



AGENDA

CITY OF RIVIERA BEACH
LOCAL PLANNING AGENCY

THE PLANNING AND ZONING BOARD

Commencement - 6:30 PM
Thursday, September 8, 2011

Council Chambers – Municipal Complex
600 West Blue Heron Boulevard

I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

II. ROLL CALL

S. Lashea Brooks, Chairperson	Richard Baumgart, Vice Chairperson
Gary Brannen, Board Member	Rena James, Board Member
Edward Kunity, Board Member	Caryn St. John, Board Member
Julius Whigham, Sr., Board Member	Vacant, 1 st Alternate & 2 nd Alternate

III. ADDITIONS AND DELETIONS TO THE AGENDA

IV. APPROVAL OF MINUTES - August 11, 2011

V. UNFINISHED BUSINESS - None

VI. NEW BUSINESS

A. Application for Special Exception Approval: (SE-11-06)

AN APPLICATION FROM CYNTHIA BEDFORD FAMILY DAYCARE REQUESTING A SPECIAL EXCEPTION APPROVAL TO OPERATE A LARGE FAMILY CHILD CARE HOME, AT 1145 W. 25th STREET, WITHIN A SINGLE FAMILY STRUCTURE ON A 5000 SQ. FT. PARCEL.

1. Presentation by Staff and Applicant
2. Public Comments
3. Board Comments

B. Application for Special Exception Approval: (SE-11-08)

AN APPLICATION FROM CORINE'S FAMILY CHILDCARE ACADEMY INC REQUESTING A SPECIAL EXCEPTION APPROVAL TO OPERATE A LARGE FAMILY CHILD CARE HOME, AT 390 W. 22nd STREET, WITHIN A SINGLE FAMILY STRUCTURE ON AN 8500 SQ. FT. PARCEL.

1. Presentation by Staff and Applicant
2. Public Comments
3. Board Comments

C. Draft Florida Friendly Landscape Ordinance

1. Presentation by Staff
2. Public Comments
3. Board Comments

VII. GENERAL DISCUSSION

- A. PUBLIC COMMENTS
- B. PLANNING AND ZONING BOARD COMMENTS
 - 1. Project Updates / Upcoming Projects

VIII. ADJOURNMENT

If anyone wishes to speak on any of the items presented on this agenda, please complete a pink public comment card and give the card to the Clerk of the Planning and Zoning Board. Cards must be submitted before item is discussed.

NOTICE

In accordance with the Americans with Disabilities Act, persons in need of a special accommodation to participate in this proceeding shall, within a reasonable time prior to any proceeding, contact the office of the Legislative Aide of the City of Riviera Beach, 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404, Telephone 561-845-4095 or TDD 561-840-3350.

August 11, 2011 - Planning and Zoning Board Meeting

The Planning and Zoning Board for the City of Riviera Beach met in regular session on Thursday, August 11, 2011 in the City Council Chambers, Municipal Complex, 600 West Blue Heron Blvd, Riviera Beach, FL 33404. The meeting was called to order at 6:30 PM. A moment of silence was followed by the Pledge of Allegiance and roll call.

ROLL CALL

S. Lashea Brooks, Chairperson	Present
Richard Baumgart, Vice-Chair	Present
Gary Brannen, Board Member	Absent
Rena James, Board Member	Present
Edward Kunuty, Board Member	Absent
Caryn St. John, Board Member	Present
Julius Whigham, Board Member	Present
Vacant, 1 st Alternate	Vacant
Vacant, 2 nd Alternative	Vacant

* Alternate given voting rights.

Also present were Planning and Zoning Administrator Jeff Gagnon, Principal Planner Brad Stein, Senior Planner Mario Velasquez, Assistant City Attorney Valencia Stubbs. 3 members from the public attended.

ADDITIONS AND DELETIONS TO THE AGENDA

Mr. Gagnon – Stated that staff has no additions or deletions to the agenda at this time.

Ms. St. John – Commented on the wrong meeting date on the agenda.

Mr. Ward – Corrected minutes from May 12, 2011 under NEW BUSINESS, Item A. Application for Site Plan Approval- Health Care District of Palm Beach County, Inc. - b. Public Comments, has mis-reported the last sentence as my recommendation to the Planning Board. "I did not recommend that the Board vote NO on this item." The recommendation was that "The Board not take a vote on the item, but, transmit to Council with the specific condition that City Staff investigate prior to Council what ways are available to accomplish PILOT or some similar means."

APPROVAL OF MINUTES – 5.12.2011

July 14, 2011 Minutes – Motion to Approve by Ms. James with corrections submitted by Gerald Ward, Second by Mr. Whigham. Unanimous approval (5-0).

UNFINISHED BUSINESS

- None.

NEW BUSINESS

**A. Special Exception Application; Ambrosia of the Palm Beaches, 2675 Lake Drive
AN APPLICATION FROM AUNT TINA’S HOUSE REQUESTING A SPECIAL
EXCEPTION APPROVAL TO OPERATE A LARGE FAMILY CHILD CARE
HOME, AT 301 W. 25TH STREET, WITHIN A SINGLE FAMILY STRUCTURE
ON A 8320 SQ. FT. PARCEL.**

a. Presentation by Staff.

Mr. Gagnon –Presented and explained the Special Exception Application to the board members.

b. Public Comments.

None

c. Board Comments.

Mr. Whigham – Commented on how nice the neighborhood looked and how there seems to be no opposition on this use at that location. He also asked for the hours of operation and if the house has been inspected for the right space to be provided.

Ms. Martina Wimberly (owner/applicant) – Explained the hours of operation and 7 a.m. to 4:30 p.m. and also offer a couple of overnight care for only two children. She also explained that she owns and lives in the home. Ms. Wimberly also affirmed that the house has been inspected and passed inspections.

Ms. James – Asked staff if the two years of business tax receipts and the DCF one year requirement have been met. She also stated that it was a nice place.

Mr. Gagnon – Answered yes, they have been met.

Ms. St. John – No questions.

Mr. Baumgart – No comments.

Ms. Brooks – No comments.

Motion to approve the Special Exception Application from AUNT TINA'S HOUSE by Ms. James and 2nd by Ms. St. John; Unanimous approval (5-0).

B. Application for Site Plan Approval:

AN APPLICATION FROM JONES BEAUTIFUL BEGINNING INC. REQUESTING A SPECIAL EXCEPTION APPROVAL TO OPERATE A LARGE FAMILY CHILD CARE HOME, AT 451 W. 36TH STREET, WITHIN A SINGLE FAMILY STRUCTURE ON A 8250 SQ. FT. PARCEL.

a. Presentation by Staff.

Mr. Velasquez – Presented and explained the Special Exception application via power point.

b. Public Comments.

None

c. Board Comments.

Ms. St. John – Asked about the pool and the fencing/protection around it and if they had to take special classes for having a pool.

Ms. Ruth Georges – Explained that there is security fence around the pool and that they are also required to take a CPR/first aid class.

Ms. James – Asked staff about the screening and its purposes. She also asked the applicant if the pool has a cover.

Mr. Velasquez – Explained that Ordinance. 3092 requires a wooden/opaque color fence or landscape to be installed to provide immediate privacy.

Ms. Georges – Explained that the pool was only screened, not covered.

Mr. Baumgart – No comments.

Mr. Whigham – Appreciates the yellow sign being left in the yard. Appreciate you doing what you did.

Ms. Brooks – How to find certificates and inspection reports?

Ms. Wimberly – Explained that myflorida.com/childcare could be used to look up all different providers by zip code.

Mr. Whigham – Also asked who was in charge of inspecting these facilities during the time of operation.

Ms. Wimberly – Explained that the daycares are licensed by the Palm Beach County Health Department and are required quarterly inspections.

Mr. Velasquez – Added that people within 300 ft of these properties were notices about the public hearing.

Motion to approve the Special Exception Application from JONES BEAUTIFUL BEGINNING INC by Ms. James, 2nd by Ms. St. John; Unanimous approval (5-0).

C. Application for Site Plan Approval:

AN APPLICATION FROM KIMBERLY ALLISON FAMILY CHILD CARE HOME REQUESTING A SPECIAL EXCEPTION APPROVAL TO OPERATE A LARGE FAMILY CHILD CARE HOME, AT 1649 W. 26TH COURT, WITHIN A MULTIPLE FAMILY STRUCTURE ON A 5500 SQ. FT. PARCEL.

D. Presentation by Staff.

Mr. Velasquez – Presented and explained the Special Exception application via power point.

E. Public Comments.

None

F. Board Comments.

Mr. Whigham – several questions and comments, surrounded by multiple family structures, proximity to Jay’s Ministries Facility. Ave. S is a rough street /area. Have worries about safety of children.

Mr. Baumgart – complimented the applicants for the excellence appearance of their houses / locations.

Ms. St. John – How many children are allowed at each location?

Ms. Wimberly – Explained that up to 6 at any given time. Spoke on behalf of Ms. Allison.

Motion to approve the Special Exception Application from KIMBERLY ALLISON FAMILY CHILD CARE HOME by Ms. James, 2nd by Ms. St. John. Unanimous approval (5-0).

GENERAL DISCUSSION

A. Public Comments

Mr. Ward – Expressed his concern on many issues related to the city, CRA and their meeting schedules, and Long term implications on government. He also stated that power point presentations were much appreciated although it would have been helpful to had them on the internet a week ago. Also stated that that was the type of back up that staff needs to start providing consistently for all application. He also stated that having the applicant present was extremely productive and added that 300 ft. was not enough distance for communication.

B. Planning and Zoning Board Comments

a. Project Updates / Upcoming Projects

Ms. St. John – Asked for current status for Ambrosia and also explained her disappointment on not having PnZ meeting televised. She also expressed her opinion on the little blue heron bridge and how people do not take care of it by littering.

Mr. Gagnon – Explained that staff and legal department was working on it.

Ms. James – Asked if county license is asked for when citizens try to get a city business tax receipt. She also commented that the power point was really good and the application package was nicely done.

Mr. Gagnon – Explained that the opposite is what actually happens. When people asked for a county zoning sign off on the application, we require them to have city license before any sign off happens. He also explained that Mario Velasquez was the one responsible for the presentations.

Mr. Baumgart – No comments.

Mr. Whigham – Thanked for the good job that staff did and also asked about the comprehensive plan and how the day cares comply with such.

Mr. Gagnon – Explained that they do comply with the comprehensive plan and that the ordinance was created based of and complying with the comprehensive plan.

Mr. Whigham – Expressed his opinion on this type of facilities and how they should not be allowed in the yellow area (residential) in the city.

Mr. Gagnon – Explained the requirements for day cares and how they cannot just go anywhere because of the zoning regulations and the minimum years requirements.

Ms. James – Explained her perspective and how she thinks that business like this are positive and allows you to be your own boss and allows you to spend more time with your children. She also commented on how all the neighbors were noticed about the hearing and how no one showed up to complain.

Ms. Brooks – Thanked new Assistant City Attorney for the memo answering board comments. She also thanked Mario for the presentation and easy they were to follow and how informative. Ms. Brook also asked if all the applicants were the property owners and thanked again staff for great package.

Mr. Gagnon – Explained the amount of applications for next meeting and asked board members if they were available for a workshop for landscape (30-35 pages in length).

Available (raised hand): Ms. James, Ms. Brooks, Mr. Baumgart and Mr. Whigham.

Ms. Brooks – Asked about CRA meeting. Let them know we are interested in attending and our schedule has conflicts with CRA schedule.

Ms. St. John – Asked if the board members could be invited to city events; ground breakings.

ADJOURNMENT

Motion to Adjourn by Ms. James, 2nd by Ms. St. John; Meeting adjourned at 8:00 pm.



**CITY OF RIVIERA BEACH STAFF REPORT
CASE NUMBER SE-11-06
SEPTEMBER 8, 2011**

AN APPLICATION FROM CYNTHIA BEDFORD FAMILY DAYCARE REQUESTING A SPECIAL EXCEPTION APPROVAL TO OPERATE A LARGE FAMILY CHILD CARE HOME, AT 1145 W. 25TH STREET, WITHIN A SINGLE FAMILY STRUCTURE ON A 5000 SQ. FT. PARCEL.

A. Applicant: Cynthia Bedford.

B. Request: The applicant is requesting a special exception to operate a Large Family Child Care Home within the Single Family (RS-8) Zoning District.

C. Location: The proposed location is on the south side of W 25th Street, West of Avenue M, and East of Avenue O.

D. Property Description and Uses: The subject property description and uses are as follows:

Parcel Control Number: 56-43-42-29-13-006-0220.

Parcel Size: 5000 sq. ft.

Existing Use: One residential structure, currently occupied by the applicant, as a Family Day Care Home with up to 6 kids and 1 staff member.

Future Land Use: Single Family Residential.

Zoning: Single Family (RS-8) Zoning District.

E. Adjacent Property Description and Uses:

North: Residential Building; Single Family (RS-8) Zoning, Single Family Residential Future Land Use.

South: Residential Building; Single Family (RS-8) Zoning, Single Family Residential Future Land Use.

East: Residential Building; Single Family (RS-8) Zoning, Single Family Residential Future Land Use.

West: Residential Building; Single Family (RS-8) Zoning, Single Family Residential Future Land Use.

F. Background:

On May 18, 2011, City Council passed and approved new regulations for "daycare and other preschool facilities".

Shortly thereafter, Cynthia Bedford submitted her official Large Family Child Care Home Special Exception application to staff, which has been reviewed for compatibility and

consistency with the City's Comprehensive Plan and Land Development Regulations. The following staff analysis has been prepared for your review.

G. Staff Analysis:

Proposed Use: The applicant is requesting to operate a Large Family Child Care Home at 1145 W. 25th Street. This facility will typically have up to 12 children and 2 full-time employees.

Zoning Regulations: This proposed use would comply with the City's Land Development Regulations if a Special Exception approval was granted by City Council, in the Single Family (RS-8) Zoning District.

Comprehensive Plan: The proposed use would be consistent with the City's Comprehensive Plan.

Levels of Service: City services such as roads, water, sewer, and garbage collection are currently available to the site.

Landscaping: Staff considers the existing landscaping is appropriate and adequate at this time. Landscaping will have to be maintained according to the City's Land Development Code.

Parking/Traffic: Adequate parking has been provided.

H. Special Exception Analysis

a. Ingress to and egress from the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

- Ingress and egress to this site are directly off of W. 25th Street which can be accessed through Avenue M or Avenue O.

b. Off-street parking and loading areas, where required, including consideration of relevant factors in subsection (2)a. of this section, and the economic, noise, glare or odor effects of the location of such areas on adjacent and nearby properties and properties generally in the district.

- Existing driveway would provide the minimum three parking spaces required by code. Second driveway on property would be designated for the pickup/drop off area.

c. Refuse and service areas, including consideration of relevant factors in subsections (2)a. and b. of this section.

- Regular schedule for roll out garbage containers collection.

d. Utilities, including such consideration as hook-in locations and availability and compatibility of utilities for the proposed use or structure.

- Utilities are currently available and active. They would not be altered by the proposed use.

e. Screening, buffering and landscaping, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structures between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.

- Adequate landscaping exists on-site which must be maintained according to the City's Land Development Code.

f. Signs, or outside displays, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of same on properties in the district.

- No signs are currently installed nor proposed to be installed at this location.

g. Required yards and open spaces. The board shall make such recommendations as it deems necessary, guided by the factors that may be described in this zoning district, based on the nature of the request and its effect.

- As ordained by City Council through Ordinance No. 3092, 75 sq. ft. per child is required. Being that this facility is applying for a license for up to 12 children the minimum required outdoor play area is 900 sq. ft. The applicant has provided proof of having 902 sq. ft. available for outdoor play area.
- This Ordinance also requires a minimum of 420 sq. ft. dedicated only to the day care area. The applicant has provided floor plans showing that the day care area is 442 sq. ft.

I. Recommendation: Staff recommends that the Planning and Zoning Board review and make a recommendation to City Council.

For Staff Use Only

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 Phone: (561) 845-4060 Fax : (561) 845-4038	Date: <u>JUNE 9, 2011</u> Case Number: <u>SE-11-06</u>
	Project Title: <u>CYNTHIA BEDFORD FAMILY DAYCARE</u>
	Fee Paid: <u>EXEMPT - ORD 3092</u> Notices Mailed:
	1 st Hearing: 2 nd Hearing:
	Publication Dates (if required)

UNIFORM LAND USE APPLICATION

(Please attach separate sheet of paper for required additional information)

Complete appropriate sections of Application and sign.

APPLICANT	Name of Property Owner(s): <u>Cynthia Bedford</u>
	Mailing Address: <u>1145 West 25th Street Riviera Beach Fl. 33404</u>
	Property Address: <u>1145 West 25th Street Riviera Beach Fl. 33404</u>
	Name of Applicant (if other than owner):
	Home: <u>(561) 841-9688</u> Work: <u>(561) 841-9688</u> Fax: <u>(561) 863-7077</u>
	E-mail Address: <u>Cbedford@hellsouth.net</u>

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation: <u>Single family</u> Current Zoning Classification: <u>RS-8</u>
	Square footage of site: <u>5000</u> Property Control Number (PCN): <u>56-43-42-29-13-006-0220</u>
	Type and gross area of any existing non residential uses on site: <u>none</u>
	Gross area of any proposed structure: <u>NA</u>
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [] Yes [<input checked="" type="checkbox"/>] No
	If yes, please describe:
	Have there been any land use applications concerning all or part of this property in the last 18 months? [] Yes [<input checked="" type="checkbox"/>] No
	If yes, indicate date, nature and applicant's name:
	Briefly describe use of adjoining property: North: <u>Residential</u>
	South: <u>Residential</u>
East: <u>Residential</u>	
West: <u>Residential</u>	

REZONE	Requested Zoning Classification:
	Is the requested zoning classification contiguous with existing?
	Is a Special Exception necessary for your intended use? [] Yes [] No
	Is a Variance necessary for your intended use? [] Yes [] No

FUTURE LAND USE	Existing Use:	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North:	South:
	East:	West:
	Size of Property Requesting Land Use Change:	

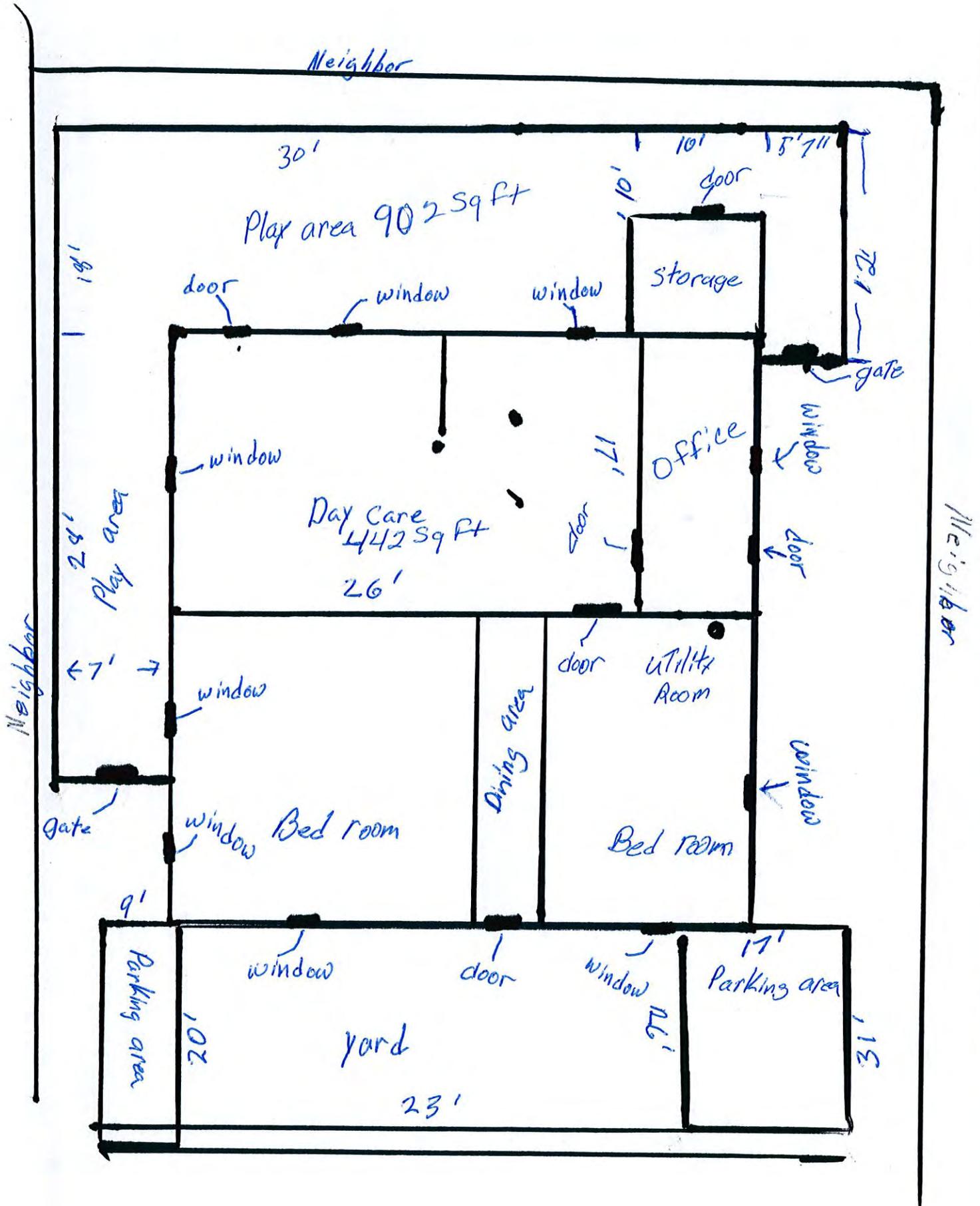
SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception: <u>Large family Daycare</u>
	Provide specific LDR ordinance section number and page number: <u>3092 ORD and 31-544 SEC</u>
	How does intended use meet the standards in the Land Development Code? <u>Lawn is well maintained and trees and hedges are regularly trimmed to code</u>
	Demonstrate that proposed location and site is appropriate for requested use: <u>I have 600 sq ft of Daycare use that will be in compliance with the 35 sq ft per child</u>
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods: <u>A Daycare is compatible for adjacent neighborhood to live to work both day + night</u>
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: <u>I have made the landscape beautiful and up to code with a opaque fence</u>
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: <u>Children will have two full-time staff at all times</u>
	Demonstrate how utilities and other service requirements of the use can be met: <u>the utilities will not be affected</u>
	<u>All</u> Requirement of utilities and other services will be taken care by the Daycare.
	Demonstrate how the impact of traffic generated will be handled: On-site: <u>All parent do not drop off at the same time</u> Off-site: <u>Some parent walk to the Daycare</u> Other:

VARIANCE	Describe the Variance sought:
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

SITE PLAN	Describe proposed development:
	Demonstrate that proposed use is appropriate to site:
	Demonstrate how drainage and paving requirement will be met:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
On-site:	
Off-site:	

OTHER	COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:
	<ul style="list-style-type: none"> • Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue.

Confirmation of Information Accuracy	
<p>I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.</p>	
 Signature	5-20-11 Date





**CITY OF RIVIERA BEACH STAFF REPORT
CASE NUMBER SE-11-08
SEPTEMBER 8, 2011**

AN APPLICATION FROM CORINE'S FAMILY CHILDCARE ACADEMY INC REQUESTING A SPECIAL EXCEPTION APPROVAL TO OPERATE A LARGE FAMILY CHILD CARE HOME, AT 390 W. 22ND STREET, WITHIN A SINGLE FAMILY STRUCTURE ON A 8500 SQ. FT. PARCEL.

A. Applicant: Corine Williams.

B. Request: The applicant is requesting a special exception to operate a Large Family Child Care Home within the Single Family (RS-6) Zoning District.

C. Location: The proposed location is on the north side of W 22nd Street, West of Avenue F, and East of Avenue H.

D. Property Description and Uses: The subject property description and uses are as follows:

Parcel Control Number: 56-43-42-28-25-016-0300.

Parcel Size: 8500 sq. ft.

Existing Use: One residential structure, currently occupied by the applicant, as a Family Day Care Home with up to 6 kids and 1 staff member.

Future Land Use: Single Family Residential.

Zoning: Single Family (RS-6) Zoning District.

E. Adjacent Property Description and Uses:

North: Residential Building; Single Family (RS-6) Zoning, Single Family Residential Future Land Use.

South: Residential Building; Single Family (RS-6) Zoning, Single Family Residential Future Land Use.

East: Residential Building; Single Family (RS-6) Zoning, Single Family Residential Future Land Use.

West: Residential Building; Single Family (RS-6) Zoning, Single Family Residential Future Land Use.

F. Background:

On May 18, 2011, City Council passed and approved new regulations for "daycare and other preschool facilities".

Shortly thereafter, Corine Williams submitted her official Large Family Child Care Home Special Exception application to staff, which has been reviewed for compatibility and

consistency with the City's Comprehensive Plan and Land Development Regulations. The following staff analysis has been prepared for your review.

G. Staff Analysis:

Proposed Use: The applicant is requesting to operate a Large Family Child Care Home at 390 W. 22nd Street. This facility will typically have up to 12 children and 2 full-time employees.

Zoning Regulations: This proposed use would comply with the City's Land Development Regulations if a Special Exception approval was granted by City Council, in the Single Family (RS-6) Zoning District.

Comprehensive Plan: The proposed use would be consistent with the City's Comprehensive Plan.

Levels of Service: City services such as roads, water, sewer, and garbage collection are currently available to the site.

Landscaping: Staff considers the existing landscaping is appropriate and adequate at this time. Landscaping will have to be maintained according to the City's Land Development Code.

Parking/Traffic: Adequate parking has been provided.

H. Special Exception Analysis

a. Ingress to and egress from the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

- Ingress and egress to this site are directly off of W. 22nd Street which can be accessed through Avenue F or Avenue H.

b. Off-street parking and loading areas, where required, including consideration of relevant factors in subsection (2)a. of this section, and the economic, noise, glare or odor effects of the location of such areas on adjacent and nearby properties and properties generally in the district.

- Existing driveway would provide the minimum three parking spaces required by code and also the pickup/drop off area.

c. Refuse and service areas, including consideration of relevant factors in subsections (2)a. and b. of this section.

- Regular schedule for roll out garbage containers collection.

d. Utilities, including such consideration as hook-in locations and availability and compatibility of utilities for the proposed use or structure.

- Utilities are currently available and active. They would not be altered by the proposed use.

e. Screening, buffering and landscaping, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structures between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.

- Adequate landscaping exists on-site which must be maintained according to the City's Land Development Code.

f. Signs, or outside displays, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of same on properties in the district.

- No signs are currently installed nor proposed to be installed at this location.

g. Required yards and open spaces. The board shall make such recommendations as it deems necessary, guided by the factors that may be described in this zoning district, based on the nature of the request and its effect.

- As ordained by City Council through Ordinance No. 3092, 75 sq. ft. per child is required. Being that this facility is applying for a license for up to 12 children the minimum required outdoor play area is 900 sq. ft. The applicant has provided proof of having 2478 sq. ft. available for outdoor play area.
- This Ordinance also requires a minimum of 420 sq. ft. dedicated only to the day care area. The applicant has provided floor plans showing that the day care area is 437 sq. ft.

I. Recommendation: Staff recommends that the Planning and Zoning Board review and make a recommendation to City Council.

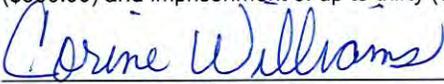
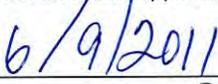
FUTURE LAND USE	Existing Use:	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North:	South:
	East:	West:
	Size of Property Requesting Land Use Change:	

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception: <i>LARGE FAMILY CHILD CARE HOME</i>
	Provide specific LDR ordinance section number and page number: <i>ORD 3092 Sec 31-544</i>
	How does intended use meet the standards in the Land Development Code? <i>TO BE IN COMPLIANCE WITH THE CITY, COUNTY AND STATE REGULATIONS</i>
	Demonstrate that proposed location and site is appropriate for requested use: <i>Adequate INdoor and OUTdoor SPACE</i>
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods: <i>MAINTAINING THE LOOK OF A RESIDENTIAL PROPERTY</i>
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: <i>SHRUBS 6 FEET HIGH WITH 6 FT WOODEN GATES</i>
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: <i>By maintaining Adequate Adult/Child Ratio</i>
	Demonstrate how utilities and other service requirements of the use can be met: <i>Utilities Will NOT Be EFFECTED</i>
	Demonstrate how the impact of traffic generated will be handled: On-site: <i>Drop OFF + Pick UP Time VARIES at different Times</i>
	Off-Site: <i>SAME</i>
Other:	

VARIANCE	Describe the Variance sought:
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

SITE PLAN	Describe proposed development:
	Demonstrate that proposed use is appropriate to site:
	Demonstrate how drainage and paving requirement will be met:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled: On-site: Off-site:

OTHER	<u>COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:</u>
	<ul style="list-style-type: none"> • Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue.

Confirmation of Information Accuracy	
<p>I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.</p>	
 _____ Signature	 _____ Date

3

Backyard

42.11 ft

59 ft

2

Daycare Existing

23'60"

11'

Kitchen

Dining Room

Bathroom

11'

Bedroom/Daycare 9'8"

Hallway

2

Garage

Living Room

10'12"

11'11"

11'

Bedroom

11'11"

42.5'

24'

Driveway

Proposed for Large Family Childcare
for Corine E. Williams
390 W. 22nd Street Riviera Beach, FL 33404

August 25, 2011 - Planning and Zoning Workshop

The Planning and Zoning Board for the City of Riviera Beach held a special workshop to discuss draft landscape regulations that focus on Florida Friendly design principles on Thursday, August 25, 2011 in the City Council Chambers, Municipal Complex, 600 West Blue Heron Blvd, Riviera Beach, FL 33404. The workshop began at 6:30 PM.

ROLL CALL

S. Lashea Brooks, Chairperson	Present
Richard Baumgart, Vice-Chair	Present
Gary Brannen, Board Member	Present
Rena James, Board Member	Present
Edward Kunuty, Board Member	Present
Caryn St. John, Board Member	Absent
Julius Whigham, Board Member	Present
Vacant, 1 st Alternate	Vacant
Vacant, 2 nd Alternative	Vacant

* Alternate given voting rights.

Present were P&Z Board Chairperson S. Lashea Brooks, P&Z Board Member Julius Whigham, Planning and Zoning Administrator Jeff Gagnon, Tom Mullin with Rose, Sundstrom & Bentley, LLP and citizen Gerald Ward.

a. Presentation by Staff.

Mr. Gagnon – Reviewed a power point presentation containing images of landscaping that demonstrate the intent of Florida Friendly (FLF) landscape design. Example from Florida Friendly Interactive Yard discussed; <http://www.floridayards.org/interactive/index.php>

Mr. Mullin – Discussed intent of draft landscape regulations. Existing homes do not have to modify established landscapes. Intent is to apply FLF regulations to new construction or significant redevelopment. City properties/buildings will have to come into compliance with these requirements in a set amount of time. FLF design uses less water, fertilizer, pesticides. The City is currently in the process of renewing a water use/consumption permit with the SFWMD and updating the landscape code to reflect FLF principles is one of the requirements for permit renewal.

b. Comments.

Mr. Whigham – How will this affect HOA's or POA's?

Mr. Gagnon – There is language in the ordinance that allows homeowners to incorporate FLF principles, even if HOA's or POA's have language that requires turf grass only.

Mr. Mullin – Explained that the FLF language is a relatively new requirement. Riviera Beach is one of the first to implement these changes.

Ms. Brooks – Why is that? What other cities have made these changes?

Mr. Mullin – It was just the timing of the City's water use permit expiring since SFWMD passed these requirements in 2009. Water use permits typically last for 10-20 years. Broward County has also made these amendments. We are the first in Palm Beach County.

Mr. Gagnon – Other local municipalities have more developed and extensive landscape codes in place. Although the City's existing landscape code requires many of the identified FLF principles, it was not thorough enough for SFWMD to move forward without requesting some updates.

Ms. Brooks – Yes. I know that Boynton has similar language already in place.

Mr. Mullin – SFWMD has a model code that they suggest to be implemented, which is more restrictive than what we are suggesting. Some examples is that all landscape professionals take extra training courses, which is omitted from this code.

Mr. Gagnon - Also, the percentage of allowable lawn area is stricter in the model language. This is a modification that Broward County was given some flexibility on as well.

Mr. Whigham – Is there any way for the City to present neighborhoods or individual property owners with awards or signage supporting the best FLF lawns? Maybe city council could make note of these locations. It could motivate neighborhoods and create a sense of pride.

All discussed comments provided by Mr. Kunuty (*italicized below*).

- *There seems to be a lot of levels of approval staff, City council, Director of CD and City Manager. Can we standardize this process?*
- *If an applicant is donating the trees etc to the city shouldn't the city absorb the cost of moving and re-planting?*
- *If a native plant can't be saved we shouldn't charge a \$250 per item. If the applicant is donating the plants we definitely shouldn't charge the applicant.*
- *This ordinance if creating a whole new level of approvals for any development.*
- *Are we also saying private homes are exempt?*
- *Can we simplify the ordinance so it does not hinder growth?*

Mr. Gagnon – Will further review approval processes referred to in the draft language to clarify/simplify approval processes as much as possible. Donation of trees was an idea for trees that are going to be removed due to development. It seemed like a positive practice to consider, however staff time and financial commitments from the city would have to be considered on a case by case basis.

Ms. Brooks – When I was working for the NSP program, that situation arose and 17 coconut palms were saved and relocated to different properties that needed additional landscaping. The need and ability to move the trees would have to be demonstrated.

Mr. Mullin – A majority of the existing approval processes were carried over to this draft from existing code.

Mr. Gagnon – Single family and Duplex homes are exempt from most of the proposed requirements, however there are some tree preservation/maintenance requirements proposed.

Mr. Mullin – Hindering growth is not desired, and additionally there is hardship relief available for anyone that may be overburdened by these requirements.

Mr. Whigham – Maintenance of right-of-way areas and city owned properties in an issue throughout the city. Street sweeping is needed in many locations as well.

Mr. Gagnon – Anticipates the creation of informational pamphlets discussing tree care and landscape maintenance.

Mr. Ward – Happy that Mr. Kunuty offered feedback, all points valid. The existing landscape code is not designed for south Florida and we need more suitable language. Photos shown in the presentation were not taken in Riviera Beach. Beach locations should be examined further. Landscaping can improve the community, reduce crime. If trees and shrubs are included in site design, along with a reduction of pavement, positive results are to be expected. We are not making progress with this particular ordinance, 40+ pages. SFWMD needs to site a particular FAC section that shows why this is necessary. People will do what is reasonable, however tree trimming requirements will have to target the people doing that work. Commercial operations should be targeted through licensing. The average citizen will never see the tree trimming requirements mentioned within this code. We will never educate 30,000 people on how to trim a tree. Effective licensing and enforcement of licenses is needed.

Mr. Gagnon – Tree maintenance standards are needed to be implemented so all working on trees knows what is expected, and that best management practices exist that help protect the health of trees. What we can do is provide all individuals on record with a landscaping oriented business license with this additional information.

Mr. Ward – This doesn't need to be in the landscape code and I will be objecting to it. SFWMD doesn't have the authority to require all mentioned in the model ordinance. The number of pages must be trimmed down, and possibly assigning sections of the code to individual board members for them to research and report back to the board. Parks & Rec and Public Works Depts needs to be involved in this process also.

Mr. Gagnon – Staff has received comments and direction and an updated draft will be presented at the next P&Z Board Meeting (9.8.2011).

Draft Landscape Ordinance Outline
To be discussed and reviewed – Planning and Zoning Board Meeting
9.8.2011 @ 6:30 PM, City Council Chambers

(Highlighted areas below may require additional attention/review)

Florida Friendly Landscape Regulations

- Purpose
- Definitions
- Applicability
- Exemptions
- General provisions
- Appropriate plant selection, location, and arrangement
- Landscape plan and irrigation plan requirements
- Installation and maintenance guarantee
- Standards for preservation of native vegetation areas
- Plant material standards and installation requirements
- Plant Material - Continued
- Landscape maintenance
- Landscape maintenance Continued
- Buffers for multifamily development, commercial and other nonresidential
- Development landscape requirements
- Parking areas for multifamily and nonresidential developments
- Turf areas
- Efficient irrigation
- Soils
- Yard waste management, composting and use of mulches
- Fertilizer and pesticide management
- Shoreline considerations
- Volunteer plants
- Violations, enforcement and penalty
- Hardship Relief
- Informational Material
- Conflicts and relationships to other laws

Also think about:

Inspections
Notice of violation – Code Enforcement / Dept. Com. Dev.
Tree lists, protected, prohibited – to be added
LEED Certification Bonus or Similar? Parking/landscaping
Green roof / deck calculations
No overall net loss of urban tree canopy desired.
Community Parks
Wild flower areas

Section 1. Chapter 31, Article VIII, “Landscape Regulations”, is hereby repealed in its entirety and a new Article VIII is adopted to read as follows:

ARTICLE VIII. FLORIDA FRIENDLY LANDSCAPE REGULATIONS

Purpose.

- (a) The provisions of this section shall be known as the "Riviera Beach Landscape Code" and "landscape code." The provisions of this Article shall be a minimum standard for landscape requirements within the municipal limits. The following items encompass the purpose of this Article:
- (1) To establish minimum standards for the development, installation, and maintenance of landscaping that incorporate Florida Friendly landscape principles within the City limits without inhibiting creative landscape design, construction and management.
 - (2) To provide minimum standards for landscaping new development or redevelopment, including parking areas and required buffers.
 - (3) To promote the establishment and maintenance of diverse, functional and sustainable landscapes that maximize the storage of sequestered carbon, aide in stormwater management, improve air quality, and conserve energy while reducing greenhouse gasses and the amount of water needed to sustain them.
 - (4) To protect and enhance local aesthetic character while increasing biodiversity and wildlife.
 - (5) To provide economic and social benefits by incorporating plant material as a function of sustainability and as an integral part of urban development within the City.
 - (6) To promote water conservation, water quality improvement, and vegetation protection objectives by providing for:
 - (a) The implementation of Florida-Friendly Landscaping™ principles as identified by the Florida Yards and Neighborhoods program operated by the University of Florida's Institute of Food and Agricultural Services Extension ("UF/IFAS Extension") and Best Management Practices ("BMPs") identified in the *Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries* (2008), and as provided by law.
 - (b) The use and proper placement of site-appropriate plant materials.
 - (c) The preservation of existing native plant communities.
 - (d) The reestablishment of native plant communities.
 - (e) The use of guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers and pesticides.

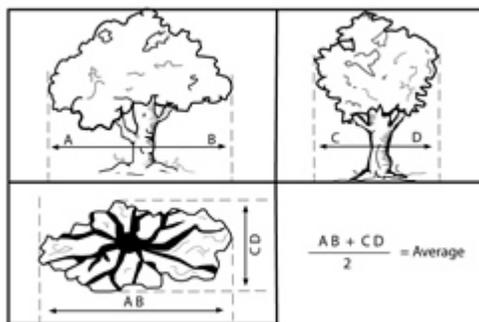
Definitions

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and the word "person" includes a firm, corporation, county, municipal corporation, or natural person. The term "Council" shall mean City Council of the City of Riviera Beach, and the word "City" shall mean the City of Riviera Beach. The word "used" shall be deemed to include the words "arranged", "designed", or "intended to be used", and the word "occupied" shall be deemed to include the words "arranged", "designed", or "intended to be occupied". Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

- (1) *Appeal* means any request for a review of a decision of an administrative determination of the community development director to the zoning board of adjustment.

- (2) *Aquascape* means the planting of aquatic and wetland plants in the enhancement, restoration, or creation of freshwater, estuarine, or marine systems.
- (3) *Automatic Controller* means a mechanical or electronic device, capable of automated operation of valve stations to set the time, duration and frequency of a water application
- (4) *Best Management Practices (BMPs)* means a practice or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.
- (5) *Bioretention* means an engineered process to manage stormwater runoff, using the chemical, biological and/or physical properties found in a natural, terrestrial-based community of plants, microbes and soils.
- (6) *Buffer* means a landscape area that may include walls, fences, berms, trees, shrubs, hedges, ground cover and other plant materials.
- (7) *Buffer screen* means a portion of a buffer which includes a six foot high, opaque vegetative landscape screen designed and maintained to visually screen a development or portion thereof from adjacent property within one year of construction and planting.
- (8) *Canopy* means the upper portion of a tree consisting of limbs, branches and leaves.
- (9) *Champion tree* means the largest tree of a species which has been designated by the State Department of Agricultural and Consumer Services, Division of Forestry.
- (10) *Clear trunk* means the distance between the top of the root ball along the vertical trunk(s) of a tree to the point at which lateral branching or fronds begin.
- (11) *Constant Pressure/Flow Control* means a device that maintains a constant flow, or pressure, or both.
- (12) *Crown (see canopy)*
- (13) *Crown Spread, Average* is determined by taking the widest horizontal distance (spread) of the crown and averaging it with a crown spread measurement taken at right angles to the widest measurement.



a.

- (14) *Developed landscape area* means that portion of the property where pre-development vegetation is to be removed.
- (15) *Diameter at breast height (DBH) circumference or caliper* means the trunk diameter of a tree measured at 4½ feet above ground level from the base of the tree. If the tree trunk forks below 4½ feet above ground level, the city shall consider each trunk to be a tree.

- (16) Drip line means a vertical line extending from the outermost branches of a tree to the ground, provided that the same shall not be less than a ten-foot diameter circle, drawn through the center of the trunk of a tree.
- (17) *Ecosystem* means a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among and between species and their environment.
- (18) *Endangered species, threatened or rare species, and species of special concern* means a species listed as endangered, threatened or of concern by one or more of the following agencies: U.S. Fish and Wildlife Service; Florida Game and Fresh Water Fish Commission; Florida Department of Agricultural and Consumer Services; Florida Committee on Rare and Endangered Plants and Animals.
- (19) *Emitter* means the device used to control the applications of irrigation water. This term is used to refer to the low flow rate devices used in micro-irrigation systems.
- (20) *Environmentally sensitive land* means land which has unique ecological characteristics and/or functions, rare or limited combinations of geological formations, and/or features of rare or limited nature constituting habitat suitable for fish, plants or wildlife.
- (21) *Exempt trees* means the trees in appendix A are exempt from the tree protection requirements of this article.
- (22) *Evergreen* means those trees, including broad-leafed and conifer evergreens, that maintain their leaves year round.
- (23) *Excessive lifting or lion-tailing* means improperly pruning a tree in a manner that removes or thins all or most of the tree's lower and interior branches resulting in a clump of terminal foliage at the ends of branches. This results in a top-heavy tree, disfigures the tree's natural form and increases the chance for branch breakage and the likelihood of a tree to fall during a storm event.
- (24) *Filter* means a device in irrigation distribution systems that separates sediment or other foreign matter.
- (25) *Florida Friendly* means practices, materials, or actions that help to preserve Florida's natural resources and protect the environment.
- (26) *Florida Friendly Landscape*. See "Xeriscape" for statutory definition; A landscape that incorporates the BMPs and philosophies promoted by programs such as Florida Yards and Neighborhoods/Environmental Landscape Management.
- (27) *Groundcover* means low growing plant species other than turf grass, used to cover the soil, that forms a continuous, low mass of foliage, normally reaching an average maximum height of 24 inches at maturity. Ground cover must present a finished appearance and reasonably complete coverage at time of planting if used in lieu of grass.
- (28) *Grubbing* means the removal of vegetation from land by means of digging, raking, dragging or otherwise disturbing the roots of vegetation in soil in which such roots are located.
- (29) *Hardscape* means areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation.
- (30) *Hatracking or tree topping* means to improperly prune a tree in order to permanently maintain growth at a reduced height. It also means to flat-cut a tree, severing the leader or leaders. Hatracking involves pruning a tree by stubbing off mature wood larger than one inch in diameter; or reducing the total circumference or canopy spread not in conformance with National Arborists Society standards.
- (31) *Hedge* means a row of closely and evenly spaced shrubs or other vegetation planted to form a dense, continuous, unbroken visual screen.
- (32) *High Water Use Plants* means plants that require irrigation to provide supplemental water on a regular basis in addition to natural rainfall, or are so identified by a regulatory agency having jurisdiction. When placed in a naturally high water

table area appropriate to the plant such that irrigation is not required, such plants shall not be considered high water use for the purposes of this ordinance.

- (33) *Hydrozone* means a distinct grouping of plants with similar water needs and climatic requirements.
- (34) *Impervious area* means a surface not allowing the passage of air and water to the root system of trees and other vegetation. Runoff is water applied to the soil or landscape that is not absorbed and flows from the area. A pervious area is a permeable surface area allowing passage of surface water and air to the root system of a tree. A pervious area shall be free of significant amounts of clay, shell, marl, limestone or other road-base material unless expressly permitted in the context thereof but the owner may surface it with turf blocks or similar nontoxic products.
- (35) *Infiltration Rate* means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).
- (36) *Installation and maintenance guarantee* means a document which binds the developer or property owner of a development to guarantee the amount, installation, and maintenance of required landscape and irrigation materials. The agreement shall include a listing of the required landscape and irrigation materials and shall guarantee the installation of irrigation devices and the survival of 100 percent of the living materials from two years of planting. The agreement shall specifically provide that if not all of the required landscaping remains in a healthy, growing condition after two years of planting, the owner shall replace and thereafter maintain such landscaping in a healthy, growing condition. Security, for 110 percent of the plant materials and irrigation components shall be submitted to the city with the agreement. Such security shall be retained (or used to fund needed improvements) for not more than two years.
- (37) *Irrigated landscape area* means all outdoor areas that require a permanent irrigation system.
- (38) *Irrigation System* means an artificial watering system designed to transport and distribute water to plants.
- (39) *Irrigation Zone* means a grouping of soakers, sprinkler heads, bubblers or microirrigation emitters operated simultaneously by the control of one valve.
- (40) *Land clearing* means any development, vegetation removal, grading or other activity that alters the land it is located on.
- (41) *Landscape* means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, palms or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences), but excluding paving. Decorative statues or sculptures are permissible but shall not substitute for any requirement.
- (42) *Landscape Construction Documents or Landscape Plan* may include a planting plan, a landscape layout plan, an irrigation plan, a grading and drainage plan, detail sheets and written specifications. Plans shall be numbered, dated, North arrow indicated, scaled, and sealed by an appropriately licensed professional where required by Florida Statutes Chapter 481, Part II.
- (43) *Landscape Design* means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for placement of tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.
- (44) *Landscape Layout Plan* means 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 be numbered, dated, North arrow indicated, scaled, and sealed by an appropriately licensed professional where required by Florida Statutes Chapter 481, Part II.
- (45) *Landscape strip* means a strip containing trees, barriers, ground cover or other plant material as required by this Article.

- (46) *Landscaped Area* means 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 Chapter 373.185(1)(b), F.S.
- (47) *Lawn grass* shall include all species normally grown as permanent lawns in the county. Grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in areas subject to erosion. In areas where other than solid sod or grass is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.
- (48) *Light pollution* means any adverse effect of artificial light including skyglow, glare, light trespass, and light clutter, resulting in energy waste.
- (49) *Low-flow Point Applicators* means irrigation applicators with output less than 60 gallons per hour (gph).
- (50) *Low Maintenance Area (AKA No-Mow-Zone)* means a designated area within a landscape that is planted and managed in order to minimize or eliminate the need for mowing, watering and fertilization.
- (51) *Low Maintenance Riparian Zone* means an area that is at least ten feet wide adjacent to a water body which is planted and managed in order to minimize the need for maintenance such as mowing, watering, fertilizing, etc.
- (52) *Low Water Use Plants* means plants that do not need supplemental water beyond natural rainfall, or are so identified by a regulatory agency having jurisdiction.
- (53) *Microclimate* means the climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind, than surrounding areas or the area as a whole.
- (54) *Microirrigation (low volume)* means the application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation, that deliver water directly to plant root zones with a high degree of efficiency, no runoff, and little to no evaporation.
- (55) *Moderate Water Use Plants*. Plants that need supplemental water during seasonal dry periods.
- (56) *Moisture Sensing Device or Soil Moisture Sensor*. A device to indicate soil moisture in the root zone for the purpose of controlling an irrigation system based on the actual needs of the plant.
- (57) *Mulch* means non-living, organic, materials used in landscape design to impede erosion, retain moisture, control weeds, enrich the soil and reduce soil temperature.
- (58) *Native Vegetation* means any plant species with a geographic distribution indigenous to Palm Beach County as in **Appendix B all, or part, of the State of Florida as identified in: Wunderlin, R. P. 1998. Guide to the Vascular Plants of Florida. University Press of Florida, Gainesville.** New development means the construction of a building or structure on unimproved real property.
- (59) *Nuisance species* means an exotic invasive species recognized as such by the Florida Exotic Pest Plant Council, or similar, which include but are not limited to Australian Pine (*Casuarina equisetifolia*), Brazilian Pepper (*Schinus terebinthifolius*), and Punk Tree/Maleleuca (*Maleleuca quinquenervia*).
- (60) *No-Mow Zone* see definition for *Low-Maintenance Area*.
- (61) *Palm* means a plant belonging to the monocot order, of the family *Palmae*, distinguished by having unbranched single or multi-trunks crowned by large, compound pinnate or palmate leaves/fronds.

- (62) *Parking area* means all property used for off-street parking, vehicular aisles and access ways, loading zones, interior and perimeter landscaping, and other outdoor vehicular use areas.
- (63) *Pervious Paving Materials* means a porous asphaltic, concrete or other surface and a highvoid aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.
- (64) *Plant Bed* means 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.
- (65) *Plant Communities* means an association of native plants that are dominated by one or more prominent species, or a characteristic physical attribute.
- (66) *Point of Connection (POC)* means the location where an irrigation system is connected to a water supply.
- (67) *Planting Plan* means specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials.
- (68) *Pop-up Sprays* means spray heads that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.
- (69) *Pressure Tank* means a pressurized holding tank for irrigation water coming from wells to minimize cycling of the water pump.
- (70) *Pruning* means the proper cutting or trimming of tree limbs or palm fronds in accordance with national arborists standards or American National Standards Institute (ANSI) A300 Standard for tree care operations. Proper pruning results in improved tree health and appearance. Improper pruning can result in branch and trunk decay and also leave the tree more susceptible to disease and insects (see hatracking).
- (71) *Pruning, directional* means a pruning technique that reduces the crown of a tree without topping or hat tacking branches. This technique utilizes proper cuts, does not leave a stub, and does not disturb the branch collar and the branch bark ridge. This technique is most often used when a tree is or has the potential to interfere with a utility line or other obstruction.



- (72) *Pump Cycling* means an irrigation pump coming on and shutting off frequently during operation of irrigation systems.
- (73) *Rain Sensor Device*. A low voltage electrical or mechanical component placed in the circuitry of an automatic irrigation system that is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.
- (74) *Remove or removal* means actual or effective removal through killing, damaging, or destroying of any trees that are not exempt trees.

(75) *Renovation development* means a development that includes:

- a. Additions to existing buildings or structures totaling 25 percent or more of the total gross floor area of all existing buildings or structures on the site inclusive of any additions made during the previous three years; or
- b. Improvements to existing buildings and site improvements consisting of any combination of repairs, reconstruction and alteration to a building or site the cumulative costs of which, according to most current edition of the Southern Building Code valuation (updated annually), equal or exceed \$25,000.00.

(76) *Replacement tree* means a tree from the list of native vegetation contained in this landscape code deemed acceptable by the community development director as a replacement tree(s) for any tree(s) removed.

(77) *Restoration plan* means a landscape plan required to address violations of this landscape code and prepared in accordance with the requirements outlined herein.

(78) *Runoff* means water that is not absorbed by the soil or landscape and flows from the area following irrigation or a storm event.

(79) *Shade tree* means a hardwood tree that locally reaches a minimum height of 25 feet at maturity, and provides relief from direct sunlight for at least six months of the year.

(80) *Shrub* means any woody perennial plant of low height, characterized by multiple stems and branches continuous from the base. Shrubs shall be a minimum of 24 inches in height and have a minimum 12-inch spread or be a 3-gallon container size at planting.

(81) *Site Appropriate Plant* means a plant that after establishment, will thrive within the environmental conditions that are normal for a specific location without artificial supplements such as irrigation.

(82) *Skyglow* means the illumination of the night sky or parts of it, most commonly created by artificial light sources. See *Light pollution*.

(83) *Soil Moisture Sensor*. See *Moisture Sensing Device*.

(84) *Soil Texture* means the classification of soil based on the percentage of sand, silt, and clay in the soil.

(85) *Spread* means...refer to crown.

(86) *Tree* means a self-supporting, woody, perennial plant, growing locally to a 15 feet or greater height with a minimum mature crown spread of 15 feet or greater. It also has a trunk the owner can maintain with over six feet of clear wood. No provision relating to trees in this landscape code shall include exempt trees. (height @ planting? 10feet+)

(87) *Tree abuse* means improperly pruning, cutting, hat-racking, or shaping a tree to the extent that more than 25% of the canopy is removed within a year. Visual indications of tree abuse are stub cuts, ripping or tearing of bark below fresh cuts

(88) *Turf and/or Turfgrass* means a mat layer of monocotyledonous plants such as Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia.

(89) *Vacant development* means a building or buildings comprising a single development and having remained unoccupied for not less than 180 days.

(90) *Valve* means a device used to control the flow of water in the irrigation system.

(91) *Vine* means any plant with a long slender stem that trails or creeps on the ground or climbs by winding or attaching itself on a support such as walls, poles, trees, etc.. They shall be a minimum of 36 inches in height at planting and may be used in conjunction with fences, screens or walls to meet physical barrier requirements.

(92) *Visibility triangle* means the area of land described as either of the following:

- a. The triangular area of property on each side of a driveway formed by the intersection of the driveway and the public right-of-way 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 two other sides; or
- b. The triangular area of property located at a corner formed by the intersection of two or more public rights-of-way. Two sides being 25 feet in length along the abutting public right-of-way lines and pavement edges, measured from their point of intersection, and the third side being a line connecting the ends of the two other sides. Refer to the landscaping exhibit A for a visual representation of a visibility triangle.

(93) *Volunteer plant* means a plant that has been deposited and has naturally germinated which was not intentionally planted or contemplated as part of a landscape plan.

(94) *Water Use Zone*. See "Hydrozone".

(95) "*Xeriscape*" or "*Florida-friendly landscape*" means quality landscapes that both conserve water and protect the environment, are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance. (Ref. 373.185 F.S.)

Applicability

(a) Specific application of the provisions of this Article shall include, but not be limited to:

- (1) All new, redeveloped, or rehabilitated landscapes for public projects and private development projects, including, but not limited to, industrial, commercial, residential, and recreation projects, including new single-family and two-family homes;
- (2) Developer-installed landscapes at entrances into and common areas of single-family and multi-family projects; and
- (3) Any development approved prior to the Effective Date of this Article if the approved site plan is amended.

(b) This chapter shall apply to all new residential and nonresidential development or to the expansion or redevelopment of existing development. Individual single family dwellings and duplexes shall be exempt from the provisions of this chapter with the following exceptions:

- (1) Swales, visibility at intersections, pruning of trees, turf and weed heights, edging of curbs, sidewalks and roadways, exempt or prohibited species, native trees, tree canopy clearance, vegetation removal as it applies to street trees and/or trees required as part of a site and/or landscape plan approval or required to satisfy minimum landscaping requirements. (refer to all applicable Sec.?)

(c) The provisions of this Article shall apply to the development, redevelopment, rehabilitation, and maintenance of all property within present or future incorporated areas of the City, which are subject to the City's Land Development Regulations and Code of Ordinances. All buildings, structures and changes of use requiring Site Plan Review shall require a submittal of a landscape plan. Landscape plans shall be prepared by a registered landscape architect, or other person authorized pursuant to Sections 481.301 through 481.329, F.S., as amended. Landscape plans for single-family and duplex dwellings may be prepared by the property owner instead of a landscape architect.

- (d) No department shall issue a permit provided for herein in violation of this chapter. Compliance with this chapter will be confirmed via permit application/landscape plan. The standards and requirements contained in this chapter are continuing and do not expire upon issuance of the final certificate of occupancy or certificate of completion.
- (e) No permit shall be issued for building, paving, grading or tree removal unless the construction documents comply with the provisions hereof.
- (f) No new Certificate of Occupancy or Certificate of Use shall be issued until the requirements herein are met to the fullest extent possible, as determined by the Director of Community Development.
- (g) All City facilities shall be managed in accordance with these principles within one year of the Effective Date of this Article. All City landscape service contractors will adhere to the practices outlined within. All new bid specifications and contracts will reflect this requirement beginning one year after the Effective Date of this Article.
- (h) All new and renovated City facility landscapes will be designed in accordance with these principles and be constructed and installed utilizing Florida Friendly landscape methods and materials.
- (i) The following activities or uses are explicitly exempted from the provisions of this Article:
- (1) Bonafide agricultural activities, as defined by Florida Statute;
 - (2) Turf grass and/or play areas associated with golf courses and specialized athletic fields;
 - (3) Any development that is governed by an approval, final site development plan or a valid building permit issued prior to the Effective Date of this Article is exempted from retrofitting or meeting the specific provisions related to efficient irrigation. Existing development is not exempted from those provisions affecting management or maintenance;
 - (4) Rights-of-way for public utilities, including electrical transmission and distribution lines, and natural gas pipelines;
 - (5) Turf grass in stormwater management areas;
 - (6) Community recreation and play areas;
 - (7) Historically recognized community landmarks;
 - (8) Cemeteries; and
 - (9) Environmental restoration projects.
- (j) If the provisions of this Article conflict with other Ordinances or Regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

Exemptions.

- (e) The following are exempt from the permitting and review process of this landscape code:
- (1) Pruning or removal of damaged trees after a natural disaster or act of nature such as a hurricane shall be done according to current best management practices (ANSI A300 or similar). If a damaged tree maintains the necessary structural stability to regenerate, it is not to automatically be removed, as it may recover and obtain a desirable form with future maintenance and supervision. If the vital structural elements of a tree have been compromised, the tree shall be removed and replaced with same or similar tree species.

- (2) The removal of trees or other landscape element damaged by fire, windstorm, lightning, or other acts of nature, which pose imminent danger to life or property;
- (3) The removal of landscaping specifically grown as landscape material for resale, including all licensed nurseries and botanical gardens;
- (4) The removal of exempt trees, as defined in this landscape code;
- (5) The removal of damaged or hazardous trees in conjunction with a declared emergency.

General Provisions.

- (1) Low impact site design practices, such as preserving existing native trees and vegetation, shall be used whenever feasible. Where established native vegetation is incorporated into the landscape design, irrigation of those areas shall not be required. Vegetation preserved in this manner can be counted towards the total number of required plants needed for site plan approval, but shall not substitute for landscaping required within buffer areas or parking areas elsewhere onsite.
- (2) The plant palette and irrigation system shall be appropriate for site conditions, which include but are not limited to soil quality and type, elevations, available shade, and proximity to water bodies (fresh/salt water), taking into account that, in some cases, berms and soil improvement may enhance water use efficiency and plant health.
- (3) All landscapes must be designed and planted in accordance with Florida-Friendly Landscaping principles. The percentage of landscaped area, excluding turfgrass areas, incorporating the use of high water use hydrozones shall be minimized to no more than twenty (20) percent of the total non-turf grass landscaped area.
- (4) Plant material shall be grouped together by irrigation demand. The percentage of landscaped area requiring high water use irrigation hydrozones should be minimized, and substituted with plants requiring lower amounts of water to survive and thrive whenever feasible.
- (5) High water use hydrozones and turfgrass areas should be located away from impervious surfaces such as parking areas and sidewalks to avoid water runoff and wastage. Narrow strips of turfgrass shall be minimized or eliminated from landscape designs and replaced with low-maintenance ground covers.
- (6) Site designs and landscape plans shall be prepared in accordance with the requirements of all applicable Florida and local laws, rules, regulations and ordinances. All landscape and irrigation system designs shall be consistent with the standards required by Section 373.228, F.S., as amended.
- (7) The landscape plan shall consider natural drainage features that minimize runoff and maximize on-site infiltration. The use of pervious surfaces and areas is preferred; therefore impervious surfaces and materials within the landscaped area shall be limited to walkways, step stones, small decorative features or garden accents and other similar materials. Use of pervious paving materials, where appropriate, is encouraged. Refer to the City's Comprehensive plan for appropriate pervious/impervious ratios.
- (8) The landscape plan should consider the soil requirements for trees based on their size at maturity and their distance from adjacent paved/hardscape areas and utility infrastructure. Larger soil volumes lead to greater tree size, better tree health, longer tree life, greater environmental benefits, and fewer costs, such as those associated with tree replacement and damage by roots to property improvements and infrastructure.
- (9) Reclaimed or non-potable water should be used for irrigation if an acceptable source is determined to be available by the water provider.

- (10) Landscaped areas shall be located on a site in such manner as to maximize preservation of existing trees with priority given to specimen trees.
- (11) The property owner shall not place impervious/hardscape areas within five feet of the base of an existing protected tree.
- (12) The property owner shall install mulch within all planting areas and around all trees to a depth of three inches. The type of mulch shall be specified on the landscape plan.
- (13) Not less than 75 percent of a required shoreline buffer shall consist of native vegetation.
- (14) An opaque, minimum six-foot high masonry wall or wood fence shall screen the location of all trash receptacles, including dumpsters. A hedge shall be installed around the perimeter of this screen. Dumpsters shall be sited so as not to be visible from the public right-of-way. Metal gates or similar, shall be used to screen trash receptacles from view from the public right-of-way. All dumpsters must be screened (to greatest extent possible) within one year after the adoption of this code.
- (15) The owner shall exhibit all lighting details on or included with all landscape plan submittals. Efforts shall be made to reduce light pollution, which includes light trespass, and skyglow through the use of shielding and proper lighting elements. Proposed elements that will mitigate light pollution shall be described and noted on the plan. Lighting details shall be reviewed for public safety concerns by the Director of Community Development or designee, in accordance with site plan review procedures. Standards for coastal lightning as described in Palm Beach County's Unified Land Development Code, Environmental Standards (Article 14) shall also be incorporated when applicable.
- (16) So long as the parking area remains screened from the public right-of-way and adjacent private property, landscape materials may be clustered, and hedges may be replaced or interrupted in areas, which provides for decorative wall, berms and other creative landscape features. This allows for flexibility and creativity in design standards. The Director of Community Development or designee, must approve of such modification in accordance with site plan review procedures, and it must be consistent with the intent of this landscape code.
- (17) The required landscaping (not less than 20 percent of the total gross area) shall be increased by ten (10) square feet for each additional parking space exceeding the minimum number of parking spaces required by the City of Riviera Beach Land Development Code and the Director of Community Development or designee,. The additional landscaping shall be designed in accordance with the standards of these regulations. For each additional 100 square feet of impervious areas or fraction thereof, the owner shall provide one shade tree in addition to shrubs, ground cover, grasses and mulch. Additional turf grass areas are not allowed.
- (18) The base of each permitted freestanding sign shall be surrounded by a three foot landscape area around the perimeter of the sign. This three foot area shall be planted with low-growing plant material in a manner that will present a full and finished appearance within a six month period from planting. Completion of this requirement is mandatory prior to the final inspection and approval of any new freestanding sign or sign face change.
- (19) The maximum percentage of gravel or decorative rocks used at landscape elements shall be a maximum of 25% of the total required landscape area.
- (20) Landscaped areas shall be protected from vehicular encroachment by curbing and wheel stops where appropriate.
- (21) The owner shall eradicate and remove all category 1 exotic nuisance vegetation as defined by the Florida Exotic Pest Plant Council as part of the site preparation process before a certificate of occupancy or certificate of completeness shall be issued.
- (22) The owner shall retain all native vegetation not located in areas requiring their removal as part of the development plan, in an undisturbed state. At minimum, 20 percent of the total gross area of the development site shall be landscaped and the landscaped areas shall be located in such manner as to maximize preservation of existing trees.

Such areas of native vegetation shall be screened using a protective barrier during construction. The type of screening shall be approved by the community development director before a permit to clear the property will be issued. The fee shall be the minimum charged by the city for permits.

- (23) Vegetation that is set aside for preservation shall be protected from all on-site construction. Protective barriers shall be installed along the perimeter of all preserve areas and constructed at such intervals to prevent machinery from passing between them. No equipment or materials shall be permitted within set-aside areas, and dumping of excess soil, liquids, or other construction debris into preserved areas is prohibited. Removal or re-grading of soils within preservation areas is prohibited. Any damaged vegetation within the set-aside areas shall be replaced with vegetation equivalent to the vegetation that was destroyed. Protective barriers shall be established and remain around all preserve areas and trees until final landscape inspection approval.
- (24) Existing healthy trees which have a caliper of one and one half inch DBH, or larger, and which are not prohibited trees, may be credited toward meeting the minimum number of required trees. However all buffers and parking areas are required to comply with the parking area landscape requirements.
- (25) A tree removal permit or land clearing permit must be obtained from the city before removing any tree of three inches DBH or greater, unless the tree has been determined to be an invasive or noxious species which can be removed without a permit.
- (26) Please refer to Sec. 30-37 Natural features preservation, for additional preservation requirements for subdivisions.

Appropriate plant selection, location, and arrangement

- (a) Plant selection should be based on the plant's adaptability to the existing conditions present at the landscaped area and native plant communities, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color and texture. Plant species that are drought, wind and/or salt tolerant with some cold tolerance are preferred. Additionally, plants that have a high ecological value, (plants providing important or unique food sources or habitat for animals and/or insects) shall be incorporated into plant selection strategy.
- (b) For purposes of determining prohibited and controlled plant species refer to the Department of Agriculture and Consumer Services rule, Chapter 5B-57 Florida Administrative Code. Plants named in this rule may not be used except as allowed in Chapter 5B-57. Additionally, the Florida Exotic Pest Plant Council's (FLEPPC) list of invasive species shall be used to determine the invasive status of any plant species. Customarily, FLEPPC's list is available online and is updated every two years.
- (c) Plants shall be grouped in accordance with their respective water and maintenance needs. Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together. The water use zones (hydrozones) shall be shown on the irrigation, layout, and planting plans (where required). Where natural conditions are such that irrigation is not required, the presence of site appropriate plants shall not be considered a high water use hydrozone.
- (d) The combined size of all high water use hydrozones shall be limited to 20% of the total landscaped area. In landscapes irrigated with recycled water, the allowable size of all high water-use zones shall be limited to 75% of the total landscaped area. These high water-use limits do not apply to landscaped areas requiring large amounts of turf for their primary functions, e.g., ballfields and playgrounds (refer to ???).

Landscape plan and irrigation plan requirements.

- (a) Prior to any lot clearing, or the development or redevelopment of any open space, vehicular use area, multifamily or nonresidential development, a permit from the Department of Community Developments' Building Division shall be required. A landscape plan shall be submitted and must be approved as part of the site plan review process, before the

issuance of a building permit. All landscape plans shall be prepared in accordance with the requirements set forth in this landscape code.

- (b) The following information is required on all landscape plans:
- (1) Plans shall be signed and sealed as per Florida Statutes, Chapter 481.321 'Seals; display of certificate number.', which states "All final plans, specifications, or reports prepared or issued by the registered landscape architect and filed for public record shall be signed by the registered landscape architect, dated, and stamped or sealed electronically with his or her seal. The signature, date and seal constitute evidence of the authenticity of that to which they are affixed". Additionally, the parcel control number and address of the property location as well as the name, address, and telephone number of the applicant, and the Florida Registered Landscape Architect, Architect, Engineer or other applicable professional shall appear on the plan.
- (c) Landscape plans shall meet the following standards:
- (1) A minimum scale of one (1) inch equals fifty (50) feet;
 - (2) Location of all trees, vegetation, or ecological communities to be preserved, and tree survey if applicable;
 - (3) Location of all landscape material to be used with identification coding, including location and specifications of all inanimate materials, such as mulch, rocks, stepping stones and gravel;
 - (4) Landscape material schedule/table listing all plants being used with their botanical and common name and where applicable, cultivar name; spacing of plants, quantities and container size of each type of plant, size of plant material at time of planting, and typical mature height and spread of landscape material.
 - (5) Indicate if plant material is native to South Florida, list the degree of drought tolerance, wind and salt resistance and ecological importance (recognized as an important or unique food or shelter source for animals and/or insects) and include source of information.
 - (6) Typical planting illustration/details for trees, palms, shrubs, groundcover and sod.
 - (7) Location of existing and proposed water bodies and retention areas.
 - (8) Location and outline of existing buildings and site improvements to remain in addition to any proposed buildings and site improvements, including structures such as sheds, pools, fountains, fences and retaining walls, pad-mounted units, green roof areas, planters;
 - (9) Existing and Proposed elevations;
 - (10) Location of existing and proposed hardscape features such as driveways, sidewalks, vehicular use areas, parking spaces, cross-lot driving corridors;
 - (11) Location and type of site lighting;
 - (12) Location and dimensions of any freestanding signage;
 - (13) Location of all underground and overhead utilities;
 - (14) Any other factors affecting the proposed use of the property.
- (d) Irrigation plans shall meet the following standards;
- (1) A minimum scale of one (1) inch equals fifty (50) feet;
 - (2) Location of existing trees, vegetation and ecological communities to remain, if applicable;
 - (3) Location of existing buildings, paving and site improvements to remain or proposed;
 - (4) Irrigation points of connection (POC) and design capacity;
 - (5) Water service pressure at irrigation POCs;
 - (6) Water meter size;
 - (7) Major components and location of the irrigation system, including all pumps, filters, valves, and pipe sizes and lengths;
 - (8) Reduced-pressure-principle backflow-prevention devices for each irrigation POC on potable water systems and specifications;
 - (9) Controller locations and specifications, with location of rain shut-off devices or soil moisture sensors;
 - (10) The irrigation legend will have the following elements: Separate symbols for all irrigation equipment with different spray patterns and precipitation rates and pressure compensating devices; general description of equipment; manufacturer's name and model number for all specified equipment; recommended operating pressure per nozzle and bubbler and low-flow emitter; manufacturer's recommended overhead and bubbler irrigation nozzle rating in gallons per minute or gallons per hour for low flow applicators; minimum (no less than 75% of maximum spray radius) and maximum spray radius per nozzle; and manufacturer's rated precipitation rate per nozzle at specified psi; and
 - (11) Zone layout plan (minimum scale 1" = 20') which indicates the following;

- i) Head type, specifications and spacing;
 - ii) Methods used to achieve compliance with landscape irrigation design standards and required irrigation zones as required by this Article and Section 373.228, F.S., as amended.
- (c) **For all lot clearing**, development and redevelopment that may remove protected trees or plant communities as determined by the Director of Community Development:
- (1) The owner shall submit a vegetative analysis describing the vegetative cover existing on site, along with a tree survey identifying all native and protected trees with a caliper equal to or greater than **one and one half** inches DBH. Additionally, all native and protected palms with more than **five** feet of clear trunk shall be noted on the tree survey. Finally, any rare or unique vegetation, rock structures, natural formations or plant communities shall be incorporated into the tree survey and vegetative analysis.

Installation and maintenance guarantee.

The owner or lawful occupant shall provide an installation and maintenance guarantee and security at 110 percent of the cost of the landscape and irrigation, in a form acceptable to the community development director, typically in the form of a landscape bond for a period of two years. The owner shall do this before the city performs a final landscape inspection or issues a certificate of occupancy for any portion of a landscaped development. This is to guarantee the installation and maintenance of the required landscaping and the irrigation system in accordance with this landscape code and other applicable ordinances of the city. This guarantee shall list all required landscape materials and describe the irrigation system to which it pertains. Security (110 percent of the cost of the plant materials and irrigation components), acceptable to the city, shall be submitted with the agreement. If the owner does not maintain the landscaping for two years, the city shall use the security deposit to maintain or replace unacceptable plant materials and irrigation components. After a two year period has passed from the date of the final landscape inspection and approval of the owner maintaining the plant material in a healthy, growing condition, the city will return any remaining security to the owner.

Standards for preservation of native vegetation areas

- (1) This section shall apply to all new developments of five acres or more permitted after approval of this regulation that meet the following criteria:
 - a. Parcels or lots independent of larger developments that are less than five (5) acres in size shall not be subject to these set-aside requirements. Tree preservation ordinances and all other landscape requirements shall remain applicable to all development as described within the landscape regulations.
 - b. This section mandates a total of **10%** percent of a site planned for development be set aside for preservation if that site is five acres or greater. When clearing, **10%** of the native vegetation on the site shall be preserved. If vegetation is not present on site, established open space zoning and landscape ordinance criteria shall be followed.
 - c. Vegetation that is set aside for preservation shall be protected from all on-site construction. Protective barriers shall be installed along the perimeter of all preserve areas. Protective barriers shall be constructed at such intervals to prevent machinery from passing between them. No equipment or materials shall be permitted to be stored within the set-aside areas, and dumping of excess soil, liquids, or any other construction debris within the preservation areas is prohibited. Removal or re-grading of soils within preservation areas is prohibited. Any damaged vegetation within the set-aside areas shall be replaced with vegetation equivalent to the vegetation destroyed before any certificates of occupancy or other approvals may be issued. Utilities, stormwater easements and right-of-ways are exempt but should avoid preserved areas. Although not specifically required, creative alternatives to common practice in these areas may be eligible for incentives.

- d. Areas that are considered to be of high ecological importance should be given highest priority for protection. These areas include, but are not limited to, areas that have occurrences of federal and state listed species of flora and fauna, areas of high biological diversity, and areas that are in aquifer recharge zones.
- e. If more than one native terrestrial plant community is present on the site, areas representing all existing plant communities shall be preserved onsite unless preserving more of one particular community is more ecologically beneficial.
- f. High-quality areas placed in preservation shall be retained in entirety, in their current or improved natural state, and protected into perpetuity regardless of ownership. This requirement may be negotiated to create contiguous preservation among plant communities. The developer shall prove to the reviewer, through exhibits provided during the site approval process, that the highest ecologically valued land is being retained first in order to satisfy the set-aside requirement. If the preservation of the highest ecologically valued land produces undue burden on the development of the property, it is also the developer's responsibility to prove such hardship and provide an acceptable alternative for approval.
- g. Areas set aside for preservation should be contiguous parcels of land that are interconnected and considered viable habitat for wildlife to the extent practical. Small fragmented areas of preservation should be avoided when possible.
- h. Rights-of-way and areas determined to be future rights-of-way in the comprehensive plan, and utility or drainage easements shall not be allowed as designated set-aside areas.

Plant material standards and installation requirements

(a) *Plant material standards.*

- i. At least 70 percent of all required landscaping in the form of trees, shrubs, ground cover, and grasses shall collectively consist of native vegetation, excluding turfgrass. The owner may select the native vegetation from **appendix B. Native vegetation plant list.**
- ii. At least 75 percent of all required trees shall consist of a native, shade tree species. Not more than 20 percent of all required trees shall be of a palm species. When palm species are used, they shall have a minimum of eight feet of clear trunk at time of planting.
- iii. At least 20 percent of all required landscaping shall consist of plant material that is recognized as being ecologically significant (plants providing significant food sources or habitat for desirable wildlife; animals, birds and/or insects).
- iv. All required trees shall meet the following requirements prior to planting:
 - (a) Minimum trunk diameter of 1½ inches DBH.
 - (b) Minimum height of ten feet.
 - (c) Minimum of five feet clear trunk space.
 - (d) Minimum average crown spread of five feet.

If any newly installed plant material fails to meet the above mentioned criteria, it will not be considered a tree and will not count towards the required number of trees during landscape inspection. If this should occur, the material shall either be replaced or, at the discretion of the Director of Community Development, additional plant material may be installed on site to mitigate any lack of plant material.

- v. To increase landscape biodiversity and to minimize potential impacts of species-specific diseases or insects, it is important to have multiple shade tree species planted on a site. If more than 5 shade trees are required, the minimum number of shade tree species planted shall be in accordance with the following table:

Required Number of Shade Trees	Minimum Number of Shade Tree Species
1-5	1
6-15	2
16-30	3
31-50	4
51-75	5
Over 75	6

- vi. Plant materials used in accordance with this article shall conform to the standards for Florida Grade One, or better, as provided for in the most current edition of Grades and Standards for Nursery Plants, by the Division of Plant Industry, Department of Agriculture and Consumer Affairs, State of Florida. Sod shall be clean and visibly free of weeds and noxious pests or diseases. Grass seed shall be delivered to the job site in bags with Florida Department of Agriculture tags attached indicating the quality control program.
- vii. The owner shall plant turf areas with species locally grown as permanent lawns. The owner may sod, plug, sprig, or seed grass areas, provided he or she uses solid sod in swales or other areas subject to erosion. In areas where solid sod or grass seed is not used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

(b) Installation.

- (1) All required landscaping installed pursuant to this landscape code shall be installed according to accepted good planting practices and best management practices identified by the International Society of Arboriculture (ISA) or similar. All plants shall be installed so that the top of the root ball remains even with the soil grade. All trees, palms and shrubs shall be hosed in with water at the time of installation to eliminate any air pockets. Trees and palms shall be properly braced or staked at the time of planting. Stakes and braces shall remain for a minimum of 12 months.
- (2) Trees shall be properly installed braced and mulched according to best management practices.
- (3) The owner shall not plant closer than 12 feet thereto tree species identified by the community development director as likely to cause damage to public roadways, public facilities or building foundations. The owner may only plant them if the tree root system is completely contained within a container or barrier five feet square and five feet deep. The construction requirements shall be four inch thick concrete reinforced with #6 road mesh (six X six X six) or equivalent.
- (4) Trees of species whose canopy could be damaged by or could cause damage to overhead power lines shall not be planted closer than a horizontal distance of 15 feet from such overhead power lines. Right tree right place guidelines, which have been demonstrated by the Arbor Day Foundation and others, shall be used as guidelines for ensuring proper tree placement.
- (5) If groundcover is used, it shall be installed to present coverage of 50% and ensure reasonably complete coverage within six months of installation.
- (6) Vines shall be a minimum of 30 inches in height at planting. The owner may use them in conjunction with fences, screens, or walls to meet physical barrier requirements.
- (7) Barricades shall be established and remain around protected areas until final landscape inspection approval. Protected existing trees and landscape areas shall remain free of construction debris and vehicles, stored material and chemicals or similar.

- (8) For multifamily residential development and for all other nonresidential development, the owner must install all required landscaping according to the landscape plan and the requirements of this landscape code. The city will not issue a certificate of occupancy, certificate of use or similar authorization until the Director of Community Development has verified that the required landscaping has been properly installed.

Plant material Continued.

- (a) No more than 25 percent of all trees required or proposed to be planted in perimeter landscape buffers may be palms (all species). When palms are chosen as satisfying buffer requirements, the clustering of three palms shall be required and equal to one canopy tree, pursuant to buffer area requirements. No more than 50 percent of the total trees required or proposed on-site may be palms (all species). Fifty percent or more shall be native plant material as recognized by the Xeriscape Plant Material Guide I or II, published by the South Florida Water Management District.
- (c) Ground cover shall be placed or planted on all portions of exposed ground or earth not occupied by other landscape materials. Ground cover consists of low level plant material, grass or other permeable organic material capable of absorbing run-off. Ground cover may include wood chips, pine straw, bark and mulch, and similar approved materials only when used in conjunction with living ground cover. Native ground cover is encouraged where possible.
- (d) Berming or earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence or wall. Such berms shall be constructed not to exceed a three to one slope and adequate ground cover and plant material shall be installed to prevent erosion.
- (e) All new vegetation shall be located so as to provide unrestricted flow or access to drainage swales or utility easements or areas where frequent pruning is required to avoid interference with overhead power lines.
- (f) All new landscaping shall meet the minimum acceptable standards of Florida Number One or better represented by the Florida Department of Agriculture and Consumer Services.
- (g) Shrub planting, when required to be planted by ordinance, shall be spaced accordingly to plant size and type of hedge material used. Hedges, where required, shall form a solid continuous visual screen one year after planting.
- (h) Tree planting, pursuant to the requirements, may be grouped upon meeting the overall intent of this chapter to provide visual buffers, breaking of monotony and positive influence on microclimate of area. The use of walls, berming, and fencing may be utilized in conjunction with grouping trees. Grouping of trees shall be subject to the Department of Community Development review and approval.
- (i) All plant materials of each type and quantity, including trees, shrubs and ground cover, shall at least be 50 percent native. Native material shall consist of natural plant material listed with the Xeriscape Plant Guide I or II, published by South Florida Water Management District.
- (j) Substitutions of an approved plant material may be approved by the Director of Community Development or designee; however, such substitution shall only incorporate additional native material in excess of the 50 percent native materials as required.
- (k) Staking of all trees shall be required to ensure healthy, stabilized plant and root growth occurs. The staking shall be as follows: guy and stake tree three directions with black guying system or two strands of 14 gauge twisted galvanized wire and turnbuckle through flexible hose chafing guards, with wooden stake anchors immediately after planting. The staking shall remain until the plant is established. The staking may be required to remain until the end of an upcoming hurricane season, if it is determined to be appropriate by the Director. Staking shall be replaced or removed prior to causing girdling or damage to the plant at the discretion of the Director.

Landscape maintenance.

- (a) *General.*

- (1) A regular irrigation maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the season to reduce water and energy wastage.
- (2) To maintain the original performance and design integrity of the irrigation system, repair of the equipment shall be done with the originally specified materials or their equivalents.
- (3) Landscape maintenance for hire should be performed in accordance with recommendations in the *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida*.
- (4) Landscape maintenance by homeowners should be performed in accordance with recommendations of the University of Florida Cooperative Extension Service and Florida Yards & Neighborhoods publications.
- (5) The owner or lawful occupant of real property landscaped as new development, renovation development, or vacant development pursuant to this landscape code are responsible for the maintenance of required landscaping in a healthy, growing condition.
- (6) The owner or the lawful occupant of real property landscaped prior to the effective date of this landscape code are each responsible for the maintenance of all installed landscaping in a healthy, growing condition.
- (7) The owner or lawful occupant shall maintain in a neat and orderly appearance, and keep free from refuse and debris all landscaped areas. All walls and fences shall be maintained in good condition so as to present a neat and orderly appearance and shall be kept free from graffiti.
- (8) The owner or lawful occupant of real property shall prune trees only as necessary to promote healthy growth or to avoid buildings, power lines or other structures. The owner shall not severely prune or "hatrack" trees to permanently maintain growth at a reduced height. Pruning shall be accomplished in accordance with current best management practices in accordance with the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations, or similar. Directional pruning is currently recognized as a best management practice for avoidance of overhead power lines.
- (9) All required landscaping relocated or replaced, or existing landscaping, within the terms of this landscape code shall be replaced in the event said landscaping expires. If the new development, renovation development, or vacant development otherwise contains landscaping which meets the minimum requirements of this landscape code, the community development director may waive the replacement tree requirements.

Maintenance of sidewalk areas as public right-of-way:

- a. It shall be the responsibility of all property owners to maintain turf and landscaping which existing in street right-of-way swales and easements adjoining their properties. Turfgrass in such areas shall not be allowed to exceed five inches in height. If another form of groundcover is utilized it shall meet the requirements of this Article.
- b. Sidewalk areas shall be maintained by adjoining property owners and kept free of grass and weeds and shall be cleaned frequently enough to prevent accumulation of sand, dirt and trash.

Landscape maintenance Continued.

- (a) The owner, tenant and their agent, if any, shall be jointly and severally responsible for the continued regular maintenance of all landscaping materials and shall keep them in healthy, neat, and orderly appearance, free from disease, pests, weeds, refuse and debris at all times. Property maintenance shall include:

- (1) Periodic watering to maintain healthy flora, more drought tolerant material, minimize fungus growth and stimulate deep root growth;
 - (2) Pruning shall be in accordance with good horticultural standards as defined in the ANSI A300 Standards (or most current standards) as set forth by the Tree Care industry Association (f.k.a. the National Arborists Association) and approved by the American National Standards Institute (with the exception of Section 2.3.1 of the ANSI A300 Standards, which requires that pruning be performed only by arborists or arborist trainees). A copy of the ANSI A300 Standards shall be maintained by the Department of Community Development and shall be available during regular business hours. Trees and shrubs shall not be severely pruned, hat raked, "hacked" or "headed back". A maximum of one-fourth of a tree canopy may be removed from a tree within a one year period, provided that the removal conforms to the standards of crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration techniques. At the discretion of the Department and based on the severity of the violation, a tree which is pruned in excess of these requirements shall either be replaced in accordance with section 26-96 of the Town Code or shall be subject to corrective pruning by a certified arborist. Nuisance and exotic species as identified in section 26-100 shall be exempt from the pruning requirements of this Chapter.
 - (3) Turf and weeds shall be mowed as required and shall not exceed six inches in height for developed nonresidential areas and eight inches in height in developed residential areas. Grasses and weeds shall not exceed 12 inches in height on vacant undeveloped properties;
 - (4) All roadways, curbs and sidewalks shall be edged by the party responsible for installing and maintaining the grass adjacent to the roadway, curb and/or sidewalk when necessary to prevent encroachment of grasses;
 - (5) All lawns and planted areas shall be fertilized periodically to ensure continued healthy growth;
 - (6) Replacement of dead plant material under the provision of this chapter;
 - (7) Removal of unprotected, prohibited, harmful and illegal plant species shall occur as outlined in Chapter 26; and
 - (8) All tree canopies that are planted on private property and overhang onto a public and/or private right-of-way shall remain clear from the ground level up to a height of seven feet over sidewalks or drainage areas, and to a height of eight feet over public alleys, streets or highways.
- (b) Landscaping shall be inspected on a periodic basis by the Department of Community Development to determine compliance with landscape installation standards. If the owner, tenant or their agent do not maintain the property in conformance with the above provisions, the above individuals shall be notified in writing via certified mail indicating noncompliance and the owner, tenant or their agent shall within 30 calendar days from receipt of the notice rectify the deficiency. If the owner, tenant or their agent fail to progress or comply within the 30 day time frame, the Department of Community Development shall initiate under the provisions of the Code enforcement citation system appropriate action.
- (c) Landscaping may be inspected as needed, of which the standards established above are maintained. Such inspections shall be enforceable through the issuance of the Town's business tax receipt. The owner, tenant or their agent shall be notified in writing via certified mail by the Town of any areas which are not being properly maintained and shall, within 15 calendar days from time of notification, address and rectify the deficiency.
- (d) Trees on single family lots unless pruned by a commercial tree service business, landscape company, lawn service business or other related businesses shall be exempt from this section.
- (e) Any commercial tree service business, landscape company, lawn service business or other similar or related businesses violating the provisions of this section shall be subject to penalty as provided by section 1-15, or other such remedies as are available by law.

(a) *Generally.*

- (1) In order to reduce visual, light, and noise impacts, a required buffer shall be located along the length of adjacent private property.
- (2) The owner shall provide buffers for all developments seeking site plan approval as required by this landscape code.

(b) *Buffer width requirements.* Except where the side or rear yards are smaller than the outlined buffer width requirements, the buffer width requirements for one-story developments are:

Abutting single-family or two-family zoning district.

Type of Use	Side Yard (Ft.)	Rear Yard (Ft.)
Multifamily, 0.5 acre or less	15	20
Multifamily > 0.5 acres	25	25
Commercial and other nonresidential (other than industrial)	25	25
Industrial	30	30

Where the side or rear yards are smaller than the outlined buffer width requirements:

- (1) Multifamily residential uses shall have buffers consisting of 40 percent of each of the side and rear yard widths;
- (2) Commercial and other nonresidential uses (other than industrial) shall have buffers consisting of 75 percent of each of the side and rear yard widths; and
- (3) Industrial uses shall have buffers consisting of 90 percent of each of the side and rear yard widths.

For multi-story developments, the buffer width is an additional ten feet for each additional or upper story, where applicable.

(c) *Buffer landscaping.*

- (a) A buffer shall consist of landscaping to include a buffer screen.
- (b) The width of a buffer screen shall be 25 percent of the width of the required buffer.
- (c) A fence or wall included in a buffer shall be constructed to present a finished appearance to neighboring uses looking onto the site.
- (d) The owner may provide an opening through a buffer area to facilitate pedestrian or vehicular traffic between developments subject to the approval of the community development director.
- (e) Excluding the buffer screen area, a dry retention area may be located in a buffer. Existing plant material within a dry retention area shall not be credited toward meeting the landscape requirements of this landscape code.

Development landscaping requirements.

- (a) *Single-family and two-family development.* Single-family and two-family development, newly constructed, shall include, at a minimum, one existing or planted tree for every 2,500 square feet of lot area or fraction thereof. A minimum of six shrubs and at least one shade tree in the front yard and at least one tree in the rear yard shall be located on the property. The owner shall show trees on a site plan submitted for building permit approval.

(b) *Multifamily residential development.*

- (1) Multifamily development shall provide a landscaped strip of land not less than ten feet wide between building walls and parking areas. Landscape materials shall be provided as follows:
 - a. The greater of one tree for every 20 linear feet of required landscape perimeter area, or one tree for every 200 square feet of planting area or a major portion thereof. Not less than 50 percent of trees, located between the building walls and parking areas shall be shade trees; and
 - b. A hedge or other durable landscape barrier not less than 24 inches in height at installation placed in a continuous manner along the building walls.
- (2) A landscaped strip of land, not less than ten feet in depth, shall be located between the abutting right-of-way and parking areas. Landscape materials shall be provided as follows:
 - a. The greater of one tree for every 20 linear feet of required landscape perimeter area, or one tree for every 250 square feet of planting area or major portion thereof. No less than 75 percent of the trees, located between the abutting right-of-way and parking area shall be shade trees;
 - b. A hedge, wall, berm or other durable landscape barrier not less than three feet in height at installation placed in a continuous manner along the building walls; and
 - c. A combination of grass, ground cover, or other landscape treatment excluding paving shall cover the remainder of the landscaped strip.
- (3) The owner shall landscape all property, excluding the required landscape strip lying between the building and parking area, and the right-of-way and parking area, with grass or other ground cover.
- (4) Multifamily residential development shall provide not less than one tree for each 1,500 square feet or fraction thereof, of development site.
- (5) The owner shall landscape not less than 20 percent of the development site.
- (6) The city will credit existing native vegetation and trees toward landscaping requirements.

Refer to landscaping exhibit D, example of multifamily development.

- (c) *Commercial and other nonresidential development.* A commercial or other nonresidential development being new development, renovation development or vacant development shall include one existing or planted tree for every 1,500 square feet, or fraction thereof, of development site. The owner shall landscape not less than 20 percent of the developed site.

Parking areas for multifamily and all nonresidential developments.

- (a) *Parking area landscaping adjacent to streets.* The owner shall install landscaping on the site of a multifamily or nonresidential development including a parking area not entirely screened visually by an intervening building from abutting streets, as follows:
 - (1) A landscaped strip of land not less than 10 feet in width shall be located between the parking area and the abutting street.
 - (2) The landscaping provided within the landscaped strip shall include:

- a. One tree for every 20 linear feet of required landscape strip planted singly or in clusters, not be more than 50 feet apart, located between the property line and the parking area;
- b. A hedge, wall, berm or other durable landscape barrier of not less than 24 inches or three gallon containers at installation placed along the outside perimeter of the landscaped strip;
- c. Other landscaping, such as shrubs or vines, planted three feet on-center along the street side of a wall; and
- d. Grass, ground cover, or other landscape treatment and mulch.

(3) The owner shall plant shrubs comprising a hedge in the landscaped strip at 24 to 30 inches on-center.

(4) Not less than 25 percent of the strip shall be ground cover.

(5) At a minimum, the owner shall also landscape property located between the strip and parking area with grass or other ground cover.

(b) *Parking area landscaping adjacent to private property.* On the site of multifamily or a nonresidential development including a parking area not entirely screened visually by an intervening building from abutting private property, the owner shall install landscaping as follows:

(1) A landscaped strip of land not less than five (5) feet in width shall be located between the parking area and the abutting private property.

(2) The landscaping provided within the landscaped strip shall include:

- a. One tree for every 20 linear feet of required landscape strip planted singly or in clusters, not be more than 50 feet apart, located between the common lot line and the abutting private property;
- b. A hedge, wall, berm or other durable landscape barrier of not less than 24 inches or 3 gallon containers at installation placed along the outside perimeter of the strip;
- c. Other landscaping, such as shrubs or vines, planted five feet on-center along the street side of a wall; and
- d. Grass, ground cover, or other landscape treatment.

(3) The owner shall plant shrubs comprising a hedge in the landscaped strip at 24 to 30 inches on-center.

(4) Not less than 25 percent of the strip shall be ground cover.

(5) At a minimum, the owner shall also landscape property located between the strip and parking area with grass or other ground cover.

(c) *Parking area interior landscaping.*

(1) For multifamily residential and all other nonresidential development, not less than 50 percent of the required landscaping shall be interior landscaping exclusive of required buffers. Interior landscaping shall be located around the periphery of structures and interspersed throughout parking areas.

(2) The owner shall provide a landscaped area not less than five feet wide, consisting primarily of shrubbery, along the sides of the building which abut a parking area. A landscaped area not less than two feet in width shall be provided along the sides and rear of a building where abutting an on-site service or access driveway. The

landscaping located along the sides and rear of buildings, which abut a parking area or driveway(s), shall include a hedge, one tree for every 20 linear feet, and ground cover. The owner may cluster this landscaping to allow for creativity and flexibility in design, with the approval of the community development director.

- (3) Interior landscaping shall include not less than one tree for every 50 square feet or fraction thereof of interior landscaped area. Interior landscaped areas shall be located in such a manner as to divide and break up the expanse of paving.
- (4) Vehicles may not encroach into any interior landscaped area.
- (5) The owner shall provide interior landscaped islands between every ten parking spaces. Each interior island shall be not less than six feet in width. Each interior island shall contain not less than one shade tree and a combination of shrubs, ground cover, grass, and mulch.
- (6) The owner shall provide terminal landscaped islands at the end of each parking row. Terminal landscaped islands shall be not less than ten feet in width and one parking space in length. Each terminal island shall contain not less than one shade tree and a combination of shrubs, ground cover, grass and mulch.
- (7) The owner shall provide interior landscaped medians not less than six feet in width between every interior row of parking spaces. The owner shall landscape interior medians with not less than one shade tree every 20 linear feet thereof planted singly or in clusters. No trees shall be located more than 50 feet apart and a combination of shrubs, ground cover, grass and mulch.
- (8) Not less than 50 percent of trees used in parking area interior landscaping shall be shade trees.
- (9) The owner shall not use interior and terminal landscaped islands and medians for surface water storage. All interior and terminal landscaped islands and medians must be filled or crowned, and curbed.
- (10) Underground parking structures and multi-level parking structures shall have a landscaped buffer 20 feet in width on the front lot line. The owner shall measure the landscaped buffer at right angles to the property line unless parts of the district regulations specify a wider area.

Refer to landscaping exhibit C, example of commercial development.

- (d) *Visibility triangles.* All landscaping within a visibility triangle shall provide unobstructed cross-visibility at a level between 2½ feet and six feet. It shall comply with the most current edition of the Florida Department of Transportation Roadway and Traffic Design Standards, Index 546, regarding visibility triangles. The city shall allow trees or palms having limbs and foliage trimmed so no limbs or foliage extends into the cross-visibility area provided the location does not itself create a traffic hazard. The owner shall not locate landscaping, except grass or ground cover closer than three feet from the edge of any driveway pavement. Refer to landscape exhibit A, visibility triangle.

Turf Areas

- (a) Irrigated turf shall not be treated as fill-in material but rather a planned element of the landscape. All turf areas shall utilize grass species suitable as permanent lawns in South East Florida. Turf shall be placed so that it can be irrigated using separate zones. While turf areas provide many practical benefits in a landscape, how and where it is used can result in a significant reduction in water use.
- (b) Turf grass areas are excluded from the high water use hydrozone designation (a maximum of 20% of the total landscaped area may be installed with a high water use designation), however, turf areas shall be identified on the landscape plan and shall meet the maximum coverage percentages required below:
 - a. Single-family and duplex dwellings are allowed to incorporate a maximum of sixty (60) percent total landscape coverage consisting of turfgrass.

- b. Multiple family dwellings are allowed to incorporate a maximum of fifty (50) percent total landscape coverage consisting of turfgrass.
- c. Commercial, retail and office developments are allowed to incorporate a maximum of forty-five (45) percent total landscape coverage consisting of turfgrass.
- d. Industrial development are allowed to incorporate a maximum of fifty (40) percent total landscape coverage consisting of turfgrass.
- e. Other uses are allowed to incorporate a maximum of fifty (45) percent total landscape coverage consisting of turfgrass.

(c)

- (d) Irrigated turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for septic tank drainfields and required drainfield reserve areas, or provide soil erosion control such as on slopes or in swales; and where turfgrass is used as a design unifier, or other similar practical use. No turfgrass that requires mowing shall be allowed on slopes greater than 4:1 or within 6 feet of the waters edge, except where adjacent to seawalls and bulkheads or needed to control erosion.
- (e) One of the most common reasons for turf failure is over-irrigation. Irrigation systems shall be designed in accordance to this Article and operated in accordance with Sec. 20-124 Water use restrictions.

Efficient Irrigation (also refer to Sec 20-???)

- (a) If an irrigation system is desired, water can be conserved through the use of a properly designed and managed irrigation system. Irrigation scheduling information, with instructions for seasonal timer and sensor changes, shall be provided to the owner at the time of installation. An irrigation valve site map detailing valve locations, gallons per minute demands, precipitation rates, plant types within valve circuits, and operating pressure requirements for each valve shall be developed. This map shall be attached inside each irrigation controller or be kept in another readily available location if it is not practical to insert it in a small controller.
- (b) The irrigation system shall be designed to correlate to the organization of plants into zones as described in **Section [REDACTED]**. The water use zones shall be shown on the Irrigation Plan (where plan is required). All plants (including turf) require watering during establishment. Temporary facilities may be installed to facilitate establishment.
- (c) Irrigation must also be conducted in accordance with South Florida Water Management District restrictions.
- (d) Moisture sensing and/or rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient soil moisture. Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
- (e) The installation of tracer wire along main lines and laterals is strongly encouraged to permit easy location and prevent inadvertent cutting of pipes.
- (f) If the water supply for the irrigation system is from a well, a constant pressure flow control device or pressure tank with adequate capacity shall be required to minimize pump "cycling".
- (g) Check valves must be installed at irrigation heads as needed to prevent low head drainage and puddling.
- (h) Nozzle precipitation rates for all heads within each valve circuit must be matched to within 20% of one another.
- (i) No water spray from irrigation systems shall be applied under roof overhangs.

- (j) Irrigated areas shall not be less than 4 feet wide, except when next to contiguous property or using micro or drip irrigation.
- (k) A pressure-regulating valve shall be installed and maintained if static service pressure exceeds 80 pounds per square inch. The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and set at not more than 50 pounds per square inch when measured at the most elevated fixture in the structure served. This requirement may be waived if satisfactory evidence is provided that high pressure is necessary in the design and that no water will be wasted as a result of high-pressure operation.

Soils.

- 1) Where landscape plans are required, applicants are encouraged to seek a soil analysis performed by a reputable soil testing lab to determine the soil texture, indicating the percentage of organic matter; measurement of pH, and total soluble salts; and estimated soil infiltration rate.
- 2) Existing horticulturally suitable topsoil shall be stockpiled and re-spread during final site grading.
- 3) Any new soil required shall be similar to the existing soil in Ph, texture, permeability, and other characteristics, unless evidence is provided that a different type of soil amendment approach is justified.
- 4) The use of solid waste compost as a soil amendment is encouraged when and where deemed appropriate.

Yard Waste Management, Composting and Use of Mulches

- (a) Yard wastes, and vegetative debris shall not be intentionally or accidentally washed, swept, blown, disposed of or stored by wetlands, shorelines, into ditches or swales, near stormwater drains, or onto sidewalks or roadways.
- (b) Shredded yard clippings and leaves should be used for mulch or be composted for use as fertilizer. However, diseased plant material should not be mulched and should be properly disposed of to avoid spreading disease.
- (c) Composting of yard wastes provides many benefits and is strongly encouraged. The resulting materials are excellent soil amendments and conditioners. Other recycled solid waste products are also available and should be used when appropriate.
- (d) Grass clippings are a benefit to lawns, replacing nutrients drawn from the soil and as mulch that helps retain moisture, lessening the need to irrigate. Grass clippings should be left on your lawn. Mulching mowers are recommended, because the grass clippings are chopped very finely by special blade and shroud configurations. If a conventional mower equipped with a side discharge chute is used, the following practices should be employed: When mowing near the shoreline, direct the chute away from the waterbody. When mowing upland areas, direct the chute back onto the yard, not onto the road or driveway.
- (e) Mulches applied and maintained at appropriate depths in planting beds assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch can also be used in places where conditions aren't adequate for or conducive to growing quality turf or ground covers. Mulches are typically wood bark chips, wood grindings, pine straws, nut shells, and shredded landscape clippings.
- (f) A layer of organic mulch 3" deep shall be specified on the landscape plans in plant beds and around individual trees in turfgrass areas. Use of byproduct or recycled mulch is recommended. Mulch is not required in annual beds. Mulch rings should extend to at least 3 feet around freestanding trees and shrubs. All mulch should be renewed periodically as needed to maintain a depth of 3". Mulches should be kept at least 6 inches away from any portion of a building or structure, or the trunks of trees. Plastic sheeting or other impervious materials shall not be used under mulched areas.
- (g) No compost bin or pile shall be established within 5 feet of any property line or easement.

Fertilizer and Pesticide management:

The provisions of this section shall apply to all fertilizer applications within the City of Riviera Beach with the following exceptions:

- (1) Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, F.S., as amended, provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question; and
- (2) Fertilizer applications for golf courses, parks, and athletic fields shall follow the provisions as indicated in Rule 5E-1.003(2)(d), F.A.C, as amended.

a) Fertilizer Management

- (1) All applications of fertilizer, other than by private homeowners on their own property, should be made in accordance with the most current version of the *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida* and recommendations of the University of Florida Cooperative Extension Service.
- (2) Private homeowners are encouraged to utilize the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program and the University of Florida IFAS Fact Sheet ENH-860.
- (3) Fertilizers applied to turf and/or landscape plants shall be formulated and applied in accordance with requirements and directions as provided on the fertilizer bag and by Rule 5E-1003(2), F.A.C. Nitrogen or phosphorus fertilizer shall only be applied to turf or landscape plants during growth periods, not during dormant periods. These fertilizers shall not be applied except as provided for by the directions on the fertilizer bag unless a soil or plant tissue deficiency has been verified by UF/IFAS Extension or another accredited laboratory or test.
- (4) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during times which a flood, tropical storm, or hurricane watch or warning issued by the National Weather Service is in effect for any portion of Broward County.
- (5) Fertilizer shall not be applied within ten feet, or three feet if a deflector shield or drop spreader is used, of any pond, stream, watercourse, lake, canal, or wetland or from the top of a seawall. Newly planted turf and/or landscape plants may be fertilized in this zone only for the first sixty day establishment period, but caution
- (6) shall be used to prevent direct deposition of nutrients into the water.
- (7) A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. No mowed or
- (8) cut vegetative material should be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.
- (9) Spreader deflector shields are required 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.
- (10) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.
- (11) 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. 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.

b) Pesticide Management

- (8) All landscape applications of pesticides for hire should be made in accordance with State and Federal Law and with the most current version of the *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida*.
- (9) Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the University of Florida Cooperative Extension Service publications.
- (10) When utilizing pesticides, all label instructions are state and federal law and must be adhered to. The Florida Department of Agriculture and Consumer Services is responsible for enforcement of pesticide laws.

Shoreline Considerations

Grading and design of property adjacent to bodies of water shall conform to Federal, State and Local regulations which may include but is not limited to the use of berms or retention ditches to intercept surface runoff of water and debris that may contain fertilizers or pesticides.

No grasses that require mowing shall be allowed within 6 feet of the water’s edge, except where seawalls and bulkheads exist or where needed for erosion control. When mowing near the shoreline, direct the chute away from the water body. Riparian or littoral zone plants that do not require mowing or fertilization should be planted in these areas. See the Florida Waterfront Property Owners Guide or the Department of Environmental Protection’s Bureau of Invasive Plant Management for more information. Where water levels vary considerably, care must be taken in the selection of these plants.

Volunteer plants.

Any identified noninvasive plant, growing in a suitable location, without interfering or potentially interfering with utilities, lines-of-sight, or structures, shall be allowed to grow. A volunteer plant meeting the aforementioned description shall be maintained according to this Article. Volunteer plants are part of a natural succession found within plant communities and help to provide shade, clean air and water management benefits. A common example of a volunteer plant would be a sable palm growing within a hedge.

VIOLATIONS, ENFORCEMENT and Penalty

The community development director or designee shall issue a stop work order to any person found in the act of cutting down, destroying, damaging, or removing vegetation or landscaping in violation of this landscape code. The steps involved are listed:

- (1) A stop work order is issued by the city;
 - (2) The city imposes applicable fines;
 - (3) The city requires a restoration plan or the correction of the violation(s), per the discretion of the community development department director, in accordance with this landscape code;
 - (4) The community development director or designee accepts a restoration plan and/or the violation correction(s);
 - (5) Work resumes, and permits can be issued.
- (f) *Violations for damaging, destroying or improperly pruning trees.*

(1) Fines will be assessed for all violations of this landscape code, as provided below.

(a) If a protected tree is improperly pruned severely enough to be classified as tree abuse, a maximum fine of \$1000 per tree may be assessed to the owner and/or individual responsible for the infraction. Correcting improper pruning cuts on a tree may be required, if long-term benefits are expected.

- (b) If a protected tree, with a DBH greater than three inches is removed without permit, a fine of \$100 for each inch of tree trunk measured at DBH will be assessed to the property owner.

(f) *Violations for removal of trees without a permit.*

- (2) Fines will be assessed if a protected tree, or tree required by a landscape plan, with a DBH greater than three inches is removed without permit, a fine of \$100 for each inch of tree trunk measured at DBH will be assessed to the property owner.

- (3) Fines will be assessed if any protected palm or palm tree required by a landscape plan is removed without a permit. A fine of \$25 will be assessed for each foot of clear trunk that a palm had, will be assessed to the property owner.

- a. If the community development director is unable to determine the number of protected trees removed, the owner shall correct the violation by paying a civil fine of up to \$10,000.00 per acre, or fraction thereof, of the land cleared. The Director of Community Development in combination with the Code Enforcement Division shall assess this fine. No work shall proceed on the property until a restoration plan has been approved and the fine has been collected.

- b. A person aggrieved by an administrative order, determination or decision of the community development director regarding the provisions of this section may appeal the order, determination or decision to the city manager. The aggrieved person must notify the city manager, in writing, within five days of the order, decision, or determination.

- c. The city shall deem a separate offense to have been committed for each tree removed, damaged, or destroyed contrary to the provisions of this section.

- d. In addition to other remedies and notwithstanding the existence of an adequate remedy at law, the City of Riviera Beach may seek injunctive relief in the circuit court to enforce the provisions of this section. The city shall be entitled to reasonable attorney's fees and costs, including applicable fees and costs in action where the city is successful in obtaining affirmative relief.

- (4) A restoration plan is required. All violations of this landscape code involving the unauthorized removal of trees and vegetation shall require the landowner to file a restoration plan as provided for below. The primary consideration of the restoration plan shall be to return the affected portion of the site to its natural state. If this is impossible, it shall mitigate the negative effects of the violation over the entire site to the greatest extent possible. The community development director shall inspect the implementation of the plan, which may require any guarantees deemed necessary to insure the maintenance and survival of the implemented restoration plan.

- (5) A stop work order shall be issued for all sites in violation, upon which construction has been authorized. The City of Riviera Beach shall issue no further city permits for the subject property or project, or attendant inspections completed, until the owner corrects such violations, or the community development director has accepted a restoration plan. This shall include the certificate of occupancy for the attendant structure.

- (6) This landscaping code outlines criteria for the restoration plan. When the unauthorized removal of landscaping has occurred, the owner or developer shall submit a restoration plan within 30 days after the city has cited him or her for such violation. In evaluating a proposed restoration plan, the community development director shall consider the following:

- a. The cross-sectional area of trees removed, at DBH;
- b. The specific aesthetic character of the materials removed;

- c. The amount of native vegetation the owner has removed without the authorization of the community development director;
- d. Any special function of the material carried out as a screen or buffer; and
- e. The amount of other natural materials preserved on the site and the opportunities for planting additional landscaping.

Any person found in violation of any of the provisions of this article shall be punished as prescribed in section 1-11, and further may be subject to revocation of building permit.

Hardship relief.

An administrative waiver may be granted by the Director of Community Development, or his or her designee, for specific uses in addition to those listed above if the applicant can demonstrate particular hardships and acceptable reasons for the requested waiver.

An administrative waiver in accordance with Sec. 20-127 of the City's Code of Ordinances may be granted by the utility district director , or or her designee, for individual water use requests if the applicant can demonstrate particular hardships and acceptable reasons for the requested waiver.

Where a landowner is unduly burdened by the strict application of this landscape code, said landowner may apply to the Director of Community Development for hardship relief.

- 1. Hardship.** The design and development of a renovation development, a vacant development, or any other parcel exhibiting a hardship may preclude a literal compliance with all the landscape design, installation and irrigation requirements of this Article.
- 2. Reduction in Landscaping Permitted.** The Director may allow a reduction in required landscaping that may reasonably and economically accommodate a particular hardship.
- 3. Criteria for Reduction.** A reduction in required landscaping may be allowed, subject to one or more the following criteria being applicable to a property or development:
 - (A) that existing property improvements, including buildings, parking or similar items, preclude complete compliance with required landscaping; or
 - (B) the reduction in required landscaping represents the smallest reduction possible; or
 - (C) the site, when vacant, possesses irregular boundaries, restrictive easements or similar circumstances that restrict the ability to install landscaping; or
 - (D) the site has been adversely affected by prior governmental action, such as expansion of public road right-of-way; or
 - (E) the hardship is not caused by the action of the property owner; or
 - (F) the reduction in landscaping is not based solely or principally on economic reasons.

Informational material.

From time to time, staff shall prepare and distribute informational material which is designed to educate the general public of the requirements set forth in this Article.

Conflicts and relationships to other laws.

- a. Whenever regulations or restrictions imposed by this ordinance conflict with other ordinances or regulations, or are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be

used and no structure erected or maintained in violation of any state, local, or federal pollution control or environmental protection law or regulation.

- b. A deed restriction or covenant imposed by a homeowner's association may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-Friendly Landscaping™ on his or her land or create any requirement or limitation in conflict with any provision in Part II of Chapter 373, F.S., as amended, or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to Part II of Chapter 373, F.S., as amended.