

# Tree Protection and Preservation

## OVERVIEW

The purpose of City's Tree Protection and Preservation Ordinance is to establish regulations that will have the effect of protecting, promoting and maintaining a healthy, diverse and mature canopy of native and naturalized hardwood and evergreen tree species. Trees preserve the ecological balance of the environment, control erosion, sedimentation and stormwater runoff, provide shade, reduce heat and glare, reduce flooding, enhance property values and aesthetics, abate noise pollution, and buffer incompatible land uses.

## FREQUENTLY ASKED QUESTIONS

### **What is a protected tree?**

Any tree having a DBH of 4 inches or greater that is not specifically excluded from protection including all mangroves, Sabal Palms, and Cabbage Palms.

### **What is DBH?**

Diameter Breast Height ("DBH") means the diameter, in inches, of a tree measured at 4.5 feet above the existing grade.

### **Do I need a permit to remove a protected tree?**

Yes. It shall be unlawful for any person, without first obtaining a permit, to cut down, damage, top, poison, replace, replant, or effectively remove through excessive injury, or in any manner destroy or cause to be destroyed any protected tree.

### **What trees are exempt from permitting?**

The following tree species may be removed from private property without a permit: Acacia, Australian pine, Avocado, Brazilian pepper, Cherry Laurel, Chinaberry, Chinese Tallow, Citrus, Ear, Eucalyptus, Ficus, Italian cypress, Jacaranda, Jerusalem thorn, Loquat, Mango, Monkey Puzzle, Norfolk Island pine, Orchid, Palms (except Cabbage, Sabal, Palmetto, & Royal), Poinciana, Punk, Silk Oak, Toog and Woman's Tongue.

### **Do I need a permit to prune or trim a protected tree?**

No. The trimming of trees as normal maintenance is exempt from permitting provided such trimming does not result in mutilation, death, or removal of the tree. Topping, excessive pruning or the removal of more than one-third (1/3) of the tree's leaf canopy is prohibited without a permit.

### **How much does a tree removal permit cost?**

The application fee varies from \$25 to \$100 based on the type of property.

### **Do I have to replace trees being removed?**

Trees removed shall be replaced as follows: One DBH inch for each DBH inch removed or a fee in lieu thereof shall be paid. For example, if you remove an 8 inch protected tree then you must replant 8 inches of trees or pay the appropriate replacement fees.

### **What are the replacement fees?**

The following fees shall apply unless the required replacement trees are planted on the site:

1. Individual single-family residential lots presently occupied by the owner:
  - a. 4 inch to less than 10 inch DBH, \$10.00 per inch removed.
  - b. 10 inch to less than 20 inch DBH, \$20.00 per inch removed.
  - c. 20 inch to less than 30 inch DBH, \$40.00 per inch removed.
  - d. 30 inch and greater DBH, \$50.00 per inch removed.

2. All other developments or properties:

- a. 4 inch to less than 8 inch DBH, \$25.00 per inch removed.
- b. 8 inch to less than 15 inch DBH, \$50.00 per inch removed.
- c. 15 inch to less than 25 inch DBH, \$75.00 per inch removed.
- d. 25 inch and greater DBH, \$100.00 per inch removed.

### **Can the replacement fees be waived?**

Yes, if one or more of the following conditions is found to exist:

1. The tree is diseased or injured to the point it will ultimately expire and no reasonable remedy exists;
2. The tree is in immediate danger of falling and no economically practicable remedy exists;
3. The tree is significantly endangering existing structures so that its continued presence will ultimately cause damage and no economically practicable remedy exists;
4. In the City's professional opinion the tree is substantially endangering existing pavement or utility services in a manner that threatens to damage property or life;
5. The tree creates unsafe visibility which pruning will not rectify; or
6. It is found by the City to be in the interest of the general public's health, safety and welfare that the trees be removed.
7. The tree or tree cluster is less than 19 inches DBH, is located within the primary building pad, primary foundation line, swimming pool and swimming pool patio pad, or that portion of the driveway within 15 feet of the garage or carport entrance, and these structures cannot be relocated.