

Town of Ocean Ridge, Florida

Town Commission Agenda Memorandum

Christy Goddeau, Town Attorney

Subject: Approval of Ordinance on First Reading: Ordinance 2026-01: An Ordinance Of The Town Of Ocean Ridge, Florida, Amending Its Code Of Ordinances At Chapter 66, “Environmental Regulations”, Article IV, “Landscaping”, Division 3, “Trees”, Section 66-151, “Tree Permits” To Clarify The Requirement For A Tree Permit When Planting A New Tree(s); And Amending Section 66-152, “Duty To Trim Coconut Trees” To Require Appropriate Trimming Of Coconut Trees At All Times; And, Providing For Codification, Severability, Conflicts, And An Effective Date

As you may be aware, historically, the Town has required a tree permit any time a property owner decides to install a new tree(s) at their property. This requirement is primarily due to the need to ensure proper clearance from existing drain and septic fields. The Town also reviews the proposed tree(s) for proper clearance from drainage and utility facilities and rights-of-way, and to ensure the proper species is being planted. To clarify this historic requirement, revisions are proposed to section 66-151 of the Town’s code of ordinances regarding tree permits.

In addition, section 66-152 of the Town’s code of ordinances currently requires all coconut trees to be trimmed annually by July 1 to remove coconuts, coconut blooms, and dead or dying fronds. The Town Commission recently requested that section 66-152 be reviewed by the Planning and Zoning Commission to remove the annual trimming requirement and make trimming a more general requirement.

The Town’s Planning and Zoning Commission reviewed the proposed Ordinance and recommended approval of the revisions to section 66-151 (tree permits) and section 66-152 with the inclusion of the language regarding the need for all property owners to regularly trim coconut trees to prevent further personal injury and/or property damage during periods of high wind and hurricanes. If approved, section 66-152 will read as follows:

Sec. 66-152. Duty to trim coconut trees.

(a) All property owners are required to regularly trim their coconut trees to present a healthy, neat, and orderly appearance; to protect life and property during periods of high winds and hurricanes; and/or, to be free from mature coconuts, coconut blooms, and dead or dying fronds.

All trimming shall comply with the provisions of section 66-151.

(b) All property owners are required to trim coconut trees, as described in subsection (a), in the adjacent public right-of-way that is contiguous to their property.

Staff recommends...approval of the proposed Ordinance No. 2026-01.

Suggested Motion: I move to...approve Ordinance No. 2026-01 on first reading.

Respectfully,
Christy Goddeau, Town Attorney

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES AT CHAPTER 66, "ENVIRONMENTAL REGULATIONS", ARTICLE IV, "LANDSCAPING", DIVISION 3, "TREES", SECTION 66-151, "TREE PERMITS" TO CLARIFY THE REQUIREMENT FOR A TREE PERMIT WHEN PLANTING A NEW TREE(S); AND AMENDING SECTION 66-152, "DUTY TO TRIM COCONUT TREES" TO REQUIRE APPROPRIATE TRIMMING OF COCONUT TREES AT ALL TIMES; AND, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

WHEREAS, the Town of Ocean Ridge, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has historically required a tree permit whenever a property owner desires to add a new tree(s) to their property; and

WHEREAS, the Town's requirement for a tree permit is based on the Town's need to review the proposed location of the new tree(s) to ensure the new tree(s) will not encroach on existing drain and/or septic fields, rights-of-way, or drainage and/or utility facilities; and

WHEREAS, the Town also requires a tree permit to add a new tree(s) to ensure a proper species of trees is being planted (e.g., non-invasive); and

WHEREAS, to clarify the Town's historic requirement for a tree permit, this Ordinance proposes to amend section 66-151 to clarify the requirement and need for a tree permit for the planting of a new tree(s); and

WHEREAS, in August of 2020, the Town added section 66-152 to the Code of Ordinances to require that all coconut trees in Town be trimmed annually by July 1 in preparation for hurricane season; and

WHEREAS, the Town Commission recently directed the Planning and Zoning Commission to review section 66-152 to make the coconut tree trimming a general requirement like other tree trimming and not tied to a specific enforcement date; and

WHEREAS, the Planning and Zoning Commission reviewed this Ordinance at its January 20, 2026 meeting and approved the proposed revision to section 66-151 and to section 66-152 with the clarification that the regular trimming of coconut trees is necessary to prevent further personal injury and/or property damage during periods of high winds and hurricanes; and

WHEREAS, the Town Commission has reviewed this Ordinance and determined that the Ordinance is in conformance with the Town's Comprehensive Plan and does not create any requirements that are more burdensome or restrictive; and,

WHEREAS, the Town Commission has determined that this Ordinance serves a valid public purpose.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as true findings of fact of the Town Commission.

SECTION 2 – Amendment: Chapter 66, entitled "Environmental Regulations", Article IV, entitled "Landscaping", Division 3, entitled "Trees", Section 66-151, entitled "Tree Permits", is hereby amended to read in its entirety as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Sec. 66-151. Tree permits.

- (a) *Permit required.* Except as provided herein, and as set forth by F.S. 163.045 it shall be unlawful for any person to cut down, damage, destroy, move, or remove any tree, or to authorize the same, without first obtaining a tree removal permit. Except as provided herein, it shall be unlawful for any person to plant a new tree(s) without first obtaining a tree permit.
- (b) *Tree removal, replacement, additions, conditions and exemptions.*
 - (1) *Exemption; trees on single-family residential property.* Any tree with a girth (circumference) of less than 20 inches, as measured at the base of the tree between nine to 12 inches off the ground, except historic or specimen trees, as defined herein, on a lot with a single-family dwelling, within any land use district, is exempt from this land development code.
 - (2) *Exemption; damaged or deteriorated trees.* Any tree within the town which has been destroyed or has become severely damaged or deteriorated as a result of age, storm, fire, freeze, disease, lightning, vandalism or other cause, is exempt from this land development code.
 - (3) *No fee permit; rights-of-way or easement trees.* A tree within a public or private vehicle or pedestrian right-of-way or utility easement, may be pruned, or may be removed subject to the issuance of a "no fee" tree removal permit issued by the town manager. Such permits may be granted to ensure the health, safety or welfare of the motoring or pedestrian public, and to avoid or abate the disruption of public utilities.
 - (4) *Permit required; historic and specimen trees.* Historic or specimen trees, as defined herein, shall only be removed upon issuance of a tree removal permit. A tree so removed shall be replaced with approved replacement stock as authorized by permit, and said historic or specimen tree may be required to be relocated to a public right-of-way or other public property as required by permit. A historic tree is one which is established to be at least 50 years old, and which is not on the exempt or prohibited

tree list; a specimen tree is one which is a native or rare species, and established to be at least ten years old. To be considered a historic or specimen tree, the same must be of high quality stock, and in healthy and undamaged condition.

- (5) *Tree species; planting prohibited; removal exempt.* Trees of the following species are prohibited to be planted anywhere within the town, and existing trees of these types shall be exempt from the tree removal permitting requirements of this division, and may be pruned or removed without permit (with the exception of those existing trees located on dunes or dry sandy beaches as referenced in and subject to the requirements of section 66-161, land development code):

Table 1.

Common Name	Scientific Name
Australian Pine	Casuarina spp.
Brazilian Pepper	Schinus terebinthifolius
Chinaberry	Melia azedarach
Ear Pod Tree	Enterolobium cyclocarpa
Eucalyptus	Eucalyptus species
Punk Tree or Cajeput	Melaleuca quinquenervia
Silk Oak	Grevillea robusta
Woman's Tongue	Albizia lebbek
Lofty Fig	Ficus altissima
Florida Strangler Fig	Ficus aurea
Benjamin Fig	Ficus benamina
India Laurel Fig	Ficus nitida
India Rubber Fig	Ficus elastica
Bishopwood	Bischofia javanica
Mahoe	Hibiscus tiliacous
Mimosa	Albizia julibrissin
Mulberry, Red	Morus rubra
Norfolk Island Pine	Araucaria heterophylla
Tamarind Manilla	Pithecellobium dulce

- (6) *Tree pruning; "hat-racking" method prohibited.* The "hatracking" method of pruning a tree, is hereby prohibited. Any tree which requires the issuance of a permit prior to being cut down, damaged, destroyed, moved, or removed shall be subject to this provision. Hatracking shall mean to flat-cut the top and/or sides of a tree, severing the leader or leaders, internodal cuts, or pruning a tree by stubbing off mature wood larger than three inches in diameter; or reducing a mature tree's total circumference or canopy spread by one-third or more.
- (7) *Tree trimming and maintenance.* Notwithstanding any other provisions contained in chapter 66, article IV, all trees shall be trimmed and maintained so as not to come in contact or otherwise obstruct or interfere with power or other utility lines or facilities. Property owners shall be responsible for complying with this subsection with respect to all trees located on their property, on privately granted utility easements for which their property exists as the servient estate and on any adjacent rights of way upon

which the property owner has sought permission or a license from the town to plant or maintain landscaping including trees. No permit will be required from the Town for such trimming or maintenance provided, however, that such trimming or maintenance shall comply with the provisions of subsection (6) above.

(8) Planting a new tree(s). While the town encourages the addition of a new tree(s) to all property, a permit must be obtained prior to planting a new tree(s) within the town to ensure proper clearance from existing drain fields and septic fields, drainage and utility facilities, and rights-of-way, and to ensure a proper species is being planted.

(c) *Tree removal permit requirements.* Prior to obtaining a tree removal permit for a major site plan or major site plan amendment, a tree survey must be performed and filed with the administrative official as part of the tree removal permit application. The tree survey shall be performed and recorded as described in subsection (2) below. In all other cases requiring a tree removal permit the application shall include those items set forth in subsection (3) below.

(1) *Major site plan.* A tree removal permit application must be filed as a part of a major site plan review, special exception, original plat or re-plat. It shall be filed concurrent with the proposed site plan, master plan, or preliminary plat.

(2) *Tree survey.* A tree survey shall be to scale no less than one inch equals 30 feet, which identifies trees by location, common name and diameter breast height (DBH), and which also shows the following information:

- a. Identification and location of each historic specimen tree;
- b. Existing trees to be removed, relocated, or retained; or
- c. Replacement stock to be planted;
- d. Existing trees to be removed and trees to be retained requiring protection shall be clearly designated on-site; method of designation shall be included on the plans submitted for review, and each tree shall be designated as to species and approximate size;
- e. Existing and proposed utility easements; and
- f. Existing and proposed improvements on the site.

(3) *Minor site plan or other tree removal.* An application for a tree removal permit, within a minor site plan, or without application for any other development order, shall be filed, processed and approved by the administrative official, upon receipt of an application and two sets of plans filed with the town clerk, and payment of the property fee. An application and plan shall include the following information and exhibits:

- a. A diagram of the property at a scale no less than one inch equals 30 feet, which identifies any tree to be removed, its location, common name and DBH, any existing or proposed development on the site, and details of replacement stock to be planted, including location, size and species. Applicant shall submit two copies of the diagram with the application.
- b. Name, signature, address and telephone number of all fee simple property owners.
- c. Legal description of the property and property control number (PCN).
- d. North arrow, scale and identification of street abutting the property.
- e. Reason for the removal or replacement of tree(s).
- f. Identification and location of each historic or specimen tree.

- g. A plan legend, showing designations and methods used.
- (d) *Minimum tree coverage requirements.*
- (1) In connection with the clearing of any lot for new construction, each lot except as otherwise provided, shall have a minimum of one tree and six shrubs for each 2,500 square feet of total lot area, or portion thereof. If the lot contains an insufficient number of existing trees to meet this requirement, new or replacement trees shall be provided. Trees shall be installed at a minimum of 12 feet in height. One of the required trees shall be located within 15 feet of the front property line as the designated street tree.
 - (2) Cross sectional tree area may be used as replacement criteria in lieu of a designated tree size, provided the following requirements are met:
 - a. The minimum tree requirements described above are met; and
 - b. The total cross sectional area provided shall equal or exceed the sum of the cross-sectional area of a replacement stock multiplied by the minimum number of replacement stock required.
- (e) *Area tree protection requirements.* Fifteen percent of the square footage of any lot, or portion thereof, being developed or redeveloped, or upon which there is constructed a structure, addition, or major renovation (over 50 percent of the value of the building), shall be designated for the protection of trees. The area required to protect historic or specimen trees may be included to satisfy this requirement, and shall include any landscape buffer or other landscape areas required by the land development code. Such designated areas shall contain sufficient land area to comply. No more non-exempt trees than are reasonably necessary to achieve the proposed development shall be removed. The administrative official shall consider the following in reviewing said application:
- (1) The extent to which the actual or intended use of the property requires removal of trees;
 - (2) The desirability of preserving any tree by reason of its size, age or some outstanding quality, such as uniqueness, rarity or status as an historic or specimen tree;
 - (3) The extent to which the area would be subject to increased water runoff, erosion, or other environmental degradation due to removal of the trees;
 - (4) The heightened desirability of preserving tree cover in densely developed or densely populated areas;
 - (5) The need for visual screening in transitional areas, or relief from glare, blight, buildings or any other affront to the visual or aesthetic sense in the area; and
 - (6) The effect, which changes in the natural grade, will have on the health of trees to be preserved.
- (f) *Permits; posting and termination.* An approved tree removal or addition permit or a copy of the permit shall be clearly posted on the job site during all phases of clearing and construction activities. Each tree removal or tree addition permit shall expire one year from the date of issue, unless extended for no more than 60 days by the administrative official, for good cause shown.

- (g) *Notification of impending activity.* The person holding an approved tree removal or addition permit shall notify the administrative official prior to the scheduled removal or addition of the tree(s), allowing sufficient notice for necessary site inspections.
- (h) *Relocation and replacement.*
 - (1) Relocation: Tree relocation shall be performed in accordance with sound industry practices to ensure survival of transplanted stock. Cross sectional area of relocated trees may be applied toward required replacement areas.
 - (2) Replacement trees shall be a minimum replacement of ten percent of the total of the cross sectional area of the trunk(s) of the tree(s) removed. Cross sectional area shall be at the DBH of the tree. Single trees may be replaced with two or more trees provided the cross sectional requirements are met. In no event shall replacement stock be less than six feet in height nor have a DBH of less than 1½ inches. Replacement stock shall be the same general species as the tree removed, or an alternative species not prohibited by the division. Replacement stock shall be limited to no more than 25 percent palm species, and shall be maintained in accordance with sound industry practices, including watering, and fertilizing and further replacement of expired trees.
 - (3) Any new single-family or duplex residence shall be exempt from the replacement schedule required herein. Each single building lot shall contain a minimum of one tree per 2,500 square feet of total lot size.
- (i) *Natural vegetation retention areas; exemptions.* Areas of the property may be designated as natural vegetation retention areas indicating that all existing vegetation will remain on that area of the site. Under this designation, trees meeting the minimum replacement size criteria up to trees of the minimum tree definition criteria may be retained and counted as replacement stock for trees to be removed elsewhere on the site.
- (j) *Violations; mitigation for certain violations.* Any person who violates this division by damaging or removing a non-exempt tree without a permit, may be redeemed by replacing the tree(s) at the rate of two trees for each one removed or damaged, within 15 days of receipt of a notice of violation. This provision shall not include the damaging or removal of a historic or specimen tree without a required permit.

SECTION 3 - Amendment: Chapter 66, entitled “Environmental Regulations”, Article IV, entitled “Landscaping”, Division 3, entitled “Trees”, Section 66-152, entitled “Duty to Trim Coconut Trees”, is hereby amended to read in its entirety as follows (underline denotes additions; ~~stricken through~~ denotes deletions):

Sec. 66-152. Duty to trim coconut trees.

- (a) ~~In order to protect life and property during periods of high winds and hurricanes and to protect pedestrians and vehicular traffic where coconut trees overhang walkways and streets,~~ All property owners coconut trees in the town shall be ~~are~~ required to regularly be trimmed annually by July 1 of each year, so that on July 1 of each year all trim their coconut trees to

present a healthy, neat, and orderly appearance; to protect life and property during periods of high winds and hurricanes; and/or in the town shall to be free of mature coconuts, coconut blooms, and dead or dying fronds. All trimming shall comply with the provisions of section 66-151. Should any property owner fail to comply with this section, he/she shall be guilty of a violation of this Code.

- (b) All property owners are required to trim coconut trees, as described in subsection (a), in the adjacent public right-of-way that is contiguous to their property.

SECTION 4 - Codification: This Ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 5 - Repeal of Conflicting Ordinances: All ordinances, resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

SECTION 6 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 7 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this ____ day of _____, 2026.

SECOND AND FINAL READING this ____ day of _____, 2026.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

	AYE	NAY
GEOFF PUGH, Mayor	_____	_____
STEVE COZ, Vice Mayor	_____	_____
CAROLYN CASSIDY, Commissioner	_____	_____
DAVID HUTCHINS, Commissioner	_____	_____
AINAR AIJALA JR., Commissioner	_____	_____

The Mayor thereupon declared this Ordinance No. 2026-01 approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this _____ day of _____, 2026.

TOWN OF OCEAN RIDGE, FLORIDA

ATTEST:

BY: _____
GEOFF PUGH, MAYOR

BY: _____
Kelly Avery, TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
Christy Goddeau, Town Attorney