

Sec. 25-45. - Street swale landscape requirements.

- (a) *Street swale landscape plan.* At the time of application for either a development permit, plat or site plan approval, developers shall submit a general location plan locating swale trees. Trees shown on the street swale landscape plan shall be planted prior to requesting a final building inspection. The type of species chosen shall be in conformance with the City's list of swale trees (section 25-49(d)(1)), as may be amended.
- (b) *Number of required swale trees.* The minimum requirements for swale trees are as follows.
- (1) Single-family and duplex developments shall provide one swale tree per 30 linear feet of swale.
- At installation, swale trees shall be a minimum of ten feet in height.
- (2) All other developments shall provide one swale tree per 40 linear feet of swale. At installation, swale trees shall be a minimum of 14 feet in height.
- (3) The above requirements shall be met for each lot. The calculation of the required amount of swale trees shall be based on the total length of all street lot lines of the lot.
- (4) Accessways from the public right-of-way through the swale area shall be permitted to service the parking or other vehicular use areas and such accessways may be subtracted from the linear dimensions used to determine the number of trees required.
- (c) *Location of swale trees.* All trees required to be placed in the swale area shall be planted halfway between the sidewalk or property line and the edge of the road. The Planning and Zoning Board may recommend a waiver of such requirements and the City Commission may waive such requirements, when the proper area for trees is not physically available.
- (d) *Removal of inappropriate plant material.* All trees and other plant material planted in the swale area of public rights-of-way which are not in conformance to the approved swale plant list or obstruct visibility shall be removed by the adjacent property owner. Upon notification from the City to remove inappropriate trees, the property owner has 15 days to take the necessary action. If the subject trees have not been removed within 15 days, the City may elect to remove them and subject the owner to a fine as provided in this article.
- (e) *Prohibited structures and miscellaneous landscape features.* It shall be unlawful for any property owner or tenant to plant, place, erect or install or cause to have planted, placed, erected or installed in the swale area adjacent to their property, nor within private property, which shall protrude into the swale area adjacent to their property any concrete blocks, coral rock, pyramid-shaped cement curb stones, vegetation or any other sharp edged or pointed organic material that could cause a hazard or injuries to pedestrians. Any property owner who has planted, placed, erected or installed such material prior to or after the effective date of this article, shall be

notified in writing by the City Code Enforcement Officer to remove same within five days of receipt of the notice or be subject to a fine, as provided in section 21-6, enforcement and penalties.

(f) *Exemption.* Single-family and duplex developments platted prior to March 22, 1983 shall be exempt from all the provisions of this section except subsection (e), prohibited structures.

(Ord. No. 12-2-1, § 3, 2-28-12)