

**VILLAGE OF NORTH PALM BEACH**  
**VILLAGE ATTORNEY'S OFFICE**

---

TO: Honorable Mayor and Council

THRU: Chuck Huff, Village Manager

FROM: Leonard G. Rubin, Village Attorney

DATE: July 24, 2025

SUBJECT: **ORDINANCE 1<sup>ST</sup> READING** – Ordinance Adopting Tree Preservation Requirements and Tree Removal Permits.

---

The Village Council requested that this office prepare a draft Tree Preservation Ordinance, including a tree removal permit process, for the Council's consideration and input. The preliminary draft provided by Vice Mayor Interlandi has been revised and placed in Ordinance form.

The proposed Ordinance amends the Village's Zoning Code and seeks to protect identified native trees and swale trees throughout the Village as follows:

- Requires a tree removal permit for protected trees. Protected trees are defined as native trees (of the type and size identified in Section 45-103) and swale trees.
- Provides for exemptions to permit requirements for: (1) trees on single-family lots posing an unacceptable risk to persons or property as set forth in Section 163.045, Florida Statutes; (2) removal of trees by the Village's Public Works Department; (3) removal of trees that have been effectively destroyed by an Act of God or external forces; (4) routine pruning and maintenance that does not result in irreversible damage; (5) removal of invasive species; (6) removal of fruit trees; and (7) removal of a dead tree.
- Provides for review (and approval, approval with conditions, or denial) of tree removal permit applications by the Building and Zoning Director or designee.
- Requires that all development proposals (land development applications and building permits) provide for tree preservation and the evaluation of all alternative strategies.
- Provides mitigation requirements for tree removal in the form of relocation or replacement. If no viable relocation or replacement options exist, a contribution can be made to the Village's tree trust fund.
- Provides for the retention of a registered landscape architect and/or a certified arborist to assist with administration of the tree preservation requirements.
- Provides for enforcement through code enforcement proceedings or any lawful means. The proposed Ordinance also provides for additional penalties such as triple the permit fee, enhanced mitigation, and the issuance of a stop work order.

- Establishes a tree trust fund and restricts the use of such funds to: purchasing and planting trees on real property within the Village; funding public educational outreach programs; funding tree giveaways to residents; and supporting urban forestry programs and tree maintenance and/or preservation throughout the Village.

The cost of the tree removal permit and the required payments into the tree trust fund will be established through a separate resolution or added to the Village's adopted fee schedule for upcoming Fiscal Year.

At its July 10, 2025, meeting, the Council held a workshop on the proposed Ordinance and, by consensus, directed that it proceed to first reading. The Village Council further voted to enact a Zoning in Progress until final adoption. Consequently, Building and Zoning Staff will be reviewing all building permit and development order applications and advising applicants of the preservation and mitigation requirements. Furthermore, in response to concerns raised by members of the Council, this office has revised the Ordinance as follows (additional language highlighted):

1. The term "fruit tree" was defined as "a tree that provides fruit for human consumption."
2. A new Section 45-113, "Appeals," was added to provide that any person who has been adversely affected by any decision rendered or requirement imposed by the Village in the enforcement and administration of this article shall utilize the administrative appeal provisions of Section 45-52." Section 45-52 already establishes the process and procedure by which the Planning, Zoning and Adjustment Board hears appeals of administrative decisions.

There is no immediate fiscal impact. When the Ordinance moves to second reading, Staff will be proposing a Resolution adopting a fee schedule governing both the application fee and the required contribution to the tree trust fund in the event no viable relocation or replacement options exist for trees that are removed.

#### **Recommendation:**

**Village Staff requests Council consideration and adoption on first reading of the attached Ordinance amending Appendix C (Chapter 45) of the Village Code of Ordinances to adopt a new Article IX, "Tree Protection," in accordance with Village policies and procedures.**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7

WHEREAS, the Village of North Palm Beach recognizes the environmental, aesthetic, and stormwater management benefits provided by trees, particularly native and swale trees; and

WHEREAS, Objective 1.9 of the Future Land Use Element of the Village's Comprehensive Plan encourages the protection and enhancement of the Village's tree population, and Policy 1.9.7 encourages the protection of existing trees by creating mitigation provisions in the Village's land development regulations; and

WHEREAS, the Village wishes to revise its land development regulations to create a process regulating the removal of protected trees, i.e., native trees and swale trees; and

WHEREAS, the Village's Planning, Zoning and Adjustment Board held a public hearing on the proposed regulations and provided a recommendation to the Village Council; and

WHEREAS, the Village Council determines that the protection and preservation of trees contribute to the health, safety and welfare of the Village and its residents and that the adoption of this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

**Section 1.** The foregoing recitals are ratified as true and correct and are incorporated herein.

**Section 2.** The Village Council hereby amends Appendix C (Chapter 45) of the Village Code of Ordinances by adopting a new Article IX, “Tree Preservation,” to read as follows:

**Sec. 45-101. Purpose.**

The village recognizes the essential role that trees play in enhancing environmental quality, supporting biodiversity, improving air and water resources,

1 and providing shade and aesthetic value. Preserving and protecting trees,  
2 particularly native trees, assists in maintaining the village's ecological balance,  
3 strengthens climate resilience, and upholds the village's commitment to responsible  
4 land stewardship. This article encourages preservation and requires mitigation for  
5 the loss of valuable swale and native trees through relocation, replacement, and/or  
6 contribution to the tree trust fund.

7  
8 **Sec. 45-102. Applicability.**  
9

10 (a) The provisions of this article apply to all parcels of real property  
11 located within the village.

12  
13 (b) Unless otherwise provided in this article, no person, firm,  
14 corporation, association, or agency shall destroy, remove, or relocate a protected  
15 tree from any parcel of real property, including commercial properties, without first  
16 obtaining a tree permit from the village.

17  
18 (c) This article is intended to complement and not conflict with other  
19 village, state, and federal environmental regulations. However, in the case of such  
20 conflict, the more restrictive regulations shall apply.

21  
22 **Sec. 45-103. Definitions.**  
23

24 For purposes of this article, the following definitions shall apply:  
25

26 *Diameter at breast height (DBH)* means the measurement of a tree's trunk  
27 diameter at four and one-half (4.5) feet above the ground. For multi-trunk trees,  
28 DBH shall be the sum of the diameters of all trunks measured at 4.5 feet above  
29 grade.

30  
31 *Fruit tree* means a tree that provides fruit for human consumption.  
32

33 *Native tree* means any tree or palm of the following listed species that are  
34 indigenous to South Florida and meet the size thresholds as follows:

Common Name	Scientific Name	Size
Live Oak	Quercus virginiana	6" DBH
Gumbo Limbo	Bursera simaruba	6" DBH
Slash Pine	Pinus elliottii	6" DBH
Pigeon Plum	Coccoloba diversifolia	4" DBH
Paradise Tree	Simarouba glauca	4" DBH
Wild Tamarind	Lysiloma latisiliquum	4" DBH

Green Buttonwood	Conocarpus erectus	4" DBH
Dahoon Holly	Ilex cassine	3" DBH
Satinleaf	Chrysophyllum oliviforme	3" DBH
Florida Mastwood	Sideroxylon foetidissimum	4" DBH
Mahogany	Swietenia mahagoni	6" DBH
Bald Cypress	Taxodium distichum	6" DBH
Red Maple	Acer rubrum	4" DBH
Cabbage Palm	Sabal palmetto	12' of clear trunk
Thatch Palm	Thrinax radiata	8' of clear trunk
Any other tree that is indigenous to South Florida and listed in the Florida Native Plant Atlas		6" DBH

*Protected tree* means: (i) any listed native tree that meets the size criteria set forth above; and (ii) any swale tree regardless of size.

*Swale tree* means any tree located within the public right-of-way adjacent to a roadway, typically between the sidewalk and the paved roadway.

#### **Sec. 45-104. Permit requirement.**

(a) No person shall remove, destroy, or relocate any protected tree without first obtaining a tree removal permit from the village, unless otherwise exempt pursuant to Section 45-106 below.

(b) A tree removal permit may be obtained after completing and submitting a permit application to the village's building and zoning department. The permit application shall be deemed complete when the application fee and all information necessary to understand the extent, nature and potential impacts of the proposed removal, destruction, or relocation are received by the village. The permit application information may include, but is not limited to, the following:

1. The property owner's information and location of the tree(s).
2. Tree size, diameter at breast height, and common name or scientific name.

3. A justification for removal, destruction, or relocation.
4. A site plan or photograph showing the tree(s).
5. A proposed mitigation plan as required under section 45-109 below.
6. A survey showing the tree or trees to be removed, any relocated trees, and any trees proposed for installation.
7. Parcel information including the parcel control number (PNC) and street address.
8. A completed application form with the signature of the property owner, or authorized agent of the property owner with agent authorization letter.

**Sec. 45-105. Permit fees.**

The village shall establish a fee schedule for all matters related to tree removal, relocation, replacement, monetary contributions, and administrative reviews.

**Sec. 45-106. Exemptions.**

The following activities are exempt from the permit requirements:

1. Removal of a tree pursuant from residential property pursuant to Section 163.045, Florida Statutes, as amended, if the property owner possesses documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk to persons or property if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017). For purposes of this section, "residential property" means a single-family detached building located on a lot that is actively used for single-family residential purposes and is either a conforming use or a legally recognized nonconforming use under the village's zoning regulations. Parcels or lots that comprise the common elements or community property, in whole or in part, of a planned unit development or a mixed-use development shall not be considered "residential property" for purposes of this exemption.
2. Removal of a tree by the village's public works department for public safety or infrastructure maintenance purposes.

3. Removal of trees that have been destroyed or effectively destroyed by an act of god or external forces beyond the control of the property owner, where such destruction could not have been prevented with reasonable care.
4. Routine pruning and maintenance that does not result in irreversible damage.
5. Removal of invasive species as listed by the Florida Invasive Species Council.
6. Removal of any fruit tree.
7. Removal of any dead tree.

**Sec. 45-107. Issuance of tree removal permit.**

(a) The building and zoning director or designee shall review each completed permit application using objective criteria determined by the village and best practices from biology, botany, forestry, landscape architecture, and other relevant fields.

(b) A tree removal permit may be issued when the application requirements are satisfied and one or more of the following conditions exist:

1. The tree constitutes an unreasonable impediment to an existing or proposed permitted use of the property by virtue of its location in a buildable area or yard area where structures or improvements are to be placed and, at the determination of the village, preservation is not feasible under any reasonable alternative.
2. The tree interferes with utility services.
3. The tree creates unsafe vision clearances.
4. The tree conflicts with other village ordinances or regulations.
5. The tree is a prohibited tree species, listed as a Category 1 Exotic Pest & Invasive Plant by the Florida Invasive Species Council (in the event of removal of a prohibited tree species, no fee shall be required).
6. The village requires the tree to be removed.

(c) Upon approval of the permit application, the building and zoning director or designee shall approve, approve with conditions, or deny the tree removal permit. Tree removal permits shall expire and become null and void if

1 work is not commenced within ninety (90) calendar days from the date of permit  
2 issuance.

3  
4 **Sec. 45-108. Preservation requirements.**  
5

6 (a) To the fullest extent practicable, all development proposals (land  
7 development applications or building permit applications) shall provide for the  
8 protection or relocation of existing trees with a tree disposition plan, as required by  
9 Section 45-86 of this chapter.

10  
11 (b) If a protected tree cannot be preserved under a proposed  
12 development plan, the applicant must demonstrate that they have evaluated  
13 alternative plans that prioritize tree preservation while allowing reasonable  
14 development.

15  
16 (c) Alternative strategies may include, without limitation, one or more  
17 of the following:

- 18  
19 1. Adjusting building orientation.  
20  
21 2. Modifying lot lines for multi-lot developments, when feasible.  
22  
23 3. Implementing site design techniques (e.g., pervious pavement,  
24 foundation adjustments) to protect root systems.  
25  
26 4. Using tree wells, retaining walls, or engineering solutions to  
27 integrate the tree into the development footprint.  
28

29 (d) The applicant must demonstrate that preservation is not feasible  
30 under any reasonable alternative. Mitigation as specified in section 45-109 below  
31 is required for tree removal to accommodate new development on improved and  
32 unimproved properties.  
33

34 **Sec. 45-109. Mitigation requirements.**  
35

36 To ensure the continued ecological and aesthetic benefits provided by trees,  
37 mitigation shall be required for all tree removal. Property owners or applicants shall  
38 implement one or more of the following mitigation measures as determined by the  
39 building and zoning director or designee.  
40

- 41 1. *Relocation.* If feasible, relocation of the tree is the village's  
42 preferred mitigation. Relocation should occur on-site when feasible.  
43 If on-site relocation is not feasible, off-site relocation in a village-  
44 approved location is required. Where appropriate, a combination of  
45 on-site and off-site relocation may be considered by the building and  
46 zoning director or designee.  
47



- 1                   2.     *Replacement.* If relocation is not feasible, the removed tree must be  
2                   replaced with native trees (selected from a village-approved list)  
3                   such that the total caliper of replacement trees is equal to or greater  
4                   than the DBH of the removed tree. Replacement should occur on-  
5                   site (preferred) or at a location approved by the village council for  
6                   tree mitigation.  
7  
8                   a.     Trees or palms that are relocated and do not survive in the  
9                   first nine (9) months from the date of installation shall be  
10                  replaced by the applicant at the applicant's expense.  
11                  Replacement trees shall be the same species, or an alternate  
12                  species approved by the building and zoning director or  
13                  designee.  
14  
15                  b.     The required mitigation ratio for protected trees shall be 1:1  
16                  inches DBH.  
17  
18                  c.     All replacement mitigation trees must be planted within  
19                  ninety (90) days of the issuance of the tree permit, or prior  
20                  to issuance of conditional certificate of occupancy or first  
21                  certificate of occupancy, except for tree replacements in  
22                  connection with major storm events.  
23  
24                  3.     *Tree trust fund.* If no viable relocation or replacement options exist,  
25                  the applicant shall contribute to the village's tree trust fund in  
26                  accordance with the adopted fee schedule.  
27  
28                  4.     *Development projects.* If tree removal is proposed as part of a  
29                  development project, the village shall consider whether reasonable  
30                  modifications to the project design could preserve the tree(s) before  
31                  granting approval for removal.  
32  
33                  5.     *Financial hardship.* If an applicant demonstrates financial hardship,  
34                  phased replacement or installment contributions to the tree trust  
35                  fund may be approved.  
36

37     **Sec. 45-110. Retention of licensed professionals.**  
38

39             The building and zoning director or designee is authorized to engage  
40             services of a licensed landscape architect and/or a certified arborist, as deemed  
41             necessary, to render any determinations required by this article.  
42

43     **Sec. 45-111. Enforcement and Penalties.**  
44

45             (a)     All violations of this article shall be enforced through the code  
46             enforcement process or any other lawful means available to the village.  
47

(b) In addition to code enforcement proceedings initiated pursuant to subsection (a) above, unauthorized tree removal may result in the following additional penalties:

1. Triple permit fee for each violation, with each tree constituting a separate violation;
2. Mitigation at an increased ratio of [2:1] inches DBH; and
3. The issuance of a stop-work order.

**Sec. 45-112. Tree trust fund.**

(a) A tree trust fund is hereby established for the purpose of accruing revenues generated by the receipt of monies collected as mitigation for trees removed. The funds in the tree trust fund may be used to pay for the following activities:

1. Purchasing and planting trees on real property within the village;
2. Funding public educational outreach programs;
3. Funding tree giveaways to residents that promote tree preservation; or
4. Supporting urban forestry programs, tree maintenance, and/or preservation throughout the village.

(b) Expenditures from the tree trust fund shall be approved by the village manager or designee.

**Sec. 45-113. Appeals.**

Any person who has been adversely affected by any decision rendered or requirement imposed by the village in the enforcement and administration of this article shall utilize the administrative appeal provisions of section 45-52 of this chapter.

Section 3. The provisions of this Ordinance shall become and be made a part of the Code of the Village of North Palm Beach, Florida.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

1  
2 Section 6. This Ordinance shall take effect upon adoption.

3  
4 PLACED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

5  
6 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
7 2025.

8  
9  
10 (Village Seal)

\_\_\_\_\_  
MAYOR

11  
12  
13 ATTEST:

14  
15 \_\_\_\_\_  
16 VILLAGE CLERK

17  
18 APPROVED AS TO FORM AND  
19 LEGAL SUFFICIENCY:

20  
21 \_\_\_\_\_  
22 VILLAGE ATTORNEY