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Department of Planning, Zoning & Building

Zoning Division

LANDSCAPE TREE REMOVAL AND REPLACEMENT APPLICATION

BUILDING FEE: (#342) \$150.00

OWNER/AGENT:

Owners Name: _____

Address: _____

Telephone No: (HOME) : _____ (WORK): _____

Agent/Contractor Name: _____

Address: _____

Telephone No: _____

SITE LOCATION:

Job Location: _____

Job Address: _____

PROPOSED VEGETATION TO BE REMOVED AND TYPE OF TREES TO BE REPLACED:

Note: A Pre-Application meeting with a Vegetation/Landscape Inspector is required for all Tree Removal and Replacement Permit Application. Please call 233-5037, Landscape Section, to arrange a Pre-Application meeting.

FOR ALL COMMERCIAL, SINGLE FAMILY RESIDENTIAL AND MULTIFAMILY RESIDENTIAL WITH (2) OR MORE

UNITS, OR OTHER USES NOT COVERED.

- A Site Plan of the existing development showing existing and proposed trees
- Vegetation inventory of the trees or vegetation to be removed
- Written vegetation assessment, including vegetation to be removed and replacement trees locations
- Detailed description of clearing activity: phasing, start date, duration of proposed activity
- Notarized Owner/Agent agreement

PLANNING, ZONING & BUILDING DEPARTMENT OF PALM BEACH COUNTY
APPLICATION CERTIFICATION

Application Date _____

I/We certify that the above statements and the statements or showings made in and paper or plans submitted herewith are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments and fee become part of the official records of the Planning, Zoning and Building Department of Palm Beach county and may not be refundable. I/We understand that any knowingly false information given by me/us will result in the denial of the application. I/We further acknowledge that additional information may be required by Palm Beach County in order to process this application.

Applicant is:

Owner: _____ Agent: _____ STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 199__.

by _____, who is personally known to me or who has produced as
(Name of person acknowledging)
identification and who did (did not) take an oath

Signature of Person Taking Acknowledgment

Applicant's Signature

Name of Acknowledger, Typed, Printed, or Stamped

Applicant's Name (Print)

Title or Rank

Street Address

Serial Number, if any

City, State, Zip Code

(NOTARY'S SEAL)

() _____
Phone Number

**TABLE 7.3-2
TREE SPECIES MIX**

Required Number of Trees	Minimum Number of Species
16-20	2
21-30	3
31-40	4
41+	5

7. **Tree credit and replacement.** A preserved native upland tree or drought-tolerant tree on-site meeting the standards specified in this section may be substituted for trees required by this code or a condition of approval, subject to the following.
- a. **Tree survey.** Credit shall be granted for preservation of existing native or drought-tolerant trees when a landscape plan is accompanied by a tree survey prepared in a form and manner acceptable to ERM.
 - b. **Tree credit formula.** Existing native trees shall be credited according to the formula in Table 7.3-3. [Ord. No. 01-01]
 - c. **Trees excluded from credit.** Tree credits shall not be permitted for trees which are:
 - (1) located in required preservation areas;
 - (2) not properly protected from damage during the construction process, as provided in Sec. 9.5 (Vegetation Preservation and Protection);
 - (3) classified as prohibited or invasive non-native species as defined in Sec. 9.5 (Vegetation Preservation and Protection);
 - (4) dead, dying, diseased, or infested with harmful insects; or
 - (5) located within recreation tracts, golf courses or similar subareas within planned developments which are not intended to be developed for residential, commercial, or industrial use.
 - d. **Tree and vegetation replacement.** Required or preserved vegetation which dies shall be replaced with equivalent vegetation. Preserved trees for which credit was awarded and which are removed or damaged, shall be replaced in accordance with the tree replacement credit standards of Table 7.3-3. Landscape trees which were planted or preserved to meet the minimum landscape code requirements may be removed provided a Landscape Tree Removal and Replacement Application is approved. Replacement trees shall be native and installed in accordance with this section.
 - e. **Existing native trees and vegetation.** Existing native trees and vegetation may be deemed to satisfy the landscape requirements of this section, in total or in part. Existing native trees and vegetation from areas of the site to be developed may be relocated to the buffer area. In determining whether native trees and vegetation satisfy the requirements of this section, the following shall be considered:
 - (1) the effectiveness of the visual screening, if adequate screening is provided then no additional trees and vegetation will be required;
 - (2) the quality of the trees and vegetation being preserved.

TABLE 7.3-3
TREE CREDIT AND REPLACEMENT

Crown Spread of Tree	Or	Diameter at 4.5 Feet Above Grade	=	Credits or Replacements
90 Feet or Greater	or	37 inches or more	=	8
60-89 Feet	or	32-36 inches	=	7
50-59 Feet	or	27-31 inches	=	6
40-49 Feet	or	22-26 inches	=	5
30-39 Feet	or	17-21 inches	=	4
20-29 Feet	or	12-16 inches	=	3
10-19 Feet	or	7-11 inches	=	2
5-9 Feet	or	2-6 inches	=	1
Less than 5 Feet	or	Less than 2 inches	=	0

[Ord. No. 97-63]

Notes for TABLE 7.3-3:

- 1 **Slash pines.** Preserved slash pines, a minimum of sixteen (16) feet in height, may count as one (1) required tree.
- 2 **Palms.** Palms shall be counted as one (1) canopy tree for interior tree requirements. A maximum of twenty-five percent (25%) of the required interior trees may be palms.
- 3 **Palms.** Palms shall be counted as 1/3 of a tree for buffer requirements (e.g. three (3) palms= one (1) shade tree). A maximum of twenty-five percent (25%) of the required buffer trees may be palms.
- 4 **Fractional measurements.** Fractional measurements shall be rounded down. [Ord. No. 01-01]

★ 8. **Hedges and shrubs.** At least sixty percent (60%) of all required hedges and shrubs shall be classified as native or drought tolerant by the most recent edition of the South Florida Water Management District's "Xeriscape Plant Guide." At the time of installation, required hedges and shrubs shall be a minimum of twenty-four (24) inches in height, or eighteen (18) inches in height for native species, spaced at a maximum of twenty-four (24) inches on center. Required hedges shall form a solid continuous visual screen of at least three (3) feet in height within two (2) years of planting. Hedges used in combination with non-living landscape barriers to meet the six (6) feet screen requirements shall be installed the height necessary to provide a six (6) foot screen within (2) years of planting. [Ord. No. 01-01]

9. **Ground treatment.** The ground area within required landscaped areas which is not dedicated to trees, or the preservation of existing or new vegetation, shall receive appropriate landscape treatment such as grass, groundcover, mulch or shrubs and present a finished appearance upon planting. Sand, gravel, shellrock, or pavement shall not be considered appropriate landscape treatment. The following standards shall apply to the design of ground treatment.

a. **Ground cover.** Live material used as ground cover shall provide a minimum of fifty (50) percent coverage immediately upon planting and one hundred (100) percent coverage within one (1) year.

H. Installation, maintenance, pruning and irrigation. The following standards shall be considered the minimum required installation, maintenance, irrigation, and replacement standards for all trees and landscape material.

1. **Installation.** All landscaping shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. A plant or tree's growth characteristics shall be considered before planting to prevent conflicts with views, lighting, or signage.
 - a. **Phasing.** Required landscaping may be installed in phases as follows.
 - (1) **Planned developments.** The number of trees required to be planted or preserved in a construction phase of a planned development, shall be a proportion of the total number of trees required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the phase plan to the area of the entire planned development as shown on its current, controlling preliminary development plan. Areas of vegetation required to be preserved shall be excluded from the calculation of the area of a phase or subdivision plan of the planned development.
 - (2) **Other developments.** The entire perimeter landscaping shall be installed for residential and non-residential developments, prior to the issuance of the first certificate of occupancy or completion or in accordance with an approved phasing plan by the DRC.
2. **Maintenance.** The land owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following.
 - a. Regular maintenance of all landscaping in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed and in accordance with acceptable horticultural practices.
 - b. The maintenance of required landscape structures (e.g., walls, fences) in a structurally sound condition.
 - c. The regular maintenance, repair, or replacement, where necessary, of landscape barriers required by this section.
 - d. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscaping and preservation areas.
 - e. Continuous maintenance of the site.
 - f. All trees shall be allowed to grow to their natural mature height and a full canopy. Large and medium canopy trees shall be required to attain a minimum twenty (20) foot canopy spread prior to pruning. In no case shall the canopy spread be reduced to less than twenty (20) feet in width. Maintenance shall be limited to periodic trimming to maintain healthy trees, removal of diseased limbs, or removal of limbs or foliage that present a hazard.
 - g. Landscape buffers shall be maintained and preserved along the entire length of the property.
[Ord. No. 98-12]
 - h. Landscape areas which are required to be created or preserved by this section shall not be used for the storage/display of materials or sale of products or services.

- i. The BCC through its respective Departments, such as Engineering, Park and Recreation, Airports, Agriculture, and ERM, shall be responsible for the care and maintenance of the trees and vegetation present on County-owned property. [Ord. No. 99-37]
3. Pruning. Pruning shall be permitted to allow for healthy growth, and to promote safety considerations. Trees which cause a conflict with views, signage or lighting shall not be pruned more than the maximum allowed. Trees shall not be pruned to reduce the canopy spread to less than twenty (20) feet or pruned in conflict with the maintenance standards above. The Zoning Director may suspend the provisions of this section in case of a natural disaster.
- a. A maximum of one fourth (0.25) of tree canopy may be removed from a tree within a one (1) year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the American National Standards Institute, ANSI 300=1995 (Tree, Shrub and other Woody Plant Maintenance), as amended. The crown of a tree required by this code or condition of approval shall not be reduced below the minimum spread or height requirements of Sec. 7.3.E. or specific BCC conditions of approval. A tree which is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of Sec 7.3.E.7. and Table 7.3-2.
 - b. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point or as part of an overall landscape design. A maintenance commitment shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
 - c. Tree topping (hatracking) is prohibited and shall be defined as the cutting back of limbs to a point between branch collars/buds larger than one inch in diameter within the tree's crown.
 - d. Exemptions. The following shall be exempt from this section.
 - (1) Trees affected by FAA and airport safety regulations.
 - (2) Trees which interfere with safe site triangles, utility lines, or utility structures.
 - (3) Trees having crown dieback or decay greater than one third the tree canopy.
 - (4) Trees having suffered damage due to natural or accidental causes.
 - (5) Trees having insect or disease damage greater than one-third of the tree crown.
 - (6) Trees on single family lots unless pruned by a commercial tree service business, landscape company, lawn service business or other related businesses.
 - (7) Trees in botanical gardens, or botanical research centers. [Ord. No. 98-12]
4. Irrigation. Landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards.
- a. All landscaped areas shall be provided with a readily available water supply with at least one (1) outlet within seventy-five (75) feet of the plants to be maintained. The use of non-potable water for irrigation purposes shall be encouraged.
 - b. Irrigation systems shall be continuously maintained in working order and shall be designed so as not to overlap water zones or to water impervious areas.
 - c. Irrigation systems shall not be installed or maintained abutting any public street which causes water

J. Administration

1. **Field inspections.** Unless otherwise provided in this section, all development subject to this section shall be inspected by PZ&B prior to issuance of a paving permit certificate of occupancy or Certificate of Compliance submitted and signed by the landscape contractor.
2. **Optional special certification.** In lieu of initial field inspection and certification by PZ&B, the land owner may submit a special Certificate of Compliance which complies with the following:
 - a. **Form of special certification.** The special certification shall:
 - (1) bear the seal of a landscape architect; or other licensed professional as authorized by Chapter 481, Fla. Stat., Part II; who
 - (a) personally inspected the site;
 - (b) certifies that landscaping was properly installed and meets all requirements of this section;
 - (c) understands that any misrepresentations or misstatements in the special certificate of compliance shall constitute a violation of this section and of State law; and
 - (d) understands that misrepresentations or misstatements in the special certificate of compliance may also become the grounds for professional disciplinary action pursuant to State law.
 - (2) be submitted to PZ&B prior to issuance of a building permit, paving permit or Certificate of Occupancy or Certificate of Completion;
 - (3) be submitted in sufficient numbers upon forms available from PZ&B; and
 - (4) contain such other information as required by PZ&B which is reasonable and necessary to a determination that landscaping is in compliance with this section.
 - b. **Field verification of special certification.** PZ&B may at its option conduct a field inspection to verify representations made in the special certificate of compliance.
 - c. **Acceptance of special certification.** If no field verification is conducted by PZ&B, the special certificate of compliance shall be deemed to have been accepted. Upon acceptance by the Department, the special certificate of compliance shall be filed and maintained with the official records of the development.
[Ord. No. 97-63] [Ord. No. 99-37]

K. Enforcement. Failure to comply with the requirements of this section or any permit or approval granted or authorized hereunder shall constitute a violation of this section. PZ&B may issue a Cease and Desist Order or withhold a Certificate of Occupancy or Certification of Completion until the provisions of this section have been met.

1. **Fines.** Violations of the provisions of this section shall be punishable by:
 - a. such fines and site improvements as may be required by the Palm Beach County Code Enforcement Citation Ordinance (Ord. No. 91-15);

1. **Fines.** Violations of the provisions of this section shall be punishable by:
 - a. such fines and site improvements as may be required by the Palm Beach County Code Enforcement Citation Ordinance (Ord. No. 91-15);
 - b. such fines and imprisonment provided for in Section 125.69, Florida Statutes or,
 - c. a triple permit fee for removal of trees without a valid tree removal and replacement permit.
 - d. replacement of landscape material which has been hatracked, damaged or otherwise rendered unable to achieve its natural and intended form.
2. **Violations.** The following deficiencies shall be considered a separate and continuing violation of this section:
 - a. each tree or shrub which is not properly installed or properly maintained on site as required by this section;
 - b. each day in which landscaping is not properly installed or properly maintained on site as required by this section; and,
 - c. each tree removed without a permit.
3. **Restoration and maintenance.** Landscaping which becomes damaged or diseased, or is dead shall be immediately replaced to comply with the PZ&B approved landscape plan or with the requirements of this section to the greatest extent possible (if a PZ&B approved landscape plan is not on file).
4. **Review board.** Violations of this section may be referred by PZ&B to the Palm Beach County Code Enforcement Board for corrective actions and civil penalties.
5. **Additional sanctions.** The County may take any appropriate legal action, including, but not limited to, administrative action, requests for temporary and permanent injunctions, and other sanctions to enforce the provisions of this Section.
[Ord. No. 97-63] [Ord. No. 97-64] [Ord. No. 98-49] [Ord. No. 99-37]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 93-17; July 20, 1993] [Ord. No. 94-23; October 18, 1994]
[Ord. No. 95-8; April 3, 1995] [Ord. No. 97-63; December 24, 1997] [Ord. No. 97-64; December 24, 1997]
[Ord. No. 98-11; April 30, 1998] [Ord. No. 98-12; April 30, 1998] [Ord. No. 98-49; October 28, 1998]
[Ord. No. 99-37; October 7, 1999] [Ord. No. 01-01; January 28, 2001] [Ord. No. 01-62; September 6, 2001]

Sec. 7.4 Reserved for future use. [Ord. No. 95-24]

Sec. 7.5 Reserved for future use. [Ord. No. 96-28]

RECOMMENDED TREE LIST

Small Trees (less than 20'ht. at maturity)

*Sweet Acacia-Acacia Farnesiana
Dwarf Poinciana-Caesalpinia spp.
Glaucus Cassia-Cassia Surattensis
*Silver Buttonwood-Conocarpus erectus var. sericeus
*White Geiger-Cordia boissieri
*Orange Geiger-Cordia sebestena
Loquat-Eriobotrya japonica
*Stoppers-Eugenia spp.
Lignum Vitae-Guaiacum sanctum
Crepe Myrtle-Lagerstroemia indica
Tree Ligustrum-Ligustrum spp.
Jaboticaba-Myrciaria caulifolia
Chalcas\Orange Jasmine-Murraya paniculata
*Wax Myrtle-Myrica cerifera
Kopsia-Ochrosia elliptica
Frangipani-Plumeria rubra
Yellow Elder-Tecoma stans

Medium Trees (20' - 30' ht. at maturity)

Orchid Tree-Bauhinia spp.
*Pitch Apple-Clusia rosea
*Pigeon Plum-Coccoloba uvifera
*Seagrape-Coccoloba diversifolia
*Dahoon Holly-Ilex cassine
*Black Ironwood-Krugiodendrum ferreum
Sabicu-Lysiloma latisiliqua
Madagascar Olive-Noronhia emarginata
Jerusalem Thorn-Parkinsonia acculeata
Allspice-Pimenta dioica
Podocarpus-Podocarpus spp.
Yellow Tabebuia-Tabebuia caraiba
Pink Tabebuia-Tabebuia Heterophylla

Small Palms (less than 20'ht. at maturity)

Pindo Palm-Butia capitata
Cat Palm-Chamadorea cataractarum
Bamboo Palm-Chamaerops spp.
European Fan Palm-Chamaerops humilis
Areca Palm-Chrysalidocarpus lutescens

Silver Palm-Coccothrinax argentata
Bottle Palm-Hyophorbe lagencaulis
Spindle Palm-Hyophorbe verschaffeltii
Pygmy Date Palm-Phoenix roebellini
Majesty Palm-Ravenea glauca
Needle Palm-Rhapidophyllum hystrix
Lady Palm-Rhapis excelsa
Dwarf Palmetto-Sabal minor
*Saw Palmetto-Serenoa repens
*Thatch Palm-Thrinax spp.
Christmas Palm-Veitchii merrillii

Large Palms (greater than 20'at maturity)

*Paurotis\Everglades Palm-Acoelorrhaphe wrightii
Alexandra Palm-Archontophoenix alexandrae
Bismark Palm-Bismarkia nobilis
Fishtail Palm-Caryota mitis
Coconut Palm-Cocos nucifera
Hurricane Palm-Dictyosperma album
Blue Latania-Latania loddugesii
Chinese Fan Palm-Livistonia chinensis
Triangle Palm-Neodypsis decaryi
Date Palm-Phoenix dactylifera
Canary Island Date Palm-Phoenix canariensis
Senegal Island Date Palm-Phoenix reclinata
Solitaire\Alexander Palm-Ptychosperma elegans
*Royal Palm-Roystonea regia
*Cabbage Palm-Sabal palmetto
Washingtonia Palm-Washingtonia robusta
Macarthur Palm-Ptychosperma macarthuri

Large Trees (greater than 30'at maturity)

*Red Maple-Acer rubrum
Black Olive-Bucida Buceras
*Gumbo Limbo-Bursera simaruba
Calophyllum\Beauty leaf-Calophyllum spp.
Colden Shower Tree-Cassia fistula
Pink and White Shower Tree-Cassia javanica
Floss Silk Tree-Chorisia speciosa
*Satinleaf-Chrysophyllum oliviforme
*Green Buttonwood-Conocarpus erectus
Royal Poiciana-Delonix regia
*Loblolly Bay-Gordonia lasiathus
Blolly-Guajira discolor
Jacaranda-Jacaranda mimosifolia

Golden Raintree-Koelreuteria elegans
Queens Crepe Myrtle-Lagerstroemia speciosa
Wild Tamarind-Lysiloma bahamensis
*Sweetbay Magnolia-Magnolia Virginiana
Mastic Tree-Masticodendron foetisdissimum
Yellow Poinciana-Peltophorum pterocarpum
*Redbay-Persea borbonia
*Slash Pine-Pinus elliotii var. densa
Jamaican Dogwood-Piscidia piscipula
*Laurel Oak-Quercus Laurifolia
*Live Oak-Quercus Virginiana
*Paradise Tree-Simarouba glauca
*West Indian Mahogany-Swietenia mahagoni
*Bald Cypress-Taxodium distichum

* Denotes Native