that provide ingress and egress for vehicular and pedestrian traffic to a parcel of land or structure.

**ACCENT PLANTS.** Singular plant material that enhances landscape value that might include, but not limited, to colorful flowers, colorful vegetation, and distinctive form.

**AERIAL ROOTS.** Any root structure growing in a vertical arrangement towards the soil, extending downward from any above ground portion of a tree, especially found on ficus species. Aerial roots are used for support and assist in maintaining stability during strong winds.

**BOULEVARD STRIP.** Landscaped area between a curbed roadway and a sidewalk that is usually contoured to insure surface water run-off without much runoff collection and is less than 5 feet wide.

**CANOPY.** The total covering or enclosure of foliage held above a tree by stems or branches. Usually measured by the diameter of the drip line.

**COMMON AREA.** Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development.

**DIAMETER BREAST HEIGHT (DBH).** The diameter of the trunk of a tree measured at breast height approximately four and one-half feet. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half feet of clear trunk shall be measured at the diameter of the largest vertical branch or leader at breast height.

**DRIP LINE.** The area defined by the outermost circumference of a tree canopy where water drips from and onto the ground.

**EFFECTIVELY DESTROY.** A tree shall be effectively destroyed where an act is caused, suffered, allowed or permitted which will cause a tree to die or go into a period of unnatural decline within a period of one year from the date of the act.

**ENCROACHMENT.** Any protrusion of a vehicle outside a parking space, display area, or accessway into a landscaped area.

**FLORIDA-FRIENDLY.** Quality landscapes utilizing low-maintenance and water conserving plants, and environmentally sustainable practices.

**GROUND COVER.** Includes both small ornamental plants that grow close to the ground and all plant materials commonly classified as turfgrass species.

**HAZARDOUS TREE.** Tree or part(s) of a tree that is believed by the City to pose imminent risk to the public due to tree failure.

**HEDGES.** A row of shrubs or small trees that are planted close to each other in order to form a boundary.

**INVASIVE.** A species defined as an organism (plant, animal, fungus, or bacterium) that is not native and has negative effects on our economy, our environment, or our health. Not all introduced species are invasive. Invasive organisms are the second greatest threat to biodiversity after habitat loss.

**LANDSCAPING.** Includes any of the following or combination of material such as, but not limited to grass, ground cover, shrubs, vines, hedges, trees or palms; and nonliving durable material commonly used in **LANDSCAPING** such as, but not limited to rocks, pebbles, walls, hedges, or fences, but excluding paving.

**MEDIAN.** The center portion of land of a public right-of-way lying between two paved roads.

**NON-LIVING DURABLE LANDSCAPE MATERIAL** includes but is not limited to material such as rocks, pebbles, sand, mulch, or pervious decorative paving materials.

**OVERLIFT.** The removal of the majority of the inner lateral branches and foliage thereby displacing weight and mass to the ends of branches. The alteration of the tree's live crown ratio may be considered as evidence of overlifting.

**PALM.** An unbranched monocot with a crown of long feathered or fan-shaped leaves and typically having old leaf scars forming a regular pattern on the trunk.

**PALM PRUNING.** Fronds shall not be removed until all traces of green are gone unless removal is to prevent hazardous situation. The fronds should be cut close to the trunk with a sharp pruning saw or lopping shears and at no more than a 9 to 3 view.

**REMOVAL.** Removal shall constitute any act which causes or results in the cutting down, digging up, destruction, effectively destroying, or the unlicensed relocation of any tree.

**RIGHT OF WAYS.** Any public street, highway, sidewalk, parkway, swale or alley.

**SHAPE.** The regular and frequent shearing of outer tree branches, making pruning cuts of one inch in diameter or less, for the purpose of controlling the size and shape of the tree canopy.

**SHRUBS.** Any self-supporting, woody, deciduous or evergreen species whose trunk diameter and mature height does not meet standards for a tree. All plant materials commonly classified as ornamental grasses shall be considered shrubs for this Chapter's purpose.

**SPECIMEN TREE.** Any tree which has a diameter breast height of 18 inches or greater, with the exception of the following:

- (1) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados or citrus.
- (2) Species of the genus *Ficus*, except *F. aurea* (strangler fig), *F. laevigata* (short leaf fig), *F. rubiginosa* (rusty fig or rusty leaf fig), *F. jacquinifolia*.
- (3) All multi-trunk palms.
- (4) Trees that are in poor condition or form as determined by the City.
- (5) All tree species as defined as category one invasive materials in the most recent document compiled by the Florida Exotic Pest Plant Council (FLEPPC) for the south region

**SWALES.** Low-lying areas providing surface drainage, such as that area lying between the paved portion of the public right-of-way and the sidewalk or lot line.

**TREE.** Any self-supporting, woody perennial plant which has a trunk diameter of no less than two inches, measured at four and one half feet above grade, which normally grows to an overall height not less than 12 feet in southeast Florida.

**TREE RING.** Area surrounding tree trunk used for retaining water, mulching, fertilizing. Includes but not limited to loose mulch, rubber, pavers, or stone.

**TREE PRUNING.** All Trees shall be pruned in accordance with ANSI standards for Pruning as established by the American National Standards Institute (ANSI A300).

**VINES.** Plants which normally require support to reach mature form.

**XERISCAPE.** Quality landscaping that conserves water and protects the environment.

## LANDSCAPE IMPLEMENTATION STANDARDS

### 153.03 PLANT MATERIAL DESIGN AND INSTALLATION STANDARDS

(A) It shall be the duty of a property owner that all plant material and non-living durable landscaping material shall be installed and perpetually maintained in a manner as determined by qualified city staff to be generally consistent with proper horticultural practices found in the most recent editions of the following:

- (1) *Grades and Standards for Nursery Plants* from the Florida Department of Agriculture Division of Plant Industry
- (2) *Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries* from the Florida Department of Environmental Protection
- (3) *Selecting and Planting Trees for the South Florida Urban Forest* from the Florida Urban Council

(4) *The Right Tree in the Right Place* brochure from Florida Power and Light

(5) *American National Standards Institute A-300 and Z-133*

(6) *Principles and Practices of Planting Trees and Shrubs* by Gary W. Watson and E.B. Himelick

(B) All installed plant material shall be a minimum grade of Florida #1 or better as identified in *Grades and Standards* by the Florida Department of Agriculture, where applicable.

(C) All landscape areas excavated shall be filled with 50% muck soil mix.

(D) All plant installations shall conform to all applicable regulations in regards to planting distances away from above ground utility structures and lines and shall not be installed underneath roofs, overhangs, and balconies unless their mature height does not encroach upon the structure.

(E) All plant material shall not impede line of sight as stated in section 153.10.

(F) For proper plant material health, all landscaped areas shall have a readily available water supply or an appropriate and functional irrigation system. Refer to Irrigation Requirements in section 153.05.

(G) Groundcover Installation Standards:

(1) All property other than the required landscaped strip lying between the right-of-way and off-street parking area or other vehicular use area shall be landscaped with at least grass or ground cover.

(2) Turfgrass installation shall be completed by sodding and shall supply 100% coverage immediately upon installation. No more than 50% of total landscaped area shall be installed as turfgrass or mulch.

(3) Wherein sod installation is impractical, qualified City landscape personnel may allow seeding or sprigging with prior written approval. Grass seed shall be clean and at least 90% weed free and free of noxious pests or diseases. The grass seed bags shall have Florida Department of Agriculture tags indicated compliance with the State's quality control program.

(4) Other ornamental groundcovers used in lieu of turfgrass shall be installed to allow 75% coverage at installation and must have 100% within three months after planting.

(H) Vine Installation Specifications: Vines shall be a minimum of 30 inches in height at installation and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

(I) Shrubs and Hedges:



- (1) Shrubs shall be installed with a minimum 24 inches in height and 12 inches in spread, unless otherwise directed, immediately upon planting.
- (2) Shrubs shall be installed in a manner that prevents both encroachment and touching building surfaces from branches by the end of one year's growth.
- (3) Layering of shrub rows shall be done in accordance with the tallest mature shrubs placed in the back and progressively shorter mature shrubs placed progressively in the front section.
- (4) Hedges, where required on an approved landscape plan or by Code, shall be planted to form a future continuous, unbroken, solid visual screen within a maximum of one year after installation date.

(J) Trees:

The minimum new tree installation requirements shall be delineated into four categories based on mature tree height and diameter at breast height.

- (1) Category I or known as large sized canopy tree: minimum of 14-16' in overall height and 3" diameter at breast height
- (2) Category II or known as medium sized canopy tree: minimum of 12-14' in overall height and 2" diameter at breast height
- (3) Category III or known as small sized canopy tree: minimum of 10'-12 in overall height and 1.5" diameter at breast height
- (4) Category IV or known as palm category: minimum of 10' in overall height as determined by measurement from the ground to the top frond

(K) Trees shall be species having an average mature spread of crown of 30 feet or greater and having trunk(s) which can be maintained in a clean condition over six feet of clear wood. Trees having an average mature spread of crown less than 30 feet may be substituted by grouping to create the equivalent of a 30-foot crown spread, this shall not include any non-trees. The average mature canopy spread shall be determined by current University of Florida IFAS extension office publications. City staff reserves the ability to determine the mature canopy spread if a publication cannot be found on any particular species.

(L) In the event canopy requirement cannot be met due to site limitations as determined by City landscape personnel, the equivalent value of the canopy tree shall be deposited into the City's Landscape Fund.

(M) A preferred tree planting list identified by category and type is on file with City landscape personnel. The types of trees on this list may be amended from time to time.

- (1) With regards to the approved species lists provided by the City landscape personnel, the scientific name shall take authority over the common name as amended by the scientific community from time to time.
- (2) Tree species not on the above approved lists can only be installed with prior written permission from the City.

- (3) Palms at a 3:1 ratio minimum ten feet in height, ten feet in spread, planted in close proximity to each other shall be considered as one canopy.
  - (4) All trees shall be planned to ensure that there is adequate root and canopy space at maturity. Trees planted within ten feet of a paved surface or a form of infrastructure (determined to have an invasive root system) shall require an approved root barrier system.
  - (5) Trees shall have a 6.0' clear trunk to allow unobstructed pedestrian movement under of around tree canopy.
- (N) All species as defined as category one invasive materials in the most recent document compiled by the Florida Exotic Pest Plant Council (FLEPPC) for the south region are prohibited from new installation. An exception may be made if, in the opinion of the City licensed landscape arborist or professional landscape inspector a category one species will not be harmful in that particular area or to the immediate surrounding environment, it shall be allowed.

#### 153.04 NON-LIVING DURABLE LANDSCAPE MATERIAL DESIGN AND INSTALLATION STANDARDS

- (A) Any person, company, partnership, corporation, or service that installs non-living durable landscape material shall adhere to guidelines set forth in 153.03.A, when applicable, and shall be installed to meet all other applicable ordinances and code requirements.
- (B) Mulch.
  - (1) A minimum of three inches of shredded, organic, heavy metal free mulch shall be installed around all tree plantings and landscape beds surrounding ornamental groundcovers, shrubs and hedges.
  - (2) The use of mulch obtained from Melaleuca, Eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.
  - (3) Tree rings shall be a minimum of twelve inches away from the tree trunk flair but shall not be permitted within the first two inches from the tree trunk.
- (C) Decorative Rocks. Decorative rocks may be used in lieu of mulch installation with sizes ranging from two to four inches.

#### 153.05 IRRIGATION STANDARDS

- (A) All landscaped areas excluding single-family residences shall provide an automatic operating irrigation system and shall be designed to meet the needs of the plants in the landscape. The irrigation system is not required to operate in landscaped areas if designated on the landscape plan, and maintained as a planned Florida-friendly or Xeriscape landscape area in all commercial, residential and single family zones.

- (B) Each main line and zone valve shall comply with the guidelines set forth in the City Code as amended from time to time, and the latest revision of the Florida Irrigation Society Standards and Specifications. An irrigation system serving more than one property within a development or subdivision shall contain one or more main lines with separate manual zone valves for each individual parcel serviced by the system.
- (C) Irrigation systems shall be installed and maintained to eliminate water loss due to damaged, missing, or improperly operating sprinkler heads, emitters, pipes and to minimize water on impervious areas.
- (D) Low-volume drip irrigation systems, emitter irrigation, and rain sensors where practical shall be encouraged to promote good Florida-friendly principles.
- (E) For permitted amounts and hours of watering, the City has adopted Chapter 40E-24.201 of the Florida Administrative Code, as may be amended from time to time, by reference as through fully set forth herein and shall be effective within the municipal limits of the City.
- (F) Reclaimed water shall be used in accordance with applicable federal, state, and local laws, rules and regulations. Pursuant to this Chapter, reclaimed water may be used for irrigation of residential and non-residential lawns, golf courses, cemeteries, parks, landscaped areas, edible crops (as set forth in Chapter 62-610, Florida Administrative Code), highway medians, dust control, on construction sites, mixing of concrete, and cleaning of roads and sidewalks.

## **LANDSCAPE PLANS AND GENERAL SPECIFICATIONS**

### **153.06 LANDSCAPE PLAN REQUIREMENTS**

- (A) All landscape plans shall contain all of the following items for document plan review by City professional landscape personnel:
  - (1) Landscape plans shall be signed and sealed by a registered Landscape Architect or qualified personnel. A digital and hard copy of all landscape plans shall be submitted to the City for review.
  - (2) Landscape calculation table, on a form provided by the City, shall be shown on planting plans.
  - (3) Tree survey bearing the seal of a Landscape Architect or qualified personnel indicating the location, number, species, DBH, size, and condition of all existing trees and vegetation on-site to be preserved, relocated, or removed. In the event there are no trees on-site, the applicant shall submit a letter stating that there are no existing trees on-site.
  - (4) The location and outline of existing buildings and site improvements to remain.
  - (5) Location, number, species, size, and condition of existing vegetation along abutting properties within 25 feet of property line.
  - (6) Location of existing and proposed hardscape features such as driveways and sidewalks, additional embellishment of walls, fences, gates, and signs including type and height.

- (7) A proposed plant list by symbol, quantity, required specifications, native or non-native, drought tolerance, mature canopy spread, total mature canopy spread proposed on site, and botanical and common names. The plant list shall be indicated on all planting sheets.
  - (8) Location and labeling of existing and proposed lighting on site, proposed fire hydrants, and Fire Department check valves.
  - (9) Location of existing and proposed easements, Right-Of-Ways, drainage structures, overhead utility wires, vertical features, underground utilities, controllers, above ground electrical elements, and transformers.
  - (10) All planting and staking details, including but not limited to planting/staking specifications, general notes, and tree protection details.
  - (11) Existing and proposed water bodies, water retention areas, and berms indicating required slopes.
  - (12) An indication of water source, valves, pumps, backflow preventers, controllers, main line, lateral lines, sleeves, head types, specifications, and spacing.
  - (13) Sight triangles shall be depicted on planting plans.
  - (14) Such other information as needed to give a complete understanding of the proposed plan.
- (B) Exceptions to these requirements may be granted upon determination of the City based on scope of work.

#### **153.07 LANDSCAPE PLAN REVIEW AND ACCEPTANCE PROCEDURES**

- (A) Landscape plans shall be required for all site plan submittals unless determined to be unnecessary by City staff.
- (B) All proposed and approved landscape plans shall include details pertaining to plant materials, non-living durable landscape material, and an irrigation system where applicable.
- (C) For existing properties, if neither the property owner nor the City possesses an approved landscape plan for the site, the property owner must seek a mitigation plan to be approved by the City as set forth in 153.37 if the property owner seeks to obtain any new building permit.
- (D) All site developments or landscaping improvements to existing sites shall submit to City landscape personnel a set of landscape plans that comply with plan details outlined in 153.06. Once the landscape plans are approved, the property owner can apply for a landscape permit to begin work.
- (E) City landscape representative(s) shall be charged with the responsibility to review plans, issue permits, and inspect all details post-installation for all items found in the landscape plan.
- (F) Upon completing a final landscape inspection, the owner must file "as-built" landscape plans with the City within 30 days.

- (G) All plans submitted shall be retained by the City in accordance with F.S. Chapter 119, as amended from time to time, and the rules and regulations promulgated from time to time for records retention by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Florida Department of State.

#### 153.08 ISSUANCE OF CERTIFICATE OF OCCUPACY OR FINAL INSPECTION APPROVAL

- (A) A landscape permit is required for all new construction and redevelopment of properties located in such districts and the following is required for permit:

- (1) Landscape permit application
- (2) Permit fee reflective of total landscape costs
- (3) A cost breakdown of materials including species, size and labor costs
- (4) Proof of contractor's Broward County Local Business Tax receipt (LBTR)
- (5) A copy of contractor's liability insurance
- (6) Hard set of plans and a digital copy; quantity to be determined by the City
- (7) Tree removal/relocation permit if applicable

- (B) An owner/contractor cannot begin installation of material until a landscape application has been received and approved by the City and a landscape permit has been issued.

- (C) Conditions: No final Certificate of Occupancy for new construction or significant redevelopment projects shall be issued unless the as built conforms to the approved landscape and irrigation plan.

- (1) The landscape architect shall be required to inspect the property after installation to determine whether landscape and irrigation installation conforms to the approved plan.
- (2) The landscape architect shall submit a written report of compliance to the City upon completion of their inspection.

- (D) Inspection:

- (1) The City shall inspect the property to ensure that landscape has been installed, maintained, and irrigated in accordance with the landscape plan approved by the City and the provisions of this Chapter of the code. If the inspection reveals that the approved landscape and irrigation plans have been satisfied, and the City has received a landscape and irrigation certification letter, hardcopy of landscape and irrigation plans, and as-built digital file all signed and sealed by a landscape architect or qualified personnel, then the final certificate of occupancy may be issued.
- (2) The property owner/developer shall be responsible for payment of a landscape inspection fee prior to issuance of final Certificate of Occupancy.

(E) Replacement of material:

- (1) It shall be the duty of the property owner to maintain the current approved landscape plan for the property including, but not limited to, replacing dead and poorly performing plant and other landscape material. The City has the right to inspect all properties to ensure that landscaping has been properly installed, maintained, and irrigated in accordance with the approved landscape plan and require the property owner to make all appropriate corrections.
- (2) The property owner has 90 days to replace all substandard and missing landscaping to ensure compliance with this section upon notice from the City. If unable to achieve scope of work within a 90 day period an extension may be granted based on significant progress and communication with City landscape personnel

## GENERAL LANDSCAPE PARAMETERS FOR SITE PLANNING

### 153.09 LANDSCAPE PARAMETERS- GENERAL CONSIDERATIONS

- (A) All areas within a property not considered a building, structure, sidewalk, parking area, and other approved vehicular use area shall have the maximum coverage of living plant material where possible. All non-living durable landscape material shall not be considered an appropriate substitution for living plant material unless clearly stated on an approved landscape plan.
- (B) All properties and approved landscape plans shall follow the Florida Friendly Landscaping Program (FFLP) guidelines as hereby adopted by the City with the exclusion of the wildlife section. The City further agrees to adopt the plant lists within the FFLP as a guideline for the City's approved plant list.
- (C) All properties and approved landscape plans are required to have at least 50% native and drought-resistant plant materials within the total site vegetation excluding sod.
- (D) During any construction, protective barriers of specifications approved by the City shall be placed and maintained around the drip line of all trees to be retained on the site to prevent their destruction or damage. The developer shall use every precaution possible to avoid damaging the trees by preventing the use or storage of materials or equipment, or the contamination of soil with such materials as paint, oil, solvents, asphalt, concrete, mortar, and the like, within the "drip line".
  - (1) No attachments, other than those of a protective or nondamaging nature, shall be attached to any tree except those trees approved by the City to be eliminated and not to be retained or relocated.
  - (2) All trees damaged as a result of construction or the operation of heavy equipment in the vicinity of a tree shall be replaced in accordance with the provisions of this Chapter.

### 153.10 LANDSCAPE PARAMETERS- SIGHT DISTANCES

When an accessway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within the triangular areas shall conform to Florida Department of Transportation (FDOT) Roadway and Traffic Design Standards for Design Construction,

Maintenance and Utility Operations on the State Highway System, Standard Index 546, and Engineering Division details R13, R14, and R15, as amended and updated from time to time.

### **153.11 MINIMUM LANDSCAPE REQUIREMENTS- ALL PROPERTIES**

- (A) All landscaped areas shall be installed according to the approved site plan and shall be maintained by the property owner, including but not limited to replacing dead and poorly performing material. The City has the right to inspect all properties to ensure landscaping has been properly installed, maintained, and irrigated in accordance to the approved landscape plan.
- (B) A property owner can receive credits toward the minimal landscape requirements for the preservation, replacement, or relocation of existing plant material on site prior to development if determined by City landscape personnel, an adjustment will preserve the intent of this Chapter.
- (C) All common areas, excluding totally enclosed privacy areas, for attached and detached single-family units shall be fully landscaped and irrigated. Common areas require one tree for every 1,000 square feet and shall require no more than 50% sod.
- (D) Recreational facilities both commercial and private, shall be substantially landscaped. The landscape at recreational facilities such as but not limited to clubhouse, pool area, and gym cannot be utilized in fulfilling or contributing to minimal landscape requirements for general planting requirements outlined in 153.16-153.19.
- (E) Utility structures, garbage, and refuse areas shall be screened with landscaping material to the extent that these areas are not visible at a maximum height of six feet from abutting properties or adjacent right-of-ways.
- (F) The property owner is responsible for the landscape development and maintenance of the non-paved portion fronting on the property where a waterway directly abuts public right-of-way and where the ingress and egress from a property is over the waterway in accordance with an approved site plan and according to South Broward Drainage District standards.
- (G) Trees in excess of 5 shall have no more than 20% of a single species.
- (H) All properties 3 Stories & Below minimum:
  - (1) 20% of required trees meet 14-16' H with 3" diameter at breast height.
  - (2) 20% of required trees meet 12-14' H with 2" diameter at breast height.
  - (3) 60% of required trees required meet 153.03 (J).

All properties 4 Stories & Above minimum:

- (1) 30% of required trees meet 14-16' H with 3" diameter at breast height.

(2) 30% of required trees meet 12-14' H with 2" diameter at breast height.

(3) 40% of required trees required meet 153.03 (J).

#### **153.12 LANDSCAPING FOR BOULEVARD STRIPS, MEDIANS, AND SWALES- ALL PROPERTIES**

- (A) All medians within or adjacent to a development shall be landscaped and irrigated by the developer as per an approved site development plan where such modifications are determined necessary by City staff.
- (B) The boulevard strip shall be sodded. Where the area is bordered by a sidewalk and curbing, it shall be contoured to insure satisfactory surface run-off. Planting will be considered in this area provided that the stock is of type as specified in the approved list for boulevard planting and that the planting does not encroach beyond the center line closest to the public right-of-way. Landscaping to incorporate xeriscaping principles is encouraged.
- (C) Where the area is not curbed, the block drainage pattern must remain unobstructed. Planting shall not take place in the center line of the swale. Planting, however, will be considered on the residential side of the slope provided that the material is as specified in the approved list for boulevard planting and that the planting does not take place closer than two feet from the center line of the swale.
- (D) For trees located in a boulevard strip or swale, special attention should be made to ensure that there is adequate root and canopy space at maturity.
- (E) All planting on City property must be as per an approved site plan.

#### **153.13 LANDSCAPING ADJACENT TO PUBLIC RIGHT-OF-WAYS- ALL PROPERTIES**

- (A) A 10 foot strip of land adjacent to the right-of-way shall be provided for and landscaped for property areas adjacent to public right-of-ways where the property will not be entirely visually screened by an intervening building or structure from the abutting right-of-way. All required landscaped strips shall be landscaped 100% coverage of turfgrass or other approved groundcover along with one tree for each 50 lineal feet or fraction thereof, or one tree for every 250 square feet. Necessary accessways may be subtracted from the above lineal dimensions where determining the required number of trees.
- (B) The above required trees shall be located between the abutting right-of-way and development of the property. A hedge, wall, berm, or other durable landscape barrier of at least 2 feet in height shall be placed along only the perimeter of the landscape strip. If the durable barrier is of nonliving material, a hedge, vine or other living material shall screen the street side of the barrier. Barrier placement shall not impede sightlines.
- (C) Utility easements shall be excluded from this section's provisions regarding trees only and dedicated alleyways shall be excluded from this section's provisions regarding trees, hedge material and berm requirements, unless they are commercial alleyways abutting residential property as in 153.14.

#### **153.14 LANDSCAPING ADJACENT TO ABUTTING PROPERTIES- ALL PROPERTIES**



- (A) On the site of a building, structure, or open-lot use providing an off-street parking area or other vehicular use area, where the area will not be entirely screened visually by an intervening building or structure from abutting property, screening shall be required as provided within this section.
- (B) The buffer screening shall comply with the yard requirements as provided in Chapter 155 of the Zoning Code for all applicable districts and land use separation requirements if applicable in Section 155.056.
- (C) Walls, hedges, or other durable landscape barriers at least 3 feet in height, with appropriate spacing as provided in the SFWMD Guide, shall be accepted as screening material if that material can provide the required full screening from the abutting property.
- (D) In addition, trees and landscape beds shall be located between the common lot line and the off-street parking area or other vehicular use area. The required number of trees shall be calculated as one tree provided for every 50 lineal feet or fractional part thereof. Each tree shall be planted in at least a 100 square feet planting area consisting of grass, groundcover, or other landscape material with a minimal dimension of at least ten feet. Non-living durable landscape material shall not be acceptable material for these landscape beds.

#### 153.15 INTERIOR PARKING AND PAVED AREA LANDSCAPING

- (A) Landscaping of interior parking areas, also defined as parking islands and other vehicular use areas within a property shall be a mixture of ground cover, turfgrass, hedge material, trees, and palms with no more than 50% of total island areas planned or installed as turfgrass sod or mulch. Interior islands must be a minimum ten feet wide from inside of curb adequately landscaped and contain minimum of one tree. The intent of interior parking islands is to create a fully landscaped parking lot without disrupting continuous parking stalls and to lower the area ambient surface temperature.
- (B) Parking lot landscaping should be designed to be sustainable and to function as part of the development's stormwater management system.
- (C) For other vehicular use areas only, where the strict application of minimal landscaping requirements will seriously limit the function of the area, the required landscaping may be located near perimeter of the paved area, including those perimeters that may be adjacent to a building on the site. The required interior landscaping which is relocated as provided herein shall be in addition to the perimeter landscape requirements.
- (D) Concrete curbing, wheel stops permanently anchored 3 feet away from landscape area at a 4 inch height, or other approved equal shall be installed to prevent encroachment of vehicles into the required landscape area.
- (E) Individual interior parking lot areas shall be a minimum of 100 square feet total adequately landscaped with shrubs, groundcover, or other authorized landscape material not to exceed 3 feet in height in addition to requirements listed below. The landscape areas shall be located in such a manner as to divide and break up the expanse of paving.
- (F) Parking and paved areas shall comply with the following minimum requirements:
  - (1) 1 tree:
    - i. every 5 parking spaces

- ii. every 100 square feet of interior landscaping
- (2) 10 square feet of interior landscaping every parking space up to 50 spaces
- (3) 100 square feet of landscaping every 10 parking spaces over 50 spaces
- (4) 1 square foot of landscaping:
  - i. every 100 square feet of paved areas up to 50,000 square feet
  - ii. every 200 square feet of paved area over 50,000 square feet
- (5) Interior parking landscape requirements shall be reduced by 25% for areas zoned for industrial use.

#### **153.16 MINIMUM LANDSCAPE REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL PROPERTIES**

(A) The minimum planting requirements per single family lot:

- (1) 3 trees of 2 different species per unit, where possible located in the front of the lot including swale area.
- (2) 10 shrubs per unit
- (3) 2 accent plants per unit

(B) Swale trees shall be located in the swale area or boulevard strip between the road's edge and the sidewalks. The trees shall be planted to ensure that there is adequate root and canopy space upon maturity. Root barriers shall be installed, if, in the opinion of the City licensed landscape arborist or professional landscape inspector, they shall be required to allow for future controlled growth.

(C) For all lots larger than 8,000 square feet in area, additional trees and shrubs shall be provided at the rate of 1 tree and 3 shrubs every 3,000 square feet of lot area; however there shall be no more than 10 trees and thirty shrubs required per acre.

(D) The complete site area shall be landscaped in accordance with the approved site plan. For residential properties over 10,000 square feet, the area in excess may be plugged, sprigged, or seeded.

**(E) The owner of an existing nonconforming single family residence, under this subsection, may apply for mitigation pursuant to Section 153.37 of the City Code.**

### **153.17 MINIMUM LANDSCAPE REQUIREMENTS FOR MULTIFAMILY RESIDENTIAL PROPERTIES**

(A) All landscape areas shall be installed according to the approved site plan.

(B) Multifamily properties shall comply with the following minimum requirements:

(1) Shrubs:

- i. 25 per unit (First Floor)
- ii. 5 Additional Shrubs per unit (Second & Third Floors)
- iii. No additional shrubs required for units above fourth floor

(2) Trees:

- i. 1.5 Canopy trees per unit (First Floor)
- ii. 1 additional canopy tree per unit (Second Floor)
- iii. 0.5 additional canopy tree per unit in excess of two stories

### **153.18 MINIMUM LANDSCAPE REQUIREMENTS FOR NON-RESIDENTIAL PROPERTIES**

(A) For non-residential properties the planting requirement shall be calculated on the following basis;

- (1) 1 tree every 5,000 square feet of gross area
- (2) 10 shrubs every 5,000 square feet of gross area

(B) Grass areas shall be sodded. Areas in excess of 20,000 square feet may be plugged, sprigged, or seeded.

### **153.19 MINIMUM LANDSCAPE REQUIREMENTS FOR GROUND SIGN**

(A) The base of all ground signs must be adequately landscaped. Permit applications for ground signs must be accompanied by a landscape plan compliant with the following standards:

- (1) Landscape area must consist of shrubs, groundcover, annual or perennial flowers, or some combination of live plants to complement and enhance the sign. Sod may not be used to meet this requirement.
- (2) Sign landscaping is subject to landscape provision of chapter 153.

### **153.20 EXEMPTIONS**

- (A) All properties within the immediate vicinity of the Perry Airport shall comply with Federal regulations set forth by the Federal Aviation Administration (FAA) regarding canopy height considerations only where applicable. Any other conflicting FAA landscape regulations with City of Pembroke Pines Code will be judged on a case by case basis.
- (B) All waterways or waterway maintenance easements shall be landscaped to the water's edge in accordance with South Broward Drainage District standards and shall be shown on the landscape plan.
- (C) Where there may be interference with existing or proposed utilities, either above or below ground.
- (D) Planned development districts (such as PUD, PCD, MXD, etc) may have standards which differ from those herein. Any deviations from City code must coincide with those district's design guidelines.

## **TREE PRESERVATION**

### **153.21 GENERAL INTENT**

The purpose of this Chapter is to establish standards for trees within the City of Pembroke Pines. The intent is to perpetuate the protection, preservation, and conservation of existing Trees , natural areas, and Landscaped open space as an effective means of conserving energy and to preserve Trees to improve the aesthetic quality of the City thereby promoting the health and general welfare of the citizenry. Owing to these many benefits provided by Trees , it is the intent of the City to protect this valuable resource through permitting for Tree Removal . In the evaluation of a Tree Removal permit, priority shall be given to protected trees for the preservation or relocation, replacement, and/or payment into the City Landscape Fund. In addition, it is the policy of the City Commission that every effort shall be made to preserve and maintain natural vegetation within the City as identified in the City's Comprehensive Plan.

## **STANDARDS AND DUTIES**

### **153.22 MAINTENANCE STANDARDS- ALL PROPERTIES**

- (A) Any person, company, partnership, corporation, or service that administers tree maintenance practices within the City shall adhere to all American National Standards Institute (ANSI) practices found under A300 and Z133.
- (B) Utility companies shall be permitted to perform necessary tree pruning around electric or utility conductors to prevent disruption of utility service or for safety reasons.
- (C) Necessary precautions to prevent damage to paved surfaces and infrastructure, particularly public works, must be taken. This may require the installation of a root barrier system.

### **153.23 DUTIES OF A PROPERTY OWNER FOR GENERAL MAINTENANCE**

- (A) Property owner shall utilize tree installation and maintenance practices that follow guidelines set in The Florida Friendly Landscaping Program.

- (B) Property owner shall maintain their lawn, hedges, trees, plants, ground covers and all other landscaping components free of refuse and unsightly debris, and present the property in a healthy, neatly trimmed fashion. Hedges shall be properly maintained to keep a neat orderly appearance and shall not exceed six feet in height for residential and eight feet for nonresidential properties.
- (C) In no case shall trees, hedges or other foliage visually or physically obstruct the right-of-way.
- (D) The duties of the property owner extend to landscape maintenance of adjacent right-of-ways, all easements, waterways directly abutting public right-of-ways, and where the ingress and egress from a property is over the waterway.
- (E) All fertilizer applicators will adhere to the standards set forth in the Florida Friendly Landscaping and Green Industries Best Management Practices from the Florida Department of Environmental Protection.
- (F) Property owner shall remove dead trees and their stumps, hazardous trees, or hazardous part(s) of the tree from the owner's property or the swale abutting owner's property upon notice by the City. The property owner shall remove the dead tree(s) or hazardous part(s) within 30 days upon receipt of notice.
- (G) For the purposes of 153.23(F), **DEAD TREES** shall be defined as follows:
- (1) A palm shall be considered dead if more than 80% of the fronds are dead, leaving no more than three fronds remaining.
  - (2) Slash Pine (*Pinus elliottii* var. *densa*). The trees shall be considered dead if all of the pine needles are dead (red rusty color) or have fallen from the tree, and no new needles are budding out.
  - (3) All other species of tree: the tree shall be considered dead if all of the leaves or fronds have fallen or are dead and clinging to the tree. For species other than palms, the following criteria shall be applied in determining that the tree is dead:
    - i. No new buds are appearing.
    - ii. The twigs at the ends of the branches are dry and brownish in color, both in the cambium and the pith (outer and inner layers of wood respectively), and snap when broken.
    - iii. The cambium layer (just beneath the bark) is brown and dry when cut to a depth of 1½ inches at 3½ feet above ground level for mature trees, and to a depth of 1½ inches for smaller saplings.
- (H) For dead and hazardous trees, in the event the property owner does not uphold their duties, the City shall cause the tree or tree parts to be removed and shall bill the property owner for the cost of removal. In the event the property owner shall not pay the cost within 30 days, the City shall file a lien against the property for the cost of removal. Code Compliance shall have the discretion to allow property owner to pay the bill for removal in installments, in which event he shall apply interest at 6% per annum on the unpaid balance until paid in full.

- (I) Property owner shall remove all species as defined as category one invasive material in the most recent document compiled by the Florida Exotic Pest Plant Council (FLEPPC) for the south region, except where, in the opinion of the City licensed landscape arborist or professional landscape inspector such a category one species will not be harmful in that particular area or to the immediate surrounding environment.
- (J) Property owner shall restore canopy loss as a direct result of natural causation. Canopy restoration shall occur 120 days from notice of violation for residential, commercial, and common area property. Any homeowner's association or condominium association may petition the Code Compliance Department for an extension of the timeframe set forth herein by submitting a plan detailing their efforts to comply with the terms of this section and consistent with the terms set forth in section 153.33.

#### **153.24 TREE MAINTENANCE COMPANIES WORKING IN PEMBROKE PINES**

- (A) Any person, firm, corporation or other entity engaged in the business of tree maintenance or soliciting property owners for tree maintenance within the City must obtain a City of Pembroke Pines Local Business Tax Receipt (LBTR). Proof as a current International Society of Arboriculture Certified Arborist or a current Class A or B Tree Trimmer License issued by the Broward County Environmental Licensing and Building Permitting Division shall be submitted at the time of application.
- (B) The person or business entity shall immediately notify the City of Pembroke Pines at the loss of the above Certified Arborist or the Class A or B licenses. The person or entity will immediately lose the above Local Business Tax Receipt (LBTR) for tree maintenance until proof of current license(s) is shown.
- (C) The City of Pembroke Pines may request that Broward County revoke a Local Business Tax Receipt (LBTR) in the event standards set in 153.22 (A) are not met by the tree maintenance provider within Pembroke Pines.

#### **153.25 TREE PRESERVATION AS BASIS FOR VARIANCE**

The preservation of any tree may be considered as the basis for granting of a variance from the literal application of the provisions of the City's zoning and subdivision regulations. If, in the determination of the City, the sole basis for the request for a variance is to preserve any tree which would otherwise have to be removed, The City landscape personnel may direct the required variance fee to be waived.

No trees shall be removed from any public land, including, but not limited to street right-of-way and swale areas, without the approval of the City.

#### **153.26 TREE REMOVAL BY UTILITIES FROM PUBLIC AND PRIVATE LANDS**

Utilities franchised by the City may remove trees without permit, after prior written notice to and approval by the City, that endanger public safety and welfare by interfering with utility services. The utilities shall cooperate with the City to preserve the trees by relocation or replacement in the same vicinity or as determined by the City for the best public benefit.

### **153.27 IMPROPER TREE MAINTENANCE**

- (A) Any person, company, partnership, corporation, or service that administers tree maintenance practices within the City that does not adhere to all American National Standards Institute (ANSI) practices found under A300 has committed tree abuse. Common tree abuse practices include but not limited to the following:
- (1) Hat-racking defined as indiscriminate cutting of branches to stubs or lateral branches that are not large enough to assume the terminal role.
  - (2) Shaping defined as topiary pruning of Category I, II, and III trees.
  - (3) Destruction of a tree's natural habit of growth.
  - (4) Removing over 25% of the tree's canopy at one pruning event.
  - (5) Over thinning of interior canopy.
  - (6) Over lifting of lower canopy.
  - (7) Use of climbing spikes, nails, or hooks into a tree except for the purposes of total tree removal or any action specifically permitted by standards set by ANSI A300 or Z133.
  - (8) Bark removal.
  - (9) Excessive root pruning as determined by an ISA Certified Arborist
- (B) Property owners are allowed to topiary prune only on trees with written City approval or identified on an approved landscape plan from the City as appropriate for topiary pruning.
- (C) Pruning or removal of aerial roots is prohibited unless for the prevention of damage to paved surfaces and infrastructure, as well as the health, safety, and wellbeing of citizens such as but not limited to clearing of sightlines, traffic areas, pedestrian walkways, and utilities.

### **153.28 REMEDIAL MEASURES FOR TREE ABUSE BY PROPERTY OWNERS**

- (A) Tree abuse is a violation under city code.
- (B) The property owner is solely responsible for any person that commits tree abuse as defined in 153.27 (A) and shall be responsible for undertaking remedial measures and/or fines for the abused tree(s) on their property. If owner provides sufficient proof of company contracted then additional measures set forth in 153.24(C) shall apply.
- (C) Remedial measures may include but not limited to any or a combination of the following actions: no action for a prescribed time, corrective pruning to improve the health and form of affected trees, probationary period under a pruning plan developed by a ISA Certified Arborist, or tree removal if the natural habit of the tree has been destroyed and cannot be corrected.

- (D) Any tree removals under 153.28(C) shall apply for tree removal permit and follow permit requirements.

## **TREE REMOVAL OR RELOCATION PERMIT**

### **153.29 TREE REMOVAL OR RELOCATIONS**

- (A) No property owner shall cut down or relocate any tree without first obtaining a permit from the City as herein provided.
- (B) No trees shall be removed from any public land, including, but not limited to street right-of-way and swale areas, without the approval of the City.

### **153.30 TREE REMOVAL OR RELOCATION PERMIT**

- (A) A tree removal or relocation permit shall be in a written form provided by the City for the property owner to request a tree removal or relocation. The applicant must state on the form the reason for the tree removal or relocation. The property owner or agent must fill out and sign the permit and indicate that they will follow all terms and conditions associated with the permit issuance.
- (B) In addition, the property owner must attach the following items at the time of the permit application: letter from their homeowner association stating that the owner has their permission to act and either a photo of the tree or a detailed map indicating the tree location. Properties not under a homeowner association are not required to have said letter.
- (C) If all documentation is not received at the time of application, City officials may not proceed with processing the permit until all requested information is received.
- (D) The application fee shall be \$10 for single-family, detached owner-occupied properties. The application fee for non-residential and multi-family shall be \$50 for the first ten trees and \$10 for every additional tree. Common area HOA shall be considered non-residential properties. The fee is due at the time of the application submission and will not be returned if permit is denied by the City.
- (E) Application fees shall be waived for species identified as category one invasive trees in the most recent document compiled by the Florida Exotic Pest Plant Council (FLEPPC) for the south region. Replacement value shall be determined by qualified City staff.

### **153.31 CONDITIONS FOR TREE REMOVAL OR RELOCATION PERMIT ISSUANCE**

- (A) Application for a permit request by this chapter shall be reviewed by the City that may include a visual inspection of the site. The City shall upon visual inspection of the tree determine whether requested tree(s) meet removal or if relocation is more beneficial than removal, the City may require the property owner to relocate the tree at the owner's expense.
- (B) The City shall as a condition of the issuance of a tree removal permit require replacement tree(s) for canopy replacement at the property owner's expense.



(C) The following conditions must be proven to the City to issue a tree removal or relocation permit:

- (1) The tree unreasonably restricts the permitted use of the property.
- (2) A proposed development cannot be located on the site without tree removal.
- (3) The property owner has made every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees removed.
- (4) The tree is significantly damaging existing structures and cannot be mitigated through proper arboricultural practices or reasonable modifications to the property.
- (5) The tree interferes with utility services and cannot be mitigated through proper arboricultural practices.
- (6) The tree creates an on-going safety problem for the existing development and cannot be mitigated through proper arboricultural practices.
- (7) The tree is obstructing safe sightlines.
- (8) The tree is growing too close in proximity to another more valuable tree(s) to permit normal growth and development of the affected tree(s).
- (9) The tree is of poor quality and condition but is not considered a hazardous tree.
- (10) It is in the public interest and welfare that the tree be removed for a reason other than set forth herein.

(E) All tree replacements or relocations shall be completed within six months of the permit issuance unless the property owner receives written notification from the City granting an extension.

#### **153.32 GENERAL CONDITIONS FOR TREE REMOVALS AND RELOCATION PERMITS**

- (A) Tree relocations and replacement trees shall be located within the site or, with concurrence of the City, on public or private land within a reasonable proximity of the site. Sites can also include public land in the City or donating to any citizen or citizen groups for the purpose of public interest and welfare as prior approved by the City.
- (B) Relocated trees and replacement trees shall be planted in the area with adequate space for root and canopy growth and development and shall be planted in a location that will not interfere with existing or proposed utilities or other cables either above or below ground. The City may refer the installation site to such City departments or other utility agencies having an interest to determine the effect on public welfare, adjacent properties, or other public services and facilities before permitting the relocation or tree replacement site.
- (C) The property owner shall refrain from causing unnecessary damages to other trees remaining on the site while planting or preparing the site for relocation or replacement.

- (D) All new trees and palms shall be installed using commonly accepted industry practices for tree/palm installation. Remedial corrections may be requested by City landscape representative if installation was done contrary to industry standards. The property owner is responsible for removing all landscape supports after proper establishment or a maximum of one year after installation.
- (E) All replacement trees shall be a minimum tree grade of Florida #1 or better as identified in *Grades and Standards* by the Florida Department of Agriculture.
- (F) All permitted tree removals shall include removal of their stumps.
- (G) Native replacement canopy trees must be used in removals of native trees.
- (H) A list of preferred tree species updated at the discretion of qualified city staff is available through city landscape personnel.

## **REPLACEMENT CANOPY TREES FOR TREE REMOVALS**

### **153.33 CANOPY TREE AND PALM REPLACEMENT**

- (A) The property owner shall install 1.5 replacement canopy trees of equivalent canopy area for every 1 non-specimen canopy tree permitted to be removed. City officials shall round up to the nearest whole number to calculate the required amount of replacement canopy trees. Existing site vegetation may be taken into consideration by city staff when determining replacement.
- (B) For specimen trees only, the replacement canopy tree calculation shall be obtained by a certified arborist using tree appraisal guidelines set in the most recent edition of the *Guide for Plant Appraisal* published by the Council of Tree and Landscape Appraisers and submitted to the City for review. Appraisal guidelines shall determine a dollar value for the requested removed tree which shall include purchase price of the replacement trees plus installation cost. The City shall use the specimen tree's dollar value to calculate the compensatory required number of replacement canopy trees.
- (C) The ultimate goal of the City shall be to replace canopy for canopy. The following replacement canopy tree minimum specifications shall be for Category I through IV, as listed below.
  - (1) Category I canopy trees: minimum of 14' in height and 3" diameter at breast height.
  - (2) Category II canopy trees: minimum of 12' height and 2" diameter at breast height.
  - (3) Category III small trees: minimum of 10' in height and 1.5" diameter at breast height.
  - (4) Category IV palms: minimum of 10' in height and a mature canopy spread of 10'.
- (D) The property owner shall install one category 4 palm for every one palm removed. A multi-trunked palm shall be considered as one palm. 3 category 4 palms in close proximity to each other may be used as 1 canopy replacement tree.
- (E) If the number of required replacement trees is greater than 5, the City shall require the property owner to install no more than 20% of any given species.

- (F) Written approval must be obtained from the City prior to installation if the minimum tree size is commercially unavailable. Credit at the City's discretion may be given to a property owner for the installation of larger trees.
- (G) If determined by the City that the replacement value for a removed tree is not feasible due to lack of available planting space on site only, the property owner shall hire qualified landscape personnel and submit a mitigation plan in accordance with the conditions set forth in 153.37. This requirement may be waived by city landscape personnel for limited scope projects.
- (H) Property owner may be required to submit a mitigation plan in accordance with conditions set in 153.37 for removal of category one invasive tree in the most recent document compiled by the Florida Exotic Pest Plant Council (FLEPPC) for the south region.

## **RELOCATION SPECIFICATIONS AND REQUIREMENTS**

### **153.34 RELOCATION OF NON-SPECIMEN TREES**

- (A) All relocations shall be in accordance to industry standards set by the International Society of Arboriculture, as amended. Industry standards extend to post-installation phase including but not limited to bracing, watering, and fertilization.
- (B) All root and canopy pruning shall be conducted prior to the tree's relocation and transportation.
- (C) During relocation and transplantation, the root ball shall be protected and kept moist at all times.
- (D) Trees with a dormancy period shall be transported during the dormancy phase.
- (E) No trees shall be relocated or transplanted during periods of strong, dry winds or during a water shortage as determined by the South Florida Water Management District.

### **153.35 RELOCATION OF SPECIMEN TREES**

- (A) All relocated specimen trees shall require a bond issuance to insure the survival of the specimen trees designated for preservation, unless otherwise exempted in writing from the City, from the property owner.
  - (1) Bonding Specifications
    - i. The bond shall meet the approval of the City Attorney of the City of Pembroke Pines and may be in the form of a letter of credit, cash bond or other form accepted by the City Attorney. The bond must be drawn upon a bank or saving and loan institution or insurance company authorized to conduct business in the State of Florida
    - ii. This bond shall be in addition to any other bond that may be required by any other government agency.
    - iii. The amount of the bond shall be determined based upon computations calculated in the accordance with the most current version of the *Guide for Plant Appraisals* published by the Council of Tree and Landscape Appraisers.
    - iv. Governmental entities shall be exempt from this bond requirement so long as sufficient security is provided as accepted by the City Attorney.

(2) Bond Release Requirements

- i. The specimen tree relocation bond will be released upon successful tree relocation as set forth in this Chapter and written approval is obtained from the City Landscape Division.
- ii. Written approval by the City Landscape personnel may only be obtained upon the completion of construction activities and where it is determined by the City Landscape personnel that the tree is not effectively destroyed one year from the date of relocation.
- iii. The City may release a bond where a tree relocation permit is transferred. The release of the bond may be conditioned upon the posting of a new bond by the subsequent permittee.

(B) If within one year of relocation the tree is determined to be effectively destroyed, the bond shall be drawn upon in accordance with the value of the tree pursuant to the most recent edition to the *Guide for Plant Appraisals* published by the Council of Tree and Landscape Appraisers. Such funds will be deposited into the City's Landscape Fund and shall be used by the City to replace the effectively destroyed tree.

## **ENFORCEMENT, FINE SCHEDULE, APPEALS, AND PENALTY FOR VIOLATIONS**

### **153.36 ENFORCEMENT**

- (A) The City Manager shall designate personnel to be responsible for implementing and enforcing the provisions of this Chapter and any pertinent policies of the City Commission and shall prescribe the duties thereof.
- (B) Police officers and Code Compliance Officers, including, but not limited to the city landscape personnel, shall enforce the provisions of this Chapter. Violation of any provision of this Chapter may be pursued by the appropriate remedy in court or by the Code Compliance Board as contemplated in § 10.99.
- (C) Police, Code Compliance, or the city landscape personnel may order that work not in accordance with the Chapter's provisions be stopped and such persons performing work shall immediately cease such work. The work may not resume until such time as the person is in compliance with this Chapter.
- (D) During emergency conditions caused by a hurricane or other disaster, the provisions of this chapter shall be suspended by resolution of the City, until the end of the emergency period.

### **153.37 MITIGATION PLAN**

- (A) Inability of the property owner to meet requirements set forth in this chapter shall require approval of a mitigation plan submitted to the City by the property owner's registered landscape personnel for the loss or failure to replace any required trees. The mitigation plan must demonstrate that requirements are being met to every extent feasible prior to the city's acceptance of the plan.

(1) The city landscape personnel will review the plan based on quality of material and site limitations. Once the property meets the intent of the purposes of the chapter, the approved landscape plan will stay on file with the city and act as the new standard for the property until modifications to site are made.

(B) Items subject to a mitigation plan may include but shall not be limited to:

- (1) The removal of category one invasive materials as defined by the Florida Exotic Pest Plant Council
- (2) The substitution of any tree(s) of lesser size(s) than previously approved by the City due to existing approved site limitations.
- (3) The substitution of any tree(s) species which if planted would cause property damage.

(C) Mitigation Credits shall apply:

- (1) The property owner's registered landscape personnel shall appraise the tree's current value pursuant to the newest edition of the *Guide for Plant Appraisal* published by the Council of Tree and Landscape Appraisers to be reviewed by city landscape personnel. Value shall include trees required for replacement, cost of installation, and maintenance. Contribution to City Landscape Fund or landscape contribution on said property will act in lieu of tree replacement.

#### **153.38 LANDSCAPE FUND**

There is hereby created a Landscape Fund for the deposit of funds in the accordance with the provisions of this Chapter. Landscape Fund shall directly benefit landscape improvements and green initiatives within the City.

#### **153.39 FINE SCHEDULE**

- (A) Police or Code Compliance Officers shall assess a fine against any person, firm, corporation or other entity, including, but not limited to, pruning and landscape companies, property owners, tenants, and residents, who violate the provisions of this Chapter.
- (B) Payment of fines shall be made in the same manner as parking citations. It is the intent of the City that the same fine structure be followed by the County court system in its review and adjudication of these matters.
- (C) Fines shall be calculated based upon the value of the tree or landscape materials as determined by the newest edition of the *Guide for Plant Appraisals* published by the Council of Tree and Landscape Appraisers.

#### **153.40 APPEALS**

Any person or party aggrieved by an administrative decision or order of the City personnel in the implementation and enforcement of the provisions of the chapter may appeal at applicants cost to the

Board of Adjustment for single family residential properties or the Planning and Zoning Board for all other properties, with scheduled meeting and concurrent fees of board, setting forth the facts and reasons why the applicant feels the administrative decision or order is not reasonable or in the public interest, according to the intent of this chapter. Appeals of decisions of the board for this section may be made through the City Commission.

#### 153.41 INJUNCTIONS AND RESTRAINING ORDERS

The City Attorney is authorized to seek, in any court of competent jurisdiction, an injunction or restraining order of either a temporary or permanent nature, restraining any person from violating any provision of this chapter.

#### § 153.42 PENALTY.

Violations of this chapter shall be punishable as provided by § 10.99.

('69 Code, § 10A-11) (Ord. 335, passed 8-23-73; Am. Ord. 2000-05, passed 2-16-00)

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