

Temp. Ord. No. 1741
12/4/19
5/13/20

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. 20-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING PORTIONS OF THE LAND DEVELOPMENT CODE AND CITY CODE OF ORDINANCES; MAKING FINDINGS; CREATING NEW SUBSECTIONS REGARDING LANDSCAPING REQUIREMENTS AND GENERAL DEVELOPMENT STANDARDS; MAKING FINDINGS; REPEALING CHAPTER 9, LANDSCAPING REQUIREMENTS AND TREE CONSERVATION; CREATING NEW CHAPTER 5, STANDARDS, INCLUDING ARTICLE 1, GENERAL STANDARDS FOR SITE DEVELOPMENT, SPECIFICALLY SECTION 501, GENERAL PROVISIONS, AND ARTICLE 3, LANDSCAPING, SECTION 506, LANDSCAPING STANDARDS; REVISING CHAPTER 2, DEFINITIONS, CREATING SUBSECTION 202.5, LANDSCAPING DEFINITIONS; REVISING CHAPTER 3, PROCESSES, SPECIFICALLY SECTIONS 315, VARIANCES, APPEALS, AND ZONING RELIEF, AND SECTION 320, ZONING PERMITS AND PLANNING SERVICES; REVISING PORTIONS OF CHAPTER 7, USE REGULATIONS, SPECIFICALLY SECTION 714, TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) DISTRICT AND SECTION 715, TRANSIT ORIENTED CORRIDOR DISTRICT CODE; REVISING PORTIONS OF CHAPTER 8, DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY, SPECIFICALLY SECTION 801, DEVELOPMENT STANDARDS, SECTION 806, WETLANDS PRESERVATION STANDARDS, SECTION 807, SURFACE WATER MANAGEMENT STANDARDS, SECTION 810, COMPLIANCE WITH COMPREHENSIVE PLAN, SECTION 811, MIRAMAR PARKWAY SCENIC CORRIDOR, SECTION 812, DEVELOPMENT ADVERTISING REQUIREMENTS, SECTION 813, COMMUNITY APPEARANCE BOARD; AND AMENDING CITY CODE OF ORDINANCES CHAPTER 10, HEALTH, SANITATION AND NUISANCES (SPECIFICALLY SECTIONS 10-92 WEEDS AND DEBRIS AND 10-126 LANDSCAPING) AND CHAPTER 25, VEGETATION; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING THAT OFFICIALS ARE AUTHORIZED TO TAKE ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Ord. No. 20-13

Temp. Ord. No. 1741
12/4/19
5/13/20

WHEREAS, the City desires to update the entire Land Development Code (“LDC”) in a phased manner with the intent to: promote form-based urban design and incorporate Smart Growth principles; promote sustainability and food systems policy; embrace standards and uses that enhance the City's economic development, as well as redevelopment and infill development opportunities; eliminate and minimize conflicts; minimize the need for variances; and incorporate user-friendly language, graphics and tables to enhance readability and usability; and

WHEREAS, this phase of LDC revision creates new Chapter 5, entitled “Standards”, to include two new sections, 501, “General Provisions”, and 506, “Landscaping Standards”, to amend and replace existing language in existing Chapters 8 and 9, as well as various subsections of the LDC and City Code, mostly related to landscaping provisions, and repeals Chapter 9, “Landscaping Requirements and Tree Conservation” in its entirety; and

WHEREAS, this phase of LDC revision modifies Chapter 2, entitled “Definitions”, creating a new subsection for landscaping definitions; and

WHEREAS, this phase of LDC revision also modifies Chapter 3 “Processes”, which addresses and clarifies certain land development procedures; and

Temp. Ord. No. 1741
12/4/19
5/13/20

WHEREAS, this phase of LDC revision modifies portions of Chapter 7, entitled “Use Regulations”, which amends existing provisions within Section 714, entitled “Traditional Neighborhood Development (TND) District”, and Section 715, entitled “Transit Oriented Corridor District Code”; and

WHEREAS, this phase of LDC revision modifies Chapter 8, “Development Standards of General Applicability”, which pertains to development standards; and

WHEREAS, this ordinance also modifies portions of Chapter 10, “Health, Sanitation, and Nuisances” and Chapter 25, “Vegetation” of the City Code of Ordinances, which pertain to landscaping; and

WHEREAS, the City Manager recommends creating portions of new Chapter 5 “Standards” (attached hereto as Exhibit “A”); amending Chapter 2 “Definitions” (attached hereto as Exhibit “B”); amending portions of Chapter 3 “Processes”, (attached hereto as Exhibit “C”); amending portions of Chapter 7 “Use Regulations” (attached hereto as Exhibit “D”); amending portions of Chapter 8, “Development Standards of General Applicability” (attached hereto as Exhibit “E”); and amending portions of Chapters 10 “Health, Sanitation, and Nuisances” and Chapter 25, “Vegetation” of the City Code of Ordinances (attached hereto as Exhibit “F”); and repealing Chapter 9, “Landscaping Requirements and Tree Conservation” in its entirety; as shown herein, to update and clarify certain regulatory requirements and procedures of the LDC and City Code; and

Temp. Ord. No. 1741

12/4/19

5/13/20

WHEREAS, pursuant to Section 302.6 of the existing LDC, the City Commission has reviewed this proposed amendment to the LDC, considered the general purpose and standards set forth in Chapter 3 of the LDC, and considered the recommendation of the Planning and Zoning Board; and

WHEREAS, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is legally required to meet the revision of the LDC;

WHEREAS, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is consistent with the goals, objectives, and policies of the City's Comprehensive Plan; and

WHEREAS, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is consistent with the authority and purpose of the LDC, because the LDC revisions will aid in the harmonious, orderly, and progressive development of the City by simplifying development requirements and assuring that the standards are consistent with the Comprehensive Plan; and

WHEREAS, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment furthers the orderly development of the City by assuring development consistent with the Comprehensive Plan; and

Temp. Ord. No. 1741

12/4/19

5/13/20

WHEREAS, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment improves the administration or execution of the development process, because the LDC revision simplifies the LDC; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to create Chapter 5 “Standards”, amend Chapter 2 “Definitions”, amend Chapter 3 “Processes”, amend Chapter 7 “Use Regulations”, amend Chapter 8, “Development Standards of General Applicability”, of the LDC, and amend Chapter 10, “Health, Sanitation, and Nuisances” and Chapter 25, “Vegetation” of the City Code, and repeal Chapter 9, “Landscaping Requirements and Tree Conservation” in its entirety; as shown herein, to enhance usability, incorporate best-practices and modernize the City's LDC and City Code; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the City's Comprehensive Plan, and, consistent with Section 163.3194, Florida Statutes and Section 302.7(2) of the LDC, finds that this Ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, pursuant to Section 302.7 of the existing LDC, the Planning and Zoning Board has found that the proposed amendment is consistent with the authority and purpose of the LDC, because the LDC revisions will aid in the harmonious, orderly,

and progressive development of the City by simplifying development requirements and assuring that the standards are consistent with the Comprehensive Plan; and

Ord. No. 20-13

5

Temp. Ord. No. 1741

12/4/19

5/13/20

WHEREAS, the City Commission hereby adopts the findings of the Planning and Zoning Board; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to create Chapter 5 and amend Chapters 2, 3, 7, and 8 of the Land Development Code and Chapters 10 and 25 of the City Code of Ordinances, to add provisions of this Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: Recitals. The foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: Chapter 5 of the Land Development Code of the City of Miramar, Florida, is hereby amended. See Exhibit “A” attached hereto is hereby incorporated herein by this reference.

Section 3: That Chapter 2 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit “B” attached hereto is hereby incorporated herein by this reference.

Section 4: That Chapter 3 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit “C” attached hereto is hereby incorporated herein by this reference.

Temp. Ord. No. 1741

12/4/19

5/13/20

Section 5: That Chapter 7 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit “D” attached hereto is hereby incorporated herein by this reference.

Section 6: That Chapter 8 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit “E” attached hereto is hereby incorporated herein by this reference.

Section 7: That Chapters 10 and 25 of the City Code of the City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit “F” attached hereto is hereby incorporated herein by this reference.

Section 8: That Chapter 9 of the Land Development Code of the City of Miramar, Florida, is hereby repealed to read as follows:

See Exhibit “G” attached hereto is hereby incorporated herein by this reference.

Section 9: Each and every section and subsection of the City of Miramar Land Development Code and City Code not revised herein shall remain in full force and effect as previously adopted.

Temp. Ord. No. 1741

12/4/19

5/13/20

Section 10: Intent; Inclusion in the Code of Ordinances.

(a) That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miramar, and that the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

(b) That Sections 1. and 9. through 14. shall not be codified but shall be an effective part of this enactment.

Section 11: Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

Temp. Ord. No. 1741

12/4/19

5/13/20

Section 12: Interpretation. It is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance. Amendments made to the Ordinance on second reading are highlighted.

Section 13: Officials Authorized to Take Action. The appropriate City officials are authorized to do all things necessary and expedient to carry out the intent and purpose of this Ordinance.

Ord. No. 20-13

9

Temp. Ord. No. 1741
12/4/19
5/13/20

Section 14: Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: May 20, 2020

PASSED AND ADOPTED ON SECOND READING: June 17, 2020

Mayor, Wayne M. Messam

Vice Mayor, Maxwell B. Chambers

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration
Commissioner Winston F. Barnes

Voted
Yes

Vice Mayor Maxwell B. Chambers	Yes
Commissioner Yvette Colbourne	Yes
Commissioner Alexandra P. Davis	Yes
Mayor Wayne M. Messam	Yes

Ord. No. 20-13

10

Chapter 5 STANDARDS

Article 1 General Standards for Site Development

Section 501 – General Provisions

Section 502 – Specific Site Development Standards

Section 503 – Parking

Article 2 Structures

Section 504 – Architectural Design and Accessory Use Standards

Section 505 – Telecommunication Standards

Article 3 Landscaping

Section 506 – Landscaping Standards

Article 4 Signs

Section 507 - Signs

Article 1 General Standards for Site Development

Section 501. - General Provisions.

501.1. Development Standards. All development shall conform to the specific requirements of the appropriate zoning districts and shall comply with the standards contained in this chapter and other regulations outlined in this Code. These standards shall be considered to be minimum requirements. In considering development plans, the development review committee, community appearance board, planning and zoning board and city commission shall be guided by the standards set forth hereinafter.

501.2. Compliance with Comprehensive Plan.

501.2.1. General. The Land Development Code together with other provisions contained in the City Code are designed to be consistent with and to further the goals, objectives and policies of the comprehensive plan.

501.2.2. Compliance. To ensure compliance with the requirements of the comprehensive plan, the following regulations shall apply to all districts:

- (a) Storage, handling, use, or production of hazardous or toxic substances which would violate Broward County's potable water supply wellfield protection ordinance shall not be permitted; and
- (b) Development shall not be permitted unless the required public facilities will be available at the prescribed levels of service concurrent with the impact of the development on those facilities; and

- (c) Within designated local areas of particular concern and urban wilderness areas, development permits issued by the city shall comply with all appropriate regulatory requirements.

501.3. Wetlands Preservation Standards. All development shall conform with applicable wetlands preservation regulations. Prior to the development of land, including land clearing and excavation operations, having wetlands soils as delineated in floodplains and wetlands maps of the city's comprehensive plan or county or state maps, a determination shall be made by the appropriate jurisdictional agencies as to the presence of jurisdictional wetlands. If it is determined that jurisdictional wetlands are present, the property owner shall be required to comply with all agency requirements regarding the protection and mitigation of wetlands on the property as part of any city issued development order.

501.4. Surface Water Management Standards. All structures or land shall be developed, used or occupied such that surface water is managed in conformance with the following laws, rules and regulations:

- (a) Broward County Code of Regulations, as amended, "Management of Stormwater Discharges and Non-Point Sources of Pollution"; and
- (b) Laws of Florida, as amended; and
- (c) Florida Administrative Code, "Rules of the South Florida Water Management District", as amended; and
- (d) South Broward Drainage District rules and regulations, as amended; and
- (e) Florida Building Code, as amended.

501.5. Development Advertising Requirements.

501.5.1. Advertising Requirement. If a location is included in any printed, radio, television, internet, digital, or social media advertisement of an approved real estate development in the city, the City of Miramar shall be noted in the text or map or graphics of said printed or digital advertisement or be included in the description of the location in said advertisement. Advertising of a proposed development prior to official city approval shall also be considered a violation. Each violation of this provision shall be deemed a separate and distinct infraction of the Land Development Code. Each violation of this Code shall be punishable in a court of competent jurisdiction by a fine of no more than \$500.00, plus the cost of prosecution.

501.5.2. Zoning Map Disclosure Requirement. All developers of residential property are required to disclose to potential purchasers, the zoning districts of all vacant properties

within 1,000 feet of the advertised residential development. Accordingly, the developer shall prominently display at least one full-size and most recent version of the city's zoning map obtained from the city's community development department in all sales model centers. The zoning map shall accurately display the zoning districts and the size and scale of the residential property in relation to the vacant property and include a description of the permitted uses allowed in each zoning category depicted, as well as a statement that the zoning is subject to change upon the passage of an ordinance by the city commission. The developer shall also include a reduced version of said zoning map in all marketing materials used to advertise the residential development. Any violation of this provision shall be subject to the same punishment as stated in section 501.5.1 of this Code.

Section 502. – Reserved.

Section 503. – Reserved.

Article 2 Structures

Section 504. – Reserved.

Section 505. – Reserved.

Article 3 Landscaping

Section 506. - Landscaping Standards.

506.1. Purpose. The purpose of this chapter is to provide regulations for: the installation, maintenance, protection and conservation of landscaping and landscaped open space and trees; to utilize landscaping, landscaped open space and trees as an effective means of conserving energy; to preserve open space; and to maintain and improve the aesthetic quality of the City of Miramar, thereby promoting the health and general welfare of the citizenry. In addition, it is the policy of the City Commission that every effort shall be made to preserve and maintain natural vegetation within the City of Miramar, as identified in the City's Comprehensive Plan and this LDC.

506.1.5. Applicability. The terms and provisions of this article shall apply to real property as follows:

- (1) All vacant and undeveloped property.
- (2) All property in all zoning classifications that is intended to be redeveloped.
- (3) The yard areas of all developed property.

506.2. Landscape Definitions. In construing the provisions of this article, the clarifications of terms used in this section may be found in Chapter 2, Section 202.5.

506.3. Landscape Plan Requirements

506.3.1. For all site plan submittals (refer to Chapter 3, Section 310), the applicable planting plans, landscape data tables, tree disposition plans and/or tree survey, irrigation plans, etc., shall be provided on the landscape plans. Plans shall be drawn and signed and sealed by a registered landscape architect, licensed in the State of Florida.

506.4. Issuance of Certificate of Occupancy:

506.4.1. A landscape permit is required for all landscape installations including new single-family homes that are not part of planned community.

506.4.2. The developers of all planned residential communities must obtain a landscape permit for plant material on the individual lots, and a separate landscape permit for the common areas, including the street trees.

506.4.3. The city has the right to inspect all properties to ensure that landscape has been installed, maintained, and irrigated in accordance with the landscape plan approved by the city and the provisions of this chapter and require the property owner to make all appropriate corrections.

506.4.4. The landscape architect of record shall provide a certification letter to the city certifying that the landscaping was installed in accordance with the plans and specifications before the landscape inspector makes the final inspection for all non-residential and planned residential community projects.

506.4.5. With respect to landscape material for a newly developed or redeveloped site undergoing construction, a final certificate of occupancy (CO) shall be issued by the Building Official once all landscape material has been planted to the satisfaction of the city, in accordance with the approved landscaping plans and certified by the Landscape Architect-of-Record. A temporary certificate of occupancy (TCO) may be issued by the Building Official in accordance with Section 319.3, until all pending issues are addressed.

506.5. Implementation Standards:

506.5.1. Plant Material Design and Installation standards

1. All areas not covered by main and accessory structures, walks and vehicular use areas shall be fully landscaped with living plant material. Non-living landscape material shall not be considered as substitution for living plant material unless specifically approved on the landscape plan.

2. Landscape material shall extend to any abutting street pavement edge and to the mean water line of any abutting canal, lake or waterway.

3. Landscaped areas shall be constructed with no more than ten percent (10%) of the total area of gravel, stone, concrete, asphalt, artificial turf, or other similar material, excepting necessary walks and vehicular use areas.

4. Trees or other plant material may not be planted in public rights-of-way (swale areas) without a permit from the city. Shrub species with a mature height of up to thirty (30) inches may be planted on the property edge but not within the swale area.

5. It shall be the duty of a property owner that all plant material and non-living durable landscaping material shall be installed and perpetually maintained in a manner consistent with proper horticultural practices found in the most recent editions of the following:

(a) *Grades and Standards for Nursery Plants* from the Florida Department of Agriculture Division of Plant Industry;

(b) *Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries* from the Florida Department of Environmental Protection;

(c) *Selecting and Planting Trees for the South Florida Urban Forest* from the Florida Urban Council;

(d) *The Right Tree in the Right Place* brochure from Florida Power and Light;

(e) American National Standards Institute A-300 and Z-133; and

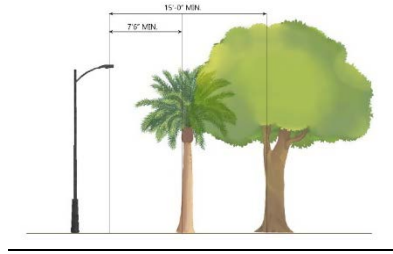
(f) *Principles and Practices of Planting Trees and Shrubs* by Gary W. Watson and E.B. Himelick.

6. All plants installed shall conform to, or exceed, the minimum standards for Florida Number 1 as provided in the most current edition of "Grades and Standards for Nursery Plants," prepared by the State of Florida Department of Agriculture and Consumer Services.

7. All guys and staking material should be removed when the tree is stable and established, but in no case more than one year after initial planting of the tree. Stabilization shall be in accordance with ANSI A-300 and Z-133. Trees shall be re-staked in the event of blow over or other failures of the staking and guying.

8. For non-residential properties, trees staked with an at-grade root ball securing system is encouraged. The system shall securely anchor the root ball while allowing the trunk and crown to move naturally. The system shall not use materials and methods that penetrate or damage the root ball.

9. Growth of plant material at maturity shall be considered prior to planting, where future conflicts such as views, signs, overhead, above-ground and underground utilities, security lighting, fire access, drainage easements and traffic circulation, might arise. All shade trees must be located a minimum of fifteen (15) feet from street lights, and palms and small trees must be located a minimum of seven and one-half feet (7'-6").



10. All shade trees installed within six (6) feet of public infrastructure shall utilize a root barrier system, as approved by the city.

11. The community development department may grant written permission to allow the planting of trees or shrubs less than the required sizes outlined in this chapter upon written request from the Landscape Architect-of-Record. Written permission may be granted if the following is met:

(1) Quality plants, such as Florida Department of Agriculture "Florida Fancy" grade, are used; or

(2) A greater number of plants than the minimum number required by the ordinance are planted; however, the increased number of trees that may be required shall not exceed 25 percent of those otherwise required by this chapter.

12. All property other than the required landscaped strip lying between the right-of-way and off-street parking area or other vehicular use area shall be landscaped with at least grass or ground cover.

13. Turfgrass installation shall be completed by sodding and shall supply 100% coverage immediately upon installation.

14. Wherein sod installation is impractical, the community development department may allow seeding or sprigging with prior written approval. Grass seed shall be clean and at least 90% weed free and free of noxious pests or diseases. The grass seed bags shall have Florida Department of Agriculture tags indicating compliance with the state's quality control program.

15. The eradication of invasive and nuisance vegetation existing on site is required prior to the issuance of a certificate of occupancy. *Ficus* hedges may not be planted within utility easements.

16. Ground cover may be used in lieu of sod and shall provide a minimum of 75 percent coverage immediately upon planting and 100 percent coverage within one growing season after planting.

17. Vines shall be a minimum of thirty (30) inches in supported height immediately after planting and may be used in conjunction with fences, visual screens or walls.

18. Shrubs shall be installed with a minimum height of 24 inches and spread of 18 inches immediately upon planting.

19. Hedges, where required for screening purposes, shall be planted so as to be tip-to-tip within six months of planting and maintained so as to create a continuous visual screen with no visual spaces between plants at that time. Plant spacing may be adjusted according to plant sizes so long as the preceding is achieved.

20. Small/ornamental trees shall be of eight feet overall planting height at time of installation. Trees with a multiple trunk growth characteristic shall have no more than three main trunks. All small trees shall have a minimum of 30 inches of clear trunk at the time of planting.

21. Shade trees shall be a minimum of 12 feet overall planting height at time of installation. Only those shade trees specifically indicated as street trees on the City's preferred species list are permitted for street tree use.

22. Hurricane-pruned *Sabal* palms are prohibited.

23. All palms that have significant gray wood characteristics at maturity shall have a minimum of eight (8) feet of gray wood. All other palms must have an installed height of 16 feet overall.

24. 50% of the trees required shall be water-conserving, native plant material indigenous to Southern Florida. 50% of shrubs required shall be installed as native plant material.

25. Trees in excess of five shall have no more than 30% of a single species.

26. Utility equipment, utility structures, and garbage and refuse areas shall be screened with landscape material so areas are not visible from adjacent property or right-of-way.

27. All elements of landscaping shall be installed to meet all other applicable City Code requirements and ordinances.

506.5.2. Non-living Landscape Material and Installation Standards

1. A minimum of three-inch depth of approved organic mulch shall be installed around all trees and planting beds surrounding groundcover, shrubs, and hedges.

2. Each tree shall have a ring of organic mulch at the perimeter of the root ball. No mulch shall be installed on top of the root ball.

3. Cypress mulch shall not be allowed for installation. The use of mulch obtained from *Melaleuca*, *Eucalyptus*, or other invasive plant species, is encouraged to preserve native plant communities and reduce the impact on the environment.

4. Topsoil shall be clean and free of construction debris, weeds, rocks, noxious pests, and diseases, and exhibit a pH of 6.5 to 7.0. The topsoil for planting areas shall be

amended with horticulturally acceptable organic material. All soils used shall be suitable for the intended plant material. The source of the topsoil shall be known to the applicant and shall be acceptable to the city.

5. The minimum planting soil depth shall be six (6) inches for ground covers, flowers, shrubs and hedges.

6. Trees shall receive 12 inches of planting soil around the root ball.

7. Native topsoil on the site shall be retained on-site and used when there is sufficient quantity to cover at least some of the on-site landscaped areas.

8. Clean sand shall be used to backfill arid climate palms.

9. If berms are utilized outside of the designated Miramar Parkway Scenic Corridor area, they shall meet the following standards:

(a) Berms without hedges shall be a minimum of two feet in height and have a minimum slope of three-to-one (3:1).

(b) Berms shall be smooth, transitional, without awkward grade changes, and shall be both undulating and meandering.

(c) The height of a berm shall be measured from the grade of the adjacent paving on the public side (i.e., sidewalk, or road crown).

506.5.3. Irrigation

1. All landscaped areas, including adjacent rights-of-way and street medians where they exist, shall be provided with an automatically operating underground irrigation system. The irrigation system must be designed to have a minimum of 100 percent coverage, with 50 percent minimum overlap.

2. Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system and shall not be installed or operated to overspray onto roads or pedestrian walkways.

3. All irrigation systems shall install rain sensors which must be maintained in operable condition.

4. All irrigation shall utilize non-potable water and shall include a treatment system to prevent rust stains/rust inhibitor. Irrigation heads near building facades and freestanding walls shall have sprinkler shields installed.

5. All new developments and site improvement projects shall be required to connect with the city's water reuse distribution system where available.

6. Exemptions: Properties planned and maintained as a Xeriscape landscape may be exempt from providing an automatically operating irrigation system with a waiver from the

Community Development Department. As part of any such request, the applicant shall provide a 1-year temporary watering plan in a manner acceptable to the City and subject to quarterly inspections for 1 year.

506.6. Minimum Requirements - All properties

506.6.1. Street Trees. Street trees are required in addition to all other landscaping requirements and shall be planted at a minimum of 12 feet overall height with a spread of six (6) feet and a minimum of four and one-half (4-1/2) feet clear trunk immediately after installation.

a. One tree shall be required for every 40 feet of street frontage less driveway openings and shall be a shade tree.

b. The spacing of trees from electric utility lines must follow those guidelines established by the latest edition of the Florida Power and Light publication "Right Tree, Right Place". Trees shall be planted no further apart than 60-foot intervals and no closer than 15 feet apart.

c. All street trees are to be placed in a location in accordance with the requirements of the city engineer in order to accommodate location of utilities and street widening and will require the use of root barriers to protect the sidewalk(s) and utilities from root damage or whenever trees are located within six feet from a paving edge. The root barriers shall be installed per manufacturer's recommendations.

d. If insufficient rights-of-way exist or insufficient clear recovery zones exist for street tree installation, these requirements may be handled with an application from the Community Development Department.

As part of any such request, the applicant shall provide an alternative consisting of one or more of the following:

(1) Donate an equivalent dollar value for the trees not planted to the city's tree trust fund for the landscaping of public property in the City of Miramar, which equivalent value shall include the cost of the trees and installation. This value is established at \$450.00 for two and a half-inch caliper as amended from time to time.

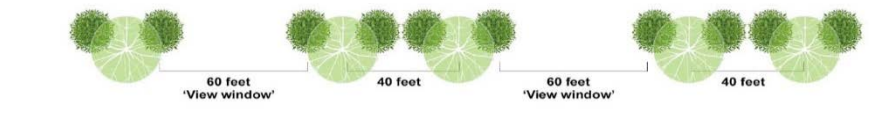
(2) Donate an equivalent number of trees to be installed on public property in the city of Miramar, which equivalent value shall include the trees and cost of installation and irrigation.

506.6.2. Perimeter Landscaping

1. All properties shall comply with perimeter buffer yard width requirements provided in Table 506-1. Exceptions may apply to development within the Traditional Neighborhood Development (TND) and Transit Oriented Corridor mixed-use and special district zoning districts, as designated in this chapter.

2. All properties shall provide perimeter landscaping to consist of three trees (one shade, 2 ornamental) for every 40 lineal feet.

3. Distinct “view windows” may be created within the perimeter landscaping where significant public view is present. View windows are not to exceed 60’ maximum spacing and shall not be within 100 feet of another view window. The remainder of the perimeter landscaping is to be planted at regular intervals to create a continuous streetscape pattern incorporating the view windows.



4. A hedge, wall, or other durable landscape barrier shall be placed along the perimeter of the property planted a minimum of 3 feet in height where abutting an adjacent property and a minimum of 2 feet in height adjacent to rights-of-way. The remainder of the perimeter landscaping shall be covered with grass, ground cover, or other living landscape material.

5. If the durable landscape barrier is of nonliving material, such as a wall or fence, then a hedge, vine or other living material shall screen the street side of the barrier.

6. Perimeter landscape buffering requirements shall not apply to single-family and dual-family lots.

7. Such perimeter buffers may not be counted toward interior landscape requirements.

Table 506-1: Perimeter Bufferyard width requirements ^{1,2}

		<u>ADJACENT LAND USE</u>								
		<u>Residential</u>	<u>Commercial</u>	<u>Office</u>	<u>Industrial</u>	<u>Community Facility</u>	<u>Park/Open Space</u>	<u>Water body</u>	<u>Major Street R-O-W</u>	<u>FPL Transmission Easement</u>
	<u>Residential</u>	<u>5'</u>	<u>10'</u>	<u>10'</u>	<u>20'</u>	<u>10'</u>	<u>10'</u>	<u>5'</u>	<u>20'</u>	<u>10'</u>
	<u>Commercial</u>	<u>15'</u>	<u>5'</u>	<u>5'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>5'</u>	<u>20'</u>	<u>10'</u>
	<u>Office</u>	<u>20'</u>	<u>5'</u>	<u>5'</u>	<u>10'</u>	<u>20'</u>	<u>10'</u>	<u>5'</u>	<u>20'</u>	<u>10'</u>
	<u>Industrial</u>	<u>30'</u>	<u>10'</u>	<u>10'</u>	<u>5'</u>	<u>30'</u>	<u>30'</u>	<u>5'</u>	<u>30'</u>	<u>10'</u>

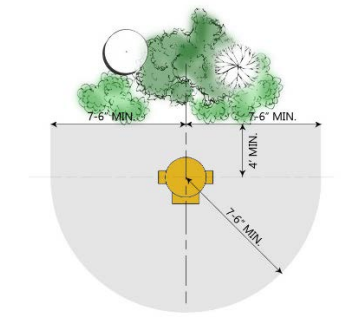
PROPOSED SITE USE	Community Facility	<u>10'</u>	<u>10'</u>	<u>20'</u>	<u>30'</u>	<u>10'</u>	<u>10'</u>	<u>5'</u>	<u>20'</u>	<u>10'</u>
	Park/Open Space	<u>10'</u>	<u>10' 0</u>	<u>10'</u>	<u>30'</u>	<u>10'</u>	<u>10'</u>	<u>5'</u>	<u>10'</u>	<u>20'</u>

¹ Exception may apply to development within the Traditional Neighborhood Development (TND) and Transit Oriented Corridor (TOC) mixed-use zoning districts, as noted below.

² Except where the perimeter is subject to the terms of the Miramar Parkway Scenic Corridor requirements.

506.6.3. Parking lots and Vehicular Use Areas. Parking lot landscaping shall be installed in landscaped areas designed and arranged for the purposes of controlling traffic, providing shade, screening unnecessary views into and within the vehicular use areas, and separating the parking circulation and service areas.

506.6.3.1. Landscape islands shall be as specified below and located at the ends of all parking rows and interspersed within the rows as required. Landscape islands shall not be located more than ten parking spaces apart but may vary if the average spacing for the entire parking lot of the property is ten parking spaces. Landscape islands shall measure a minimum of 10 feet wide from inside of curb to inside of curb. Additionally, islands are not required in truck yards.



(a) Each landscape island shall contain at least one shade tree in the outer half of the landscape island. Islands created to accommodate utilities and fire safety equipment such as fire hydrants, Siamese connections, fire department connections and six-inch or larger double check valves must be at least 16 feet wide measured from back-of-curb to back-of-curb, and the water line to the appurtenance must be routed immediately behind the curb to accommodate the tree planting.

(b) Islands shall be excavated to 36 inches and filled with clean fill and topsoil at least to the top of the curb.

(c) A minimum of 75 percent of trees installed in parking islands or landscaped parking bay dividers shall be shade trees.

(d) Required shade trees in parking lots must be planted in landscape islands which are a minimum of 12 feet wide, and 16 feet in depth as measured from back of curb to back of curb, except where they are located contiguous with a perimeter buffer or landscaped

parking bay divider, in which case they may be ten feet in width as measured from inside curb to inside curb.

(e) Landscaped areas abutting front-end parking and landscape islands shall be protected by continuous curbing type "D" or "F." Wheel stops may be used at perimeter parking at least two feet from the edge of such landscaped areas but are not required if the bumper overhangs of vehicles do not obstruct vegetation or pedestrian traffic within a 2-foot zone.

506.6.3.2. Fifteen percent (15%) of the total paved vehicular use area, not including truck yards or entry/exit drives or driveway openings, must be landscaped green space. Credit may be granted for landscaped green space located adjacent to the parking lot and not counted towards the minimum requirement for plot or perimeter bufferyards for the interior parking lot landscaped area requirement for small parking lots consisting of one double-loaded drive aisle or less.

506.6.3.3. Ten-foot wide landscaped parking bay dividers are required for every third bay for all parking lots containing 300 or more cars and may be provided to help meet the 15 percent interior parking lot green space requirement for smaller parking lots. However, if trees are planted in the divider to meet the tree requirement, the bottom of the landscape divider shall be not less than six (6) inches below the adjacent paving edge.

506.6.3.4. No landscaped area shall have any dimension less than five (5) feet with the exception of trees planted in paved areas with the use of a suspended pavement system.

506.6.3.5. All vehicular use areas shall be screened from the adjacent property with a continuous hedge except at points of vehicular and pedestrian ingress and egress. All landscaping shall be kept in a healthy growing condition at all times.

506.6.3.6. Other vehicular use areas shall conform to the minimum landscaping requirements herein provided, including areas used for parking or other vehicular uses and parking areas serving residential dwellings.

506.6.3.7. *Temporary real estate sales structures and related parking area(s) requirements.* The plot area(s) to be landscaped shall be the area of the sales structure and associated parking area plus the following:

(a) Fifteen (15) feet on the sides, rear, and front of the proposed sales location, as measured from the side of the building or perimeter of the parking lot

(b) Minimum plot size shall be 5,000 square feet

(c) Three (3) trees and ten (10) shrubs shall be planted for every 1,000 square feet of plot area or fraction thereof.

506.6.4. *Pedestrian Landscape Zones.*

(a) Principal buildings shall contain a pedestrian landscape zone along the full length of each building facade that fronts parking, drive aisles or other vehicular use areas (excluding truck courts/loading areas, and drive-thru and escape lanes).

- (b) The minimum required pedestrian landscape zone width is 10 feet and the maximum required width is 25 feet. Zone widths exclude any sidewalks parallel to the building.
- (d) The width of a pedestrian landscape zone, except for uses as indicated in Table 506-2, shall be 50 percent of the height of the building, or 10 feet, whichever is greater. Height for this purpose shall be measured to the top of a parapet wall or one-half of the roof height for a pitched roof.
- (e) Pedestrian landscape zones are not required in Rural, Single-Family Residential, Conservation or Utility zoning districts, as defined in section 401.

Table 506-2

<u>Zoning District</u>	<u>Use</u>	<u>Minimum Width (feet)</u>
CR / OS	recreational	10
PID	warehouse	10
RM4	multi-family residential	10 or alternative methods ¹
ML/MH/SD	mixed-use buildings	10 or alternative methods ¹
TND	mixed-use buildings / multi-family residential	10 or alternative methods ¹

¹Use of green walls, suspended pavement system, or alternative method may be used to meet the intent of the pedestrian landscape zone with approval from the Community Development Department.

(f) One shade tree (or group of three palms, or one palm tree that qualifies for 1:1 usage), 15 shrubs, and 40 groundcover plants are required for every 60 lineal feet of the pedestrian zone.

(g) Installed minimum amounts and sizes of trees and shrubs shall relate to the building height as per Table 506-3.

Table 506-3

<u>Building height</u>	<u>Palms¹ to extend above roofline</u>	<u>Tree Height</u>	<u>Distance from building</u>	<u>Sidewalk width²</u>
Up to 25'	50%	12'	5'	6'
26' – 35'	30%	14'	5'	6'
Over 35'	20%	16'	8'6"	8'

¹ One shade tree (or group of three palms, or one palm tree that qualifies for 1:1 usage) is required along the frontage and sides that abut public parking. These trees can be grouped where appropriate.

² Unless there is an arcade or colonnade adjacent to the building façade.

506.6.5. Common Areas.

(a) Common areas within residential zoning districts, such as amenity centers, project entries, and miscellaneous open spaces, including but not limited to, tot lots and

recreational areas, shall have a minimum of one shade tree and 20 shrubs for each 2,000 square feet of site area or portion thereof, not utilized for structures or vehicular use areas.

(b) Active recreation play courts must be screened on all sides visible from adjacent property with a contiguous hedge at least two feet in height at time. Such plantings shall be outside the fence enclosure (where one exists) or a minimum of six feet off the court outside edge.

(c) All ground-mounted equipment, including but not limited to, electrical/mechanical equipment, storage areas, walls, fences, and common trash receptacles shall be screened from view using trees, shrubs, and/or hedges in addition to the common area requirement noted above.

(d) Perimeter landscaping, street trees, irrigation, and sod, at a minimum, is required for all demolition projects in the city. All unbuilt parcels and outparcels must be treated with such landscaping prior to issuance of the first certificate of occupancy (C.O.) on the site or within 30 days of a completed demolition on land cleared for retail or office development. Retail and office outparcels which are not anticipated to be developed within one year may be sodded with *Bahia* sod without irrigation.

506.7. Minimum Requirements – Non-residential properties

506.7.1. Accessway landscaping. The intent of this section is to provide an enriched landscape at the public entrances to non-residential projects including industrial, office, and retail projects. The street tree requirement may be combined with the accessway planting requirements in the entryways to provide well-integrated design solutions. The following requirements are in lieu of the perimeter bufferyard requirement of three trees per 40 lineal feet with at least one being a shade tree, and a continuous hedge.

506.7.1.1. Accessway zone: The accessway zone extends from the paving edge of the entry drive (not radius) for a distance equal to half the right-of-way width of the roadway on both sides of the entry. The zone also extends perpendicularly 25 feet from the right-of-way of the adjacent roadway along the entry drive and includes medians where provided. A minimum zone length of 40 feet per side is required for rights-of-way of less than 80 feet wide.

506.7.1.2. Accessways affected: All accessways designed for public entry are included. Service drives used exclusively for service access are exempted from this regulation.

506.7.1.3. Planting requirements: The accessway zone requires two shade trees and four small trees per 40-foot section of the zone. The use of premium (1:1) palms is encouraged. Large shrubs may be substituted for the small tree requirement in the accessway zones. Entryway medians require three trees, as well shrubs or groundcovers which cover the entire zone. A minimum ten-foot wide planting bed containing low shrubs and/or ground cover must also be provided fronting the taller plantings in the accessway zone and must extend a minimum of five feet beyond the small tree/large shrub mass. Alternate design schemes that meet the intent of this section may be approved at the discretion of the Community Development Director.

506.8. Minimum Requirements – Residential properties

506.8.1. Single family Residential Properties. Shade trees are required per single family residential lot in addition to all other landscaping requirements and shall be a minimum of 12 feet overall height with a spread of six feet and a minimum of four and one-half feet clear trunk immediately after installation. The following requirements shall apply.

506.8.1.1. A cluster of 3 palm trees may be used to equal 1 shade tree. No more than 50% of required trees shall be palm trees to meet minimum shade tree requirements.

506.8.1.2. Minimum number of planting shall be determined by Table 506-4.

506.8.1.3. Fruit trees reaching a mature canopy spread of 30 ft. or greater may be used to meet minimum shade tree requirements with written permission from the Community Development Department.

Table 506-4

<u>Zoning District</u>	<u>Amount of Plantings Required</u>
<u>RL Zone</u>	<u>10 trees and 50 shrubs</u>
<u>E and RS1 Zones</u>	<u>6 trees (min. 2 in front half). 20 shrubs front half; 10 shrubs rear half of property.</u>
<u>RS2 to RS8 Zones, TND</u>	<u>4 trees (min. 1 in front half), 15 shrubs front half; 10 shrubs rear half of property.</u>
<u>Additional Requirements</u>	
<u>Corner lot</u>	<u>1 tree and 10 shrubs on streetside</u>
<u>RS3 to RS8 lots over 12,000 square feet</u>	<u>1 tree and 10 shrubs per 2,000 square feet</u>

506.8.2. Multi-family Residential Properties. Shade trees are required in accordance with the pedestrian landscape zone requirements and Table 506-3. In addition, within play lots and passive recreational areas, 1 shade tree shall be planted per 250 square feet.

506.9. Minimum Requirements – Mixed-Use properties

506.9.1. TND. Landscaping in a TND is intended to reinforce community identity, minimize visual blight and noise, maintain building and property values, prevent soil erosion, reduce stormwater runoff, reduce air pollution, increase ground water recharge, create shade and reduce solar overheating. Landscaping requirements shall adhere to the requirements of this Chapter unless otherwise specified below.

(a) A cohesive planting theme should emanate throughout the TND. Plantings layout and style should not conflict within the TND.

(b) Shade trees are required in the planting areas along all streets, particularly in the absence of colonnades or awnings that provide shade directly over a sidewalk. It is desirable for street trees opposite each other to have their branches grow into each other to create a canopy effect over the street.

(c) Bufferyards shall not be required adjacent to areas that would offer a natural extension of the TND or that are compatible with the TND as determined by the Community Development Director. This is meant to facilitate the interconnectedness of compatible uses.

506.9.2 TOCD. Development within the TOCD shall be exempt from full compliance of planting requirements of this chapter and required planting shall mainly be governed by this subsection.

(a) *Public Planting.* Specifically, sites shall incorporate the design intent of the standards, but do not have to meet the particular planting requirements for accessways (Section 506.7.1), street trees (Section 506.6.1, other than noted in this section), pedestrian landscape zone (Section 506.6.4) and bufferyard width requirements (Section 506.6.2 and Table 506-1). If building setbacks of a minimum of 8 feet in width are achievable for perimeters other than the primary frontage, then bufferyard planting requirements shall apply. Building setbacks less than 8 feet in width shall not require shade trees. Shade trees shall be a minimum of 12 feet overall height, three inches of caliper, and six feet of clear trunk height at time of planting. Trees and landscape shall be required for streets, medians, squares, plazas, and private property in accordance with the following:

1. Street trees shall be planted on both sides of the street except for a street on the undeveloped edge of the TOCD district. Depending on the street type, the planting area may contain the required landscaping, the required street trees, or a combination of both.

2. Street trees shall be placed at a maximum average spacing of thirty-five (35) feet on center. Street trees shall have a minimum caliper of three (3) inches and a minimum clear trunk height of eight (8) feet at the time of planting. Palms require a maximum average spacing of twenty-five (25) feet. Street trees shall be planted in one or more of the following methods of installation:

(a) *Tree Grates:* Trees shall be planted within openings in the sidewalk, which shall be covered by permanently installed grates perforated to permit natural irrigation and shall be flush with the surrounding sidewalk.

(b) *Tree Planters:* Trees planted within a raised planter located on the sidewalk, shall be defined on all sides by a permanent masonry structure to consist of a minimum six-inch raised curb. The area within the planter, in addition to the required trees, shall be planted with ground cover, shrubs and other appropriate plant material.

(c) *Continuous Planting Strips:* Trees planted in the area between the curb or roadway edge and the sidewalk shall include grass and ground cover. This option is not permitted along frontages where the ground story of buildings is occupied by storefronts. Street trees shall not be required where colonnades are provided and the swale area is less

than eight (8) feet in width; however, if at least five (5) feet are provided, then planters and trellises may be substituted.

3. *Median Trees:* Median trees shall have a minimum caliper of three inches and a minimum clear trunk height of eight feet at the time of planting and shall provide 100% canopy coverage within two years of installation.

4. The required planting area width may be combined with the required sidewalk to expand the sidewalk beyond the required width. In this scenario, the street trees must be placed in tree grates with a suspended paver system specified for trees directly abutting the paved areas.

5. *At-Grade Parking Lots:* Parking areas not covered by a parking structure shall meet the landscaping requirements of Section 506.6.3.

6. All landscaped areas shall be continuously maintained in a good, healthy condition and sprinkler systems of sufficient size and spacing shall be installed to serve all required landscape areas, consistent with Section 506.12.

506.10. *Minimum Requirements – Miramar Parkway Scenic Corridor*

506.10.1. *Intent and Purpose.* The intent and purpose of the Miramar Parkway Scenic Corridor is to create an aesthetically pleasing transportation corridor. The ultimate goal of the Miramar Parkway Scenic Corridor is to create a greenbelt through the city. In recognizing the local and regional importance of Miramar Parkway as a major east-west transportation route in southwest Broward County, the city believes it is important to develop a scenic corridor which will be a distinct and aesthetically pleasing component of the City of Miramar Comprehensive Plan.

506.10.2. *Dedication of Landscape Easements.* Dedications for the landscape easement shall be shown on all plats, and designated on-site plans and developments of regional impact plans. The easement shall be dedicated in perpetuity for the purpose of landscaping. Said easement may include a drainage easement or utility easement, or both if such easement will not interfere with the requirements of the landscape easement as set forth herein.

506.10.3. *Landscape Easement Development Standards.* The following standards shall apply to the landscape easement. The requirements of this section shall supersede the requirements of the landscape standards of this Code. The minimum corridor width shall be thirty (30) feet along Miramar Parkway from Palm Avenue to Southwest 196th Avenue. The requirements of this section shall be in addition of the required perimeter landscaping and street tree requirements.

506.10.3.1. *Earth berm standards:* Earth berms shall be employed to the extent possible within the landscape easement. In no instances shall less than 75 percent of the lineal frontage of the landscape easement along Miramar Parkway be devoted to berming.

506.10.3.2. The minimum height of the low point at the center of all berms shall be two feet as measured from the adjacent paving edge on the public side, and a minimum of

four feet to the top. Berms shall be smooth, transitional, meandering, undulating, and large in scale.

506.10.3.3. *Alternatives to Berming.* In certain special circumstances and upon approval of the community development director, the aforementioned berming requirements may be reduced and replaced with low cement block structure walls, durable ornamental fences, or other appropriate landscape elements. Such alternatives should be designed to present a compatible appearance with the bermed areas. Walls, fences, or other approved landscape components shall be a minimum height of four feet above the ground adjacent to the landscape component and shall extend, singly or in combination with berming, along a minimum of 75 percent of the lineal frontage of the landscape easement on Miramar Parkway.

506.10.3.4. *Minimum Planting Requirements:*

(a) *Tree Requirement.* The minimum number of trees shall be calculated based upon one tree for each 30 lineal feet, or a fraction thereof, of the landscape easement along Miramar Parkway. The width of accessways which intersect the easement shall be included in the calculation of lineal dimensions.

(b) *Spacing of Trees.* Trees in the landscape easement may be planted singly or in clusters. The maximum spacing of trees shall be 75 feet between planted trees or clusters, except where a vista to a significant architectural or scenic amenity or signage is appropriate, in which case a wider spacing may be approved by the community development director.

(c) *Planting Standards for Trees.* Trees shall be a minimum of 12 feet in height at the time of planting. Trees shall also have a minimum crown spread of six (6) feet and a minimum caliper diameter of two (2) inches at a height of four (4) feet above the ground.

(d) *Tree Types:* A minimum of 75 percent of all trees required within the landscape easement shall be shade trees. A maximum of 25 percent of all trees required may be ornamental.

(e) *Native Trees:* A minimum of 75 percent of all trees required within the landscape easement shall be of a native species to generally reduce water and maintenance needs.

(f) *Palms:* Palms shall be installed in groups of no less than three palms. For the purposes of this section, each group of three palms shall be considered one tree. In the case of species of palms which characteristically grow in clumps, each clump shall be considered to be one tree.

(g) *Shrubs:* Shrub clusters or hedges shall be required with the minimum number of shrubs calculated based upon one (1) shrub for each ten (10) lineal feet.

(h) *Shrub Spacing:* Shrubs shall be planted either in clusters or in hedge formation, with a minimum of 8 shrubs in a group. Individual shrubs within clusters or hedges shall be spaced at a maximum of 30 inches on center and a minimum of 24 inches in height at the time of planting.

(i) *Landscape Treatment of the Ground:*

(a) Ground cover may be used within planting beds around trees and shrubs and shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within two growing seasons after planting.

(b) Mulch may be used within planting beds in lieu of, or in conjunction with, ground cover, and shall be renewed and maintained as required.

(c) Areas not used for trees, shrubs, ground cover, mulch, or other landscape elements shall be planted with solid sod of a suitable species, such as Argentine *Bahia* or St. Augustine *Floridana* grass.

506.10.3.5. General Standards for Planting and Maintenance:

(a) Quality of Plant Material: plants installed pursuant to this section shall conform with, or exceed, the minimum standards for Florida Number 1, as provided in the most current edition of "Grades and Standards for Nursery Plants, Parts I and II," prepared by the State of Florida Department of Agriculture and Consumer Services.

(b) Continuing Maintenance: the property owner, homeowner's association or the owner's successors in interest, assignees or agents, shall be jointly and severally responsible for maintaining all landscaping in the easements in good condition and in a manner that presents a healthy, neat and orderly appearance.

(c) Irrigation: All landscaped areas shall be provided with an automatically operating underground irrigation system designed to have a minimum of 100 percent coverage, with 50 percent minimum overlap in grass and groundcover areas and 50 percent minimum overlap in shrub areas.

(d) Where the landscape easement abuts onsite vehicular use areas such as traffic lanes, it shall be separated from the traffic lanes by mountable, reinforced concrete curbing. Extruded curbing which has not been reinforced shall be prohibited.

(e) Where the landscape easement abuts onsite parking spaces, it shall be separated from the parking spaces by anchored, concrete wheel stops or non-mountable, reinforced concrete curbing.

506.10.3.6. Setbacks and Width Variances: Setbacks shall be calculated from the ultimate right-of-way line of Miramar Parkway. The City Commission may vary the width of the landscape easement; however, no variance shall be granted that breaks the continuous nature of the landscape easement. The commission may grant a variance only after it finds existing site conditions which would make it a hardship for the landowner to strictly comply with the terms of this section. Existing site conditions which may warrant a variance include: the presence of water bodies; size limitations caused by an extraordinarily narrow lot depth or width; or other unique physical characteristics not created by the landowner. In no event, shall a variance be granted which reduces the width of the scenic easement by greater than 50 percent of that which is required in this section. The commission may grant a variance pursuant to this section only if the landowner provides additional landscape amenities, such as substantial increases in the minimum planting requirements within the landscape easement; additional landscaping in the roadway median along the Scenic Corridor on Miramar Parkway where needed, as determined by the city; or special landscape components, such as artistic elements or unique design features.

506.11 Minimum Requirements - Monument Signs

All monument signs shall be sufficiently landscaped to conceal the base and enhance the aesthetic value of the sign, not to obstruct its visibility or readability. Applicants are encouraged to exceed the minimum monument sign landscaping requirements required Table 506-5. The following requirements shall apply.

506.1.1. A minimum of one tree or three palms shall be provided per monument sign.

506.1.2. A combination of shrubs, ground cover, and/ or annuals shall be used to enhance the design.

Table 506-5

<u>Monument Sign Square Footage¹</u>	<u>Height (ft.)</u>	<u>Landscape material required</u>
<u>20 to 45</u>	<u>2—4</u>	<u>A combination of shrubs, ground cover, and/ or annuals</u>
	<u>4+</u>	<u>2 trees and a minimum of 2 tier combination of shrubs, ground cover, and/ or annuals</u>
<u>46 to 72</u>	<u>4—6</u>	<u>2 trees and a minimum of 2 tier combination of shrubs, ground cover, and/ or annuals</u>
	<u>6+</u>	<u>3 trees and a minimum of 3 tier combination of shrubs, ground cover, and/ or annuals</u>

1. For each additional 20 square feet, add one tree

506.12. Tree Care and Maintenance Standards - All Properties

506.11.1. All landowners, or their agents, shall be responsible for the maintenance of all landscaping including abutting rights-of-way, swales, lakes and canal banks. It shall be the responsibility of the adjacent property owner to maintain the swale area. Landscaping shall be maintained in accordance with the following standards:

(1) Landscaping shall be free of debris and maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area.

(2) Landscaping shall be maintained to minimize property damage and public safety hazards, including removal of living, dead or decaying plant material, removal of low hanging branches and those obstructing street lighting and maintenance of clear sight distance standards.

(3) Landscaping shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.

(4) Landscaping shall be maintained free of invasive and nuisance species. Privately owned natural areas shall be included in this requirement.

(5) Grass and/or weeds cut no higher than six inches and all roadways, curbs, and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas. Line trimmers shall not be used to trim turf abutting trees or other plant material.

(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, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

(7) Shrubs shall be kept trimmed to a height not to exceed three feet and provide unrestricted visibility at driveways and street intersections.

(8) All developers, developer agents or contractors or their agents, and homeowners, must prune trees in accordance with standards set forth in American National Standards Institute (ANSI) A-300, and Z-133, current edition. If the pruning is tree abuse and causes tree removal, a permit for tree removal shall be required from the city and may be subject to fines as noted in section 506.19.

(9) Tree root barriers shall be installed at the sidewalk edge in those circumstances where tree roots are causing or potentially causing a trip hazard because of lifting of some portions of a public sidewalk.

(10) Removal of root systems which show evidence of destroying public or private property is required. Root barriers of appropriate depth shall be utilized in lieu of removal where upheavals do not create safety problems or structural damage to buildings.

(11) It shall be the duty of the property owner to maintain the current approved landscape plan for the property including, but not limited to, replacing dead and poorly performing plant and other landscape material. Preserved vegetation which dies following the issuance of the certificate of occupancy shall be replaced with equivalent living material or trees. The city has the right to inspect all properties to ensure that landscaping has been properly installed, maintained, and irrigated in accordance with the approved landscape plan and require the property owner to make all appropriate corrections. Nuisance tree species are not required to be replaced.

(12) The property owner has 90 days to replace all substandard and missing landscaping to ensure compliance with this section upon notice from the city. If unable to achieve scope of work within a 90-day period, an extension may be granted based on significant progress and communication with city landscape personnel.

506.13. Improper Maintenance and Tree Abuse - All properties

506.13.1. Any pruning performed without conformance to ANSI A-300 and Z-133 Standards shall be subject to enforcement by the city. Live palm fronds initiating above the horizontal plane, as defined in the above noted reference, shall not be removed. All

tree pruners which provide services in Miramar shall hold a valid tree trimmer's license from Broward County, and a certified arborist must be onsite at all times.

506.13.2. The city may request that Broward County revoke a local business tax receipt (LBTR) in the event standards set this chapter are not met by the tree maintenance provider within the City of Miramar.

506.13.3. The removal of diseased or dead portions (such as palm fronds) of a tree or the removal of an interfering, obstructing or weak branch of a tree which is a threat to public safety or to adjacent property is allowed. Pruning to reduce or eliminate interference with or obstruction of street lights, stop signs or traffic signals is an example of an allowed pruning activity, provided tree abuse does not occur.

506.13.4. Lifting may be performed to eliminate a hazard to pedestrians or to protect the tree from vehicular damage only, not for visibility to signage in lieu of crown thinning. What is regarded as excessive is species dependent, however under no circumstances may the middle one-third of the overall height of the tree contain less than 50 percent of the foliage.

506.13.5. Failure to remove or properly prune a tree damaged by a natural disaster within 30 days shall be a violation.

506.13.6. The developer shall have trees damaged by construction repaired by a professional arborist in a manner acceptable to the city. The monetary value of the tree(s) before the damage and after the damage will be determined using the methodology established by the Council of Tree and Landscape Appraisers "Guide for Plant Appraisal", current edition. An additional fine equal to the difference in valuation between the before and after condition using the above noted methodology will be assessed in addition to the standard violation fine which does not exceed \$500.00.

(a) *Immediate notification of city.* The Community Development Department must be notified immediately after any damage to any tree damaged by construction operations.

(b) *Prompt repair.* Such repairs as necessary shall be made promptly after damage occurs to prevent progressive deteriorations of damaged trees.

(c) *Removal and replacement of damaged trees.* The developer shall remove trees which are determined by the Community Development Department to be incapable of restoration to normal growth pattern. Such trees shall be subject to replacement under the provisions of this code.

(d) Any tree designated for preservation which is damaged by development activities in violation of this code (not including bonded trees in a dripline encroachment plan) and which dies as a result of this damage shall be subject to the tree replacement or removal requirements contained herein.

506.14. Tree Removal - All properties

506.14.1. Owing to the many benefits provided by trees, it is the intent of the City to protect this valuable resource through permitting for land clearing and tree removal. While the destruction of one tree may not have a significant environmental impact, there can be a significant deterioration of the quality of life with the removal of trees. In the evaluation of a tree removal permit, priority shall be given to protected trees for the preservation or relocation, replacement, and/or payment into the tree trust fund.

506.14.2. A tree removal/relocation permit (TRP) shall be required prior to any person, natural or corporate, cutting down, destroying, removing, relocating, destructively damaging, or causing any tree to be encroached upon (within the tree's dripline) for any tree two inches or larger in caliper, regardless of location. In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, written authorization by email may be given by the Community Development Department and the tree removed prior to obtaining an issued permit as herein required.

506.14.3. Prior to the removal of any protected tree or any land clearing activity (to include potential wetlands area as designated on the City's "Floodplains and Wetlands" map of the Comprehensive Plan), a property owner or their designated agent shall obtain a permit from the community development department subject to the conditions of this Code and shall be responsible for obtaining the necessary permits from all jurisdictional agencies in addition to the permit required by this Code. Protected vegetation includes street trees, perimeter vegetation, vegetation in parking and vehicular use areas, historical trees, any tree in a city area of particular concern, any special status category tree, and any specimen tree.

506.14.4. Application for a TRP or land clearing permit shall be made to the city and shall include a legal description of the property and a map showing the size and location of the site where the tree removal or land clearing activities are to be conducted. A tree survey designating all trees over three inches in caliper which are proposed to be preserved, relocated, or removed shall be required.

506.14.5. A TRP shall not be issued for land clearing or tree removal unless one of the following conditions exists:

(1) A site plan submitted by the applicant shows that a proposed structure, permissible under all applicable laws and regulations, can be situated on the subject parcel only if specific trees are removed or relocated; or

(2) The tree is in such proximity to existing or proposed structures that the utility or structural integrity of such structures is materially impaired; or

(3) The tree materially interferes with the location, servicing or functioning of public utility lines or service; or

(4) The tree obstructs views of oncoming traffic or otherwise creates a substantial traffic hazard; or

(5) The tree is diseased, injured, or in danger of falling; or

(6) Any law or regulation requires removal of the tree.

506.14.6. Approved TRPs shall be granted for a maximum of 90 days, with an extension granted based on significant progress and communication with city landscape personnel.

506.14.7. The city has adopted a fee schedule that establishes the permit fees associated with the implementation of this section.

506.14.8. Exemptions: in accordance with State law, a permit shall not be required for the removal of a tree on residential property if and only if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida-licensed landscape architect that the tree presents a danger to persons or property and shall be exempt from replacement trees in accordance with this chapter.

506.15. Mitigation/Replacement - All Properties

506.15.1. Credit for Existing Landscaping Materials. Existing trees may be credited as provided below in Table 506-6 toward required landscaping provided that they are designated for preservation on the final site plan and approved by the city. In no case shall trees located within areas required to be preserved by law be credited toward required landscaping.

506.15.2. Replacement Trees. A removed tree shall be replaced with its equivalent diameter inches at breast height (DBH). The replacement tree(s) shall be a species that has shade potential and other positive values at least equal to that of the tree being removed, and a native tree species must be replaced with a native tree species. Replacement trees shall be a minimum of 12 feet in height and two and one-half inches in caliper when planted. The value of specimen trees shall be established by the methodology contained in The Council of Tree and Landscape Appraisers "Guide for Plant Appraisal", current edition.

Table 506-6

<u>Canopy Spread of Tree</u>	<u>Credit</u>
<u>Under 20 feet</u>	<u>Credit for 0.5 required tree</u>
<u>20 to 30 feet</u>	<u>Credit for 1 required tree</u>
<u>Over 30 feet</u>	<u>Credit for 3 required trees</u>

506.15.3. On lots to be developed, trees within the building pad including areas reserved for driveways, shall be replaced on a caliper-for-caliper basis.

506.15.4. *Optional Cash Payment.* An optional cash payment equal to the fair market value of the required replacement tree(s) paid by the applicant after approval from the community development department staff that replacement of trees on-site pursuant to this subsection is not feasible.

506.15.5. If the trees are to be removed to facilitate construction or development activities, said relocation or replacement must be completed prior to the issuance of certificate of occupancy on the construction, development site or phase of development, as applicable. The trees to be relocated or replaced on-site or off-site on private property must be maintained in a healthy growing condition and guaranteed for a period of at least one year. Trees to be relocated or replaced on public property must be guaranteed. The guarantee period shall end one year from the date of acceptance by city staff.

506.16 *Tree Trust Fund*

506.16.1. *Establishment.* A tree trust line item (hereinafter referred to as the Miramar Tree Preservation Account or the "trust") is hereby established as a depository for tree removal fees and penalty money. Such money shall be utilized solely for the purpose of funding tree replacement on public property within the City of Miramar.

506.16.2. *Term of Existence.* The Miramar Tree Preservation Account shall be self-perpetuating from year-to-year, unless specifically terminated by the city commission.

506.16.3. *Trust Assets.* All money received pursuant to the provisions of this section from public or private concerns shall be placed in trust for the use and benefit of the City of Miramar and its successors and assigns in interest.

506.16.4. *Trust Administration.* Trust funds shall be expended, utilized and disbursed only for the purpose designated by the budget of the City of Miramar to administer the tree preservation program pursuant to this code.

506.16.5. *Disbursal of Assets.* Trust funds shall be used to obtain trees, landscaping, sprinkler systems and any other items or materials necessary and proper for the preservation, maintenance, relocation or restoration of tree ecosystems, on any public land in the City of Miramar. This money may also be utilized to engage support elements, such as landscape architects and may also be used to cover the expense of relocation of trees in the City of Miramar.

506.17. *Standards for Tree Protection During Development.* The following are minimum standards necessary to protect trees designated for preservation from damage during development activities after the tree permit has been approved.

506.17.1. *Protection of Existing Trees.* Prior to any clearing of improved, vacant or unimproved land, unless specifically exempted from this section (*including land designated for conservation by Broward County and/or the City of Miramar*), existing trees shall have barriers constructed around them by the developer to prevent physical damage from heavy equipment and other activities incidental to development. Required barriers shall be subject to inspection by the city as a condition of permit approval and prior to any such clearing. The barriers or barricades shall be:

(a) Large enough to include the entire area inside the outer edge or the dripline of the tree; and

(b) Conspicuous and high enough to be seen easily by operators of trucks and other equipment; and

(c) Constructed of sturdy, orange, plastic barricading as approved by the community development director based on professional judgment that the intent of this provision will be met.

(d) Constructed as a condition of the issuance of any land clearing, building or other development permit and prior to any construction or other development activities and required to remain in place throughout the construction period. Barriers or barricades shall be completely removed from the site at the end of the construction period (*immediately prior to the issuance of a certificate of occupancy by the city*), unless otherwise stipulated in the approved tree preservation plan.

506.17.2. Clearing Trees and Vegetation.

(a) Within the dripline of trees designated for preservation, only clearing by hand is permissible, unless otherwise stipulated in the approved tree permit.

(b) Trees and vegetation cleared during construction or other development activities shall be stored in an area designated by the city with such area noted on the clearing and grubbing permit application.

(c) All trees and vegetation cleared and stored pursuant to this section shall be removed within two weeks after completion of the clearing.

506.17.3. Other Required Protection of Trees and Understory. The developer shall protect the trees and understory plants designated for preservation in the approved tree permit from chemical poisoning, excavation and grade changes to at least the following minimum standards:

(a) Utility line trenches shall be routed away from trees to an area outside the dripline to the maximum extent possible.

(b) Retaining walls and dry wells shall be utilized, where needed, to protect trees from severe grade changes. For shallow fills, the fill material shall be gently sloped down to the level of the tree roots leaving the tree in a depression larger than the spread of its crown.

(c) Parking, vehicle maintenance, storage of construction materials or debris, or cleaning of equipment shall not take place within areas marked for preservation specifically including, but not limited to, within the dripline of any individual trees. The developer or contractor shall establish regular parking and storage areas under the supervision of the city to facilitate compliance with the above standard.

(d) Encroachment into any barricaded area is prohibited, with the exception of activities specifically permitted by the approved tree permit, including a dripline encroachment plan as established herein.

506.17.4. The developer shall be permitted to cut, or prune branches and roots of trees designed for preservation only under the supervision of a certified arborist in accordance with the standards for pruning, as established by the American National Standards Institute (Publication ANSI A-300 and Z-133).

506.17.5. *Root System Protection.* The root systems of trees shall be protected as follows:

(a) *Excavation within the Dripline:* the community development department may approve a dripline encroachment plan (a request to excavate within the dripline of a tree) when included as part of a tree permit.

(b) *Standards for Root Protection:* the city may establish additional standards for root protection consistent with this code. If roots are exposed, the developer shall provide temporary earth cover mixed with peat moss and wrapped with burlap to prevent exposed roots from drying out before permanent backfill is placed. The developer shall also water, maintain in moist condition, and otherwise temporarily support and protect the tree or root from damage until the tree or root is permanently covered with earth.

(c) *Protection of the Tree Root System:* the developer shall protect tree root systems from damage due to noxious materials in solution caused by runoff, or spillage during mixing and placement of construction materials, or drainage from stored materials. The developer shall also protect root systems from flooding, erosion or excessive wetting resulting from dewatering operations.

506.17.6. *Trees Damaged During Construction:* The developer shall have trees damaged by construction repaired by a professional arborist in a manner acceptable to the city. The standard violation fine not to exceed \$500.00 will be assessed for each tree damaged on site.

(a) The community development department must be notified immediately after any damage to any tree damaged by construction operations.

(b) Such repairs as necessary shall be made promptly after damage occurs to prevent progressive deteriorations of damaged trees.

(c) *Removal and Replacement:* the developer shall remove trees which are determined by the city to be incapable of restoration to normal growth pattern. Such trees shall be subject to replacement under the provisions of this code.

(d) Any tree designated for preservation which is damaged by development activities in violation of this code (not including bonded trees in a dripline encroachment plan) and which dies as a result of this damage shall be subject to the tree replacement or removal requirements contained herein.

506.17.7. Exemptions:

(a) Licensed plant and/or tree nurseries shall be exempt from the terms and provisions of this article only in relation to those trees planted and growing on site for wholesale and/or retail sale purposes in the ordinary course of said licensee's business.

(b) All governmental and private nurseries, with respect to trees which have been planted and are growing for future relocation, are exempt from this section.

(c) During emergency conditions caused by a hurricane or other natural disaster, or to protect the public safety, the provisions of this section may be suspended by direction of the city manager.

(d) Nuisance trees, as defined herein, are exempt from the provisions of this section except for pruning standards and the requirement to obtain a permit prior to their removal. However, no fee shall be assessed for this removal permit.

(e) Trees destructively damaged or destroyed by an act of God or an act of war as well as small trees which are less than three inches in caliper are exempt from this section.

(f) Trees already planted on vacant residential property may be relocated but not subjected to dripline encroachment. A TRP is required for relocation of all trees with a DBH of 3 inches or larger. All tree removal shall require a permit pursuant to this section.

506.18. Appeals and Variances

506.18.1. Appeals. Appeals from the decision of the Community Development Director regarding compliance with any landscaping provisions, other than those in sections 506.6, 506.7, 506.9, or 506.10 shall be filed in accordance with procedures established in subsection 315.11-13.

506.18.2. Variances. Variances from provisions in sections 506.6, 506.7, 506.9, or 506.10 shall be filed in accordance with procedures established in subsection 315.1-9, unless the request may be resolved by mitigation methods through the DRC process or addressed through an administrative variance procedure in subsection 315.7.

506.19 Fines

506.19.1. Permits. Landscape permits are required for all landscaping done in the City of Miramar with the exception of existing single-family homes that are not part of a planned community on individual lots. All planned residential developments must obtain a landscape permit for the individual lots, and a separate landscape permit for the common areas including the street trees.

506.19.2. Enforcement. City staff enforces the terms of this chapter by making necessary inspections. This includes promptly stopping any work attempted to be done without, or contrary to, any development approval required under this code, and ensuring that any work not performed in accordance with a development approval is corrected to comply.

506.19.3. Violations and Penalties. Each violation of this code, or any of its subsections, is deemed a separate and distinct infraction of the Land Development Code. Each violation of this code shall be punishable by a fine of \$500.00 plus the cost of replacement

of the trees removed from the site, the costs associated with investigation and prosecution, together with the cost of replacement tree(s) as established in section 506.6. The removal, relocation or destruction, including dripline encroachment, of each tree in violation of this code shall constitute a separate offense under this code. Each tree to be protected may be the subject of individual enforcement. The owner of any property where a tree or trees have been cut down, destroyed, removed, relocated or destructively damaged shall be held strictly liable for a violation of this code unless it can be proven that the damage was caused by:

(a) An act of God;

(b) An act of war;

(c) Development activities on the property pursuant to an approved tree permit; or

(d) The owner alleges that the damage was caused by vandals or trespassers and the owner of the property has filed a police report for the incident and had taken reasonable security measures to prevent unauthorized access to the property.

506.19.4. Stop-work Order. The city reserves the right to issue an order to cease and desist any work being performed in violation of this chapter or any permit conditions established under this code. Upon notice of such violation, no further work shall take place until appropriate remedial action is instituted, as determined by the city.

506.19.5. Withholding or Revocation of City Permits. Failure of any party to follow the procedures as required by this code shall constitute grounds for withholding or revoking development approval(s), building permits, occupancy permits or any other city approvals necessary to continue development. Such extraordinary sanctions, however, shall be instituted immediately upon the direction of the city manager and with the approval of the city commission at its next regular or special meeting. This approval shall be considered a public hearing and be subject to the applicable procedural requirements. All interested parties shall have notice and an opportunity to be heard and to be represented by legal counsel.

Article 4 Signs

Section 507. – Reserved.

EXHIBIT B

202.5. Terms Applicable to Landscaping Standards

Accessway means an area, excluded from the perimeter bufferyard required to be landscaped, which provides ingress or egress for vehicular and/or pedestrian traffic to a parcel, excluding single-family and dual-family driveways.

Bond means security in a form acceptable to and payable to the City of Miramar in an amount equal to the fair market value of the replacement tree(s) to be relocated or whose dripline may be encroached upon, and given by the applicant as guarantee of replacement for a period of the community development department each year and based upon published trade wholesale price lists with the appropriate multiplier representing maintenance, installation, warranty and other costs factored in.

Bufferyard means an area of landscaping and open space around the perimeter of a development parcel or an area adjacent to a parking lot which is used to screen and separate differing land uses from each other.

Buildable area means the portion of a site within the required yard areas on which a structure or improvements may be erected.

Building footprint means the portion of the lot, parcel or plot upon which buildings are to be placed.

Building pad means the building footprint plus the five-foot distance from each of its sides.

Caliper means the diameter measurement of nursery-size tree trunks. Trunk caliper is measured at the height as follows: six inches above the ground on trees up to four inches in diameter; 12 inches above the ground for trees larger than four inches.

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

Common area means the area under common ownership of a subdivision (e.g. recreation area, open space), excluding rights-of-way.

Conifer means a cone-bearing seed plant.

Crown thinning means the thinning of mature shade tree crowns for the purpose of improving light infiltration or the reduction of wind resistance. Not more than one quarter of the crown may be removed in any given year (ANSI A-300, 5.3.1.4), and one-half of the foliage shall remain evenly distributed in the lower two-thirds of the crown (ANSI A-300, 5.3.1.5).

Diameter at breast height (DBH) means the diameter of the tree trunk(s) measured at four and one-half (4½) feet above grade. For multi-trunk trees, it shall be the sum of the diameter of the individual trunks measured four and one-half feet above ground level.

Designated for conservation means trees which have been determined for conservation by resolution of the City Commission of Miramar as shown on the approved tree permit or areas within Miramar which have been determined by Broward County or the City of Miramar as subject to conservation and as stated specifically within the tree permit as defined herein.

Dicotyledonous (Dicot) tree means a tree having a woody stem and branches and leaves with net venation and having a separate, distinct outer bark which can be peeled from the tree.

Drip irrigation (also known as trickle irrigation) means a method of irrigation that involves a controlled delivery of water to plants through a system of pipes, valves, tubing, and emitters where the water is delivered from a source directly to the root zone of individual plants or to the surface of the soil and water drips constantly onto plants to keep them well-watered.

Dripline means the natural outside end of the branches of a tree projected vertically to the ground.

Dripline encroachment means any activity that has the effect of causing soil compaction, injury to lower limbs, grade change, contamination of soil, or damage to the root system. Specifically, this definition shall include acts such as parking of vehicles, use of heavy earth moving or grading equipment, placement of construction materials, excavation and filling, trenching and the exposure of paints, oils or chemicals within a tree's dripline. Specifically excluded from this definition are routine maintenance activities such as mowing or walking within the tree's dripline.

Dripline encroachment plan means a plan presented as part of the tree permit and shall be required for all trees whose dripline is planned to be encroached upon by any construction, excavation, fill or other activities associated with the development of the site. It shall include: (i) designation of each tree subject to any dripline encroachment, (ii) the reasons for the encroachment, (iii) detailed description of the proposed efforts to protect the tree from damage due to the encroachment, and (iv) a plan to ensure its survivability per Builder's Manual of Department of Agriculture.

Equivalent replacement means the replacement of a removed or damaged tree to compensate for that tree's removal or its damage either with one tree of the same diameter or a combination of smaller trees that will equal that removed tree's DBH as defined herein. The minimums established in the landscape code of the City of Miramar for tree planting may not count toward the equivalent replacement amount established here. The replacement species shall be trees of similar species to those removed as approved by the Community Development Department.

Equivalent value means an amount of money, which reflects the fair market value of the required replacement trees. The current market price of replacement trees shall be established by the Community Development Department annually.

Excessive lifting / overlifting means the removal of the majority of the inner lateral branches and foliage thereby displacing weight and mass to the ends of branches.

The alteration of the tree's live crown ratio may be considered as evidence of overlifting.

Facer plant means a low shrub or groundcover used in front of a hedge or taller plant grouping.

Gray wood (clear wood) means the portion of the palm trunk which is mature, hard wood measured from the top of the rootball to the base of the new, green, soft, terminal growth or fronds.

Groundcover means plant material that grows close to the ground which normally reaches a maximum height of not more than 18 inches.

Hedge means an evenly-spaced planting of shrubs to form a compact, dense, visually- opaque living barrier or screen. Plantings designated or required as "hedges" must consist of plants spaced so that they will be tip-to-tip within six months of the time of planting.

Historic tree means a tree which has been determined to be of notable historic interest because of its age, type, size or historic association and has been so designated as part of the official records of the city.

Irrigation means the supply of water to landscaped areas by an automatic sprinkler system.

Land clearing means the indiscriminate removal of trees, shrubs and/or undergrowth by stripping or any other process, with the intention of preparing real property for non-agricultural development purposes. This definition shall not include: the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead or nuisance trees; or normal mowing operations.

Landscape island means a pervious area set aside for landscaping, located at the end of a parking row where it abuts an aisle or driveway, and also intermittently located within parking rows for the purpose of accommodating a shade tree to ameliorate the temperature in the parking lot. Islands created to accommodate fire hydrants or related utilities may not be counted towards the landscape island requirement unless they are at least 16-foot in width and include a shade tree.

Landscaping material means any of the following or a combination thereof such as, but not limited to: grass, ground cover, shrubs, vines, hedges, trees or palms; other materials are permitted, such as mulch, rocks, pebbles, pavers that allow for drainage, to a limited extent, but not including paving. Artificial turf is not considered to be landscape material.

Large shrub means a shrub that exhibits a mature height of ten feet or more, or a small tree with too many stems to qualify as a small tree as defined in this code.

Map of environmentally sensitive lands means a map that identifies areas of native vegetation within the City of Miramar.

Monocotyledonous (Monocot) tree means a tree having fronds with parallel venation and no true woody bark.

Mulch means an organic material that does not contain arsenic products, such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent erosion, control weeds, enrich the soil and lower soil temperature.

Native tree means a tree of a species approved by the Community Development Department or identified as native to this area by the Association of Florida Native Nurseries, as may be amended from time to time, and incorporated herein by reference.

Natural area means an area identified on an approved site plan containing natural vegetation which will remain undisturbed when the property is fully developed.

Nuisance plants means certain non-native trees, often termed exotic, specifically Schinus terebinthifolius (Brazilian Pepper and Florida Holly), Metopium toxiferum (Poison Wood), Melaleuca quinquenervia (Punk Tree, Cajeput or Paper Bark), Casuarina spp. (Australian Pine, all specie), Brassaia actinophylla (Schefflera), Acacia auriculaeformis (Earleaf Acacia), Bischofia javanica (Bishopwood), and Ricinus communis (Castor Bean), and others as amended from time to time.

Ornamental tree See "Small tree."

Optional cash payment: means a fee equal to the fair market value of the required replacement tree(s) which may be paid by the applicant after determination from the community development department that replacement of trees on-site or off-site is not feasible.

Palm means a monocot tree which normally attains an overall height of at least 20 feet.

Pedestrian landscape zone means the area between the building and the adjacent parking spaces where foundation plantings are established in order to enhance the building's appearance and provide a pedestrian-friendly, shaded environment for people as they walk to and from their cars.

Plant means an organism of the vegetable kingdom having cellulose cell walls, growing by synthesis of inorganic substances, and lacking the power of locomotion.

Planting soil means planting soil defined as 50 percent sand and 50 percent organic material with a pH between 6.5 and 7.0.

Protected tree means a tree which has been determined to be of high value because of its type, size or other criteria and which has been so designated.

Prune means the removal of dead, dying, diseased, weak or objectionable branches in a manner consistent with the International Society of Arboriculture standards as incorporated herein, and as may be amended from time to time.

Quality of plants means plants installed pursuant to this chapter shall conform with or exceed the minimum standards for Florida # 1 as provided in the current edition of "Grades and Standards for Nursery Plants" prepared by the State of Florida Department of Agricultural and Consumer Services.

Retention area means an area designed and used for the temporary or permanent storage of stormwater runoff, which may be either dry or wet retention.

Rootball means the earthen ball encompassing the root system of a tree or plant.

Setback and yard areas means the front, side and rear areas or yards as established and required under this section and within the applicable zoning district requirements.

Shade tree means a single-trunked dicot or conifer tree, usually with one vertical stem or main trunk, which naturally develops a more or less distinct and elevated crown and provides at maturity a minimum shade crown of 30 feet in diameter.

Shaping or shearing means the illegal practice of routinely making pruning end cuts on tree branches of one-inch diameter or less for the purpose of controlling the size or shape of the tree canopy.

Shrub means a bushy, woody plant, usually with several permanent stems, and usually not over ten feet in height at its maturity.

Small tree means any self-supporting wood perennial plant, which, at maturity, normally attains an overall height between ten (10) to 25 feet. Trees with a multiple trunk growth characteristic shall have no more than three main trunks. These trees, along with tall shrubs, shall provide the mid-level landscaping within the specified height range.

Specimen tree means any dicot tree which has a diameter at breast height (DBH) of 18 inches or greater, and any monocot tree which has a DBH of 18 inches or greater and is also 35 feet or greater in height. Specimen trees must be well-shaped and in good health, as verified through inspection by a certified forester or the City of Miramar's landscape inspector provided however that the following trees are not considered specimen trees:

- (1) Fruit trees that are cultivated for the specific purpose of producing edible fruit, including but not limited to: mangos, avocados, or species of citrus.
- (2) Ficus species, except *F. aurea*, *F. rubiginosa*, *F. jacquinifolia*, and *F. religiosa*.
- (3) Phoenix species and multi-trunk palms less than 15 feet in overall height.

Street tree means shade trees defined as acceptable to the City for street tree usage, and which are located in swale areas of rights-of-way.

Swale means all unpaved portions of a right-of-way located between the edge of pavement and the property line or an open space easement located on property adjacent to the right-of-way line.

Top soil means a medium composed of naturally occurring mineral particles and 30 percent organic matter which provides physical, chemical and biological properties necessary for plant growth.

Tree means any living, self-supporting woody perennial plant which at maturity attains a trunk diameter of at least three inches or more when measured at a point four and one-half feet above ground level and which normally attains an overall height of at least 10 feet, usually with one main stem or trunk and many branches.

Tree abuse means any pruning or other maintenance operations that are not in conformance with standards found in American National Standards Institute's documents A-300 and A-133. Tree abuse includes, but is not limited to, the following:

- (1) Improper pruning that reduces the height or spread of a tree that has not attained a height or spread of 30 feet, by altering the dominant stem(s) within the tree crown to such a degree as to remove the natural canopy of the tree; or
- (2) Improper pruning that leaves stubs (hat-racking) or results in a flush cut; or splitting of limb ends; or
- (3) Peeling or stripping of bark; or the removal of bark to the extent that, if a line is drawn at any height around the circumference of the tree, over one-third of the length of the line falls on portions of the tree where bark no longer remains; or
- (4) Using nails, climbing spikes, or hooks, except for purposes of total tree removal; or
- (5) Destroying the natural habit of growth which causes irreparable damage and permanent disfigurement to a tree such that, even with re-growth, the tree will never regain the original characteristics of its tree species, or is a danger to the public, wildlife, or property; or
- (6) Improper pruning that results in flat-cutting the top or sides of a tree, to sever the leader or leaders or to prune a tree by stubbing off mature wood (not at a growth node), or
- (7) Exception: The removal of diseased or dead portions of a tree (such as palm fronds), the removal of an interfering, obstructing or weak branch shall not constitute tree abuse under this section. Interference with or obstruction of street lights, stop signs or traffic signals is an example of pruning which, if accomplished by ANSI A-300 and A-133, is not a violation of this section.
- (8) Nuisance trees including the following are not exempt from tree abuse regulation: Schefflera, Melaleuca, Brazilian Pepper (Florida Holly). Australian Pine and Norfolk Island Pine may be topped provided that the upper branches are progressively tipped so as to duplicate the natural form.

Tree credit means the utilization of native dicotyledons measured at inches of caliper or native palm trees of equal size for off-site replacement trees for sites being developed. This credit only applies for a five-year period from date of planting of trees to be utilized for tree credit. This credit is for the inches at planting and is available only for off-site replacement.

Tree permit means the application and all necessary information relating to existing trees on site and proposed installation, relocation, removal, dripline encroachment and barricading. Except for nuisance species, this permit shall not be approved prior to city approval of the underlying project.

Tree relocation means to transplant a tree from one location to another either horizontally or vertically.

Tree removal means to permanently remove the trunk and/or root system of a tree.

Tree survey means a sealed survey prepared by a Florida licensed landscape architect or land surveyor which shows, in addition to all boundary information, the exact location, size, botanical and common name, and diameter of all trees at least three inches in diameter measured four and one-half feet above ground level within the area affected by the development except that groups of nuisance trees as defined herein may be designated as "clumps", with the predominant type shown. The tree species noted on the tree survey shall be certified by a landscape architect. The expense of the survey shall be borne by the applicant.

Tree-for-tree replacement means replacing a removed tree with a tree or trees with a minimum of three inches in trunk diameter at breast height and a minimum of 12 feet in height so as to equal the diameter at breast height of the removed tree(s).

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

Understory means the plant life existing under a tree canopy including ferns, bushes and groundcovers.

Undeveloped land means land which is unimproved, in that no principal building or structure has been constructed upon it.

Vines means plants which normally require support to reach mature form.

Visual foil means a physical obstruction used to separate two areas or uses which is at least 60 percent opaque. Visual foils shall be living plant material, natural or manmade construction material or any combination thereof.

Visual screen: means a physical obstruction used to separate two areas or uses which is at least 90 percent opaque. Visual screens shall be living plant material, natural or manmade construction material or any combination thereof.

Xeriscape means a type of landscaping utilizing native plants and ground cover which minimizes the use of water, and which is detailed in the South Florida Water Management District publication, Xeriscape, Plant Guide II, incorporated herein by reference.

EXHIBIT C

Sec. 315. - Variances, Appeals and Zoning Relief.

315.1. Purpose and Scope of a Variance. The variance process is intended to provide limited relief from the requirements of this Code in those cases where strict application of those requirements will create a practical difficulty or unnecessary hardship, as distinguished from a mere inconvenience, prohibiting the use of land in a manner otherwise allowed under this Code. Variances shall not be granted to allow the establishment of a use (i.e., a use variance) which is not otherwise allowed in a zoning district or which would change the zoning district classification of any or all of the affected property. Use variances are therefore prohibited.

315.2. Application Requirements for a Variance. Variance application forms, along with all established and required fees, documents, and plans, shall be submitted to the city by the applicant to the department.

315.3. Review and Approval Authority for a Variance. Variances from the requirements applicable to and affecting individual single-family or duplex dwelling units shall be granted final consideration by the planning and zoning board. All other variances shall be given final consideration to be granted by the city commission. Refer to Table 6.

315.4. Staff and DRC Review of a Variance Request. The department shall review the application to evaluate whether the proposed variance complies with the general purpose and standards set forth for the granting of variances. The director shall compile a written staff report summarizing the facts of the case including all relevant documents and plans and an analysis of the applicant's submitted criteria responses. The DRC shall review the request and render a recommendation for all variance cases, except for those that do not affect a building footprint or site layout, such as signs, and for cases affecting individual single-family and duplex homeowner properties. The complete application and staff report shall be prepared and transmitted to the board or commission pursuant to the respective required process noted in section 315.3.

315.5. Review by the Planning and Zoning Board. Applications for variances subject to review and approval by the board shall be scheduled for a public hearing by the director. The board shall hold one public hearing on the proposed variance. Notice of the public hearing and the conduct of the public hearing shall be in accordance with the provisions of this Code. In considering whether to approve or deny the application, the board shall review the application, the general purpose and standards of the Code, staff reports, and any oral and written comments received before or at the public hearing. An applicant may appeal the decision of the board pursuant to the appeals procedure.

315.6. Review by City Commission. Applications for variances subject to review and approval by the commission shall be transmitted to the city manager, with a written staff report. The city manager shall schedule the proposed variance for the next available commission meeting, provided that the required notice requirements are met. The commission shall hold one public hearing on the proposed variance. In considering whether to approve or deny the application, the city commission shall review the

application, the general purpose and standards of the Code, staff reports, and any oral and written comments received before or at the public hearing.

315.7. Standards of Review.

- (a) A variance shall be granted only where the preponderance of the evidence presented in the particular case shows that either of the following is met:
- (b) Undue hardship. The following are the requirements for a demonstration of an undue hardship:
 - (1) The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were carried out literally; and
 - (2) The conditions upon which the request for a variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity; and
 - (3) That the special conditions or circumstances do not result from the deliberate actions of the applicant or property owner of the subject property to establish a use or structure which is not otherwise consistent with this Code; and
 - (4) That the granting of the variance will not confer on the applicant or the property owner of the subject property any special privilege that is denied by the Code to other similarly situated lands, buildings, or structures in the same zoning district; and
 - (5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity; and
 - (6) The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.
- (c) Practical Difficulty. If the application does not meet the undue hardship criteria, the application may be considered under the requirements of practical difficulty, which shall require a vote of at least three quarters of the full commission or board members, whether said members be present or abstain or not. The following are the standards for consideration of whether a practical difficulty exists:
 - (1) The variance shall not be substantial in relation to what is required by the Code;
 - (2) The approval of the variance will be compatible with development patterns, and whether a substantial change will be produced in the character of the neighborhood;
 - (3) The essential character of the neighborhood would be preserved;

- (4) The variance can be approved without causing substantial detriment to adjoining properties;
- (5) The request is due to unique circumstances of the property, the property owner, and/or the applicant which would render conformity with the strict requirements of the Code unnecessarily burdensome;
- (6) The special conditions and circumstances which exist are the result of the actions beyond the control of the applicant;
- (7) The difficulty cannot be obviated by some method feasible for the applicant to pursue other than by a variance; and
- (8) In view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

Administrative Variances.

For owner-occupied, single-family and dual-family residences, a variance from the setback requirements may be granted by the director, utilizing either of the criteria listed above. This request shall only apply to a maximum threshold of twenty (20) percent or five (5) feet of the required setback, whichever is less. Where structures exist or are proposed to be located within easements, in addition to the setback encroachment, such easement encroachments must obtain approval from the city engineer.

Furthermore, as per section 506-18.2, for all property owners, an administrative variance may be granted by the director for a deficiency with respect to the minimum landscaping requirements of section 506, utilizing either of the criteria listed above, provided that the variance is equal to or less than ten percent (10%) of the minimum requirement. An administrative variance may be granted by the DRC for a deficiency with respect to the minimum landscaping requirements of section 506, utilizing either of the criteria listed above, provided that the variance is equal to or less than twenty-five percent (25%) of the minimum requirement. Neither of these cases include a deficiency in the number of required trees where a contribution to the Tree Trust Fund is an alternative or other mitigation options are feasible. For variances exceeding 25% of the requirement, the City Commission would make that determination.

Table 6

VARIANCE TYPE	ADMINISTRATIVE APPROVAL	PLANNING AND ZONING BOARD	CITY COMMISSION
Single family/Duplex OWNER OCCUPIED	Less than 20% of the required setback	<u>All other cases</u> ✓	
Multi-family OWNER OCCUPIED	Less than 20% of the required setback	<u>All other cases</u> ✓	

Parking standards			✓
Height			✓
Landscaping	Mitigation Options; <u>10% or less deficiency</u>	<u>Mitigation Options;</u> <u>25% or less</u> <u>deficiency</u>	✓
Signs			✓
All other issues			✓

315.8. Conditions. In granting a variance, the board or commission may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards for granting a variance or to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location; requirements for landscaping, signage, aesthetics, outdoor lighting, and the provision of adequate ingress and egress; hours of operation; and the mitigation of environmental impacts.

315.9. Expiration of Approval. The approval of a variance shall be void if the recipient does not receive site plan or conditional use approval or a building permit for the proposed use within 18 months after the granting of the variance. Once the site plan or conditional use is approved, the variance approval period will run concurrently with the established site plan or conditional use approval period. If a site plan is not required, the variance approval period shall run concurrently with the period of the building permit's effectiveness. An applicant who has obtained approval of a variance may request an extension of this time within the original approval period. The commission or the board—on matters they have final jurisdiction on—may, at a regular or special meeting, grant up to a 365-day (12 non-calendar months) extension request for good cause and reasonable justification shown for both the extension and period of extension by the applicant.

Appeals.

315.10. Purpose and Applicability. This section is intended to provide for a procedure for appeals from the decisions of decision-making and administrative bodies having development approval authority under this Code (i.e., the planning and zoning board, the DRC and/or the CAB) or from any written order, requirement, decision, determination, or interpretation made by an administrative official in the enforcement of these regulations. The right to appeal pursuant to this section shall include the applicant for a development permit as well as an adversely affected person who believes they

have been aggrieved by a decision. The authority to decide appeals shall be as specified in this Code.

315.11. Filing of Application and Notice of Appeal.

- (a) Any adversely affected person may appeal the decision of the DRC, CAB, planning and zoning board, the director, or other administrative official if the appeal relates to development. The appeal shall be pursuant to this appeal process. The adversely affected party must file with the city clerk a notice of appeal, together with established and required fees, and plans, stating the name of the applicant for the appeal, applicant's attorney (if any), development permit at issue, decision being appealed, and a brief description of the reasons and basis for the appeal, on a form approved by the city attorney. The notice of appeal must be filed in the office of the city clerk within 15 days of the rendition of the decision by the CAB, DRC, director or other administrative decision-maker.
- (b) Stay of proceeding. An appeal stays all proceedings in furtherance of the action appealed from unless the city manager, or the city manager's designee, certifies to the commission after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the city manager's opinion, cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the commission or by a court of record on application.

315.12. Review. Upon receipt of a complete application the city manager shall review the application and schedule a public hearing to be conducted by the commission. The city manager shall forward a copy of the application to the commission together with a report and recommendation summarizing the facts of the case, any relevant documents and any comments received on the application.

315.13. Action by the City Commission. A public hearing shall be held by the commission to consider the application. The applicant shall be advised in writing of the hearing date and time. The commission shall review the application, the report and recommendation of the administration and consider the evidence and testimony provided at the hearing. The appeal hearing shall be de novo. After the public hearing is held, the commission shall issue a written decision and order granting the relief sought in the application, with or without conditions, or denying the appeal.

Zoning Relief Request Procedures.

315.14. Purpose and Applicability. In order to address possible unintended violations of federal and Florida laws, subsequent to implementation of this Code or its related rules, policies, and procedures in advance of costly litigation, zoning relief may be granted pursuant to this section.

315.15. Application. A person or entity shall request relief under this section prior to filing a lawsuit, by completing a zoning relief request form. Zoning relief request application forms, along with all established and required fees, documents, and plans, shall be submitted to the city by the applicant to the department. The form shall contain

such questions and requests for information as are necessary for evaluating the relief requested.

315.16. Notice. The city shall display a notice on the city's public notice bulletin board and shall maintain copies available for review in the department and the office of the city clerk. The notice shall advise the public that a request for zoning relief under a federal and Florida law is pending. The location, date and time of the applicable public hearing shall be included in the notice. Mailed notice shall also be provided to property owners within 300 feet of the subject property, if the request for relief is site specific, in accordance with the procedure provided in section 301.11.3.

315.17. Application and Hearing. The commission shall have the authority to consider and act on requests for zoning relief submitted to the department. Prior to this, the planning and zoning board shall hear this item and provide a recommendation on the matter to the city commission within 120 days of receipt by the city of the request for relief. A final public hearing shall be held at the next available commission meeting or within a period not exceeding 90 days of the planning and zoning board public hearing, whichever is less. A written determination shall be issued by resolution no later than thirty days after the conclusion of the final public hearing. The determination may: (a) grant the relief requested; (b) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or (c) deny the request. Any determination denying the requested relief shall be final, in writing, and shall state the reasons the relief was denied. The final written determination shall be sent to the requesting party by U.S. certified mail, return receipt requested.

315.18. Additional Information. If necessary, prior to the public hearing, the city may request additional information from the requesting party, specifying in sufficient detail what information is required. In the event a request for additional information is made to the requesting party by the city, the 120-day time period to schedule a public hearing shall be extended to ninety (90) days to include the time necessary to seek and review the additional information. The requesting party shall have fifteen (15) days after the date the information is requested to provide the needed information. If the requesting party fails to timely respond with the requested additional information, the city shall notify the requesting party and proceed with scheduling a public hearing and issuing its final written determination regarding the relief requested.

315.19. Criteria. In determining whether the zoning relief request shall be granted or denied, the applicant shall be required to establish:

- (1) The applicant has a claim to relief or damages under a federal and Florida law or combination thereof, which will likely be successful; and
- (2) The applicant believes in good faith that the city through implementation of its LDC has intentionally or unintentionally violated federal and Florida law for the reasons stated in the zoning relief request; and
- (3) The applicant satisfies the standard set forth in the applicable federal or Florida statute(s), or legal precedent interpreting the applicable statute(s).

315.20. Exhaustion Required. Completion of the zoning relief procedures shall be a supplement to and not a substitute for any other pre-litigation dispute resolution

processes available by law to the city or the applicant. Completion of the zoning relief procedures shall constitute the exhaustion of all administrative remedies available from the city.

315.21. Effect while Pending. While an application for zoning relief or appeal of a determination of same is pending before the city, the city will not enforce the subject LDC, rules, policies, and procedures against the property owner, except that the city may seek injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

Sec. 320. - Zoning Permits and Planning Services.

Zoning permit application forms, along with all established and required fees, documents, and plans, shall be submitted to the city by the applicant to department, with the exception of those applications and requests originating from another governmental entity as well as building permits originating from the building division. Zoning permits and planning services include, as set forth in table 7 below, the review and determination of:

TABLE 7

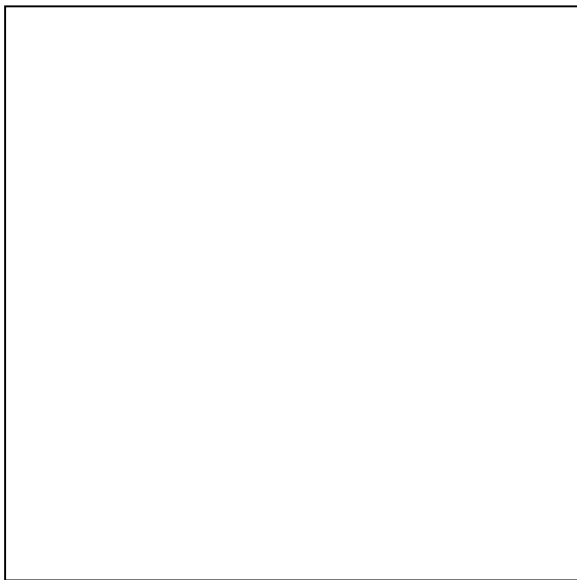
ZONING PERMITS	ADMINISTRATIVE	CITY COMMISSION	EXTERNAL AGENCY	CODE REFERENCE ¹
Alcohol Beverage License Review (ABL) - permanent			✓	LDC 405.4
Alcohol Beverage License Review (ABL) - Temporary (1 to 3-day license)			✓	L.D.C. <u>LDC</u> 405.4.2
Bottle Club License		✓	✓	L.D.C. <u>LDC</u> 405.4.5
Temporary Alcohol Consumption Permit (TAC)	✓		✓	City Code 4-3
Assisted Living Facility (ALF, RCF, GH)	✓		✓	L.D.C. <u>LDC</u>

Research and Letter				405.5; FS 419
Extended Hours License (Alcoholic Beverages)		✓		City Code 4-2
Declaration of Covenants and Restrictions	✓			-
Shared Parking and Cross Access Agreements	✓			-
Letter of Stipulation (LS) (Zoning)	✓			-
Charitable Clothing Donation Bin (TUP)	✓			L.D.C. 405.8
Flexibility Allocation or Reserve Unit (FR)		✓	✓	-
Mailing List/Public Hearing Notification Preparation	✓			-
No-Fee Operational License (NOL)	✓			-
Portable Storage Units (TUP)	✓			L.D.C. LDC 405.21
Property Information	✓			-
Public Records Requests	✓			-
Recording Documents	✓		✓	-

(Broward County)				
Repainting (RPT)	✓			L.D.C. <u>LDC</u> 813
GIS, Mapping and Special Surveys (GIS)	✓			-
Temporary Sign Permit (TSP)	✓			L.D.C. <u>LDC</u> 1008
Temporary Use (TUP)	✓			L.D.C. 505 LDC 322
Tree Removal/Relocation Permit (TRP)	✓			L.D.C. 903.2.4 <u>LDC 506.14</u>
Zoning Confirmation Letter (ZL)	✓			-
Zoning Certificate of Use (ZCU)	✓			L.D.C. <u>LDC</u> 321
¹ current code reference until adoption				

EXHIBIT D

Sec. 714. - Traditional Neighborhood Development (TND) District.



714.6. Elements of a TND.

- (g) *Landscaping and open space.*
- (1) *Landscaping.* Landscaping in a TND is intended to reinforce community identity, minimize visual blight and noise, maintain building and property values, prevent soil erosion, reduce stormwater runoff, reduce air pollution, increase groundwater recharge, create shade and reduce solar overheating.
- a. A cohesive planting theme should emanate throughout the TND. ~~Plantings~~ planting layout and style should not conflict within the TND.
 - b. Landscaping requirements shall adhere to the requirements of ~~Chapter 9~~ Chapter 5, Section 506 of the Land Development Code.
 - c. Shade trees are recommended in the planting areas along all streets, particularly in the absence of colonnades or awnings that provide shade directly over a sidewalk. It is desirable for street trees opposite each other to have their branches grow into each other to create a canopy effect over the street.
 - d. Bufferyards shall not be required adjacent to areas that would offer a natural extension of the TND or that are compatible with the TND as

determined by the community development director. This is meant to facilitate the interconnectedness of compatible uses.

Sec. 715. - Transit Oriented Corridor District Code.

~~715.3.3. Landscape standards~~. standards. Development within the TOCD shall be exempt from full compliance with the landscape standards of ~~Chapter 9 Landscaping Requirements and Tree Conservation~~ Chapter 5, Section 506 of the LDC, and governed by Table 4. Public Planting and Section 506.9.2. Specifically, sites shall incorporate the design intent of the standards, but do not have to meet the particular planting requirements for accessways (Section 901.5), street trees (Section 901.6, other than noted in this section), pedestrian landscape zone (Section 901.4.1) and bufferyard width requirements (Section 905 Table 3). If building setbacks of a minimum of 8 feet in width are achievable for perimeters other than the primary frontage (which typically is provided with a pedestrian zone including a street scape pattern described in Section 715.3.2 above), then bufferyard planting requirements shall apply. Building setbacks less than 8 feet in width shall not require shade trees. Trees and landscape shall be required for streets, medians, squares, plazas, and private property in accordance with the following:

~~715.3.3.A. Street Trees~~ : Street trees shall be placed at a maximum average spacing of thirty-five (35) feet on center. Street trees shall have a minimum caliper of three inches and a minimum clear trunk height of eight feet at the time of planting. Palms require a maximum average spacing of twenty five (25) feet. Street trees shall be planted in one or more of the following methods of installation:

- ~~(a) Tree Grates: Trees shall be planted within openings in the sidewalk, which shall be covered by permanently installed grates perforated to permit natural irrigation and flush and shall be flush with the surrounding sidewalk.~~
- ~~(b) Tree Planters: Trees planted within a raised planter located on the sidewalk, shall be defined on all sides by a permanent masonry structure to consist of a minimum six inch raised curb. The area within the planter, in addition to the required trees, shall be planted with ground cover, shrubs and other appropriate plant material.~~
- ~~(c) Continuous Planting Strips: Trees planted in the area between the curb or roadway edge and the sidewalk shall include grass and ground cover. This option is not permitted along frontages where the ground story of buildings is occupied by storefronts. Street trees shall not be required where colonnades are provided and the swale area is less than eight feet in width; however, if at least 5 feet are provided, then planters and trellises may be substituted.~~

~~715.3.3.B. Median Trees : Median trees shall have a minimum caliper of three inches and a minimum clear trunk height of eight feet at the time of planting, and shall provide 100% canopy coverage within two years of installation.~~

~~715.3.3.C. Plot Requirements : 15 trees per net acre of lot area with a minimum three inches of caliper and eight feet of clear trunk height at time of planting.~~

~~715.3.3.D. At Grade Parking Lots : Parking areas not covered by a parking structure shall meet the landscaping requirements of Section 901.8.~~

~~All landscaped areas shall be continuously maintained in a good, healthy condition and sprinkler systems of sufficient size and spacing shall be installed to serve all required landscape areas, consistent with Section 901.14 Maintenance Requirements.~~

EXHIBIT E

Chapter 8 - DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

Sec. 801. - Development standards.

All development shall conform to the specific requirements of the appropriate zoning districts and shall comply with the standards contained in this chapter and other regulations outlined in this Code. These standards shall be considered to be minimum requirements. In considering development plans, the development review committee, community appearance board, planning and zoning board and city commission shall be guided by the standards set forth hereinafter.

~~Sec. 806. - Wetlands preservation standards. - Reserved.~~

~~806.1. *Conformance with applicable regulations.* Prior to the development of land, including land clearing and excavation operations, having wetlands soils as delineated on map 1-3 (floodplains and wetlands) of the comprehensive plan a determination shall be made by the appropriate jurisdictional agencies as to the presence of jurisdictional wetlands. If it is determined that jurisdictional wetlands are present the property owner shall be required to comply with all agency requirements regarding the protection and mitigation of wetlands on the property as part of any city issued development order.~~

~~Sec. 807. - Surface water management standards. - Reserved.~~

~~807.1. *Conformance with applicable laws.* All structures or land shall be developed, used or occupied such that surface water is managed in conformance with the following laws, rules and regulations:~~

- ~~(a) Chapter 27-14, Broward County Department of Natural Resource Protection, Code of Regulations, as amended, "Management of Stormwater Discharges and Non-Point Sources of Pollution";~~
- ~~(b) Chapter 67-904, as amended, Laws of Florida;~~
- ~~(c) Chapter 40-E, as amended, Florida Administrative Code, "Rules of the South Florida Water Management District."~~

- ~~(d) South Broward Drainage District rules and regulations, as amended.~~
- ~~(e) South Florida Building Code, as amended.~~

~~Sec. 810. - Compliance with comprehensive plan. - Reserved.~~

~~810.1. General. The Land Development Code together with other provisions contained in the City Code are designed to be consistent with and to further the goals, objectives and policies of the comprehensive plan.~~

~~810.2. Compliance. To ensure compliance with the requirements of the comprehensive plan, the following regulations shall apply to all districts:~~

- ~~(a) No storage, handling use or production of hazardous or toxic substances shall be permitted which would violate Broward County's potable water supply wellfield protection ordinance.~~
- ~~(b) No development shall be permitted unless the required public facilities will be available at the prescribed levels of service concurrent with the impact of the development on those facilities.~~
- ~~(c) Within designated local areas of particular concern and urban wilderness areas, development permits issued by the city shall comply with all appropriate regulatory requirements.~~

~~Sec. 811. - Miramar Parkway Scenic Corridor. - Reserved.~~

~~811.1 Intent and purpose. The intent and purpose of the Miramar Parkway Corridor is to create an aesthetically pleasing transportation corridor. The ultimate goal of the Miramar Parkway Scenic Corridor is to create a greenbelt through the city. In recognizing the local and regional importance of Miramar Parkway as a major east-west transportation route in southwest Broward County the city believes it is important to develop a scenic corridor which will be a distinct and aesthetically pleasing component of the City of Miramar Comprehensive Plan.~~

~~811.2. Location and components. The components of the corridor consist of:~~

- ~~(a) A 35-foot wide, landscaped easement adjacent to the boundary of Interstate 75.~~

- ~~(b) A 35-foot wide, landscape easement adjacent to the south side of the ultimate right-of-way of Miramar Parkway between Palm Avenue and the east right-of-way boundary of Interstate 75.~~
- ~~(c) A 50-foot wide, landscaped easement adjacent to the north and south sides of the ultimate right-of-way of Miramar Parkway from the west right-of-way boundary of Interstate 75 to the city's western boundary.~~
- ~~(d) The landscape easement along Miramar Parkway will include extensive berming and landscaping, as outlined in this section.~~
- ~~(e) A reduction in the 50-foot wide landscape easement shall be granted for those developments designed with water bodies or wetland mitigation areas immediately adjacent to the landscape easement for every seven feet of water or wetland mitigation area measured on a perpendicular line from the non right-of-way edge of the easement property. In no way shall the width of the landscape easement be less than 35 feet.~~
- ~~(f) The boundaries of landscape easement shall be from the ultimate right-of-way of Miramar Parkway and a parallel line to end of required size of the landscape easement as outlined in this section.~~

~~811.3. Dedication of landscape easements. Dedications for the landscape easement shall be shown on all plats, and designated on-site plans and developments of regional impact plans. The easement shall be dedicated in perpetuity for the purpose of landscaping. Said easement may include a drainage easement or utility easement, or both if such easement will not interfere with the requirements of the landscape easement as set forth herein.~~

~~811.4. Landscape easement development standards. The following standards shall apply to the landscape easement. Landscape plans required to be submitted for all rezoning applications, all conditional use requests and final site plans shall indicate compliance with the following requirements. Plans shall be prepared by a State of Florida registered landscape architect and shall be signed and sealed. The requirements of this section shall supersede the requirements of the landscape standards of this Code.~~

~~811.4.1. Earth berms:~~

- ~~(a) Berm standards. Earth berms shall be employed to the extent possible within the landscape easement. In no instances shall less than 50 percent of the lineal frontage of the landscape easement along Miramar Parkway be devoted to berming. The minimum height at the center of all berms shall be four feet above the ground adjacent to the berm area. Berms shall be smooth, transitional, and large in scale.~~
- ~~(b) Alternatives to berming. In certain special circumstances and upon approval of the community development director, the aforementioned berming requirements may be reduced and replaced with low cement block structure walls, durable ornamental fences, or other appropriate landscape elements as approved by the community development director. Such alternatives should be designed to~~

~~present a compatible appearance with the bermed areas. Walls, fences, or other approved landscape components shall be a minimum height of four feet above the ground adjacent to the landscape component and shall extend, singly or in combination with berming, along a minimum of 50 percent of the lineal frontage of the landscape easement on Miramar Parkway.~~

~~811.4.2. Minimum planting requirements:~~

- ~~(a) *Tree requirement.* The minimum number of trees shall be calculated based upon one tree for each 30 lineal feet, or a fraction thereof, of the landscape easement along Miramar Parkway. The width of accessways which intersect the easement shall be included in the calculation of lineal dimensions.~~
- ~~(b) *Spacing of trees.* Trees in the landscape easement may be planted singly or in clusters. The maximum spacing of trees shall be 75 feet between planted trees or clusters, except where a vista to a significant architectural or scenic amenity is appropriate, in which case a wider spacing may be approved by the community development director.~~
- ~~(c) *Planting standards for trees.* Trees shall be a minimum of 12 feet in height at the time of planting. Trees shall also have a minimum crown spread of six feet and a minimum caliper diameter of two inches at a height of four feet above the ground.~~
- ~~(d) *Tree types required.* A minimum of 75 percent of all trees required within the landscape easement shall be shade trees. A maximum of 25 percent of all trees required may be ornamental.~~
- ~~(e) *Native tree requirement.* A minimum of 50 percent of all trees required within the landscape easement shall be of a native species. Native plant species shall be used wherever possible in order to generally reduce water and maintenance needs.~~
- ~~(f) *Planting of palms.* Palms planted within the landscape easement shall be installed in groups of no less than three palms. For the purposes of this section, each group of three palms shall be considered one tree. In the case of species of palms which characteristically grow in clumps, each clump shall be considered to be one tree.~~
- ~~(g) *Shrub requirement.* Shrub clusters or hedges shall be required within the landscape easement. The minimum number of shrubs shall be calculated based upon one shrub for each ten lineal feet, or a fraction thereof, of landscape easement along Miramar Parkway. The width of accessways which intersect the easement shall be included in the calculations of lineal dimensions.~~
- ~~(h) *Spacing of shrubs.* Shrubs within the landscape easement shall be planted either in clusters or in hedge formation. In no instance shall less than eight shrubs be planted in a group. Individual shrubs within clusters or hedges shall be spaced at a maximum of 30 inches on center.~~

~~(i) *Planting, standards for shrubs.* Shrubs shall be a minimum of 24 inches in height at the time of planting.~~

~~(j) *Recommended plant list.* Plants shall be chosen from the list in this section of this Code.~~

~~811.4.3. *Landscape treatment of the ground.* The ground within the landscape easement not used for trees, shrubs, or other landscape elements shall receive appropriate landscape treatment in the form of one or more of the following:~~

~~(a) *Ground cover.* Ground cover may be used within planting beds around trees and shrubs. Ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within two growing seasons after planting.~~

~~(b) *Mulch.* Mulch may be used within planting beds in lieu of, or in conjunction with, ground cover. Mulch shall be renewed and maintained as required.~~

~~(c) *Grass.* Areas within the landscape easement not used for trees, shrubs, ground cover, mulch, or other landscape elements shall be planted with solid sod of a suitable species, such as Argentine Bahia or St. Augustine Floratam.~~

~~811.5. *General standards for planting and maintenance.* The following standards shall be the minimum requirements for the installation and maintenance of all landscaping within the landscape easement:~~

~~(a) *Quality of plants.* Plants installed pursuant to this section shall conform with, or exceed, the minimum standards for Florida Number I as provided in the most current edition of "Grades and Standards for Nursery Plants, Parts I and II," prepared by the State of Florida Department of Agriculture and Consumer Services.~~

~~(b) *Continuing maintenance.* The property owner, homeowner's association or the owner's successors in interest, assignees or agents, shall be jointly and severally responsible for maintaining all landscaping in the easements in good condition and in a manner that presents a healthy, neat and orderly appearance.~~

~~(c) *Irrigation required.* All landscaped areas shall be provided with an automatically operating underground irrigation system. The irrigation system must be designed to have a minimum of 100 percent coverage, with 50 percent minimum overlap in grass and groundcover areas and 50 percent minimum overlap in shrub areas.~~

~~(d) *Prohibited plant species.* The plant species listed in the landscaping standards of this Code shall not be planted in the City of Miramar.~~

~~811.6. *Curbing or wheel stops required.*~~

~~(a) *Where the landscape easement abuts onsite vehicular use areas such as traffic lanes, the landscape easement shall be separated from the traffic lanes by mountable, reinforced concrete curbing. Extruded curbing which has not been reinforced shall be prohibited.*~~

- ~~(b) Where the landscape easement abuts onsite parking spaces, the landscape easement shall be separated from the parking spaces by anchored, concrete wheel stops or non-mountable, reinforced concrete curbing.~~

~~811.7. Setbacks. For properties within the Miramar Parkway Scenic Corridor containing the landscape easement, setbacks shall be those specified in this Code and shall be calculated from the ultimate right-of-way line of Miramar Parkway. In those cases in which the setback from Miramar Parkway is less than 35 feet, the minimum setback shall be 35 feet from ultimate right-of-way line of Miramar Parkway.~~

~~811.8. Width variance. In certain circumstances and upon receipt of a recommendation from the planning and zoning board, the city commission may vary the width of the landscape easement, however, no variance shall be granted that breaks the continuous nature of the landscape easement.~~

- ~~(a) The commission may grant a variance only after it finds existing site conditions which would make it a hardship for the landowner to strictly comply with the terms of this section. Existing site conditions which may warrant a variance from the easement width requirement include: the presence of water bodies; size limitations caused by an extraordinarily narrow lot depth or width; or other unique physical characteristics not created by the landowner. In no event shall a variance be granted which reduces the width of the scenic easement by greater than 50 percent of that which is required in this section.~~
- ~~(b) The commission may grant a variance pursuant to this section only if the landowner provides additional landscape amenities as provided for in this section. Additional landscape amenities consistent with the goals of this section shall be approved by the city commission and provided by the landowner. Such additional amenities may include, but are not limited to: substantial increases in the minimum planting requirements within the landscape easement; additional landscaping in the roadway median along the Scenic Corridor on Miramar Parkway where needed, as determined by the city; or special landscape components, such as artistic elements or unique design features.~~

~~Sec. 812. - Development advertising requirements. - Reserved.~~

~~812.1. Advertising requirement. If a location is included in any printed, radio or television advertisement of an approved real estate development in the city, the City of Miramar shall be noted in the text or map of said printed advertisement or be included in the description of the location in said radio or television advertisement. Each violation of this provision shall be deemed a separate and distinct infraction of the Land Development Code. Each violation of this Code shall be punishable in a court of competent jurisdiction by a fine of no more than \$500.00 plus the cost of prosecution.~~

~~812.2. *Zoning map disclosure requirement.* All developers of residential property are required to disclose to potential purchasers, the zoning districts of all vacant properties within 1,000 feet of the advertised residential development. Accordingly, the developer shall prominently display at least one full-size and most recent version of the city's zoning map obtained from the city's community development department in all sales model centers. The zoning map shall accurately display the zoning districts and the size and scale of the residential property in relation to the vacant property and include a description of the permitted uses allowed in each zoning category depicted, as well as a statement that the zoning is subject to change upon the passage of an ordinance by the city commission. The developer shall also include a reduced version of said zoning map in all marketing materials used to advertise the residential development. Any violation of this provision shall be subject to the same punishment as stated in section 812.1 of this Code.~~

813.3.2.1.4. Landscaping. Landscaping shall be incorporated into proposed plans to be approved by the city. Landscaping shall be designed to exceed the minimum code requirements provided in LDC ~~Chapter 9~~ Chapter 5, Section 506 and to meet the spirit and intent of the city's community design plan, especially as it relates to plant material selections and heights, locations and buffer design. Sustainable plant materials shall be used as much as possible. Flowering shrubs, trees, ground cover and annuals are encouraged wherever possible to enhance the site design. The CAB will determine appropriate areas of the site in which to incorporate additional landscaping to enhance the pedestrian experience, during the preliminary review stages.

EXHIBIT F

City Code of Ordinances Chapter 10 Health, Sanitation and Nuisances

Sec. 10-92. - Excessive growth of weeds, brush and grass prohibited.

No person owning or occupying any platted or ~~unplatted~~ un-platted lot or tract within three hundred (300) feet of a ~~residentially-zoned~~ residentially-zoned district or improved public right-of-way of the city shall allow the accumulation thereon of a growth of weeds, brush or grass of more than twelve (12) inches in height on vacant property or more than six (6) inches in height on any property containing a structure. This distance shall be measured along a straight line from the closest portion of the lot or tract to the closest portion of the ~~residentially-zoned~~ residentially-zoned property. For the purposes of this section, "~~residentially-zoned~~ residentially-zoned district" is defined to include all areas zoned "~~R,~~ R," "~~R-1,~~ R-1B," "~~R-2,~~ R-2," "~~R-3,~~ R-3," "~~P,~~ P," "~~RS2,~~ RS2," "~~RS3,~~ RS3," "~~RS4,~~ RS4," "~~RS5,~~ RS5," "~~RS6,~~ RS6," "~~RS7,~~ RS7," "~~RS8,~~ RS8," "~~PUD,~~ PUD," and "~~T,~~ T," On all property zoned "~~E~~ or "~~E-1~~" "~~RL,~~ RL," "~~E,~~ E," or "~~RS1,~~ RS1," the maximum height shall be twelve (12) ~~inches~~ inches, regardless of whether the property contains a structure.

Sec. 10-126. - Landscaping.

Lawns, hedges, trees, plants, ground covers and all other landscaping components shall be maintained in a healthy, neatly trimmed fashion. Dead or unhealthy portions of lawns or swales in public view must be ~~resodded~~ re-sodded. Hedges ~~will~~ shall be trimmed to a height no greater than six (6) feet, unless they create a sight visibility issue and do not meet the clear sight triangle criteria of the LDC. In no case ~~will~~ shall trees, hedges or other foliage visually or physically obstruct the right-of-way. In general, all unsightly conditions must be corrected to prevent blighting factors.

Chapter 25 - VEGETATION

ARTICLE I. - IN GENERAL - Reserved.

~~Sec. 25-1. - Landscaping and visual amenities regulations adopted by reference; availability of copies. - Reserved.~~

~~The "Landscaping and Visual Amenities Ordinance of the City of Miramar", as amended, shall be incorporated into this Code by reference only.~~

~~(1) Three (3) copies of the landscape ordinance and all amendments thereto shall be available at the office of the city clerk for inspection by the public.~~

~~(2) Copies of the landscape ordinance and all amendments thereto will be available for sale by the city clerk to the public at a reasonable price to be determined by the clerk.~~

Secs. 25-2—25-25. - Reserved.

ARTICLE II. - TREES

~~Sec. 25-26.—Definitions.—~~ Reserved.

~~For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

~~Buildable area shall mean the portion of a site within the required yard areas on which a structure or improvements may be erected.~~

~~Tree shall mean any self-supporting woody perennial plant which has a trunk diameter of three (3) inches measured three (3) feet above grade, and has a minimum overall height of ten (10) feet.~~

~~Yard area shall mean the front, side and rear yard areas as established and required by the comprehensive zoning ordinance.~~

~~Sec. 25-27.—Applicability.—~~ Reserved.

~~The terms and provisions of this article shall apply to real property as follows:~~

~~(1) All vacant and undeveloped property.~~

~~(2) All property in all zoning classifications that is intended to be redeveloped.~~

~~(3) The yard areas of all developed property.~~

~~Sec. 25-28.—Exceptions to provisions.—~~ Reserved.

~~(a) In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, verbal authorization by phone may be given by the building department and the tree removed without obtaining a written permit as herein required.~~

~~(b) During the period of an emergency such as a hurricane, tropical storm, flood or any other act of God, the requirements of this article may be waived by the building department.~~

~~(c) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this article only in relation to those trees planted and growing on the premises of such~~

~~licensee, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.~~

~~(d) All property developed with owner occupied single family and two family dwellings shall be exempt from the terms and provisions of section 25-27(c).~~

~~(e) The following types of trees shall be exempt from the terms and provisions of this article:~~

~~(1) Schinus Terebinthifolius (Brazilian Pepper Tree).~~

~~(2) Metopium Toxiferum (Poison Wood).~~

~~Sec. 25-29. Environmental control hearing board; created; composition. Reserved.~~

~~A three member city environmental control hearing board is hereby created and established, which shall consist of the director of the community development department, the director of the public works department and the director of the parks and recreation department, or their staff designees.~~

~~Sec. 25-30. Appeals from decisions of the community development department. Reserved.~~

~~Any person aggrieved by any decision of the community development department in the enforcement of any terms or provisions of this article, may appeal to the environmental control hearing board by filing within 15 days after the date of the decision complained of, a written notice of appeal thereof with the mayor, with a copy to the city clerk, which shall set forth concisely the decision appealed from and the reasons or grounds for the appeal. Each appeal shall be accompanied by a fee to be set and amended by resolution of the city commission to cover the cost of publishing and mailing notices of hearing. The environmental control hearing board shall hear and consider all facts material to the appeal and render a decision promptly. The environmental control hearing board may affirm, reverse or modify the decision appealed from, provided that the environmental control hearing board shall not take any action which conflicts with or nullifies any of the provisions of this article. The decision of the environmental control hearing board shall constitute final administrative review, and no rehearing on reconsideration shall be considered. Any person aggrieved by any decision of the environmental control hearing board may apply to the courts of the state for a review thereof. The word "decision" as used herein shall not include the filing of any action by the building department in any court.~~

~~Sec. 25-31. Permits for tree removal required; application information and review; issuance. Reserved.~~

~~(a) Required. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on property described above without first obtaining a permit as herein provided.~~

~~(b) — Application. Permits for removal, relocation or replacement of trees covered herein, shall be obtained by making application for permit to the building department. The application shall be accompanied by a written statement indicating the reasons for removal, relocation or replacement of trees and four (4) copies of a legible site plan drawn to a minimum scale of one (1) inch equals twenty (20) feet, indicating the following:~~

~~(1) — Location of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property lines, setback and yard requirements and spatial relationships.~~

~~(2) — Existing and proposed site elevations, grades and major contours.~~

~~(3) — Location of existing or proposed utility services.~~

~~(4) — The name, common and botanical, size and location of all trees on the site designating the trees to be retained, removed, relocated, or replaced. Groups of trees in close proximity may be designated as "clumps" of trees with the predominate type and estimated number and average diameter noted.~~

~~(5) — Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal, relocation or replacement.~~

~~(c) — Application review. Upon receipt of a proper application, the building department shall review the application which may include a field check of the site and referral of the application to other departments or agencies as necessary to determine any adverse effect upon the general public welfare, adjacent properties or city services and facilities.~~

~~(d) — Issuance for removal. No permit shall be issued for tree removal unless one (1) of the following conditions exists:~~

~~(1) — The tree is located in the buildable area or yard area where a structure or improvements may be placed and it unreasonably restricts the permitted use of the property.~~

~~(2) — The tree cannot be relocated on or off the site because of the age, type, or size of the tree.~~

~~(3) — The tree is diseased, injured, in danger of falling, too close to existing or proposed structures, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations.~~

~~(4) — It is in the welfare of the general public that the tree be removed for a reason other than set forth above.~~

~~(e) — Relocation or replacement. As a condition to the granting of a permit, the applicant may be required where practical to relocate the tree being removed or required to replace the tree being removed with a tree somewhere within the site of the type that will attain an overall height of fifteen (15) feet and a trunk diameter of at least three (3) inches,~~

~~measured three (3) feet above grade, and shall be a minimum of ten (10) feet in overall height when planted.~~

~~Sec. 25-32. - Tree protection. - Reserved.~~

~~(a) During construction, protective barriers shall be placed around all trees to be retained on the site to prevent the destruction or damaging of the trees.~~

~~(b) No attachments or wires other than those of a protective nature shall be attached to any tree.~~

~~Sec. 25-33. - Permit required to cut, prune, plant, etc., trees and shrubs on streets. - Reserved.~~

~~No person shall, without a written permit from the building department, cut, prune, unreasonably break, incline, injure, remove, plant, or in any other way deface any living tree, shrub or vine, in a public way or park or easement, or cut, disturb or interfere in any way with the roots of any tree, shrub or vine in a public way, park or easement.~~

~~Sec. 25-34. - Planting of certain trees in public utility easements prohibited. - Reserved.~~

~~(a) No person shall plant or cause to be planted in any public utility easement, any casuarina trees (Australian pine trees), melaleuca trees, Brazilian oak, rubber tree, or ficus tree.~~

~~(b) If any trees, hedges, or other plant growth shall cause damage or destruction to any sidewalk, curb, gutter, street pavement, water, gas or sewer line piping, or other city-owned property, the code enforcement officer shall notify the owner of such trees, etc., by notice in writing to cut down, destroy, or remove such trees, etc., within ten (10) days from the date of receipt of such notice. In the event such owner shall fail or refuse to cut down, destroy or remove the trees, etc., within ten (10) days, then the city clerk shall cause such trees to be removed or destroyed, and shall charge the cost thereof against the owner, and the amount of the cost to the city shall be constituted a lien upon the property.~~

~~Sec. 25-35. - Removal of trees from public lands.~~

~~No tree shall be removed from any public park or public right-of-way except in accordance with section 25-33 without an approved tree removal permit from the community development department.~~

~~Sec. 25-36. - Standards of tree maintenance.~~

~~(a) Any person who administrates tree maintenance practices within the City shall adhere to the standards contained in American National Standards Institute (ANSI) A-300, current edition, which are hereby incorporated be by reference into this Code. Not less than three (3) copies of such standards are filed in the Office of the City Clerk.~~

(b) All trees within the City, other than those species delineated in subsection (c) below, shall be trimmed in accordance with the provisions contained in the American National Standards Institute (ANSI) A-300, current edition.

(c) The following tree species shall not be exempted from the provisions of American National Standards Institute (ANSI) A-300, current edition, however they may be topped provided that the upper branches are progressively tipped so as to duplicate the natural form.

(1) Australian Pine

(2) Norfolk Pine

ARTICLE III. - MISCELLANEOUS FEES

Sec. 25-37. - Removal of visual obstructions.

The following regulatory use fee is hereby enacted by the city to be charged to the property owner(s) or other person found to be responsible for allowing the existence of a visual obstruction which is hereby defined to mean foliage, vegetation, barricades, signage, or other items of personality which are creating a visual obstruction to any public right-of-way and/or traffic-control and/or traffic regulatory device:

For removal by the city of each visual obstruction device (inclusive of labor, materials and transportation expenses), a regulatory fee will be set and amended by resolution of the city commission.

Sec. 25-38. - Removal of unsafe trees.

The following regulatory use fee will be charged to by the city against property owner(s) or other persons found responsible for allowing trees to fall into the public rights-of-way or upon any traffic-control device or traffic regulatory signal, or trees which appear to be in imminent danger of falling:

For removal of each tree by the city or its agents (inclusive of on-site labor, materials and travel ~~time~~ time), a regulatory fee will be set and amended by resolution of the city commission.

EXHIBIT G

Chapter 9 – LANDSCAPING REQUIREMENTS AND TREE CONSERVATION

Sec. 901. ~~Landscaping requirements.~~

~~901.1. Purpose.~~ The purpose of this chapter is to provide regulations for: the installation, maintenance, protection and conservation of landscaping and landscaped open space and trees; to utilize landscaping, landscaped open space and trees as an effective means of conserving energy; to preserve open space, and to maintain and improve the aesthetic quality of the City of Miramar, thereby promoting the health and general welfare of the citizenry. In addition, it is the policy of the city commission that every effort shall be made to preserve and maintain natural vegetation within the City of Miramar, as identified in the City's Comprehensive Plan.

~~901.2. Landscape definitions.~~ In construing the provisions of this article, the following definitions shall apply:

~~Accessway:~~ A means of vehicular ingress or egress, which area shall be excluded from the perimeter required to be landscaped pursuant to this Code. However, this definition does not apply to single-family driveways.

~~Area at breast height (ABH):~~ The area in square inches at breast height (four and one-half feet above ground level) of a tree according to the formula where "r" is the radius of the tree in inches at breast height diameter.

~~Bond:~~ Security in a form acceptable to and payable to the City of Miramar in an amount equal to the fair market value of the replacement tree(s) to be relocated or whose dripline may be encroached upon, and given by the applicant as guarantee of replacement for a period of the community development department each year and based upon published trade wholesale price lists with the appropriate multiplier representing maintenance, installation, warranty and other costs factored in.

~~Bufferyard:~~ An area of landscaping and open space around the perimeter of a development parcel or an area adjacent to a parking lot which is used to screen differing land uses from each other.

~~Building footprint:~~ The portion of the lot, parcel or plot upon which buildings are to be placed.

~~Building pad:~~ The building footprint plus the five-foot distance from each of its sides.

~~Caliper:~~ Diameter of a dicot or conifer tree trunk as measured at the height as follows: six inches above the ground on trees up to four inches in caliper; 12 inches above the ground for larger trees; caliper of a monocot is the diameter as measured one foot above the ground line.

~~Clear trunk:~~ The point above the rootball along the vertical trunk or trunks of a tree at which lateral branching or fronds begin.

~~Common area:~~ Area under common ownership of a subdivision (e.g. recreation area, open space) excluding rights-of-way.

~~Conifer:~~ Cone bearing seed plant.

~~Crown thinning:~~ The thinning of mature shade tree crowns for the purpose of improving light infiltration or the reduction of wind resistance. Not more than one quarter of the crown may be removed in any given year (ANSI A-300, 5.3.1.4), and one-half of the foliage shall remain evenly distributed in the lower two-thirds of the crown (ANSI A-300, 5.3.1.5).

~~Diameter at breast height (DBH):~~ The measurement of a tree's trunk diameter in inches at breast height (four and one-half feet above ground level). For trees with less than four and one-half feet of

~~clear trunk, diameter shall be of the largest leader measured four and one-half feet above ground level. For multi-trunk trees it shall be the sum of the diameter of the individual trunks measured four and one-half feet above ground level.~~

~~*Designated for conservation:* Trees which have been determined for conservation by resolution of the City Commission of Miramar as shown on the approved tree permit or areas within Miramar which have been determined by Broward County or the City of Miramar as subject to conservation and as stated specifically within the tree permit as defined herein.~~

~~*Dicotyledonous (Dicot) tree:* A tree having a woody stem and branches and leaves with net venation and having a separate, distinct outer bark which can be peeled from the tree.~~

~~*Dripline:* The natural outside end of the branches of a tree projected vertically to the ground.~~

~~*Dripline encroachment:* Any activity that has the effect of causing soil compaction, injury to lower limbs, grade change, contamination of soil, or damage to the root system. Specifically, this definition shall include acts such as parking of vehicles, use of heavy earth moving or grading equipment, placement of construction materials, excavation and filling, trenching and the exposure of paints, oils or chemicals within a tree's dripline. Specifically excluded from this definition are routine maintenance activities such as mowing or walking within the tree's dripline.~~

~~*Dripline encroachment plan:* This plan shall be presented as part of the tree permit and shall be required for all trees whose dripline is planned to be encroached upon by any construction, excavation, fill or other activities associated with the development of the site. It shall include: (i) designation of each tree subject to any dripline encroachment, (ii) the reasons for the encroachment, (iii) detailed description of the proposed efforts to protect the tree from damage due to the encroachment, and (iv) a plan to ensure its survivability per Builder's Manual of Department of Agriculture.~~

~~*Dumpster:* A refuse container of one cubic yard or larger.~~

~~*Equivalent replacement:* The replacement of a removed or damaged tree to compensate for that tree's removal or its damage either with one tree the same diameter or a combination of smaller trees that will equal that removed tree's DBH as defined herein. The minimums established in the landscape code of the City of Miramar for tree planting may not count toward the equivalent replacement amount established here. The replacement species shall be trees of similar species to those removed as approved by the community development department.~~

~~*Equivalent value:* An amount of money, which reflects the fair market value of the required replacement trees. The current market price of replacement trees shall be established by the community development department annually.~~

~~*Excessive lifting/overlifting:* The pruning of lower branches of a tree so that the middle one-third of the overall height of the tree contains less than 50 percent of the foliage.~~

~~*Facer plant:* A low shrub or groundcover used in front of a hedge or taller plant grouping.~~

~~*Gray wood:* The portion of the palm trunk which is mature, hard wood measured from the top of the rootball to the base of the new, green, soft, terminal growth or fronds.~~

~~*Groundcover:* Plant material which normally reaches a maximum height of not more than 18 inches.~~

~~*Hedge:* An evenly spaced planting of shrubs to form a compact, dense, visually opaque living barrier or screen. Plantings designated or required as "hedges" must consist of plants spaced so that they will be tip to tip within six months of the time of planting.~~

~~*Historic tree:* A tree which has been determined by the city commission to be of notable historic interest because of its age, type, size or historic association and has been so designated as part of the official records of the city.~~

~~*Irrigation:* The supply of water to landscaped areas by an automatic sprinkler system.~~

~~*Land clearing:* The indiscriminate removal of trees, shrubs and/or undergrowth by stripping or any other process, with the intention of preparing real property for non-agricultural development purposes. This definition shall not include: the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead or nuisance trees; or normal mowing operations.~~

~~*Landscape island:* A 16-foot long curbed greenspace of varying width within a parking lot for the purpose of accommodating a shade tree to ameliorate the temperature in the parking lot. Islands created to accommodate fire hydrants or related utilities may not be counted towards the landscape island requirement unless they are the 16-foot in width.~~

~~*Landscape manual:* Document prepared by the community development department pursuant to this section of the Land Development Code, which provides an illustrative interpretation of landscape standards and a suggested guide for landscaping in accordance with the above standards.~~

~~*Landscaping material:* Any of the following or a combination thereof such as, but not limited to: Grass, ground cover, shrubs, vines, hedges, trees or palms; other materials such as mulch, rocks, pebbles, but not including paving.~~

~~*Large shrub:* A shrub that exhibits a mature height of ten feet or more, or small tree with too many stems to qualify as a small tree as defined in this code section. Large shrubs may be utilized in lieu of small trees to satisfy the small/ornamental tree requirement provided that they are a minimum of eight feet in height at the time of planting.~~

~~*Map of environmentally sensitive lands:* Map, prepared by the community development department that identifies areas of native vegetation within the City of Miramar.~~

~~*Monocotyledonous (Monocot) tree:* A tree having fronds with parallel venation and no true woody bark.~~

~~*Mulch:* An organic material that does not contain arsenic products, such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent erosion, control weeds, enrich the soil and lower soil temperature.~~

~~*Native tree:* Tree of a species approved by the community development department or identified as native to this area by the Association of Florida Native Nurseries as may be amended from time to time, and incorporated herein by reference.~~

~~*Natural area:* An area identified on an approved site plan containing natural vegetation which will remain undisturbed when the property is fully developed.~~

~~*Nuisance plants:* Certain non-native trees, often termed exotic, specifically *Schinus terebinthifolius* (Brazilian Pepper and Florida Holly), *Metopium toxiferum* (Poison Wood), *Melaleuca quinquenervia* (Punk Tree, Cajuput or Paper Bark), *Casuarina* spp. (Australian Pine, all specie), *Brassaia actinophylla* (Schefflera), *Acacia auriculaeformis* (Earleaf Acacia), *Bischofia javanica* (Bishopwood), and *Ricinus communis* (Castor Bean).~~

~~*Ornamental tree:* See "Small tree."~~

~~*Optional cash payment:* Fee equal to the fair market value of the required replacement tree(s) which may be paid by the applicant after determination from the community development department that replacement of trees on-site or off-site is not feasible.~~

~~*Palm:* A monocot tree which normally attains an overall height of at least 20 feet.~~

~~*Planned residential development:* Single family or Multi-family home development proposals consisting of three or more homes.~~

~~*Plant:* An organism of the vegetable kingdom having cellulose cell walls, growing by synthesis of inorganic substances, and lacking the power of locomotion.~~

~~*Planting soil:* Planting soil is defined as 50 percent sand and 50 percent organic material with a pH between 6.5 and 7.0.~~

~~*Protected tree:* A tree which has been determined by resolution of the city commission to be of high value because of its type, size or other criteria and which has been so designated as part of the official records of the city.~~

~~*Prune:* The removal of dead, dying, diseased, weak or objectionable branches in a manner consistent with the National Arborist Association standards as incorporated herein, and as may be amended from time to time.~~

~~*Quality of plants:* Plants installed pursuant to this chapter shall conform with or exceed the minimum standards for Florida # 1 as provided in the current edition of "Grades and Standards for Nursery Plants" prepared by the state of Florida Department of Agricultural and Consumer Services.~~

~~*Retention area:* An area designed and used for the temporary or permanent storage of stormwater runoff, which may be either dry or wet retention.~~

~~*Rootball:* The earthen ball encompassing the root system of a tree or plant.~~

~~*Setback and yard areas:* The front, side and rear areas or yards as established and required under this chapter and within the zoning district requirements applicable thereto.~~

~~*Shade tree:* A dicot or conifer tree, usually with one vertical stem or main trunk which naturally develops a more or less distinct and elevated crown and provides at maturity a minimum shade crown of 35 feet in diameter.~~

~~*Shaping or shearing:* The illegal practice of routinely making pruning end cuts on tree branches of one inch diameter or less for the purpose of controlling the size or shape of the tree canopy.~~

~~*Shrub:* A bushy, woody plant, usually with several permanent stems, and usually not over ten feet in height at its maturity.~~

~~*Small tree:* Any self-supporting wood perennial plant which at maturity normally attains an overall height between ten to 25 feet. Trees with a multiple trunk growth characteristic shall have no more than three main trunks. These trees along with tall shrubs shall provide the mid-level landscaping within the specified height range.~~

~~*Specimen tree:* Any dicot tree which has a diameter at breast height (DBH) of 18 inches or greater, and any monocot tree which is 18 inches or greater DBH, and is also 35 feet or greater in height. Specimen trees must be well shaped and in good health as verified through inspection by a certified forester or the City of Miramar's Landscape Inspector provided however that the following trees are not specimen trees:~~

~~(1) Fruit trees that are cultivated for the specific purpose of producing edible fruit, including but not limited to: mangos, avocados, or species of citrus.~~

~~(2) Ficus species except *F. aurea*, *F. rubiginosa*, *F. jacquinifolia*, and *F. religiosa*.~~

~~(3) Phoenix species and multi-trunk palms less than 15 feet in overall height.~~

~~Storage area: Any exterior area used for the keeping of garbage or trash cans, dumpsters, newspaper containers, oil and bottled gas tanks, swimming pool equipment, air conditions and mechanical appurtenances; including outdoor storage of merchandise; i.e., lumber, etc.~~

~~Street tree: Street trees are those shade trees listed in Table 5 of this chapter as acceptable to the City for street tree usage, and which are located in swale areas of rights-of-way.~~

~~Swale: All unpaved portions of a right-of-way located between the edge of pavement and the property line or an open space easement located on property adjacent to the right-of-way line.~~

~~Top soil: A medium composed of naturally occurring mineral particles and 30 percent organic matter which provides physical, chemical and biological properties necessary for plant growth.~~

~~Trafficway: A street designed to function as a collector or higher functional classification.~~

~~Tree: Any living, self-supporting woody perennial plant which at maturity attains a trunk diameter of at least three inches or more when measured at a point four and one-half feet above ground level and which normally attains an overall height of at least 15 feet, usually with one main stem or trunk and many branches.~~

~~Tree abuse: Any pruning or other maintenance operations that are not in conformance with standards found in American National Standards Institute's documents A-300 and A-133. Tree abuse includes, but is not limited to, the following:~~

- ~~(1) Improper pruning that reduces the height or spread of a tree that has not attained a height or spread of 30 feet, by altering the dominant stem(s) within the tree crown to such a degree as to remove the natural canopy of the tree; or~~
- ~~(2) Improper pruning that leaves stubs (hatracking) or results in a flush cut; or splitting of limb ends; or~~
- ~~(3) Peeling or stripping of bark; or the removal of bark to the extent that, if a line is drawn at any height around the circumference of the tree, over one-third of the length of the line falls on portions of the tree where bark no longer remains; or~~
- ~~(4) Using nails, climbing spikes, or hooks, except for purposes of total tree removal; or~~
- ~~(5) Destroying the natural habit of growth which causes irreparable damage and permanent disfigurement to a tree such that, even with re-growth, the tree will never regain the original characteristics of its tree species, or is a danger to the public or property; or~~
- ~~(6) Improper pruning that results in flat-cutting the top or sides of a tree, to sever the leader or leaders or to prune a tree by stubbing off mature wood (not at a growth node), or~~
- ~~(7) Exception: The removal of diseased or dead portions of a tree (such as palm fronds), the removal of an interfering, obstructing or weak branch shall not constitute tree abuse under this section. Interference with or obstruction of street lights, stop signs or traffic signals is an example of pruning which, if accomplished by ANSI A-300 and A-133, is not a violation of this section.~~
- ~~(8) Nuisance trees including the following are not exempt from tree abuse regulation: Schefflera, Melaleuca, Brazilian Pepper (Florida Holly). Australian Pine and Norfolk Island Pine may be topped provided that the upper branches are progressively tipped so as to duplicate the natural form.~~

~~Tree credit: The utilization of native dicotyledons measured at inches of caliper or native palm trees of equal size for off-site replacement trees for sites being developed. This credit only applies for a five-year period from date of planting of trees to be utilized for tree credit. This credit is for the inches at planting and is available only for off-site replacement.~~

~~*Tree permit:* Consists of the application and all necessary information relating to existing trees on site and proposed installation, relocation, removal, dripline encroachment and barricading. Except for nuisance species, this permit shall not be approved prior to city approval of the underlying project.~~

~~*Tree relocation:* To transplant a tree from one location to another either horizontally or vertically.~~

~~*Tree removal:* To permanently remove the trunk and/or root system of a tree.~~

~~*Tree survey:* A sealed survey prepared by a Florida licensed Landscape Architect or land surveyor which shows, in addition to all boundary information, the exact location, size, botanical and common name, and diameter of all trees at least three inches in diameter measured four and one-half feet above ground level within the area affected by the development except that groups of nuisance trees as defined herein may be designated as "clumps", with the predominant type shown. The tree species noted on the tree survey shall be certified by a landscape architect. The expense of the survey shall be borne by the applicant.~~

~~*Tree for tree replacement:* Replacing a removed tree with a tree or trees with a minimum of three inches in trunk diameter at breast height and a minimum of 12 feet in height so as to equal the diameter at breast height of the removed tree(s).~~

~~*Trim:* To reduce, shorten or diminish gradually a plant or parts of a plant without altering the natural shape.~~

~~*Understory:* The plant life existing under a tree canopy including ferns, bushes and groundcovers.~~

~~*Undeveloped land:* Land which is unimproved, in that no principal building or structure has been constructed upon it.~~

~~*Vines:* Plants which normally require support to reach mature form.~~

~~*Visual foil:* A physical obstruction used to separate two areas or uses which is at least 60 percent opaque. Visual foils shall be living plant material, natural or manmade construction material or any combination thereof.~~

~~*Visual screen:* A physical obstruction used to separate two areas or uses which is at least 90 percent opaque. Visual screens shall be living plant material, natural or manmade construction material or any combination thereof.~~

~~*Xeriscape:* A type of landscaping utilizing native plants and ground cover which minimizes the use of water, and which is detailed in the South Florida Water Management District publication, Xeriscape, Plant Guide II, incorporated herein by reference.~~

~~901.3. Special provisions for all zoning districts.~~

~~901.3.1. For all site plan submittals (see Chapter 5), provide the applicable landscape data table (Tables 1a and 1b) on the landscape plan.~~

~~901.3.2. Species limitations.~~

~~(a) Hurricane pruned Sabal Palms are not permitted.~~

~~(b) Washingtonia palms are not permitted on single family or multi-family lots.~~

~~901.3.3. Landscape material shall be placed on all areas not covered by main and accessory structures, walks and vehicular use areas.~~

~~(a) Landscape material shall extend to any abutting street pavement edge and to the mean water line of any abutting canal, lake or waterway.~~

~~(b) Where the slope does not exceed 2:1, and the angle of repose permits, landscape material shall be used and installed in such a manner as to allow reasonable maintenance. Where existing slopes are steeper than 2:1, they shall be cut back at time of construction to result in a slope of 2:1 or less. No slope shall be changed without approval of the city engineer and water control district having jurisdiction.~~

~~(c) Perimeter landscaping, street trees, irrigation, and sod, at a minimum, is required for all demolition projects in the city. All unbuilt parcels and outparcels of retail or office projects must be treated with such landscaping prior to issuance of the first certificate of occupancy (C.O.) on the site or within 30 days of a completed demolition on land cleared for retail or office development. Retail and office outparcels which are not anticipated to be developed within one year may be sodded with Bahia sod without irrigation.~~

~~901.3.4. No landscaped area shall be constructed with more than ten percent of the total area of gravel, stone, concrete, asphalt, or other similar material, excepting necessary walks and vehicular use areas.~~

~~901.3.5. The community development department may grant special written permission to allow the planting of trees or shrubs less than the required sizes outlined in this section under the circumstances listed below upon reception of a written request from the Landscape Architect of Record. Special Written Permissions may be granted if quality plants, such as Florida Department of Agriculture "Florida Fancy" grade, are used; or if a greater number of plants than the minimum number required by the ordinance are planted. However, the increased number of trees that may be required shall not exceed 25 percent of those otherwise required by this chapter, and all planting changes are subject to the following limitations.~~

~~(a) No such permitted small (ornamental) tree shall be less than six feet in height,~~

~~(b) Nor shall any permitted spreading shrub be less than 12 inches in height by 18 inches in width at the time of planting.~~

~~(c) Written approval from the landscape inspector for such deviation shall be obtained prior to the planting of such trees and/or shrubs.~~

~~901.3.6. In all districts active recreation play courts must be screened on all sides visible from off site with a contiguous hedge at least two feet in height at time of planting and three feet in one year. Such plantings shall be outside the fence enclosure (where one exists) or a minimum of six feet off the court outside edge.~~

~~901.3.7. Common areas within residential zoning districts, such as amenity centers, project entries, and miscellaneous open spaces including but not limited to tot lots and recreation areas, shall have a minimum of one tree and 20 shrubs for each 2,000 square feet of site area or portion thereof, not utilized for structures or vehicular use areas.~~

~~901.3.8. Common areas within.~~

~~901.3.8. All ground mounted mechanical equipment, storage areas, walls, fences, and common trash receptacles shall be screened from view using trees, shrubs, and/or hedges in addition to the common area requirement noted above.~~

~~901.3.9. Waiver of requirements. In accordance with Section 506.3, a development waiver from one or more requirements of this chapter may be requested from the community development director. Waivers for trees will require the utilization of one or more of the alternate planting solutions found in Section 901.7.~~

~~901.4. Minimum landscape requirements for all zoning districts. Refer to Tables 1a, 1b, 2, 3, and 4.~~

~~901.4.1. Pedestrian Landscape Zones along building facades.~~

- ~~(a) Principal buildings in all multi-family, business, and Planned Industrial zoning districts shall contain a pedestrian landscape zone along the full length of each facade that fronts parking or other vehicular use areas (truck courts not included). The depth of the zone and degree to which it is landscaped shall be determined by the building height in business and office zoning districts. The depth of the pedestrian zone for PID and multi-family zoning districts is fixed at ten feet in width for landscaping, exclusive of any sidewalks parallel to the building.~~
- ~~(b) The width of pedestrian landscape zone for retail and office zoning districts shall be 50 percent of the height of the building or ten feet, whichever is greater. Height for this purpose shall be measured to the top of a parapet wall or one-half the roof height for a mansard or pitched roof. The maximum required pedestrian landscape zone width is 20 feet.~~
- ~~(c) Paved areas parallel to the building and adjacent to the pedestrian landscape zone shall be not less than six feet in width, and may be located abutting the building only in those locations that are under arcades.~~
- ~~(d) One shade tree (or group of three palms, or one palm tree that qualifies for 1:1 usage) is required for every 60 lineal feet of the pedestrian zone along the frontage and sides that front public parking. These trees can be grouped where appropriate. A minimum of ten shrubs and 30 ground-cover plants shall also be planted for every 40 feet of facade length. If palm trees are used in the pedestrian zone, at least 30 percent of them must be tall enough to extend above the roof line where tree availability permits.~~
- ~~(e) Installed sizes of trees shall relate to the building height. Building heights up to 25 feet require 12-foot height trees, building heights between 26 feet and 35 feet require 14-foot height trees, and buildings over 35 feet high require 16-foot height trees.~~
- ~~(f) Pedestrian landscape zones in shopping centers shall only be broken by access points from pedestrian spines or 15-foot widths centered on the drive aisles if they are perpendicular to the building, however, pedestrian landscape zone square footage may be reduced by up to 30 percent by substituting additional landscape islands on a square foot for square foot basis. Wider access points for shopping center anchors may be approved administratively by the community development director.~~
- ~~(g) Deciduous trees that mature at 35 feet or taller located in the pedestrian landscape zone may be planted no closer to the building than eight and one-half feet for building heights more than 35 feet without written permission from the landscape inspector who will make species-dependent decisions.~~

~~901.5. Accessway landscaping. The intent of this section is to provide an enriched landscape at the public entrances to non-residential projects including industrial, office, and retail projects. The street tree requirement may be combined with the accessway planting requirements in the entryways to provide well integrated design solutions. The following requirements are in lieu of the perimeter bufferyard requirement of three trees per 40 lineal feet with at least one being a shade tree, and a continuous hedge.~~

~~901.5.1. Accessway zone: The accessway zone extends from the paving edge of the entry drive (not radius) for a distance equal to half the right-of-way width of the roadway on both sides of the entry. The zone also extends perpendicularly 25 feet from the right-of-way of the adjacent roadway along the entry drive and includes medians where provided. A minimum zone length of 40 feet per side is required for rights-of-way of less than 80 feet wide.~~

~~901.5.2. Accessways affected: All accessways designed for public entry are included. Service drives used exclusively for service access are exempted from this regulation.~~

~~901.5.3. Planting requirements: The accessway zone requires two shade trees and four small trees per 40-foot section of the zone. The use of premium (1:1) palms is encouraged. Large shrubs may be substituted for the small tree requirement in the accessway zones. Entryway medians require three trees, as well shrubs or groundcovers which cover the entire zone. A minimum ten-foot wide planting bed containing low shrubs and/or ground cover must also be provided fronting the taller plantings in the accessway zone, and must extend a minimum of five feet beyond the small~~

~~tree/large shrub mass. Alternate design schemes that meet the intent of this section may be approved at the discretion of the community development director.~~

~~901.6. Street trees.~~

~~901.6.1. Street trees shall be shade trees, and are required at the time of road construction or at the time of infill development where the streets are pre-existing, regardless of whether the roads are public or private, and placed in rights-of-way by the developer or builder prior to the issuance of a certificate of occupancy and maintained in accordance with this article. On roadways that contain medians, the street tree requirement includes trees, sod, and irrigation in the median. In those situations where there are different owners on opposite sides of the street, the first applicant to apply for a permit shall contribute one-half of the cost of the median plantings and irrigation to the city's tree trust account.~~

~~(a) Variety and specie shall be according to the recommended list maintained by the community development department, or as approved.~~

~~(b) Minimum size shall be in accordance with the standards set forth in this article for the zoning of the project for which the trees are required.~~

~~901.6.2. One tree shall be required for every 30 feet of street frontage and shall be a shade tree selected from the approved street tree list (Table 5). Street trees are also required at one tree per each 30 feet of median, where medians exist. The cost of trees, irrigation, and sod in medians is to be borne equally by both abutting rights-of-way property owners where the abutting properties are under different ownership. The first entity per median affected by this requirement shall make a contribution to the city's tree trust fund equal to the dollar value of the required work in lieu of performing the work.~~

~~901.6.3. Accessways, permitted in accordance with the Land Development Code from the public right-of-way through all such landscaping, shall be permitted to access the parking or other vehicular use areas. Such accessways, and single-family driveways, may be subtracted from the lineal dimensions used to determine the number of trees required.~~

~~901.6.4. In all zoning districts, with the exception of the Miramar Scenic Corridor where the requirement is integrated into the corridor plan, street trees are required in addition to all other landscaping requirements and shall be a minimum of 12 feet overall height with a spread of six feet and a minimum of four and one-half feet clear trunk immediately after installation. No dicot street trees shall be located closer than 12 feet from street lights, no palms may be closer than seven feet. The spacing of trees from electric utility lines must follow those guidelines established by Florida Power and Light publication "Right Tree, Right Place, available from the city clerk's office. Trees shall be planted no further apart than 60-foot intervals and no closer than 18 feet apart.~~

~~901.6.5. All street trees are to be placed in a location in accordance with the requirements of the city engineer in order to accommodate location of utilities and street widening and will require the use of root barriers to protect the sidewalk and utilities from root damage or whenever trees are located within three feet from a paving edge. The root barrier shall be installed per manufacturer's recommendations.~~

~~901.6.6. If insufficient rights-of-way exists or insufficient safe clear recovery zones exist for street tree installation, these requirements may be handled with a waiver from the community development director as provided for in Section 506.3. This will require that one or more of the options provided in Section 901.7 be utilized. This waiver process may also be utilized for on site trees where deemed appropriate by the community development director.~~

~~901.6.7. In accordance with subsection 506.3, a development waiver from these street tree requirements may be requested. As part of any such request, the applicant shall provide an alternative consisting of one or more of the following:~~

- ~~(a) Utilize fewer but larger trees, based upon an equivalent dollar value or canopy coverage or equivalent caliper (or combination thereof), at the community development director's discretion; or~~
- ~~(b) Donate an equivalent dollar value for the trees not planted to the city's tree trust fund for the landscaping of public property in the City of Miramar, which equivalent value shall include the cost of the trees and installation. This value is established at \$300.00 for two caliper inches as amended from time to time; or~~
- ~~(c) Donate an equivalent number of trees to be installed on public property in the city of Miramar, which equivalent value shall include the trees and cost of installation.~~

~~901.6.8. The community development department may grant an extension of time for the planting of street trees which are required with the construction of a roadway if such trees would be disrupted or destroyed by construction of a future phase of the same roadway. This extension may only be granted if it is determined that the future phase of construction will not occur more than three years in the future. The responsible party shall be required to post a bond in an amount equal to 125 percent of the costs of purchase and installation of landscaping required pursuant to this section as security for the required plantings. The responsible party shall provide a reasonable timeframe for the future phases of road construction and the installation of required street trees.~~

~~The required plantings shall be installed as part of the future road construction. The trees which shall be required at the time of planting shall be based on the requirements which were in effect at the time of the original postponement plus an adjustment in the size or number of trees planted to account for the natural growth which would have occurred had the trees been planted at the time originally required. Upon reasonable notice, the community development department may require the responsible party to install all required landscaping if it is determined that the additional phases of road construction will be significantly postponed or not completed.~~

~~901.7. Miramar Parkway Scenic Corridor Landscape Standards. The following standards shall apply to the landscape easement. Refer to Section 812 for corridor width standards. Landscape plans shall be prepared by a State of Florida registered landscape architect and shall be signed and sealed. The requirements of this section shall be in lieu of the required front perimeter buffer and Miramar Parkway street tree requirements.~~

~~901.7.1. Earth berm standards: Earth berms shall be employed to the extent possible within the landscape easement. In no instances shall less than 75 percent of the lineal frontage of the landscape easement along Miramar Parkway be devoted to berming.~~

~~For frontages west of I-75, the minimum height of the low point at the center of all berms shall be four feet above the paving edge adjacent to the berm area on the public side of the berm; the minimum height of the berm top shall be at least seven feet measured likewise. Berms shall be smooth, transitional, and large in scale.~~

~~For frontages east of I-75, the minimum height of the low point at the center of all berms shall be two and one-half feet as measured from the adjacent paving edge on the public side, and a minimum five one-half feet to the top. Berms shall be smooth, transitional, and large in scale.~~

~~For frontages where master drainage plans preceded the creation of the scenic corridor, the east of I-75 berm requirement and planting requirements shall substitute for the front perimeter buffer and street tree requirement on individual building sites or lots. Under no circumstances shall the toe of the berm on the private sector side of the corridor extend more than 52 feet from the ultimate Miramar Parkway paving edge.~~

~~901.7.2. Minimum Planting Requirements. Refer to Table 6.~~

~~901.7.3. Landscape treatment of the ground. The ground within the landscape easement not used for trees, shrubs, or other landscape elements shall receive appropriate landscape treatment in the form of one or more of the following:~~

- ~~(a) *Ground cover.* Ground cover may be used within planting beds around trees and shrubs. Ground cover shall provide a minimum of 75 percent coverage immediately upon planting and 100 percent coverage within one growing season after planting.~~
- ~~(b) *Mulch.* Mulch may be used within planting beds in conjunction with ground cover. Mulch shall be renewed and maintained as required to maintain a three-inch depth at the time of final inspection. Mulch around tree root balls not planted in a planting area shall be three inches deep at the perimeter of the root ball. See Figures 1 and 2 at the end of the chapter.~~
- ~~(c) *Grass.* Areas within the landscape easement not used for trees, shrubs, ground cover, mulch, or other landscape elements shall be planted with solid sod of St. Augustine Floratam or Palmetto and shall be irrigated.~~

~~901.7.4. *General standards for planting and maintenance.* The following standards shall be the minimum requirements for the installation and maintenance of all landscaping within the landscape easement:~~

- ~~(a) *Quality of plants.* Plants installed pursuant to this section shall conform with, or exceed, the minimum standards for Florida Number 1 as provided in the most current edition of "Grades and Standards for Nursery Plants," prepared by the State of Florida Department of Agriculture and Consumer Services.~~
- ~~(b) *Sabal Palms.* Hurricane pruning of Sabal palms is prohibited. No hurricane pruned sabal palms will be accepted for new installations.~~
- ~~(c) *Continuing maintenance.* The property owner, homeowner's association or the owner's successors in interest, assignees or agents, shall be jointly and severally responsible for maintaining all landscaping in the easements in good condition and in a manner that presents a healthy, neat and orderly appearance.~~
- ~~(d) *Irrigation required.* All landscaped areas, including adjacent rights-of-way and street medians where they exist, shall be provided with an automatically operating underground irrigation system. The irrigation system must be designed to have a minimum of 100 percent coverage, with 50 percent minimum overlap in grass and groundcover areas and 50 percent minimum overlap.~~
- ~~(e) *Plant Palette west of Interstate 75.* A signature planting design scheme has been established for the Miramar Parkway corridor located west of I-75. Copies may be obtained from the community development department and the species are listed on Table 6.~~
- ~~(f) *Prohibited plant species.* The plant species listed as nuisance plants in the landscaping standards of this Code shall not be planted in the Scenic Corridor or other location in the City of Miramar.~~

~~901.7.5. *Curbing or wheel stops required.*~~

- ~~(a) Where the landscape easement abuts onsite vehicular use areas such as traffic lanes, the landscape easement shall be separated from the traffic lanes by continuous concrete curbing with an 18-inch depth below grade. Extruded curbing installed on top of the paving is prohibited.~~
- ~~(b) Where the landscape easement abuts onsite parking spaces, the landscape easement shall be separated from the parking spaces by anchored, concrete wheel stops or non-mountable, reinforced concrete curbing.~~

~~901.8. *Parking lots:* Non-residential parking lot landscaping shall be installed in landscaped areas designed and arranged for the purposes of controlling traffic, providing shade, screening unnecessary views into and within the vehicular use areas, and separating the parking circulation and service areas. Ten foot wide landscaped parking bay dividers are required every third bay for all parking lots containing 300 or more cars, and may be provided to help meet the 15 percent interior parking lot green space requirement for smaller parking lots. However, if trees are planted in the divider to meet the tree~~

~~requirement, the bottom of the landscape divider shall be not less than six inches below the adjacent paving edge.~~

~~901.8.1. Minimum interior landscaped area: Fifteen percent of the total paved vehicular use area, not including truck yards or entry/exit drives must be landscaped green space. Credit for landscaped green space located adjacent to the parking lot and not counted towards the minimum requirement for plot or perimeter bufferyards may be granted for the interior parking lot landscaped area requirement for small parking lots consisting of one double loaded drive aisle or less.~~

~~901.8.2. Minimum requirements:~~

- ~~(a) Required shade trees in parking lots must be planted in landscape islands which are a minimum of 12 feet wide, and 16 feet in depth as measured from back of curb to back of curb, except where they are located contiguous with a perimeter buffer or landscaped parking bay divider, in which case they may be ten feet in width as measured back of curb to back of curb.~~
- ~~(b) No landscaped area shall have any dimension less than five feet with the exception of trees planted in paved areas with tree grates.~~
- ~~(c) Landscape islands shall be as specified below and located at the ends of all parking rows and interspersed within the rows as required. Islands directly abutting building facades may have an average spacing of one every ten spaces provided no two islands are more than 16 parking spaces apart. Additionally, islands are not required in truck yards even if they are converted to car parking use. Flexibility in the spacing of interior landscape islands is permitted in retail centers to facilitate "view corridors" to anchor tenant's pedestrian entries, provided the total required interior island plant count is provided and the spacing of shade trees to frame the view is not more than 45 feet. Tree islands are required to be a maximum of ten parking spaces apart. See (d) below for islands containing utility or fire connections.~~
- ~~(d) Each landscape island shall contain at least one tree in the outer half of the landscape island. Islands created to accommodate utilities and fire safety related items such as fire hydrants, siamese connections, and six-inch or larger double check valves must be 16 feet wide from back of curb to back of curb, and the water line to the appurtenance must be routed immediately behind the curb to accommodate the tree planting.~~
- ~~(e) A minimum of 75 percent of trees installed in parking islands or landscaped parking bay dividers shall be shade trees.~~
- ~~(f) Islands shall be excavated to 36 inches, and filled with clean fill and topsoil at least to the top of the curb. Manipulation of the grade behind the curbing to create small scale mounding is encouraged.~~
- ~~(g) Islands to be protected by continuous curbing type "D" or "F."~~
- ~~(h) Minimum clearance between trees and light poles is 15 feet for shade trees, and seven and one-half feet for small trees and palms. Light poles may be located on cross points of head to head parking.~~

~~901.9. Other vehicular use areas: All yard areas and areas used for the display or parking of any and all types of vehicles or equipment, whether such vehicles or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, heretofore referred to as "other vehicle uses," including but not limited to, activities of a drive-in nature, such as service stations, grocery and dairy stores, banks, restaurants, new and used car lots, and the like, shall conform to the minimum landscaping requirements herein provided, including areas used for parking or other vehicular uses and parking areas serving residential dwellings. Streetfront vehicle display areas may limit front landscaping to 24 inches in height.~~

~~901.10. Temporary real estate sales structures and related parking area(s).~~

~~901.10.1. Plot area: The plot area(s) to be landscaped shall be the area of the sales structure and associated parking area plus the following:~~

- ~~(a) Fifteen feet on the sides and rear of the proposed sales location, as measured from the side of the building or perimeter of the parking lot where the parking lot extends beyond the side of the building, and from the rear of the building.~~
- ~~(b) Twenty-five feet immediately in front of the proposed sales location if not located on a street frontage, and to the paving edge of the street if located on a street frontage.~~
- ~~(c) Minimum plot size shall be 5,000 square feet.~~

~~901.10.2. Landscaping requirements.~~

- ~~(a) Three trees for 1,000 square feet of plot area or fraction thereof.~~
- ~~(b) One shrub for every 100 square feet of plot area or fraction thereof.~~
- ~~(c) A continuous hedge shall be provided around all vehicular use areas except at points of vehicular and pedestrian ingress and egress.~~
- ~~(d) All landscaping shall be kept in a healthy growing condition at all times.~~

~~901.11. Plant material and installation requirements:~~ All required plant materials shall conform to the Grades and Standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, (current edition) by the Florida Department of Agriculture and Consumer Services Division.

~~901.11.1. Permit required:~~ A landscape permit is required for all landscape installations including new single family homes that are not part of a planned community. No trees or other plant material may be planted in public rights-of-way (swale areas) without a permit from the city. No shrub species with a mature height that will block the clear sight zone from 30 inches in height to six feet in height will be approved in swale areas.

~~901.11.2. Standards:~~ All required trees shall be installed in accordance with the standards of ANSI A-300 and Z-133. All other elements of landscaping shall be installed so as to meet all other applicable City Code requirements. The Miramar Landscape Manual is an illustrative interpretation and guide for landscaping in accordance with the standards required (copies of the manual are available at the city clerk's office). All elements of landscaping shall be installed so as to meet all other applicable ordinances and Code requirements. Landscaped areas abutting front-end parking shall require protection from vehicular encroachment by placing curbing (type "D" or "F") or car stops at perimeter parking at least two feet from the edge of such landscaped areas. Other landscaped areas abutting curved or angular drives shall be curbed. Landscaped areas or islands shall contain clean fill and topsoil to at least the top of the curb.

~~901.11.3. Dimensions:~~ All minimum dimensions of landscape material refer to dimensions at the time of planting.

~~901.11.4. Topsoil:~~ Topsoil shall be clean and free of construction debris, weeds, rocks, noxious pests and diseases, and exhibit a pH of 6.5 to 7.0. The topsoil for planting areas shall be amended with horticulturally acceptable organic material. All soils used shall be suitable for the intended plant material. The source of the topsoil shall be known to the applicant and shall be acceptable to the city.

- ~~(a) The minimum planting soil depth shall be six inches for ground covers, flowers, shrubs and hedges.~~
- ~~(b) Trees shall receive 12 inches of planting soil around the root ball.~~
- ~~(c) Native topsoil on the site shall be retained on-site and used when there is sufficient quantity to cover at least some of the on-site landscaped areas.~~
- ~~(d) Clean sand shall be used to backfill arid climate palms.~~

~~901.11.5. Use of organic mulches:~~ A three-inch minimum thickness of approved organic mulch material, at the time of final inspection, shall be installed in all landscaped areas not covered by

~~buildings, pavement, sod, decorative stones, preserved areas and annual flower beds. Each tree shall have a ring of organic mulch at the perimeter of the root ball.~~

~~901.11.6. Stabilization: All trees and palms planted as trees shall be securely guyed, braced and/or staked at the time of planting until establishment. All stabilization systems shall be clearly marked (flagging, painted, etc.) to prevent hazards and shall be capable of adjusting tension so as to maintain trees in a vertical and plumb position during the staking period. An approved stabilization detail is contained in the City's Landscape Manual. Trees shall be restaked in the event of blow over or other failures of the staking and guying. The use of nails, unprotected wire, rope, or any other methods which damage the tree or palm is prohibited. Palm staking shall be in accordance with the detail provided in the City's Landscape Manual.~~

~~901.11.7. Installation: All plants shall be installed so that the top of the root ball remains even with the soil grade. All guys and staking material should be removed when the tree is stable and established but in no case more than one year after initial planting of the tree. Stabilization shall be in accordance with ANSI A-300 and Z-133.~~

~~901.11.8. Protection of public infrastructure: All shade trees installed within six feet of public infrastructure shall utilize a root barrier system, as approved by the city.~~

~~901.11.9. Fertilization: All plantings shall be properly fertilized at the time of installation with at least a minimum of 25 percent organic 6-6-6 with trace elements or better fertilizer.~~

~~901.11.10. Ground cover: Ground covers shall be planted with a minimum of 75 percent coverage, with 100 percent coverage occurring within three months of installation.~~

~~901.11.11. Vines: Vines shall be a minimum of 30 inches in supported height immediately after planting and may be used in conjunction with fences, visual screens or walls.~~

~~901.11.12. Native species required: Ten percent of the trees required shall be water-conserving, native plant material indigenous to South Florida. Thirty percent of shrubs required shall be installed as native plant material.~~

~~901.11.13. Nuisance vegetation (exotics): The eradication of nuisance vegetation (exotics) existing on site is required on all sites, including abutting rights of way, prior to the issuance of a certificate of occupancy. Privately owned natural areas shall be included in this requirement. Ficus benjamina and Ficus nitida may be used for hedge material with a five-foot separation from water lines. Ficus hedges may not be planted in utility easements.~~

~~901.11.14. Growth of plant material: Growth of plant material at maturity shall be considered prior to planting, where future conflicts such as views, signs, overhead and underground utilities, security lighting, fire access, drainage easements and traffic circulation, might arise. Street/shade trees must be located a minimum of 15 feet from street lights, and palms and small trees located a minimum of seven and one-half feet.~~

~~901.11.15. Small/ornamental trees: As defined herein, the minimum planting height for small/ornamental trees shall be eight feet overall planting height at time of installation. However, if a small tree is not commercially available at that height, the community development department may, prior to planting and with written permission, approve the placement of a small tree with a minimum overall planting height of six feet. Trees with a multiple trunk growth characteristic shall have no more than three main trunks. All small trees shall have a minimum of 30 inches of clear trunk at the time of planting.~~

~~901.11.16. Palms: All palms that have significant gray wood characteristics at maturity shall have a minimum of eight feet of gray wood with the exception of Foxtail Palms which must have five feet. All other palms must have an installed height of 16 feet as measured to one-half the height of the most vertical frond.~~

~~901.11.17. Shade trees/street trees:~~ Only those shade trees specifically indicated as street trees (Table 5) are permitted for street tree use.

~~901.11.18. Shrubs:~~

- ~~(a) Shrubs shall be considered in accordance with standards set forth in the current official "Landscape Manual" available at the community development department. shrubs classified as "spreading type" shall have a minimum height of 12 inches with a minimum spread of 24 inches, and those classified as "upright type" shall have a minimum height of 24 inches with a spread of 18 inches, when measured immediately after planting. All others must have a minimum height of 24 inches with a spread of 24 inches.~~
- ~~(b) Hedges, where required, shall be planted so as to be tip to tip within six months of planting and maintained so as to form a continuous visual screen. Shrubs used as hedges shall be Florida Department of Agriculture Grade No. 1 or better with a minimum height of 24 inches and a minimum spread of 18 inches, when measured immediately after planting and shall be a minimum of three feet in height within two years from the date of planting. Hedges shall be planted with branches touching, within six months of planting so as to create a solid screen with no visual spaces between plants at that time. Plant spacing may be adjusted according to plant sizes so long as the preceding is achieved.~~
- ~~(c) Where perimeter hedges are required and an adjacent property has an existing perimeter hedge, facer plants may be utilized in lieu of duplicating the hedge.~~

~~901.11.19. Grass areas.~~ Grass areas shall be sodded with a cultivar of St. Augustine grass that will survive as a permanent lawn in Broward County (assuming adequate watering and fertilizing). Sod provided must be viable, reasonably free of weeds, and capable of growth and development. In general, sod strips shall be aligned with tightly fitted joints and no overlap of butts or sides. Subgrade of lawn areas shall be reasonably free of all stones, sticks, roots and other matter prior to the placement of sod. However, grass areas on recent demolitions and developments which are phased may have outparcels seeded and hydro mulched with Bahia to meet these requirements provided that the area presents a finished appearance and complete coverage is established before a certificate of occupancy is issued. Perimeter buffers of projects must be sodded with a St. Augustine cultivar and irrigated prior to the issuance of the first building Certificate of Occupancy for the project site. Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and complete coverage within one growing season. Rural, Estate, and RS-1 zoning districts shall have a minimum of 10,000 square feet of sod and irrigation surrounding any residence.

~~901.11.20. Final inspection.~~ The landscape architect of record shall provide a certification letter to the city certifying that the landscaping was installed according to the plans and specifications before the landscape inspector makes the final inspection for all non-residential and planned community residential projects.

~~901.12. Clear sight distance.~~

~~901.12.1. Landscaping within clear sight triangles:~~ All proposed landscaping within clear sight triangles, as required in Section 804.8., shall provide unobstructed cross-visibility at a level between 30 inches and six feet, provided that the plantings are located so as not to create a traffic hazard, with the following exceptions:

- ~~(a) Trees or palms having foliage trimmed in such a manner that no foliage extends into the cross-visibility area.~~
- ~~(b) Horizontal rail fences.~~
- ~~(c) Required grass or ground covers.~~

~~901.12.2. Measuring clear sight triangles:~~ See Section 804.8

~~901.13. Berms: Berms, if utilized outside the scenic corridor area shall meet the following standards:~~

~~901.13.1. Berms without hedges shall be a minimum of four feet in height and have a maximum slope of three to one. Berms shall be smooth, transitional, without awkward grade changes, and shall be both undulating and meandering.~~

~~901.13.2. Berms with hedges shall be a minimum of three feet in height, and shall have a hedge of a minimum two feet in height at time of planting.~~

~~901.13.3. The height of a berm shall be measured from the grade of the adjacent paving on the public side (i.e., sidewalk, or road crown).~~

~~901.14. Maintenance requirements: All landowners, or their agents, shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining abutting rights-of-way, swales, lakes and canal banks. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be maintained to minimize property damage and public safety hazards, including removal of living, dead or decaying plant material, removal of low hanging branches and those obstructing street lighting and maintenance of clear sight distance standards. Landscaping shall be maintained in accordance with the following standards:~~

~~901.14.1. Insects, disease, etc.: Landscaping shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.~~

~~901.14.2. Mulching: Three inches of clean, weed-free, approved organic mulch containing no arsenic products shall be maintained over all areas originally mulched at all times until landscaped area matures to 100 percent coverage with the exception of tree root balls which shall be mulched according to Figures 1 or 2.~~

~~901.14.3. Turf edge trimming: All roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas. Line trimmers shall not be used to trim turf abutting trees or other plant material.~~

~~901.14.4. Irrigation systems: Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system and shall not be installed or operated to overspray onto roads or pedestrian walkways. All landscaped areas except preserve areas shall have an underground irrigation system designed to provide 100 percent coverage with 50 percent overlap except in residential zoning districts for lot areas beyond the required 10,000 square foot minimum sod requirement adjacent to the home. Rain sensors must be maintained in operable condition. In addition, development of properties located west of Palm Avenue may be required to connect with the city's water reuse distribution system.~~

~~901.14.5. Control of nuisance species: All areas developed after the effective date of this ordinance shall be maintained free of nuisance species. This shall include natural areas within developed property.~~

~~901.14.6. Replacement requirements: An owner is responsible to ensure that living material and trees which are required to be planted by the city are installed pursuant to this code and are replaced if the material or trees die or are abused following the issuance of a certificate of occupancy. Preserved vegetation which dies following the issuance of the certificate of occupancy shall be replaced with equivalent living material or trees. Nuisance tree species are not required to be replaced.~~

~~901.14.7. Removal of root systems: Removal of root systems which show evidence of destroying public or private property is required. Root barriers of appropriate depth shall be utilized in lieu of removal where upheavals do not create safety problems or structural damage to buildings.~~

~~901.14.8. Tree abuse: Tree abuse is prohibited in the city. Abused trees shall not be counted toward fulfilling minimum landscape requirements and shall be replaced.~~

~~901.14.9. Tree pruning:~~

- ~~(a) All developers, developer agents or contractors or their agents, and homeowners, must prune trees in accordance with standards set forth in American National Standards Institute (ANSI) A-300, and Z-133, current edition. If the pruning is tree abuse and causes tree removal, a permit for tree removal shall be required from the city.~~
- ~~(b) Any pruning performed without conformance to ANSI A-300 and Z-133 Standards shall be subject to enforcement by the city. No live palm fronds initiating above the horizontal plane, as defined in the above noted reference, may be removed. All tree pruners which provide services in Miramar shall hold a valid tree trimmers license from Broward County, and a certified arborist must be on site at all times.~~
- ~~(c) Failure to remove or properly prune a tree damaged by a natural disaster within 30 days shall be a violation.~~
- ~~(d) The Hazard Pruning Standards and the Crown Reduction Standards of ANSI A-300 and Z-133, current edition, apply to utility companies and their contractors. A penalty will be assessed in the amount of \$500.00 plus the value of the tree determined to be lost as established by the methodology contained in the Council of Tree and Landscape Appraisers "Guide for Plant Appraisal", current edition, for each violation.~~
- ~~(e) The removal of diseased or dead portions (such as palm fronds) of a tree or the removal of an interfering, obstructing or weak branch of a tree which is a threat to public safety or to adjacent property is allowed. Pruning to reduce or eliminate interference with or obstruction of street lights, stop signs or traffic signals is an example of an allowed pruning activity, provided tree abuse does not occur.~~
- ~~(f) Crowns of mature shade trees may be thinned to allow for more light penetration and less wind resistance, however, not more than one-quarter of the growth in the crown may be removed in any given year (ANSI A-300, 5.3.1.4), and one-half of the foliage shall remain evenly distributed in the lower two-thirds of the crown (ANSI A-300, 5.3.1.5).~~
- ~~(g) Excessive lifting: Lifting may be performed to eliminate a hazard to pedestrians or to protect the tree from vehicular damage only, not for visibility to signage in lieu of crown thinning. What is regarded as excessive is species dependant, however under no circumstances may the middle one-third of the overall height of the tree contain less than 50 percent of the foliage.~~

~~901.15. Maintenance of swales:~~

~~901.15.1. Maintenance responsibility: It shall be the responsibility of the adjacent property owner to maintain the swale area to the following minimum standards:~~

- ~~(a) Free of debris; and~~
- ~~(b) Grass and or weeds cut no higher than six inches and edged away from the sidewalk; and~~
- ~~(c) Shrubs shall be kept trimmed to a height not to exceed three feet and provide unrestricted visibility at driveways and street intersections; and~~
- ~~(d) Overhanging branches of trees shall be pruned to a height of 14 feet above grade for mature specimens; and~~
- ~~(e) The swale shall be kept free and clear of prohibited species, as defined in this code.~~
- ~~(f) Tree root barriers shall be installed at the sidewalk edge in those circumstances where tree roots are causing or potentially causing a trip hazard because of lifting of some portions of a public sidewalk.~~

~~Sec. 902. Designation of protected trees, specimen trees and historic trees.~~

~~902.1. Purpose: The city commission may designate by resolution protected trees, specimen trees, and/or historic trees as defined herein. Any tree which has been declared to be a protected tree shall not be removed unless approved by the community development department.~~

- ~~(a) When a protected tree is on a site which cannot be put to any significant use without the removal of the protected tree, removal of the protected tree will be allowed with all such conditions being imposed as are appropriate pursuant to the guidelines applying to the removal of non-protected trees and to the special status of the protected tree.~~
- ~~(b) When a protected tree is on a site to be developed or redeveloped, the owner, developer, or contractor shall take all reasonable measures to prevent damage to the tree and root system out to the natural drip line. The extent of the drip line will be based on caliper and species without respect to previous pruning activities.~~

~~902.2. Existing plant material credit. Where healthy plant material exists on a site and is to be retained, the community development director may adjust the application of the minimum landscaping requirements to allow credit for such plant material, if such an adjustment is consistent with and furthers the intent of this chapter.~~

- ~~(a) When allowances are given, in no case shall the quantities of existing plant materials retained be less than the quantities required in this chapter.~~
- ~~(b) In such cases, a survey shall be provided specifying the species, approximate height and caliper, as well as the location and condition of any plant material used as a basis for requesting the adjustment. As applicable, this information shall be included with a complete landscape plan submittal meeting all technical requirements.~~
- ~~(c) Any adjustment shall be based on the unique circumstances of the subject property and support the objective of preserving existing vegetation and maintaining a tree canopy.~~
- ~~(d) Every effort shall be made to design around existing, large desirable trees. Parking spaces that are lost because of saved trees and supporting root system pervious area may be counted as spaces at the discretion of the community development director, up to ten percent of the required count.~~

~~Sec. 903. Tree protection and conservation.~~

~~903.1. Purpose. Owing to the many benefits provided by trees, it is the intent of the City to protect this valuable resource through permitting for land clearing and tree removal. While the destruction of one tree may not have a significant environmental impact, there can be a significant deterioration of the quality of life with the removal of trees. In the evaluation of a tree removal permit, priority shall be given to protected trees for the preservation or relocation, replacement, and/or payment into the tree trust fund.~~

~~903.2. Permit requirements.~~

~~903.2.1. Tree permit: A tree permit shall be required prior to any person, natural or corporate, encroaching upon a tree dripline, or cutting down, destroying, removing, relocating or destructively damaging any tree or causing any tree to be encroached upon (within the tree's dripline), cut down, destroyed, removed or relocated or destructively damaged.~~

~~903.2.2. Protected trees: Prior to the removal of any protected tree or any land clearing activity, a property owner or his designated agent shall obtain a permit from the community development department subject to the conditions of this Code. Protected vegetation includes street trees, perimeter vegetation, vegetation in parking and vehicular use areas, historical trees, any tree in a city area of particular concern, any special status category tree, and any specimen tree.~~

~~903.2.3. Wetlands: Prior to any land clearing activity in a potential wetlands area, as designated on the City's "Floodplains and Wetlands" map of the Comprehensive Plan, a property owner shall be responsible for obtaining the necessary permits from all jurisdictional agencies in addition to the permit required by this Code.~~

~~903.2.4. Application for permit.~~ Application for a tree removal permit or land clearing permit shall be made to the community development department and shall include a legal description of the property and a map showing the size and location of the site where the tree removal or land clearing activities are to be conducted. The department requires the submission of a tree survey designating all trees over three inches in caliper which are proposed to be preserved, relocated, or removed.

~~903.2.5. Land clearing and tree removal permit.~~ No permit shall be issued for land clearing or tree removal unless one of the following conditions exists:

- ~~(a) A site plan submitted by the applicant shows that a proposed structure, permissible under all applicable laws and regulations, can be situated on the subject parcel only if specific trees are removed or relocated; or~~
- ~~(b) The tree is in such proximity to existing or proposed structures that the utility or structural integrity of such structures is materially impaired; or~~
- ~~(c) The tree materially interferes with the location, servicing or functioning of public utility lines or service; or~~
- ~~(d) The tree obstructs views of oncoming traffic or otherwise creates a substantial traffic hazard; or~~
- ~~(e) The tree is diseased, injured, or in danger of falling; or~~
- ~~(f) Any law or regulation requires removal of the tree; or~~

~~903.2.6. Permit duration.~~ This permit, if approved, shall be granted for a maximum of six months and shall be posted in a protected conspicuous place on the site.

~~903.2.7. Sign.~~ A sign with the minimum dimensions of two feet by three feet shall be posted along each road frontage of the site, be readable from the road, and shall state:

~~TREES ON THIS SITE BEING REMOVED ACCORDING TO PERMIT NO. _____
PURSUANT TO CITY OF MIRAMAR CODE.~~

~~For those permits not requiring tree removal, the sign may read:~~

~~TREES ON THIS SITE BEING PROTECTED ACCORDING TO PERMIT NO. _____
PURSUANT TO CITY OF MIRAMAR CODE.~~

~~903.2.8. Application fee.~~ The city has adopted a fee schedule that establishes the permit fees associated with the implementation of this section.

~~903.3. Replacement trees.~~ A removed tree shall be replaced with its equivalent diameter inches at breast height (DBH). The replacement tree(s) shall be a species that has shade potential and other positive values at least equal to that of the tree being removed, and replacement trees shall be a minimum of 12 feet in height and two and one-half inches in caliper when planted. The value of specimen trees shall be established by the methodology contained in The Council of Tree and Landscape Appraisers "Guide for Plant Appraisal", current edition.

~~903.3.1. Species diversification.~~ For tree replacement requirements of one to five trees, a minimum of one species must be utilized. For six to ten replacement trees, a minimum of two species are required; for 11 to 20 replacement trees, a minimum of three species is required, and for more than 20 replacement trees, a minimum of five species are required.

~~903.3.2. Exceptions.~~

- ~~(a) On lots to be developed for single-family or duplex, trees within the building pad or area reserved for the individual driveway leading to that unit, (excluding circular drives) shall be replaced on a caliper for caliper basis.~~

~~(b) Within multifamily development, trees within the building pad defined herein shall be replaced on a caliper for caliper basis.~~

~~(c) Within nonresidential properties, trees within the building pad shall be replaced on a caliper for caliper basis.~~

~~903.3.3. Maintenance of relocated and replacement trees. Trees must be relocated or replaced as specified by this section within 60 days of the approval for tree removal; provided however, if the trees are to be removed to facilitate construction or development activities, said relocation or replacement must be completed prior to the issuance of certificate of occupancy on the construction, development site or phase of development, as applicable. The trees to be relocated or replaced on-site or off-site on private property must be maintained in a healthy growing condition and guaranteed for a period of at least one year. Trees to be relocated or replaced on public property must be guaranteed. The guarantee period shall end one year from the date of acceptance by city staff of any relocated or replaced trees.~~

~~903.4. Optional cash payment. An optional cash payment equal to the fair market value of the required replacement tree(s) paid by the applicant after approval from the community development department staff that replacement of trees on-site pursuant to this subsection is not feasible.~~

~~903.5. Credit for existing landscaping materials. Existing trees may be credited as provided below toward required landscaping provided they are designated for preservation on the final site plan and approved by the city. In no case shall trees located within areas required to be preserved by law be credited toward required landscaping.~~

Height of Tree	Credit
Under 20 feet	Credit for 1 required tree
20 to 40 feet	Credit for 3 required trees
Over 40 feet	Credit for 5 required trees

~~903.6. Bond for Tree Relocation, Replacement, or Dripline Encroachment. A bond shall be held by the City of Miramar for one year to insure tree replacement in the event that tree relocation or dripline encroachment results in the death of any tree subject to a tree permit or for any tree damaged or destroyed in any pre-development or development activities such as surveying. Such bond amount shall be assessed at the fair market value of the required replacement tree(s) or for tree replacement which cannot be effected prior to issuance of a certificate of occupancy for the underlying project. If the developer/builder desires, it may employ a landscape architect to supply revised bonding amount for city review and approval if the landscape architect determines that the trees or palms subject to relocation or dripline encroachment are unlikely to die as a result of the pre-construction or construction activities. Tree bond amounts of under \$1,500.00 are to be guaranteed through a letter of guarantee rather than through a posting of a cash bond.~~

~~903.7. Tree trust fund.~~

~~903.7.1. Establishment. A tree trust line item (hereinafter referred to as the Miramar Tree Preservation Account or the "trust") is hereby established as a depository for tree removal fees and penalty money. Such money shall be utilized solely for the purpose of funding tree replacement on public property within the City of Miramar.~~

~~903.7.2. Term of existence. The Miramar Tree Preservation Account shall be self-perpetuating from year to year unless specifically terminated by the city commission.~~

~~903.7.3. Trust assets. All money received pursuant to the provisions of this section from public or private concerns shall be placed in trust for the use and benefit of the City of Miramar and its successors and assigns in interest.~~

~~903.7.4. Trust administration. Trust funds shall be expended, utilized and disbursed only for the purpose designated by the budget of the City of Miramar to administer the tree preservation program pursuant to this code.~~

~~903.7.5. Disbursal of assets. Trust funds shall be used to obtain trees, landscaping, sprinkler systems and any other items or materials necessary and proper for the preservation, maintenance, relocation or restoration of tree ecosystems, on any public land in the City of Miramar. This money may also be utilized to engage support elements, such as landscape architects and may also be used to cover the expense of relocation of trees in the City of Miramar.~~

~~903.8. Standards for tree protection during development. The following are minimum standards necessary to protect trees designated for preservation from damage during development activities after the tree permit has been approved.~~

~~903.8.1. Protection of existing trees. Prior to any clearing of improved, vacant or unimproved land, unless specifically exempted from this section (including land designated for conservation by Broward County or the City of Miramar), existing trees shall have barriers constructed around them by the developer to prevent physical damage from heavy equipment and other activities incidental to development. Required barriers shall be subject to inspection by the city as a condition of permit approval and prior to any such clearing.~~

~~(a) Barriers or barricades. The barriers or barricades shall be:~~

- ~~1. Large enough to include the entire area inside the outer edge or dripline of the tree; and~~
- ~~2. Conspicuous enough and high enough to be seen easily by operators of trucks and other equipment; and~~
- ~~3. Constructed of sturdy, orange, plastic barricading as approved by the community development director based on professional judgment that the intent of this provision will be met.~~
- ~~4. Constructed as a condition of the issuance of any land clearing, building or other development permit and prior to any construction or other development activities and required to remain in place throughout the construction period. Barriers or barricades shall be completely removed from the site at the end of the construction period (immediately prior to the issuance of a certificate of occupancy by the city), unless otherwise stipulated in the approved tree preservation plan.~~

~~903.8.2. Clearing trees and vegetation.~~

~~(a) Clearing by hand. Within the dripline of trees designated for preservation, only clearing by hand is permissible, unless otherwise stipulated in the approved tree permit.~~

~~(b) Storage. Trees and vegetation cleared during construction or other development activities shall be stored in an area designated by the city with such area noted on the clearing and grubbing permit application.~~

~~(c) Removal. All trees and vegetation cleared and stored pursuant to this section shall be removed within two weeks after completion of the clearing.~~

~~903.8.3. Other required protection of trees and understory. Developer shall protect the trees and understory plants designated for preservation in the approved tree permit from chemical poisoning, excavation and grade changes to at least the following minimum standards:~~

~~(a) Utility line trenches. Utility line trenches shall be routed away from trees to an area outside the dripline to the maximum extent possible.~~

- ~~(b) *Grade changes.* Retaining walls and dry wells shall be utilized where needed to protect trees from severe grade changes. For shallow fills, the fill material shall be gently sloped down to the level of the tree roots leaving the tree in a depression larger than the spread of its crown.~~
- ~~(c) *Parking and storage on site during construction or development activities.* No parking, vehicle maintenance, storage of construction materials or debris, or cleaning of equipment shall take place within areas marked for preservation specifically including, but not limited to, within the dripline of any individual trees. The developer or contractor shall establish regular parking and storage areas under the supervision of the city to facilitate compliance with the above standard.~~
- ~~(d) *Encroachment.* Encroachment into any barricaded area is prohibited, with the exception of activities specifically permitted by the approved tree permit, including a dripline encroachment plan as established herein.~~

~~903.8.4. *Pruning of trees and vegetation.* The developer shall be permitted to cut or prune branches and roots of trees designed for preservation only under the supervision of a certified arborist. The standards for pruning as established by the American National Standards Institute (Publication ANSI A-300 and Z-133) and as outlined in the landscape manual shall be utilized in the pruning of trees within the City of Miramar.~~

~~903.8.5. *Root system protection.* The root systems of trees shall be protected as follows:~~

- ~~(a) *Excavation within the dripline.* The community development department director may approve a dripline encroachment plan (a request to excavate within the dripline of a tree) when included as part of a tree permit.~~
- ~~(b) *Standards for root protection.* The city may establish additional standards for root protection consistent with this code. If roots are exposed, the developer shall provide temporary earth cover mixed with peat moss and wrapped with burlap to prevent exposed roots from drying out before permanent backfill is placed. The developer shall also water, maintain in moist condition, and otherwise temporarily support and protect the tree or root from damage until the tree or root is permanently covered with earth.~~
- ~~(c) *Protection of the tree root system.* The developer shall protect tree root systems from damage due to noxious materials in solution caused by runoff, or spillage during mixing and placement of construction materials, or drainage from stored materials. The developer shall also protect root systems from flooding, erosion or excessive wetting resulting from dewatering operations.~~

~~903.8.6. *Trees damaged during construction.* The developer shall have trees damaged by construction repaired by a professional arborist in a manner acceptable to the city. The monetary value of the tree(s) before the damage and after the damage will be determined using the methodology established by the Council of Tree and Landscape Appraisers "Guide For Plant Appraisal", current edition. An additional fine equal to the difference in valuation between the before and after condition using the above noted methodology will be assessed in addition to the standard violation fine which does not exceed \$500.00.~~

- ~~(a) *Immediate notification of city.* The community development department must be notified immediately after any damage to any tree damaged by construction operations.~~
- ~~(b) *Prompt repair.* Such repairs as necessary shall be made promptly after damage occurs to prevent progressive deteriorations of damaged trees.~~
- ~~(c) *Removal and replacement of damaged trees.* The developer shall remove trees which are determined by the community development department to be incapable of restoration to normal growth pattern. Such trees shall be subject to replacement under the provisions of this code.~~
- ~~(d) Any tree designated for preservation which is damaged by development activities in violation of this code (not including bonded trees in a dripline encroachment plan) and which dies as a result of this damage shall be subject to the tree replacement or removal requirements contained herein.~~

~~903.8.7. Exemptions.~~

- ~~(a) — Damaged trees. Trees destructively damaged or destroyed by an act of God or an act of war are exempt from this code.~~
- ~~(b) — Licensed plant and tree nurseries. Licensed plant and/or tree nurseries shall be exempt from the terms and provisions of this article only in relation to those trees planted and growing on-site for wholesale and/or retail sale purposes in the ordinary course of said licensee's business.~~
- ~~(c) — Governmental and private nurseries. All governmental and private nurseries, with respect to trees which have been planted and are growing for future relocation, are exempt from this code.~~
- ~~(d) — Emergency conditions. During emergency conditions caused by a hurricane or other disaster, or to protect the public safety, the provisions of this section may be suspended by direction of the city manager.~~
- ~~(e) — Nuisance trees. Nuisance trees as defined herein are exempt from the provisions of this code except for pruning standards and the requirement to obtain a permit prior to their removal. However, no fee shall be assessed for this removal permit.~~
- ~~(f) — Small trees. Trees less than three inches in caliper.~~
- ~~(g) — Planted trees. Trees planted on vacant residential property may be relocated but not subjected to dripline encroachment. A relocation permit is required for all trees with a DBH of three inches or larger. All tree removal shall require a permit pursuant to this section.~~

~~Sec. 904. — Administration, enforcement, violations, and penalties.~~

~~904.1. Permits. Landscape permits are required for all landscaping done in the City of Miramar with the exception of existing single family homes that are not part of a planned community on individual lots. All planned residential developments must obtain a landscape permit for the individual lots, and a separate landscape permit for the common areas including the street trees. All tree removals for trees three inches or larger in caliper, regardless of location, require a permit. No tree removal permit fee will be required for those species verified as nuisance trees by the city's landscape inspector.~~

~~904.2. Enforcement. City staff enforces the terms of this chapter by making necessary inspections. This includes promptly stopping any work attempted to be done without, or contrary to, any development approval required under this code, and ensuring that any work not performed in accordance with a development approval is corrected to comply.~~

~~904.3. Violation and penalties. Each violation of this code, or any of its subsections, is deemed a separate and distinct infraction of the Land Development Code. Each violation of this code shall be punishable by a fine of no more than \$500.00 plus the cost of replacement of the trees removed from the site, the costs associated with investigation and prosecution, together with the cost of replacement tree(s) as established in Section 903. The removal, relocation or destruction, including dripline encroachment, of each tree for which a tree permit is required in violation of this code shall constitute a separate offense under this code. Each tree to be protected may be the subject of individual enforcement. The owner of any property where a tree or trees have been cut down, destroyed, removed, relocated or destructively damaged shall be held strictly liable for a violation of this code unless it can be proven that the damage was caused by:~~

- ~~(a) — An act of God;~~
- ~~(b) — An act of war;~~
- ~~(c) — Development activities on the property pursuant to an approved tree permit; or~~
- ~~(d) — The owner alleges that the damage was caused by vandals or trespassers and the owner of the property has filed a police report for the incident and had taken reasonable security measures to prevent unauthorized access to the property.~~

~~904.4. Stop-work order.~~ The city reserves the right to issue an order to cease and desist any work being performed in violation of this chapter or any permit conditions established under this code. Upon notice of such violation, no further work shall take place until appropriate remedial action is instituted, as determined by the city.

~~904.5. Withholding or revocation of city permits.~~ Failure of any party to follow the procedures as required by this code shall constitute grounds for withholding or revoking development approval(s), building permits, occupancy permits or any other city approvals necessary to continue development. Such extraordinary sanctions, however, shall be instituted immediately upon the direction of the city manager and with the approval of the city commission at its next regular or special meeting. This approval shall be considered a public hearing and be subject to the applicable procedural requirements. All interested parties shall have notice and an opportunity to be heard and to be represented by legal counsel.

~~[Sec. 905. -- Landscape Tables.]~~

TABLE 1a

NON-RESIDENTIAL LANDSCAPE DATA TABLE

CODE REQUIREMENT S	Lineal Feet (l.f.) or Square Feet (s.f.)	Amount or % of Plantings Required	Amount or % of Plantings Provided	Shade Trees Required [3]	Shade Trees Provided	Native Trees Required 10% [4]	Native Tree Species Provided	Native Shrubs Required 30% [4]	Native Shrubs Provided
Plot [1]	s.f.								
Trees		1/1,000 s.f.							
Shrubs		5/1,000 s.f.							
North Bufferyard [2] [7]	l.f.								
Trees		3/40 l.f.							
Shrubs		continuu							

		s							
East Bufferyard {2} {7}	l.f.								
Trees		3/40 l.f.							
Shrubs		continuous s							
South Bufferyard {2} {7}	l.f.								
Trees		3/40 l.f.							
Shrubs		continuous s							
West Bufferyard {2} {7}	l.f.								
Trees		3/40 l.f.							
Shrubs		continuous s							
Veh. Use Area, Excl. Truck Courts	s.f.	15%	%	75%					
Accessway Plantings	{8}								
Street Trees {6}	l.f.								
Pedestrian Zone Plantings	l.f.								

[9]									
Monument Sign Plantings [10]	s.f.								

- ~~1. PID requirement is 1/3,000 sf.~~
- ~~2. Omit accessway zones from calculations. Do not duplicate bufferyard length at corners.~~
- ~~3. 1 shade and 2 ornamental trees per 40 ft. section for buffer yard, 1 per landscape island, parking lots.~~
- ~~4. Total of all categories must comply, not individual categories.~~
- ~~5. A single, double loaded parking bay or less may include adjacent green spaces provided that the space is not already counted towards other category minimums.~~
- ~~6. Accessways may be deducted from lineal dimension.~~
- ~~7. 2 shade trees per 40 l.f. in PID for buffers adjacent to non-industrial uses, 1/40 for interior; all shade trees~~
- ~~8. See code section 901.5, Crow is for one accessway, add rows for each additional accessway.~~
- ~~9. See code section 901.4~~
- ~~10. See code section 1005.5~~

~~TABLE 1b~~

RESIDENTIAL LANDSCAPE DATA TABLE

CODE REQUIREMENTS	Lineal Feet (l.f.) or Square Feet (s.f.)	Amount or Percentag e of Plantings Required	Amount of Plantings Provided	Shade Trees Required (50%; 100% Street)	Shade Trees Provided	Native Trees Required (10%) {3}	Native Trees Provided {3}	Native Shrubs Required (30%) {3}	Native Shrubs Provided {3}
----------------------	---	---	---------------------------------------	--	----------------------------	---	---------------------------------	--	----------------------------------

Common Area Plot {1}	s.f.								
Trees		1 per 2,000 s.f., 50% shade							
Shrubs		20 per 2,000 s.f.							
Project Perimeter Bufferyard {6}	l.f.								
Trees		3 per 40, 1 shade							
Shrubs		continuu s-hedge or shrub mass							
Residential Lots									
RL Zone									
Trees		10 trees							
Shrubs		50 shrubs							
E, RS 1, RS 1B, Zones									
Trees		4 trees (min. 2 shade), front half; 2 trees (min. 1							

Trees		1 tree per 2,000 s.f.; 50% shade							
Shrubs		10 shrubs per 2,000 s.f.							
Multi-Family Building Plots {2}									
Trees	l.f. total of all buildin & facades	1 per 30 l.f., 50% shade incl. Pedestria n Zone							
Shrubs	s.f.								
Street Trees {2,6}	l.f.	1 per 30 l.f., 100% shade							
Vehicular Use Areas {4}	s.f.	15%	%						
Useable Open Space {2,5}									
Play Lot(s) required in RS6, RS 7, & Multi-Family Zoning Districts	s.f.	greater of 6% or 30 sq. ft. per unit.							
Monument	s.f.								

Sign Plantings									
Pedestrian Zone, Multi-Family Districts	<p>=====</p> <p>l.f. of 10-foot width for all facades that provide public access to building</p>	<p>full coverage with shrubs and ground cover within 3 months of inspection</p>	<p>=====</p> <p>shrubs, =====</p> <p>ground cover</p>						
Accessway Plantings [6]	l.f.	l.f.							

1. Do not include lake maintenance easement.
2. Plant counts are not to be included in "common area plot."
3. Total of all categories must comply, not individual categories.
4. Vehicular use areas include drive aisles and parking areas for multi-family projects.
5. 50% of play lot sq. footage must be a tot lot, with a minimum of 1,500 sq. ft. & 3 pieces of equipment for the 2—6 age range. Remaining can be court games, pool, or useable field space.
6. See code section 901.5 for standards and deduct from lineal footage. Accessway zones may be deducted. Do not double count corners. Row is intended for one accessway, add rows for each additional accessway.

TABLE 2: MINIMUM LANDSCAPING REQUIREMENTS FOR ALL ZONING DISTRICTS

District(s)	NUMBER OF TREES ²	% SHADE TREES	NUMBER OF SHRUBS ³	% NATIVE SPECIES TREES/	OTHER
-------------	------------------------------	---------------	-------------------------------	-------------------------	-------

				SHRUBS	
RESIDENTIAL¹	—	—	—	10%/30%	—
Rural (RL)	10	—	50		Minimum total landscape area of 10,000 sq. ft. (sod, etc.)
Estate (RS1) front ½ plot	4	50%	20		—
rear ½ plot	2	50%	10		—
plot > 43,560 sq. ft.	1	50%	5		per each 7,260 sq. ft. over 43,560 sq. ft. ²
corner plot	1	100%	4		street side yard area. 4
Single-Family R1B, RS3, RS4, RS5, RS6 front ½ plot	3	33%	15		—
rear ½ plot	1	—	10		use of small tree prohibited.
plot > 12,000 sq. ft.	1	50%	5		per each 2,000 sq. ft. over 12,000 sq. ft. ³
corner plot	1	—	4		street side yard area. 4
Single-Family RS7, Traditional Neighborhood Development (TND; House Use) front ½ plot	3	—	15		2 trees may be small.

rear ½ plot	1	—	10		—
corner plot	1	—	4		4
Multi-Family RM-1, RM-2, RM-3, Traditional Neighborhood Development (TND; Rowhouse Use) per plot (except SF plot)	1	50%	6		per 2,000 sq. ft. plot area not used for structures or vehicle use.
multi-family buildings	—	—	—		foundation plantings.
corner plot (RM-1 only)	1	—	4		street side yard area. 4
single family plot	—	—	—		use RS7 SF district standards.
NON-RESIDENTIAL	—	—	—	10%/30%	See Section 901.4.1
Neighborhood Business (B1), Community Business (B2), Heavy Business (B3), Light Industrial (M1), Office Park (OP), Community Facilities (CF), Employment Center (EC), Commercial Recreation (CR), Traditional Neighborhood Development (TND; Shopfront Use & Civic Use) plot	1	50%	5		per 1,000 sq. ft. plot area not used for structures or vehicle use.
Planned Industrial (PID) plot	1	50%	15		per 3,000 sq. ft. plot area not used for structures, outdoor storage or vehicle use.
Recreation/Open Space (OS), Utilities (U), Traditional Neighborhood Development (TND; Public Use, except	1	50%	5		per 1,000 sq. ft. plot area not used for structures, play fields

streets)					and areas, courts, golf course, waterbodies or vehicle use.
plot					

~~4- Individual single family lots in planned communities may not be landscaped alike if they are adjacent or across the street from each other. In these cases, alternative landscape plans must be submitted for approval with the site plan submittal for the project.~~

~~2- Palms may be used at a rate of 3 palms = 1 tree. The average height of a palm at planting shall be 12 feet (base to bud). Clusters of 3 palms shall be staggered in height. Palms with substantial gray wood at maturity shall have a minimum of 2 feet of gray wood at time of planting. No palms shall be located closer than 1.5 times the average mature frond length for the species from overhead utility lines and lights meant to illuminate parking lots, streets, accessways (right-of-way or non right of way), sidewalks, walkways, or paths.~~

~~³ Shrubs used to screen accessory structures do not count toward meeting these requirements.~~

~~⁴ Requirement is in addition to other required landscaping.~~

TABLE 3: PERIMETER BUFFERYARD WIDTH REQUIREMENTS¹

	ADJACENT LAND USE														
PROPOSED LAND USE	Residential		Commercial ²			Heavy Commercial	Office ²		Industrial	Community Facility	Park/Open Space		Waterbody	Major Street ⁴ ;	FPL Transmission Easement
	Single-Family	Multifamily	< 25,000 sq. ft.	> 25,000 sq. ft.	out-parcel		< 50,000 sq. ft.	> 50,000 sq. ft.				Active ³	Passive ³		
Residential															

Single-Family	A	C	C	D	C	D	C	D	D	B	C	A	A	B	B
Multi-Family	C	B	B	B	B	D	C	C	D	B	C	A	A	B	B
Commercial²															
← 25,000 sq. ft.	C	B	A	B	A ⁵	B	A	B	B	B	A	A	A	B	A
→ 25,000 sq. ft.	D	B	B	A	B ⁵	C	B	A	B	C	A	A	A	B	A
Outparcel	C	B	A ⁵	B ⁵	A ⁵	B	B	B	B	B	A	A	A	B	A
Heavy Commercial	D	D	B	C	B	B	C	C	B	C	A	A	A	B	A
Office²															
≤ 50,000 sq. ft.	C	C	A	B	B	C	A	B	B	B	A	A	A	B	A
> 50,000 sq. ft.	D	C	B	B	B	C	B	C	B	B	A	A	A	B	A
Industrial	D	D	B	B	B	B	B	B	A	C	A	A	A	B	A
Community Facility	B	B	B	C	B	C	B	B	C	A	A	A	A	B	A

Park/Open Space															
Active ³	C	C	A	A	A	A	A	A	A	A	A	A	A	B	B
Passive ³	B	B	B	B	B	B	B	B	B	B	B	A	A	B	D

REQUIRED WIDTH:

A = 10 feet

B = 20 feet

C = 30 feet

D = 35 feet

¹—Exception may apply to development within the Traditional Neighborhood Development (TND) zoning district. Refer to the TND regulations.

²—Gross building square footage.

³—Active: generally characterized by recreation facilities or improvements (e.g., ballfields, play equipment).

Passive: generally characterized by preservation of the site in its natural state, with few recreation-related improvements.

⁴—Except where the perimeter is subject to the terms of the Miramar Parkway Scenic Corridor requirements.

⁵—Required width may be divided equally (50%/50%) between outparcels and between outparcel(s) and main shopping center parcel, provided that each entity installs the required full buffer plant count and coordinates the planting design with the adjacent user(s). Where 1 of the uses exists and has provided less than 50% of the required width, the adjacent site shall be required to provide the remaining width when developed.

⁶—For multi-family projects, the B width requirement becomes an A width if the units are not placed on the perimeter of the project.

TABLE 4: PERIMETER BUFFERYARD LANDSCAPING REQUIREMENTS^{1 & 2}

Development Type/ Zoning District	Bufferyard Width	Number of Trees³	% Shade Trees⁴	% Native Species Trees/ Shrubs	Other
RESIDENTIAL	—	—	—	10%/30%	—
Single-Family	Refer to Table 2	3/40 linear feet	67%		A hedge, other durable landscape barrier or wall with a minimum height of 4 feet. Walls and fences must have a continuous hedge on the exterior side. Remaining area shall be in grass, ground cover or other landscaping treatment.
Multi-Family	Refer to Table 2	3/40 linear feet	67%		Same as single-family requirement.
NONRESIDENTIAL	—	—	—	10%/30%	—
All zoning districts except PID	Refer to Table 2	3/40 linear feet	33%		Same as single-family requirement.
PID District	Refer to Table 2	3/40 linear feet	33%		Same as single-family requirement.

¹—Except where the perimeter is subject to the terms of the Miramar Parkway Scenic Corridor landscaping requirements.

²—Exception may apply to development within the Traditional Neighborhood Development (TND) zoning district. Refer to the TND regulations.

³—Palms used shall count on a 3 to 1 basis and shall be planted in groups of 3.

⁴—Planted at a maximum of 60-foot intervals and no less than 18 feet apart.

TABLE 5

CITY OF MIRAMAR RECOMMENDED PLANT LIST

SHADE TREES

~~ONLY TREES MARKED WITH AN ASTERISK MAY BE USED FOR STREET TREES~~

TREES MUST BE PLANTED AT 12' MINIMUM HEIGHT WITH MINIMUM 2 ½" CALIPER

Botanical Name:	Common Name:
Bauhinia blakeana*	Hong Kong Orchid
Caesalpinia granadillo	Bridal Veil Tree
Chorisia speciosa	Silk-Floss Tree – East of I-75 only
Ficus citrifolia	Shortleaf Fig – Large open areas
Jacaranda acutifolia	Jacaranda
Khaya nyasica	African Mahogany – Large open areas – East of I-75 only
Koelreuteria elegans(formosana)	Golden Raintree
Manilkara zapota	Sapodilla – East of I-75 only
Mastichodendron foetidissimum	Mastic
Nectandra coriacea	Lancewood
Pinus elliotti var. densa	Florida Slash Pine
Pongamia pinnata	Pongam
Simaruba glauca*	Paradise Tree
Syzygium cumini	Jambolan Plum – Large open areas
Taxodium distichum	Bald Cypress
Tamarindus indica*	Tamarind

Terminalia catappa	Tropical Almond
--------------------	-----------------

TABLE 5 (Cont'd.)

SHADE TREES

Botanical Name:	Common Name:
Bucida buceras*	Black Olive
Bursera simaruba*	Gumbo Limbo
Calophyllum brasiliense*	Brazilian Beautyleaf
Calophyllum inophyllum*	Indian Laurel/Mastwood
Chrysophyllum oliviforme*	Satin Leaf – East of I-75 only
Cassia fistula*	Golden Shower – East of I-75 only
Coccoloba diversifolia*	Pigeon Plum
Delonix regia*	Royal Poinciana – East of I-75 only
Ficus rubiginosa*	Rusty Fig
Guapira discolor*	Blolly
Harpullia pendula*	Tulipwood
Lysiloma latisilqua* (bahamensis)	Wild Tamarind
Manilkara zapota*	Sapodilla – East of I-75 only
Mimusops elengi*	Spanish Cherry
Peltophorum spp.*	Copperpod/Yellow Poinciana
Persea borbonia*	Red Bay

<i>Piscidia piscipula</i> *	Jamaican Dogwood—East of I-75
<i>Quercus virginiana</i> *	Live Oak
<i>Swietenia mahogani</i> *	West Indian Mahogany

TABLE 5 (Cont'd.)

SHADE TREES

SMALL TREES/ ORNAMENTAL TREES

Trees on the small tree list shall be used under power lines, and shall conform to FPL publication "Right Tree, Right Place."

TREES MUST BE PLANTED AT MINIMUM OF 8' HEIGHT AND 1 ½" CALIPER

Botanical Name:	Common Name:
<i>Annona glabra</i>	Pond Apple
<i>Acacia farnesiana</i>	Sweet Acacia
<i>Ardisia escallonioides</i> **	Marlberry
<i>Averrhoa carambola</i>	Carambola—East of I-75 only
<i>Bulnesia arborea</i>	Bulnesia—East of I-75 only
<i>Caesalpinia mexicana</i>	Mexican Caesalpinia
<i>Caesalpinia pulcherrima</i>	Dwarf Poinciana
<i>Callistemon rigidus</i>	Upright Bottlebrush
<i>Callistemon viminalis</i>	Weeping Bottlebrush
<i>Cassia surattensis</i>	Glaucous Cassia—East of I-75 only
<i>Citharexylum fruitcosum</i>	Fiddlewood

Clusia rosea	Pitch Apple
Concoarpus erectus sericeus**	Silver Buttonwood
Cordia boissieri	White Geiger
Cordia sebestena	Orange Geiger – East of I-75 only
Eriobotrya japonica	Loquat
Eugenia spp. **	Stoppers
Filicium decipiens	Japanese Fern Tree
Ilex spp.	Dahoon Holly, East Palatka Holly, etc.
Juniperus silicicola	Southern Red Cedar
Krugiodendron ferreum	Black Ironwood
Lagerstroemia indica**	Crape Myrtle
Lagerstroemia speciosa	Queen Crape Myrtle
Ligustrum lucidum**	Glossy Privet
Lysiloma sabicu	Sabicu
Myrcianthes fragrans**	Simpson's Stopper
Myrsine guianensis**	Myrsine
Noronhia emarginata	Madagascar Olive
Pimenta dioica	Allspice
Plumeria rubra	Frangipani
Prunus myrtifolia	West Indian Mahogany

Psidium littorale (cattleianum)	Cattley Guava
Tabebuia caraiba	Silver Trumpet Tree
Tabebuia heterophylla	Pink Trumpet Tree
Tecoma stans	Yellow Elder
Tibouchina granulosa	Purple Glory Tree

~~** Must have three (3) trunks or less to be counted as small tree. Otherwise must be counted as large shrub.~~

TABLE 5 (Cont'd)

PALMS

~~Note: Palms with asterisk may be used on a one-for-one basis to meet minimum landscape requirements. Other multi-trunked palms do not count as one-for-one.~~

Botanical Name:	Common Name:
Acoelorrhaphe wrightii*	Paurotis or Everglades Palm
Bismarkia nobilis*	Bismark Palm
Butia capitata	Pindo Palm
Carpentaria acuminata	Carpentaria Palm
Coccothrinax argentata	Silver Palm
Cocos nucifera*	Malayan or Maypan Coconut Palm
Dypsis decari	Triangle Palm
Livistona chinensis	Chinese Fan Palm
Macarthurii rivularis	MacArthur Palm

<i>Pandanus-utilis</i>	Screw Pine
<i>Phoenix-reclinata</i> *	Senegal Date Palm
<i>Phoenix-canariensis</i> *	Canary Island Date
<i>Phoenix-dactylifera</i> *	Medjool or Zehedi Date Palm
<i>Ptychosperma-elegans</i>	Solitaire Palm
<i>Ravenea-rivularis</i>	Majesty Palm – East of I-75 only
<i>Roystonea-elata</i> *	Royal Palm
<i>Sabal-palmetto</i>	Cabbage Palm
<i>Thrinax-morrisii</i>	Key Thatch Palm
<i>Thrinax-radiata</i>	Thatch Palm
<i>Trachycarpus-fortunei</i>	Windmill Palm
<i>Veitchia-mcdanielsii</i>	Sunshine Palm
<i>Veitchia-winin</i>	Winin Palm
<i>Washingtonia-robusta</i>	Washingtonia Palm
<i>Wodyetia-bifurcata</i> *	Foxtail Palm

TABLE 6: MIRAMAR PARKWAY SCENIC CORRIDOR LANDSCAPE PLANTING REQUIREMENTS^{1,5}

STANDARD	STREET TREES	SHRUBS	PERIMETER BUFFER TREES
Total Number	1/30 linear feet ²	10/10 linear feet in double row or mass ²	1/30, shade + 2/30 ornamental ²
Type	See Plant List	See Plant List	See Plant List

Minimum shade	100%	N/A	N/A
Maximum ornamental	0%	N/A	N/A
Minimum native	10%	30%	10%
Palms	See footnote 3	N/A	See footnote 3
Planting Specifications			
Minimum number in group	N/A 4	9 ⁴	N/A
Maximum spacing (on center)	45 feet	per species	45 ft./15 ft.
Minimum height (at planting)	12 feet	per species	12 ft./8 ft.
Minimum crown	6 feet	N/A	6 ft./4 ft.
Minimum Caliper	2½ inches	N/A	2½"/1½"

¹—~~A signature design scheme is established for the corridor west of Interstate 75. Please contact the Community Development Department for information.~~

²—~~The width of the accessways should be deducted from the total length and treated according to section 901.5, accessway zones.~~

³—~~Palms shall be installed in groups of at least 3. Where a species is used that typically grows in clumps, each clump shall count as 1 tree.~~

⁴—~~Trees may be planted singly or in clusters. Shrubs shall be planted as either clusters or in hedge formation.~~

⁵—~~The design intent is to create a layered look using ground cover, low & medium shrubs, large shrubs or small trees & shade trees.~~