

DIVISION 7. LANDSCAPING REQUIREMENTS

Sec. 34-1079. Purpose and intent.

The purpose and intent of this division is to protect, preserve, and enhance the natural environment and beauty of the town by creating minimum standards for landscaping and vegetation protection. Landscaping that meets these standards will:

- (1) Improve the aesthetic appearance of the town.
- (2) Improve air and water quality by such natural processes as transpiration and the maintenance of permeable land areas for aquifer recharge and surface water filtration.
- (3) Reduce noise and pollution through the filtering and buffering capacity of living trees and vegetation.
- (4) Promote energy conservation through:
 - a. The creation of shade which reduces heat gain in or on buildings and paved areas; and
 - b. The channeling and control of breezes to facilitate the natural cooling of buildings.
- (5) Reduce erosion by stabilizing the soil.
- (6) Provide habitat for wildlife.
- (7) Conserve freshwater resources through the use of drought-tolerant plants.
- (8) Provide a visual buffer between otherwise incompatible types of land uses.
- (9) Increase land values by requiring landscaping in developments, thereby becoming a capital asset.
- (10) Provide direct physical and psychological benefits to humans by reducing noise and glare in addition to breaking up the visual monotony and softening the perception of an urban environment.
- (11) Promote innovative and cost-conscious approach to design, installation and maintenance of landscaping, and encourage water and energy conservation.
- (12) Require the removal of nuisance vegetation to ensure preservation of protected or native vegetation and encourage no disruption of native ecosystems.
- (13) Provide for the public health, safety and welfare.

(Ord. No. 207, § 5.70.1, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1080. Landscape plan submission and approval.

- (a) *Applicability.* The provisions of this division shall apply as follows:
 - (1) To any new development or modification to existing development wherein that portion of the site which is being modified must comply with the requirements contained herein to the extent that it is physically practicable;

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- (2) To any modification to existing development wherein there results an increase of ten percent of the gross floor area of the structure, or structures, situated on the site in which case the entire site shall be upgraded to present landscape standards. However, accessory structures which are no greater than 1,000 square feet in gross floor area shall not be required to meet these standards;
 - (3) A single-family dwelling and a duplex shall be exempt from all provisions of this division with the exception of those regulations pertaining to swales and visibility at intersections, maintenance of rights-of-way, irrigation restrictions and automatic rain switches required on all new irrigation systems, and those properties greater than four acres in area which must adhere to the Environmentally Sensitive Lands Ordinance.
- (b) *Landscape plan required.* At the time of application for approval for all site plans and site plan revisions, special exceptions, planned unit developments, and variances, except for a single-family dwelling and a duplex, a landscape plan shall be submitted for review by the planning and zoning board and approval by the town council.
 - (c) *Contents of plan.* The landscape plan, signed and sealed by a landscape architect registered in the state, shall be drawn to a scale of not less than one inch equals 30 feet, including dimensions and distances, and clearly delineate the existing and proposed parking spaces or other vehicular and/or water outlets, the location and size of buildings, if any, to be served, and the location, size, number, name and description of all landscape materials to be installed or, if existing, to be used in accordance with the requirements hereof. Such description shall include both scientific and common name and native or nonnative designation. The percentage of native plant material utilized for each type of plant including trees, shrubs, and ground cover shall be provided, and a notation stating that all landscape areas, excluding native preserve areas, shall be provided with 100 percent automatic irrigation shall be included on landscape plan.

(Ord. No. 207, § 5.70.2, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 392, 5-16-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1081. Administration.

The director shall administer these regulations under the direction of the town council.

(Ord. No. 207, § 5.71, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1082. Letter required from project landscape architect.

Prior to the issuance of a certificate of occupancy, the project landscape architect is required to submit a signed and sealed letter to the town planning, zoning and building department certifying that the landscaping on site is in accordance with the approved landscape plan.

(Ord. No. 207, § 5.71.1, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1083. Performance surety.

In the event that the landscaping requirements of this chapter have not been met at the time that a certificate of occupancy or certificate of use is requested, the town council may approve such request provided the town council enters into an agreement with the owner or his agent that the provisions and requirements of this chapter will be complied with. The owner or his agent shall post a performance bond or other approved surety in an amount equal to 125 percent of the cost of materials and labor and other attendant costs incidental to the installation of the required landscaping. The surety shall:

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- (1) Run to the town;
 - (2) Be in a form satisfactory and acceptable to the town; and
 - (3) Specify the time for the completion of the landscape requirements.

(Ord. No. 207, § 5.72, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1084. Landscape requirements.

- (a) In keeping with the purpose and intent of this division, the following general requirements shall apply in all zoning districts in the town.
- (b) A graphic survey of existing vegetation, delineating all viable native vegetation and all trees greater than four inches in diameter (caliper) at four feet above ground, shall be submitted. Such graphic survey shall be prepared by a landscape architect or land surveyor registered in the state and be of the same scale as the landscape plan.
- (c) Reasonable requirements for the preservation of outstanding natural and cultural features shall be required. These features include trees with trunks larger than eight inches in diameter measuring four feet above the ground, groves, watercourses, historic sites, and similar irreplaceable assets in which there is public interest.
- (d) All new trees shall be located so as to provide unrestricted flow or access to drainage swales or utility easements. Vegetation in easements and rights-of-way must have appropriate utility company and agency approval. In addition, the height of damage-prone trees shall be limited along hurricane evacuation routes.
- (e) New trees shall meet the specifications as set forth in section 34-1088(f).
- (f) Trees shall be hardy and suitable to local soil and climate.
- (g) The use of native vegetation plantings shall be prioritized, and all plant materials of each type, including trees, shrubs and ground cover, shall be at least 50 percent native. In addition, xeriscape principles shall be utilized in all landscape designs and installations (see section 34-1088(a)). For a list of native vegetation and guide for plant selection and landscape design, refer to the University of Florida's "The Florida Friendly Landscaping™ Guide to Plant Selection and Landscape Design."
- (h) Existing native vegetation shall be preserved to the maximum extent practicable. The town encourages applicants to make all native vegetation to be removed from the site available, either by fee or donation, to the town and its residents for reuse. The developer shall notify the town three weeks prior to vegetation removal, so that the town may notify residents by notice at town hall and phone message of such vegetation availability. Upon such notice residents shall have two weeks to contact the developer regarding removal of native vegetation.
- (i) The type and location of landscaping shall take into consideration the preservation of native vegetation areas, and the director may make exceptions to the regulations in this division to ensure the preservation of such native vegetation areas.
- (j) All conditions and requirements of the Environmentally Sensitive Lands Ordinance, article IV, division 14 of this chapter, and section 34-1123 shall be complied with.
- (k) Changing 30 percent or more of all trees and shrubs on a site from the originally approved landscape plan shall require submittal of a new plan showing new plant types and locations to the planning and zoning department for review and approval.

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- (l) The public works, planning and zoning, and code compliance departments shall be responsible for managing the town's tree planting program. The public works department shall be responsible for the care and maintenance of trees present on town-owned property.

(Ord. No. 207, § 5.73, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 421, 2-19-1992; Ord. No. 434, 12-16-1992; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999; Ord. No. 740, § 3, 4-28-2021)

Sec. 34-1085. Removal of invasive plants.

East of the Coastal Construction Control Line (CCCL), invasive exotic pest plants, including the Brazilian pepper, Australian pine, and melaleuca, shall be removed and replaced with appropriate native coastal vegetation. Any exotic plant recurrence shall be required to be removed and replaced with appropriate vegetation. Such native coastal vegetation shall serve to stabilize the coastal dune area. This provision shall apply to all properties.

(Ord. No. 207, § 5.73.1, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 489, 12-11-1996; Ord. No. 517, 12-1-1999)

Sec. 34-1086. Protection of trees and other vegetation to be preserved on site.

Trees and other vegetation which are to be preserved on a site shall be protected from damage during the construction process according to appropriate tree and vegetation protection techniques. The Tree Protection Manual for Builders and Developers, published by the state division of forestry, department of agriculture and consumer services, shall be the standard for determining the appropriateness of proposed techniques for tree protection. All vegetation areas shall be fenced off with screening to prevent any damage. All trees and vegetation which are to be preserved and do not survive shall be replaced by a plant or tree of equal size, or an equivalent number of trees based on trunk diameter.

(Ord. No. 207, § 5.73.2, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1087. Parking area landscaping.

- (a) All areas used for parking of vehicles (including boats, trailers or construction equipment) or any other vehicular use shall conform to the minimum landscaping requirements provided herein, except under, on, or within buildings and parking areas serving a single-family dwelling and a duplex.
- (b) Adjacent to street. On the site of a building or open lot use providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure (such as a wall or fence, provided landscaping is provided on the side facing the abutting street, see section 34-905) from any abutting street, excluding dedicated alleys, there shall be provided landscaping between such area and such street as follows:
- (1) A strip of land at least five feet in width located between the abutting street and the off-street parking area or other vehicular use area shall be landscaped;
 - (2) Landscaping of land strips shall include at least one tree for each 30 lineal feet or fraction thereof. In addition, a hedge or other durable landscape barrier of at least four feet in height shall be placed within such landscaped strip. If a hedge is placed within such strip, plants shall be a minimum of 24 inches in height immediately after planting and shall be of a species that will grow to a height of four feet in one year's time.

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- (c) Landscaping relating to abutting properties. On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, such area shall be provided with a landscaped barrier, preferably a hedge that is a minimum of 24 inches in height immediately after planting and shall be of a species that will grow to a height of four feet in one year's time, to form a continuous screen between the off-street parking area or other vehicular use area and the abutting property in a planting strip of not less than five feet in width. In addition, at least one tree for each 30 lineal feet or fraction thereof shall be placed within such strip. The provisions of this subsection may not be applicable, at the discretion of the town council, when a property line abuts a dedicated alley.
- (d) Landscaping interior parking areas.
- (1) A minimum of 20 square feet of landscaping for each parking space shall be provided within the interior of an off-street parking area.
 - (2) Each row of parking spaces shall be terminated by landscaped islands which measure not less than five feet in width (inside of curb to inside of curb) and 90 square feet in area. At least one tree shall be planted in each 90-square-foot island. In addition, no more than ten parking spaces may occur in a row without a landscape island as described in subsection (d)(1) of this section.
 - (3) Landscaped divider medians shall be used to meet interior landscape requirements. The divider medians shall form a continuous landscaped strip between abutting rows of parking spaces. The minimum width of a divider median shall be five feet. One tree shall be planted for each 30 lineal feet of divider median or fraction thereof. Trees in a divider median may be planted singularly or in clusters. The maximum spacing of trees shall be 40 feet.
 - (4) All interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs or other appropriate landscape treatment. Sand or pavement shall not be considered appropriate landscape treatment.
 - (5) All terminal landscape islands shall be surrounded with a continuous nonmountable concrete curb.
 - (6) Exceptions to subsections (d)(2) and (3) of this section and the requirement for wheel stops in article IV, division 4 of this chapter may be made for an area in a parking lot no greater than 20,000 square feet where it is demonstrated that a public gathering place or square is desired to be available for special events. Such gathering place or square area must be bounded by either landscape islands or medians per subsection (d)(2) or (3) of this section, whichever is applicable, and subsection (d)(4) of this section, to form a greenbelt along the perimeter.
- (e) Landscaping between parking areas and buildings for single-family attached and multifamily residential and nonresidential uses. Parking rows and traffic aisles must be separated from principal structures on the sides, front, and rear (excluding designated loading areas) by a landscape strip at least four feet in width and a minimum four-foot-wide walkway, unless the town determines that, based on the site design, pedestrians would require no use of the sidewalk.

(Ord. No. 207, § 5.74, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1088. Design, installation, maintenance, irrigation and plant material standards.

- (a) *Design.* Xeriscape principles shall be utilized in landscape design and installations. Principles of xeriscape include:
- (1) Appropriate planning and design to include consideration of the size and shape of the lot, soil type, topography, intended use of area site-specific planting to minimize irrigation waste.

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- (2) Use of soil analysis and appropriate amendments to provide better absorption of water and to provide beneficial plant nutrients.
 - (3) Efficient irrigation systems which permit turf and other less drought-tolerant plantings to be watered separately from more drought tolerant plantings, consideration of low volume drip, spray or bubbler emitters for trees, shrubs and ground covers.
 - (4) Reduction of turf areas, utilizing less water-demanding materials such as low water demand shrubs and living ground covers in conjunction with organic mulches.
 - (5) Utilization of drought tolerant plant materials and the grouping of plants with similar water requirements.
 - (6) Utilization of mulches to increase moisture retention, reduce weed growth and erosion and increase the organic content of soil upon degradation. Mulch should be initially applied at a three inch depth, but pulled away from direct contact with stems and trunks to avoid rotting. Mulched planting beds are an ideal replacement for turf areas.
 - (7) Appropriate maintenance to preserve the intended beauty of the landscape and conserve water.
- (b) *Installation.* All landscaping shall be installed according to accepted good planting procedures with the quality of plant materials as hereinafter described, and shall be installed so as to meet all other applicable ordinances and code requirements. There shall be no vehicular encroachment over or into any landscaped area. Wheel stops and/or curbs shall be placed at least two feet from the edge of such landscaped area. Where a wheel stop or curb is utilized, the paved area between the wheel stop or curb and the end of the parking space may be omitted, provided it is landscaped with ground cover in addition to the required landscaping as set forth herein. A representative of the town charged with the issuance of building permits shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein.
- (c) *Maintenance.*
- (1) The owner, tenant, and their agent, shall be responsible for the continued proper maintenance of all landscaping located on their property and on adjacent rights-of-way which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. Proper maintenance shall include:
 - a. Periodic watering to maintain healthy flora, more drought tolerant material, minimize fungus growth and stimulate deep root growth;
 - b. Pruning to maintain the health and viability of the tree in accordance with the American National Standards Institute, ANSI A300-2001 (Tree, Shrub and other Woody Plant Maintenance), as amended; hat racking and excessive pruning is prohibited;
 - c. Grasses shall be mowed as required;
 - d. All roadways, curbs and sidewalks shall be edged when necessary to prevent encroachment of grasses;
 - e. All lawns and planted areas shall be fertilized periodically to ensure continued healthy growth;
 - f. Dead plant material shall be replaced; and
 - g. Unprotected and/or prohibited harmful and illegal plants species, as outlined in subsection (f)(2) of this section, shall be removed.
 - (2) Palm pruning requirements.

- a. Nor more than one-third of all fronds shall be removed. All brown fronds and hanging fronds (and those located immediately above such brown and hanging fronds) can be removed up to the horizon line.
- b. No pruning above the horizon line, except for dead or diseased fronds, in accordance with the graphic below:



Before Pruning	After Proper Pruning	After Excessive Pruning
Mature palms often need pruning to remove lower fronds that are chlorotic or dead. There should be no pruning of live green fronds above the horizon line.	After pruning, palms should retain green fronds at the horizon line. Fronds that are dead or more than half chlorotic should be cleared.	Pruning in excess of one-third of fronds is prohibited. Over-pruned palms are unattractive and may attract pests.

- (3) Landscaping may be inspected as needed, to ensure that the standards established in this section are maintained. The owner, tenant or his agent shall be notified in writing via certified mail by the town of any areas which are not being properly maintained and shall, within 30 calendar days from time of notification, address and rectify the deficiency.
- (d) *Irrigation standards for all development, excluding a single-family unit.*
 - (1) *Complete irrigation coverage.* All landscaped areas shall be provided with a sprinkler system, automatically operated, to provide complete coverage of all plant materials and grass to be maintained. Exceptions to the requirement to provide irrigation are noted in subsections a and b of this subsection (d)(1).
 - a. *Irrigation of existing plant communities.* Existing plant communities and ecosystems, maintained in a natural state, do not require and shall not have any additional irrigation water added in any form.
 - b. *Reestablished native plant areas.* Native plant areas that are supplements to an existing plant community or newly installed by the developer may initially require additional water to become established. The water required during the establishment period shall be applied from a temporary irrigation system, a water truck or by hand watering from a standard hose bib source.
 - (2) *Irrigation design standards.* The following standards shall be considered the minimum requirements for landscape irrigation design:

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- a. All landscaped areas shall be provided with an irrigation system, automatically operated, to provide complete coverage of all plant materials and grass to be maintained. The use of recycled water is encouraged.
 - b. Wherever feasible, sprinkler heads irrigating lawns or other high water demand landscape areas shall be circuited so they are on a separate zone or zones from those irrigating trees, shrubbery or other reduced water requirement areas.
 - c. Irrigation spray, whenever possible, shall only cover permeable areas and in no instance spray onto any public access, sidewalk, street or other nonpervious area. Special attention should be paid to well water, as the iron and minerals in the water cause unsightly staining.
 - d. The use of low trajectory spray nozzles is encouraged in order to reduce the effect of wind velocity on the spray system.
 - e. The use of low volume or drip systems is encouraged.
 - f. The use of pop-up sprinkler heads is required in the swale area between the property line and the edge of pavement of the adjacent right-of-way to minimize pedestrian hazards.
- (e) *Plant material.* Plant material used in conformance with the provisions of this chapter shall be of a root system adequate to promote continued growth, have healthy foliage or leaves and be free from apparent disease or insect infestation. Grass seed delivered on the job site in bags shall have state department of agriculture tags attached indicating the seed grower's compliance with the department's quality control program.
- (f) *Trees.*
- (1) *Type and size.* Trees shall be species having trunks which can be maintained in a clear condition over four feet of clear wood. Tree species shall be a minimum of 12 feet overall height immediately after planting with a minimum six-foot diameter spread of canopy measured at three radius points from the trunk and a minimum 2.5-inch caliper (trunk diameter) at four feet above ground. Three palms shall be considered equivalent to one tree, except for large specimen palms with a minimum overall height of 12 feet and a minimum 12-foot diameter spread of canopy, such as date palms, coconut palms, and royal palms, which shall be considered trees. A maximum of 50 percent of all required trees may be palms.
 - (2) *Prohibited trees and plants.* No tree or plant listed in the most current edition of the Manual of Prohibited Invasive and Non-Native Plant Materials published by the South Florida Water Management District shall be utilized as landscape material.
- (g) *Shrubs and hedges.* Required shrubs and hedges shall be a minimum of 24 inches in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, visual screen within a maximum of one year after time of planting.
- (h) *Ground covers.* Ground covers, either vegetative or nonliving, used in whole or in part shall present a finished appearance and reasonably complete coverage within three months after planting.
- (i) *Grass areas.* Grass areas shall be planted in species normally grown as permanent lawns in the county. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used between the months of October and March, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.
- (j) *Exemption.* For single-family dwellings, the provisions of this section shall not apply to rear yards or other areas not visible from adjacent roadways and public rights-of-way.

(k) *Enforcement.* Failure to install or maintain landscaping according to the terms of this section or any approved plan or permit shall constitute a violation of this section.

(l) *Violations.* The following deficiencies shall be considered a separate and continuing violation of this section:

- (1) Each tree or shrub that is not properly installed or properly maintained on site as required by this section; and
- (2) Each day during which landscaping is not properly installed or maintained on site as required by this section.

(Ord. No. 207, § 5.75, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 392, 5-16-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999; Ord. No. 617, § 2, 9-24-2008)

Sec. 34-1089. Landscaping at street intersections.

When a driveway or other accessway intersects a street or when a subject property abuts the intersection of two or more streets, all landscaping within the triangular areas described in subsections (1) and (2) of this section shall provide unobstructed cross visibility at a level between 30 inches and six feet. The triangular areas referred to are:

- (1) The areas of property on both sides of a driveway or other accessway formed by the intersection of each side of the access way and the street line with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides;
- (2) The area of property located at a corner formed by the intersection of two or more streets shall be the area described in section 34-898.

(Ord. No. 207, § 5.76, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1090. Recommended plant list.

The town's recommended plant list will be kept on file and will be available to the public in the planning and zoning department. This list will be continuously updated to eliminate those plants identified by the state as invasive, or otherwise detrimental to healthy local environments. It will include plants that are recommended and not identified as detrimental.

(Ord. No. 207, § 5.80, 8-8-1979; Ord. No. 383, 2-21-1990)

Secs. 34-1091—34-1122. Reserved.