

**ORDINANCE NO. 2013-001**  
**AN ORDINANCE OF THE CITY OF COCONUT CREEK,**  
**FLORIDA, AMENDING CHAPTER 13, CODE OF**  
**ORDINANCES, ENTITLED "LAND DEVELOPMENT**  
**CODE," BY AMENDING ARTICLE III THEREOF,**  
**ENTITLED "ZONING REGULATIONS," BY AMENDING**  
**DIVISION 4 THEREOF, ENTITLED "ACCESSORY USES**  
**AND STRUCTURES," BY AMENDING SUBDIVISION IV**  
**THEREOF, ENTITLED "LANDSCAPE STANDARDS AND**  
**REQUIREMENTS," BY AMENDING SECTIONS 13-442,**  
**13-444, AND 13-450 RELATED TO LANDSCAPE**  
**MAINTENANCE AND FERTILIZER REQUIREMENTS;**  
**PROVIDING FOR CODIFICATION; PROVIDING FOR**  
**SEVERABILITY; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Subdivision IV of the City Land Development Code, entitled "Landscape Standards and Requirements," sets forth standards and requirements for the installation and maintenance of landscaping and landscaped open space; and

**WHEREAS**, the City is required by state and federal law to comply with the National Pollutant Discharge Elimination System (NPDES) Program related to stormwater permitting; and

**WHEREAS**, staff is recommending that Sections 13-442, 13-344, and 13-450 be amended to ensure consistency with the NPDES Program and Broward County minimum standards related to maintenance and fertilizer application; and

**WHEREAS**, the Planning and Zoning Board has reviewed this amendment at a duly noticed hearing on December 12, 2012, and recommended its adoption; and

**WHEREAS**, the City Commission finds and determines that the Landscape Standards and Requirements are in need of amendment to address changing maintenance and fertilizer regulations;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
**CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending

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Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-442 to read and provide as follows:

### ARTICLE III: ZONING REGULATIONS

#### DIVISION 4: ACCESSORY USES AND STRUCTURES

##### *Subdivision IV: Landscape Standards and Requirements*

##### **Sec. 13-442. Definitions.**

*Application* or *Apply* means the actual physical deposit of fertilizer to turf or landscape plants.

*Applicator* means any person who applies fertilizer on turf and/or landscape plants in the City.

*Best Management Practices ("BMP")* means turf and landscape practices or a combination of those practices which, based on research, field-testing, expert review, and economic and technological considerations, are determined to be the most effective and practicable on-location means for improving water quality, conserving water supplies, and protecting natural resources.

*Commercial fertilizer applicator* means any person who applies fertilizer on turf and/or landscape plants in exchange for money, goods, services, or other valuable consideration.

*Fertilize, fertilizing, or fertilization* means the act of applying fertilizer to turf, specialized turf, or landscape plants.

*Fertilizer* means any substance or mixture of substances, except pesticide/fertilizer mixtures such as "weed and feed" products, that contains one (1) or more recognized plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides for soil enrichment, or provides other corrective measures to the soil.

*Hardscape* means areas such as patios, decks, driveways, paths, sidewalks, or other impervious surfaces that do not require irrigation.

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

*Integrated pest management* means a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as encouraging biological control, use of resistant plant varieties, and adoption of alternate cultural practices to make the habitat less conducive to pest development. Pesticides are used only when careful monitoring indicates they are needed, or to prevent pests from significantly interfering with the purposes for which plants are being grown.

*Invasive exotic plant species* means an introduced species that has been shown to displace the native vegetation by out-competing native species, as identified by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) and the Florida Exotic Pest Plant Council (FLEPPC).

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*Low maintenance zone* means an area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

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

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*Native plant species* means any plant species with a geographic distribution indigenous to all, or part, of the state of Florida as identified in the *Guide to the Vascular Plants of Florida*, R.P. Wunderlin, 1998, University Press of Florida, Gainesville, or the *Atlas of Florida Vascular Plants* (<http://www.florida.plantatlas.usf.edu>).

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*Non-commercial fertilizer applicator* means any natural person who applies fertilizer on turf and/or landscape plants on his/her own private, residential property, or that of another when not done in exchange for money, goods, services, or other valuable consideration.

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Runoff means the water that results from and occurs following a rain event, or following an irrigation event, because the water is not absorbed by the soil or landscape and flows off from the area.

Sustainable means capable of being continued with minimal long-term effect on the environment.

*Tree abuse* means any of the following:

(11) Pruning of live palm fronds which initiate at or above the horizontal plane; or

**Section 2:** That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-444 to read and provide as follows:

### ARTICLE III: ZONING REGULATIONS

#### DIVISION 4: ACCESSORY USES AND STRUCTURES

##### *Subdivision IV: Landscape Standards and Requirements*

#### **Sec. 13-444. Installation, maintenance and materials for all zoning districts.**

(a) *Installation.* The owner of the property, or his agent, or applicable association shall be responsible for the installation and all maintenance and cost of installation of all landscaping, where landscaping is required by this chapter (including abutting/adjacent portions of rights-of-way, swales, medians, canals, lakes and waterways, to include easements thereon) in accordance with the following standards.

(16) Fire hydrant clear zone must be met for safety reasons. Fire hydrant clear zone, as defined in the Florida Fire Prevention Code (FFPC) as amended from time to time, must be depicted on landscape drawings prior to approval. Plant material

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shall be installed in accordance with the fire hydrant clear zone.

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(b) *Maintenance*. The owner of the property or his agent, shall be responsible for the maintenance and cost of maintenance of all landscaping located in areas where landscaping is required by this section (including abutting/adjacent portions of right-of-way, swales, canals, lakes, waterways to include all easements thereon) in accordance with the following standards:

(1) Landscaping shall be kept reasonably free of visible signs of insects, disease and shall be appropriately irrigated and fertilized to enable landscaping to be in a healthy, vigorous and growing condition. All landscaped areas except those utilizing xeriscape or preserve areas shall have an underground irrigation system designed to provide one hundred (100) percent coverage with fifty (50) percent overlap except approved site planned areas that existed prior to the adoption of this ordinance. See the irrigation subsection 13-444(b)(6) for further provisions.

(2) Mowing, trimming or pruning of landscaping shall be provided in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Parking of vehicles in the swale shall not degrade the condition of the sod and said area shall be mowed with the same frequency as the remainder of the yard. Vehicles shall be moved to accommodate mowing. Pruning shall not interfere with the design intent of the original installation. Growth and size of plant material at maturity shall be considerations where future conflicts such as views, signage, street lighting, utilities and circulation may arise. The owner or agent shall be directed by the city to correct obstructions caused or created by plant material.

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5. Invasive exotic plant species shall be eradicated from all areas where landscaping is required.

6. In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, sidewalks, or roadways, either intentionally or accidentally.

7. Yard wastes shall not be disposed of or stored by shorelines, ditches, swales, or the vicinity of storm drains. Yard waste and compost sites must be hidden from street view, maintained to prevent odor, and be free of weeds.

8. Turfgrass clippings should be left on the lawn to replace nutrients. Shredded yard clippings and leaves should be used for mulch or be composted for use as fertilizer. However, diseased material should not be mulched and should be properly disposed of to avoid spreading disease.

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- (3) Maintenance of all landscaping is required to minimize property damage and public safety hazards. This includes removal of dead or decaying plant material, lifting trees to a minimum height of fourteen (14) feet over roads, lifting trees to a minimum height of eight (8) feet over sidewalks and/or walkways, and which may obstruct street lighting and removal of roots, which show evidence of destroying public or private property, and maintenance of sight distance standards as set forth in this subdivision. Landscaping, including sod, adjacent to a sidewalk and/or walkway shall be maintained in such a manner as to provide clear passage for the entire width of such sidewalk. Hedges shall be maintained at a height not to exceed eight (8) feet. Hedges shall be maintained at a height not to exceed thirty (30) inches in the front yard setback. Any dead vegetation shall be promptly replaced with healthy living plantings of a like plant material as that originally installed or with plants as provided in this subdivision and approved by the city.

Mulching. Two (2) inches of clean, weed free, approved organic mulch should be maintained at all times over all areas originally required by site plan to be mulched. Plastic sheeting and other impervious materials shall not be used under mulched areas.

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Composting. Composting of yard wastes provides many benefits and is strongly encouraged. Other recycled solid waste products are also available and should be used when appropriate.

- (4) Tree and palm abuse and pruning.

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c. Palm pruning. Proper palm pruning shall consist of the following: the removal of leaves (called fronds), the inflorescence (flower spikes), remains of inflorescence, young seed stalks, remains of seed stalks, and/or the fruits. Fronds that have dropped below the 9 o'clock and 3 o'clock position may be removed. The fronds should be cut close to the trunk with a sharp pruning saw or lopping shears. Removing palm fronds that initiate at or above the horizontal plane (other than dead or those interfering with the integrity of a structure) shall constitute tree abuse, as defined herein, and shall be considered a violation of this section.

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(8) *Pesticide regulation compliance.* Persons, corporations, businesses or any others who apply pesticides, and/or any other regulated substances, shall comply with all applicable local, state and federal regulations as amended from time to time. Integrated Pest Management (IPM) provides many benefits and is strongly encouraged.

(9) *Fertilizer regulation compliance.* Within one (1) year after February 14, 2012, all persons providing landscape maintenance services, commercial fertilizer

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applicator services, and institutional fertilizer applicator services within the City shall:

- a. Attend training in the Best Management Practices described in the most recent edition of the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries* (Florida Department of Environmental Protection); and
- b. Have at least one (1) person holding a current Certificate of Completion for training in the Best Management Practices described in the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries* (Florida Department of Environmental Protection, 2010) present at all times on any job site while fertilizer application is in progress.

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**Section 3:** That Chapter 13, Code of Ordinances, entitled "Land Development Code" is hereby amended by amending Article III thereof, entitled "Zoning Regulations," by amending Division 4 thereof, entitled "Accessory Uses and Structures," by amending Subdivision IV thereof, entitled "Landscape Standards and Requirements," by amending Section 13-450 to read and provide as follows:

### ARTICLE III: ZONING REGULATIONS

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#### DIVISION 4: ACCESSORY USES AND STRUCTURES

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##### *Subdivision IV: Landscape Standards and Requirements*

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#### **Sec. 13-450. Fertilizer management.**

(a) *Applicability:* The provisions of this section shall apply to all fertilizer applications within the City, with the following exceptions:

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

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

- (1) By January 1, 2014, application of fertilizer to an urban landscape shall

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only be done by a commercial fertilizer applicator certified by the Department of Agriculture and Consumer Services pursuant to Section 482.1562, Florida Statutes, as amended.

(2) All commercial and institutional fertilizer applicators shall comply with the standards adopted in this section.

(3) Non-commercial fertilizer applicators not otherwise 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. 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 County;

(3) Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector shield or drop spreader is used, of any pond, stream, watercourse, lake, canal, wetland, or from the top of any seawall. It is provided, however, that newly-planted turf and/or landscape plants may be fertilized in this zone, but only for the first sixty (60) day establishment period, and caution shall be used to prevent direct deposition of nutrients into the water;

(4) A voluntary ten (10) foot low maintenance zone is strongly recommended from any pond, stream, water course, lake, wetland, or from the top of any seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. No mowed or cut vegetative material should be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone;

(5) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned so that fertilizer granules

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are deflected away from all impervious surfaces, fertilizer-free zones, and water bodies, including wetlands;

(6) Fertilizer shall not be applied, spilled, or otherwise deposited on any hardscape or other impervious surfaces;

(7) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any hardscape or other impervious surface shall be immediately and completely removed to the greatest extent practicable;

(8) Fertilizer released on a hardscape or other impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

**Secs. 13-451 – 13-455. Reserved.**

**Section 4:** That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

**Section 5:** That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 6:** That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

**Section 7:** That this Ordinance shall take effect immediately upon its passage and adoption.

**PASSED FIRST READING THIS 10<sup>th</sup> DAY OF January, 2013.**

**PASSED SECOND READING THIS 24<sup>th</sup> DAY OF January, 2013.**

/S/

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Marilyn Gerber, Mayor

Attest:

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/S/  
Barbara S. Price, MMC  
City Clerk

1st      2nd

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Gerber	Aye	Aye
Belvedere	Absent	Aye
Sarbone	Aye	Aye
Tooley	Aye	Aye
Aronson	Aye	Aye

SR:SV:mb

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amendments to landscape requirements for fertilizer.doc  
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