

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Council members

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director / (954) 797-1101
Prepared by: Michael Orfanedes

SUBJECT: Ordinance of the Town of Davie amending the Land Development Code to provide for compliance with the requirements of the recently revised Broward County Tree Preservation Ordinance and to facilitate recertification of our municipal tree program.

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 26-24 ENTITLED "TREE REMOVAL PERMIT-EXCEPTIONS"; PROVIDING FOR CLARIFICATION OF PERMIT REQUIREMENTS; AMENDING SECTION 26-27, ENTITLED "TREE RELOCATION"; PROVIDING FOR REVISED AUTHORITATIVE REFERENCES; AMENDING SECTION 26-28, ENTITLED "TREE REPLACEMENT"; PROVIDING FOR REVISED REQUIREMENTS FOR REPLACEMENT TREES; AMENDING SECTION 26-32 ENTITLED "SPECIMEN TREES"; PROVIDING FOR REVISED AUTHORITATIVE REFERENCES; AMENDING SECTION 26-40 ENTITLED "DEFINITIONS"; PROVIDING FOR ADDITIONAL DEFINITIONS RELATING TO TREE ABUSE; AMENDING SECTION 26-41 ENTITLED "TREE TRIMMING SERVICE PROVIDERS"; PROVIDING FOR REQUIREMENTS FOR PROFESSIONAL CONDUCT AND STOP WORK ORDERS; AMENDING SECTION 26-42 ENTITLED "PROHIBITION OF TREE ABUSE; EXCEPTIONS; ADMINISTRATIVE APPEAL"; PROVIDING FOR NEW RESTRICTIONS AND ALLOWANCES; SECTION 26-43, ENTITLED "REMEDIAL ACTIONS REQUIRED FOR VIOLATORS"; PROVIDING FOR NEW REQUIREMENTS AND PERMITS; SECTION 26-44. ENTITLED "FEES AND VALUES"; PROVIDING FOR A REVISED TITLE AND CHANGES IN FEES AND TREE VALUATION"; AND AMENDING SECTION 26-55 ENTITLED "PERMIT-REQUIRED"; PROVIDING FOR NEW TREE SURVEY AND PERMIT REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: On May 20, 2003 the Broward County Commission approved amendments to the County Tree Preservation & Abuse Ordinance (Section 27-401 through 27-420, Broward County Code). Subsequently, all Broward County municipalities with certified tree programs were directed to revise municipal tree preservation and abuse codes and certify that their codes are at least as stringent as the Broward County Code. In addition to making changes necessary for municipal recertification, staff propose a comprehensive revision of Section 26 to strengthen the Town's ability to enforce tree protection laws, clarify policies regarding tree removal, relocation and tree replacement (mitigation) issues, adjust tree species valuations and update obsolete language as needed. Staff has worked with Broward County D.P.E.P and peers in several other Broward municipalities in preparation of these proposed Ordinance amendments.

PREVIOUS ACTIONS: None.

CONCURRENCES: None.

FISCAL IMPACT: None.

RECOMMENDATION(S): Staff finds the proposed amendments complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 26-24 ENTITLED "TREE REMOVAL PERMIT-EXCEPTIONS"; PROVIDING FOR CLARIFICATION OF PERMIT REQUIREMENTS; AMENDING SECTION 26-27, ENTITLED "TREE RELOCATION"; PROVIDING FOR REVISED AUTHORITATIVE REFERENCES; AMENDING SECTION 26-28, ENTITLED "TREE REPLACEMENT"; PROVIDING FOR REVISED REQUIREMENTS FOR REPLACEMENT TREES; AMENDING SECTION 26-32 ENTITLED "SPECIMEN TREES"; PROVIDING FOR REVISED AUTHORITATIVE REFERENCES; AMENDING SECTION 26-40 ENTITLED "DEFINITIONS"; PROVIDING FOR ADDITIONAL DEFINITIONS RELATING TO TREE ABUSE; AMENDING SECTION 26-41 ENTITLED "TREE TRIMMING SERVICE PROVIDERS"; PROVIDING FOR REQUIREMENTS FOR PROFESSIONAL CONDUCT AND STOP WORK ORDERS; AMENDING SECTION 26-42 ENTITLED "PROHIBITION OF TREE ABUSE; EXCEPTIONS; ADMINISTRATIVE APPEAL"; PROVIDING FOR NEW RESTRICTIONS AND ALLOWANCES; SECTION 26-43, ENTITLED "REMEDIAL ACTIONS REQUIRED FOR VIOLATORS"; PROVIDING FOR NEW REQUIREMENTS AND PERMITS; SECTION 26-44. ENTITLED "FEES AND VALUES"; PROVIDING FOR A REVISED TITLE AND CHANGES IN FEES AND TREE VALUATION"; AND AMENDING SECTION 26-55 ENTITLED "PERMIT-REQUIRED"; PROVIDING FOR NEW TREE SURVEY AND PERMIT REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code; and

WHEREAS, the Town of Davie desires to be in compliance with amendments made to the Broward County Tree Preservation Ordinance approved by the Broward County Commission on May 20, 2003; and

WHEREAS the Town of Davie wishes to recertify its municipal tree program with Broward County; and

WHEREAS, the Town has determined that improved public compliance with tree preservation requirements requires clarification of tree removal, relocation and mitigation policies; and

WHEREAS, the Town has determined that improved enforcement of its tree protection laws requires clarification of tree abuse prohibitions and remedial actions for violators; and

WHEREAS, the Local Planning Agency held a public meeting, in accordance with State Statutes on November 12, 2003, and

WHEREAS, the Town Council of the Town of Davie held a public hearing in accordance with State Statutes, on the date of the adoption of the ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Article II, Tree Preservation, Section 26-24. Same - Exceptions, of the Town of Davie Code be amended to read as follows:

~~(a) (7) Removal of any tree in owner-occupied residential properties for detached single-family or duplex usage, except for the following~~

~~a. Removal or relocation of planted landscape trees prior to the issuance of a certificate of occupancy; or~~

~~b. Removal or relocation of any plant material required by chapter 12, article VI, Site Landscaping, of the Town Code.~~

(b) (3) The threat of service interruption cannot be corrected by tree pruning in accordance with the "~~American National Standards Institute A-300~~" standards "The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance-Standard Practices", and "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements", or palm pruning in accordance with the standards listed in "~~Arboriculture Second Addition~~" by Richard Harris, Richard Harris, "Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines", as amended; or

(d) (3) The traffic safety hazard caused by the tree or trees cannot be remediated by pruning in accordance with the "~~American National Standards Institute A-300~~" standards "The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance-Standard Practices", and "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements", or palm pruning in

accordance with the standards listed in "~~Arboriculture Second Edition~~" by Richard Harris, Richard Harris, "Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines", as amended.

That Section 26-27. Tree relocation -of the Town of Davie Code be amended to read as follows:

(b) (8) All crown pruning shall be done in accordance with "~~American National Standards Institute (A-300)~~" standards "The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance-Standard Practices", and "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements" or palm pruning in accordance with the standards in "~~Arboriculture Second Edition~~" by Richard W. Harris, Richard Harris, "Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines", as amended.

That Section 26-28, Tree replacement, of the Town of Davie Code is amended to read as follows:

- (a) (1) Existing caliper inches shall be determined by measuring the tree(s) to be removed at a height of ~~four and one half (4 1/2)~~ fifty-four (54) inches above grade.
- (3) A determination of the number of trees to be replaced shall be performed. This determination shall be based upon the total caliper inches of trees to be removed ~~divided by three (3)~~. The caliper inches shall at least equal the caliper inches to be removed.
- (4) Shade/canopy tree(s) shall only be replaced with a shade/canopy tree(s) with a minimum DBH of ~~three (3)~~ two and one half (2 ½) inches and with an overall minimum height of ~~sixteen (16)~~ twelve to fourteen (12-14) feet depending upon the species.
- (5) Palm trees shall be replaced with palm trees of a similar quality, value and height, such that the overall height of the palm(s) to be removed shall be replaced by one or more palm. Replacement palm trees shall be a minimum of twelve to fourteen feet in height overall. Shade/canopy trees may be used to replace a palm tree based on one (1) shade/canopy tree per palm tree to be removed. Replacement shade/canopy trees shall be a minimum of ~~three (3)~~ two and one half (2 ½) inches in caliper and ~~sixteen (16)~~ twelve to fourteen. (12-14) feet in overall height, depending upon species

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

That Section 26-32, Specimen trees, of the Town of Davie Code is amended to read as follows:

Projects containing specimen trees are subject to the following additional criteria: Specimen trees are subject to the preservation and relocation criteria of this article. If it is determined by the town that tree relocation is not feasible, then payment shall be made into the tree preservation fund. Payment shall be based on the value of the tree or trees, determined by the *Guide of for Plant Appraisal, 8th Edition, Ninth Edition, 2000*. The Town will then calculate the number of replacement trees required to equal the appraised value to the specimen tree removed. This calculation shall include the purchase price of the replacement tree plus installation cost. The cost of the evaluation shall be borne by the owner of the property.

SECTION 2. That Article III, Tree Abuse, Section 26-40, Definitions, of the Town Code is amended to read as follows:

- a) In interpreting the provisions of this article, if no definition is provided herein and the context permits, the latest editions of the following publications recognized as authoritative in the scientific field shall apply:
- (1) "Tree Protection Manual for Builders and Developers" by the Florida Department of Agriculture Division of Forestry.
 - (2) ~~"American National Standards Institute A-300 Standards for Tree Pruning."~~
"The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance-Standard Practices."
 - (3) "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements"
- (b) As used in this article, the following words and terms shall be defined as set forth herein:

Destruction of the natural habit of growth means pruning that causes irreparable structural damage and/or permanent disfigurement to a tree such that, even with regrowth, the tree will likely never regain sound structure or the original

characteristics of its species, and could pose is a future danger to the public or to property; or pruning defined herein as tree abuse; that results in the tree's death.

~~*Hatrack* means to flat cut the top or sides of a tree, to sever the leader or leaders, or reducing the total circumference or canopy spread not in conformance with the "American National Standards Institute A-300" standards, a copy of which is on file with the development services department. Notwithstanding this definition, "hatracking" will not include necessary tree cutting by authorized utilities providers around power lines or utility lines to prevent disruption of utility service or for safety reasons.~~ shall mean to sever the leader or leaders, or to prune a tree by stubbing of mature wood.

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

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

Prune or trim means to cut away, remove, cut off or cut back parts of a tree.

Shape means 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.

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

Topiary means the practice of pruning a tree ~~not into~~ into an ornamental shape by the ~~removal of pruning~~ removal of pruning branches ~~no larger than one (1) inch in diameter~~ one inch in diameter or less.

Tree abuse means:

- (1) ~~To hatrack a tree~~ Hatracking a tree; or
- (2) ~~Pruning that reduces the height or spread of a tree that has not attained a height or spread of thirty (30) feet;~~ Destroying the natural habit of tree growth; or
- (3) ~~Cutting upon a tree which destroys its natural habit of growth pruning which leaves stubs or results ;~~ Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or

~~(4) Pruning that leaves stubs or results in a flush cut, or splitting of limb ends
Removing tree bark to the extent that if a line is drawn at any height around the
circumference of the tree, over one-third of the length of the line falls on portions
of the tree where bark no longer remains; or~~

~~(5) Peeling or stripping of bark, or the removal of bark to the extent that, if a line
is drawn at any height around the circumference of the tree, over one-third (1/3)
of the length of the line falls on portions of the tree where bark no longer remains;
Using climbing spikes, nails or hooks, except for purposes of total tree removal or
as specifically permitted by standards set by the the American National Standards
Institute, as amended; or~~

~~(6) The use of climbing spikes, nails or hooks, except for the purpose of total tree
removal or as specifically permitted by National Arborist Association standards;
Pruning that does not conform to standards or recommendations set by the
American National Standards Institute, as amended; or~~

~~(7) Pruning that does not conform to "American National Standards Institute A-
300" standards. The removal of diseased or dead portions of a tree; the removal of
interfering, obstructing, or weak branches; the removal of interior branches in
order to decrease wind resistance; or the complete removal of a tree pursuant to a
valid tree removal permit shall not constitute tree abuse under this article.
Pruning of live palm fronds which initiate above the horizontal plane; or~~

~~(8) Overlifting a tree; or~~

~~(9) Pruning of live palm fronds which initiate above the horizontal plane as
defined by the American National Standards Institute (ANSI A-300). Shaping a
tree;~~

That Section 26-41, Tree trimming service providers, of the Town Code shall be amended to read as follows:

(a) Licensing & training:

All businesses (including sole proprietorships) or governmental agencies that perform tree trimming in the Town of Davie must possess a current, valid Broward County Tree Trimmer's license. At each worksite, at all times, at least one (1) person present must carry on their person a current, valid Broward County Tree Trimmer's Licensing Ordinance Training card. Any vehicles engaged in pruning-related activities shall have prominently displayed on each side of the vehicle the following information in bold letters and numerals at least one and one-half (1 1/2) inches high so as to be readily distinguishable from a distance of no less than ten (10) meters (32.8 feet):

- (1) The trade name, symbol or "logo" of the sole proprietorship or business organization utilizing the vehicle for commercial or business purposes;
- (2) The telephone number of the individual owning or operating the business; and
- (3) The Broward County Tree Trimmer License number of the sole proprietor or business organization or governmental agency.

The above information shall be permanently affixed to any vehicle used to conduct business which is over ten thousand (10,000) gross vehicle weight (GVW). Any vehicle under ten thousand (10,000) GVW shall have such required information either permanently affixed to the vehicle or the license holder may provide such information on a magnetic sign. However, any vehicle which utilizes a magnetic sign shall be required to have such sign affixed to the vehicle at all times when business is being conducted.

In addition to the above-mentioned requirements pertaining to the Broward County Tree Trimmer's License, all businesses (including sole proprietorships) that perform tree trimming in the Town of Davie must possess a current, valid occupational license plus a current annual tree trimmer registration certificate with the Town of Davie. A photocopy of each document must be available for inspection at each job site.

(b) Professional conduct:

All tree trimming service providers shall conduct all work according to the principles and guidelines set forth in "The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance-Standard Practices", and "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements",

(c) Stop work orders:

Whenever any work is being done by a person not in compliance with this article, a representative of the enforcement agency may order that work be stopped and such persons performing such work shall immediately cease such work. The work may not resume until such time as the person is in compliance with this article.

That Section 26-42, Prohibition of tree abuse; exceptions; administrative appeal, of the Town Code shall be amended as follows:

- (a) No person shall abuse a tree located within the town unless one (1) of the following exceptions applies:

(1) The tree is one (1) of the following species and the abuse does not result in a tree that threatens public safety or adjacent property, as determined by a representative of the enforcement agency:

- a. Schinus terebinthifolius (Brazilian Pepper).
- b. Metpoium toxiferum (Poison Wood).
- c. Melaleuca quinquenervia (Melaleuca, Punk, Cajeput).
- d. Casuarina glauca, equisetifolia and cunninghamiana (Australian Pines).
- e. Brassia actinophylla (Schefflera).
- ~~f. Citrus species.~~
- ~~g. Persea americana (Avocado).~~
- ~~h. Araucaria excelsa (Norfolk Island Pine).~~

(3) In emergency situations, county, town, or franchised utilities, water management districts, and their authorized agents, may prune trees in a manner that may be defined herein as tree abuse, provided such pruning is necessary to prevent service interruptions or to prevent interference with the operation of water control structures. In the aftermath of the emergency, remedial pruning must be performed in a timely manner to prevent the development of a future hazardous tree condition.

(4) Shaping of trees to protect property, such as buildings and infrastructure, shall only be allowed at those specific locations where there is adequate evidence, accepted by the Town of Davie, that shaping has occurred historically.

Section 26-43, Remedial actions required for violations, of the Town Code shall be amended as follows:

(a) In the event a person abuses a tree in violation of this article, the violator shall be responsible to undertake corrective pruning and/or other remedial actions that the enforcement agency determines are reasonably necessary to protect public safety and property, and to help the tree survive the tree abuse damage if the tree can be remediated and if the tree is not a nuisance species.

(b) If the natural habit of growth and/or structural integrity of the tree is severely damaged or destroyed, as determined by the enforcement agency, the violator shall obtain a tree removal permit, remove the abused tree(s) and install replacement tree(s), based upon the mitigation as specified in the permit authorization issued by the enforcement agency. ~~Such abused tree shall be removed if it threatens public safety or property.~~

(c) In the event that a person removes a tree(s) from a site without first obtaining a tree removal permit, the violator shall be responsible for obtaining the tree removal permit after the fact and installing replacement tree(s), based upon the mitigation as specified in the permit authorization. ~~the replacement of the removed trees.~~

(d) Each replacement tree shall be of a non-invasive, non-nuisance species agreed to by the enforcement agency during the tree removal permit authorization process. ~~found in Appendix 1 or Appendix 2 of the Town of Davie Landscape Material List.~~ Replacement trees shall be Florida No. 1 quality or better, as described in the Florida Department of Agriculture and Consumer Services Division of Plant Industry publication "Florida Grades and Standards for Nursery Plants". The diameter of the replacement [tree(s)] shall be equal to or greater than the diameter of the abused tree. More than one (1) tree may be utilized for replacement if the aggregate sum of the diameters of the replacement trees is equal to or greater than the abused tree. Overall height and caliper of replacement tree(s) must adhere to mitigation specifications described in the tree removal permit authorization. ~~No replacement tree shall have a diameter of less than three (3) inches and a minimum overall height of sixteen (16) feet.~~

(e) Replacement trees shall be installed on-site. In the event the site cannot accommodate all required replacement trees, the remaining replacement trees shall be installed on public lands if approved by the town and the applicable jurisdiction that owns the lands. If no suitable public land is located, the violator shall pay into the tree preservation fund. The violator shall be responsible for the value of the tree(s) as determined in the fee schedule based on the value of "Class A, B, or C" tree as listed below. All "specimen" trees will be valued according to the *Guide for Plant Appraisal, 8th edition* ~~Ninth Edition, 2000~~ as stated in Section 26-32 of this chapter.

(g) ~~No tree removal permit shall be required to remove a tree as required by the town under this article.~~

That Section 26-44. Fees and values, of the Town of Davie Code be amended to read as follows:

Section 26-44. Fee Schedule and Tree Mitigation Values.

TABLE INSET:

(a) Application fees.

(1) Tree Removal: ~~Minimum fee, up to 4 trees: \$100, additional fee per trees over 4 trees: \$25.00;~~ Single tree removal: \$50.00, for each additional tree: \$25.00

(2) Tree Relocation: ~~Minimum fee, up to 4 trees: \$60.00, additional fee per trees over 4 trees: \$30.00;~~ Single tree relocation \$30.00, for each additional tree: \$15.00;

Table of Valuation

(a) Dicot and Conifer Trees:

TABLE INSET:

Class	Botanical Name	Common Name
C	Acacia auriculaeformis	Earleaf Acacia
B	Acacia farnesiana	Sweet Acacia
A	Acer rubum	Red Maple
B	Albizia julibrissin	Mimosa
C	Albizia lebeck	Woman's Tongue
A	Annona glabera	Pond Apple
C	Araucaria excelsa	Norfolk Pine
A B	Bauhinia spp.	Orchid Tree
C	Bischofia javonica	Bischofia
C	Brassaia actinophylla	Schefflera
B	Bucida buceras	Black Olive
A	Bursera simarouba	Gumbo Limbo
B	Callistemon spp.	Bottle Brush
B	Calophyllum spp.	Calophyllum
B	Cassia fistula	Golden Shower
A	Chrysobalanus icaco	Cocoplum Cocoplum
B <u>A</u>	Satin leaf <u>Satinleaf</u>	Chrysophyllum oliviforme
C	Citrus spp.	Citrus

Class	Botanical Name	Common Name
B	Clussia rosea	Pitch Apple
A	Coccoloba diversifoli	Pigeon Plum
A	Coccoloba uvifera	Sea Grape
B	Conocarpus erecta	Green Buttonwood
A	Conocarpus sericeus	Silver Buttonwood
A	Cordia sebestena	Geiger Tree
C	Cupaniopsis anacardiodes	Carrotwood
C	Cupressus sempervirens	Italian Cypress
B	Dalbergia sissoo	Indian Rosewood
A	Delonix regia	Royal Poinciana
B	Enterlobium cyclocarpum	Ear Tree
B	Eriobatrya japonica	Loquat Plum
C	Eucalyptus torelliana	Eucalyptus
B	Eugenia spp.	Stopper
C	Ficus aurea	Strangler Fig
C	Ficus benamina	Benamina Fig
C	Ficus Elastica	Rubber Tree
C	Ficus nitida	Cuban Laurel Fig
B	Ficus rubiginosa	Rustyleaf Fig
C	Grevillea robusta	Silk Oak
B <u>A</u>	Guaiacum sanctum	Lignum—Vitae Lignumvitae
C	Hibiscus spp.	Hibiscus Standard
B	Hibiscus tiliaceus <u>Hibiscus tiliaceus</u>	Tree Hibiscus <u>Mahoe</u>
B <u>A</u>	Ilex cassine	Dahoon Holly
A	Jacaranda acutifolia	Jacaranda
B	Juniperus silicicola	Red Cedar
C B	Kigelia pinata	Sausage Tree
B	Koelreuteria formosana	Golden Raintree
B	Lagerstroemia indica	Crepe Myrtle
B <u>A</u>	Lagerstroemia speciosa	Queens Crepe Myrtle
A <u>B</u>	Ligustrum spp.	Ligustrum
B	Litchi chinensis	Lychee
A	Lysiloma spp.	Wild Tamrind
C	Mangifera indica	Mango
C <u>B</u>	Manilkara zapota	Sapodilla
B	Myrica cerifera	Wax Myrtle
C	Nerium oleander	Oleander Standard
B	Noronhia emarginata	Madagascar <u>Madagascar</u> Olive
C	Parkinsonia aculeata	Jerusalem Thorn
A	Peltophorum pterocarpum	Yellow Poinciana
C <u>B</u>	Persea americana	Avacado <u>Avocado</u>
A	Persea borbonia	Red Bay
A	Pimenta dioica	All Spiee <u>Allspice</u>

Class	Botanical Name	Common Name
A	<i>Pinus elliottii</i> var. <i>densa</i>	South Fl. Slash Pine
B	<i>Piscidia piscipula</i>	Jamaican Dogwood
C	<i>Pithecellobium dulce</i>	Cat's Claw
B	<i>Platanus occidentalis</i>	American Sycamore
B <u>C</u>	<i>Plumeria rubra</i>	Frangipani
B	<i>Podocarpus</i> spp.	Podocarpus <u>Podocarpus</u>
A <u>B</u>	<i>Pongamia pinnata</i>	Pongam
B	<i>Prunus caroliniana</i>	Cherry Laurel
B	<i>Psidium Littorale</i>	Cattley Guava
A	<i>Quercus laurifolia</i>	Laurel Oak
A	<i>Quercus nigra</i>	Water Oak
A	<i>Quercus virginiana</i>	Live Oak
B	<i>Sapindus saponaria</i>	Soapberry
B <u>A</u>	<i>Simarouba glauca</i>	Paradise Tree
B	<i>tenolobium stans</i>	Yellow Elder
A	<i>Swietenia mahagoni</i> <u><i>Swietenia mahagoni</i></u>	Mahogany
C	<i>Syzygium cumini</i>	Jambolan Plum
C	<i>Syzygium jambos</i>	Rose Apple
A	<i>Tabebuia argentea</i>	Yellow Tabebuia
B <u>A</u>	<i>Tabebuia pallida</i>	Pink Tabebuia
A	<i>Tamarindus indica</i>	India Tamrind <u>Tamarind</u>
A	<i>Taxodium distichum</i>	Bald Cypress
C	<i>Terminalia cattapa</i>	Tropical Almond
B	<i>Thespesia populnea</i>	Seaside Mahoe
C	<i>Thuja orientalis</i>	Arbor-Vitae <u>Arborvitae</u>
A	<i>Ulmus parvifolia</i>	Florida Elm

(b) Monocot Trees:

TABLE INSET:

Class	Botanical Name	Common Name
B	<i>Acoelorrhaphe wrightii</i>	Paurotis Palm
A <u>B</u>	<i>Arecastrum</i> <i>Syagrus romanzoffianum</i>	Queen Palm
B	<i>Butia Capitata capitata</i>	Pindo Palm
C	<i>Chrysalidocarpus lutescens</i>	Areca Palm
A <u>B</u>	<i>Cocos Nucifera nucifera</i>	Coconut Palm
C	<i>Cycas circinalis</i>	Queen Sago Palm
B <u>A</u>	<i>Livistona chinensis chinensis</i>	Chinese Fan Palm
B	<i>Neodypsis decaryi</i>	Triangle Palm
A	<i>Phoenix canariensis</i>	Canary Is. <u>Island</u> Date Palm
A	<i>Phoenix dactylifera</i>	Madjool <u>Medjool</u> Date Palm

A	Phoenix reclinata	Senegal Date Palm
C <u>B</u>	Phoenix roebellini	Pygmy Date Palm
B	Ptychosperma elegans	Solitaire Palm
B	Ptychosperma macarthurii	MacArthur Palm
Class	Botanical Name	Common Name
A <u>B</u>	Ravenea rivularis	Majesty Palm
A	Roystonea elata	Royal Palm
B <u>A</u>	Sabal palmetto	Cabbage Palm
B	Thrinax floridana	Thatch Palm
B	Veitchia merrillii	Christmas Palm
B	Washingtonia robusta	Washingtonia Palm
<u>A</u>	<u>Wodyetia bifurcata</u>	<u>Foxtail Palm</u>

SECTION 3. Article IV, Clearing and Grubbing of Land, Section 26-55, Permit Required, of the Town Code shall be amended as follows:

c) A clearing and grubbing permit shall be obtained from the engineering division with review by both the planning and zoning division and engineering division. The applicant shall include the following information:

- (1) Tree preservation plan, prepared by a registered landscape architect or licensed arborist, to include the information as required in section 26-25(b) and the following:
 - a. Trees to be preserved in place, trees to be relocated, and trees to be removed, including their replacement canopy calculations.
 - b. Trees which will be relocated or allowed to remain on site must be must be evaluated by a certified arborist who is trained in tree hazard assessment. Details for each tree must be included along with recommendations for required remediation
 - c. A tree removal/relocation permit will be required for all trees which will be removed from or relocated on the property according to guidelines set forth in Sec. 26-22 through 26-27. Mitigation will be required as described in Sec. 26-28 through 26-36.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2003

PASSED ON SECOND READING THIS _____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003