

ORDINANCE NO. 2015 - 20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO LANDSCAPING REGULATIONS; AMENDING VARIOUS SECTIONS OF CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), REGARDING LANDSCAPING REQUIREMENTS APPLICABLE TO THE UNINCORPORATED AREAS OF BROWARD COUNTY; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Chapter 39 of the Broward County Code of Ordinances, "Zoning," Article VIII, "Landscaping for Protection of Water Quality and Quantity," Section 39-75, is hereby amended to read as follows:

Sec. 39-75. Purpose and intent.

The general purposes of this article are as follows:

...

(g) To promote water conservation, water quality improvement, and vegetation protection objectives by providing for:

- (1) The preservation of existing native plant communities in coordination with Broward County's Tree Preservation and Abuse Ordinance, Chapter 27, Article XIV, of this Code;

...

Section 2. Section 39-76 of the Broward County Code of Ordinances is hereby amended to read as follows:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscoring type are additions.

1 **Sec. 39-76. Definitions.**

2 In addition to the definitions set forth under Article II, Section 39-4 of this chapter,
3 the following definitions shall apply when used in this article:

4 . . .

5 (k) *Ecological Community*: Any one of the native vegetative plant
6 communities as same may be determined pursuant to Chapter 5, Article XII, "~~Natural~~
7 ~~Resource Areas~~," Section 5-279, *et seq.*, of the Code, ~~as amended~~.

8 . . .

9 (o) *Florida-Friendly LandscapingTM*: Quality landscapes that conserve water,
10 protect the environment, are appropriate for local conditions, and are drought, wind,
11 ~~and/or~~ salt tolerant. The principles of Florida-Friendly LandscapingTM include planting
12 the right plant in the right place, efficient watering, appropriate fertilization, mulching,
13 attraction of wildlife, responsible management of yard pests, recycling yard waste,
14 reduction of stormwater runoff, and waterfront protection. Additional components of
15 Florida-Friendly LandscapingTM include planning and design, soil analysis, use of solid
16 waste compost, practical use of turf, and proper maintenance. The principles of Florida-
17 Friendly LandscapingTM are explained in detail in the most recent edition of *The Florida-*
18 *Friendly Landscaping Guide to Plant Selection & Landscape Design* published by the
19 University of Florida IFAS Extension and the Florida Department of Environmental
20 Protection.

21 (p) *Foundation Planting*: A group of plants in a landscaped bed placed at the
22 base of a building structure and used to blend the building with its setting.

23 (p) (q) *Groundcover*: Low growing plants, other than turfgrass, used to cover the
24 soil and form a continuous, low mass of foliage.

1 ~~(q)~~ (r) *Hardscape*: Areas such as patios, decks, driveways, paths, and sidewalks
2 that do not require irrigation.

3 ~~(r)~~ (s) *Hedge*: A row of evenly-spaced shrubs or other vegetation planted to
4 form a dense, continuous, unbroken visual screen.

5 ~~(s)~~ (t) *Hydrozone*: A distinct grouping of plants with similar water needs and
6 climatic requirements. Also referred to as water use zone.

7 ~~(t)~~ (u) *Infiltration Rate*: The rate of water entry into the soil expressed as a depth
8 of water per unit of time (inches per hour).

9 ~~(u)~~ (v) *Institutional Fertilizer Applicator*: Any person, other than a
10 ~~non-commercial~~ noncommercial or commercial fertilizer applicator (unless such
11 definitions also apply under the circumstances), that applies fertilizer for the purpose of
12 maintaining turf ~~and/or~~ landscape plants. Institutional applicators shall include, but shall
13 not be limited to, owners and managers of public lands, schools, parks, religious
14 institutions, utilities, industrial or business sites, and any residential properties
15 maintained in condominium, common ownership, ~~and/or~~ common management.

16 ~~(v)~~ (w) *Integrated Pest Management*: A pest management strategy that focuses
17 on long-term prevention or suppression of pest problems through a combination of
18 techniques such as encouraging biological control, use of resistant plant varieties, and
19 adoption of alternate cultural practices to make the habitat less conducive to pest
20 development. Pesticides are used only when careful monitoring indicates they are
21 needed, or to prevent pests from significantly interfering with the purposes for which
22 plants are being grown.

23 ~~(w)~~ (x) *Irrigation System*: A constructed watering system designed to transport
24 and distribute water to plants.

1 ~~(x)~~ (y) *Irrigation Zone*: A grouping of soakers, sprinkler heads, bubblers, or
2 microirrigation emitters operated simultaneously by the control of one (1) valve.

3 ~~(y)~~ (z) *Landscape*: Any combination of living plants (such as grass, groundcover,
4 shrubs, vines, hedges, palms, or trees) and ~~non-living~~ nonliving landscape material
5 (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

6 ~~(z)~~ (aa) *Landscape Design*: Consultation for and preparation of planting plans
7 drawn for money, goods, services, or other valuable consideration, including
8 specifications and installation details for plants, soil amendments, mulch, edging, gravel,
9 and other similar materials. Such plans may include only recommendations for the
10 conceptual placement of tangible objects for landscape design projects. Construction
11 documents, details, and specifications for placement of tangible objects and irrigation
12 systems shall be designed, approved, or, if necessary, sealed by licensed professionals
13 as required by Chapter 481, Part II, Florida Statutes, ~~as amended~~.

14 ~~(aa)~~ (bb) *Landscape Layout Plan*: Plans and drawings showing the location of
15 buildings, structures, underground and overhead utilities, pedestrian transportation, or
16 environmental systems, and the detail for placement of site amenities, accessibility
17 components, plantings, and other tangible objects. Plans shall be numbered, dated,
18 North arrow indicated, scaled, and sealed by an appropriately-licensed professional
19 where required by Chapter 481, Part II, Florida Statutes, ~~as amended~~.

20 ~~(bb)~~ (cc) *Landscape Plans*: Landscape plans may include a planting plan, a
21 landscape layout plan, an irrigation plan, a grading and drainage plan, detail sheets,
22 and written specifications. Plans shall be numbered, dated, North arrow indicated,
23 scaled, and sealed by an appropriately-licensed professional where required by Chapter
24 481, Part II, Florida Statutes, ~~as amended~~.

1 ~~(cc)~~ (dd) *Landscape Plant*: Any native or exotic tree, palm, shrub, vine, hedge, or
2 groundcover (excluding turf).

3 ~~(dd)~~ (ee) *Landscaped Area*: The entire parcel less the building footprint,
4 hardscapes, and ~~non-porous~~ nonporous areas. Water features are included in the
5 calculation of the landscaped area.

6 ~~(ee)~~ (ff) *Low Maintenance Zone*: An area a minimum of ten (10) feet wide
7 adjacent to water courses which is planted and managed in order to minimize the need
8 for fertilization, watering, mowing, ~~etc~~ and other maintenance.

9 ~~(ff)~~ (gg) *Microirrigation*: The application of small quantities of water directly on or
10 below the soil surface, usually as discrete drops, tiny streams, or miniature sprays
11 through emitters placed along the water delivery pipes (laterals). Microirrigation
12 encompasses a number of methods or concepts including drip, subsurface, bubbler,
13 and spray irrigation that deliver water directly to plant root zones with a high degree of
14 efficiency, no runoff, and little to no evaporation.

15 ~~(gg)~~ (hh) *Mulch*: ~~Non-living~~ Nonliving, organic materials customarily used in
16 landscaping to retard erosion, retain moisture, and control weeds.

17 ~~(hh)~~ (ii) *Native Vegetation*: Any plant species with a geographic distribution
18 indigenous to all, or part, of the state of Florida as identified in the *Guide to the Vascular*
19 *Plants of Florida*, R.P. Wunderlin, 1998, University Press of Florida, Gainesville, or the
20 *Atlas of Florida Vascular Plants* (<http://www.florida.plantatlas.usf.edu>). For the purpose
21 of this article, native vegetation shall consist of those plant species indigenous to the
22 ecological communities of South Florida, as indicated on lists provided by ~~Broward~~ the
23 County.

1 ~~(ii)~~ (jj) *NatureScape*: Local ~~Broward~~ County landscape program that promotes
2 Florida-Friendly Landscaping™ principles and Best Management Practices, the
3 incorporation of at least fifty percent (50%) native vegetation, the creation of wildlife
4 habitats, and the planting and propagation of native, ~~non-invasive~~ noninvasive, and
5 drought-tolerant plants.

6 ~~(jj)~~ (kk) ~~Non-Commercial~~ Noncommercial *Fertilizer Applicator*: Any natural person
7 who applies fertilizer on turf and/or landscape plants on ~~his/her~~ his or her own private,
8 residential property, or that of another when not done in exchange for money, goods,
9 services, or other valuable consideration.

10 ~~(kk)~~ (ll) *Palms*: ~~A-p~~Plants belonging to the monocot order of the family *Palmae*,
11 distinguished by having unbranched single or ~~multi-trunks~~ multiple trunks crowned by
12 large, compound pinnate, or palmate ~~leaves/fronds~~ leaves or fronds.

13 ~~(ll)~~ (mm) *Pervious Paving Materials*: A porous asphaltic, concrete, or other surface
14 having a high-void aggregate base which allows for rapid infiltration and temporary
15 storage of rain on, or runoff delivered to paved surfaces.

16 ~~(mm)~~ (nn) *Plant Bed*: A grouping of trees, shrubs, groundcover, perennials, or
17 annuals growing together in a defined area devoid of turfgrass, normally using mulch
18 around the plants.

19 ~~(nn)~~ (oo) *Plant Communities*: An association of native plants that are dominated by
20 one (1) or more prominent species or a characteristic physical attribute.

21 ~~(oo)~~ (pp) *Planting Plan*: Specifications and installation details for plants, soil
22 amendments, mulch, edging, gravel, staking materials, and other similar materials.

23 ~~(pp)~~ (qq) *Point of Connection ("POC")*: The location where an irrigation system is
24 connected to a water supply.

1 ~~(qq)~~ (rr) *Pressure Tank*: A pressurized holding tank for irrigation water coming
2 from wells to minimize cycling of the water pump.

3 ~~(rr)~~ (ss) *Runoff*: The water that results from and occurs following a rain event, or
4 following an irrigation event, because the water is not absorbed by the soil or landscape
5 and flows off from the area.

6 ~~(ss)~~ (tt) *Shrub*: A woody plant with multiple stems produced from the base which
7 normally grows to an overall height of less than ten (10) feet in Southeast Florida.

8 ~~(tt)~~ (uu) *Site Appropriate Plant*: A plant that, after establishment, will thrive within
9 the environmental conditions that are normal for a specific location without artificial
10 inputs or supplements such as irrigation.

11 ~~(uu)~~ (vv) *Sod or Lawn*: A piece of turf-covered soil held together by the roots of the
12 turf.

13 ~~(vv)~~ (ww) *Soil Moisture Sensor*: A soil-based device that assesses the available
14 plant soil moisture in order to minimize the unnecessary use of water and optimize the
15 effectiveness of an irrigation system.

16 ~~(ww)~~ (xx) *Sustainable*: Capable of being continued with minimal long-term effect on
17 the environment.

18 ~~(xx)~~ (yy) *Swale*: A low-lying or shallow trough-like depression that carries water,
19 mainly during rainstorms, and that provides flood control and onsite water quality
20 mitigation through removal of pollutants and nutrients associated with runoff.

21 ~~(yy)~~ (zz) *Tree*: Any living, self-supporting, dicotyledonous or monocotyledonous
22 woody perennial plant which has a diameter at breast height ("DBH") of no less than
23 three (3) inches at maturity and which normally grows to an overall height of no less
24 than ten (10) feet in Southeast Florida.

1 ~~(zz)~~ (aaa) *Turf or Turfgrass*: A mat layer of monocotyledonous plants such as, but
2 not limited to, Bahia, Bermuda, Centipede, Seaside Paspalum, St. Augustine, and
3 Zoysia and their cultivars.

4 ~~(aaa)~~ (bbb) *Valve*: A device used to control the flow of water in the irrigation zone.

5 ~~(bbb)~~ (ccc) *Vegetation*: Angiosperms, gymnosperms, ferns, and mosses.

6 ~~(eee)~~ (ddd) *Vine*: Any plant with a long, slender stem that trails or creeps on the
7 ground or climbs by winding or attaching itself on a support structure such as walls,
8 poles, or trees, ~~etc.~~

9 Section 3. Section 39-77 of the Broward County Code of Ordinances is hereby
10 amended to read as follows:

11 **Sec. 39-77. Applicability.**

12 (a) All development of land requiring a site plan review in accordance with
13 Chapter 5, Article IX, of the Code shall require submittal of a landscape plan that
14 complies with the provisions of this Aarticle. Landscape plans shall be prepared by a
15 registered landscape architect, or other person authorized pursuant to Sections 481.301
16 through 481.329, Florida Statutes.

17 . . .

18 (9) The "clear zones" extending from the perimeter security fence or wall for
19 the Air Operations Area (~~"AOA"~~) at the Fort Lauderdale-Hollywood
20 International Airport (~~Airport~~), including the airspace above and within the
21 clear zones, as described in the Airport Security Program mandated by
22 the United States Department of Homeland Security, Transportation
23 Security Administration (~~"TSA"~~), pursuant to federal aviation security

requirements in effect currently or in the future, so as not to obstruct the visibility of the perimeter security fence or wall.

Section 4. Section 39-78 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-78. General provisions and design standards.

...

(e) Site designs and landscape plans shall be prepared in accordance with the requirements of all applicable Florida and local laws, rules, regulations, and ordinances. All landscape and irrigation system designs shall be consistent with the standards developed pursuant to Section 373.228, Florida Statutes, ~~as amended~~.

...

Section 5. Section 39-79 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-79. Landscape plans.

...

(b) The irrigation plan must include:

...

(13) Zone layout plan (minimum scale of one (1) inch equals twenty (20) feet):

a. Indicating headtype, specifications, and spacing; and

b. Indicating methods used to achieve compliance with landscape irrigation design standards as required by Section 373.228, Florida Statutes, ~~as amended~~.

Section 6. Section 39-81 of the Broward County Code of Ordinances is hereby amended to read as follows:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 **Sec. 39-81. Standards for land clearing and preservation of native vegetation.**

2 . . .

3 (b) Single-family and single duplex lots independent of a larger development
4 shall not be subject to the ecological community or set-aside requirements, but are
5 subject to the requirements of Section 39-93 of ~~the Code~~ this article. Tree preservation
6 ordinances shall remain applicable to all development as described in Chapter 27,
7 Article XIV, of the Code.

8 . . .

9 (e) Utility facilities, easements, or rights-of-way; stormwater, drainage, and
10 flowage easements and rights-of-way; and current and future rights-of-way identified in
11 the ~~Broward County's~~ Trafficways Plan are exempt from provisions (a) through (d) of
12 this section. However, applications for conceptual site plan review or final site plan
13 approval should not locate such facilities, easements, or rights-of-way within preserved
14 ecological communities, unless impracticable, and shall not designate areas affected by
15 such facilities, easements, or rights-of-way as a set-aside area.

16 Section 7. Section 39-82 of the Broward County Code of Ordinances is hereby
17 amended to read as follows:

18 **Sec. 39-82. Appropriate plant, sod, and tree selection, location, and arrangement.**

19 (a) Plant selection should be based on the plant's adaptability to the existing
20 conditions present at the landscaped area and native plant communities, particularly
21 considering appropriate hardiness zone, soil type and moisture conditions, light, mature
22 plant size, desired effect, color, and texture. Plant species that are tolerant to drought,
23 wind, ~~and/or~~ salt are preferred. Determinations of prohibited and controlled plant
24 species shall be pursuant to the Department of Agriculture and Consumer Services,

Chapter 5B-57, Florida Administrative Code ("F.A.C."), ~~as amended~~, and the Florida Exotic Pest Plant Council ("FLEPPC") Invasive Plant Species list. Plant species identified as prohibited and controlled according to Chapter 5B-57, F.A.C., and the FLEPPC Invasive Plant Species list may not be used, except as specifically allowed therein.

...

(j) Tree and plant species included in Chapter 5B-57, F.A.C., ~~as amended~~, or the FLEPPC Invasive Plant Species list, ~~as amended~~, shall not be planted as required or optional landscaping, and invasive plant species listed therein shall be removed from construction sites. Any tree not listed as a nuisance tree under Section 27-403~~4~~ of the Code shall require a Tree Removal License (as defined in Section 27-404 of the Code) prior to removal. The County shall maintain a list of trees and plants known to be nuisances or invasive of South Florida's native ecological communities or disturbed areas.

...

(r) All turfgrass areas shall be sodded using species suitable as permanent lawns in ~~Broward~~ the County. Where appropriate, turf species that require minimum irrigation are encouraged. The type and location of turf areas shall be selected in the same manner as with all the other plantings. Irrigated turf areas, as opposed to ~~non-irrigated~~ nonirrigated turf areas, are considered to be a high water use hydrozone. Irrigated turf shall not be treated as a fill-in material but rather as a planned element of the landscape. Turf shall be placed so that it can be irrigated using separate zones.

(s) Irrigated turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for

1 septic tank drainfields and required drainfield reserve areas, or provide soil erosion
2 control, such as on slopes or in swales and, in limited instances, where turfgrass is used
3 as a design unifier, or other similar practical use. As a matter of public safety, no
4 turfgrass that requires mowing shall be allowed on slopes greater than four-to-one (4:1)
5 or within ten (10) feet of the water's edge, except where adjacent to seawalls and
6 bulkheads or needed to control erosion. Turfgrass areas shall be identified on the
7 landscape plan and be subject to the following requirements: that no more than fifty
8 percent (50%) of the landscaped area for multifamily dwellings and other development
9 uses (excluding single-family residences and duplex dwellings, which are subject to the
10 turfgrass requirements set forth in Section 39-93 of this article) may be in turfgrass.

11 (1) ~~No more than sixty percent (60%) of the landscaped area for single-family~~
12 ~~and duplex dwellings may be in turfgrass;~~

13 (2) ~~No more than fifty percent (50%) of the landscaped area for multifamily~~
14 ~~dwellings may be in turfgrass; and~~

15 (3) ~~No more than fifty percent (50%) of the landscaped area for other~~
16 ~~development uses may be in turfgrass.~~

17 (t) Native and drought-tolerant landscaping shall be identified on the
18 landscape plan and be subject to the following requirements: that a minimum of fifty
19 percent (50%) of the landscaped area for multifamily dwellings and other development
20 uses (excluding single-family residences and duplex dwellings, which are subject to the
21 native and drought-tolerant landscaping requirements set forth in Section 39-93 of this
22 article) must be native or drought-tolerant landscaping.

23 (1) ~~With the exception of agricultural, rural, and estate zoning districts, a~~
24 ~~minimum of forty percent (40%) of the non-turfgrass landscaped area of~~

1 ~~single family and duplex dwellings must be in native or drought tolerant~~
2 ~~landscaping; and~~

3 (2) ~~A minimum of fifty percent (50%) of the landscaped area of all other~~
4 ~~development uses must in native or drought tolerant landscaping.~~

5 Section 8. Section 39-83 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 39-83. Installation of landscaping.**

8 All landscaping shall be installed according to accepted planting procedures with
9 the quality of plants as described in Section 39-82 of this article.

10 (a) Topsoil shall be of the minimum quality as specified in Section 39-82 of
11 this article. Excluding palm trees, all trees shall be planted with twelve (12) inches of
12 topsoil around the root ball and shrubs shall be planted with a minimum of six (6) inches
13 of topsoil around the root ball. A minimum of three (3) inches of shredded, approved,
14 organic mulch or groundcover shall be installed around each tree planting, including
15 palms, for a minimum of thirty-six (36) inches beyond its trunk in all directions and
16 throughout all hedge and shrub planting. A six (6) inch clear area will be made around
17 each trunk to prevent root rot and other damaging effects. The use of clean mulch (i.e.,
18 seeds killed) either recycled or obtained from Melaleuca, Eucalyptus, Australian Pine, or
19 other ~~non-old~~ nonold growth hardwood is encouraged in order to reduce impacts on the
20 environment and to preserve the remaining native plant communities.

21 . . .

22 (c) No large trees which are indicated as "Category 1 Trees" in Appendix 1 of
23 Chapter 27, Article XIV, ~~Tree Preservation and Abuse Ordinance~~ of the Code, shall be
24 located closer than twelve (12) feet from street lights. No palms ~~may~~ shall be closer

1 than seven (7) feet from street lights. The spacing of trees from electric utility lines must
2 follow those guidelines established by Florida Power and Light publication "Right Tree,
3 Right Place."

4 . . .

5 Section 9. Section 39-84 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 39-84. Design and installation of irrigation systems.**

8 All irrigation systems installed after February 14, 2012, shall meet the irrigation
9 standards developed pursuant to Section 373.228, Florida Statutes, ~~as amended~~. All
10 landscape areas, (excluding single-family residences and duplex dwellings, which are
11 subject to the irrigation system design and installation requirements set forth in Section
12 39-93 of this article) shall be provided with an automatically operating, underground
13 irrigation system designed to have head-to-head coverage (one hundred percent
14 (100%) coverage with one hundred percent (100%) overlap). Drip, trickle, or other low-
15 volume or micro-irrigation systems shall be required for ~~non-turf~~ nonturf areas unless
16 the owner demonstrates and the EPGMD agrees that the size of the area makes such
17 systems financially infeasible or a tripping hazard associated with these systems has
18 been identified. Irrigation systems shall be designed to minimize application of water to
19 impervious areas.

20 . . .

21 (o) By November 1, 2011, all licensed contractors installing or performing
22 work on automatic landscape irrigation systems must comply with the provisions of
23 Section 373.62, Florida Statutes, ~~as amended~~, which may be enforced by the County
24 pursuant to this chapter.

1 . . .

2 (q) The irrigation system shall be designed to correlate to the organization of
3 plants into hydrozones. These hydrozones shall be shown on the ~~irrigation P~~plan, as
4 required. All plants require watering during establishment. Temporary facilities may be
5 installed to facilitate establishment. Irrigation must be conducted in accordance with
6 South Florida Water Management District restrictions. If local water restrictions are
7 more restrictive, then irrigation must be conducted in accordance with the stricter
8 restrictions.

9 (r) Pursuant to Section 373.62, Florida Statutes, ~~as amended~~, rain shut-off
10 switch equipment shall be required on automatic irrigation systems to avoid irrigation
11 during periods of sufficient rainfall or soil moisture. The equipment shall consist of an
12 automatic mechanical or electronic sensing device or switch that will override the
13 irrigation cycle of the sprinkler system when adequate rainfall has occurred.

14 . . .

15 Section 10. Section 39-85 of the Broward County Code of Ordinances is hereby
16 amended to read as follows:

17 **Sec. 39-85. Maintenance of landscaped areas.**

18 (a) Within one (1) year after February 14, 2012, all persons providing
19 landscape maintenance services, commercial fertilizer applicator services, and
20 institutional fertilizer applicator services within the County's unincorporated areas of
21 ~~Broward County~~ or on Broward County properties, including County maintenance
22 operations staff providing such services, shall:

- 23 (1) Attend training in the Best Management Practices described in the most
24 recent edition of the *Florida-Friendly Best Management Practices for*

1 *Protection of Water Resources by the Green Industries* (Florida
2 Department of Environmental Protection); and

- 3 (2) Have at least one (1) person holding a current ~~C~~certificate of ~~C~~completion
4 for training in the Best Management Practices described in the most
5 recent edition of Florida-Friendly Best Management Practices for
6 *Protection of Water Resources by the Green Industries* (Florida
7 Department of Environmental Protection, ~~2010~~) present at all times on any
8 job site while fertilizer application is in progress.

9 . . .

- 10 (g) All mulch should be renewed periodically and maintained in accordance
11 with the landscape plan standards in Section 39-79 of ~~the Code~~ this article. Plastic
12 sheeting and other impervious materials shall not be used under mulched areas.

13 . . .

- 14 (j) Property owners, including, but not limited to, owners of single-family
15 residences, ~~multi-family~~ multifamily dwellings, commercial sites, and industrial sites, are
16 responsible for ensuring that landscaping that has been required to be planted pursuant
17 to this article, or installed in compliance with the landscape requirements previously in
18 effect, be maintained in a healthy condition. If landscaping is found to be in a state of
19 decline, dead, or missing, it shall be replaced with ~~Florida-Friendly~~ native vegetation
20 plant species that will be at least equivalent in size at maturity. If any preserved
21 vegetation dies which is being used to satisfy current landscape requirements of this
22 article, such vegetation shall be replaced with the same landscape material, if available,
23 or comparable vegetation that complies with this article.

1 Section 11. Section 39-86 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 39-86. Fertilizer management.**

4 (a) *Applicability:* The provisions of this section shall apply to all fertilizer
5 applications within the County's unincorporated areas ~~of Broward County~~ with the
6 following exceptions:

7 (1) Bona fide farm operations as defined in the Florida Right to Farm Act,
8 Section 823.14, Florida Statutes, ~~as amended~~, provided that fertilizers are
9 applied in accordance with the appropriate Best Management Practices
10 manual adopted by the Florida Department of Agriculture and Consumer
11 Services, Office of Agricultural Water Policy, for the crop in question.

12 (2) Fertilizer applications for golf courses, parks, and athletic fields, provided
13 that the provisions of Rule 5E-1.003(2)(d3), F.A.C., ~~as amended~~, are
14 followed.

15 (b) *Licensing and training of commercial fertilizer applicators:*

16 (1) By January 1, 2014, application of fertilizer to an urban landscape shall
17 only be done by a commercial fertilizer applicator certified by the
18 Department of Agriculture and Consumer Services pursuant to Section
19 482.1562, Florida Statutes, ~~as amended~~.

20 (2) All commercial and institutional fertilizer applicators within the County's
21 unincorporated areas ~~of Broward County~~ shall comply with the standards
22 adopted in Subsection 39-85(a) of the ~~Code~~ this article.

23 (3) ~~Non-commercial~~ Noncommercial fertilizer applicators not otherwise
24 required to be certified, such as private citizens applying fertilizer on their

own residential properties, are encouraged to follow the most recent edition of the *Florida Yards and Neighborhoods Handbook* (Univ. University of Florida) and UF/IFAS Extension's most recent Florida Yards and Neighborhoods program recommendations.

(c) *Fertilizer content, application rates, and practices:*

(1) Fertilizers applied to turf ~~and/or~~ landscape plants shall be formulated and applied in accordance with requirements and directions as provided on the fertilizer bag and by Rule 5E-1003(2), F.A.C., ~~as amended~~. Nitrogen or phosphorus fertilizer shall only be applied to turf or landscape plants during growth periods, not during dormant periods. These fertilizers shall be applied only in accordance with the directions on the fertilizer bag, unless a soil or plant tissue deficiency has been verified by UF/IFAS Extension or another accredited laboratory or test;

(2) No applicator shall apply fertilizers containing nitrogen ~~and/or~~ phosphorus to turf ~~and/or~~ landscape plants during times which a flood, tropical storm, or hurricane watch or warning issued by the National Weather Service is in effect for any portion of ~~Broward~~ the County;

...

Section 12. Section 39-87 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-87. Pesticide management.

(a) All landscape applications of pesticides, including "weed and feed" products, for hire should be made in accordance with state and federal law and with the most ~~current version~~ recent edition of the *Florida-Friendly Best Management Practices*

1 *for Protection of Water Resources by the Green Industries* (Florida Department of
2 Environmental Protection).

3 . . .

4 Section 13. Section 39-88 of the Broward County Code of Ordinances is hereby
5 amended to read as follows:

6 **Sec. 39-88. Shoreline considerations.**

7 (a) Grading and design of property adjacent to bodies of water shall conform
8 to federal, state, and local regulations which may include, but are not limited to, the use
9 of berms ~~and/or~~ swales to intercept surface runoff of water and debris that may contain
10 fertilizers or pesticides and the provisions of Subsection 39-86(c)(4) of ~~the Code~~ this
11 article.

12 (b) When mowing occurs near the shoreline, the chute shall be directed away
13 from the water body. Riparian or littoral zone plants that do not require mowing or
14 fertilization should be planted in the low maintenance zone. Where water levels vary
15 considerably, care must be taken in the selection of these plants.

16 (c) Mangrove trimming shall be performed only in accordance with Chapter
17 373, Part IV, ~~Section 373.403~~, Florida Statutes, ~~et seq.~~, ~~as amended~~, Chapter 403,
18 Florida Statutes, ~~as amended~~, and Chapter 27, Article XI, of the Code.

19 Section 14. Section 39-89 of the Broward County Code of Ordinances is hereby
20 amended to read as follows:

21 **Sec. 39-89. Landscape requirements for vehicular use areas.**

22 . . .

23 (b) *Required Landscaping Adjacent to Streets and Abutting Properties:* On
24 the site of a building or open lot providing a vehicular use area for a nonresidential use,

1 where such area will not be entirely screened visually by an intervening building or
2 structure from any abutting street(s) and property lines, including dedicated alleys,
3 landscaping shall be provided between such area and such perimeters as follows:

- 4 (1) Except for Office Park "OP" Zoning Districts, a strip of land at least five (5)
5 feet in depth, located between the abutting street(s) and the vehicular use
6 area, and between the abutting property line(s) and the vehicular use area
7 shall be landscaped. Office Park "OP" Zoning Districts shall require at
8 least ten (10) feet to be landscaped. Such landscaping shall include one
9 (1) tree for each thirty (30) lineal feet, or fraction thereof. The first tree
10 shall be set back ten (10) feet from the intersection of the ingress/egress
11 and the street, within which setback plantings shall be limited to
12 groundcover only. Such tree shall be between the abutting street and the
13 abutting property lines and vehicular use areas. In addition, a hedge,
14 berm, wall, or other durable landscape barrier, to begin after the first ten
15 (10) feet, shall be placed along the inside perimeter of such landscape
16 strip and shall be maintained at a maximum height of three (3) feet, if
17 contiguous to a pedestrian walkway, to meet Crime Prevention Through
18 Environmental Design (CPTED) principles that promote the proper design
19 and effective use of the built environment to reduce crime, reduce the fear
20 of crime, and improve the quality of life. If such durable barrier is of
21 nonliving material, for each ten (10) feet thereof, one (1) shrub or vine
22 shall be planted along the street side of such barrier. The remainder of
23 the required landscape area shall be landscaped with turfgrass,
24 groundcover, or other landscape treatment, excluding paving. Turfgrass is

not to exceed the maximum amount allowable under Section 39-82 of this article. This buffer may not be counted toward meeting the interior landscape requirements; and

...

(c) *Parking Area Interior Landscaping*: An area, or a combination of areas, equal to at least fifteen percent (15%) of the total paved vehicular use area, exclusive of perimeter landscape buffers required under this subsection, shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required by this subsection shall be counted as part of the interior landscaping requirements, as long as such landscaping is contiguous to the vehicular use area and fulfills the objective of this subsection. Landscape islands shall be designed so as to use only microirrigation or, if possible, no supplemental irrigation. There shall be, at installation, a minimum of one (1) tree, two (2) inches in diameter, a minimum of twelve (12) feet in height or one (1) ~~multi-trunked~~ multiple trunk palm or group of three (3) single trunk palms planted for every ten (10) parking spaces provided. There shall be a minimum of three hundred sixty (360) square feet of landscaped area for each tree/palm/group of palms required by this subsection. Each planting area shall have a minimum wide dimension of eighteen (18) feet. In no instance shall there be less than one (1) tree and five (5) shrubs for each interior landscaped area. In addition, all approved grass parking areas will meet the same requirements as paved parking, and will not be calculated in the pervious space requirements. Other innovative designs may be substituted when approved jointly by the ~~Development and Environmental Regulation~~ County's Planning and Redevelopment Division and the ~~Permitting,~~ Environmental Licensing and ~~Consumer Protection Building Permitting~~ Division, or successor agencies.

1 . . .

2 Section 15. Section 39-91 of the Broward County Code of Ordinances is hereby
3 amended to read as follows:

4 **Sec. 39-91. Nonvehicular open space.**

5 All nonvehicular open space on any site shall conform to the following
6 requirements:

7 (a) *General landscape treatment:*

- 8 (1) Groundcover, shrubs, and other landscape materials shall be installed to
9 cover all nonvehicular open space areas not covered by paving or
10 structures, using the required percentages specified in Subsections
11 39-82(s) and 39-82(t)(3) and Section 39-93 of this article, as applicable.

12 No substance that prevents water percolation shall be used in areas not
13 approved for paving or structures. Planting practices shall comply with
14 Florida-Friendly Landscaping™ principles; and

15 . . .

16 (e) *Billboard Signs:* All new billboards require the installation and
17 establishment of plants to enhance the structure at a minimum of four (4) trees, chosen
18 from a list of trees that will attain a mature height of not more than fifteen (15) feet, and
19 a minimum of one (1) shrub for every two (2) feet of lineal width of the sign structure on
20 each side of the tree line, except where such requirements conflict with Section 70.20,
21 Florida Statutes, ~~as amended~~. The property or billboard owner may trim or maintain
22 such plants to fully preserve any legally-recognized view corridor for the billboard.

23 (f) *Minimum Landscape Credits and Adjustments:* An owner shall receive
24 credit on a one-for-one basis against the minimum landscape requirements of this

1 article for preservation, replacement, or relocation of existing trees, as set forth in
2 Chapter 27, Article XIV, of the Code, ~~Tree Preservation and Abuse~~, except as to any
3 trees preserved within an existing ecological community pursuant to Section 39-81 of
4 the Code this article.

5 Section 16. Section 39-93 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 39-93. Landscaping requirements for Ssingle-family and duplex dwellings**
8 **landscape requirements.**

9 All new single-family and duplex dwellings shall conform to the following
10 minimum landscaping requirements:

11 (a) *Landscape Plans*: Detached single-family residences and duplex
12 dwellings may submit landscape plans in the form of a landscape permit application;
13 ~~which includes acceptable plants chosen from a list provided by Broward County,~~
14 ~~stating~~. Any such landscape plans, or a note included on the corresponding site plans
15 if no landscape plans are submitted for a particular project, shall identify the plants
16 selected for the site and the quantity, size, and quality of such plants (including which
17 plants constitute Florida-Friendly Landscaping™ vegetation), including planting
18 specifications, as required by this article. Actual landscape drawings are not required
19 for single-family residences and duplex dwellings.

20 (b) *General Landscape Treatment*: General landscape treatment shall
21 conform to the following specific requirements:

- 22 (1) Trees, turfgrass, groundcover, shrubs, and other decorative landscape
23 material shall be used to cover all disturbed ground not covered by
24 building and paving;

(2) ~~with low water use or drought-tolerant landscaping to be~~ Florida-Friendly Landscaping™ shall constitute a minimum of thirty percent (30%) of the open space of the site;

(3) Turfgrass shall constitute no more than seventy percent (70%) of the open space of the site; and

(4) Fifty percent (50%) of all vegetation, excluding all turfgrass, required to be planted by this subsection shall be vegetation native to South Florida, consistent with NatureScape landscape principles.

In addition, for single-family residences in agricultural, rural, and estate zoning districts, landscaping requirements shall be based on the immediate one (1) acre of property surrounding the principal building, with seven thousand five hundred (7,500) square feet of Florida-Friendly Landscaping™ being required to comply with this article. Turfgrass may be used in the front yard, but may not extend past the first one (1) acre of property in the rear of the principal building. The remainder of the property must be maintained in its natural state, in pasture land, or other approved open space. This area, however, may not contain any invasive species, such as Melaleuca, Brazilian Pepper, and Australian Pine, etc. among others, which must be removed from the site.

(c) *Shrub and Tree Requirements:*

(1) Lots eight thousand (8,000) square feet or less in area shall have planted thereon A a minimum of ~~three (3)~~ two (2) trees of two (2) different species, a foundation planting, and ten (10) shrubs shall be planted per lot. At least one (1) tree shall be planted in each of the front and back yards. The foundation planting shall be located at least in the front yard and shall span the length of the foundation of the primary residential structure facing

any street and shall not block any entryways or windows. For all lots larger than eight thousand (8,000) square feet in area, additional shrubs and trees shall be provided at the rate of one (1) tree and three (3) shrubs per additional three thousand (3,000) square feet of lot area; however, there shall be no more than ten (10) trees and thirty (30) shrubs required per acre;

(2) ~~Where possible, a minimum of two (2) trees shall be required in the front of the lot.~~ Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence; and

(3) Trees required in this subsection shall have a minimum overall height of ten (10) feet to twelve (12) feet with a minimum canopy spread characteristic of the species at such height and DBH requirements.

(d) Design and Installation of Irrigation Systems for Single-Family and Duplex

Dwellings:

(1) All irrigation systems installed after February 14, 2012, shall meet the irrigation standards developed pursuant to Section 373.228, Florida Statutes. All landscape areas for single-family residences and duplex dwellings shall be provided with an automatically-operating, underground irrigation system designed to have head-to-head coverage (one hundred percent (100%) coverage with one hundred percent (100%) overlap).

(2) Pursuant to Section 373.62, Florida Statutes, rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall or soil moisture. The

1 equipment shall consist of an automatic mechanical or electronic sensing
2 device or switch that will override the irrigation cycle of the sprinkler
3 system when adequate rainfall has occurred.

4 Section 17. Section 39-94 of the Broward County Code of Ordinances is hereby
5 amended to read as follows:

6 **Sec. 39-94. Landscape informational materials.**

7 ~~Broward~~ The County shall, from time to time, prepare and develop informational
8 material illustrative of the requirements of this article. The material shall be made
9 available to the public and kept at the ~~Permitting,~~ Environmental Licensing, and
10 ~~Consumer Protection~~ Building Permitting Division, or successor agency.

11 Section 18. SEVERABILITY.

12 If any portion of this Ordinance is determined by any Court to be invalid, the
13 invalid portion shall be stricken, and such striking shall not affect the validity of the
14 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
15 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
16 or circumstance(s), such determination shall not affect the applicability hereof to any
17 other individual, group, entity, property, or circumstance.

18 Section 19. INCLUSION IN CODE.

19 It is the intention of the Board of County Commissioners that the provisions of
20 this Ordinance shall become and be made a part of the Broward County Code; and that
21 the sections of this Ordinance may be renumbered or relettered and the word
22 "ordinance" may be changed to "section," "article," or such other appropriate word or
23 phrase in order to accomplish such intentions.

Section 20. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED April 28, 2015

FILED WITH THE DEPARTMENT OF STATE April 30, 2015

EFFECTIVE April 30, 2015

Approved as to form and legal sufficiency:
Joni Armstrong Coffey, County Attorney

By /s/ Benjamin O. Hedrick 03/31/15
Benjamin O. Hedrick (date)
Assistant County Attorney

BOH/gmb
03/31/15
Landscape Water Quality and Quantity Ord.doc
#15-402

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.