

**ORDINANCE NO. 2019-7**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING MANDATORY LANDSCAPING DESIGN AND BUFFERS WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR LICENSING AND TRAINING OF APPLICATORS OF FERTILIZING; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "LANDSCAPING AND BUFFERS", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERALABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance and now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"; and

**WHEREAS**, the purpose of this ordinance is to promote the health, safety, welfare, and well-being of the community establish rules, regulations and guidelines regarding the protection of existing vegetation; the installation of landscaping; and the maintenance and management of all vegetation including, but not limited to, trees, shrubs, plants and ground cover, within the corporate limits of the City of Westlake, and

**WHEREAS**, guidelines are required for landscape materials and buffer requirements for all new development, redevelopment and expansion of existing developments in a manner that will promote the health, safety, welfare, and well-being of the community and,

**WHEREAS**, the City of Westlake recognizes the need for the protection of water as a natural resource through the application of Florida-Friendly Landscaping practices; and

**WHEREAS**, Florida-Friendly Landscaping promotes the conservation of water by the use of site adapted plants and efficient landscape irrigation systems and watering practices, which may, in turn, result in long-term reductions in the use of fertilizers, pesticides, energy, maintenance, and the associated costs; and

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE, FLORIDA, as follows:**

**Section 1. Incorporation:** The above recitals are confirmed, adopted and are incorporated herein and made a part hereof by this reference.

**Section 2. Establishment of Landscape and Buffer Code:** The Code of Ordinances for the City of Westlake shall contain an Chapter entitled "Landscape and Buffer Code" which code shall contain the provisions as specifically set forth herein.

**Chapter 4**

**Chapter I**

**Section 4.1 Purpose:** This ordinance is based on concepts of Florida-Friendly Landscaping and the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries.

The purpose of these regulations is to establish minimum standards for the development, installation, and maintenance of Florida-Friendly landscapes without inhibiting creative landscape design, construction or management. To assist in designing the landscape so that plants serve a number of functions, including, but not limited to, cooling, privacy screening, shade, aesthetics, runoff pollution prevention, vegetative buffers for landscape beds, filtration buffers for runoff, and directing traffic flow onto and within the Community. In addition to Florida-Friendly Landscaping design and maintenance practices, this Ordinance regulates the proper installation and maintenance of efficient landscape irrigation systems, the use of fertilizers by any applicator, and establishes training and licensing requirements for Commercial and Institutional Fertilizer Applicators.

**Section 4.2 Applicability.** The requirements of this Chapter apply to all new development, redevelopment, or expansions of existing development, whether public and private, in the City, unless otherwise exempted.

**Section 4.3 Definitions.** The following words have the following meanings, and shall apply to both the single and plural forms of the words, whether or not such words are capitalized:

**ANSI A300 STANDARDS:** the American National Standard for Tree Care Operations published by the National Arborist Association and approved by the American National Standards Institute.

**AUTOMATIC CONTROLLER:** A mechanical or electronic device, capable of automated operation of valve stations to set the time, duration and frequency of a water application.

**BUFFER, PERIMETER:** a continuous area of land which is required to be set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental and other impacts of one type of land use upon another.

**BUFFER, RIGHT OF WAY LANDSCAPE:** a continuous area of land which is required to be set aside contiguous to public and private rights of way in which landscaping is used to provide a transition between and to reduce the environmental and other impacts of one type of land use upon another.

**BUFFER, VEGETATED:** A natural or planted vegetated area used to mitigate potential impacts of unsightly views, lights, noises, and/or dust.

**CALIPER:** the quantity in inches of the diameter trees measured at six inches above the ground for trees up to four inches and twelve inches above the grade for trees greater than 4 inches in Caliper.

**CANOPY SPREAD:** a measurement taken from leaf tip to leaf tip, in their natural state, at the widest point.

**CLEAR TRUNK:** at portion of the trunk maintained free of branches. Clear trunk is the lower portion of the trunk measured from the soil line up to the first major branch. Small temporary branches may exist on a clear trunk

**CONIFER TREE:** any tree with needle leaves and a woody cone fruit, including, but not limited to, those representative species.

**DECIDUOUS:** those trees that shed their leaves in the fall or winter.

**DETENTION/RETENTION AREA:** an area, typically basin-shaped, which is designed to capture substantial quantities of stormwater and to gradually release the same at a sufficiently slow rate to avert flooding.

**DRIP LINE:** a vertical line extending from the outermost branches of a tree to the ground, provided, however, that the same shall be not less than a ten-foot diameter circle which is drawn through the center of the trunk of a tree.

**EARTH BERM:** the mounding of earth or soil varying in heights above the normal grade as established by the crown of adjacent road or roadways. Earth berms can meander or form a continuous line; however, the slope of the berm shall not exceed a one-foot to four-foot slope.

**ECOSYSTEM:** a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

**EVERGREEN:** those trees, including broad-leaf and conifer evergreens, that maintain their leaves year round.

**FAÇADE:** Any face, side, or rear of a building.

**FERTILIZE, FERTILIZING, OR FERTILIZATION:** the act of applying Fertilizer to turn specialized turf or landscape plant.

**FLORIDA-FRIENDLY LANDSCAPE:** the principles of Florida-friendly landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protections. Additional components of Florida-friendly landscape include planning and design, soil analysis, the uses of solid waste compost, practical use of turf, and proper maintenance.

**GROUND COVER:** plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

**GREY WOOD:** a measurement from the top of rootball to the highest point on the trunk free of persistent leaf bases. On palms with a crownshaft, the measurement is from the top of rootball to the base of the crownshaft. Palms with very persistent leaf bases may not have clear wood.

**HARDSCAPE:** areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation.

**HATRACKING OR TREE TOPPING:** the cutting back of limbs larger than one inch in diameter within the tree's crown between branch collars/buds. Topping is the indiscriminate cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role. Other names for topping include "heading," "tipping," "hat-racking," and "rounding over."

**HEDGE:** a linear landscape barrier consisting of a continuous, dense planting of shrubs, with a growth habit to achieve a maintained height between 2 and 8 feet and which will form a compact visually opaque living barrier.

**HYDROZONES:** an area with less need for irrigation, with either a lower elevation or closer proximity to ground water which causes moisture to hold in the soil for longer periods.

**IMPERVIOUS SURFACE:** those surfaces which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt.

**INDIGENOUS:** having originated in and being produced, growing, living or occurring naturally within a particular region or environment.

**IRRIGATION SYSTEM:** a permanent, artificial watering system designed to transport and distribute water to plants.

**LANDSCAPE ARCHITECT:** an individual engaged in the professional practice of landscape architecture. Such individual shall be licensed and currently registered within the State to practice under the bylaws as established by F.S. ch. 481, part II.

**LANDSCAPING:** any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand or mulch. Swimming pools, decking, pedestrian paths and sidewalks are not considered landscaping.

**LANDSCAPE PLAN:** plans and drawings showing the location of buildings, structures, pedestrian, transportation, or environmental systems, and the detail for placement of site amenities, accessibility components, plantings and other tangible objects. Plans shall include installation details for plant materials, soil amendments, mulches, edging and other similar materials. Plans shall be numbered, dated, North arrow indicated, scaled, and sealed by an appropriately licensed professional where required by F.S. ch. 481, pt. II.

**LANDSCAPED AREA:** the entire parcel; less the building footprint, driveways, hardscapes such as decks and patios, and non-porous areas. Water features are included in the calculation of the landscaped area. This landscaped area includes Xeriscape as defined in F.S. ch. 373.185(1)(b).

**LAWN:** an area maintained through the use of grasses or turf.

**LION-TAILING:** the over-pruning of a tree by removing the majority of the interior branches leaving only the terminal leaves (like the tuft of the lion's tail.) the over pruning causes a stress reaction called "epicormic sprouting," "water sprouts" or "suckers", causing a flush of branches along the trunk and limbs.

**MULCH:** nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

**NATIVE PLANT MATERIAL:** indigenous plant material recognized as such by the Florida Department of Agriculture. For the purpose of this code cultivars of native plants will be considered native.

**NATIVE VEGETATION:** any plant species with a geographic distribution indigenous to all, or part, of the State of Florida as identified in: Guide to Vascular Plants of Florida, R.P. Wunderlin, 1998, University Press of Florida, Gainesville or the Atlas of Florida Vascular Plants (<http://www.florida.plantsatals.usf.edu/>). Native vegetation shall consist of those plant species indigenous to the ecological communities of South Florida.

**PERVIOUS SURFACE:** any area of land that is landscaped or planted, allows natural passage of water, and is not covered by impervious materials or structures. Pervious surfaces include pervious paving materials.

**PERVIOUS PAVING MATERIALS:** a porous asphaltic, concrete or other surface and a high-void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

**PLANT BED:** a grouping of trees, shrubs, ground covers, perennials or annuals growing together in a defined area devoid of turfgrass, normally using mulch around the plants

**PALM TREE:** a monocotyledonous trees from the family (Palmae synonym Arecaceae) usually containing a simple stem and a terminal crown of large pinnate or fan-shaped leaves. Palm trees may contain a single or multi trunk and shall be a minimum of 8' of clear trunk at the time of planting.

**PALM TREE (SPECIMEN):** a feature palm often utilized as a focal or sculptural element in the landscape. Specimen palm trees may contain a single or multi trunk and shall be a minimum of 8' of clear trunk at the time of planting. For the purpose of this code the following species shall be considered specimen palm trees: Phoenix dactylifera, Phoenix sylvestris, Phoenix reclinata, Acoelorrhaphe wrightii Bismarkia nobilis. The zoning administrator may make a determination that other palm species qualify as a specimen palm tree.

**PALM TREE (ORNAMENTAL):** a feature palm of pedestrian scale often utilized as a small focal or accent element in the landscape. Ornamental palm trees may contain a single or multi-trunk and have a growth habit to achieve a mature height of 6-10 feet.

**PERIMETER LANDSCAPE AREA:** a continuous area of land which is required to be set aside along with perimeter of a lot in which landscaping is used to provide a transition and to reduce the environmental and other impacts of one type of land use upon another.

**PLANT COMMUNITY:** a natural association of plants that is dominated by one or more prominent species, or a characteristic physical attribute.

**PLANT SPECIES, PROHIBITED:** those plant species which are defined by the Florida Exotic Pest Plant Council as Category 1.

**PRUNING:** the removal of limbs, branches, and/or suckers in accordance with the National Arborist's Standards.

**RELOCATION PLANTING:** the relocation and installation of existing landscape material from one portion of a site to another.

**REMOVAL:** the physical removal of vegetation and/or trees.

**RIGHT OF WAY LANDSCAPE AREA:** a continuous area of land which is required to be set aside contiguous to public and private rights of way in which landscaping is used to provide a transition between and to reduce the environmental and other impacts of one type of land use upon another.

**SCREENING:** the use of landscape shrubs trees and palms or combination as a buffer screen to reduce the environmental and other impacts of trash disposal areas, above ground utilities and mechanical equipment and similar elements.

**SHRUB:** a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base. Shrubs shall be a minimum of 18" in height with and 18" spread.

**SIGHT TRIANGLE:** a point of measurement whereby an individual in a vehicle has the ability to sight a prescribed distance without pulling onto a vehicular thoroughfare.

**TRAFFIC PERFORMANCE STANDARDS:** the Traffic Performance Standards found in Article 12 of the Palm Beach County Unified Land Development Code.

**TREE (CANOPY):** any living, self-supporting woody or fibrous plant which is a conifer, evergreen or deciduous. Canopy trees shall be of a species achieving a mature spread of at least fifteen feet. Canopy trees used as street trees shall maintain eight feet clear over any sidewalk. or ornamental.

**TREE (SMALL/ORNAMENTAL):** any living, self-supporting woody or fibrous plant which is a conifer, evergreen or deciduous. Ornamental Trees may be single or multi-trunked Small trees shall be of a species achieving a mature height of ten feet spread of at least four feet.

**TREE HEIGHT:** the distance from the ground to the top most portion of the tree on ornamental, multi-trunked trees such as crape- myrtle, Japanese ligustrum and wax-myrtle, tree height is measured to the top of the main body of the crown.

**TREE SURVEY:** a drawing certified by a land surveyor, engineer, or landscape architect registered in the State as to the location and size of trees.

**TURF:** continuous plant coverage consisting of grass species suited to growth. A mat layer of monocotyledonous plants such as Bahia, Bermuda, Centipede, Seaside, Paspalum, St. Augustine, and Zoysia.

**UNDERSTORY:** assemblages of natural or planted low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees.

**VEGETATIVE COVERAGE:** the percentage soil which is covered by shrubs and groundcover growth.

**VEGETATION, NATIVE:** any plant species with a geographic distribution indigenous to all or part of the State.

**VEHICULAR USE AREA (VUA):** any area used by vehicles, except public rights-of-way and thoroughfares, to include, but not be limited to areas of parking or vehicle storage areas

**VIABLE:** capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

**VINE:** plant whose natural growth characteristic produces climbing, meandering stems.

**WEED:** those trees, shrubs, or groundcover that are listed as such by the Florida Exotic Pest Plant Council, as well as any undesired, uncultivated plant that grows in profusion so as to crowd out a desired plant.

**XERISCAPE:** the planting of native and other drought tolerant vegetation or plants through the use of:

- (1) Appropriate planning and design,
- (2) Limitation of turf areas to only where it provides functional benefits,
- (3) Efficient use of irrigation systems,
- (4) The use of soil amendments to improve water holding capacity of the soil,
- (5) Use of mulches where appropriate,
- (6) Use of drought tolerant plants, and
- (7) Appropriate timely maintenance of all plant material.

**YARD AREA:** the front, side, and rear yard areas as established and required under Section 3.

**Section 4.4 Waivers.** Landscape requirements may be waived by the City Manager or designee if:

- A) A waiver is necessary to implement the design intent and the purpose of the landscape requirement is substantially fulfilled.
- B) A waiver is necessary due to circumstances unique to the property.
- C) A waiver is necessary due to conflicts with utilities and other essential facilities and services, and alternative landscaping is proposed to satisfy the purpose of the requirement to the extent practicable.
- D) The proposed deviation results in an aesthetic enhancement or creative design solution and the intent of the landscape requirement is satisfied by the proposed design.
- E) The proposed deviation provides alternative compatibility techniques, including but not limited to one or a combination of the following: architectural features, building placement, setbacks, berms, and landscaping, that have the same effect as perimeter or right-of-way landscape and promote mixed use and walkability.

**Section 4.5 Graphics.** The graphics in this Chapters are demonstrative and not regulatory.

## **Article II Landscape Plan**

**Section 4.10 Landscape Plan.** A landscape plan shall be submitted, reviewed and approved by the City Manager or designee at time of site plan approval or prior to the issuance of a building permit. Landscape

plans shall be prepared by a landscape architect or other persons as authorized under Chapter 481, Part II, Florida Statutes.

- A) The landscape plan shall consist of:
- (1) Date, scale, north arrow, and the names, addresses, and telephone numbers of the property owner, owner's agent, and the person preparing the landscape plan;
  - (2) Location of existing boundary lines and dimensions of the site, the zoning classification of the site, and the zoning classification of adjacent properties;
  - (3) A vicinity map;
  - (4) Locations of existing water courses and if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed buildings, streets, driveways, parking, sidewalks, and similar features;
  - (5) Location of all existing and proposed easements;
  - (6) Location of existing and proposed drainage pipes, structures and utilities, including transformers, water meters, back flow prevention devices and the like;
  - (7) Location of all free-standing signs;
  - (8) Project name and street address, if available;
  - (9) Location, height, and material of proposed screening and fencing (with berms to be delineated by 1-foot contours);
  - (10) Location and type of all curbs and or other landscape protection measures;
  - (11) Locations and dimensions of proposed compatibility buffers, perimeter landscape, and right-of-way landscape areas. Cross-sections may be requested by the City Manager or designee if unique site conditions exist;
  - (12) Description of plant materials shown on the landscape plan, including names (common and botanical name), locations, quantities, container or caliper size at installation, heights, spread, and spacing. The location and type of all existing trees, except exotic vegetation, on the lot over 4 inches in caliper or greater must be specifically indicated;
  - (13) An indication of how existing trees proposed to be retained will be protected from damage during construction;
  - (14) Size, height, location and material (if applicable) of proposed seating, planters, sculptures, and water features;
  - (15) Location of all area and pedestrian lighting;
  - (16) Other information as may be required to meet the requirements of these LDRs.

B) **Certification.** Prior to issuance of a Certificate of Occupancy, the landscape architect, landscape contractor, or other authorized landscape professional responsible for the project shall provide written, sealed or notarized, certification to the City that the installation of landscaping has been completed in accordance with the approved landscape plan.

#### **Section 4.11 Standard Landscape Requirements**

**Section 4.12 Applicability.** The following shall apply to all landscape uses throughout the City:

A) **Canopy Trees.**

- 1) Canopy trees shall be used to promote shade and provide screening to objectionable views.
- 2) The use of trees native to the south Florida region shall be encouraged. Trees proposed in excess of the minimum requirement are not required to be native.
- 3) Canopy trees shall be a minimum of 2 inches in caliper with a 12-foot overall height and a 5-foot spread at time of installation.

- B) Small Trees (Ornamental).**
- (1) Small trees (Ornamental) shall be used to provide diversity in size and shape.
  - (2) Two ornamental trees may be used in lieu of a required canopy tree. Small trees may not exceed 50 percent of the required number of canopy trees.
  - (3) Small trees may be single or multi-trunk and shall have a minimum of 5 feet in overall height and 3 feet in spread at time of installation.
- C) Palm Trees.**
- (1) Palm trees shall be used to provide visual diversity.
  - (2) Palms may not be used in excess of 50% of the required number of canopy trees.
  - (3) Palm trees shall have a minimum of 8 feet in clear trunk and 12 feet in overall height at time of installation.
- D) Palm Trees (Ornamental).**
- (1) Ornamental palm trees shall be used to provide diversity in size and shape.
  - (2) Ornamental palm trees shall have a minimum of 3 feet in overall height and 3 feet in spread at time of installation.
- E) Shrubs and Hedges.**
- (1) All plantings should be spaced in a manner to create a harmonious transition to the land use from the view of adjoining structures within one year from planting.
  - (2) All plants shall be healthy and free of disease and pests at the time of planting.
  - (3) Except where otherwise specified, shrubs and hedges shall be at least 18 inches high from ground elevation to the top of the plant with an 18-inch spread at time of installation.
  - (4) Hedge material shall be planted a maximum of 24 inches on center, or as may be adjusted in the field based upon the type of plants utilized, with a maximum spacing of 36 inches on center.
  - (5) Residential Hedge Height:
    - (a) Hedges shall not exceed four feet in height when located within the required front setback.
    - (b) Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines.
- F) Ground Cover.** Vegetative ground covers shall be planted and spaced in a manner that provides 50% vegetative coverage at time of planting and 100% vegetative coverage within 1 year. Low growing shrubs planted as a continuous mass or clusters shall be considered a ground cover.
- G) Turf (Lawn/Turf Grass).** Lawn/turf grass areas shall be planted with species suitable as permanent lawns and reach 100% coverage within six months of planting. Grass areas may be sodded, plugged or sprigged, provided that sod shall be required between perimeter or right-of-way landscape and swales and in other areas subject to erosion. In areas where grass seed is used, millet or rye shall also be sown for immediate effect, and immediate maintenance shall be provided until coverage is complete. All areas not occupied by buildings, vehicular use areas or other impervious surface, lakes, and landscape planting areas, shall be fully planted with lawn/turf grass. Lawn and turf grasses for large sites may be established by seeding subject to the approval of the City Manager or designee.
- H) Earth Berms.** Earth Berms may be used as non-living landscape barriers in conjunction with plant materials. Berms may be used in conjunction with fences, walls or hedges. Runoff from berms shall be contained within the parcel of land, as illustrated in Figure 4-3 or in a manner approved by the City Engineer.
- (1) Maximum Slope. The slope of a berm shall general be four-to-one unless otherwise approved by the Planning and Zoning Director or designee.



- (2) **Height Measurement.** Berm height shall be measured from the nearest adjacent top of the curb (parking lot), the nearest adjacent crown of the road, or the nearest adjacent finished floor elevation, whichever is higher.
- I) **Mulch.** A layer of organic mulch to a minimum depth of two inches shall be specified on the landscape plans in plant beds and around individual trees in grass areas. Mulch shall not be required in annual beds.
- J) **Non-living materials.** Synthetic plants, artificial turf, and artificial materials will not satisfy minimum landscaping requirements. Artificial materials used in hardscape areas, plazas, and high use activity areas are permitted provided the intent of these LDRs is satisfied. Pebble, egg rock, or decorative sand may be used up to a maximum of ten percent of ground coverage.
- K) **Planters.** Planters, if planted with live plants, will satisfy the landscape requirements if they meet the following criteria:
- (1) Shrub planters: Must be at least 18 inches deep and have at least 9 square feet of area and appropriate for the plant species proposed.
  - (2) Tree planters: Must be at least 30 inches deep and have at least 24 square feet of area and appropriate for the plant species proposed.
  - (3) Shrub and tree planters used to satisfy landscape requirements shall be equipped with drainage and fully irrigated.
- L) **Plant Material Quality.** All plant material shall be Florida Grade Number 1 or better as defined by the latest version of "Florida Grades and Standards for Nursery Plants" published by the Florida Department of Agricultural and Consumer Services.
- M) **Native Plant Requirements.** Plantings shall include a variety of tree and shrub species with at least 50% of the required trees and 25% of the required shrubs being plants native to Florida.
- N) **Prohibited Plant Species.** Category 1 invasive plant species as defined by the Florida exotic pest plant council (FLEPPC) are prohibited. All new development must remove all invasive vegetation identified by FLEPPC from the development site.

Figure 4-1

### CANOPY TREE MEASUREMENT STANDARDS

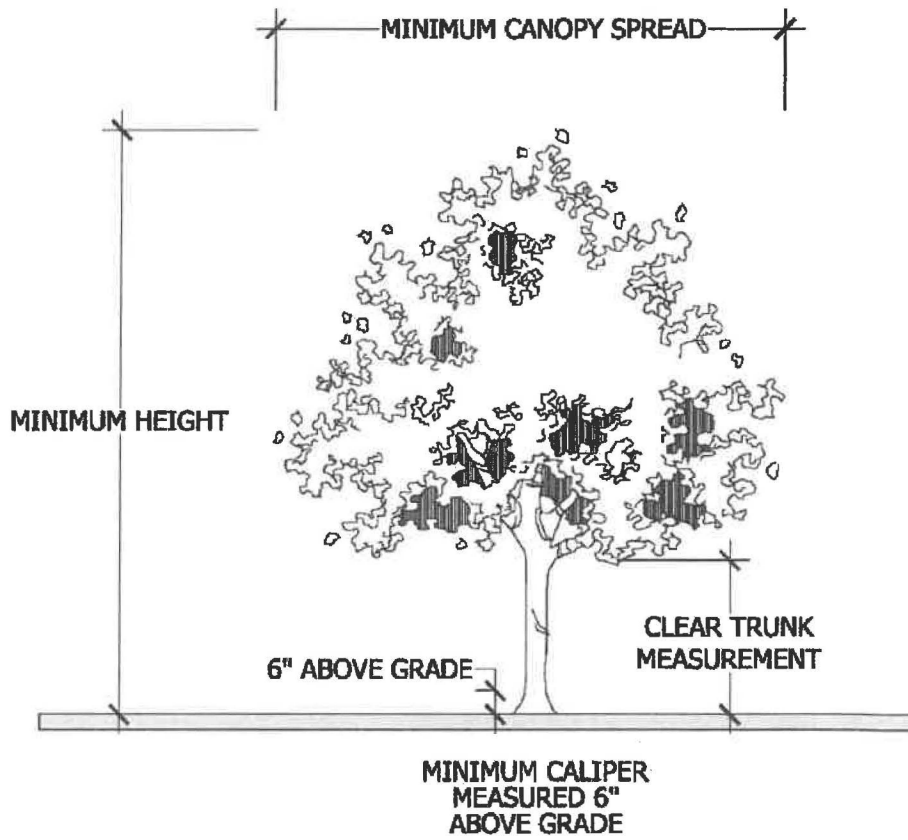


Figure 4-2

**PALM MEASUREMENT STANDARDS**

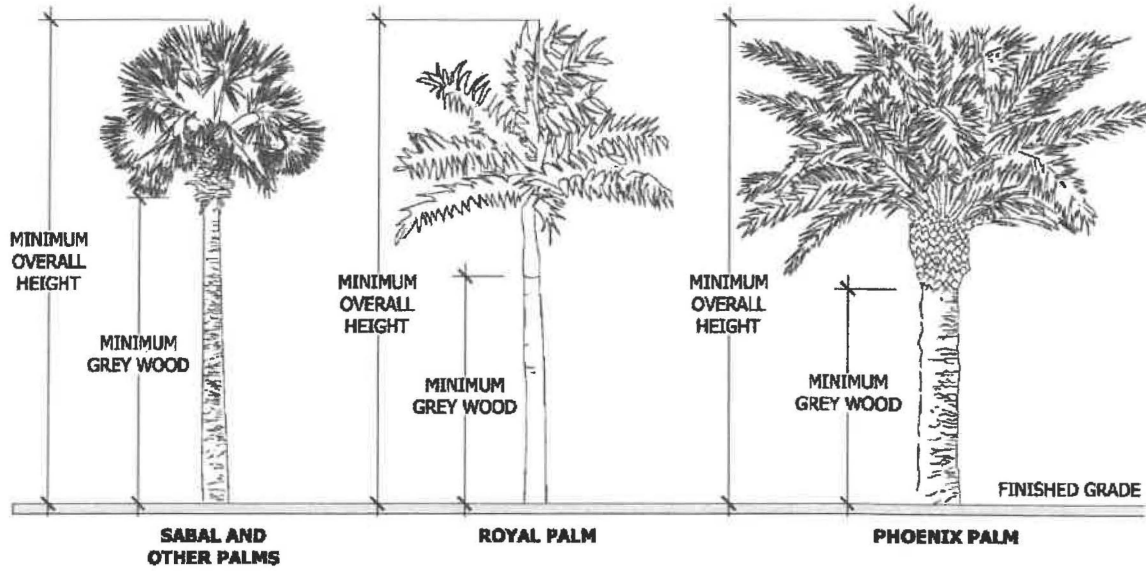


Figure 4-3

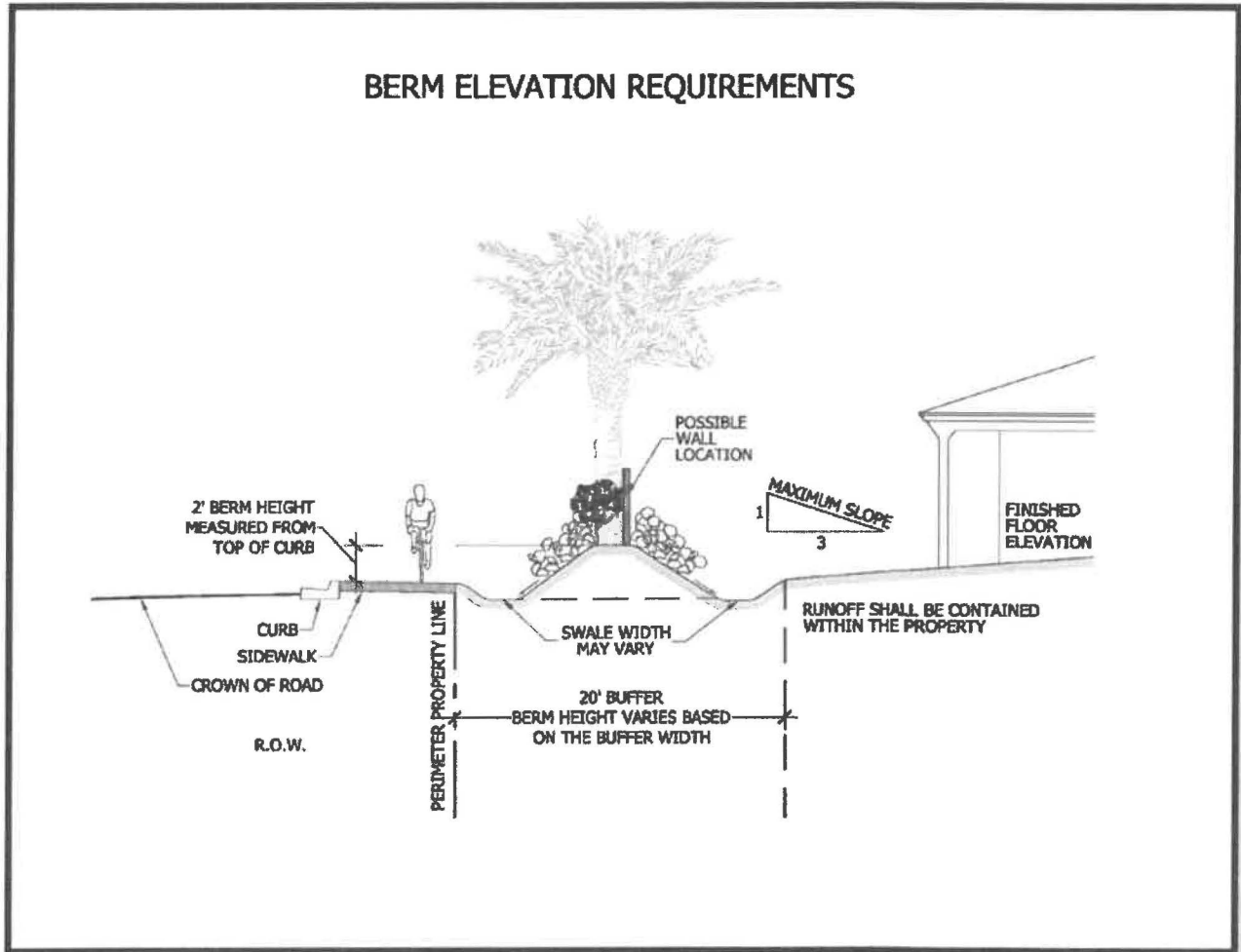
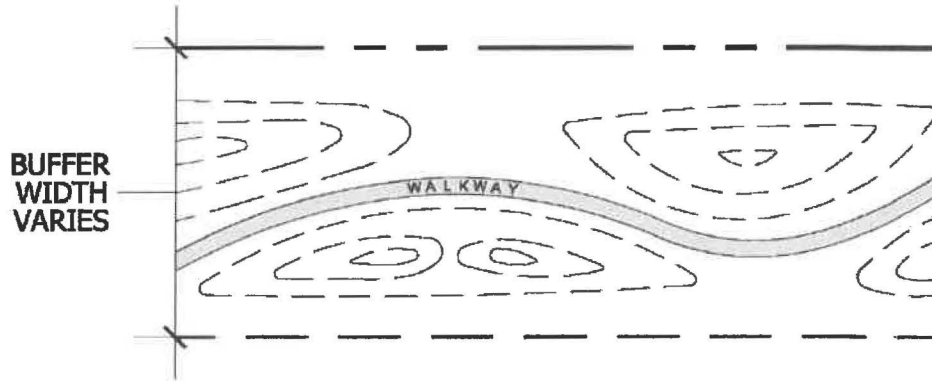


Figure 4-4

TYPICAL EXAMPLE OF STAGGERED, ROLLING OR OFFSET BERM



LINE TYPES:

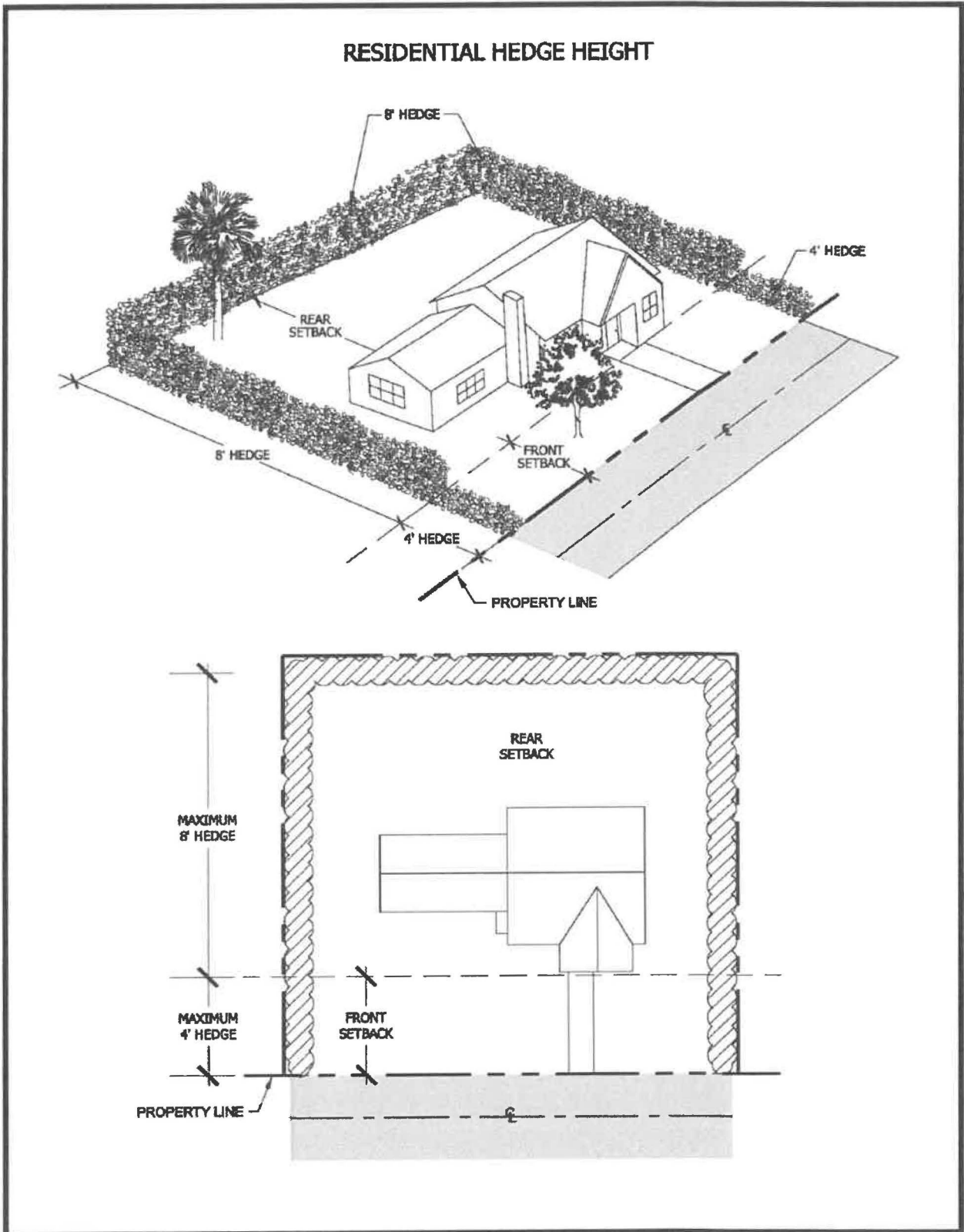
PROPERTY LINE

CONTOUR LINE

BUFFER BOUNDARY



Figure 4-5



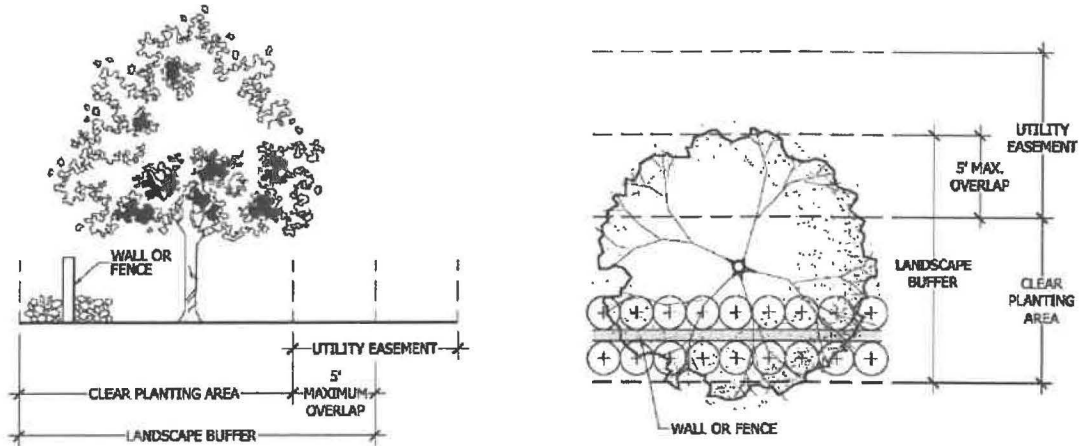
## C) BUFFERS AND SCREENING

### Section 4.13 Buffer and Landscape Requirements.

- A) **Compatibility Buffer Requirements.** All development that abuts a different future land use category must comply with the requirements of Comprehensive Plan Future Land Use Policies 1.6.5, 1.6.6, 1.6.7, and/or 1.6.8.
- B) **Required Landscaping.**
- 1) **Perimeter Landscape.** All development parcels shall provide 8 feet of perimeter landscaping to comply with the minimum landscaping requirements found in Subsection 1(B) of this Chapter. Perimeter landscape shall extend the entire length of the common property line or zoning district boundary except when the boundary is located within a public street or right-of-way. Reductions in the required perimeter landscape may be permitted to allow for vehicular and pedestrian connectivity between parcels of land.
  - 2) **Right-of-Way Landscape.** Right-of-way landscape a minimum of 10-feet wide shall be provided adjacent to all rights-of-way, excluding local roads providing access to single family and single family attached homes. Open space and recreation parcels shall not require right-of-way landscape except as required elsewhere in this Chapter. Reductions in the required right-of-way landscape may be permitted to allow for vehicular and pedestrian connectivity between parcels of land.
  - 3) **Perimeter and Right-of-Way Landscape Installation.** All perimeter and right-of-way landscape shall be installed prior to the issuance of the last certificate of occupancy. For a phased residential development, the landscaping shall be installed along the entire perimeter of each phase.
  - 4) **Alternatives to Perimeter Landscaping and Right-of-Way Landscape.** Open space, water features, or any combination of these that total at least 30 feet in width can be designated in lieu of perimeter or right-of-way landscape.
  - 5) **Overlap with Utility Easements.** Perimeter landscape and right-of-way landscape may have a maximum of five feet of overlap with utility easements. Landscaping and structures within utility easements and SID rights-of-way are subject to SID requirements and the approval of SID.
  - 6) **Perimeter Landscape Not Required.** Perimeter landscape is not required:
    - a. Within the Downtown Mixed Use Districts.
    - b. Where perimeter landscape that meets the requirements of this section already exists along the common boundary of the abutting property.
  - 7) **Right-of-Way Landscape.** Right-of-way landscape is not required where plazas, building facades, or other features designed to engage pedestrians abut right of way.

Figure 4-6

**MAXIMUM ALLOWED ENCROACHMENT INTO EASEMENTS**



**C) Minimum Landscaping Requirements.**

- 1) The following minimum landscape requirements shall apply to all required perimeter and right-of-way landscape (excluding utility easements), unless otherwise waived or specified by these Land Development Regulations. At a minimum perimeter landscape and right-of-way landscape shall contain:
  - a. Landscape a minimum of 8 feet in width;
  - b. Continuous hedge or shrub planting mass; and
  - c. 1 Canopy tree per 25 linear feet. Trees may be clustered with a maximum of 75 feet between clusters.
    - i. 2 Ornamental trees may be substituted for a canopy tree.
    - ii. 2 Palm trees or 1 specimen palm may be substituted for a canopy tree.
    - iii. Substitutions shall not exceed 50% of the canopy tree requirement unless the requirement waived by the City Manager or designee.

**Section 4.14 Dumpsters and Mechanical Utilities Screening.**

- A) When visible from a public street or adjacent property line, all trash containers, dumpsters, trash compactors, generators, mechanical equipment, loading docks, and utility structures, shall be screened from view. Trash containers, dumpsters and trash compactors must contain a trash enclosure in accordance with Subsection 4.3(2)(E) below.
- B) Screening shall consist of evergreen shrubs, fencing, walls or berms.
- C) All screening of utilities shall comply with the requirements of the utility provider in addition to the requirements of these Land Development Regulations.
- D) Shrub species, when utilized, shall be a minimum of 3 feet high at time of installation, spaced at 2 - 3 feet on center and achieve and be maintained at a mature height equal to the height of the element requiring screening with 90% opacity.
- E) Trash enclosures shall be constructed with concrete or materials with similar durability that are compatible with the design and materials of the principal building. Trash



enclosures shall be identified on the site plan for all non-residential and multi-family sites. Trash enclosures shall use colors and finishes compatible with the primary structures on the site. Trash enclosures shall be on a solid concrete pad. Where walls are utilized, additional plantings may be required.

#### **Section 4.15 Foundation Plantings**

**Section 4.16 Foundation Plantings Required.** Foundation plantings shall be provided along facades of all non-residential, multi-family and single family attached greater than 3 unit structures unless specifically exempted by this Chapter. Required plant material shall be located within 30 feet of the foundation, and along the front and side facades of drive-through establishments, including Freestanding ATMs. All required foundation plantings shall include a minimum of one canopy tree or palm for each 20 linear feet of building facade and one shrub or ground cover for every 10 square feet of planting area. Ornamental trees and ornamental palm trees may be used in lieu of 50% of the required trees or palms. The relocation of foundation plantings may be approved by the City Manager or designee provided the minimum required square footage of the planting area is maintained.

**Section 4.17 Exemptions.** The following are exempt from foundation planting requirements:

- A) Agricultural or industrial buildings that are not visible from a public street or residential zoning district.
- B) Buildings that are exempt from local building permits or government review pursuant to State or Federal Statutes.
- C) Structures within the Town Center Mixed Use District and Town Core District, where a building is built to the build-to-line is established along the sidewalk or street.
- D) Properties where the required planting area would overlap required perimeter landscape or right of way landscape.
- F) Accessory buildings and structures, subject to the approval of the City Manager or designee.

**Section 4.18 Minimum Width.** The foundation planting areas shall be an average of 5 feet wide with a minimum width of 3 feet.

**Section 4.19 Minimum Length.** The combined length of the required foundation planting shall be 50% of the building façade. The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays.

**Section 4.20 Planting Around Signs.** A three foot -wide planting area shall be required around the base of all ground-mounted signs. Continuous shrubs and or groundcovers shall be installed within the planting area and maintained at an average minimum height of 18 inches. Monument signs six feet in height or less may be surrounded by ground cover on all sides instead of shrubs and maintained at an average minimum height of 12 inches. Landscaping and trees that interfere with the visibility of signage may be relocated to the rear or side of the sign subject to the approval of the City Manager or designee, provided the intent of this Chapter is satisfied.

**Section 4.21 Free Standing ATMs.** Required foundation plantings may be modified as follows:

- A) **Walk Up.** Foundation planting areas may be relocated up to a maximum of 15 feet away from the applicable façade to accommodate pedestrian walkways, access to the ATM; or, as needed to comply with F.S. 655.960, security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines.
- B) **Drive Through.** Foundation planting areas may be relocated up to a maximum of 30 feet away from the applicable façade.

## Article III

### Section 4.25 OFF-STREET PARKING, VEHICULAR USE AREA SCREENING, AND STREET TREE PLANTINGS.

**Section 4.26 Applicability.** Off-street parking regulations apply to all parking facilities. Off-street parking facilities and other vehicular use areas shall meet the requirements of this Chapter.

#### A) Interior Planting Areas.

- 1) Off-street surface parking lots and vehicular use areas shall be required to provide interior landscaping with an area equal to 10 percent of the paved vehicular use area within the lot perimeter. These landscaped areas shall be located within islands interior to the lot or adjacent to the pavement perimeter. Off-street parking and vehicular use areas are to be measured from the edge of parking and/or driveway paving and sidewalks. Required perimeter landscape, right-of-way landscape, and foundation planting areas shall not be included in the calculation for interior landscape area.
- 2) Parking lot landscape interior islands are required every 10 consecutive parking spaces. The number of consecutive spaces may be increased to 15 if a divider median, tree diamonds, and or larger terminal islands are incorporated into the parking lot design. All interior islands shall contain at least one canopy tree, three palm trees, or one specimen palm. On average, each parking space should be within 50 feet of the required canopy tree, specimen palm, or three palm trees.
- 3) Parking and vehicular use areas must be visually screened from rights-of-way and adjacent properties through the use of landscaping or walls and fences in combination with landscaping, with an emphasis on any portions fronting a street. At a minimum, a hedge shall be placed between the parking area and sidewalk. Clear vehicular sight triangles shall be maintained at all driveway and street intersection and throughout the vehicular use area. Right-of-way and perimeter landscape may be used to satisfy the screening requirement when contiguous to parking and vehicular use areas.
- 4) The minimum width of a landscape divider median shall be 5 feet, excluding curbs and vehicle overhang.
- 5) Vehicle overhang shall be measured at a distance of 2.5 feet from the face of the curb or wheel stop.
- 6) For the purpose of this Chapter, the nominal width of a raised curb shall be 6 inches.
- 7) The minimum width of a tree diamond shall be 5 feet by 5 feet, excluding curbs.
- 8) The minimum width of interior and terminal islands shall be 8 feet excluding curbs. For the purpose of Paragraph 4.5(1)(A)(2) above, the minimum width of larger terminal islands shall be 14 feet, excluding curbs.
- 9) Area lighting is permitted within landscaped areas, provided it does not adversely impact photometric values of parking area.

Figure 4-7

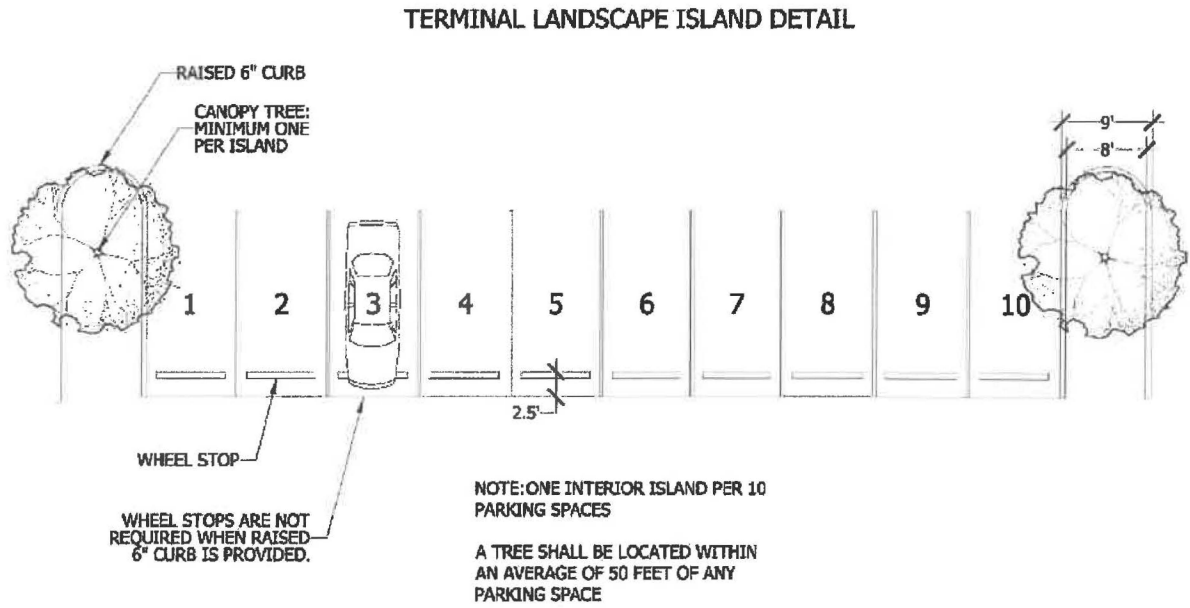


Figure 4-8

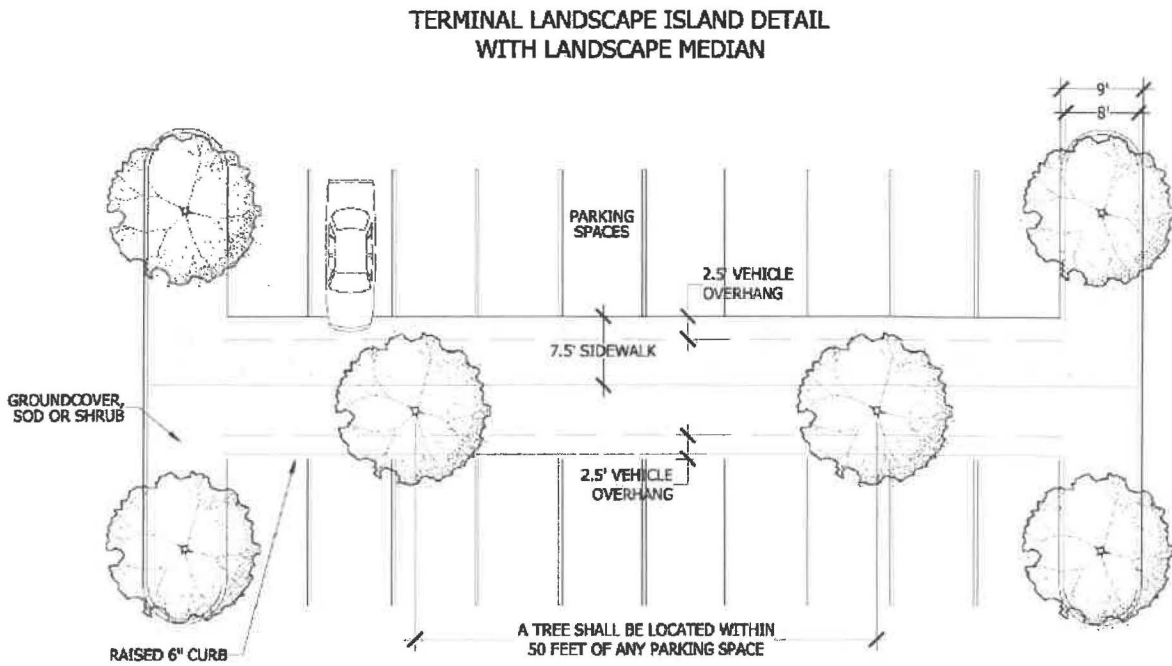


Figure 4-9

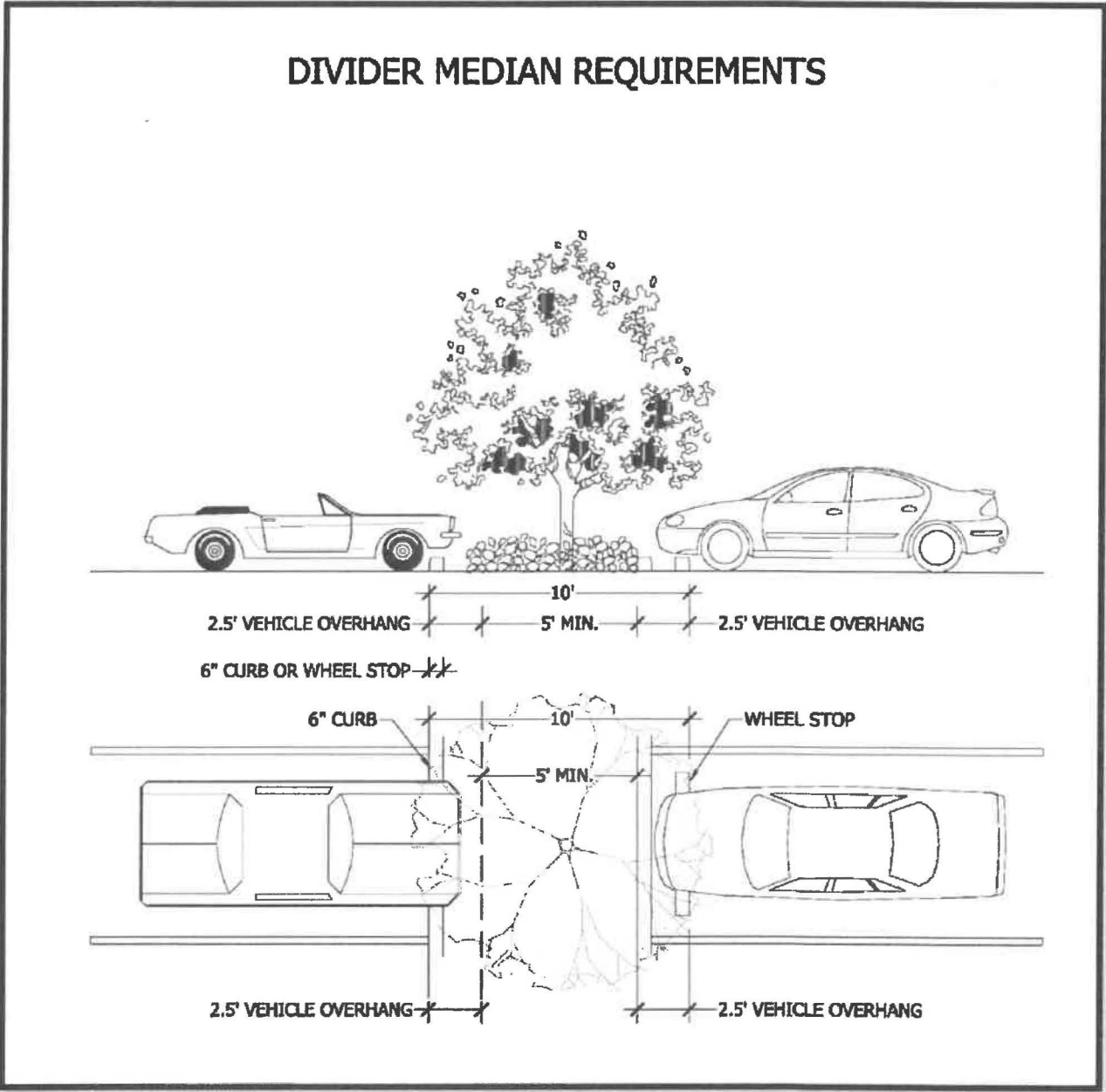


Figure 4-10

### DIVIDER MEDIAN REQUIREMENTS (WITH SIDEWALK)

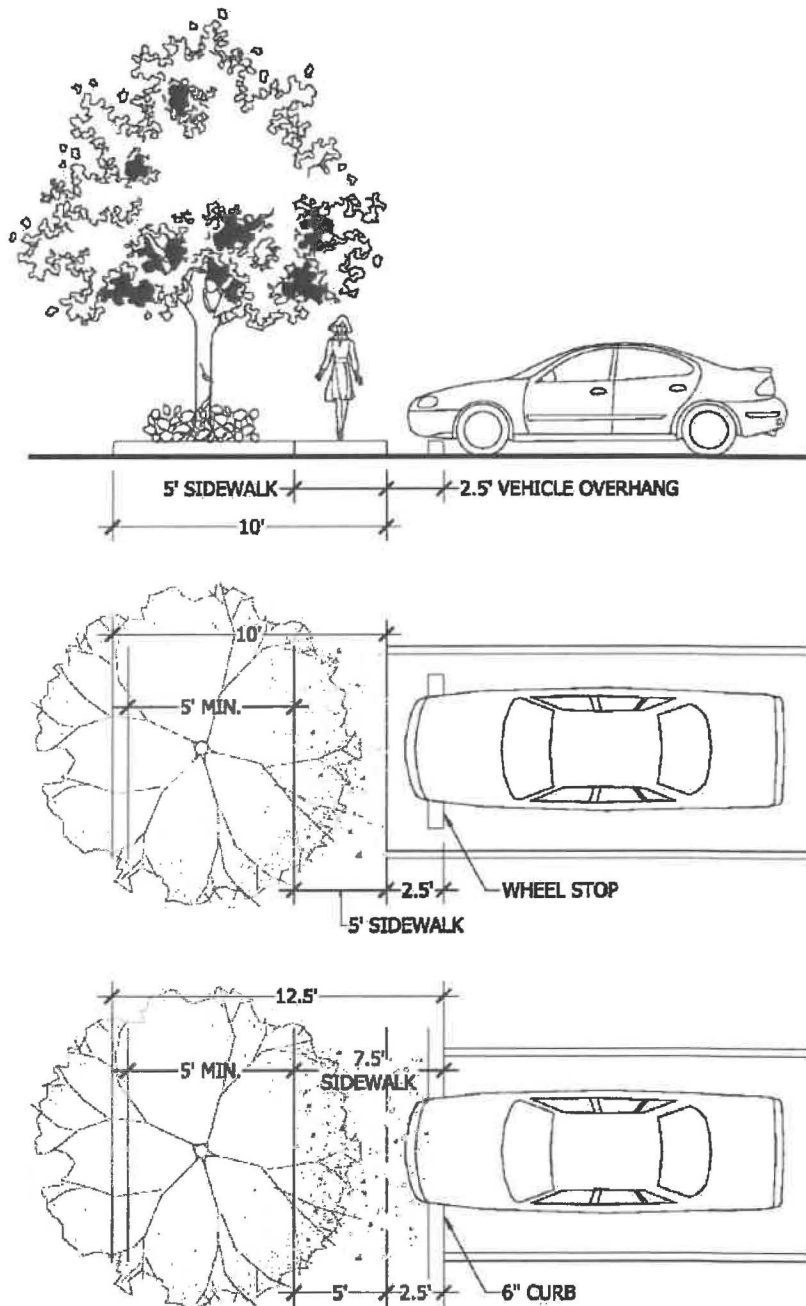


Figure 4-11

LARGER TERMINAL LANDSCAPE ISLAND DETAIL WITH DIAMONDS

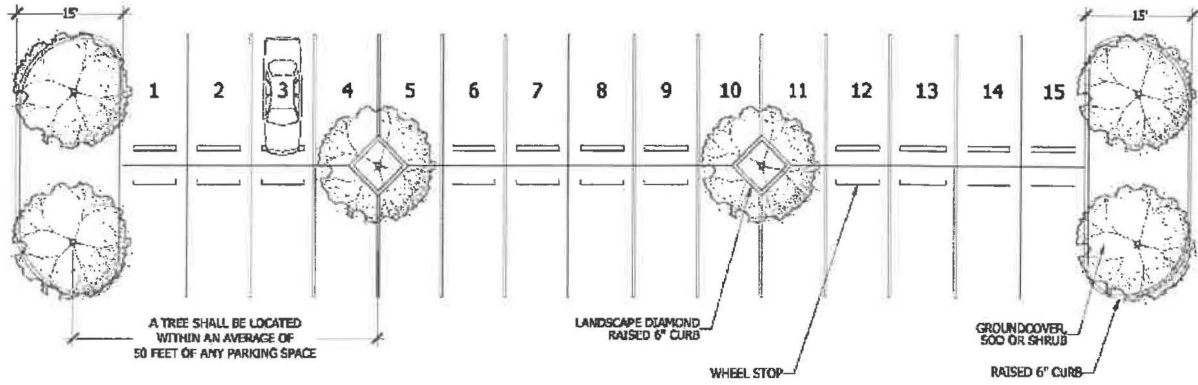


Figure 4-12

TERMINAL LANDSCAPE ISLAND DETAIL WITH DIAMONDS

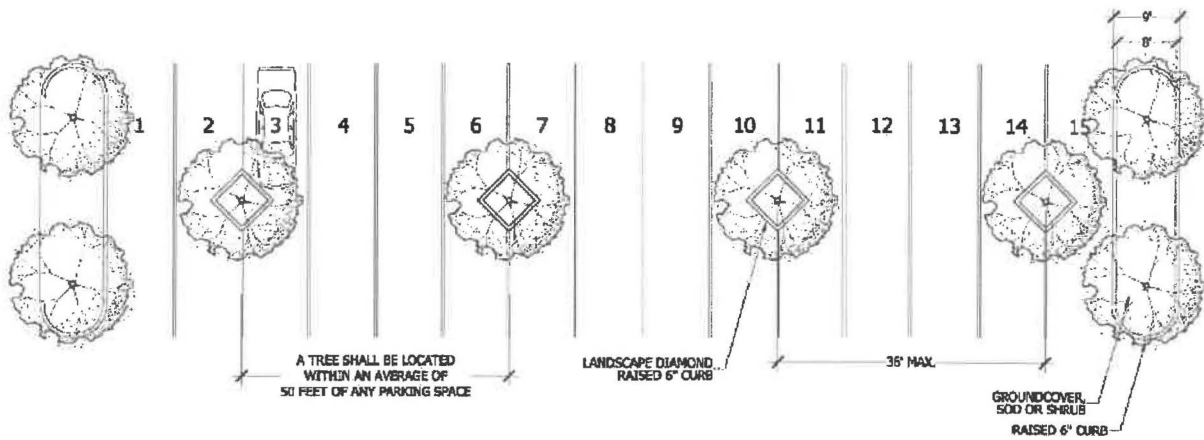
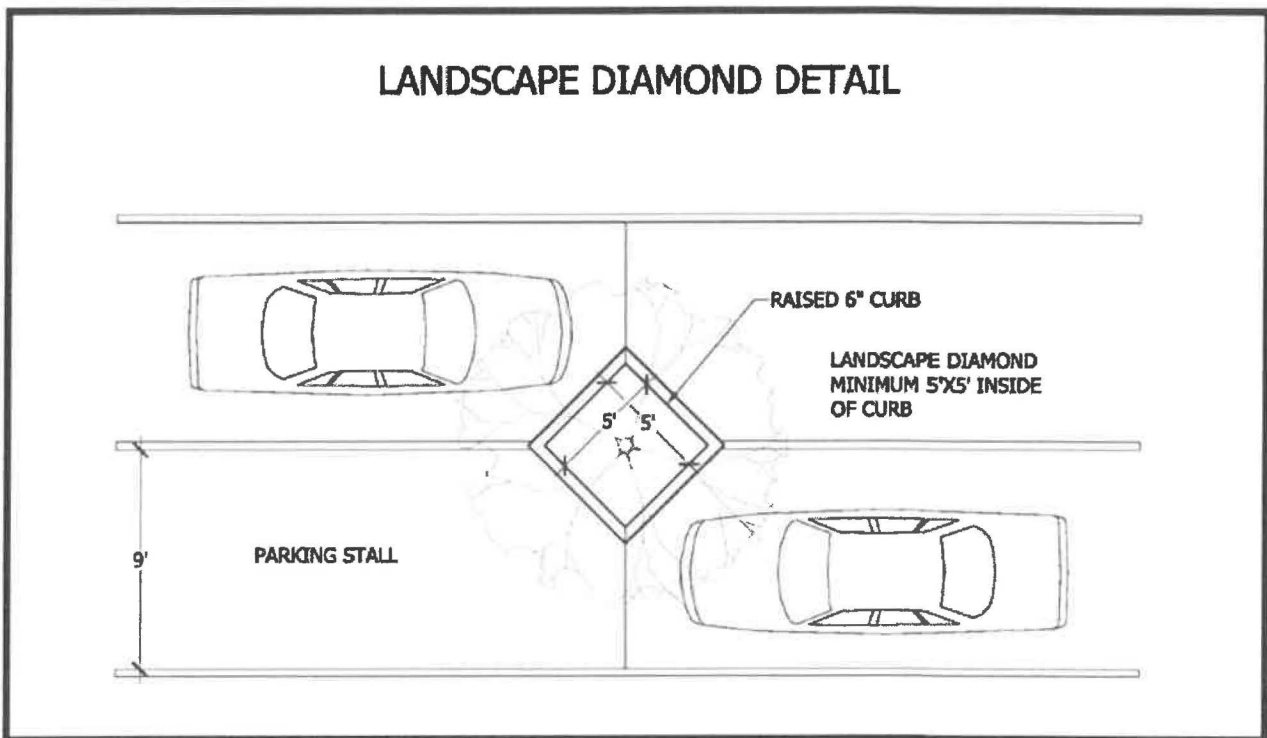


Figure 4-13



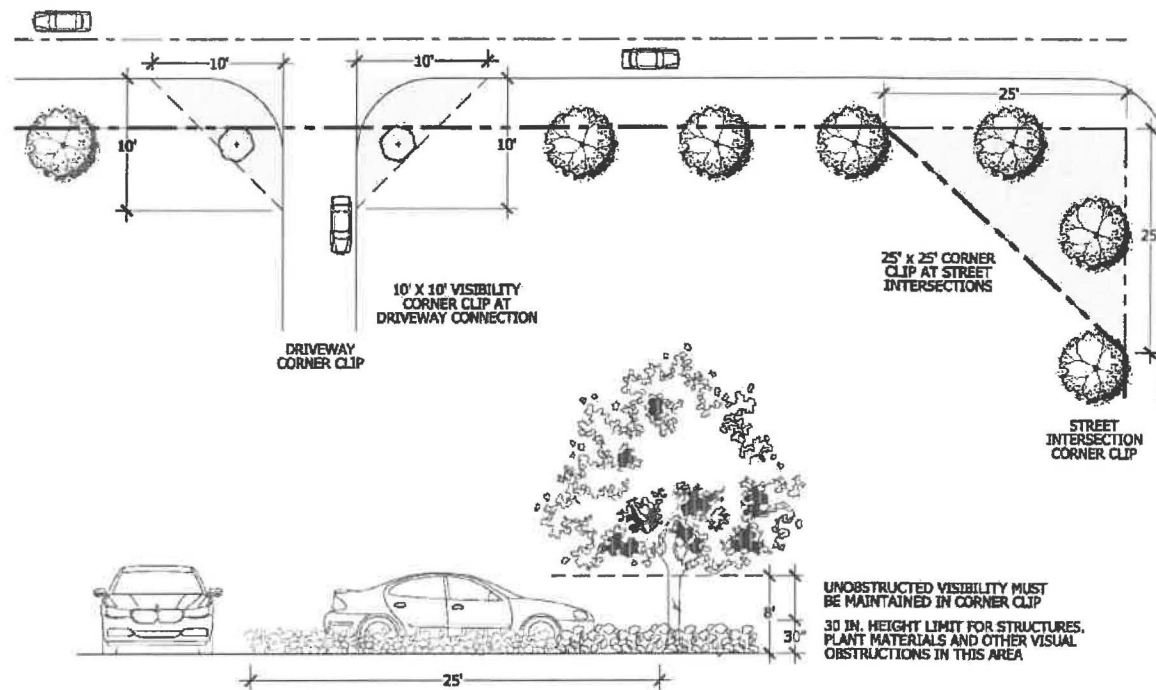
**Section 4.27 Landscape Protection Measures.** Where landscaping is installed in within or adjacent to vehicular use areas, then curbs, wheel stops, raised sidewalks, or other acceptable means of protection shall be provided to prevent injury to the lawn and landscape vegetation.

**Section 4.28 Visibility Triangles (Corner Clips).** Landscaping within corner clip and visibility triangles shall be subject to the following limitations:

- A) An area of unobstructed visibility shall be maintained between 30 inches and eight feet above the pavement of the adjacent roadway.
- B) Vegetation located adjacent to and within corner clip areas shall be trimmed so that limbs or foliage do not extend into the required visibility area.
- C) All landscaping in a corner clip shall be planted and perpetually maintained by the property owner.
- D) Corner clips at street intersections shall be a minimum of 25 feet by 25 feet, as measured from edge of right-of-way to edge of right-of-way unless otherwise determined by the City Engineer.
- E) Visibility triangles at driveway intersections with streets shall be 10 feet by 10 feet, as measured from edge of pavement to edge of pavement.

Figure 4-14

**CORNER CLIP VISIBILITY REQUIREMENTS**



**Section 4.29 Street Trees**

**Section 4.30 Location Street.** Trees shall be located between curb and sidewalk but may also be offset behind the sidewalk a maximum of 12 feet from back of sidewalk or a distance of 25 feet from adjacent back of curb.

**Section 4.31 Spacing.** Street trees are required on all public and private streets. Street trees shall maintain an average spacing of 50 feet on center on both sides of the street. Exceptions to this distance are allowable due to conflicts with utilities, lighting, sight distance, etc. Maximum spacing shall not exceed 75 feet unless otherwise determined by the City Manager or designee.

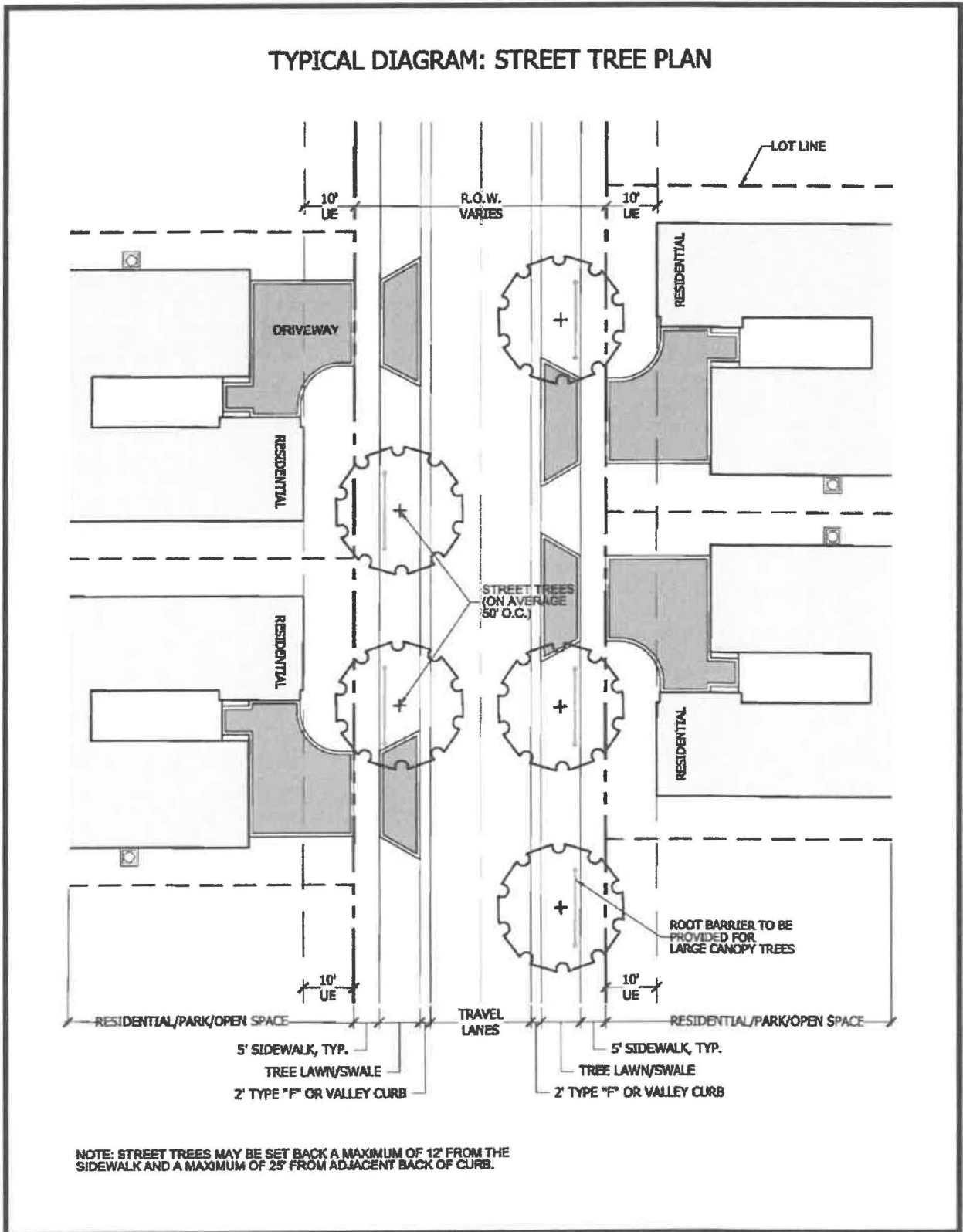
**Section 4.32 Use of Palm Trees.** Palm trees may be used as street trees to provide diversity and special interest. Palm trees shall maintain an average spacing of 30 feet on center on both sides of the street. Exceptions to this distance are allowable due to conflicts with utilities, lighting, sight distance, etc. Maximum spacing shall not exceed 60 feet.

**Section 4.33 Pattern.** The street tree pattern may be interrupted by architectural elements such as overhead arcades, columns, bridge encroachments, and public art. They may also be clustered to allow for views to monuments, features, fountains and other points of interest.

**Section 4.34 Mixed Use District.** Street trees within the Town Center Mixed Use District may be used to satisfy landscape requirements when buildings engage the street without intervening vehicular use areas.



Figure 4-15



**Article IV**

**Section 4.40 ADDITIONAL ZONING DISTRICT LANDSCAPING REQUIREMENTS**

- A) Landscaping associated with parcels of land containing single-family detached residential structures and single family attached residential structures with 3 attached units or less shall include, at a minimum, the following:

**TABLE 4-1: SINGLE FAMILY AND SINGLE FAMILY ATTACHED RESIDENTIAL LANDSCAPING REQUIREMENTS**

| Lot Size                      | Canopy Tree Planting Per Lot | Shrub Planting Per Lot      |
|-------------------------------|------------------------------|-----------------------------|
| 3,000 sq. ft. – 5,000 sf. ft. | 1 per 1000 sq. ft.           | 3 per 1250 sq. ft. (max 45) |
| 5,001 sq. ft. – 8,000 sq. ft. | 1 per 1250 sq. ft.           | 3 per 1250 sq. ft. (max 45) |
| 8,000 sq. ft. & greater       | 1 per 1500 sq. ft.           | 3 per 1250 sq. ft. (max 45) |

1. Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
  2. Two small trees may be substituted for one canopy tree.
  3. Tree and shrub planting requirement calculations for parcels of land shall be based upon gross parcel area minus the building coverage for the principal residential structure.
  4. Parcels of land shall be fully planted with lawn/turf grass.
- B) Landscaping for open space parcels or recreation parcels shall provide a minimum of 1 canopy tree per 2,500 SF of the respective tract or open space area.
    1. One palm trees may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
    2. Two small trees may be substituted for one canopy tree.
    - (2) For the purpose of this Section, open space parcels, recreation parcels, and other common areas interior to a single family or single family attached site or parcel may be aggregated together, so long as the total number of provided trees are provided.
    - (3) Open space parcels, recreation parcels, and other common areas shall be fully planted with lawn/turf grass.
  - G) Single family attached with greater than 3 attached units are required to provide foundation plantings in accordance with Section 4. 55 of this Chapter.

**Section 4.41. Multi-Family Residential Landscaping.**

- H) Landscaping associated with multi-family residential parcels include the following, at a minimum:

**TABLE 4-2: MULTI-FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS**

| Lot Size          | Canopy Tree Planting Per Lot | Shrub Planting Per Lot |
|-------------------|------------------------------|------------------------|
| Gross Parcel Area | 1 per 2500 sq. ft            | 3 per 1250 sq. ft.     |

- (1) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
- (2) Two small trees may be substituted for one canopy tree.
- (3) Open space areas, recreation parcels, and other common areas shall be fully planted with lawn/turf grass.

**I) Foundation planting requirements.**

- (1) Multi-family residential buildings shall provide foundation plantings in accordance with Section 4.16 of this Chapter.

**Section 4.42 Town Center Mixed Use District.**

- J)** Landscaping associated with non-residential parcels include the following, at a minimum:

**TABLE 4-3: NON-RESIDENTIAL LANDSCAPING REQUIREMENTS**

| Lot Size          | Canopy Tree Planting Per Lot | Shrub Planting Per Lot |
|-------------------|------------------------------|------------------------|
| Gross Parcel Area | 1 per 3000 sq. ft            | 3 per 1250 sq. ft.     |

- (1) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
- (2) Two small trees may be substituted for one canopy tree.
- (3) Open space areas and other common areas shall be fully planted with lawn/turf grass.

**K) Foundation planting requirements.**

- (1) Non-residential buildings shall provide foundation plantings in accordance with Section 4.16 of this Chapter.
- (2) Buildings using patios, arcades, outdoor seating areas, and similar urban forms may be exempted from foundation plantings requirements upon receipt of a waiver from the City Manager of designee.

**Section 4.43 Open Space and Recreation District.** Park plantings should reinforce the design intent of the park, whether open or a shady oasis

**TABLE 4-4: OPEN SPACE AND RECREATION LANDSCAPING REQUIREMENTS**

| Lot Size          | Canopy Tree Planting Per Lot | Shrub Planting Per Lot |
|-------------------|------------------------------|------------------------|
| Gross Parcel Area | 1 per 5000 sq. ft            | 3 per 1250 sq. ft.     |

- L) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
- M) Two small trees may be substituted for one canopy tree.
- N) At a minimum, canopy trees shall be provided on an average spacing of 80 feet along any primary pathway.

#### **Section 4.50 Irrigation Systems**

**Section 4.51 Reuse Water Required.** New development, redevelopment, and expansion of existing development shall be required to use reuse water for irrigation where reuse water is available.

#### **Section 4.52 Irrigation plans.**

- A) For a new single-family detached or single family attached with 3 attached units or less, the irrigation plan may be indicated on a plot plan or a separate drawing prepared by the owner or the owner's agent indicating areas to be irrigated, location and specifications of lines, heads, pumps, and water source.
- B) For all other development, where a landscape plan is required, an irrigation plan shall be submitted for permit concurrently with the landscape plan.
  - (1) The irrigation plan shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the state, a person authorized by the Chapter 481, F.S. to prepare landscape plans or drawings, or other person legally permitted to design irrigation systems. The irrigation plan shall:
    - (a) Be drawn on a base plan at the same scale as landscape plans.
    - (b) Delineate landscape areas, major landscape features, and hydro-zones.
    - (c) Delineate existing and proposed structures, parking areas or other vehicular use areas, access aisles, sidewalks, driveways, the location of utilities and easements, and similar features.
    - (d) Include water source and point of connection, rain flow or soil moisture sensors, locations of pipes, controllers, valves, sprinklers, back flow prevention devices, and electrical supply.
    - (e) Include irrigation details.
    - (f) Irrigation plans shall incorporate in the design acceptable industry standards to promote water conservation practices and ensure the health, safety, and welfare of the public consistent with the Florida Building Code Plumbing Appendix F.

**Section 4.53 Irrigation.** Irrigation systems shall be maintained in working order to ensure complete coverage to all landscape areas. Irrigation heads shall be adjusted as required to respond to growth in the landscape and the water needs of the landscape. Irrigation systems shall be regularly maintained and kept in working order. Regular irrigation maintenance shall include but not be limited to, checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the climatic season.

- A) Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent schedule than lawn areas to the extent practical. A rain-sensor switch shall be installed on systems with automatic controllers. Irrigation systems shall be designed as not to overspray water onto impervious areas.
- B) Irrigation systems shall not be installed or maintained on areas adjacent to a public street which causes water from the system to spray onto the roadway or strike passing pedestrian or vehicular traffic.
- C) Permanent irrigation systems are not required for areas set aside on approved site development plans for future development or intended to be maintained in a natural state.

**Section 4.60 Maintenance**

**Section 4.61 Responsibility.** The property owner shall be responsible for maintaining all landscape, including perimeter and right-of-way landscape.

**Section 4.62 General.** Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include:

- A) Weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.
- B) Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.
- C) Perpetual maintenance to prohibit the establishment of prohibited and invasive species within landscape areas.
- D) Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard.

**Section 4.63 Growth.** All trees and palms shall be allowed to grow to their natural mature height and to full canopy unless otherwise provided for in accordance with Subsection 4(C) of this Chapter.

**Section 4.64 Screening, fences, walls, and planters.** The maintenance of landscape screens, fences, walls and artificial planters includes, but is not limited to, repairing, replacing damaged or deteriorated portions, and painting.

**Section 4.65 Pruning of Trees.**

- A) Pruning of trees shall be permitted to allow for healthy growth, and to promote safety considerations. Trees which cause a conflict with views, signage or lighting shall not be pruned more than the maximum allowed.
- B) A maximum of one-fourth of tree canopy may be removed from a tree within a one-year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the American National Standards Institute, ANSI 300 (Tree, Shrub and other Woody Plant Maintenance), as amended.
- C) If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance commitment shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
- D) Hatracking (tree topping) and lion-tailing, as defined in this Chapter, are strictly prohibited.

**Article V****Section 4.70 Fertilizer**

**Section 4.71 Definitions.** The following definitions apply in this Chapter only.

- A. **Application or apply** means the actual physical deposition of fertilizer to turf or landscape plants.
- B. **Applicator** means any person who applies fertilizer on turf and/or landscape plants in the City of Westlake.

- C. **Approved test** means a soil test from the University of Florida, government, or other commercial licensed laboratory that regularly performs soil testing and recommendations.
- D. **Best management practices (BMPs)** means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practical site-specific means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.
- E. **Commercial fertilizer applicator** except as provided in Section 482.1562(9), Florida Statutes, means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer, or the employer of the applicators.
- F. **Fertilizing or fertilization** means the act of applying fertilizer to turf, specialized turf, or landscape plants.
- G. **Fertilizer** means any substance or mixture of substances that contains one (1) or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.
- H. **Institutional applicator** means any person, other than a private, noncommercial or a commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners, managers, or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium and/or common ownership.
- I. **Landscape plant** means any native or non-native tree, shrub, or groundcover (excluding turf).
- J. **Pasture** means land managed for livestock grazing.
- K. **Prohibited application period** means the time period during which a flood watch or warning, a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of the City of Westlake, issued by the National Weather Service, or if heavy rain (two (2) inches or more within a 24-hour period) is likely.
- L. **Saturated soil** means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this division, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.
- M. **Slow-release, controlled release, timed release, slowly available, or water insoluble nitrogen** means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.
- N. **Turf, sod, or lawn** means an area of grass-covered soil held together by the roots of the grass.
- O. **Urban landscape** means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as provided in Section 570.02, Florida Statutes.

#### Section 4.72 Best Management Practices

- A. As a result of the Florida Department of Environmental Protection's determination that certain water bodies within Palm Beach County are impaired by excessive nutrient levels, the City Council of the City of Westlake finds that the best management practices contained in the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries", are required and are necessary to implement within the city as set forth herein.

- B. This division regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period; and specifies allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions. This division requires the use of best management practices to minimize negative environmental effects associated with excessive nutrients in our water bodies. These water bodies are an asset important to the environmental, recreational, cultural, and economic well-being of Palm Beach County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.
- C. The regulations set forth herein shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer to urban landscapes within the area of the City of Westlake, unless such application is specifically exempted by this Chapter.

**Section 4.73 Timing of fertilizer applications.**

- A. No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during any of the following prohibited application periods:
  - 1) The time period during which the National Weather Service has issued a flood watch or warning, or a tropical storm watch or warning, or hurricane watch or warning for any portion of the city.
- B. Heavy rains are expected. Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first thirty (30) days after seeding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevent plan for that site.

**Section 4.74 Fertilizer-free zones.**

Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector shield or drop spreader is used, of any pond, stream, water body, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340), Florida Administrative Code, or from the top of a seawall or lake bulkhead. Newly planted turf or landscape plants may be fertilized in this zone only for a sixty-day period beginning thirty (30) days after planting if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

**Section 4.75 Fertilizer content and application rates.**

- A. Fertilizers applied to turf within the City of Westlake shall be formulated and applied in accordance with packaging and labeling directions that meet requirements of rule Rule 5E-1.003(2), Florida Administrative Code, Specialty fertilizer label requirements for urban turf or lawns (packaged in containers or bags such that the net weight is 49 pounds or less and distributed for home and garden).
- B. Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants, except as provided in subsection (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

C. Fertilizer used for sports turf at golf courses shall be applied in accordance with the recommendations in "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses", published by the Florida Department of Environmental Protection, dated September 2012, as may be amended. Fertilizer used at park or athletic fields shall be applied in accordance with the packaging and labeling directions that meet requirements of rule Rule 5E-1.003(3), Florida Administrative Code.

**Section 4.76 Fertilizer application practices.**

A. Spreader deflector shields shall be used when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones, and water bodies, including wetlands. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

B. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

C. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

D. Property owners and managers are encouraged to use an integrated pest management (IPM) strategy as currently recommended by the University of Florida Cooperative Extension Service publications.

**Section 4.77 Management of grass clippings and vegetative matter.**

A. In no case shall grass clippings, vegetative material, and/or vegetative debris intentionally be washed, swept, or blown onto or into stormwater drains, ditches, conveyances, water bodies, wetlands, sidewalks, or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

**Section 4.78 Exemptions**

The provisions set forth hereinabove shall not apply to:

A. Bona fide farm operations as defined in the Florida Right-to-Farm Act, Section 823.14, Florida Statutes.

B. Other properties not subject to or covered under the Florida Right-to-Farm Act that have pastures used for grazing livestock.

C. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

**Section 4.79 Training**

A. All commercial and institutional applicators of fertilizer within Palm Beach County shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida/Palm Beach County Cooperative Extension Service "Florida-Friendly Landscapes" program or an approved equivalent program.

B. Noncommercial and non-institutional applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida/IFAS "Florida-Friendly Landscape Program" and label instructions when applying fertilizers.



**Section 4.80 Licensing of commercial applicators**

A. All businesses applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium properties) must ensure that the business owner or his/her designee holds the appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate. Owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program to the City of Westlake business tax application process. It is the responsibility of the business owner to maintain the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" certificate in order to receive his/her/its business tax receipt annually. Additionally, commercial applicators of fertilizer who are not required to obtain a business tax receipt from the City of Westlake shall be required to register with the City.

B. All commercial applicators of fertilizer within the City of Westlake shall have and carry in their possession at all times when applying fertilizer evidence of limited certification urban landscape commercial fertilizer by the Florida Department of Agriculture and Consumer Services as a commercial fertilizer applicator per Rule 5E-14.117(11), Florida Administrative Code or other or other sufficient certification issued by the Florida Department of Agriculture and Consumer Services.

C. All businesses applying fertilizer to turf and/or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium properties) must ensure that at least one (1) employee has an appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate or prior to registering with the city. Standard Business Tax Receipt (BTR) and/or standard transaction fees shall apply.

**Section 4.81 Enforcement**

A. The provisions of this division shall be enforced by (1) the City of Westlake code enforcement or special magistrate pursuant to the authority granted by Section 162.01 et seq., Florida Statutes, as may be amended, and the City of Westlake Ordinance or (2) the City of Westlake through its authority to enjoin and restrain any person violating the City Code of Ordinances. The City of Westlake may pursue these or any other enforcement remedies available under the law.

B. Any violation of this division is hereby deemed to be irreversible and irreparable in accordance with Section 162.01 et seq., Florida Statutes.

**Section 4.82 Waivers:** The application of this part may be waived by the City Manager or designee where such waiver would be in the best interests of the City of Westlake.

**Section 4.83 Severability:** Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

**Section 5. Codification:** It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida, and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word "ordinance" shall be changed to "section" or other appropriate word.

**Section 6. Effective Date:** This ordinance shall be effective upon adoption on second reading.

**PASSED** this 26th day of August, 2019, on first reading.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of September, 2019, on second reading.

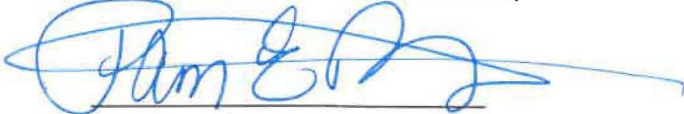


City of Westlake  
Roger Manning, Mayor



Sandra Demarco, City Clerk

Approved as to form and Sufficiency



Pam E. Booker, City Attorney