

**ORDINANCE NO. 2011 - 07**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (ULDC), ARTICLE 5 ENTITLED "ADMINISTRATION AND LEGAL PROVISIONS", SECTION 005-080 ENTITLED "PERMITS REQUIRED; EXPIRATION OF PERMITS AND DEVELOPMENT ORDERS", TO CLARIFY THAT REQUIREMENTS FOR PERMITS MAY BE SET BY RESOLUTION; AMENDING ARTICLE 75 ENTITLED, "LANDSCAPING REQUIREMENTS", SECTION 75-030, "LANDSCAPE PLANS" AND SECTION 75-110, "SINGLE-FAMILY REQUIREMENTS", TO PROVIDE TREE SURVEY AND LANDSCAPE PLAN REQUIREMENTS AND ALTERNATIVES FOR PLOTS IN THE RURAL AND AGRICULTURAL ZONING DISTRICTS; AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CHAPTER 10, ENTITLED, "ENVIRONMENT", SECTION 10-27, "TREE REMOVAL PERMIT REQUIREMENTS AND STANDARDS", TO CLARIFY THE USE OF AERIAL CALCULATIONS FOR CANOPY REPLACEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 005-080 of the Town of Southwest Ranches Unified Land Development Code ("ULDC") sets forth requirements for permits including, but not limited to, fees and inspections; and

**WHEREAS**, the Town desires to amend Section 005-080 to clarify that the Town may modify these requirements by Resolution; and

**WHEREAS**, Section 075-030 of the Town's ULDC requires submittal of a professional tree survey with building permit applications; and

**WHEREAS**, the purpose of the tree survey requirement is to ensure preservation of the existing tree canopy before development activity occurs on an a property; and

**WHEREAS**, single-family homeowners often make additional improvements to their properties over time, including but not limited to utility sheds, fences, pools, barns, and guesthouses; and

**WHEREAS**, the Town Council wishes to allow the owners of developed plots containing a single-family residence to prepare their own tree location plans, as a

means of documenting existing vegetation, when submitting certain applications for approval of such additional improvements; and

**WHEREAS**, in the event that trees are removed without a town tree removal permit, the Town Council finds that it is in the best interest of the Town to provide for the use of aerial photograph tree canopy calculations in determining the amount of canopy lost within any parcel.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1:** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That Section 005-008 of the ULDC entitled, "Permits required; expiration of permits and development orders" is hereby amended as follows:

- (A) It shall be unlawful to use, erect, move, or otherwise alter a building, structure, or part thereof; or to use, clear, fill, excavate, move, pave, grade, or otherwise alter land or water, unless a permit consistent with all applicable provisions of the ULDC shall have been first obtained for such work, except that this provision shall not be deemed to require issuance of building permits for the erection, movement or alteration of farm buildings and structures. The town, via Resolution, shall establish all requirements for such permits, including, but not limited to, application requirements, fees, and required inspections, except that fees for permits issued under the state building code may be set by the county to the extent it is under contract to issue such permits for the town.

**Section 3:** That Section 075-030 of the ULDC, entitled "Landscape plans", is hereby amended as follows:

- (A) ~~Landscape planting plans shall not be required for individual properties in the agricultural and rural districts. Single family residential plots shall comply with the requirements of section 075-110, "Single family requirements." Appropriate surveys and plans shall be submitted as required by the town for tree removal permits.~~ All landscape plans or proposals and development activities that would involve the removal of an existing tree are subject to the tree removal permit requirements of Section 10-27 of the Code of Ordinances, in addition to the requirements of Section 75 "Landscape Requirements".
- (B) A landscape plan and irrigation plan shall be submitted with all site plan and site plan modification applications that are made pursuant to article 120. A

landscape plan, and irrigation plan if applicable, shall also be submitted with any building or site improvement permit application concerning a nonresidential and non-agricultural plot, ~~that~~ whenever such application requires additional landscaping under this article, or ~~which~~ may affect or conflict with on-site landscaping, including, but not limited to, permits for parking lot lighting, addition or relocation of impervious area, tree removal, and drainage improvements. ~~The town administrator may waive this requirement upon determination that a landscape plan is not necessary based upon the nature of the application and the site characteristics of the property involved.~~ Landscape plans shall be prepared by a landscape architect, or other person authorized pursuant to F.S. ch. 481, Part II. The landscape plan shall be no larger than twenty-four inches by thirty-six (24 x 36) inches, and include the following information:

- (1) A minimum scale of one (1) inch equals fifty (50) feet.
- (2) ~~Tree survey indicating type (common and botanical name), quality and location of existing vegetation.~~ signed and sealed by a professional who is qualified to identify trees, meeting the requirements of Florida Statutes, Section 472.025, as amended, which must provide, at a minimum, the following information:
  - (a) The location, plotted by accurate techniques, of all existing non-nuisance trees;
  - (b) The common and scientific name of each tree;
  - (c) The quality of each tree;
  - (d) The DBH of each tree, canopy square feet, or if a multiple-trunk tree, the sum DBH for all trunks; and
- (3) Trees to be removed and trees to be relocated, with proposed relocations and mitigation, planting details, shown on plan. Tree relocation requires a one year guarantee and reinspection.

\* \* \* \* \*

**Section 4:** That Section 075-110 of the ULDC is hereby amended as follows:

All ~~new~~ lots developed with single-family dwellings shall conform to the following minimum landscaping requirements:

- (A) *Landscape plans.* Building permit applications for individual new single-family residences not including common area landscaping, shall demonstrate compliance with the requirements of this article by submitting a landscaping plan in conformance with sec. 075-030. Modifications to existing single-family residences and construction pursuant to 075-130(A), shall demonstrate compliance with the requirements of this article by submitting either a landscaping plan in conformance with sec. 075-030, or may submit landscape plans in the form of a landscape permit application, which that

~~includes identifies the acceptable plant materials choices to be chosen by the applicant from a list provided by the town, stating name, quantity, size, and quality of plant material to be installed, including planting specifications, as required by this article. Actual landscape drawings are not required for single-family dwellings. Landscaping for the common areas of a residential subdivision is subject to the requirements of sec. 075-030.~~

(B) Tree surveys.

(1) Applications for permits to construct a single-family dwelling on an undeveloped plot shall include submittal of a tree survey that satisfies the minimum requirements of subsection 075-030(B).

(2) Applications for permits to construct any improvement to or upon a lot that is already developed with a single-family dwelling shall demonstrate that the construction will not cause or require the damaging or removal of existing trees, or shall identify trees to be relocated or removed with mitigation pursuant to Chapter 10 of the code of ordinances. In order to document the existing location, type, number and size of trees, the applicant shall submit documentation as follows:

(a) A professional tree survey that complies with sec. 075-030; or

(b) In lieu of a tree survey, a tree location plan may be provided.

1. In the event that a tree location plan is submitted, it may be hand-draw on a copy of a current as-built survey, accompanied by digital color pictures of the trees that are of sufficient clarity and detail to allow for the identification of the type and approximate size of each tree and shall be labeled to correspond to the location of the tree on the as-built survey. An as-built survey shall be deemed current if it accurately depicts all existing site improvements. It shall also identify the location and common name of the existing trees, which shall be dimensioned relative to property lines, existing structures, and proposed improvements.
2. In the event that a tree location plan is submitted, the Town shall perform an on-site inspection prior to the issuance of any permit, at the applicant's expense.
3. If, upon inspection, the town determines that the tree location plan is incomplete or inaccurate, the applicant shall revise and resubmit the tree location plan with payment of twice the applicable resubmission fee pursuant to the town's fee schedule. Thereafter, every additional inspection, as may be deemed necessary by the town, shall be in accordance with the Town's fee schedule.

(c) The tree survey or tree location plan shall identify all trees on the plot located within fifty (50) feet of the proposed construction or improvement, as well as all trees within the path that construction equipment will take to access the portion of the plot to be improved. The tree survey or tree location plan shall additionally

identify all trees which shall be required to have a tree protection barrier around its canopy. The town may require the tree survey or tree location plan to encompass the entire plot when the area to be improved is five hundred (500) square feet or larger, and when multiple improvements are proposed in different locations within the plot.

~~(B)~~(C) *Turf requirements.*

~~(C)~~(D) *Shrub and tree requirements.*

**Section 5:** That Chapter 10, Section 10-27 of the Code of Ordinances, entitled "Tree removal permit requirements and standards", is hereby amended as follows:

(i) *Tree replacement requirements.*

(1) *Tree replacement requirements for nonspecimen trees.*

\* \* \* \* \*

(b) The following criteria shall be used by the town to determine the tree replacement requirements:

\* \* \* \* \*

6. The number of required replacement trees shall be based upon the size of area of impact and the category of replacement trees selected by the applicant. No less than seventy five percent (75%) of the replacement trees shall be Category 1 Trees. ~~The canopy of the replacement trees at maturity shall at least equal the canopy removed.~~ The following table shall be used to determine the number of required replacement trees:

"Schedule for Tree Replacement," by review of Aerial Photography Calculation Method

*Replacement Tree Category    Replacement Canopy Area Credit  
(See Appendix 1 on file in        (In Square Feet)  
the office of the town clerk)*

Category 1 Tree	300
Category 2 Tree	150
Category 3 Tree	100
Category 4 Tree	50

7. In the event that a parcel is cleared without a tree removal permit, the replacement canopy shall be determined as if all of the trees that had been removed were Category 1 Trees and shall be calculated by review of the aerial photography method delineated herein.

**Section 6: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 7: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 8: Codification.** The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

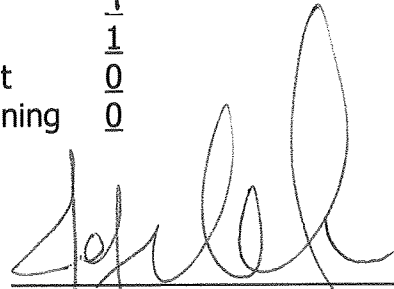
**Section 9: Effective Date.** This ordinance shall take effect immediately upon adoption.

**PASSED ON FIRST READING** this 9<sup>th</sup> day of June, 2011 on a motion made by Council Member Breitkreuz and seconded by Council Member McKay.

**PASSED AND ADOPTED ON SECOND READING** this 23<sup>rd</sup> day of June, 2011, on a motion made by Council Member McKay and seconded by Council Member Breitkreuz.

Nelson	<u>AYE</u>
Breitkreuz	<u>AYE</u>
Fisikelli	<u>NO</u>
Jablonski	<u>AYE</u>
McKay	<u>AYE</u>

Ayes	<u>4</u>
Nays	<u>1</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



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Jeff Nelson, Mayor


Attest:



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Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



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Keith M. Poliakoff, J.D., Town Attorney  
ACTIVE: 3380511\_1