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AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING PROVISIONS OF APPENDIX "A," LAND DEVELOPMENT REGULATIONS, RELATING TO IRRIGATION SYSTEM REQUIREMENTS; AMENDING SECTION 5.04.00, "LANDSCAPING/TREES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE HEREOF

WHEREAS, the City's Land Development Regulations provide detailed requirements related to irrigation systems in various locations; and

WHEREAS, Section 5.04.00 has a single sentence discussing irrigation and that sentence could be read to require all properties install irrigation systems; and

WHEREAS, it is not the City's intent that all properties install irrigation systems regardless of whether or not the landscaping needs irrigation; and

WHEREAS, the City has implemented a variety of water conservation practices, including implementing a water conservation rate structure; and

WHEREAS, the City is implementing its Water Conservation Plan submitted as part of the CUP process; and.

WHEREAS, the City's comprehensive plan includes other water conservation and plans to maintain and improve upon them when feasible:

- Implementation of City's Water Conservation Plan (Policy D.1.6.2)
- Implementation of water conservation rate structure
- Requirements for native plants (Policies E.2.5.3 and E.2.6.3)
- Education program (Policies D.1.6.2)
- Building regulation enforcement (Policies D1.6.1-D.1.6.5)
- Monitoring water consumption trends (Policy D.1.4.1)
- Intergovernmental coordination of water conservation (Policies G.1.4.4-G.1.4.7)
- Coordination for limiting landscape watering (Policy D.1.6.2)
- Metering requirements (Policy D.1.6.5)

WHEREAS, the City recognizes that depending on the landscaping installed on any property, an irrigation system may or may not be practically required for the health of the landscaping; and

WHEREAS, the City Commission finds it appropriate to delete subsection (N) from Section 05.04.01 of the City’s Land Development Regulations as the St. Johns River Water Management District has exclusive authority under F.S. Ch 373 and implements procedures that promote water conservation through more efficient use of landscape irrigation as outlined in Section 04.02.01 and 04.02.03 of the Land Development Code.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
THE CITY OF FLAGLER BEACH, FLORIDA, AS FOLLOWS:**

SECTION ONE. The findings set forth in the recitals above are hereby adopted as legislative findings of the City Commission pertaining to this Ordinance.

SECTION TWO. Section 5.04.00 of the City of Flagler Beach Land Development Regulations is hereby amended as follows): Note: underscore indicates new text and ~~striketrough~~ indicates deletion of text and asterisks "*" * *" denote sections of the existing Ordinance which remain unaltered and not reprinted herein).

Sec. 5.04.00. Landscaping/Trees.

Section 5.04.01 *General criteria.*

- A. Emphasis shall be placed upon landscaping as a means of achieving beauty in the community. It will be required on all projects, and in some projects and areas, it will be the primary tool available.
- B. Landscape design and planning shall be integrated with the overall area design concept and not be considered merely as an after thought. Toward this end, proposed landscaping schemes will be evaluated as to their relationship to the existing natural landscape, developed and other proposed landscape, including those on adjacent properties and street rights-of-way and the building or buildings existed and proposed.
- C. The existing natural landscape character shall be preserved whenever possible. As an example of this, in an area containing a stand of trees, the developer should preserve as many of these trees as possible and further landscape in a complementary manner, rather than destroy the existing trees and replant with a type of vegetation foreign to the immediate natural environment.
- D. Landscaping includes not only trees and plantings, but paving, benches, fountains, exterior lighting fixtures, fences, and any other item or exterior furniture. All items of the landscape are to be selected not only for their functional value but for their aesthetic value, and must complement the whole.
- E. One (1) of the uses of landscaping will be to screen. It is the masking out or concealing of any objectionable area. The achievement of this is left to the designer, whether by walls, fences, mounds of earth, or vegetation. It must be complimentary to the whole as outlined above. Screening shall be employed in parking lots, and to mask from the public view of adjacent properties such service areas as trash and garbage areas, outside equipment of unaesthetic character, and accessory buildings or areas not enhancing or in keeping with the aesthetics of the project or neighborhood. Screening of air conditioning units and other mechanical equipment shall be accomplished in a manner that does not interfere with the proper operation and/or maintenance of such equipment.
- F. Landscaping shall be designed in such a manner as to impact its aesthetic character when viewed from any area accessible to the public or from adjacent properties. This is to include view from high rise and bridges.
- G. All landscaping and plantings designated on the plans approved by the planning and architectural review board shall be installed in accordance with the specified height, spread and quality before a certificate of occupancy is issued.
- H. Xeriscape landscaping techniques using native vegetation shall be required landscaping for all new construction.
- I. Plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", Part I, Current Edition, and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.
- J. Grass areas may be sodded, plugged, spread or seeded except that solid sod shall be used in swales or other areas subject to erosion. Seed where used shall be of a variety which will produce complete coverage within ninety (90) days from sowing. Where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.
- K. Installation—All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures with the quality of plant materials as described. All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements.
- L. Landscaped areas shall require protections from vehicular encroachment. Car stops shall be placed at least three (3) feet from the edge of such landscaped areas. Where a wheel stop or curb is utilized, the paved area between the curb/wheel stop and the end of the parking space may be omitted, provided it is landscaped in addition to the required landscaping provided. Car stops shall be located so as to prevent damage to any trees, fences, shrubs or landscaping by automobiles.
- M. Maintenance—The owner, occupant, tenant and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be kept free

from refuse and debris. Any dead vegetation and landscaping material shall be promptly replaced with healthy, living plantings.

~~N. All landscaped areas shall be provided with an approved irrigation system.~~

* * *

SECTION THREE. Codification. This Ordinance shall be incorporated into the Flagler Beach City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the City Code may be freely made.

SECTION FOUR. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION FIVE. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION SEVEN. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Flagler Beach, Florida.

PASSED ON FIRST READING THIS ____ DAY OF _____ 2025.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Patti King, Mayor

ATTEST:

Penny Overstreet, City Clerk