

CITY OF PARKLAND CITY COMMISSION AGENDA SUMMARY

Meeting Date: April 1, 2015

Agenda Item _____

REQUESTED COMMISSION ACTION:

2015-05 (First Reading)

Consent Ordinance Resolution Consideration Workshop

SHORT TITLE Ordinance amending the landscaping regulations of the Land Development Code.

Summary of Purpose and Why:

The City of Parkland Land Development Code is being updated in order to modernize it, as well as to address administration and implementation issues and correct errors and omissions. The first phase consists of a proposed update to the landscaping regulations article, which is the largest "standalone" article of the code that has been revised. For this reason, it is being presented independent of the rest of the code update, which will follow. The update makes the landscaping regulations easier to navigate and apply, and makes adjustments to a handful of standards, resulting in an overall increase in required landscaping within nonresidential parcels, buffers and residential common areas.

Public Hearings:


Planning and Zoning Board (March 12, 2015) – *Board Member, Mario Mangone made a motion to approve Agenda Item VI. A. 4. with a recommendation that the City Commission consider two provisions. First, a recommendation to consider not requiring signed and sealed plans for individual homeowners for landscape plans. Second, a recommendation to the City Commission to consider allowing the tree mitigation fund to be used as supplement landscape buffers adjacent to those single family homes individually being landscaped. Board Member Tony Avello seconded the motion. Motion passed unanimously (7-0)*

Goal 4: Preservation of Parkland's Character

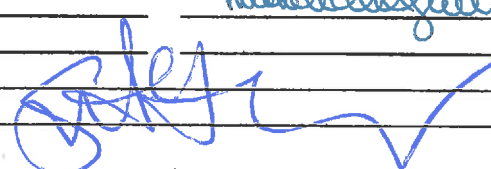
Objective 2: Maintain high development and design standards.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Caryn Gardner-Young
- (2) Primary staff contact: Michele Mellgren, AICP Ext. 954-757-4165
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Planning & Zoning	3/12/15	Approve	

City Manager



ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1st Reading _____	1st Reading _____	Results: _____	Results: _____
2nd Reading _____	_____	_____	_____



MEMORANDUM

TO: Caryn Gardner-Young, AICP, City Manager

THROUGH: Michele Melgren, AICP, Planning & Zoning Director

FROM: Damian Brink, Planner

SUBJECT: Recommendations made by Planning & Zoning Board at the March 12, 2015 Meeting

DATE: March 16, 2015

At the March 12, 2015 Planning & Zoning Board meeting, the Board voted unanimously (7-0) to approve Agenda Item VI.A.4-Landscaping Code Amendments, with a recommendation that the City Commission consider two provisions. The provisions were:

- 1.) A recommendation to consider not requiring signed and sealed plans for individual homeowners for landscape plans.
- 2.) A recommendation to the City Commission to consider allowing the tree mitigation fund to be used as supplement landscape buffers adjacent to those single-family homes individually being landscaped.

It is staff's position that by eliminating the requirement for signed and sealed landscape plans for individual homeowners would lower the level of service provided to applicants. This would result in longer review time, as well as higher cost for resubmittals. Certified Landscape Architects have the necessary industry knowledge and experience similar to the City's Landscape Architect. As it relates to the use of tree mitigation funds for landscaping on private property, first a confirmation from the City Attorney of whether or not the use of public funds on private property is legal. If not, then the tree mitigation funds will continue to be used for public purpose in City parks and along City rights-of-way.

Therefore, staff is recommending approval of the landscape code amendments, but also recommends that no action be taken on the two provisions that were part of the motion by the Planning & Zoning Board.



MEMORANDUM

TO: Caryn Gardner-Young, AICP, City Manager
FROM: Michele Mellgren, AICP, Planning and Zoning Director
SUBJECT: Proposed Amendments to Landscaping Regulations
DATE: March 12, 2015

For the past year, staff has been in the process of updating the Land Development Code. The objective of the update is to modernize the code, correct ambiguities, errors and omissions, and address administration and implementation issues. The proposed updates will be presented to the Planning and Zoning Board in two or more phases.

The first phase being presented to the Planning and Zoning Board is the proposed update to the landscaping regulations. The update encompasses the tree preservation/tree removal and minimum landscaping requirements. The landscaping regulations article is the largest “standalone” article of the code that has been revised, which is why it is being presented to the Planning and Zoning Board independent of the rest of the code update.

The update to the landscaping regulations can be characterized as an effort to make the regulations easier to understand and to correct errors and omissions. In some cases, landscaping standards were increased. The changes are summarized below.

1. Reorganized for more intuitive navigation. This includes moving landscape-specific definitions from the main definitions section of the Land Development Code into the landscaping regulations.
2. Added and modified landscape definitions as needed.
3. Corrected conflicts. The most glaring conflicts occurred between perimeter landscape requirements, Trafficway buffer requirements, and vehicular use area perimeter landscape requirements. The different requirements overlapped each other, often with different standards.

4. Corrected errors.
5. Corrected omissions. The most significant omission was a landscaping requirement for common open space areas in residential developments outside of required perimeter buffers. A requirement of one tree per 2,000 square feet was added to address this.
6. Made landscape requirements specific to uses instead of districts when this yields more certainty (ex: many residential districts allow multiple dwelling types, and parks share same zoning as institutional uses).
7. Replaced plant materials lists and reference to a city landscape manual, all of which are outdated, with references to the industry standard Florida-friendly landscaping as defined in Section 373.185, Florida Statutes, and implemented by the South Florida Water Management District and the University of Florida Institute of Food and Agricultural Services. A website link to both agency websites is included, which include updates to the state invasive species list.
8. Adjusted landscaping requirements for narrow and small single-family lots to avoid overcrowding the lots with an unrealistic quantity of landscaping.
9. Increased the allowance for palm species on residential lots in order to avoid conflicts with ten-foot utility easements and street trees.
10. Modified the methodology for determining landscape buffer planting requirements to make it more consistent and logical, while correlating the quantity of material with width of buffer. Also, added increased understory planting in all buffers.
11. Increased the quantity of landscape materials per square foot for commercial and industrial developments.
12. Reduced minimum tree size from 15 feet to 14 feet to meet current industry standards and availability.

Staff requests that the Planning and Zoning Board recommend that the City Commission approve the proposed revisions to the landscaping regulations. Once the proposed landscaping regulations are approved and adopted, they will be integrated into the overall code update.

EXHIBIT "A"

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1 **ARTICLE XXXIII. - LANDSCAPING AND VEGETATION.**

2 **DIVISION 1. GENERALLY.**

3 **Sec. 22-425. Intent and objectives.**

4 *****

5 **[Editor's note: all definitions below that are not underlined have been copied from the**
6 **main definitions section of the Land Development Code]**

7 **Sec. 22-426. ~~General requirements.~~ Definitions.**

8 Terms defined. For the purposes of this article, the following words and phrases shall have the
9 meanings herein set forth: [all definitions are verbatim from sec. 22-4 (main LDC definitions)
10 unless added, deleted or modified using strike-through or underline formatting.]

11 *Accent tree* means a tree normally reaching a maximum height of between twelve (12) to
12 fifteen (15) feet. Generally growing beneath or between larger trees and used as accent to the
13 overall parcel.

14 *BMP* means best management practice, particularly as it pertains to the use of natural and
15 man-made devices used for erosion and sedimentation control.

16 *Brush* means any dense growth or bushes, shrubs or weeds, or any accumulation of, but
17 not limited to: grass clippings, hedge and tree trimmings, palm fronds, leaves, and other such
18 debris.

19 *Caliper* means the diameter of a tree trunk measured four and one-half (4½) feet above the
20 ground.

21 *Category I invasive exotics* means invasive plants that are altering native plant communities
22 by displacing native species, changing community structures or ecological functions, or
23 hybridizing with natives.

24 *Clear trunk* means a point above the root ball along the vertical trunk or trunks at which
25 lateral branching or fronds begin.

26 *Diameter breast height (DBH)* means the diameter of a tree trunk measured at four and
27 one-half (4½) feet above grade measured in accordance with the most recent guidelines
28 published by the U.S. Forest Service.

29 *Drip line* means a natural outside end of the branches of a tree or shrub projected vertically
30 to the ground.

31 *Foundation plantings* means plant material placed in near proximity to building foundations
32 located in planting beds arranged to compliment the building elevations and connect the
33 building to the site.

34 *Hardscape* means elements added to natural landscape such as paving stones, walkways,
35 fountains, artwork, furniture, and other similar items.

36 *Hedge* means a close planting of shrubs which forms, or can be maintained to form, a
37 compact, dense visually opaque, living barrier when mature.

Although this ordinance replaces Article XXXXII in its entirety as a result of extensive reorganization, changes to the regulations are less extensive, and are underlined to show new text and ~~stricken~~ to show deleted text for the reader's benefit.

- 1 *Horizontal plane* means an imaginary line that begins at the base of the live frond petioles.
- 2 *Invasive exotic* means an exotic that not only has naturalized but is expanding on its own in
3 Florida plant communities.
- 4 *Irrigation/sprinkler system* means a system of piping and sprinkler heads, its use being to
5 convey water to all landscaped areas: provision of water by artificial means.
- 6 *Land clearing* means the act of removing natural or manmade material from a particular
7 piece of real property. For the purpose of this chapter, land clearing shall not be interpreted to
8 include the removal of dead or undesirable plant material as described elsewhere in this chapter
9 or mowing of grass.
- 10 *Landscape* means plant materials, topography, and other natural physical elements
11 combined in relation to one another and to manmade structures.
- 12 *Landscape buffer yard* means an area of landscaping and open space around the
13 perimeter of a development parcel or an area adjacent to a parking lot which is used to screen
14 differing land uses from each other.
- 15 *Landscape feature* means any improvement or vegetation including but not limited to
16 outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates,
17 street furniture and exterior lighting.
- 18 *-Landscaping* means living plant, stones, and natural material purposely maintained for
19 functional and or aesthetic reasons as referenced in Richard Harris, "Arboriculture Integrated
20 Management of Landscape Trees, Shrubs and Vines, Second Edition"; Gary W. Watson and
21 E.B. Himelick, "Principles and Practices of Planting Trees and Shrubs"; Florida Urban Forestry
22 Council, "Selecting and Planting Trees for the South Florida Urban Forest"; and Florida Power
23 and Light's "Plant the Right Tree in the Right Place" brochure, and South Florida Water
24 Management District "Waterwise" for South Florida Landscapes and Florida Friendly Landscape
25 Principles The 2014 Florida Statutes Title XXVIII 373.185.-
- 26 *Lawn* means an area of maintained turf.
- 27 *Lollipoping* means shearing or trimming a tree into an unnatural shape, such as round like
28 a lollipop.
- 29 *Mulch* means an organic solid additive or topping such as compost, wood chips, wood
30 shavings, seasoned sawdust, bark, leaves, or straw, used to reduce evaporation, prevent
31 erosion, control weeds, enrich soil, and lower soil temperature.
- 32 *Native species* means those trees and plant material set forth as approved plant species
33 native to Florida in accordance with the Association of Florida Native Nurseries; a species
34 whose natural range included Florida at the time of European contact (1500 A.D.).
- 35 *Natural area* means a substantially undisturbed area left at natural grade containing native
36 or other desirable vegetation. Nuisance species may be selectively removed from natural areas.
- 37 *Node* means a point on a branch from which another branch arises.
- 38 *Nursery* means any grounds or premises on or in which nursery stock is grown,
39 propagated, or held for wholesale sale or distribution, except where aquatic plant species are
40 tended for harvest in the natural environment.

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1 *Overlift* means the removal of the majority of the inner lateral branches and foliage there by
2 displacing weight and mass to the ends of the branches. The alteration of the tree's live crown
3 ratio may be considered as evidence of overlifting.

4 *Pasture* means land that is used for grazing livestock.

5 *Performance Bond* means a surety bond issued by an insurance company or a bank to
6 guarantee satisfactory completion of a project by a contractor.

7 *Plant materials* means trees, shrubs, vines, ground covers, grass, perennials, annuals, and
8 bulbs.

9 *Planting strip or easement* means any portion of land which is set aside in order to separate
10 two (2) areas with a buffer of landscaping.

11 *Plants and plant products* means trees, shrubs, vines, forage and cereal plants, and all
12 other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots,
13 bulbs, seeds, wood, lumber, and all products made from them, unless specifically excluded by
14 the rules of the department.

15 *Protected tree* means a tree which due to its size, character, age historical significance
16 and/or aesthetic value is a locally unique example of a particular species and practically
17 irreplaceable as declared by the city commission.

18 *Prune or trim* means to cut away, remove, cut off, shape, or cut back parts of the tree or
19 plant to promote healthy growth. [The term "prune" or "trim" also means] to control growth or
20 remove dead or decayed branches without destroying natural growth characteristics of the tree
21 or plant with the exception of hedges.

22 *Shade tree* means a tree species, excluding palms, which by virtue of its natural shape
23 provides a minimum shade canopy of thirty (30) feet in diameter at maturity.

24 *Shape* means the regular and frequent shearing of outer tree branches, making pruning
25 cuts of one (1) inch in diameter or less, for the purpose of controlling the size and shape of the
26 tree canopy.

27 *Shearing* means the cutting of many small diameter stems of one (1) inch in diameter or
28 less.

29 *Shrub* means a multi-stemmed woody plant other than a tree.

30 *Specimen tree* means any tree which has a DBH (diameter at breast height) of eighteen
31 (18) inches or greater; with the exception of the following:

- 32 A. Non-native fruit trees that are cultivated or grown for the specific purpose of producing
33 edible fruit, including, but not limited to: mangos, avocados or citrus.
- 34 B. Species of the genus *Ficus* except *F. Aurea* (Strangler Fig), *F. Laerigata* (Short Leaf
35 Fig), *F. rubiginosa* (Rusty Fig or Rusty Leaf Fig), *F. Jacquinifolia*.
- 36 C. All multitrunk palms.
- 37 D. Trees that are in poor condition or form as determined by the city.

38 *Standards for pruning* references and means the following: The American National
39 Standards Institute A-300 (ANSI A-300), Tree, Shrubs and other Woody Plant Maintenance—
40 Standards, Practices, and ANSI Z-133.1, Pruning, Repairing, Maintaining, and Removing Trees,
41 and Cutting Brush—Safety Requirements.

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1 *Stubbing or hatracking* means a method of severely pruning a tree or a portion of a tree
2 back to its major limbs.

3 *Topiary pruning* means the practice of pruning a tree into an ornamental shape by pruning
4 branches one (1) inch in diameter or less.

5 *Tree* means a self-supporting wood perennial plant which, at maturity, attains a trunk
6 diameter caliper of three (3) inches, of an average of three (3) inches in the case of a multitrunk
7 varieties, when measured at a point four and one-half (4½) feet from the ground, usually with
8 one (1) main stem or trunk and many branches, excluding palms. A tree may have several
9 stems or trunks if multiple trunking is characteristic of the species as in Pongam, Bottlebrush,
10 Wax Myrtle and like species classified by the state department of agriculture as trees. In no
11 instance shall a tree be acceptable under this definition which has more than four (4) vertical
12 trunks.

13 *Tree abuse* means any action or inaction to any part of a tree which will cause a tree to die
14 or become so undesirable as to warrant the total removal of the tree. Such abuse may include
15 but not be limited to damage inflicted upon the roots by heavy machinery, changing the natural
16 grade, cutting or filling around root area, damage inflicted on the tree permitting infection or pest
17 infestation, improper pruning so as to destroy the natural shape or which causes infection,
18 infestation or decay. The term "tree abuse" shall mean:

- 19 A. The removal of greater than thirty (30) percent of a tree's canopy within a one-year
20 period;
- 21 B. For a tree that has not reached a height or spread of thirty (30) feet, pruning that
22 reduces the height or spread;
- 23 C. Failure to properly barricade trees according to the Tree Protection Manual for Builders
24 and Developers prior to using any land removal or tree removal equipment being used
25 on the lot or parcel;
- 26 D. The damaging of trees or root systems of any trees which are not permitted to be
27 removed or trimmed in excess of the provisions of this chapter, prior to barricading or
28 after barricades have been erected;
- 29 E. The hatracking of a tree;
- 30 F. Cutting upon a tree which destroys its natural habit of growth;
- 31 G. Pruning that leaves stubs or results in a flush cut, or splitting of limb ends;
- 32 H. Peeling or stripping of bark or the removal of bark to the extent that if a line is drawn at
33 any height around the circumference of the tree, over one-third (1/3) of the length of
34 the line falls on portions of the tree where bark no longer remains;
- 35 I. Use of climbing spikes for any purpose other than total tree removal or as specifically
36 permitted by the National Arborist Association Standards;
- 37 J. Pruning that does not conform to standards set by the American National Standards
38 Institute, as amended; or
- 39 K. Pruning of live palm fronds which initiate above the horizontal plane as defined by the
40 American National Standards Institute (ANSI A-300).

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1 The removal of diseased or dead portions of a tree shall not constitute tree abuse under
2 [subsections] (A) through (K) above, or the complete removal of a tree pursuant to a valid tree
3 removal permit shall not constitute tree abuse under this section.

4 *Tree canopy* means the area filled by the foliage of a tree.

5 *Tree protection manual* references and means the Tree Protection Manual for Builders and
6 Developers by the Florida Department of Agriculture Division of Forestry.

7 *Tree removal* means changing the location of a tree, or the willful destruction of a tree, or
8 abuse which will cause a tree to die.

9 *Tree survey* means a document pertaining to a particular property or group of properties
10 meeting the requirements of 21-HH F.A.C., as amended from time to time, and must provide, at
11 a minimum, the following information:

12 A. The location plotted by accurate techniques, of all existing trees within the property
13 boundaries and fifteen (15) feet outside of the property boundaries;

14 B. The common and scientific name of each tree;

15 C. The DBH of each tree, or if a multiple trunk tree;

16 D. Canopy coverage in square feet;

17 E. Condition of the tree (good, fair, poor or dead);

18 F. Appraised value (for specimen trees); and

19 G. Proposed disposition (remain, remove, relocate).

20 *Trellis* means a frame supporting open latticework used as a screen or a support for
21 growing vines or plants.

22 *Trim* means to reduce, shorten or diminish gradually a plant or parts of a plant without
23 altering the existing or natural shape.

24 *Turf* means the upper layer of soil bound by grassy plant roots.

25 *Vegetation* means any plant species with a geographic distribution indigenous to or
26 introduced to all or part of the state.

27 *Vehicular encroachment* means any protrusion of a vehicle outside of a vehicular use area
28 into a landscaped area.

29 *Vine* means a plant whose natural growth characteristics produces climbing, meandering
30 stems.

31

32 **DIVISION 2. TREE REMOVAL AND LAND CLEARING.**

33 **Sec. 22-4267. - General requirements – tree removal and tree preservation.**

34 A. *Applicability.*

35 1. The terms and provisions of this chapter shall apply to the following classifications of real
36 property:

37 a. All vacant and undeveloped property.

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- 1 b. All property in all zoning classifications that is intended to be developed.
- 2 c. The yard, parking and open space areas of all developed property.
- 3 d. All property where there is to be any addition or alteration of a substantial nature.
- 4 2. The removal of the following species shall apply and receive a no-fee land clearing permit:
- 5 a. *Shinus terebinthifolius* (Brazilian pepper).
- 6 b. *Metopium toxiferum* (Poison ~~peedwood~~wood).
- 7 c. *Melaleuca quinquenervia* (Punk tree, Cajeput or Pepper bark).
- 8 d. *Casuarina* Species (Australian pine).
- 9 e. *Bishofia javanica* (Bischofia, Bishopwood).
- 10 f. *Acacia auriculae formis* (Earleaf acacia).
- 11 g. *Aravacaria excelsia* (Norfolk Island pine).
- 12 h. *Brassia actinophylla* (Shefflera).
- 13 i. *Leucaena leucocephala* (Lead tree).
- 14 j. *Cupaniopsis anacardiopsis* (Carrotwood).
- 15 k. *Syzygium cumini* (Jambolan plum, Java plum).
- 16 l. *Albizia julibrissin* (Silk tree).
- 17 m. *Dalbergia sissoo* (Rosewood tree).
- 18 n. *Eugenia uniflora* (Surinam cherry).
- 19 o. *Lygodium microphyllum* (Old World climbing fern).
- 20 p. *Pueraria montana var. lobata* (Kudzu vine).

21
22 B. *Permits.*

- 23 1. No person, organization, society, association or corporation or any agent or representative
24 thereof, directly or indirectly, shall clear land, cut down, destroy, or move or effectively destroy
25 through damaging any tree which has attained a caliper dimension of at least two (2) inches and
26 is situated on property described above without first obtaining a permit as herein provided. A
27 tree removal penalty fee of five hundred dollars (\$500.00) shall be charged for each tree
28 removed without a permit. This fee shall be in addition to any other remedy available to the city
29 pursuant to this section.
- 30 2. The city may enforce this section as provided in paragraphs (3) and (4) of this subsection (B), or
31 as otherwise provided by law.
- 32 3. a. Any tree moved without a permit shall be replaced by an equivalent replacement.
- 33 b. For the purposes of this section, an equivalent replacement shall be defined as:
 - 34 1. The equal square area of the trunk of the tree removed if the tree removed is less
35 than twenty (20) feet in height or twice the equal square area of the trunk of the tree
36 removed if the tree removed is more than twenty (20) feet in height, both measured at
37 four and one-half (4½) feet above the ground; and
 - 38 2. The same species, if possible, or other native species as defined in the Association of
39 Florida Native Nurseries Plant and Service Locator.

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- 1 c. If the tree removed was so large that replacement is impossible by one (1) equivalent
2 replacement, the largest tree reasonably available shall be planted on the site, with the
3 remainder of the equivalent replacement planted on the site or on public property by the
4 violator at the city's option and direction.
- 5 d. The equivalent replacement, whether in the form of one (1) or more trees, shall be
6 guaranteed for one (1) year.
- 7 e. In the event that insufficient trunk of the tree removed exists so that the equivalent
8 replacement cannot be determined thereby, the equivalent replacement shall be estimated
9 based upon trees of the same species existing in the vicinity, considering, among other
10 things, aerial photographs and other available data relative to the area.
- 11 f. This permit, if approved, shall be granted for a maximum of six (6) months from the date of
12 permit issuance.
- 13 g. This permit shall be posted in a protected area and in a conspicuous place on the site.
- 14 4. Any person, organization, society, association or corporation or any agent or representative
15 thereof, who shall remove a tree without a permit shall, upon conviction thereof, be subject to a
16 fine not to exceed five hundred dollars (\$500.00) or ninety (90) days in jail. Each tree removed
17 without a permit shall constitute a separate offense. Any fines imposed pursuant to this
18 subsection shall be deposited in the city's tree preservation fund to be used solely for tree
19 preservation projects.
- 20 C. *Application.*
- 21 1. Permits for clearing land, removal, relocation, or replacement of trees covered herein, shall be
22 obtained by making application on a form prescribed by the city, and submitted to the City
23 Engineering Department
- 24 2. For new development the application shall be accompanied by a sealed survey prepared by a
25 registered land surveyor, landscape architect or civil engineer, which shall show, in addition to
26 all boundary information, the exact location, size, botanical and common name of all trees of
27 two (2) or more caliper inches and six (6) feet in height within the area affected by the
28 development except that groups of trees may be designated as "clumps," with the predominant
29 type and estimated quantity shown. The expense of the survey shall be borne by the applicant.
- 30 3. The application shall also be accompanied by a written statement indicating the reasons for
31 clearing of land, removal, relocation or replacement of trees and two (2) copies of a legible site
32 plan drawn to a one (1) inch equals twenty (20) feet scale or to the largest practicable scale
33 indicating the following:
- 34 a. Location of all existing or proposed structures, improvements and site uses, property
35 dimensions and referenced to property lines, setback and yard requirements;
- 36 b. Existing and proposed site elevations, where any fill or excavation around existing trees is
37 required;
- 38 c. Location of existing or proposed utility services in relation to existing trees;
- 39 d. The name, common and botanical, size and location of all trees on the site of two (2) inch
40 caliper and six (6) feet in height or more, designating the trees to be retained, removed,
41 relocated or replaced. Groups of trees in close proximity may be designated as "clumps" of
42 trees with the predominant type and estimated number and average diameter noted;
- 43 e. Tree information required shall be summarized in legend or tabular form on the plan and
44 shall include the reason for the proposed clearing of land, removal, relocation or
45 replacement;

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- 1 f. Application involving developed properties may be based on drawings showing only that
2 portion of the site directly involved and adjacent structures and landscaping or natural
3 growth incidental thereto; and
- 4 g. That the applicant has made every reasonable effort to incorporate existing trees in the
5 development project and to minimize the number of trees affected;
- 6 h. As a condition of any development permit, the eradication of nuisance vegetation (invasive
7 exotic species) is required on all sites, including abutting rights-of-way, during the lot
8 clearing permit process and prior to the issuance of a certificate of occupancy. Privately
9 owned natural areas shall be included in this requirement. All areas obtaining a
10 development permit after the effective date of the ordinance from which this section
11 amendment is derived shall be maintained free of nuisance species. This shall include
12 natural areas within developed property. Any property which has already received site plan
13 approval as of the effective date of the ordinance from which this section amendment is
14 derived shall be exempt from the application of this section provided said site plan approval
15 remains valid and is not amended;
- 16 i. A landscape plan and landscape permit application are required for any additions or
17 property improvements over fifty (50) percent of the existing square footage, ~~as determined~~
18 ~~by the city engineer or his/her designee, which~~ that impact existing required landscaping
19 on the property. The landscape plan shall indicate the eradication of nuisance vegetation
20 (invasive exotic species) required on all sites, including abutting rights-of-way, during the
21 landscape permit process and prior to the issuance of a certificate of occupancy.
- 22 j. If the application is being requested for an existing single family residence within a Home
23 Owners Association (HOA) ruled community, the applicant must submit an approval letter
24 from the HOA along with a City Tree Removal Application. HOA approval will not constitute
25 City approval.
- 26 D. *Application review.*
- 27 1. Upon receipt of a proper application, the city shall review the application which may include a
28 field inspection of the site and may refer the application to such departments as it deems
29 appropriate for review and recommendations.
- 30 2. If the application is made in conjunction with development plans submitted for approval, the
31 application will be considered as part of the site plan and no permit shall be issued without site
32 plan approval.
- 33 E. *Issuance.*
- 34 1. *Removal.* No permit shall be issued for tree removal unless one (1) of the following conditions
35 exists:
- 36 a. The tree as described above is located in a buildable area, street right-of-way, canal right-
37 of-way, or utility easement where a structure or improvement is to be placed and it
38 unreasonably restricts the use of the property. For the purpose of this subsection, buildable
39 area shall be deemed to include areas necessary for the construction of a pool,
40 accompanying deck, or a patio, but shall not be deemed to include areas necessary for the
41 construction of tennis or other game courts. If certain trees outside the above areas must
42 be removed to allow the operation of equipment, the site plan shall include the exact
43 operation area needed.
- 44 b. The tree is diseased, injured, in danger of falling too close to existing or proposed
45 structures, interferes with utility service, creates unsafe vision clearance or conflicts with
46 other ordinances or regulations.
- 47 c. The tree unreasonably restricts bona fide agricultural use of the property. To qualify under
48 this section, the owner must submit to the city a survey showing all trees as described

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1 above to be removed, including their exact location, common and botanical names, and
2 caliper size. Should the owner or any future owner of the property wish to develop the
3 property for some use other than agriculture, a quantity of trees will have to be planted on
4 the site which will equal the cumulative caliper dimension of those desirable trees
5 removed. The planting shall be in addition to the required landscaping as outlined in
6 division 3 of this article. If the required trees do not fit on the approved site, an equal
7 caliper shall be planted on City property at the discretion of City staff or an equivalent value
8 per caliper inch be deposited into the City Tree Trust Fund.

9 2. *Relocation or replacement.*

10 a. As a condition to granting a permit, the city may permit the applicant to relocate or replace
11 a tree being removed at the applicant's expense in lieu of payment of tree removal fee,
12 either within the project site, or in the event that replacement of the tree within the site is
13 not practical, with the concurrence of the city, on public or private land owned by the permit
14 applicant within the city, retaining for future use or donating to any citizen or group of
15 citizens, for any purpose deemed in the public interest by the city commission. A
16 replacement tree shall be a type of species having shade potential and other positive
17 values, ~~as further described in the landscape manual,~~ at least equal to that of the tree
18 being removed, and shall be a minimum of twelve (12) feet in height when planted. The
19 planted tree shall not be of the nuisance types as defined elsewhere herein. Trees must be
20 relocated or replaced as specified by this section within thirty (30) days of the granting of a
21 tree removal permit; provided, however, if the trees are to be removed to facilitate
22 construction or development activities, said relocation or replacement must be completed
23 prior to the issuance of a certificate of occupancy on the construction, development site or
24 phase of development, as applicable. The trees to be relocated or replaced must be
25 maintained in a healthy growing condition and guaranteed for a period of at least one (1)
26 year.

27 b. For tree replacement requirements of one (1) to five (5) trees, a minimum of thirty (30)
28 percent native species shall be utilized as a replacement tree. For six (6) to ten (10)
29 replacement trees required, a minimum of thirty (30) percent native species shall be
30 utilized. For eleven (11) to twenty (20) replacement trees required, a minimum of thirty (30)
31 percent native species shall be utilized. For twenty-one (21) to fifty (50) replacement trees
32 required, a minimum of thirty (30) percent native species shall be utilized. For fifty-one (51)
33 or more replacement trees required, a minimum of thirty (30) percent native species shall
34 be utilized.

35 3. *Maintenance/monitoring requirements for replaced trees.* Any owner upon whose property the
36 tree replacement activity occurs shall:

37 a. Maintain the health of a replacement tree for a period of one (1) year from the date of
38 planting.

39 b. Replace within sixty (60) days any replaced tree that dies or is determined to be effectively
40 destroyed within one (1) year of being planted, as determined by the city. The one-year
41 maintenance period shall begin anew whenever a tree is replaced.

42 4. *Tree replacement for specimen trees.*

43 a. A specimen tree approved for removal as provided ~~for in section 22-426(E)(1) herein~~ shall
44 be replaced with a quantity of trees to be planted on site equal to the cumulative caliper
45 dimension to the specimen tree removed. Replacement trees will be a minimum of twelve
46 (12) feet in height at time of planting.

47 b. In the event the replacement of a specimen tree within the site is not practical, a tree
48 appraisal will be performed by the city landscape architect or the ISA Certified Arborist to
49 determine the dollar value of the specimen tree approved for removal. This appraisal shall
50 be pursuant to the "Guide for Plant Appraisal, 9th Edition," as amended, by the Council of

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1 Tree and Landscape Appraisers. The number of replacement trees will be calculated to
 2 equal the appraised value of the specimen tree removed. This calculation shall include the
 3 purchase price of the replacement tree, plus installation costs. The applicant will be
 4 required to compensate the number of replacement trees indicated for the removal of the
 5 specimen trees.

6 F. *Tree bank.* Where a tree is to be removed and will not be relocated or replaced by the permit
 7 applicant under the provisions of this chapter, the city shall have the option to relocate the tree at the
 8 owner's expense to city-owned property for planting, either for permanent utilization at the new
 9 location, or for future use at other city property in lieu of charging a tree removal fee. In these
 10 instances said relocation shall be accomplished within a reasonable period of time and in such a
 11 manner so as not to unreasonably delay any construction or development within said property.

12 1. *Tree mitigation.*

13 a. *Designated for conservation.* Trees designated for conservation are those trees which
 14 have been determined by the city as shown on an approved tree removal/relocation permit
 15 or areas within the city which have been determined by Broward County or the City of
 16 Parkland as subject to conservation and as stated specifically within the tree
 17 removal/relocation permit.

18 b. *Tree replacement.* The replacement of a removed or damaged tree to compensate for that
 19 tree's removal or its damage shall be a tree-for-tree replacement meeting minimum
 20 standards as set forth in article XXXIII of this chapter. The minimums established in article
 21 XXXIII of this chapter for tree planting may not count toward the tree replacement amount
 22 established in this section. The replacement species shall be native trees as defined in
 23 section 22-429 or trees of similar species to those removed as approved by the city
 24 landscape architectmanager or his/her designee.

25 c. *Tree-for-tree replacement.* The replacement of a removed tree shall be a tree with a
 26 minimum of two (2) inches in cumulative trunk diameter at breast height. Where acts of
 27 God or other extraordinary circumstances, as identified by the City of Parkland City
 28 Commission, Broward County or the State of Florida, create conditions which make this
 29 section unduly burdensome will be exempt. The quantity of tree-for-tree replacements (not
 30 requiring replacement prior to a certificate of occupancy) ~~will~~ must be replaced within the
 31 following ~~minimum timeframes:~~

Number of Required Replacement Trees	Minimum <u>Maximum</u> Replacement Timeframe
1—5	30 days
6—15	60 days
16—20	90 days
21+	120 days

32 d. *Optional cash payment.* An optional cash payment equal to the fair market value of the
 33 required replacement trees paid by the applicant after recommendation from the City of
 34 Engineering Department that replacement of trees on site pursuant to this subsection is not
 35 feasible.

36 G. *Tree credit.* Credit shall be given for the off-site planting of trees meeting the definition of equivalent
 37 tree replacement required by this section in accordance with the following terms and conditions:

38 1. A tree planting credit agreement must be executed by the person requesting such credit on a
 39 form approved by the city attorney specifying the numbers and location of such trees for which
 40 credit is sought.

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1 2. This agreement will specify who may utilize the credit and for which properties. The City of
2 Parkland Engineering Department is responsible for issuing tree removal/relocation permits
3 shall maintain the records of how much credit is currently available on the tree planting credit
4 agreement. This record shall include the name of the individual authorized to use such credit,
5 the location where the credit is used, the amount of credit used, and the resulting balance of
6 credit available.

7
8 H. *Bond for tree relocation, replacement.* A bond shall be held by the city for one (1) year to insure tree
9 replacement in the event that tree relocation results in the death of any tree subject to a tree
10 removal/relocation permit or for any tree damaged or destroyed in any pre-development or
11 development activities such as surveying. Such bond amount shall be assessed at the fair market
12 value of the required replacement trees or for tree replacement which cannot be effected prior to
13 issuance of a certificate of occupancy for the underlying project. If the developer/builder desires, it
14 may employ a landscape architect to supply revised bonding amounts for city review and
15 Engineering Department approval if the landscape architect determines that the trees or palms
16 subject to relocation are unlikely to die as a result of the pre-construction or construction activities.
17 Tree bond amounts of under one thousand five hundred dollars (\$1,500.00) are to be guaranteed
18 through a letter of guarantee rather than through a posting of a cash bond.

19 1. *Tree trust fund or tree bank.*

20 a. *Establishment.* A tree trust fund (hereinafter referred to as the Parkland Tree Preservation
21 Account or the "trust") is hereby established as a depository for tree removal fees and
22 penalty monies. Such monies shall be placed in an interest bearing account solely for the
23 purpose of funding tree mitigation projects on public property within the city.

24 b. *Term of existence.* The trust shall be self-perpetuating from year to year unless specifically
25 terminated by the city commission.

26 c. *Trust assets.* All monies received pursuant to the provisions of this section from public or
27 private concerns shall be placed in trust to insure the use and benefit of the city and its
28 successors and assigns in interest.

29 2. *Trust administration.* ~~Monies obtained pursuant to this section may be accepted on behalf of the~~
30 ~~City of Parkland by the city manager or his/her designee, and upon receipt shall be delivered to~~
31 ~~the City of Parkland Department of Finance, which shall cause the same to be credited to the~~
32 ~~trust by the city finance department.~~

33 3. *Disbursal of assets.*

34 a. Expenditures of over twenty-five thousand dollars (\$25,000.00) shall require approval of
35 the city commission.

36 b. Trust funds shall be used for tree mitigation projects and to obtain trees, landscaping,
37 sprinkler systems and any other items or materials necessary and proper for the
38 preservation, maintenance, relocation or restoration of tree ecosystems, on any public land
39 in the city. With city commission approval, these monies may also be utilized to engage
40 support elements, such as landscape architects and additional personnel if deemed
41 necessary in the opinion of the city manager. These monies may also be used to cover the
42 expense of relocation of trees in the city.

43 4. *Appeal.* Should any person decide to appeal any staff decision made based on this section can
44 be done so to the planning and zoning advisory board sitting as the Parkland Tree Board.

45 I. *Tree protection.*

46 1. During the land clearing and construction stage of development, the developer shall clearly
47 mark all trees to be maintained and shall erect and maintain protective barriers as described in
48 the "*Tree Protection Manual for Builders and Developers*," by the Florida Department of

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1 Agricultural and Consumer Services, to the "drip line" (wherever practical as determined by the
2 city landscape architect) around such trees or group of trees.

3 2. General requirements include:

- 4 a. Clear vegetation within the drip line of trees designated for preservation only by hand or
5 with the use of light rubber-wheeled equipment, which will not damage tree roots; said
6 equipment shall be a maximum of forty-eight (48) inches wide, tire to tire, with a maximum
7 weight of thirty-five hundred (3,500) pounds.
- 8 b. Utilize retaining walls and drywells to protect any tree to be preserved from severe grade
9 changes.
- 10 c. Promptly repair any tree designated for preservation pursuant to a tree removal license
11 which is damaged during construction by:
- 12 1. Corrective pruning for damage to tree canopy.
- 13 2. Measures such as corrective root pruning, fertilization, and soil enhancements for
14 damage to tree roots.
- 15 3. The developer shall not allow the movement of equipment or the storage of
16 equipment, materials, or debris or fill to be placed within the protective barrier, unless
17 otherwise specified.
- 18 4. During the construction stage of development, the developer shall not allow the
19 cleaning of equipment or material within the drip line of any tree or group of trees to
20 be maintained. Neither shall the developer allow the disposal of waste material
21 including but not limited to the following: Paints, oil solvents, asphalt, concrete and
22 mortar under the canopy of any tree or group of trees.
- 23 5. During the land clearing and construction stage of development, the city or its
24 assigned officer shall periodically inspect the site to ensure compliance with the
25 provisions of this chapter [article].
- 26 6. Prior to the commencement of any land clearing of real property, the person,
27 organization, association or corporation, or any agent or representative thereof,
28 clearing the land, shall obtain a permit as required in section 22-4267(B).

29 J. *Tree preservation.*

- 30 1. The owner shall be responsible for the maintenance and protection of any and all trees on the
31 property.
- 32 2. Any tree species which has been declared by resolution of the commission to be a protected
33 tree shall not be removed unless such removal has been approved by resolution of the
34 commission.
- 35 3. In order to preserve existing trees which eliminate parking spaces, credit for lost spaces up to
36 ten (10) percent of the required parking may be granted in conjunction with site plan approval.

37 K. *Exceptions.*

- 38 1. If any tree shall be determined by the city landscape architect to be in a hazardous or
39 dangerous condition so as to immediately endanger the public health, welfare or safety, and
40 requires immediate removal without delay, verbal authorization by phone may be given by the
41 city landscape architect ~~or his/her designee~~ and the tree removed without obtaining a written
42 permit as herein required. The cost of tree removal will be borne by the landowner.
- 43 2. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this chapter
44 only in relation to those trees planted and growing on the premises of the licensee, which are so
45 planted and growing for the sale or intended sale to the general public in the ordinary course of
46 the licensee's business.

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- 1 3. Public utilities and utility companies franchised within the city may remove, without permit in
2 time of emergency, trees which endanger public safety and welfare by interfering with utility
3 services, provided such utility companies shall cooperate with the city to preserve such trees by
4 relocation or replacement in the same vicinity or as determined by the city for the best public
5 benefit; except that where such trees are on owner-occupied properties developed for one-
6 family or two-family use, disposition of such trees shall be at the option of the property owner. If
7 installation of new utilities shall require removal of trees, the utility company shall comply with
8 the provisions of this chapter.
- 9 4. A no-fee permit shall be required for the removal of the following:
- 10 a. Schinus terebinthifolius (Brazilian pepper), Metopium toxiferum (Poison wood), Melaleuca
11 quinquenervia (Cajuput tree), Bischofia javanica (Bischofia Bishopwood), Acacia
12 auriculaeformis (Earleaf Acacia), Aravcaria excelsia (Norfolk Island pine), Brassia
13 actinophylla (Schefflera), Casuarina Species (Australian pine), Leucaena leucocephala
14 (Lead tree), Cupaniopsis anacardiopisis (Carrotwood).
- 15 b. For the removal of any tree or trees which have died due to lightning, disease, storm
16 damage or other natural causes: Prior to removal of any tree the property owner shall
17 notify the City Engineering Department. However, all trees required by division 3 of this
18 article shall be replaced within ninety (90) days.
- 19 L. *Public lands.* No tree shall be removed from any public park or public right-of-way except in
20 accordance with this Code.
- 21 M. *Special exception.*
- 22 1. Due to the nature of this article, if a situation of hardship arises whereby the strict application of
23 the article cannot be met due to extenuating circumstances, the commission is authorized to
24 grant a special exception to the strict application of the article provided that such special
25 exception shall not nullify the spirit and intent of the article.
- 26 2. If storms, accidents or other acts of God create a situation wherein the strict application of this
27 article would be a non-self-imposed hardship, the terms and provisions of this article may be
28 waived by the city commission for a time certain.
- 29 N. *Permit fees.*
- 30 1. A tree removal permit must be obtained from the City Engineering Department before
31 commencement of tree removal.
- 32 2. A land clearing permit must be obtained from the City Engineering Department before
33 commencement of any land clearing or construction.
- 34 3. Fees are as set by resolution of the city commission on file in the city clerk's office.
- 35 O. *Limitation on land clearing permits.*
- 36 1. Any person who receives a land clearing permit pursuant to this article shall remove the debris
37 from land clearing and/or any mulched debris generated by said land clearing permit within
38 thirty (30) days of the land clearing activity.
- 39 2. Should any person desire a variance from the provisions of ~~subsection-paragraph (O)(1) above,~~
40 he/she may appeal to the city commission. The city commission may grant a variance from the
41 strict provision of ~~subsection-paragraph (O)(1) above-~~when it finds that the alleged hardship is
42 not self-imposed.
- 43 P. *Maintenance of land clearing.* Once a land clearing permit has been issued and the property has
44 been cleared, the property shall be maintained in a cleared state.
- 45

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1

2 **DIVISION 3. LANDSCAPING REQUIREMENTS FOR ALL NEW AND**
3 **EXISTING RESIDENTIAL AND NON-RESIDENTIAL USES.**

4 **Sec. 22-4278. Parklike setting.**

5 A. All applications for site plan approval or building permit shall be reviewed and evaluated to conform
6 to the requirements of a "parklike setting," defined as follows:

7 1. The landscaping and natural areas of the parcel are the major visual element of the overall
8 design as viewed from the exterior of the parcel. This aspect of the parklike setting requirement
9 shall be the major visual element of the site plan review and it shall be the responsibility of the
10 applicant to submit a landscaping plan which is fully integrated so as to create this effect.

11 2. The elements of the vegetation, landscaping, water and natural environment are the major
12 visual element of the parcel of land when viewed together with other design aspects.

13 3. The spatial scale and character of the landscape design shall be visually consistent and
14 proportionate to the intensity and character of adjacent development. Natural vegetative buffers
15 shall project the parklike look to adjacent development.

16 4. Special design emphasis shall be placed on the landscape enhancement of ingress and egress
17 points and screening of parking areas from public view.

18 5. Entrances to residential subdivisions and nonresidential developments (e.g., commercial
19 projects) shall be landscaped such that vegetation (e.g., trees and shrubs) is the predominant
20 feature as opposed to any proposed hardscape elements (e.g., walls, fountains, and signs). The
21 appearance of any proposed hardscape elements shall be softened by the planting of
22 vegetation of appropriate scale and mass in front of, behind, and around such elements.

23 B. To implement these parklike setting requirements, the applicant shall meet or exceed all landscaping
24 requirements specified herein. All requirements contained herein are the minimum standards and the
25 city may require additional landscaping in order to ensure creation of a parklike setting as set forth
26 above if the standards contained below do not adequately achieve that effect for the particular
27 application.

28 **Sec. 22-4289. General requirements.**

29 A. ~~Lawns. In all districts~~On all developed lots, lawns or other landscape material shall be placed on all
30 areas not covered by main and accessory structures, pavement, and nursery growing areas, horse
31 arenas, and water bodies. Active pastures must be covered by eighty (80) percent natural green
32 vegetation, natural grassy plants or the entire pasture must be screened from view. Hedges, when
33 required, shall be a minimum of twenty-four (24) inches at planting or prior to certificate of occupancy
34 or a bond will be required in the amount of the installed shrub materials. Hedges shall be maintained
35 at a height of between four (4) and five (5) feet. Lawns shall extend to any abutting street pavement
36 edge and to the mean waterline of any abutting canal, lake or waterway (not to exceed thirty (30) feet
37 from said waterline to property line). Landscape material shall be used and installed in such a
38 manner as to allow reasonable maintenance. Where existing bank slopes are steeper than four (4) to
39 one (1), they shall be cut back at the time of construction to result in a slope of four (4) to one (1) or
40 less. No bank slope shall be changed without approval of the city engineer and the appropriate
41 governmental agency responsible for water management.

42 B. *Sight distance at intersections.* ~~In all districts~~On all lots, sight distance at intersections must be
43 maintained in conformance with the Florida Department of Transportation, Roadway Design Criteria,
44 as amended from time to time. Sight distance designs must be in accordance to the most recent and
45 updated guidelines noted in the State of Florida Manual of Uniform Minimum Standards for Design,

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1 Construction and Maintenance for Streets and Highways FDOT Index sheets 546, 1-6 of 6, Sight
2 Distance at Intersections.

3 [Illustration deleted because it is irrelevant]

4 C. Preservation of existing trees. ~~In all districts~~ On all lots, credit toward meeting the tree requirement of
5 any landscaping provision of this chapter shall be granted for preservation of existing trees based on
6 caliper dimensions. However, in no case can existing trees be used to meet more than fifty (50)
7 percent of required landscaping unless approved by the city landscape architect. No credit will be
8 granted for preserving trees which are poor specimens or which are in poor health or are undesirable
9 species as further defined in Waterwise South Florida Landscapes published by the South Florida
10 Water Management District, which can be obtained at the www.sfwmd.gov, -landscape manual and
11 Florida-Friendly Landscaping, Florida Statute 373.185, which can be obtained at
12 <http://fyn.ifas.ufl.edu>.

13 D. Berms. ~~In all districts where~~ When this article requires a continuous hedge of at least three (3) feet is
14 required, an earthen berm and fifty (50) percent of the required hedging material may be provided in
15 lieu of the continuous hedge in the manner prescribed below:

- 16 1. The continuous berm must be at least fifteen (15) feet in depth and a minimum of three (3) feet
17 in height as measured from the crown of the abutting road except as required in item (P)(4)
18 below.
- 19 2. If a rolling-type berm is used, a minimum 18-inch spread by 24-inch height hedge material must
20 be provided behind or on the berm.
- 21 3. Hedging material may be grouped or clustered for accent; however, in no place shall more than
22 nine (9) feet be maintained between plantings.
- 23 4. No berm shall be greater than two and one-half (2½) feet in height within ten (10) feet of a right-
24 of-way line or in a visibility triangle, as described in subsection (B) ~~of this section~~, to ensure
25 adequate visibility.
- 26 5. The maximum slope of a berm shall not exceed three (3) to one (1) to assure proper
27 maintenance.

28 E. Preconstruction landscaping.

- 29 1. Within thirty (30) days of the issuance of an infrastructure permit for the construction of water,
30 sewer, paving and drainage for any development within the city, the area requested for the land
31 development permit shall provide preconstruction landscaping. The following roadways shall be
32 included: Riverside Drive, Holmberg Road, Parkside Drive, Hillsboro Boulevard, Mecca
33 Boulevard, Trails End, Pine Island Road, University Drive, Loxahatchee Road, Nob Hill Road,
34 and County Line Road.
- 35 2. Preconstruction landscaping shall be defined as follows: A minimum of a four-foot-high earthen
36 berm shall be installed with maximum slopes of four (4) to one (1) along the abutting road
37 rights-of-way abutting the development. The berm shall be natural grass maintained.
- 38 3. Exceptions. This subsection does not apply to the following:
 - 39 a. The property not adjacent to public rights-of-way for residential developments.
 - 40 b. To areas that are screened by natural landscaping that averages a height of four (4) feet
41 or higher.

42 F. Pavement offset. Reference sections 22-414 and 22-415.

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1 **Sec. 22-430. Perimeter landscape requirements.**

2 ~~C. Commercial, industrial, multifamily, utility and community facility districts. In commercial, industrial,~~
 3 ~~multifamily, utility and community facility districts, landscape buffer areas shall be developed and~~
 4 ~~designed in the following manner:~~

5 1. A landscaped buffer area of at least forty (40) feet in width shall be provided when adjacent to
 6 traffic ways, arterials, and/or collectors of less than one hundred (100) feet in width and at least
 7 forty-five (45) feet in width when adjacent to traffic ways, arterials, and/or collectors of one
 8 hundred (100) feet or greater in width and fifty (50) feet when adjacent to residentially-zoned
 9 property; buffers shall extend for the entire property line of the parcel adjacent to residentially
 10 zoned property.

11 2. The buffers shall contain three (3) layers of plantings/walls or mounding at three (3) levels to
 12 assure opacity. For each one hundred (100) lineal feet of landscaped buffer area, a minimum of
 13 eight (8) staggered trees, each a minimum fifteen (15) feet in height with a minimum of six-foot
 14 spread, and twelve (12) staggered understory trees, each a minimum of six (6) feet in height with
 15 a minimum of four-foot spread, (all heights measured at planting) shall be installed or preserved.
 16 In addition, a minimum of one hundred twenty-five (125) shrubs and bushes and one hundred fifty
 17 (150) ground cover plants or equivalent plant material shall be installed for each one hundred
 18 (100) lineal feet of landscape buffer area. The plant material shall be placed in such a manner to
 19 support a parklike setting. In addition, the landscaping plan shall incorporate a combination of at
 20 least two (2) of the following: mounding, fencing, walls, or supplemental planting, to further
 21 promote a parklike setting and to create a visual buffering level between the higher tree canopy
 22 and ground cover/shrubs. Screening of parking areas shall be accomplished by a combination of
 23 plant materials, opaque fencing, opaque walls, (natural materials wherever possible) mounding,
 24 or other landscape materials, installed at a total minimum height of sixty (60) inches in height with
 25 at least three (3) feet of flat surface. All requirements are minimums and the city may require
 26 additional landscaping in order to create a parklike setting and opaque screening of parking lots
 27 and vehicular use areas. Vegetation shall not be planted in straight lines, but designed to create
 28 visual interest and depth and to maximize the screening effect for neighboring properties.
 29 Additional trees shall be required in locations appropriate to shield adjacent residential areas from
 30 lighting fixtures.

31 3. All references to height herein shall mean as determined from the finished floor elevation of the
 32 building on the property which is being developed.

33
 34 A. Buffer width. A perimeter landscape buffer of the minimum width prescribed in the table below is
 35 required along all boundaries of lots developed or used for any residential, commercial, commercial
 36 recreation, community facility, utility or industrial use. When a lot line abuts undeveloped property,
 37 the buffer requirement shall be the one that applies to the zoning designation of the abutting
 38 property areas shall be developed and designed in the following manner:

Use	Abutting a Major Street ¹		Abutting a City Park or CON Zoning	Abutting Residential Use or Zoning	Abutting Commercial, CR, CF, Utility or Industrial Use or Zoning
	R.O.W. less than 100 ft.	R.O.W. 100 ft. or more			
<u>Residential townhomes or multiple-family</u>	<u>40 feet</u>	<u>45 feet</u>	<u>N/A</u>	<u>20 feet</u>	<u>40 feet</u>
<u>Residential, other²</u>	<u>40 feet</u>	<u>45 feet</u>	<u>N/A</u>	<u>N/A</u>	<u>40 feet</u>
<u>Commercial, CR, CF, Utility or Industrial</u>	<u>40 feet</u>	<u>45 feet</u>	<u>20 feet</u>	<u>50 feet</u>	<u>20 feet</u>

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1 ¹ Trafficways, Lox Road, Parkside Drive-, Mecca Boulevard and Holmberg Road west of Pine Island
2 Drive.

3 ² For residential uses, applies to rear lot lines and to subdivision common areas abutting a Trafficway,
4 collector street, OS zoning, or CON zoning. Residential lots and common areas that received city site
5 plan approval without the buffer requirement are not required to provide the buffer after-the-fact.

6 ³ Includes commercial recreation use.

7
8 B. Buffer landscape and hardscape.

9 1. The buffers shall contain three (3) layers of plantings, walls or mounding at three (3) levels to
10 assure opacity. For each buffer of thirty (30) feet wide or less, each one hundred (100) lineal
11 feet of landscaped buffer area, shall provide a minimum of four (4) staggered trees, each a
12 minimum of fourteen (14) feet in height with a minimum of six-foot spread, and six (6) staggered
13 understory trees, each a minimum of six (6) feet in height with a minimum of four-foot spread,
14 (all heights measured at planting) shall be installed or preserved. In addition, a minimum of one
15 hundred (100) shrubs and bushes and fifty (50) ground cover plants or equivalent plant material
16 shall be installed for each one hundred (100) lineal feet of landscape buffer area.

17 2. Each additional ten (10) feet of buffer width or portion thereof, beyond thirty (30) feet shall
18 contain an additional two (2) staggered trees, three (3) understory trees, fifty (50) shrubs and
19 twenty five (25) groundcover. The trees and understory size minimums will be the same as the
20 in the preceding sentence. Palm species can also be used to create a parklike setting and
21 substituted for the trees per section 22.436.C.3.e. The plant material shall be placed in such a
22 manner to support a parklike setting. In addition, the landscaping plan shall incorporate a
23 combination of at least two (2) of the following: mounding, fencing, walls, or supplemental
24 planting, to further promote a parklike setting and to create a visual buffering level between the
25 higher tree canopy and ground cover/shrubs. Screening of parking areas or internal roadways
26 shall be accomplished by a combination of plant materials, opaque fencing, opaque walls,
27 (natural materials wherever possible) mounding, or other landscape materials, installed at a
28 total minimum height of sixty (60) inches above the average grade of the vehicular use area,
29 with at least three (3) feet of flat surface. All requirements are minimums and the city may
30 require additional landscaping in order to create a parklike setting and opaque screening of
31 parking lots and vehicular use areas. Vegetation shall not be planted in straight lines, but
32 designed to create visual interest and depth and to maximize the screening effect for
33 neighboring properties. Additional trees shall be required in locations appropriate to shield
34 adjacent residential areas from lighting fixtures.

35
36 D. ~~Single-family residential districts abutting trafficways.~~ In all single-family residential districts
37 abutting a trafficway, a landscape buffer is required as follows:

38 1.A landscaped buffer area of at least forty (40) feet in width shall be provided when adjacent to all
39 public trafficways, arterials, and/or collectors. For RS-6, RM-5 to RM-10 zoning districts the buffer
40 shall be forty-five (45) feet in width.

41 32. All building permit applications for buildings or structures abutting the trafficway a major
42 street, as defined in subsec. A, shall be accompanied by a landscape buffer plan, prepared
43 by a registered landscape architect that demonstrates compliance with the regulation of a
44 parklike setting when viewed from the abutting trafficway and as further defined herein:

- 45 a. The landscaping elements and natural areas of the parcel are the major visual element
46 of a balanced overall design as viewed from the exterior of the parcel.
- 47 b. The spatial scale and character of the landscape design shall be visually consistent and
48 proportionate to the intensity and character of adjacent development and shall provide
49 an opaque buffer between the development and adjacent property.
- 50 c. Special design emphasis shall be placed on the landscape enhancement of any ingress
51 and egress points and visual screening of common area parking from public view.

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1

2 3. For each one hundred (100) lineal feet of landscaped buffer area, a minimum of eight (8)
3 staggered trees, each a minimum fifteen (15) feet in height with a minimum of six-foot spread,
4 twelve (12) staggered understory trees, each a minimum of six (6) feet in height with a minimum
5 of four-foot spread, (all heights measured at planting) shall be installed or preserved. In addition,
6 a minimum of one hundred twenty five (125) shrubs and bushes and one hundred fifty (150)
7 ground cover plants or equivalent plant material shall be installed for each one hundred (100)
8 lineal feet of landscape buffer area. The plant material shall be placed in such a manner to
9 support a parklike setting. In addition, the landscape plan shall incorporate a combination of at
10 least two (2) of the following: Mounding, opaque fencing, opaque walls or supplemental planting,
11 to further promote a parklike setting. Where the required landscape buffer area abuts water
12 bodies which at the narrowest point are at least one hundred (100) feet wide or preservation area,
13 the landscape requirements may be adjusted so as to promote scenic vistas into or across such
14 areas. Screening of parking areas shall be accomplished by a combination of plant materials,
15 fencing, walls, mounding, or other landscape materials, installed at a total minimum height of sixty
16 (60) inches above the crown of road. All requirements are minimums and the city may require
17 additional landscaping in order to create a parklike setting and opaque screening of parking lots
18 and vehicular use areas.

19 4. All references to height herein shall mean as determined from the crown of the road of the
20 abutting trafficway

21 E. *Single-family abutting commercial, industrial or community facilities.* In all single family
22 residential districts abutting a trafficway, a landscape buffer is required as follows:

23 1. A landscaped buffer area of at least forty (40) feet in width shall be provided when
24 adjacent to commercial, industrial or community facilities zoned properties. For RS-6, RM-5
25 to RM-10 zoning districts the buffer shall be forty-five (45) feet in width.

26 2. All building permit applications for buildings or structures abutting the trafficway shall be
27 accompanied by a landscape buffer plan, prepared by a registered landscape architect,
28 that demonstrates compliance with the regulation of a parklike setting when viewed from
29 the abutting trafficway and as further defined herein:

30 a. The landscaping elements and natural areas of the parcel are the major visual element
31 of a balanced overall design as viewed from the exterior of the parcel.

32 b. The spatial scale and character of the landscape design shall be visually consistent
33 and proportionate to the intensity and character of adjacent development and shall
34 provide an opaque buffer between the development and adjacent property.

35 c. Special design emphasis shall be placed on the landscape enhancement of any
36 ingress and egress points and visual screening of common area parking from public
37 view.

38 3. For each one hundred (100) lineal feet of landscape buffer area, a minimum of four (4)
39 trees, each a minimum of fifteen (15) feet in height with a minimum of a six-foot spread, six
40 (6) understory trees, each a minimum of six (6) feet in height with a minimum three-foot
41 spread, shall be installed or preserved. In addition, a minimum of one hundred (100)
42 shrubs or equivalent plant material shall be installed for each one hundred (100) lineal feet
43 of buffer. The plant material shall be placed in such a manner to support a parklike setting.
44 In addition, the landscape plan shall incorporate a combination of at least two (2) of the
45 following: Mounding, opaque fencing, opaque walls or supplemental planting, to further
46 promote a parklike setting. Where the required landscape buffer area abuts water bodies
47 which at the narrowest point are at least one hundred (100) feet wide or preservation area,
48 the landscape requirements may be adjusted so as to promote scenic vistas into or across
49 such areas. Screening of parking areas shall be accomplished by a combination of plant
50 materials, fencing, walls, mounding, or other landscape materials, installed at a total
51 minimum height of sixty (60) inches above the crown of road. All requirements are

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1 minimums and the city may require additional landscaping in order to create a parklike
2 setting and opaque screening of parking lots and vehicular use areas.

- 3 4. ~~All references to height herein shall mean as determined from the crown of the road of the~~
4 ~~abutting trafficway.~~

5
6 F. ~~Multifamily and park districts abutting single-family or two-family zoned property.~~ In multifamily
7 and park districts abutting single-family or two-family zoned property, one (1) of the following
8 provisions shall apply:

- 9 1. ~~On the site of a building or structure or open lot use providing an off-street parking area or~~
10 ~~other vehicular use area a landscaped strip shall be provided to form a visual screen~~
11 ~~between the off-street parking area or other vehicular use area, and adjacent single-family~~
12 ~~or two-family zoned property. One (1) of the following landscaped strip dimensional~~
13 ~~standards shall be utilized, depending upon site design constraints:~~

14 a. ~~Said strip of land shall be at least thirty (30) feet in width; or~~

15 b. ~~Said strip of land shall be at least twenty (20) feet in width, if the difference in area~~
16 ~~between the minimum 20-foot strip and the 30-foot strip in subsection (F)(1)(a) above~~
17 ~~is provided elsewhere on site as usable open space beyond the minimum requirement~~
18 ~~contained herein and landscaped as described in section 22-428(E)(2).~~

- 19 2. ~~Where property located in multifamily or park districts is separated by a road, private~~
20 ~~street, alley, canal, or other open space of fifty (50) feet or greater from a single-family or~~
21 ~~two-family property, such multifamily or park property shall provide a landscaped strip of~~
22 ~~not less than fifteen (15) feet in width located adjacent to the abutting property line to form~~
23 ~~a visual screen. Such landscaped strip shall be landscaped as described in section 22-~~
24 ~~428(E)(2).~~

- 25 3. ~~Where any multifamily or park district is separated by a right-of-way, private street, alley,~~
26 ~~canal, or other open space of less than fifty (50) feet from any single-family or two-family~~
27 ~~property, such district shall provide a landscaped strip of not less than twenty-five (25) feet~~
28 ~~in width located adjacent to the abutting property line to form a visual screen. Such~~
29 ~~landscaped strip shall have a continuous hedge (planted at a minimum of twenty-four (24)~~
30 ~~inches by eighteen (18) inches), wall or other durable barrier and maintained at a minimum~~
31 ~~of three (3) feet in height. In addition, one (1) tree of not less than fifteen (15) feet in height~~
32 ~~with a minimum spread of six (6) feet shall be provided for each thirty (30) lineal feet, or~~
33 ~~portion thereof. Said landscaped strip shall be landscaped as described in section 22-~~
34 ~~428(E)(2).~~

35
36 G. ~~Commercial, industrial or community facility district abutting a single-family or two-family~~
37 ~~district. In a commercial, industrial, or community facility district abutting a single-family or two-~~
38 ~~family district, perimeter landscaping shall be required as described below:~~

- 39 1. ~~On the site of a building, structure or open lot use providing an off-street parking area or~~
40 ~~other vehicular use area, a landscaped strip of at least fifty (50) feet in width shall be~~
41 ~~provided to form an opaque visual screen between the building structure, off-street parking~~
42 ~~area or other vehicular use area and any site lighting and the adjacent single-family or two-~~
43 ~~family zoned property. All site lighting shall be completely shielded from residentially zoned~~
44 ~~properties by vegetation. Said landscaped strip shall be landscaped as described in~~
45 ~~section 22-428(E)(2) and (3) and shall extend for the entire property line of the parcel~~
46 ~~adjacent to residentially zoned property.~~

- 47 2. ~~Where any property, other than a golf course or a passive park use, located in any of the~~
48 ~~above-listed districts, abuts single-family or two-family zoned property or is separated by a~~
49 ~~street, alley canal or other open space of one hundred (100) feet or less, said nonresidential~~
50 ~~district shall provide a landscaped strip of not less than twenty-five (25) feet in width located~~
51 ~~adjacent to the abutting property line to form a visual screen. Such landscaped strip shall be~~
52 ~~landscaped as described in section 22-428(E)(2).~~

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3. ~~Where a property located in any of the above listed districts is separated by a street, alley, canal or other open space use of more than one hundred (100) feet in width from single-family or two-family or multifamily property, said nonresidential district shall provide a landscaped strip of no less than thirty-five (35) feet in width. Said landscaped strip shall be landscaped as described in section 22-428(E)(2) and (3).~~

Sec. 22-431. Vehicular use area interior landscaping.

AH. Applicability. This section shall apply to Parking parking and other vehicular use areas interior in all districts, except estates and for single-family, two-family and townhouse dwelling units districts that have individual attached garages and driveway parking.

B.1. Amount of interior landscaping required. Off-street parking areas shall have at least thirty-five (35) square feet of landscaping for each parking space, excluding those spaces abutting a perimeter landscaped strip required by other sections hereof, which shall have a minimum of ten (10) square feet of landscaping for each parking space. Other vehicular use areas shall be separated from buildings, structures and property lines by a minimum of ten (10) feet of landscaped open space.

C2. Minimum size and dimensions of each landscaped area interior parking islands. Each individual landscaped area shall contain a minimum of one hundred five (105) square feet. The minimum size of a planter an interior parking island must be seven (7) twelve (12) feet wide by fifteen (15) sixteen (16) feet deep.

D3. Placement and distribution of landscaped areas. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving. Parking islands must be located no further apart than an average of every ten (10) parking spaces across the drive aisle and at the terminus of all rows of parking. All parking planter islands must be curbed to prevent vehicular encroachment. (See also subsection F.(H)(5) below related to plazas.) If applicable, tree preservation will determine the location and width of interior landscape island locations. (I moved the text up in this section)

E4. Landscaped materials:

a. A planter parking island shall include at least one (1) shade tree of an approved species listed in sec. 22-436.C.3.a.the landscape manual, a minimum of fifteen (15) feet in height and five (5) foot spread at planting, with the remaining area landscaped with shrubs, ground cover, sod or other authorized landscaping material not to exceed three (3) feet in height at planting. All heights at planting.

b. All other landscaped areas shall contain at least one (1) tree a minimum of fifteen (15) feet in height and minimum of a six- (6) foot spread at planting. One (1) tree shall be required for every thirty (30) lineal feet of interior landscaped area or portion thereof or with at least one (1) tree provided per nine hundred (900) square feet of landscaped area, whichever is greater. All heights at planting.

F5. Landscaped plazas. For commercial developments in excess of fifteen (15) two (2) acres, in addition to the above, parking lots shall contain at least one (1) landscaped plaza meeting the following criteria:

a. The plaza shall be at least two (2) percent of the total area of the lot or parcel upon which the commercial development is located; and

b. The plaza shall contain shade trees consistent with the parklike setting requirements set forth herein (section 22-428). There shall be at least one (1) shade tree for every thirty (30) feet of the perimeter of the plaza and additional shade trees equaling one (1) shade tree (each at least fifteen (15) fourteen (14) feet in height with a six- (6) foot spread at planting) for every four (4) trees as provided for on the perimeter; shrubbery in scale with and complementing the shade trees shall also be provided in the plaza to create a parklike setting; and

c. The plaza shall contain pavers or similar decorative hard surfaces and other architectural features (such as a gazebo, trellis with vines, or other covered area) to compliment the design

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- 1 of the development and create an attractive and harmonious area for patrons of the plaza to
 2 gather; and
- 3 d. The plaza shall be fully landscaped and sodded (with the exception of the hardscape provided);
 4 and
- 5 e. The plaza shall be as centrally located as feasible so that it will be integrated into the
 6 commercial center and encourage use by patrons. The plaza may be attached to walkways
 7 but shall clearly be an additional area as opposed to store frontage;
- 8 f. Seating to accommodate at least four (4) persons shall be provided.

9 Gf. Landscaping between a VUA and building~~All districts except single family, estate or duplex.~~ In all
 10 districts ~~except single family, estate or duplex,~~ a strip with a minimum width of fifteen (15) feet of
 11 pervious landscape area shall be provided between a vehicular use area and a building facade. Said
 12 landscape strip shall be landscaped in the manner prescribed below:

- 13 1. A minimum of four (4) ~~trees fifteen (15)~~ fourteen (14) feet in height and six (6)-foot spread at
 14 planting) and twenty (20) shrubs per one thousand five hundred (1,500) square feet of
 15 landscaped area shall be provided. In addition, two (2) small flowering trees with a minimum
 16 caliper dimension of two (2) inches shall be provided.
- 17 2. Said material may be grouped or clustered to allow design flexibility; however, in no instance
 18 shall any building facade be void of landscape material, as required above.
- 19 3. The balance of required landscape area shall be covered one hundred (100) percent with other
 20 plant material, ground cover, and sod; provided that at least twenty-five (25) percent of the area
 21 shall be plant material.

22 **Sec. 22-432. Screening and special landscaping requirements.**

23 Aj. Storage and service areas in all districts. ~~In all districts,~~ Storage and service areas shall be
 24 screened with landscaping and/or fencing or wall materials as specified herein and said areas shall
 25 be located so as to be substantially hidden from view from adjacent properties and public rights-of-
 26 way at ground level. More than one (1) dumpster will constitute the need for further screening. This
 27 includes a wall or hedge and should be screened on a fourth side with a durable gate in accordance
 28 with specifications maintained in the planning department. Dumpsters intended for residential use
 29 shall have a pedestrian access in accordance with standards maintained with the planning and
 30 zoning department. Construction dumpsters are temporary and are not required to be screened as
 31 permanent dumpsters are required to be screened.

- 32 1. Screening. Storage areas, commercial vehicles, construction equipment, dumpsters and
 33 mechanical equipment such as air-conditioning compressors, pool pumps, heaters and filters,
 34 sprinkler pumps, and electrical transformers shall be screened on at least three (3) sides. Said
 35 screening shall meet the minimum requirements provided in this chapter at the time of planting,
 36 shall be of size, material, and quality that will grow to exceed the vertical height of the object by
 37 at least twelve (12) inches not later than one (1) years after the issuance of the certificate of
 38 occupancy and shall be two (2) feet longer in horizontal length than the stored or screened
 39 object. Dumpsters shall be screened by a wall and hedge. These requirements are in addition to
 40 those required elsewhere in this chapter. In districts AE-1 and AE-2 the screening requirements
 41 under this subsection ~~(H)-(1)~~ shall apply only when the object is within one hundred (100) feet of
 42 a public right-of-way or roadway easement.
- 43 2. Openings.
- 44 a. Any opening provided for access to dumpsters shall be screened on the fourth side with a
 45 durable gate in accordance with specifications maintained in the planning department.
- 46 a. Any opening provided for access to objects other than dumpsters shall be oriented so as to
 47 restrict the view from public rights-of-way. Dumpster enclosures intended for residential

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1 use shall have a pedestrian access in accordance with the standards maintained in the
2 planning and zoning department.

3
4 B.K. Construction-related real estate sales structures. Landscaping requirements for construction-related
5 structures (structures serving or related to construction activity), when said structures are utilized for
6 real estate sales, are as follows:

- 7 1. Plot-Lot area. The plot-lot area to be landscaped shall be the area of the sales structure plus the
8 following:
 - 9 a. Twenty-five (25) feet immediately in front of the proposed sales location.
 - 10 b. Fifteen (15) feet on each side of the proposed sales location.
 - 11 c. Minimum plot size shall be five thousand (5,000) square feet.
- 12 2. Landscaping requirements.
 - 13 a. One (1) tree a minimum of twelve (12) feet and a minimum of a five-foot spread for each
14 one thousand (1,000) square feet of landscaped, building, and pavement area or fraction
15 thereof.
 - 16 b. Twenty (20) shrubs, for every one hundred (100) square feet of landscaped, building and
17 pavement area or fraction thereof.
 - 18 c. A continuous hedge shall be required around all vehicular use areas except at points of
19 vehicular and pedestrian ingress and egress.
 - 20 d. All landscaping shall be kept in a healthy growing condition at all times.

21
22 C.L. Tennis courts. ~~In all districts, an~~ All approved tennis courts within the city must be screened on all
23 sides visible from off-site or adjacent properties with:

- 24 1. A continuous hedge at least two (2) feet in height at the time of installation, and maintained at
25 least three (3) feet in height within one (1) year; and
- 26 2. Trees on thirty-five (35)-foot centers at a minimum height of the tennis court fencing. In no case
27 shall trees be located further than twenty (20) feet from court fencing.

28 D.M. Fences (opaque) and walls. ~~In all districts, when~~ When an opaque fence or wall is located adjacent to
29 a public right-of-way, or contained within or immediately adjacent to the required buffer area, the
30 area between the property line and the fence or wall shall be landscaped in such a manner to
31 support a parklike setting. No continuous expanse of wall which is visible from a right-of-way may
32 continue for a length in excess of seventy-five (75) feet. Required and supplemental plant material
33 including trees, shrubs, vines, ground covers, mounding, or other landscaping materials, or
34 combination thereof, shall, at maturity, provide a visual screening of an average of fifty (50) percent
35 of the lineal wall or opaque fence distance. All fences (opaque) or walls shall, in addition to the
36 above, incorporate at least one (1) of the following design features:

- 37 1. Horizontal changes in direction at no less than forty-five (45) degrees to the directional plane of
38 the wall;
- 39 2. At intervals no greater than fifty (50) feet, vertical columns or structural elements which break
40 the vertical and/or horizontal plane of the adjoining wall surface;
- 41 3. Changes in wall materials and/or textures; or
- 42 4. An open break containing mounding, water features, landscaping, fencing or other landscaping
43 materials.
- 44 5. A minimum ten-foot setback is required on public rights-of-way for a fence or a wall.

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1 E.N. Signs regulations. In all districts, ~~the~~ The landscaped area required by the sign regulations of the
2 city ~~subparagraph 22-463.A.3.e (article 34, "Signage") shall be planted with a minimum of one (1)~~
3 shrub per ten (10) square feet of required landscaped area and covered with either sod or ground
4 cover. Any asphalt and road rock shall be removed and the landscaped area refilled with clean,
5 fertile soil before planting.

6 O. Preservation of existing trees. In all districts, ~~credit toward meeting the tree requirement of any~~
7 ~~landscaping provision of this chapter shall be granted for preservation of existing trees based on~~
8 ~~caliper dimensions. However, in no case can existing trees be used to meet more than fifty (50)~~
9 ~~percent of required landscaping unless approved by the city landscape architect. No credit will be~~
10 ~~granted for preserving trees which are poor specimens or which are in poor health or are undesirable~~
11 ~~species as further defined in the landscape manual. [Moved to General Requirements]~~

12 F.Q. Display of vehicles and equipment ~~Other.~~ All yard areas and areas used for the display or parking of
13 any and all types of vehicles or equipment, whether such vehicles or equipment is self-propelled or
14 not, and all land upon which vehicles traverse the property as a function of the primary use,
15 heretofore referred to as "other vehicular use area," including but not limited to activities of a drive-in
16 nature, such as service stations, grocery and dairy stores, banks, restaurants, new and used car lot,
17 and the like, shall conform to the minimum landscaping requirements herein provided, including
18 areas used for parking or other vehicular uses serving multifamily dwellings.

19 GS. Lift station and other utility landscaping requirements.

20 1. Landscaping requirements for lift stations, Florida Power & Light neighborhood distribution
21 transformers or other electric utilities, telephone switch boxes, and all other above-ground utility
22 equipment or objects used for any of the above described purposes shall be screened on all
23 sides by hedges, leaving room around the equipment or object to be serviced. Such hedge shall
24 be designed in a manner to completely screen in an opaque manner the equipment from view
25 off-premises. Any opening provided for access to the equipment or object shall be oriented so
26 as to restrict the view from public rights-of-way to the maximum extent feasible. All hedging
27 shall be a minimum of four (4) feet in height from the grade and shall, at time of planting, be
28 maintained at a height which exceeds the height of the equipment or object. Any fencing used
29 around the equipment or object shall be of a color which blends in with the surrounding
30 landscaping (i.e., green).

31 2. Dead and/or dying trees and limbs or other natural growth which constitute a health or safety
32 hazard to persons or property shall be removed and replaced if required by City Code
33 requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the
34 occurrence of a health or safety hazard as provided by section 22-436.B.

35
36 **Sec. 22-429433. Holmberg Road landscaping theme.**

37 A. Applicability. The Holmberg Road landscaping theme shall apply directly to land bordering the within
38 the following general location: That portion of Holmberg Road right-of-way between , from NW 61st
39 Avenue to and Riverside Drive, through, and including, the intersections.

40 B. Purpose and intent. ~~The intent of this section is landscape buffer areas abutting Holmberg Road~~
41 ~~rights-of-way north and south shall comply with the following landscaping design theme to enhance,~~
42 ~~facilitate, and encourage landscaping of Holmberg Road which has been determined by the city~~
43 ~~commission to be special and unique in this location in providing a desirable entranceway for the~~
44 ~~city.~~

45 C.B. An application for a building permit within the above-described area shall provide a landscaping plan
46 which shall conform with the requirements of a parklike setting as defined in this chapter
47 article[section 22-428], as amended from time to time, and also provide a landscape buffer area of at

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1 least twenty (20) feet minimum and, in addition, shall meet the following requirements along the area
 2 abutting Holmberg Road:

- 3 1. *Berms.* A berm shall be constructed along the entire length of the landscape buffer and shall be
 4 a minimum of four (4) feet above the crown of the adjacent roadway.
- 5 2. *Large trees.* A minimum of four (4) large trees for every one hundred (100) lineal feet or portion
 6 thereof shall be planted at a minimum of ~~fifteen (15)~~ fourteen (14) feet in height with a six (6)-
 7 foot spread and three (3)-inch caliper at time ~~of~~ planting. Large trees shall be planted no closer
 8 than twenty (20) feet on center and no more than thirty (30) feet on center. They shall be
 9 maintained to achieve the maximum natural growth habit that will provide a continuous visual
 10 screening from the top of the understory trees to the maximum achievable height. The following
 11 large trees shall be utilized within the Holmberg Road landscaping theme:

LARGE TREES	
Botanical Name	Common Name
Bauhinia blakeana	Hong Kong orchid
*Bursera simaruba	Gumbo limbo
Cassia fistula	Golden shower
*Clusia rosea	Pitch apple
*Conocarpus erectus	Green Buttonwood
*Coccoloba uvifera	Sea Grape
*Delonix regia	Royal Poinciana
*Ficus citrifolia	Shortleaf fig
Ficus nitida	Cuban laurel
Jacaranda actifolia	Jacaranda
*Lysiloma bahamensis/sabicu	Wild tamarind
*Magnolia grandiflora	Southern magnolia
*Magnolia virginiana	Sweet Bay
*Mastichodendron foetidissimum	Mastic
*Morus rubra	Red Mulberry
*Pinus elliotti	Slash pine
Pongamia pinnata	Pongam
*Quercus nigra	Water oak
*Quercus virginiana	Live oak
*Sapindus saponaria	Soapberry
*Simarouba glauca	Paradise Tree
*Swietenia mahogany	Mahogany
Tabebuia heterophylla	Pink trumpet tree
*Taxodium ascendens	Pond Cypress
*Taxodium distichum	Bald cypress
*Denotes native plant material	

- 12
- 13 3. *Understory or medium trees.* A minimum of six (6) understory or medium trees for every one
 14 hundred (100) lineal feet or portion thereof shall be planted at a minimum of six (6) feet in height
 15 with a minimum of a four (4)-foot spread no closer than ten (10) feet on center and no farther

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than twenty (20) feet on center. Small trees shall be maintained to achieve natural growth habit giving a total continuous screening from top of shrubs or wall to the lower branching structure of large trees. The following understory or medium trees shall be utilized within the Holmberg Road landscaping theme:

UNDERSTORY OR MEDIUM TREES	
Botanical Name	Common Name
*Acacia farnesiana	Sweet acacia
Calophyllum brasiliense	Beautyleaf
Calsistemom ridigus	Upright bottlebrush
Callistemom viminalis	Weeping bottlebrush
*Cassia surratensis	Yellow Cassia
*Chrysobalanus icaco	Cocoplum
*Chrysophyllum oliviforme	Satinleaf
*Citharexylum fruticosum	Fiddlewood
*Coccoloba diversifolia	Pigeon Plum
*Conocarpus erectus sericeus	Silver buttonwood
Cordia bolsseri	White Geiger
Cordia sebestena	Red Geiger
Diospyros virginiana	Persimmon
Eriobotrua japonica	Loquat
*Eugenia spp.	Stoppers
*Illex cassine	Dahoon holly
Lagerstoremia indica	Crape myrtle
Ligustrum japonicum	Japanese privet
Murraya paniculata	Orange jasmine
*Myrica cerifera	Wax myrtle
Myrsine quianensis	Myrsine
*Nectandra coriacea	Lancewood
Nerium oleander	Oleander
Noronhia emarginata	Madagascar olive
*Orypetes lateriflora	Guiana Plum
*Piscidia piscipula	Jamaica Dogwood
Plumeria spp.	Frangipani
*Denotes native plant material.	

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4. *Shrubs and hedging.* A minimum of one hundred (100) shrubs or hedges for every one hundred (100) lineal feet or portion thereof shall be planted at a minimum of thirty-six (36) inches high at

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time of planting with a minimum of twenty-four (24) inches on center. Shrubs shall be designed in a manner to provide a total continuous opaque screening from top of berm to the lowest branching of the understory or large tree. The following shrub materials shall be utilized in the Holmberg Road landscaping theme:

SHRUBS AND HEDGING	
Botanical Name	Common Name
Alamanda nerifolia	Shrub allamanda
Brassia arboricola	Dwarf schefflera
*Chrysobalanue icaco	Cocoplum
Codiaeum variegatum	Croton
*Conocarpus erectus	Green buttonwood
Conocarpus erectus sericeus	Silver buttonwood
*Eugenia spp.	Upright Eugenia
*Ficus benjamina	Benjamin ficus
*Galphimia gracilis	Thryallis
*Hamelia patens	Firebush
Hibiscus spp.	Hibiscus
*Ilex vomitoria 'Schillings'	Yaupon holly
Ixora 'Nora Grant'	Dwarf Nora Grant Ixora
Ixora 'Tiwanensis'	Tiwanensis Ixora
*Jatgropha hastata	Jatropha
Ligustrum japonicum	Glossy privet
Ligustrum japonicum recurvifolia	Recurve privet
Murraya paniculata	Orange jasmine
*Myrica cerifera	Wax myrtle
Philodendron selloum	Philodendron
Podocarpus macrophyllus	Japanese yew
Rhapis excelsa	Lady palm
Serenoa repens	Saw palmetto
Tibouchina granulosa	Tibouchina bush
*Tripsacum dactyloides 'Dwarf'	Dwarf fakahatchee grass
Viburnum oderatiserum	Viburnum
*Viburnum suspensum	Sandakwa Viburnum
*Denotes native plant material	

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C. In review and approval of the landscaping plan, credit toward meeting the tree requirements shall comply with section 22-43227 for preservation of existing trees.

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- 1 D. In review and approval of landscaping plans for Holmberg Road, the city shall follow the plans
 2 approved by the city commission as Exhibit "A" of Ordinance No. 92-40, which shall be kept on file
 3 with the city clerk's office.
- 4 E. For any parcel in this portion of Holmberg Road, the landowner shall be required to maintain a
 5 minimum of ten-foot-wide existing natural landscaped area, the complete length of the property
 6 abutting Holmberg Road, which shall allow the existing vegetation to screen and buffer Holmberg
 7 Road development of the parcel.
- 8 F. Removal of landscaping prohibited. Notwithstanding any other provision in any ordinance to the
 9 contrary, ~~the city shall not approve any permit for, or permit any removal of any tree, shrub, bush, or~~
 10 ~~grass is prohibited along adjacent to~~ Holmberg Road from S.R. 441 to University Drive, from the
 11 edge of the roadway for a distance of twenty-five (25) feet from said edge, unless there is a direct
 12 replacement or equivalent replacement of vegetation within five (5) feet of any tree, shrub, bush, or
 13 grass removed. Replacement vegetation shall be installed in no more than ninety (90) days from the
 14 removal of existing vegetation and achieve opaqueness in no more than one (1) year from date of
 15 installation.

16

17 **Sec. 22-430434.** - **Minimum landscape requirements for lots and open spacesall zoning**
 18 **districts.**

19 A. Applicability. Applies to all pervious areas other than required buffers (sec. 22-430) and vehicular
 20 use areas (sec. 22-431).

21 BA. Noncommercial park and recreation areas. Each plot shall contain a minimum of one (1) tree and
 22 twenty (20) shrubs per two thousand (2,000) square feet of that portion of the plot which is not
 23 utilized for structures or active-play areas.

24 CB. AE-1 and AE-2 districts. Each plot shall contain a minimum of twelve (12) trees, six (6) accent trees,
 25 one hundred (100) ground cover, and two hundred (200) shrubs per acre, and shall be fully sodded
 26 with not less than ten thousand (10,000) square feet of sod; however, natural areas, water bodies,
 27 active pastures, and areas under cultivation for crops shall not be included in the acreage calculation
 28 for trees and shrubs. Not less than seventy-five (75) percent of the required landscaping shall be
 29 located in the front portion of the plot, with the exception of cul-de-sac lots which shall have not less
 30 than fifty (50) percent of required landscaping located in the front half of the plot, and corner lots,
 31 which shall have seventy-five (75) percent of the required landscaping on the front and street side of
 32 the lot. Not less than fifty (50) percent of the required shrub material on AE-1, AE-2 and all single-
 33 family and two-family plots shall be located as to form foundation plantings. The balance of shrub
 34 material may be located throughout the site but should be clustered into groupings to create planting
 35 beds. Not more than fifty (50) percent of one species of shrub may be used on a plot to meet the
 36 minimum number of required shrubs.

37 DC. Single-family and two-family districts~~lots, all other districts.~~

38 1. Each plot with less than seventy (70) feet of frontage shall contain in the required yard areas a
 39 minimum of three (3) trees, two (2) accent trees, sixty (60) shrubs and sixty (60) groundcover.

40 2. Each plot with more than seventy (70) feet and less than one hundred feet (100) of frontage
 41 shall contain in the required yard areas a minimum of five (5) trees, ~~four (4)two (2)~~ accent trees,
 42 seventy-five (75) shrubs, ~~seventy-five (75) sixty (60)~~ ground-cover, plus one (1) tree, one (1)
 43 accent tree and twenty (20) shrubs for each two thousand (2,000) square feet of plot area over
 44 twelve thousand (12,000) square feet, or portion thereof.

45 3. Each plot with more than one hundred (100) feet of frontage shall contain in the required yard
 46 areas a minimum of six (6) trees, six (6) accent trees and one hundred (100) shrubs, seventy-
 47 five (75) ground-cover, plus one (1) tree, one (1) accent tree and twenty (20) shrubs for each two
 48 thousand (2,000) square feet of plot area over twelve thousand (12,000) square feet or portion

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1 thereof. Not less than sixty (60) percent of the required landscaping shall be planted in the front
2 portion of the plot, with the exception of cul-de-sac lots which shall have not less than forty (40)
3 percent of required landscaping in the first half of the plot, and corner lots, which shall have
4 seventy-five (75) percent of the required landscaping on the front and street side of the lot. A
5 minimum of one (1) main tree, one (1) accent tree, and twenty-five (25) shrubs, in addition to
6 minimum landscape requirements, shall be planted in the rear yard area.

7 E. Common area open space landscaping requirements for single-family, two-family and townhouse
8 residential districts/developments:

9 1. All areas not included in lots, buffers, rights-of-ways, canals, or lakes shall have one (1) tree for
10 every two thousand (2,000) square feet of area.

11 The intent of open space is to buffer incompatible uses and soften the appearance within residential
12 uses.

13 2. Selected areas should provide passive recreation, playgrounds, pedestrian connectivity, visual
14 terminuses, sitting areas, or access to water bodies.

15 FD. Multifamily districts/developments. Each plot shall contain an overall minimum of one (1) tree and
16 twenty (20) shrubs, ~~ten (10) twenty (20)~~ ground-cover per two thousand (2,000) square feet of plot
17 area, including fractions thereof, but excluding water bodies and natural areas. No plot shall contain
18 fewer than five (5) trees and one hundred ~~(100) sixty (60) shrubs (100) shrubs~~, fifty (50) ground
19 cover. These minimum requirements are exclusive of other landscaping specified for vehicular use
20 areas, buffers and other special purposes.

21 GE. Use of palms in For all residential-districts developments. A maximum of thirty-five percent (35%) of
22 the required trees may be palm trees meeting the minimum requirements of section 22.436.C.3.e.

23 HF. Business/Commercial, industrial, utility, and community facility districts/developments.4- In
24 addition to perimeter landscape buffer requirements for all property lines pursuant to section
25 22.428-E430, all plots shall contain an overall minimum of one (1) tree, fifteen (15) ground cover, and
26 twenty-five (25) shrubs for every five thousand (5,000) square feet, including fractions thereof, but
27 excluding water bodies and natural areas. Minimum tree and plant material requirements are in
28 addition to other landscaping specified for vehicular use areas, buffers, and other special purposes.
29 A maximum of fifty percent (50%) of the required trees, excluding buffers and perimeter plantings,
30 may be palms meeting the minimum requirements of sec. 22-436.C.3. Thirty percent (30%) of tree
31 requirement will be achieved using palms.

32
33 **Sec. 22-4315. - Street trees.**

34 A. Planting required prior to occupancy. Street trees shall be installed by the permit holder prior to the
35 request for a final landscape/zoning inspection, and prior to the issuance of certificate of occupancy.
36 Where rights-of-way widths cannot accommodate planting within the rights-of-way, such trees shall
37 be required to be planted within the adjacent landscape buffer or private land at the city's direction.
38 Rights-of-way within ninety (90) days of this section.

39 B. Authorized trees. The variety and species of street trees shall be designed pursuant to the approved
40 list of canopy trees found in 22-429 22-432.C.a and 22-432.C. approved by the city landscape
41 architect from the selection in sec. 22-435 C.3.a below, or as may be approved during the site plan
42 approval process or building permit where site plan approval is not required. Where overhead utility
43 lines exist, tree species acceptable to Florida Power and Light Company (F&PL) "Plant the Right
44 Tree in the Right Place" shall be required, pursuant to sec. 22-437. Street tree species are to
45 provide a consistent theme with surrounding properties.

46 C. Spacing of trees. Street trees shall be required at one (1) tree for each forty (40) lineal feet of street
47 frontage, on each sides of the roadway, or portion of, except that where overhead utility lines do not
48 exist, spacing shall be reduced to one (1) tree per thirty (30) lineal feet of street frontage.

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1 Developments requiring site plan approval shall also provide one (1) tree per each forty (40) feet of
2 median length, where medians adjacent to the site plan. ~~Where overhead utility lines exist, tree~~
3 ~~species acceptable to Florida Power and Light Company (F&PL) "Plant the Right Tree in the Right~~
4 ~~Place" shall be required at one (1) tree for each thirty (30) lineal feet of street frontage. The minimum~~
5 ~~tree size shall be in accordance with the standards set forth in this section. Tree variety species shall~~
6 ~~be installed as determined at time of site plan approval or building permit where site plan approval is~~
7 ~~not required. Street trees may be clustered; however, trees shall be planted no closer than twenty-~~
8 ~~five (25) feet from each other, and no farther than sixty (60) feet apart.~~

9 D. Minimum height. ~~Where overhead utility lines do not exist, street trees shall be a minimum of~~
10 ~~fourteen (14) feet in height with a spread of at least six (6) feet and a caliper dimension of no less~~
11 ~~than three (3) inches at the time of planting, measured four and one-half (4½) feet above the top of~~
12 ~~the root ball. Where overhead utility lines do exist, street trees shall be a minimum of ten (10) feet in~~
13 ~~height with a spread of at least four (4) feet and a caliper dimension of no less than two (2) inches at~~
14 ~~the time of planting, measured four and one-half (4½) feet above the top of the root ball.~~

15 EB. Alternative compliance. ~~Street tree requirements on residential and park sites having a significant~~
16 ~~mature tree canopy may be waived, partially or in full, if the following conditions are met:~~

17 1. ~~Existing trees to be preserved on site having a minimum three-inch caliper dimension may be~~
18 ~~used to meet municipal-the street tree requirements provided they are located within the first~~
19 ~~fifteen (15) feet from the edge of the road pavementimmediately adjacent to a street right-of-~~
20 ~~way or road access easement serving the development.~~

21 2. ~~Required street trees may also be provided in the form of existing trees located in the front yard~~
22 ~~area beyond a depth of fifteen (15) feet from the edge of the road pavement-access easement~~
23 ~~line. However, credit for such existing trees will be limited on the basis that three (3) trees of six~~
24 ~~(6) inches caliper dimension or more are required in lieu of one (1) street tree.~~

25 3. ~~Additional trees required to meet municipal-the street tree requirements must be planted within~~
26 ~~the right-of-way or road access easement areas in accordance with the requirements for street~~
27 ~~trees of this section.~~

28 4. ~~Trees retained in front yard areas, in lieu of street trees, are subject to code enforcement~~
29 ~~provisions. Maintenance and retention of these trees is the responsibility of the property owner.~~

30 5. Refer to subsec. XXX (Engineering Standards) for required pavement offsets.

31 ~~5. Developments requiring site plan approval shall provide one (1) tree per each forty (40) feet of~~
32 ~~median length, where medians adjacent to the site plan.~~

33
34
35 Sec. 22-4326. - Installation, maintenance and materials for all zoning districts.

36 A. Installation. ~~All landscaping shall be installed in a sound, workmanlike manner and according to~~
37 ~~accepted good planting procedures, with the quality of plant materials as hereinafter described. All~~
38 ~~elements of landscaping, exclusive of plant materials, shall be installed so as to meet all other~~
39 ~~applicable ordinances and Ccode requirements. All trees shall be planted in a prepared planting area~~
40 ~~of at least twenty-five (25) square feet. Required landscaped areas shall be protected from vehicular~~
41 ~~encroachment in commercial, industrial, and multifamily developments. —areas, by continuous~~
42 ~~curbing placed at least two (2) feet from the edge of such landscaped areas. Wheelstops are~~
43 ~~permitted in lieu of curbing at the head of parking stalls. The, Ccity Landscape Aarchitect. -Ccity~~
44 ~~Feengineer, or his/her agents, shall inspect all landscaping and no certificate of occupancy or similar~~
45 ~~authorization will be issued unless the landscaping meets the requirements herein provided. All living~~
46 ~~plant materials installed on private property pursuant to this chapter-article shall be irrigated with an~~
47 ~~automatic underground irrigation system, except in estate, recreation and open spacepark and~~

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1 agricultural districts, or as otherwise exempted. Said system shall provide irrigation in a manner so
2 as not to cause staining of structures and pavement, and shall provide one hundred (100) percent
3 coverage with a minimum fifty (50) percent overlap or otherwise result in the effective irrigation of the
4 landscaped area.

5 B. *Maintenance.* The owner shall be responsible for the maintenance of all landscaping located in areas
6 where landscaping is required by this chapter, including fence lines, landscaped portions of rights-of-
7 way to the pavement's edge, swales, and canal banks to the mean water line, in accordance with the
8 following standards:

9 1. Keep landscaping reasonably free of insects and disease and appropriately irrigated to enable
10 landscaping to be in a healthy growing condition.

11 2. Mow, trim or prune landscaping in a manner and at a frequency appropriate to the use made of
12 the material and species on the site so as not to detract from the appearance of the general
13 area. Mow lawn areas in a manner and at a frequency as to not be overgrown to exceed a
14 height of six (6) inches.

15 a. Any shrubs or hedge to be located near a sidewalk, path, or trail must maintain a minimum
16 of a three-foot clearance from the edge of the sidewalk, path or trail.

17 3. Pruning, trimming, and other maintenance:

18 a. Trees shall be pruned or trimmed in accordance with *ISA (International Society of*
19 *Arboriculture)* Standards for Tree Pruning and the Broward County @Guidelines for Tree
20 and @Palm @Pruning, and shall not be altered in any manner resulting in tree abuse. No
21 stubbing, hatracking or lollipopping shall be allowed. The natural growth pattern of the
22 species shall remain intact after pruning, with the exception of topiary pieces and hedges.

23 b. Any person contracting to move, remove, prune, trim, repair, or perform tree surgery upon
24 a tree, shall do so in conformance with the current edition of ANSI-A-300 for tree trimming
25 and ISA standards. Vehicles used by tree service/arborist operating within the city shall be
26 clearly marked with the name of the tree service/arborist. A photocopy of the occupational
27 license shall be available for inspection on each job site.

28 4. Maintain all landscaping to minimize property damage and public safety hazards, including
29 removal of low-hanging branches next to sidewalks and walkways, and removal of root systems
30 which show evidence of destroying public or private property, and maintenance of sight distance
31 standards as set forth elsewhere in this chapter.

32 5. Maintain all required irrigation systems in a good operating condition.

33 6. All trees and other plant material shall be maintained in terms of quality, height, spread, and
34 species as required elsewhere in this chapter; provided that no hedge within a residential
35 development where the hedge does not border a trafficway, arterial or major collector road, or is
36 not adjacent to a nonresidential use, may be in excess of eight (8) feet shall exceed twelve (12)
37 feet in height on a parcel of land in excess of one (1) acre in area, nor ten (10) feet in height on
38 a parcel of land that is one (1) acre or less in area. All hedges shall be maintained by the person
39 on whose property the hedge trunk is planted and shall be neatly trimmed and maintained. All
40 landscaping (including grass) required to be installed shall be regularly maintained by the owner
41 of the property that was required to plant said landscaping or that did plant the landscaping.
42 Said maintenance shall be on a regular basis, shall require replacement of unhealthy trees,
43 proper spraying and trimming, cutting and all other activities normally required to maintain the
44 landscaping in a good and well-trimmed condition.

45 7. Dead and/or dying trees and limbs or other natural growth which constitute a health or safety
46 hazard to persons or property shall be removed and replaced if required by city Code
47 requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the
48 occurrence of a health or safety hazard.

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- 1 8. Unless a governmental body has specifically assumed maintenance responsibilities, it shall be
 2 the responsibility of the owner of the property abutting a swale or water bank area to maintain
 3 said swale or water bank area. The swale or bank area shall be kept free of all debris and shall
 4 be landscaped and maintained in accordance with the landscape code of the city.
- 5 9. Crime Prevention Through Environmental Design (CPTED) and Florida Friendly Landscape
 6 Principles and Guidelines shall be incorporated as applicable.

7 C. *Plant material.*

- 8 1. Plant material used to comply with provisions of this chapter shall conform to the standards for
 9 Florida No. 1 or better, as noted in the latest edition of the "Grades and Standards for Nursery
 10 Plants," State of Florida, Department of Agriculture, Tallahassee, Florida, or equal thereto. Plant
 11 material species shall be chosen from the sources listed in paragraph 3.a. below in accordance
 12 with the Landscape Manual maintained in the city department of planning. Grass sod shall be
 13 clean, free of weeds and pests or diseases. Grass seed shall be delivered to the job site in bags
 14 with Florida Department of Agriculture tags attached, indicating the seed grower's compliance
 15 with the city department's quality control program.
- 16 2. The number of different species of trees and accent trees required shall be as follows:

Required Number of Trees	Minimum Number of Species
1-3	1
4-8	2
9-30	3
31-60	4
61 and over	5

- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25 3. Trees, palms, and shrubs and groundcover palette selection:
- 26 a. ~~Trees planted within fifteen (15) feet of a public right of way and trees required to meet the~~
 27 ~~provisions of this chapter shall be selected from the list of approved trees maintained in the~~
 28 ~~city environmental resources department.~~
- 29 b. At least minimum of fifty (50) percent of the required trees on a plot shall be native to South
 30 Florida and selected approved shade trees from the most current South Florida Edition of
 31 "Waterwise", published by the South Florida Water Management District (SFWMD), which
 32 can be obtained at www.sfwmd.gov list maintained in the city environmental resources
 33 department. All other plant material utilized shall be indigenous to South Florida or selected
 34 from c ~~On projects requiring installation of ten (10) or more trees, twenty five (25) percent~~
 35 ~~of the required installed trees shall be native to South Florida and fifty (50) percent shall be~~
 36 ~~Florida-Friendly Landscaping, Florida Statute 373.185 as described in the current~~
 37 ~~approved plant list maintained in the city environmental resources department, which can~~
 38 ~~be obtained at <http://fyn.ifas.ufl.edu>.~~
- 39
- 40 bd. A minimum of fifty (50) percent of the required interior trees on a plot shall be an installed
 41 size relating to the structure height as follows, unless otherwise specified:

Structure Height (feet)	Tree Height (feet)	Spread (feet)	Palm Height (feet)
To 15	12-14	5	14-18

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16-25	14-16	6	18-22
26-35	16-18	7	22-28
36 or more	18-20	8	22-28

- 1
- 2 ~~ce. Agriculture, estate, Single-family, and two-family and townhouse developments districts;~~
3 ~~Trees~~ shall be a minimum of ten (10) feet overall height immediately after planting,
4 with a spread of at least four (4) feet and a minimum caliper dimension of two (2) inches
5 measured at a point four and one-half (4½) feet above ground level, unless otherwise
6 specified. Accent trees shall a minimum of six (6) feet overall height, with a minimum of
7 four (4) foot spread, immediately after planting.
- 8 ~~df. Multifamily, business, industrial, community facility, and utility development, and as well as~~
9 ~~parks districts;~~ Unless ~~unless~~ otherwise provided herein, trees shall be a minimum of
10 twelve (12) feet overall height immediately after planting, with a spread of at least five (5)
11 feet and a minimum caliper dimension of two (2) inches measured at a point four and one-
12 half (4½) feet above ground level.
- 13 ~~eg. Palms having an average mature crown spread of less than twelve (12) feet may be~~
14 ~~substituted for trees by grouping these palms in groups of three (3), so as to create the~~
15 ~~equivalent of a 12-foot crown spread. Palms that have a minimum of five (5) feet of clear~~
16 ~~trunk or a caliper dimension of six (6) inches at a point at least eighteen (18) inches above~~
17 ~~the root ball and achieve a 12-foot crown spread singularly, or when grouped in threes,~~
18 ~~may be counted one (1) for one (1) as trees complying with the provisions of this chapter. If~~
19 ~~palms are so used, they shall make up no more than twenty-five (25) percent of the total~~
20 ~~required trees, unless noted otherwise.~~
- 21 ~~fh. Shrubs shall have a minimum height of eighteen (18) inches with a spread of eighteen (18)~~
22 ~~inches, when measured immediately after planting.~~
- 23 ~~gi. Hedges, where required, shall be planted at twenty-four (24) inches on center and~~
24 ~~maintained so as to form a visual screen. Shrubs used as hedges shall be Florida~~
25 ~~Department of Agriculture Grade No. 1 or better, with a minimum height of twenty-four (24)~~
26 ~~inches and a minimum spread of eighteen (18) inches when measured immediately after~~
27 ~~planting. Where larger material is used, spacing may be increased and planted so as to~~
28 ~~provide a continuous barrier, but not so close as to be detrimental to the plant material.~~
- 29 4. Grass areas shall be planted with an approved species that is certified disease and insect free
30 for South Florida as contained in the landscape manual. ~~Lawn areas shall be sodded; however,~~
31 ~~lawns may be seeded or sprigged with approval of the city landscape architect. Sod provided~~
32 ~~must be viable, reasonable free of weeds, and capable of growth and development. In general,~~
33 ~~sod strips shall be aligned with tightly fitted staggered joints and no overlap of butts or sides.~~
34 ~~Subgrade of lawn area after finished grading shall be reasonably free of all stones, sticks, roots~~
35 ~~and other matter prior to the placement of sod. New lawns shall be watered immediately after~~
36 ~~planting and shall be maintained in a living condition.~~
- 37 5. Ground covers and mulch used in lieu of grass, in whole or in part, in natural areas shall be
38 planted or laid in such a manner as to present a finished appearance and complete coverage.
39 Except in agricultural, and estate and park districts, and parks, ground covers in lieu of grass
40 areas are subject to the approval of the city landscape architect pursuant to section 22-43842,
41 "Waivers."

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1 **Sec. 22-4337. Right tree in the right placeRight Tree-Right Place.**

2 A. *General provisions.* All trees within thirty (30) feet of overhead utility lines, installed after the
3 effective date of this section are required to be in compliance with this section. The mature height
4 and width of a tree to be planted shall not exceed the available overhead growth space. Available
5 overhead growth space is defined as the available space for the canopy of a tree to attain the natural
6 height and growth habit at time of the tree's maturity.

7 B. *Nonconforming trees.* Existing trees not in accordance with this section shall be brought into
8 compliance with this section by corrective or remedial pruning within one (1) year of the effective
9 date of the ordinance from which this section is derived; if this cannot be performed without
10 removing more than twenty (20) percent of the tree's canopy, pruning shall not be required. In such
11 cases, the owner may remove the tree in accordance with section 22-427, "General requirements."
12 To correct nonconforming trees the city shall offer expedited permit review and shall not charge a
13 permit fee. If the tree is removed, it shall be replaced within three (3) months of such action and in
14 accordance with this section. Specimen trees or other trees which chapter 27 of the Broward County
15 Code prohibits from being removed in these circumstances shall not be subject to removal.

16 C. *Overhead utilities.* Tree selection shall be chosen from the most current FPL (Florida Power and
17 Light) Public Brochure for Right Tree – Right Place which can be found at www.FPL.com/trees.
18 Trees planted adjacent to overhead utility lines, such as street trees, must comply with the following
19 regulations:

- 20 1. Small trees (other than palms) less than twenty (20) feet [in] height at maturity may be planted
21 adjacent to but not under power lines.
- 22 2. Medium trees (other than palms) twenty (20) feet to thirty (30) feet [in] height at maturity shall be
23 planted twenty (20) feet back from power lines.
- 24 3. Large shade trees (other than palms) greater than thirty (30) feet [in] height at maturity shall be
25 planted thirty (30) feet back from power lines.
- 26 4. Small palms less than twenty (20) feet [in] height at maturity may be planted adjacent to but not
27 under power lines.
- 28 5. Large palms greater than twenty (20) feet [in] height at maturity shall be planted at the average
29 palm length plus two (2) feet for clearance from power lines.
- 30 6. Distance from overhead utility lines shall be measured from the ground directly under the point
31 where any utility line crosses overhead.
- 32 7. To the extent of any ~~If this section is in conflict with section 22-4345, "Street trees," then this~~
33 ~~section shall apply.~~

34 D. *Requirements.* All businesses which perform tree pruning services in accordance with the
35 requirements of article XXXIII of this chapter are required to obtain a Broward County Tree Pruning
36 License that meets the following requirements:

- 37 1. Training in correct pruning practices such as those endorsed by the International Society of
38 Arboriculture (ISA).
- 39 2. Proof of adequate liability insurance.
- 40 3. Documentation of adequate workers' compensation insurance.
- 41 4. Documentation of compliance with pertinent OSHA safety regulations.
- 42 5. Proof of a valid Broward County Tree Trimming License.

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1E. "Right Tree in the Right Place" approved species list.

2 1. Small trees less than twenty (20) feet [in] height at maturity and can be planted adjacent to
 3 power lines.

Common Name	Botanical Name
*Sweet acacia	Acacia farnesiana
Dwarf Poinciana	Caesalpinia spp.
*Silver Buttonwood	Conocarpus e. 'Sericeus'
White Geiger	Cordia boissieri
*Orange Geiger	Cordia sebestena
Loquat	Eriobotrya japonica
*Stoppers	Eugenia spp.
Tree Jatropha	Jatropha spp.
Crape Myrtle	Lagerstroemia indica
Tree ligustrum	Ligustrum spp.
Frangipani	Plumeria rubra
*Denotes South Florida native species	

4 2. Medium trees twenty (20) feet to thirty (30) feet [in] height at maturity and to be planted twenty (20) feet
 5 back from power lines:

Common Name	Botanical Name
*Pitch Apple	Clusia rosea
*Pigeon Plum	Coccoloba diversifolia
*Dahoon holly	Ilex cassine
*Ironwood	Krugiodendron ferreum
Sabicu	Lysiloma latisiliqua
*Denotes South Florida native species	

6 3. Large shade trees greater than thirty (30) feet [in] height at maturity and to be planted thirty (30)
 7 feet back from power lines. Large canopy shade trees [are used] for lawns and street trees.

Common Name	Botanical Name
*Gumbo Limbo	Bursera simaruba
Calophyllum	Calophyllum spp.
Golden Shower Tree	Cassia fistula
Floss Silk Tree	Chorisia speciosa
*Green Buttonwood	Conocarpus erectus
Royal Poinciana	Delonix regia
Japanese Fern Tree	Filicium decipiens
*Loblolly Bay	Gordonia lasianthus
Golden Raintree	Koelreuteria elegans
*Wild Tamarind	Lyciloma bahamensis
*Sweetbay	Magnolia virginiana
*Mastic Tree	Masticodendron foetidissimum
Yellow Poinciana	Peltophorum pterocarpum
*Redbay	Persea borbonia
*Slash Pine	Pinus elliotii 'densa'
*Live Oak	Quercus virginiana
*Mahogany	Swietenia mahogoni
*Bald Cypress	Taxodium distichum
*Denotes South Florida native species	

8
 9 4. Small palms less than twenty (20) feet [in] height at maturity and can be planted adjacent to power lines:

Common Name	Botanical Name
Pindo Palm	Butia capitata
Cat Palm	Chamadorea cataractarum

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Bamboo Palm	Chamadorea spp.
*Silver Palm	Coccothrinax argentata
*Needle Palm	Rhapidophyllum hystrix
*Thatch Palm	Thrinax spp.
*Denotes South Florida native species	

1 5. Large palms greater than twenty (20) feet height at maturity and to be planted at the average palm length
2 plus two (2) feet for clearance from power lines. (#) indicates average palm frond length.

Common Name	Botanical Name
Paurotis Palm	Acoclorrhapha wrightii (5')
Alexander Palm	Ptychosperma elegans (8')
Bismark Palm	Bismarkia nobilis (7')
Coconut Palm	Cocos nucifera (15')
Hurricane Palm	Dictyosperma album (12')
Chinese Fan Palm	Livistonia chinensis (7')
Canary Island Date	Phoenix canariensis (15')
Senegal Island Date	Phoenix reclinata (10')
Royal Palm	Roystonea regia (15')
*Sabal Palm	Sabal pumilio (7')
*Denotes South Florida native species	

3

4 **Sec. 22-4348. Removal of existing plant material.**

5 A. In instances where healthy plant material exists on a site, and is to be retained, the city landscape
6 architect, or his/her agents, may adjust the application of the minimum requirements to allow a
7 maximum of fifty (50) percent credit for a consideration of such plant material, if such an adjustment
8 is in keeping with and will preserve the intent of this chapter. In such cases, a survey as provided in
9 section 22-427(C) shall be provided to the building department specifying the species, approximate
10 height and caliper dimension, as well as the location and condition of any plant material used as a
11 basis for requesting this adjustment. Any adjustment shall be based on unique circumstances
12 applicable to the plot in question with the object of such adjustment being to preserve existing
13 vegetation or to maintain a tree canopy.

14 B. No existing desirable or protected plant material shall be destroyed or removed, without tree removal
15 and land permits as described elsewhere in this chapter, unless such plant material creates an
16 immediate danger to the public safety through disease, damage or the like. This section shall not
17 apply to exotic species such as Brazilian pepper or Melaleuca.

18 C. ~~In all districts where any~~Any vegetation that encroaches onto or destroys public property, or without
19 permission private property, or limits visibility; through the public right-of-way said vegetation shall be
20 removed from the property at the landowner's expense.

21 **Sec. 22-4359. — Modification of Existing landscape buffers.**

22 A. ~~Definitions.~~ For the purposes of this section, a "buffer" shall be deemed to be that area located
23 within a front, rear or side yard or common area of a condominium or homeowners association or a
24 residential rental dwelling development. The term "landscaping" shall include, but not be limited to,
25 any vegetation placed in the buffer by any owner of the buffer, and any natural non-invasive
26 vegetation (including Brazilian pepper) which exists within any buffer, as well as the material
27 described in section 22-4. The term "excessive trimming" shall be defined as any trimming or cutting
28 of landscaping within the buffer which is in an amount in excess of that necessary to provide for a
29 trimmed or neat appearance or which decreases the opacity of the existing landscaping. In addition,
30 all definitions set forth in section 22-4 shall also apply hereto.

31 EA. *Restricted areas.* No person shall remove or excessively trim, or hat-rack, any landscaping within
32 any buffer abutting or adjacent to Holmberg Road, Parkside Drive, Riverside Drive, University Drive,

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1 Pine Island Road, Hillsboro Boulevard, Nob Hill Road, Mecca Boulevard, State Road 7 or
2 Loxahatchee Road and Trails End, without first obtaining a permit for such removal or excessive
3 trimming from the city.

4 ~~CE.~~ Requirements for permit. ~~The city manager shall authorize an application form for the permit~~
5 ~~provided for in subsection (B).~~ No permit shall be granted unless the applicant provides a plan,
6 signed and sealed by a registered landscape architect, which plan provides for additional
7 landscaping which will assure that there shall be no decrease in the opacity of the landscaping on
8 the buffer and that the opacity provided for in the landscaping plan shall be comparable to that
9 existing on the buffer at the time the permit is sought. The city commission must approve any such
10 plan prior to issuance of the permit.

11 ~~DC.~~ Fee. The city commission does hereby impose a fee of two hundred fifty dollars (\$250.00).

12 ~~ED.~~ Violation. Any violation of this section shall be punishable by a fine of up to five hundred dollars
13 (\$500.00). A violation of this section shall be considered to be the removal or excessive trimming of
14 the landscaping referred to herein within the buffer, as well as each day thereafter that the buffer
15 continues to exist with the removed or excessively trimmed or hat-racked landscaping, as prohibited
16 in this section so that the fine shall be five hundred dollars (\$500.00) per day.

17 18 **Sec. 22-43640. - Plan approval.**

19 A. Plan required. Prior to the issuance of a building permit, a landscape plan prepared by a landscape
20 architect, registered in the State of Florida, shall be submitted to and approved by the city landscape
21 architect, or agents thereof, subject to the review and approval of such other agencies as may be
22 deemed advisable.

23 B. Scale. The landscape plan shall be drawn to a one (1) inch equals twenty (20) feet scale minimum,
24 or as required by the city, to clearly show the design intent, including dimensions, areas and
25 distances, and clearly delineate the existing and proposed parking spaces or other vehicular use
26 areas, access aisles, driveways, sight visibility triangles (using grayscale), utility and drainage
27 easements, coverage of required irrigation systems, water outlet locations and the location and size
28 of buildings. On projects of more than five (5) acres in size, the applicant may request verbal
29 approval from the city landscape architect that plans be drawn at a smaller scale.

30 C. Tabulations. The plan shall also designate on the plan and in tabular form, the quantity by name,
31 size and location, of the plant material to be installed, or if existing, to be used in accordance with the
32 requirements hereof. No permit shall be issued for such building unless such landscape plan
33 complies with the provisions herein. The landscape plan shall be legible and drawn to a suitable
34 scale to show required information.

35 ~~B. The requirements contained herein are minimum, and must be reviewed by city staff and approved~~
36 ~~by the planning and zoning board. More detailed examples of the intent of the chapter are contained~~
37 ~~in the Landscape Manual.~~

38 **Sec. 22-43741. - Nonconforming sites.**

39 No existing properties shall be permitted to increase the degree of nonconformity as it pertains to this
40 chapter. Wherever developments have required landscaped areas, said areas are to conform to this
41 chapter.

42 A. Existing development shall have one (1) year from the date of adoption of the ordinance from which
43 this chapter is derived to conform as required above.

44 B. This section does not require removal of healthy plant material.

45 C. This section does not require meeting the native species ratio set forth elsewhere in this chapter.

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- 1 D. This section does not require meeting pervious or open area requirements contained in this chapter.
2 E. Failure to comply with this section shall be a violation of this chapter.
3

4 **Sec. 22-43842. - Waivers.**

5 A waiver may be granted to sections 22-427 and 22-42836 in situations where flexibility in species
6 specification or quantity or design may be considered desirable by the city in order to provide a "park-like
7 setting," particularly in cases where special circumstances or natural features make literal application of
8 this chapter a hardship and an alternate landscape plan a reasonable alternative. The planning and
9 zoning board shall make a recommendation on applications to the city commission, who may approve a
10 waiver, approve with conditions, or deny a waiver from the species, height, spread, or quantity, design or
11 location of landscape material (including street trees or lawn area) required by this chapter based upon
12 the circumstances described above and a showing by the applicant that the alternate proposal which
13 varies from minimum requirements of this Code section meets or exceeds the requirement of a "park-like
14 setting," as defined in this chapter. The applicant shall pay a fee as set forth in the land development fee
15 schedule, as amended from time to time. No waiver fee shall be required if submitted concurrently with a
16 building permit or site plan application. A waiver from all other provisions of this chapter shall be reviewed
17 by the planning and zoning board, sitting as the Parkland Tree Board, and recommended to the city
18 commission. Based upon the criteria listed below, the city commission may approve, deny, or approve
19 with conditions such a waiver, provided the following:

- 20 A. The application for waiver is made prior to any actions for which a waiver is required;
21 B. There are special and unique conditions which create an undue hardship, which conditions do not
22 apply generally to other tree or other properties;
23 C. Any alleged hardship is not self-created;
24 D. The waiver sought is the minimum required to alleviate the hardship;
25 E. The granting of the waiver shall be in harmony with the general intent and purposes of this chapter
26 and will not create a dangerous condition that threatens the public or the property; and
27 F. The waiver sought shall be compatible with the natural landscaping existing within the surrounding
28 area.

29 **~~Sec. 22-439. - Landscape manual.~~**

30 ~~The city shall prepare, and from time to time revise, a landscape manual and make the same available to~~
31 ~~the public, which manual shall provide an illustrative interpretation of the above standards, suggested~~
32 ~~guidelines for landscaping in accordance with above standards, and approved plant and tree list.~~

33 **Sec. 22-4403. - Penalty.**

34 Any person who shall violate any provisions of this article or fail to comply therewith or with any other
35 requirements hereof shall, upon conviction thereof, be subject to a fine not to exceed five hundred dollars
36 (\$500.00), and each day said violation shall exist or be permitted to exist shall constitute a separate
37 offense. Further, with respect to trees, each incident involving each tree shall be considered a separate
38 violation of this article punishable by a fine not to exceed five hundred dollars (\$500.00).

39 **Sec. 22-4413.4 - Conflicts.**

40 Should the requirements of this chapter as they pertain to landscaping and landscaped open space
41 conflict with those of the zoning ordinance or any other ordinance or the city, the most stringent
42 requirements shall govern.

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1 **Sec. 22-4425. - Parkland Tree Board.**

- 2 A. The planning and zoning board of the city shall enforce the terms of this section and sit as the
3 parkland tree board.
- 4 B. The parkland tree board shall have as its duties and responsibilities to study, investigate, council and
5 develop as well as promote the care, preservation, pruning, planting, replanting, removal or
6 disposition of trees and shrubs in parks, recreation, and open space as well as along streets and
7 thoroughfares and in other public areas. The board, when requested by the city commission, shall
8 consider, make finding, report and recommend upon any special matter of question being within the
9 scope of its jurisdiction.

10 **Sec. 22-4436. - Arbor streets.**

11 A. Designation criteria. An arbor street shall be a street designated by the city commission, as set forth
12 herein, based upon the existence of extensive vegetation bordering the street. For designation as an
13 arbor street, the vegetation must be dense in character, contain vegetation or trees in excess of
14 fifteen (15) feet in height for substantial lengths of the road, and creates a rural feel for significant
15 lengths of the road. The city does hereby find that Holmberg Road is an arbor street for its entire
16 length within the city. Other streets may be designated as arbor streets by resolution of the city
17 commission, provided the city makes a specific finding that the requirements set forth above have
18 been met.

19 BA. Effect. Where a street has been designated as an arbor street, no vegetation of any type
20 whatsoever shall be removed from the right-of-way for the arbor street without the specific
21 permission of the city.

22 C. Permit procedure for removing landscape material. Said permission must be granted by the city
23 commission after review by the planning and zoning board. ~~The director of planning shall be~~
24 ~~responsible for developing application forms for persons wishing to obtain permission for such~~
25 ~~removal.~~ All applications shall first be reviewed by the city landscape architect, who shall make a
26 recommendation with regard to the application. The city shall process any completed application
27 within ninety (90) days of submittal. This provision may be waived by the city manager in cases
28 deemed to be a public emergency. No removal shall be permitted, notwithstanding the fact that there
29 exists in the area an exotic species which would normally be unregulated if the removal of that
30 species or, any other species, would cause the character of the vegetation along the arbor street to
31 be materially changed. The standard for granting permission for a private party to remove vegetation
32 outside of the right-of-way shall be whether the removal of the vegetation shall cause these to be a
33 material diminution in the amount, size, density or quality of this vegetation bordering the road and
34 whether there are commitments to replace the vegetation which maintains the rural and vegetated
35 feel of the road. Replacement buffer shall be installed in no more ninety (90) days from removal and
36 achieve opaqueness in no more than one (1) year from date of installation.

37 CB. Trimming restrictions. Unless approved by the city landscape architect in writing, no trimming of
38 vegetation on the right-of-way of an arbor street or within fifteen (15) feet of an arbor street or any
39 undertaking which has the effect of threatening the health of the vegetation on the arbor street or in
40 the case of trees in excess of fifteen (15) feet of height reduces the height of said tree by more than
41 ten (10) percent or, in the opinion of the city landscape architect, is not necessary for the health of
42 the tree. In the case of shrubbery, no trimming of shrubbery in excess of six (6) feet in height may be
43 undertaken which reduces the height of said shrubbery by more than one (1) foot or, in the opinion
44 of the city landscape architect, endangers the health of the shrubbery. The city landscape architect
45 shall provide application forms for obtaining permission to undertake the trimming herein prescribed.
46 The standard for granting permission for a private party to trim vegetation outside of the right-of-way
47 shall be whether the removal of the vegetation shall cause these to be a material diminution in the
48 amount, size, density or quality of vegetation bordering the road, whether there are commitments to
49 replace the vegetation with vegetation which maintains the rural and vegetated feel of the road.

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1 DC. Violations. Any violation of this article ~~[section]~~ shall be punishable by a fine of five hundred dollars
2 (\$500.00) or sixty (60) days in prison. Where a violation occurs, each day that the violation continues
3 to exist without immediate remedial action aimed at prompt restoration of the previous condition,
4 shall be considered a separate violation of this article, punishable by a five hundred dollar (\$500.00)
5 fine.

6 **Sec. 22-4447. - Temporary relief from landscape standards.**

7 A. Scope of relief. The time for installation of landscaping required by this article ~~XXXXIII~~ entitled
8 "~~Landscaping and Vegetation~~" may be temporarily extended, in individual cases, by the planning and
9 zoning director ~~or his/her designee~~ in accordance with this section. Where acts of God or other
10 extraordinary circumstances, as identified by the City of Parkland City Commission, Broward County
11 or the State of Florida, create conditions which make their immediate application unduly
12 burdensome, the temporary relief from landscape requirements, as approved by the landscape plan,
13 shall be for a limited period of time not to exceed ninety (90) days from the date of agreement
14 issuance.

15 ~~A performance Bond in the amount of one hundred and ten percent (110%) of the value of work will~~
16 ~~be provided to the city at time of approved extension. The bond will be returned upon completion of~~
17 ~~said landscape for the home/park/community or commercial site.~~

18 B. Application for relief. An application of temporary relief from landscape standards shall be submitted
19 prior to the final landscape inspection request, accompanied by a landscape plan, identifying the
20 plantings that have been postponed, the proposed planting schedule and the costs of the suspended
21 planting. Planting cost estimates may be independently verified by the City of Parkland Planning
22 Department at the applicant's expense. The hourly landscape plan review fee will be applied for all
23 review and cost estimate verification.

24 C. Surety. Pending the review of the application of temporary relief from landscape standards, the
25 property owner shall enter into an agreement, as approved by the city attorney, with the City of
26 Parkland to allow issuance of the permit, certificate of occupancy or certificate of completion, only if
27 the property owner provides adequate guarantee or surety that the terms of this section are met. The
28 guarantee shall consist of a performance bond or other surety acceptable to the city attorney ~~that the~~
29 ~~terms, approved by the city attorney,~~ in an amount equal to one hundred twenty-five (125) percent of
30 the direct costs of materials, ~~and labor and~~ any other costs, as determined by the ~~planning~~
31 ~~director~~ city landscape architect, ~~incidental for to completing~~ the installation of the required landscape
32 ~~completion agreement~~ landscaping. Performance bonds or other guarantees required pursuant to this
33 section shall name the City of Parkland as a beneficiary and specify the time frame for the
34 completion of the landscape standards installation; ~~if~~ If the owner defaults under the agreement, the
35 city may access the bond and hold the proceeds for the purposes of doing the work where access to
36 the property will be required, ~~or as a penalty at the city's sole discretion.~~ Additionally; ~~additionally,~~
37 the fact that the city accepts the bond and keeps the funds as a penalty shall not relieve the owner
38 from the obligation to comply with the landscape requirements, ~~and the city may prosecute the owner~~
39 ~~for failure to comply with those requirements.~~

40
41
42
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