

CGA update – 9-8-23

Chapter 23 LANDSCAPING¹

ARTICLE I. IN GENERAL

Sec. 23-1. Objectives.

The objectives of these regulations are to beautify the city, and improve the quality of life for its citizens by requiring Florida friendly landscaping that will conserve water, soften the hardscape of modern development, provide tree canopy, natural habitat, and shade areas. These objectives further include the maintenance of high quality air and water resources, the provision of buffer areas between and among various land uses, the preservation of residential property values, the revitalization of existing commercial areas, and the preservation of indigenous vegetation.

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 1500.589, § 1, 7-3-2012)

Sec. 23-2. Definitions.

For the purpose of this article, the following terms and words shall have the meaning herein prescribed unless the context clearly requires otherwise:

Building. Any structure used for the shelter or enclosure of persons, animals or property of any kind.

Diameter breast height (DBH). The diameter of the trunk of a tree measured at breast height. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half (4½) feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Directly abutting. To share a common property line without any intervening canal or roadway at least fifty (50) feet in width located along said common property line.

Drip line. The peripheral limits of the horizontal crown of a tree spread vertically to the ground; provided, however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.

Driveway. A private road connecting a vehicular use area ([defined below](#)) to a right-of-way, private road or another site.

Drought tolerant species. Any plant species that will survive extended periods without rain or supplemental irrigation, while remaining healthy and retaining an acceptable appearance.

Encroachment. Any extension by any part of a vehicle, boat or trailer into a landscaped area.

¹Cross reference(s)—Aquatic weed control, Ch. 7; drainage, Ch. 11; floodplain management, Ch. 17; land clearance, Ch. 22; platting, subdivision and other land use regulations, Ch. 31; streets, sidewalks and other public places, Ch. 35; zoning, App. A.

Florida native species. ~~Any plant species found in Florida before the arrival of European settlers.~~ Means native plant species shall be those plant species indigenous to the ecological communities of South Florida, as indicated on lists provided by City of Margate, or that can be scientifically documented to be native to South Florida.

Florida Friendly Landscaping. As defined Under Chapter 373, Florida Statutes (as may be amended from time to time) this addresses landscaping including, but not limited to, planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protections. Additional components of Florida-friendly landscape include planning and design, soil analysis, the uses of solid waste compost, practical use of sod, and proper maintenance.

Ground cover. A planting of low growing plants that covers the ground in place of ~~turf sod~~ and which naturally grows to a height of two and one-half (2½) feet or less.

Hedge. A close planting of shrubs which forms a compact, dense, visually opaque, living barrier when mature.

Landscaping. ~~Turf, sod,~~ ground covers, shrubs, vines, accents hedges, trees, and other decorative forms of live vegetation.

Landscaping element. Nonliving material commonly used in landscaping, including but not limited to, statues, walls, fences, trellises, decorative benches, pergolas, arbors, curbing, fountains, ponds, and boulders, etc. However, not synthetic turf. All proposed ponds or water bodies must meet the South Florida Drainage District specification, guidelines and standards.

Lawn. An area of maintained ~~turf sod~~.

Mulch. An arsenic-free organic soil covering such as compost, wood chips, bark or straw used to reduce evaporation, prevent erosion, control weeds, enrich the soil, and lower soil temperature for around trees, palms, accents, shrubs and ground covers per code and not to be utilized as mulch beds only. Where run off into drains is evident, the city may require a suitable barrier to keep the landscape mulch from going into the drains.

Nonresidential property. All land that is used for commercial, industrial, and/or community facility uses, ~~and does not permit persons to reside on said land.~~

Pervious area. A natural ground surface area that allows the penetration of water.

Right-of-way. Land, usually in a strip, acquired for or devoted to transportation purposes.

Scalping. Cutting lawn grass low so that you expose the stems of your grass blades due to operator error or improperly maintained equipment.

Shade tree. A category 1 tree as specified in section 23-23, appendix 1.

Shrub. A multi-stemmed woody plant with several permanent stems instead of a single trunk and usually not over ten (10) feet in height.

Site. An area of land consisting of a lot, tract, parcel or other unit of land recorded in the public records, or combinations thereof, and having a common development scheme presented to the city as a single project whether simultaneously or in phases.

Sod or lawn Means a mat layer of living monocotyledonous grass plants such as, but not limited to, Bahia, Bermuda, Centipede, Seaside Paspalum, St Augustine, and Zoysia and their cultivars. However, this definition does not include any type of synthetic/artificial turf.

Synthetic turf means a dense and continuous surface of synthetic fibers mounted on a permeable backing and of sufficient density and green color to replicate the appearance of healthy, natural grass.

Tree. Any living, self-supporting, dicotyledonous or monocotyledonous woody perennial plant which has a DBH of no less than three (3) inches at maturity and which normally grows to an overall height of no less than ten (10) feet in southeast Florida.

~~*Turf.* The upper layer of soil bound by grassy plant roots.~~

Vehicular use area. Any area used by vehicles, except public rights-of-way, to include, but not be limited to, areas for parking, display or traverse of any and all types of vehicles, cars, motorcycles, buses, boats, trailers, campers or heavy construction equipment. Also included are areas paved or compacted for outdoor storage, display or sales.

Vine. A plant which produces climbing, meandering stems and which will grow only as tall as their supporting object.

Weed. An uncultivated plant of rapid growth, generally characterized by the production of large quantities of seeds, which tends to overgrow or choke out more desirable plants.

All definitions provided herein shall be read in conjunction with those definitions provided in article II of this chapter of the Code, except that should a conflict exist between the definitions in this article and article II of this chapter that are irreconcilable, then as to matters relating to this article, the definitions within this article shall prevail.

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 93-17, § 1, 7-14-1993; Ord. No. 1500.589, § 1, 7-3-2012)

Cross reference(s)—Definitions related to preservation and protection of trees, § 23-17.

Sec. 23-3. Application of landscaping code.

- (A) No new building or vehicular use area shall be erected or paved, unless in conformity with the regulations specified herein.
- (B) The provisions of this landscaping code regarding the installation of new landscaping material (other than replacement landscaping material) shall apply in the following instances:
 - (1) When any existing building or vehicular use area is expanded, extended, redeveloped, or enlarged; however, single-family homes undergoing driveway expansion or repave shall not be required to install new landscaping at the time of permitting.
 - (2) For any special exception use application that involves new construction, redevelopment, or substantially redeveloping or reconstructing an existing building.
 - (3) Any exterior affected areas related to an application.
- (C) The standards for landscaping maintenance shall be applicable to all landscaping within the city regardless of when same was installed.

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 93-8, § 1, 3-17-1993; Ord. No. 1500.589, § 1, 7-3-2012)

Sec. 23-4. Plan required.

- (A) A landscaping plan and irrigation plan shall be submitted with every DRC application for site plan approval or amendment, ~~change of occupancy group,~~ any new single-family home or single family addition, or special exception. Said landscaping plan shall be prepared by a Florida registered landscape architect ~~or a recognized landscape designer in good standing with the Florida Nurseryman and Growers Association.~~
- (B) Landscaping plan specifications. Landscaping plans shall be required to be submitted as follows:

-
1. The landscaping plan must be drawn to scale and show the location and dimensions of all existing and proposed structures and infrastructure, including, but not limited to, vehicular use areas, driveways, surface water areas, utilities, and fire lanes, zones and hydrants.
 2. The landscaping plan shall indicate the location, size, grade and specifications of all existing and proposed landscaping materials, including common and botanical names, planting instructions, soil and fertilizer requirements, mulch specifications, berm elevations, protective curbs or other devices, existing trees, and the description of any adjacent conditions which affect the landscaping of the subject site.
 3. Plant species and materials shall be selected and located on the plan so that plant groupings are organized by water, light, and soil condition requirements.
 4. An irrigation plan signed and sealed by a State of Florida Registered Landscape Architect for all landscaped areas within the site shall be submitted simultaneously with the landscaping plan. Said irrigation plan shall show the source of water, pumps, valves, pipe sizes, rain sensors, head types, locations and spray patterns.
 5. The landscape plan shall also include any trees or landscaping on adjacent properties that impact the landscape plan.
- (C) The ~~department of development services~~ department of environmental and engineering services shall review the landscaping plan for compliance with the minimum requirements of this code. All landscaping shall be installed pursuant to the landscaping plan as approved by the ~~department of development services~~ department of environmental and engineering services before a final certificate of occupancy will be issued. Substitutions of comparable plant material are permitted if first approved by the ~~department of development services~~ department of environmental and engineering services.
- (D) A separate permit is not needed for any landscaping required by this article. However, applicable permits for irrigation systems, tree removal, and the planting of trees in a swale must be obtained.
- (Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 1500.589, § 1, 7-3-2012; Ord. No. 2018-1, § 1, 3-7-2018)

Sec. 23-5. Materials, installation and irrigation requirements.

(A) *Materials:*

- (1) All required landscaping installed after the effective date of this article shall be drought tolerant and or Florida Friendly. A minimum of fifty (50) ~~per cent percent~~ of all required landscaping installed after the effective date of this article shall be South Florida native species. All plant material utilized shall be Florida No. 1 or better, as specified by Grades and Standards for Nursery Plants, Parts I and II, Florida Department of Agriculture and Consumer Services, as amended.
- (2) Tree size and percentage of tree requirement at the time of planting shall be as follows:
 - (a) ~~Category 1 Trees:~~ 60% of trees: Minimum of twelve (12) feet in height and two (2) inches DBH.
 - (b) ~~Category 2: Minimum of eight (8) feet height. 20% of trees : maximum~~ Maximum of ten (10') tall and 1.75" DBH trees.
 - (c) ~~Category 3: Minimum of six (6) feet in height. 20% of trees: Maximum of eight (8) tall and 1.5" DBH trees~~ NOTE: Cannot be palms.
 - (d) *Palms:* Minimum of six (6) feet of clear trunk or greywood. A grouping of three (3) palms may be substituted for one (1) shade tree, subject to the following:

-
- (i) When grouping palms, each palm shall be spaced no greater than ~~nine (9)~~ six (6) to twelve (12) feet from the nearest palm in the cluster depending on the palm species.
 - (ii) Nonresidential, mixed use, and multifamily properties shall not be permitted to substitute palm trees for more than thirty-five (35) ~~per cent percent~~ of the shade trees required by this chapter.
 - (iii) A palm with multiple trunks shall be counted as a single palm.
 - (3) Shrubs and hedges shall be mulched and installed at a minimum of two (2) feet in height after planting. Where hedges are required, shrubs must be planted every in the landscape buffer or for other screening of items there must be a continuous visual hedge. However, for shrub beds they can be (3) feet on centers. Shrubs used for hedges shall be woody, evergreen species.
 - (4) Ground covers shall be mulched and planted at 75% coverage in sufficient quantity as to present a finished appearance and to provide complete coverage within three (3) months.
 - (5) Lawns areas and other required areas of turf shall be sodded, with the following exceptions permitted:
 - (i) Shrubs, ground covers, and planting beds may be substituted for any area otherwise required to provide lawns or turf sod. Landscapes made entirely of rock, mulch, shell, or other similar materials are not permitted.
 - (ii) Landscape elements may be substituted for up to twenty-five (25) ~~per cent percent~~ of any area otherwise required to provide lawns or sod. turf
 - (6) Plant species listed as prohibited within the South Zone as provided in the University of Florida's Institute of Food and Agricultural Sciences biennial Assessment of Non-Native Plants shall hereby be prohibited from use and installation within the city.
 - (i) On any developed land including swales, the installation of Bahia sod shall be prohibited with the exception of approved retention areas.

(B) *Installation:*

- (1) All landscaped areas shall be protected from vehicular encroachment by curbing or other durable barriers. All ~~shade~~ trees, except palms, installed within six (6) feet of public infrastructure, including, but not limited to, utility lines, sidewalks, curbing, asphalt and paved rights-of-way, shall utilize at least a 24" deep root barrier system, structure soil or suspended pavement system as approved by the department of environmental and engineering services. The front of parked vehicles may overhang a protected landscaped area if said area is at least seven (7) feet wide.
- (2) Planting holes shall be a minimum of twice the diameter of the root ball or container and shall be free of limerock, rocks, asphalt or other debris. All planting holes shall be back-filled with a suitable soil, free of clay, stone, plants, roots, and other debris. The root flare shall be visible at time of planting.
- (3) Slow release general fertilizer shall be applied at the time of planting and contain trace elements iron and manganese in addition to N-P-K. However, fertilizer shall not be applied within ten (10) feet of any body of water.
- (4) All trees shall be stabilized in a workmanlike manner at the time of planting. The use of nails, wire, rope, or any other method which damages the tree is prohibited. Trees shall remain stabilized until establishment, but in no instance shall a tree remain stabilized for more than twelve (12) months. Trees shall be restaked in the event of blow over or other failures of the stabilization.
- (5) Where mulch is applied in landscape areas, it shall be laid so that it is a minimum of three (3) inches thick. Trees in sodded areas shall be mulched under the drip line, except that no mulch shall be laid within ~~six (6)~~ three (3) inches of any tree trunk.

(6) ~~Sod shall be laid with alternating and abutting joints. All sod areas, including but not limited to, Swales, lake maintenance easements, and Retention Areas, shall be solid St. Augustine Floratam, Palmetto or Bermuda laid on a smooth planting base with tight joints at 100% coverage at time of planting and cut to fit all Landscape planters and curb areas. Sod shall be green, healthy, clean, and visibly free of weeds, pests, and diseases. Sod areas shall be identified and labeled on the Landscape plans. Seeding and plugs are prohibited.~~

(7) Hedges, ~~trees, and palms~~ shall be planted no closer than two (2) feet from any plot line. The planting of hedges, ~~trees, or palms~~ within any easement of record shall be permitted only when written permission is granted by the applicable departments and/or utility companies.

(C) *Irrigation:*

(1) ~~Exclusive of one- or two-family dwellings, all~~ All landscaping required by this code shall be supplied with water through an underground irrigation system. Said irrigation system shall deliver one hundred (100) ~~per-cent-percent~~ coverage and one hundred (100) percent overlap of all landscaping plants, including swale ~~turf sod~~. Irrigation systems shall not spray upon abutting property, adjoining sidewalks and streets, or any other impervious surfaces.

(2) Trees, shrubs, flowers, and ground covers may be irrigated with low volume drip, micro-spray, or bubbler emitters.

(3) All irrigation systems installed after the effective date of this article shall ~~property properly~~ install, maintain, and operate technology that inhibits or interrupts operation of the system during period of sufficient moisture in accordance with Section 373.62, Florida Statutes, as amended. Such technologies include, but are not limited to, rain sensors, also called rain shutoff devices, and soil moisture sensors.

(4) A zone layout plan (minimum scale one (1) inch equals twenty (20) feet).

(5) Indication of water source, valves, pumps, backflow preventers, controllers, main line, lateral lines, sleeves, headtypes, specifications, and spacing.

(6) All irrigation systems utilizing non-potable water shall include a treatment system to prevent rust stains.

(7) An indication of methods used to achieve compliance with University of Florida's The Florida Friendly Landscaping Guide to Plant Selection and Landscape Design as required by F.S. Statute 373.185, unless provided for herein.

(8) Such other information that may be required to give a complete understanding of the proposed plan.

(D) Florida-Friendly Landscaping

(A) General Provisions. Within the City of Margate, the principles of Florida-friendly landscaping shall be incorporated into all landscape designs. These include the following:

1. Preserving existing native trees and vegetation, if feasible. Where established natural vegetation is incorporated into the landscape design, irrigation of those areas shall not be required.

2. The plant palette and irrigation system shall be appropriate for site conditions, taking into account that, in some cases, soil improvements can enhance water use efficiency. Drought resistant plants are emphasized.

3. Plants shall be grouped together by irrigation demand.

4. The percentage of landscaped area in irrigated high water use hydrozones shall be minimized. The maximum percentage of irrigated landscape area that may be included in high water use hydrozones, excluding sod, shall not exceed twenty (20) percent. These high water use limits shall not apply to

landscaped areas requiring large amounts of sod for their primary functions, e.g., ball fields and playgrounds.

5. Soil improvements are encouraged to improve the soil with organic materials prior to the installation of any irrigation system.
6. An efficient irrigation system shall be required and designed according to the water needs of the planting groups.
7. Reclaimed or non-potable water should be used for irrigation if an acceptable source is determined to be available by the City Utilities Department. If such reclaimed water or non-potable water is available from the City to service a site, a local water provider, if different than the City, shall allow such use of reclaimed water, unless prohibited by Statute.
8. Low impact design principles such as bio-swales, bio-retention areas and other creative stormwater management techniques.

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 96-2, § 1, 2-21-1996; Ord. No. 1500.589, § 1, 7-3-2012; Ord. No. 2021-10, § 1, 8-25-2021)

Sec. 23-6. Driveway limitations, landscaping abutting right-of-way, visual clearance.

(A) *Driveways.* The following regulations shall apply to all driveways constructed or modified after the effective date of this article:

- (1) In multifamily residential development, the maximum driveway widths shall be as follows:
 - (a) Sixty-five (65) feet for two-way traffic with a center island.
 - (b) Thirty-six (36) feet for two-way traffic.
 - (c) Fourteen (14) feet for one-way traffic.
- (2) Driveway design standards for single-family attached and detached dwellings. Existing permitted driveways may be reconstructed exactly as they were permitted regardless of these regulations, and any parts may be expanded so long as the new expanded area(s) complies with this section. All portions of any driveway are subject to these limitations:
 - (a) *General standards.*
 - (i) Side setbacks: Eighteen (18) inches.
 - (ii) Rear setback: Five (5) feet.
 - (iii) The width of driveways on the plot may not exceed the maximum width allowed at the frontage.
 - (iv) Between driveway connections on the same lot: Twenty (20) feet.
 - (v) Circular driveways shall have a landscaped area between each connection. The curve of the circular driveway shall be setback at least eight (8) feet at the midpoint between connections.
 - (vi) Driveways may have flares at the point of intersection with the abutting roadway. Flares may be a maximum of five (5) feet in width, and may have a zero (0) setback measured from a straight line extended from the property line to the abutting roadway.
 - (vii) Turn-in or similar design where the driveway turns to be parallel or almost parallel to the adjacent street, eight (8) feet from the adjacent property line.

- (viii) All driveways shall be located as far away from street intersections as possible.
- (ix) A driveway may only connect to another driveway in front of a home.
- (b) *Frontage.* For the purposes of this section, the property owner may designate which frontage is the primary frontage and which is the secondary frontage for the property on which the driveway is located, subject to the undivided local street highway classification map requirements of subsection (c)(ii); only one (1) frontage may be considered the primary frontage.
- (c) *Driveway regulations for lots with fifty-four (54) feet or less street frontage.*
 - (i) Primary frontage: Maximum of two (2) driveways with a maximum total width of twenty-seven (27) feet.
 - (ii) Secondary frontage: If located on an undivided local street, as classified by the Broward County Metropolitan Organization's Broward Highway Functional Classifications Map, may have a maximum of one (1) driveway with a minimum depth of twenty (20) feet entirely on the property, maximum twenty (20) ~~per-cent~~ percent of the width of the frontage, not less than nine (9) feet in width.
- (d) *Driveway regulations for lots with more than fifty-four (54) feet street frontage.*
 - (i) Primary frontage: Maximum of three (3) driveway with a maximum total width of sixty (60) per cent of the frontage, not less than twenty-seven (27) feet in width.
 - (ii) Secondary frontage: If located on an undivided local street, as classified by the Broward County Metropolitan Organization's Broward Highway Functional Classifications Map, may have a maximum of two (2) driveways with a minimum depth of twenty (20) feet entirely on the property, maximum twenty (20) per cent of the width of the frontage not less than nine (9) feet in width.
- (e) *Summary of single-family attached and detached dwellings driveway regulations.* The driveway requirements of this section are summarized in the table below:

| Lot Frontage | Maximum Width on Primary Frontage | Maximum Width on Secondary Frontage | Side Setbacks | Rear Setbacks | Distance Between Driveways |
|----------------------|---|--|---------------|---------------|----------------------------|
| Less than 54 feet | 27 feet | 20 per-cent <u>percent</u> per cent of the frontage, not less than 9 feet | 18 inches | 5 feet | 20 feet |
| Greater than 54 feet | 60 per-cent <u>percent</u> , not less than 27 feet | 20 per-cent <u>percent</u> , not less than 9 feet | 18 inches | 5 feet | 20 feet |

- (3) Driveway design standards for nonresidential and mixed use development driveway design standards:
 - (a) Maximum width of forty (40) feet for two-way traffic.
 - (b) Maximum width of fourteen (14) feet for one-way traffic.
 - (c) Abutting properties are strongly encouraged to share driveway connections where possible.
 - (d) When a driveway for the property's only legal access cannot comply with the spacing requirements of this section, a driveway shall be allowed as far as possible from other driveways without the need to apply for a variance, subject to the requirements of the Florida Department

of Transportation or Broward County as applicable, and the limitations below. This requirement applies to both vacant and lots being redeveloped.

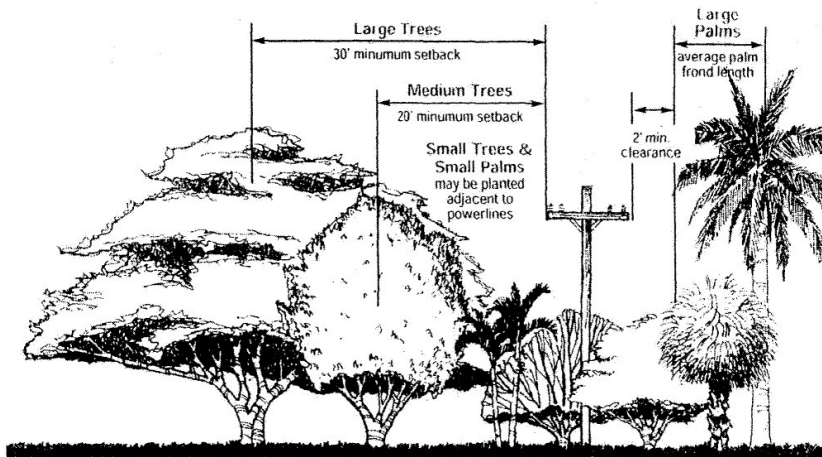
- (e) When a driveway for the property cannot comply with the spacing requirements of this section, and has legal access from a nonresidential street or alley, or has a cross-access easement with an abutting property, a driveway on that frontage shall be prohibited.
- (4) In multifamily nonresidential, and mixed use districts, the following shall apply:
 - (a) Maximum of one (1) two-way or two (2) one-way driveways for any street frontage of two hundred (200) feet or less.
 - (b) Driveways shall be located as far away from a street intersections as possible.
 - (c) Minimum spacing between two-way driveways of two hundred (200) feet from any other driveway.
 - (d) Minimum spacing for one-way driveways of eighty (80) feet from any other driveway.
- (5) All driveways shall be located as far away from street intersections as possible.
- (6) Backout parking, i.e. a parking lot design which forces vehicles to use a public right-of-way to maneuver into or out of a parking stall, is prohibited except for one- and two-family sites fronting on local streets. Driveways connecting same are considered to be one-way. This provision is not intended to regulate on-street parking.
- (B) *Required landscaping abutting rights-of-way.* On the site of a building or vehicular use area directly fronting on a public right-of-way, with the exception of single-family detached dwellings and duplex detached dwellings, there shall be landscaping provided between the site and the right-of-way as follows:
 - (1) In nonresidential districts and multi-family residential districts, a strip of land at least ten (10) feet in width, adjacent to and parallel with the right-of-way, shall be landscaped. Within said strip there shall be planted at least one (1) shade tree for every forty (40) lineal feet of frontage or portion thereof. In addition, a hedge shall be planted within the landscape strip and parallel with the street. All hedges must be planted a minimum of two (2) feet back from any public sidewalk. The remaining area of this strip shall be covered with additional shrubs, ground covers, and or sod turf. ~~Ground covers shall cover at least fifty (50) per cent of the landscaping strip not occupied by trees and shrubs.~~
 - (2) In mixed use districts, where developments are required to provide an urban greenway of varying widths based on the size of the abutting roadway. The following provisions shall apply:
 - a. An eight-foot-wide planting strip measured from the curb or edge of pavement inward toward the private development, running parallel with the right-of-way shall be provided.
 - b. Within said planting strip, one (1) shade tree shall be planted within a minimum eighty (80) square foot pervious area every thirty (30) lineal feet of frontage. Sod, shrubs or Gg ground covers shall fill areas of the pervious area not occupied by the required shade tree.
 - c. Where a substitution for a smaller tree is necessary because of existing overhead utility lines, each category 2 tree shall be planted within a minimum sixty-four (64) square foot pervious area, and each category tree shall be planted within a minimum forty (40) square foot pervious area.
 - d. Palm trees are permitted within the urban greenway but shall not be credited toward the urban greenway tree requirement.
 - e. Public amenities requested by the development review committee shall be provided within the planting strip at the time of development, including but not limited to, paved connections to the right-of-way, benches and other public seating, waste receptacles, bicycle racks or lockers, etc.

- (3) Where overhead utilities are pre-existing and in conflict with the installation of required trees, a smaller category of tree may be planted at an increased frequency in lieu of the category 1 shade tree requirement, in accordance with subsection 23-6(C) and as follows:
- One (1) category 2 tree, as provided in appendix 1 of chapter 23 of this Code, shall be planted for every ~~eighteen (18)~~ twenty-four (24) lineal feet of frontage; or
 - One (1) category 3 tree, as provided in appendix 1 of chapter 23 of this Code, shall be planted for every ~~twelve (12)~~ eighteen (18) lineal feet of frontage.

(C) *Requirements for planting of trees under or adjacent to utilities.*

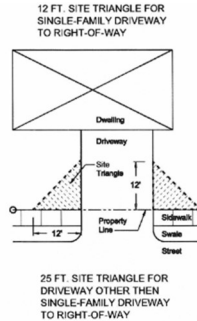
- (1) *Small trees.* Defined as less than twenty (20) feet in height at maturity and may be planted adjacent to, or under, power lines.
- (2) *Medium trees.* Defined as twenty (20) feet to thirty (30) feet in height at maturity, and must have a setback of twenty (20) feet from the crossbar of the power-line poles, as depicted in Exhibit "A."
- (3) *Large trees.* Greater than thirty (30) feet in height at maturity and must have a setback of thirty (30) feet from the crossbars of the power-line pole, as depicted in Exhibit ~~"A."~~ "A".
- (4) *[Small palms.]* Small palms shall be defined as less than twenty (20) feet in height and can be planted adjacent to, or under, power lines.
- (5) *[Large palms.]* Large palms shall be defined as greater than twenty (20) feet in height at maturity and shall be planted at the average frond length plus two (2) feet for minimum clearance from the crossbar of the power poles as depicted in Exhibit "A."

Exhibit "A"



(D) *Visual clearance.*

- (1) *Public rights-of-way.* When a site abuts the intersection of two (2) public rights-of-way, landscaping shall be maintained within the safety sight triangle to provide adequate visibility. The public right-of-way site sight triangle is the triangular area formed by the chord connecting thirty-five (35) feet from the intersection of the right-of-way lines or tangent extensions thereof. The following provisions shall apply within the site sight triangle:



- (a) Hedges and any other low-growing vegetation shall be maintained to a maximum height of twenty-four (24) inches.
 - (b) ~~Trees~~ Tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance.
 - (c) When problems with visibility persist due to unique circumstances of the site, such as a road curvature or varying elevations, the property owner may be required to maintain landscaping to a stricter standard or remove certain problematic landscaping.
 - (d) The preceding provisions and restrictions shall not apply to single-family detached dwellings or duplex detached dwellings. However, a 10' by 10' sight triangle is required with sections (a), (b), and (c).
- (2) *Private driveways.* Where a private driveway intersects with a public right-of-way, landscaping shall be maintained within the safety sight triangle to provide adequate visibility. The private driveway site sight triangle is the triangular area formed by the chord connecting twenty-five (25) feet from the intersection of the right-of-way line and a perpendicular line formed by the outer edge of the driveway pavement. The following provisions shall apply within the site sight triangle:
- (a) Hedges and any other low-growing vegetation shall be maintained to a maximum height of twenty-four (24) inches.
 - (b) ~~Trees~~ Tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance.
 - (c) When problems with visibility persist due to unique circumstances of the site, such as a road curvature or varying elevations, the property owner may be required to maintain landscaping to a stricter standard or remove certain problematic landscaping.
 - (d) The preceding provisions and restrictions shall not apply to single-family detached dwellings or duplex detached dwellings. However, a 10' by 10' sight triangle is required with sections (a), (b), and (c).

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 2202-12, § 1, 9-18-2002; Ord. No. 2005-03, § 1, 2-16-2005; Ord. No. 2006-01, § 1, 2-15-2006; Ord. No. 1500.589, § 1, 7-3-2012; Ord. No. 1500.609, § 1, 12-10-2014)

Sec. 23-7. Required landscaping adjacent to other perimeters.

- (A) *Abutting properties.* All sites of buildings or vehicular use areas, except single-family detached dwellings and duplex detached dwellings, shall provide a perimeter landscape strip not less than five (5) feet in width along parcel lines that do not directly abut a public right-of-way or residential property. At the time both abutting properties are developed according to these standards, there will be a landscape strip of no less than ten (10) feet in width, both properties considered.

Within the perimeter landscape strip described above, each abutting property shall plant one (1) shade tree along the common property line ~~for every~~ ~~for~~ every seventy-five (75) lineal feet or fractional part thereof. Such shade trees shall be located with consideration given to the trees provided by the abutting property, so that adequate spacing is provided between the trees.

The remaining area of the perimeter landscape strip shall be planted with small ornamental trees, shrubs, ground covers, and ~~turf sod~~. Not more than ~~thirty (30)~~ fifty (50) ~~per-cent~~ percent of the perimeter landscape strip may be sodded ~~with turf~~.

The provisions of this section shall be modified in the following instances:

- (1) Where buildings are located along a common property line, the requirements of this section shall not apply to those portions of the perimeter covered by such buildings.
 - (2) Where an agreement to operate abutting properties as a joint parking area or a cross access agreement is in force, the perimeter landscape strip requirements between said properties shall be waived for the portions of the perimeter used for vehicular access until the agreement is terminated.
- (B) Property owner responsibility for ~~Waterway~~ waterway ~~frontage~~. All canals, lakes and retention areas shall be kept clear of any and all bushes, trees, vegetation, or debris of any sort emanating from adjacent banks that interfere with the free flow of water within such canals, lakes and retention areas. Where tree limbs overhang into a canal right-of-way or over any other body of water, said tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance measured from the mean water level or top of sea wall. The banks adjacent to all canals, lakes and retention areas not containing seawalls shall be cleared, and kept clear, of all Florida Holly, Australian pines, weeds, and other noxious species. Such banks shall be graded at a slope no steeper than four (4) horizontal to one (1) vertical and shall be covered with sod ~~turf~~ down to the design water elevation.

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 94-20, § 1, 9-28-1994; Ord. No. 1500.589, § 1, 7-3-2012)

Sec. 23-8. Parking area and pedestrian zone interior landscaping.

- (A) Off-street parking areas shall provide at least twenty (20) square feet of interior landscaping for each parking space. Interior landscaping shall be located within the vehicular use area. Each such interior landscaping area shall contain at least one hundred (100) square feet with a least dimension of seven (7) feet.
- (B) There shall be one (1) shade tree ~~and five (5) shrubs~~ per two hundred (200) square feet, or fraction thereof, of interior landscaping. Trees used shall provide visual and vertical clearance for automobiles, emergency vehicles and service trucks. In addition to the tree requirement, all such areas shall be landscaped with sod ~~turf~~, ground covers, and shrubs. Not more than ~~thirty (30)~~ seventy (70) ~~per-cent~~ percent of the parking area interior landscaping may be sodded ~~with turf~~.
- (C) In mixed use districts, all building frontages not directly abutting a public road shall provide landscaped pedestrian zones immediately adjacent to the building. The pedestrian zones shall provide a sidewalk no less than eight (8) feet in width, and a landscape area no less than ~~four (4)~~ five (5) feet in width lying between the sidewalk and building. The landscape area provided in the pedestrian zone shall accommodate such landscaping materials as groundcovers, shrubs, and small trees and palms. Larger landscaping may be accommodated as the width of the landscaping area increases, if desired by the property owner.
 - (1) Small street furnishings may be located within the pedestrian zone (including landscaped portions) provided that sidewalks maintain a minimum of five (5) feet of clear path.
 - (2) The pedestrian zone shall not be required for buildings, or portions thereof, that have dwelling units on the ground floor.

-
- (3) Two (2) adjacent buildings may share a single pedestrian zone by providing a single eight-foot-wide paved sidewalk between the two (2) buildings with a ~~four-foot~~ five (5) feet landscape buffer between the sidewalk and each building.
 - (4) Portions of a building facade abutting loading spaces and other similar incompatible features are not required to provide a pedestrian zone.

(D) The following Landscaping requirements shall apply to the interior of parking areas containing ten or more spaces.

(1) *Planting areas and Plant Units.* Planting areas shall be located in islands and medians.

(2) *Terminal islands.* Landscaped terminal islands of at least 11 feet in width (including curbs) and 18 feet in length shall be provided at the end of each parking row. All islands of less than 11 feet due to turning radii requirements shall have polyethylene root barriers installed against the full perimeter of the island. All limerock shall be excavated from islands to a depth of two and one-half feet and backfilled with the specified planting mix.

(3) *Interior islands.* At least one landscaped interior island shall be provided for every ten parking spaces. Interior islands shall measure at least 11 feet in width (including curbs) and 18 feet in length. All limerock shall be excavated from islands to a depth of two and one-half feet and backfilled with the specified planting mix.

(4) *Landscape treatment.* All interior planting areas not dedicated to trees, shrubs, or existing vegetation shall be landscaped with sod, ground cover, or other appropriate landscape treatment (no sand, rock, pavement, or base soil). In no instance shall there be less than one tree and 25 Shrubs for each landscaped island.

(5) *Site lighting and trees.* No light poles shall be located within 15 feet of a canopy tree or within seven and one-half feet of a palm species or small tree. All final light pole locations shall be illustrated on the planting plans.

(6) When provided, divider medians shall be a minimum of eleven feet in width, including Type D curbs.

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 1500.559, § 4, 7-7-2010; Ord. No. 1500.589, § 1, 7-3-2012)

Sec. 23-9. Dumpster and other screening requirements.

- (A) All dumpsters, compactors, and sites containing five (5) or more garbage cans within the city shall be located on a reinforced concrete pad and screened by a durable opaque enclosure that is not less than six (6) feet in height. Said enclosure shall not be made of chain link or any other similar material. Each enclosure shall be equipped with durable gates. A minimum 36" tall continuous combination of hedges and ground covers shall be planted on any side of the enclosure that is visible from the right-of-way or residential property ~~three (3) sides of the enclosure~~, in a planting bed not less than three (3) feet in width.

Previously developed sites that are legally non-conforming with this section shall be required to comply at the time of any DRC application for site plan approval or amendment, ~~change of occupancy group~~, or special exception that involves new construction, redevelopment, or substantially redeveloping or reconstructing an existing building.

To achieve the objectives of this section, existing off-street parking facilities may be reduced upon administrative review and approval of a site plan amendment by the development review committee.

- (B) All mechanical, utility, or any other equipment installed outside and on the ground shall be screened from all public rights-of-way by a continuous hedge, fence or wall maintained to a height not less than six (6) inches above the height of the installed equipment. The screening ~~hedge material~~ shall be planted or installed

within ten (10) feet of the equipment that it was ~~planted~~ intended to screen. ~~The hedge shall not be required if the equipment is screened by a building or other permanent structure.~~

- (C) Shopping centers and strip centers shall place litter receptacles along the front walkways of said centers at an interval of two hundred (200) linear feet or a minimum of two (2) per center, whichever is greater. Freestanding commercial buildings shall contain a minimum of one (1) trash receptacle per building.
- (1) For the purposes of this section, litter receptacle shall be defined as any container which is made of wood, recycled plastic, metal or stone and is a minimum of thirty (30) gallons in size. Said container shall be provided and usable for the disposal of litter, garbage or trash and same shall be collected and disposed of on a regular basis.
- (2) Litter receptacles shall be architecturally compatible with the surrounding development and shall be permanently anchored to the wall or ground to prevent theft and/or vandalism.
- (3) For fast food drive through uses, litter receptacles shall also be placed at the exit of drive through lanes to allow for vehicular traffic to utilize receptacles.

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 95-20, § 1, 9-6-1995; Ord. No. 99-10, § 1, 6-2-1999; Ord. No. 2007-22, § 1, 9-19-2007; Ord. No. 1500.589, § 1, 7-3-2012)

Sec. 23-10. Planting in swales.

- (A) *Certain species prohibited.* The planting of the following types of trees shall be prohibited within or nearby to the nontravelled public rights-of-way (swales, parkways, etc.) of a highway, road, street or any thoroughfare held as public property for public access within the city: the Florida Holly, Ficus, Brazilian Pepper, any tree of the Moraceae family, and any tree or shrub having an excessive root system that is considered undesirable by the ~~department of environmental and engineering services~~ City for maintenance of streets, sidewalks and public utilities.
- (B) *Application required.* ~~All individuals~~ Anyone planting trees or shrubs within any portion of the nontravelled public rights-of-way (swales, parkways, etc.) within the city shall make written application for said planting to the department of environmental and engineering services, and obtain approval if there are no water mains in the swales. If a tree is planted and has not been approved by the City, it shall be removed by the property owner who planted it if not approved by the City.
- (C) *Maintenance.* ~~Shrubs~~ Landscaping other than trees and sod shall be maintained to a maximum height of twenty-four (24) inches. ~~Trees~~ Tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance above grassy areas and adjacent sidewalks, and a minimum of fourteen (14) feet of vertical clearance above adjacent paved roadways. Sod shall be maintained to a maximum height of six (6) inches.

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 1500.589, § 1, 7-3-2012)

Sec. 23-11. Minimum landscape requirements for zoning districts.

The following are the minimum landscaping requirements for the designated zoning districts:

- (A) Sites of sSingle-family dwellings, and two-family dwellings, districts, including but not limited to, R-1, R-1A, R-1B, R-1C, R-1D, R-2, PRC and PUD districts and individual RV sites within an RVRP district shall provide the following minimum landscaping on site. However, right trees and right place, site specific trees, and the sustainability of the trees shall take precedence with the selection of the trees required. Not less than fifty (50) ~~per cent~~ percent of the required landscaping shall be planted in the front half of the plot.

-
- (1) *Lawns/Sod.* Lawns shall be placed on all areas not covered by buildings, shrubs, ground covers, landscape elements, walks or drives and shall extend to any street pavement edge and to the mean waterline of any abutting lake, canal or waterway.
 - (2) *Trees.* Minimum tree requirements shall be based on lot size, as follows:
 - (a) Canopy area values considered for this section shall be the same as those specified in subsection 23-20(l)(6) of this Code.
 - (b) When calculating tree requirements, fractional portions shall be rounded up to the nearest whole tree requirement.
 - (c) Lots of fifteen thousand (15,000) square feet or greater shall provide the canopy equivalent of twelve (12) ~~per-cent~~ percent of the gross lot size.
 - (d) Lots ranging from six thousand (6,000) to fourteen thousand nine hundred ninety-nine (14,999) square feet or greater shall be required to provide a tree canopy equivalent of ten (10) ~~per-cent~~ percent of the gross lot size.
 - (e) Lots of five thousand nine hundred ninety-nine (5,999) square feet or less shall provide the canopy equivalent of eight (8) ~~per-cent~~ percent of the gross lot size.
- (B) Multiple family dwelling districts, including but not limited to R-3, R-3A, R-3U, PRC, and PUD districts. In addition to any other landscaping required by this section, each site shall contain a minimum of six (6) shrubs and the canopy equivalent of one (1) category 2 tree per dwelling unit. Lawns shall be placed on all areas not covered by buildings, shrubs, ground covers, landscape elements, walks or drives and shall extend to any abutting street pavement edge and to the mean waterline of any abutting lake, canal, or waterway.
- (C) Nonresidential districts.
- (1) In cases of ~~commercial, mixed-use, or industrial~~ nonresidential development or redevelopment, on that portion of the site which is directly abutting residentially zoned or designated property, the nonresidential property owner shall create a buffer zone along the common property line in order to screen light, noise, traffic and trash from the residential parcel.
 - (2) The nonresidential site shall create a fifteen-foot wide unpaved strip along the common property line. This buffer strip shall provide a six-foot high unpierced ~~decorative~~ masonry wall, constructed in conformance to applicable building codes and ~~stuccoed~~ include a decorative, painted or dyed, finished surface and painted on both sides, and maintained in good condition. Said wall shall be located wholly on the nonresidential site adjacent to the common property line and running its full length. Walls within the same subdivision shall conform to a ~~uniform compatible design and~~ appearance. One (1) category 1 non-deciduous tree shall be planted for every twenty-five (25) lineal feet of the strip. Trees shall be planted in a staggered pattern, but in no instance shall a tree be permitted to be planted within five (5) feet of the required wall or a paved area.
 - (3) Where a structure within a nonresidentially zoned property has been permitted without a buffer adjacent to residentially zoned property under unified control, prior to development permits being issued on the residential property, it shall be the responsibility of the residential property owner to comply with the following conditions:
 - a. The residential site shall provide a six-foot high unpierced ~~decorative~~ masonry wall, constructed in conformance to applicable building codes and ~~stuccoed and painted~~ include a decorative painted finish on both sides and maintained in good condition. Such wall shall be located wholly on the residential site adjacent to the common property line and running its full length. Walls within the same subdivision shall conform to a uniform appearance. The residential site shall create a 15-foot wide landscape strip adjacent to the wall within the residential side. One (1) category 1 non-deciduous tree shall be planted for every twenty-five (25) lineal feet of the

common property line. Trees shall be planted in a staggered pattern, but in no instance shall a tree be permitted to be planted within five (5) feet of the required wall or a paved area.

- b. This section shall not apply to the installation of additions/alterations to previously permitted residential property.

~~(D) RVRP districts. Each RV site shall contain a minimum of three (3) shade trees and eighteen (18) shrubs. Lawns shall be placed on all areas not covered by buildings, shrubs, ground covers, landscape elements, walks or drives and shall extend to any abutting street pavement edge and the mean waterline of any abutting lake, canal or waterway. Required landscaping for RV sites within an approved RV park may be planted in any area within the RV site that is appropriate to accommodate such landscaping.~~

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 97-9, § 1, 4-2-1997; Ord. No. 1500.551, § 7, 8-19-2009; Ord. No. 1500.555, § 2, 2-17-2010; Ord. No. 1500.589, § 1, 7-3-2012)

Sec. 23-12. Maintenance of landscaping.

(A) General.

(1) Responsible party.

- (a) The owner or owners, together with their tenants and individuals or entities legally in control or responsible for real property, shall be jointly and severally responsible for the maintenance of all landscaping existing or which previously had been installed on any developed site which they own or control within the city.

(2) Requirements.

- (a) All landscaping shall be maintained in a healthy and growing condition. Visual evidence of disease or pest damage is unacceptable, and damaged plants shall be treated immediately.
- (b) All cuttings not shredded for use as mulch onsite shall be disposed of properly and removed from the site. Grass clippings and other yard waste are not permitted to be disposed of within any storm drain.
- (c) All trash container and dumpster areas shall be maintained so as to prevent the runover spillover of refuse.
- (d) Walls, fences and curbing shall be maintained free of breaks, decay and stains.

(B) Trees.

(1) Pruning.

- (a) Proper pruning must be performed in accordance with the American National Standards Institute (ANSI A-300 and Broward County standards), as amended.
- (b) All tree pruners which provide services in the city are required to have a valid Broward County tree trimmer license.
- (c) Tree limbs found growing into street rights-of-way shall be properly pruned to provide eight (8) feet of vertical clearance above sidewalks and swales, and fourteen (14) feet of vertical clearance above paved roadways.
- (d) Tree limbs found growing into a canal right-of-way shall be pruned to provide eight (8) feet of vertical clearance above the mean water level or top of seawall.

-
- (e) Trees, or any other landscaping, located on private property or the swale of a public roadway determined to be obstructing street lights shall be properly pruned by the property owner, or adjacent property owner to restore light output of the light fixture(s).
- (f) Trees, or any other landscaping, determined to be obstructing parking lot lights shall be properly pruned by the property owner to restore the required light output of the light fixture(s).
- (2) *Pruning exemptions.*
- (a) The removal of diseased or dead portions of one (1) tree or the removal of an interfering, obstructing or weak branch of a tree such that the result is a tree which is not a threat to public safety or to adjacent property is allowed. Proper pruning to reduce or eliminate interference with or obstruction of streetlights, stop signs or traffic signals is an example of an allowed proper pruning activity; provided tree abuse does not occur.
- (b) In emergencies such as floods, hurricanes or other disasters, or in cases which a fallen tree is interrupting service or is limiting access to utility facilities, the requirements for implementing the American National Standards Institute (ANSI A-300) shall not apply to utility companies.
- (C) *Shrubs and hedges.*
- (1) *Pruning.*
- (a) Shrubs and hedges shall be properly pruned to prevent encroachment into any sidewalk, driveway, or roadway.
- (b) For all plots of single-family detached dwellings and duplex detached dwellings, hedges planted along any plot line or within the required yard setbacks (minimum 2' away from the property line) shall be maintained in a healthy and an aesthetically pleasing manner to a height not exceeding six (6) feet above the established grade.
- i. As an exception to the preceding paragraph, hedges that are not located within a site triangle may be maintained to a height of ten (10) feet above the established grade as the maximum height for any wall or fence in side yards and rear yards abutting nonresidential property or abutting a right-of-way one hundred (100) feet in width or greater.
- (D) TurfSod and ground covers.
- (1) *Mowing.*
- (a) Bahia grass and St. Augustine grass shall be mowed to a height not less than three (3) inches. Sod area on a developed site shall be mowed to a height, that shows signs of scalping.
- (b) No lawn or sod turf area on a developed site shall be permitted to grow taller than six (6) inches in height.
- (c) It shall be unlawful for the owner, occupant, lessee or person in control of any undeveloped land to allow grass or weeds to grow in excess of twelve (12) inches.
- (2) *Edging and trimming.*
- (a) All lawns and ground covers shall be trimmed or edged to prevent encroachment onto any adjacent sidewalk, driveway, roadway, or other public hardened surface.
- (E) *Fertilizers, herbicides, and pesticides.*
- (1) Application.
- (a) Fertilizers, herbicides, and pesticides shall not be applied within ten (10) feet of any body of water.

(b) Fertilizers, herbicides, and pesticides shall only be applied per the manufacture's label.

(c) All fertilizer, herbicides, and pesticides shall be removed from hard surfaces, in an effort to reduce storm water runoff.

(F) Fertilizer Management.

(G) Applicability. The provisions of this section shall apply to all fertilizer applications within the City of Margate with the following exceptions:

1. Bona fide farm operations as defined in Florida Right to Farm Act, Section 823.14, F.S., as amended, provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question; and
2. Fertilizer application for golf courses, parks, and athletic fields shall follow the provisions as indicated in Rule 5E-1.003(2)(d), F.A.C., as amended.
3. Non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the UF/IFAS Extension and UF/IFAS Florida Yards and Neighborhoods program when applying fertilizers.

(H) Licensing and Training of commercial fertilizer applicators.

1. By January 1, 2014, any commercial fertilizer applicator to an urban landscape must be certified by the Department of Agriculture and Consumer Services pursuant to Section 482.1562, F.S., as amended.
2. All commercial and institutional applicators of fertilizer within the City of Margate, shall successfully complete and apply fertilizers in accordance with the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the UF/IFAS Extension.

(I) Fertilizer content and application rates.

1. Fertilizers applied to sod and/or landscape plants within the City of Margate shall be formulated and applied in accordance with requirements and directions provided on the fertilizer bag and by Rule 5E-1.003(2), F.A.C. Nitrogen or phosphorus fertilizer shall only be applied to sod or landscape plants during growth periods, not during dormant periods. These fertilizers shall not be applied except as provided for by the directions on the fertilizer bag unless soil or plant tissue deficiency has been verified by UF/IFAS Extension or another accredited laboratory or test.

(J) Timing of fertilizer application.

1. Care should be taken to limit the application of fertilizers containing nitrogen and/or phosphorus to sod and/or landscape plants during the summer rainy season.
2. In no case shall fertilizers containing nitrogen and/or phosphorus to sod and/or landscape plants during times which a flood, tropical storm, or hurricane watch or warning issued by the National Weather Service is in effect for any portion of Broward County.

(K) Application practices.

-
1. Spreadable deflector shields are required when fertilizing via rotary spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
 2. Fertilizer shall not be applied, spilled or otherwise deposited on any impervious surface.
 3. Any fertilizer applied, spilled or deposited, either intentional or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
 4. Fertilizer releases on an impervious surface shall be immediately contained and either legally applied to sod or any other legal site, or retuned to the original or other appropriate container.
 5. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyance, or water bodies.

(L) Fertilizer Free Zones.

1. Fertilizers shall not be applied within ten (10) feet or three (3) feet if deflector shield or drop spreader is used, of any pond, lake, canal or wetlands.

(M) Pesticide Management.

1. All landscape applications of pesticides, including "Weed and Feed" products, for hire should be made in accordance with State and Federal Law and with the most current version of the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, as amended.
2. Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the UF/IFAS Extension publications.
3. When using pesticides, all label instructions of State and Federal law should be adhered to. The Florida Department of Agriculture and Consumer Services is responsible for enforcement of pesticide laws.

(FN) Irrigation.

(1) Limitations.

- (a) Irrigation of landscaping which has been planted in the ground for more than ninety (90) days shall be limited to two (2) days per week, as follows:
 - i. Residences and businesses with an odd-numbered street address may water on Wednesdays and/or Saturdays only.
 - ii. Residences and business with an even-numbered street address or other locations without an address may water on Thursdays and/or Sundays only.
- (b) Irrigation systems shall not apply more than one (1) inch of water per cycle.
- (c) Irrigation is not permitted between the hours of ~~7:00-10:00~~ a.m. and 4:00 p.m.
- (d) Irrigation overspray or flooding onto adjacent impervious areas is not permitted.
- (e) All wasteful and unnecessary irrigation, including, but not limited to ~~allowing water to be dispersed without any practical purpose to the water use, allowing water to be dispersed in a grossly inefficient manner, and~~ allowing water to flow through a broken or malfunctioning water delivery or landscape irrigation system is not permitted.

(2) Exemptions.

- (a) Irrigating any landscaping which has been planted and established for ninety (90) calendar days or less, "new landscaping," shall comply with the following provisions:

-
- i. New landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of soil immediately prior to the installation of the new landscaping is allowed without regard to the listed watering days and times.
 - ii. A ninety-day establishment period begins on the day new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.
 - iii. Irrigation of new landscaping that has been in place for thirty (30) ~~calendar~~ days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday, but shall not occur between the hours of ~~7:00-10:00~~ a.m. and 4:00 p.m.
 - iv. Irrigation of new landscaping that has been in place for thirty-one (31) to ninety (90) ~~calendar~~ days may be accomplished on Monday, Wednesday, Thursday, and/or Sunday, but shall not occur between the hours of ~~7:00-10:00~~ a.m. and 4:00 p.m.
 - v. Irrigation of new landscaping is limited to areas containing only new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this exemption if the zone in question is for an area that contains at least fifty (50) ~~per cent~~ ~~percent~~ new landscaping. If a zone contains less than fifty (50) ~~per cent~~ ~~percent~~ new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low-volume hand watering by one (1) person, with one (1) hose, fitted with a self-cancelling or automatic shutoff nozzle, or any appropriate method with isolates and waters only the new landscaping.
- (b) Agricultural businesses, including plant nurseries.
 - (c) Irrigation systems supplied with reclaimed water.
 - (d) Irrigation systems supplied with water captured in a rain barrel or other similar device.
 - (e) Low-volume hand watering of landscape by one (1) person, with one (1) hose, fitted with a self-cancelling or automatic shutoff nozzle.
 - (f) Irrigation of athletic play areas which includes golf course fairways, tees, roughs, and greens, and other athletic play surfaces; including football, baseball, soccer, polo, tennis, and lawn bowling fields, and rodeo, equestrian and livestock arenas.
 - (g) Irrigation systems may be operated outside restricted days and/or times for cleaning, maintenance, and repair with an attendant on-site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one (1) test should not exceed ten (10) minutes per zone.
 - (h) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides, and herbicides, where such watering-in is required by the manufacturer, or by federal, state, or local law, shall be allowed under the following conditions:
 - i. Such watering-in shall be limited to one (1) application in the absence of specific alternative instructions from the manufacturer; and
 - ii. Such watering-in shall be accomplished during normal watering days and times permitted by subsection 23-12(F)(1) above, unless a professional licensed applicator has posted a temporary sign containing the date of application and the dates of needed watering-in activity.
- (3) In the event the South Florida Water Management District, or its successor agency, imposes restrictions on landscape irrigation for new and existing installations which are more restrictive than

those imposed by this Code, such as under the declaration of a water shortage or water shortage emergency, the more restrictive regulations shall apply for the applicable duration of the more restrictive regulations.

- (4) A licensed contractor who performs work on an automatic landscape irrigation system must test for the correct operation of each device that is intended to inhibit or interrupt the operation of the system during periods of sufficient moisture. If such device or switches are not installed on the system or are not in proper operating condition, the contractor must install new ones or repair the existing ones and confirm that each device or switch is in property operating condition before completing other work on the system.
- (5) Waiver application and appeal process.
- (a) ~~Any~~ A user of an irrigation system affected by this Code may apply for a waiver to the City of Margate Department of Environmental and Engineering Services (DEES). A waiver from specific day or days identified in subsection 23-12(F) may be granted if strict application of the restrictions would lead to unreasonable or unfair result, provided d the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant, or those the applicant serves. Relief may be granted only upon a determination that such hardship exists, is peculiar to the person or affected property, is not self-imposed, and further demonstrates that granting the waiver would be consistent with the general intent and purpose of this Code.
- (b) Examples of qualifying circumstances for a waiver include, but are not limited to:
- i. Two (2) or more properties share a common source of water;
 - ii. A public or private water system is experiencing, or anticipates distribution problems;
 - iii. Where a user maintains an irrigation system that uses soil moisture sensors with remote monitoring and adjustment capabilities that satisfies the requirements set forth in Section 373.62(7), F.S., as may be amended;
 - iv. Where contiguous property is divided into different zones, a waiver may be granted so that each zone may be irrigated on day different than other zones of the property;
 - v. Where a user maintains, manages, or owns a nonresidential property, such as a house of worship, market (farmer/flea), where the primary day of use, operation, or attendance for the property coincides with the prescribed water day for the address.
- (c) However, no single zone may be irrigated more than two (2) days per week unless a user maintains an irrigation system uses soil moisture sensors.
- (d) Applicants utilizing technology (e.g., soil moisture sensor) as justification for waiver are required to provide documentation from a licensed irrigation professional that said technology ~~if~~ is fully functional and its setup meets the requirements of subsection 23-12(F) of this Code.
- (e) Upon receipt of an application for waiver from the requirements of subsection 23-12(F), DEES shall render a decision on the waiver within fifteen (15) calendar days. Denials of waiver may be appealed to the city manager within fifteen (15) calendar days of the applicant's receipt of the notice of denial. Any notice of denial or subsequent appeal shall be sent by certified mail, return receipt requested.
- (f) A waiver application and/or granting a waiver under provisions of this Code shall operate prospectively, shall not stay or abate the enforcement of the provisions of this Code, and shall not affect any prior or pending enforcement actions against the affected person that have been initiated pursuant to the provisions of subsection 23-12(F) of this Code.

-
- (g) If a waiver is granted, the applicant shall be required to post a notice at each parcel to which the waiver pertains, no later than five (5) days after the waiver is granted. Said notice is subject to approval by city staff but at a minimum, shall be conspicuous and posted such that it is visible from the exterior of any building on the property.
 - (h) A waiver is invalid if it has expired or if the applicant or its agent violates the terms of the waiver.
 - (i) Approved waivers shall expire on the date specified on the approval. However, no waiver shall be valid for a term greater than two (2) years.
 - (j) Application fee. To be acceptable, an application for an irrigation waiver shall be accompanied by a nonrefundable application fee in the following amount, as appropriate:

Initial waiver application or re-application (waivers which have been invalidated per subsection (h) above, or were previously denied are re-applications):\$100.00

Renewal of waiver (for renewal applications which have been received by the city prior to the expiration of a currently valid waiver):\$50.00

Transfer of waiver to a new property owner:\$50.00

- (G) *Notice to abate.* Should the owner or occupant of any area where there has not been compliance with section 23-12 refuse or neglect to comply with the above subsection, or fail to repair any city improvements, abatement or repair shall be accomplished pursuant to the procedures contained in chapter 22 of the City Code.
 - (H) *[Violations.]* Violations of this chapter shall be enforced pursuant to section 1-8 of the City Code.
- (Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 88-32, § 2, 11-2-1988; Ord. No. 93-18, § 1, 7-14-1993; Ord. No. 97-8, § 1, 4-2-1997; Ord. No. 1500.589, § 1, 7-3-2012; Ord. No. 2021-10, § 2, 8-25-2021)

Sec. 23-13. ~~Adjustments of standards~~Synthetic Turf.

(A) Permitted locations. Synthetic Turf may be permitted only on Single-Family and Duplex properties within the rear yard between the back of a Structure to the property line or as part of an overall design within a concrete or brick paver vehicular driveway or front walkway, subject to the requirements and procedures set forth in this Section.

(B) Design standards. Synthetic Turf shall comply with all of the following design standards and shall:

(B)(1) Simulate the appearance of live turf, organic turf, grass, sod or lawn, and shall have a minimum eight-year "no fade" warranty.

(B)(2) Be of a type known as cut pile infill with pile fibers of a minimum height of 1.75 inches and a maximum height of 2.5 inches, except for Putting Greens, which may have a minimum height of ¾ inch.

(B)(3) Have a minimum face weight of 75 ounces per square yard.

(B)(4) Be manufactured from polyethylene monofilament, dual yarn system, and manufactured in the United States.

(B)(5) Have backing that is permeable.

(B)(6) Be lead free and flame retardant.

(C) Installation standards. Synthetic Turf shall comply with all of the following installation standards and shall:

(C)(1) Be installed by a Florida-licensed general contractor in a manner prescribed by the manufacturer.

(C)(2) Be installed over an evenly graded, porous crushed rock aggregate material that is a minimum of three inches in depth.

(C)(3) Be anchored at all edges and seams consistent with the manufacturer's specifications.

(C)(4) Not have visible seams between multiple panels.

(C)(5) Have seams that are joined in a tight and secure manner.

(C)(6) Be a minimum of six feet from a Tree or palm and 12 inches from Hedges, Shrubs or Ground Cover, including the separator.

(C)(7) Have an infill medium consisting of clean silica sand or other mixture, pursuant to the manufacturer's specifications that shall:

(C)(7)(a) Be brushed into the fibers to ensure that the fibers remain in an upright position;

(C)(7)(b) Provide ballast that will help hold the Synthetic Turf in place; and

(C)(7)(c) Provide a cushioning effect.

(D) Additional standards. Synthetic Turf shall comply with all of the following additional standards:

(D)(1) Areas of living plant material shall be installed and/or maintained in conjunction with the installation of Synthetic Turf. Living plant material shall be provided per the minimum code requirements. Synthetic Turf shall not be counted towards the minimum required landscaped areas and shall not be considered part of the Pervious Area.

(D)(2) Synthetic Turf shall be separated from planter areas and Tree wells by a concrete mow strip or other barrier with a minimum four-inch thickness to prevent the intrusion of living plant material into the Synthetic Turf.

(D)(3) Irrigation systems proximate to the Synthetic Turf shall be directed so that no Irrigation affects the Synthetic Turf.

(D)(4) Synthetic Turf strips of no more than four inches in width are allowed only as a part of an overall design to enhance a concrete or brick paver vehicular driveway or front walkway for Single-Family or Duplex properties.

(D)(4)(a) Synthetic Turf strips are allowed on Front and only as part of an overall driveway or front walkway design and shall meet all applicable Setback requirements for driveways or front walkways.

(E) Maintenance standards. Synthetic Turf shall comply with all of the following maintenance standards and shall:

(E)(1) Be maintained in an attractive and clean condition, and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat degradation or excessive wear.

(E)(2) Be maintained in a green fadeless condition and free of weeds, Debris, and impressions.

(F) Prohibitions. Except as otherwise allowed in this Section, the following are prohibited:

(F)(1) Synthetic Turf in the Public Rights-Of-Way or Swales.

(F)(2) Synthetic Turf shall not be used as a screening material where screening is required by the Code.

(F)(3) Synthetic Turf shall not be within a lake maintenance easement or drainage easement.

(G) Building Permit required. All uses of Synthetic Turf, including the use of such material for a Putting Green, shall require a Building Permit . The Building Permit application shall include, at a minimum, all of the following information:

(G)(1) A complete Landscape plan showing the area of Synthetic Turf, area of living plant material, and area and method of separation between these areas. Minimum Landscape requirements shall be required.

-
- (G)(2) Details regarding existing or proposed Irrigation proximate to the Synthetic Turf.
- (G)(3) Brand and type of Synthetic Turf, including all manufacturer specifications and warranties.
- (G)(4) A scaled cross section and details of the proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and infill.
- (G)(5) A survey of the property with a signed affidavit from the property Owner that no changes have occurred since the date of the survey.
- (G)(6) A calculation of the Pervious Area and Impervious Area indicated on the plans establishes that the Pervious Area meets at least the required 40%.
- (H) Putting Greens. Putting Greens may consist of natural grass or Synthetic Turf. Putting Greens that consist of Synthetic Turf shall comply with the requirements of this Section of the Code.
- (I) Synthetic Turf for athletic fields and public facilities shall be allowed if reviewed and approved by DSD
- (J) Synthetic Turf for non-residential areas shall be reviewed on a case-by-case basis and shall meet the criteria set forth in this section.

Sec. 23-14. ~~Reserved~~ Adjustments of standards.

Application for the adjustment of landscaping requirements provided herein shall be filed with the board of adjustment pursuant to the procedures provided for said board.

(Ord. No. 85-36, § 1, 9-18-1985; Ord. No. 2008-01, § 1, 4-16-2008; Ord. No. 1500.589, § 1, 7-3-2012)

ARTICLE II. PRESERVATION AND PROTECTION OF TREES²

Sec. 23-15. Legislative findings.

The city commissioners hereby find that trees use their leaf surfaces to trap and filter out ash, dust and pollen in the air, thereby helping to alleviate air pollution; that trees help prevent erosion of the soil, thereby helping to protect the resources of all of the city belonging to the general public; that removal of trees causes increased surface runoff, which contributes to water pollution; that protection of trees increases the value of property, enhances the economic integrity of an area, by providing a camouflage for harsh scenery and softening the outline of masonry, metal and glass, thereby being a part of comprehensive land use planning; that trees slow down forceful wind velocities and cut noise pollution; that the living communities of native trees are a valuable educational and aesthetic natural heritage; and that it is necessary to regulate the cutting, trimming and pruning of trees to help ensure that the health, function and value of these important resources are protected.

²Editor's note(s)—Ord. No. 2004-13, §§ 1, 2, adopted Oct. 6, 2004, amended Art. II in its entirety and enacted similar provisions as set out herein. The former Art. II derived from Ord. No. 78-26, §§ 1(1.01)—1.05, 2(2.01)—(2.05), 3(3.01), (3.02), 5(5.01), (5.02), 6(6.01), (6.02), 7(7.01), 8(8.01), 9(9.01), 10(10.01)—(10.03), 11(11.01), and 12(12.01), adopted Aug. 2, 1978; Ord. No. 82-6, § 1, adopted Jan. 6, 1982; Ord. No. 87-29, § 1, adopted Nov. 18, 1987; Ord. No. 90-3, § 1, adopted May 2, 1990; Ord. No. 91-35, § 1, adopted Dec. 4, 1991; Ord. No. 93-17, § 2, adopted July 14, 1993; Ord. No. 96-2, §§ 2, 4, 5, adopted Feb. 21, 1996; Ord. No. 96-19, §§ 1, 3, adopted Nov. 20, 1996; Ord. No. 97-11, § 1, adopted April 16, 1997; Ord. No. 98-14, §§ 1—3, adopted Oct. 7, 1998; Ord. No. 99-13, § 1, adopted June 2, 1999; Ord. No. 2000-19, § 1, adopted Sept. 6, 2000; and Ord. No. 2003-08, § 1, adopted Dec. 10, 2003.

Sec. 23-16. Documents incorporated by reference.

The following documents, as amended, are adopted as standards and are incorporated into this A article by reference: The American National Standards Institute A-300, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, and Z-133.1, Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements; Florida Department of Agriculture Division of Plant Industry, Grades and Standards for Nursery Plants; Jim Clark and Nelda Matheny, Trees and Development; Council of Tree and Landscape Appraisers, Guide for Plant Appraisal, Ninth Tenth Edition, 2000; 2019 Richard Harris, Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines, Second Fourth Edition; Gary W. Watson and E.B. Himelick, Principles and Practices of Planting Trees and Shrubs; Florida Urban Forestry Council, Selecting and Planting Trees for the South Florida Urban Forest; and Florida Power and Light's Plant The Right Tree In the Right Place brochure. South Florida Version; Timothy K. Broschat & Alan W. Meerow, 49 Betrock's Reference Guide to Florida Landscape Plants,, Third Printing, 1994; Edward 50 F. Gilman, Trees for Urban and Suburban Landscapes, 1st Edition, 1997; and Dr. 51 George K. Rogers, Landscape Plants For South Florida: A Manual For Gardeners, 52 Landscapers & Homeowners, 1st Edition, 2009; and Florida Invasive Species Council's 53 List of Invasive Plant Species (Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-17. Definitions.

When a word, term, or phrase is not defined herein, the definitions set forth in chapter 23 of this Code and publications recognized as authoritative in the scientific and engineering fields, as applicable, shall apply. Such publications shall include the latest edition of Trees Native to Tropical Florida by Tomlinson; 500 Plants of South Florida by Julia Morton; Dig Manual by the State of Florida; Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers; Trees and Development by Jim Clark and Nelda Matheny; Tree, Shrub and Other Woody Plant Maintenance—Standard Practices by the American National Standards Institute (ANSI A-300); Grades and Standards for Nursery Plants by the Florida Department of Agriculture and Consumer Services. South Florida Version; Timothy K. Broschat & Alan W. Meerow, 49 Betrock's Reference Guide to Florida Landscape Plants,, Third Printing, 1994; Edward 50 F. Gilman, Trees for Urban and Suburban Landscapes, 1st Edition, 1997; and Dr. 51 George K. Rogers, Landscape Plants For South Florida: A Manual For Gardeners, 52 Landscapers & Homeowners, 1st Edition, 2009; and Florida Invasive Species Council's 53 List of Invasive Plant Species (These publications, as amended, are adopted and incorporated into this article by reference.

The following words, phrases, and terms when used in this article shall have the indicated meanings:

Breast height means a height of four and one-half (4½) feet above the natural grade.

Canopy coverage means the areal extent of ground within the drip line of the tree.

DEES means the City of Margate Department of Environmental and Engineering Services.

Destruction of the natural habit of growth means pruning that causes irreparable damage and permanent disfigurement to a tree such that, even with regrowth, the tree will never regain the original characteristics of its tree species; or pruning which amounts to tree abuse as defined herein that results in the death of the tree.

Developed land means land upon which permanent, principal building or buildings have been constructed.

Diameter breast height (DBH) means the diameter of the trunk of a tree measured at breast height. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half (4½) feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Drip line means the peripheral limits of the horizontal crown of a tree spread vertically to the ground; provided, however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.

~~DSD means the City of Margate Development Services Department.~~

Effectively destroy means to cause, suffer, allow or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of one (1) year from the date of the act. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is fifty (50) ~~per cent~~percent or greater of the circumference of the trunk, or the removal of sufficient canopy to cause the unnatural decline of the tree.

Hatrack ~~shall~~s means to sever the leader or leaders, or to prune a tree by stubbing of mature wood.

Historical tree means a particular tree or group of trees which has historical value because of its unique relationship to the history of the region, state, nation or world as designated by the city commission.

Horizontal plane ~~shall~~s means an imaginary line that begins at the base of the live frond petioles.

Land clearing means the clearing of vegetation and soils for the purpose of land development activities. This includes, but is not limited to, construction for buildings, rights-of-way, utility easements, access or drainage ways, parking lots and other structures, rock mining, the control of weeds or the initial clearing of vegetation to enhance property value or agricultural activities that involve the removal of trees as defined by this article.

Mitigation means to compensate for impacts to tree(s).

Nuisance tree means any of the following tree species:

- ~~(a) — Schinus terebinthifolius (Brazilian pepper tree/Florida Holly).~~
- ~~(b) (a) Metopium toxiferum (poisonwood).~~
- ~~(c) — Melaleuca quinquenervia (cajeput tree/melaleuca).~~
- ~~(d) — Casuarina spp. (Australian pine, all species).~~
- ~~(e) — Bischofia javanica (bischofia, bishopwood).~~
- ~~(f) — Acacia auriculaeformis (earleaf acacia).~~
- ~~(g) (b) Araucaria excelsia (Norfolk Island pine).~~
- ~~(h) — Brassia actinophylla (schefflera).~~
- ~~(i) (c) Leucaena leucocephala (lead tree).~~
- ~~(j) — Cupaniopsis anacardiopsis (carrotwood).~~
- (d) All tree species identified as Category 1 on the Florida Invasive Species Councils List of Invasive Plant Species, as may be amended.
- ~~(k) (e) Reserved.~~

Owner-occupied means a dwelling in a habitable condition occupied by the owner of record, as the owner's primary residence, and holding a valid certificate of occupancy.

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

Person means any natural person, individual, owner, operator, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public or private utilities, public officer, responsible party or any other entity whatsoever, or combination thereof, of whatever kind.

Protective barrier means conspicuously colored fences or like structures constructed of sturdy materials that are at least four (4) feet in height which prevent or obstruct passage.

Prune or trim means to cut away, remove, cut off or cut back parts of a tree.

Remedial action means a corrective action required to offset the impacts of tree abuse, as defined herein.

Removal means to cut down, dig up, destroy, effectively destroy, or the unlicensed relocation of any tree.

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

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

Specimen tree means any tree which has a DBH of eighteen (18) inches or greater, with the exception of a condition rating of sixty percent (60%) or greater in accordance with the condition rating guidelines as specified in the Guide for Plant Appraisal, as amended except for the following:

- (a) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to: mangos, avocados, or citrus.
- (b) Species of the genus *Ficus* except *F. aurea* (strangler fig), *F. laevigata* (short leaf fig), *F. rubiginosa* (rusty fig or rusty leaf fig), *F. jacquinifolia*;
- (c) All multitrunk palms.
- (d) Trees that are in poor condition or form as determined by DEES.

Structure means anything built or constructed. Examples include, but are not limited to, buildings, trailers, fences, billboards, swimming pools, poles, pipelines, ditches, roads, utility installation, transmission lines, track and advertising signs.

Substantial deviation means any proposed modification or modification to a development, a License Permit or a License Permit application which, either individually or cumulatively with other changes, creates a reasonable likelihood of additional environmental impact, as covered by the scope of this article, or any change or proposed change that may result in any impacts on trees not previously reviewed by DEES as covered by the scope of this article.

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

Tree means any living, self-supporting, dicotyledonous or monocotyledonous woody perennial plant which has a DBH of no less than three (3) one and a half (1.5) inches and which normally grows to an overall height of no less than ten (10) feet in southeast Florida.

Tree abuse means:

- (1) Hatracking a tree; or
- (2) Destroying the natural habit of tree growth; or
- (3) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or
- (4) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over one-third ($\frac{1}{3}$) of the length of the line falls on portions of the tree where bark no longer remains; or

-
- (5) Using climbing spikes, nails or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the American National Standards Institute, as amended; or
 - (6) Pruning that does not conform to standards or recommendations set by the American National Standards Institute, as amended; or
 - (7) Pruning of live palm fronds which initiate above the horizontal plane; or
 - (8) Overlifting a tree; or
 - (9) Shaping a tree.

Tree canopy means the upper portion of the tree consisting of limbs, branches, and leaves.

Tree removal License Permit means a written authorization with conditions issued by DEES to remove or relocate a tree.

Tree survey means a document signed and sealed by a Florida registered land surveyor meeting the requirements of F.S. § 472.025, as amended, which must provide, at a minimum, the following information:

- (a) The location, plotted by accurate techniques, of all existing non-nuisance trees;
- (b) The common and scientific name of each tree;
- (c) The DBH of each tree, or if a multiple-trunk tree, the sum DBH for all trunks; and
- (d) Canopy coverage, if required by DEES.

(Ord. No. 2004-13, § 2, 10-6-2004; Ord. No. 2005-04, § 1, 5-18-2005)

Sec. 23-18. General prohibitions.

Unless otherwise authorized by this article, no person shall cause, suffer, permit or allow:

- (a) The removal of any historical tree without first obtaining approval from the city commission to conduct the removal.
- (b) The removal of any tree without first obtaining a tree removal license permit from DEES as herein provided.
- (c) Tree abuse as defined by this article.
- (d) Any encroachments, excavations, or change of the natural grade within the drip line of a tree unless it can be demonstrated to DEES prior to the commencement of said activity, that the activity will not negatively impact any tree.
- (e) Land clearing or the operation of heavy equipment in the vicinity of a tree without placing and maintaining a protective barrier around the drip line of the tree. The protective barrier shall be conspicuous enough and high enough to be seen easily by operators of trucks and other equipment.
- (f) The storage or use of materials or equipment within the drip line of any tree, or attachments, other than those of a protective and nondamaging nature, to any tree.

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-19. General exemptions.

- (a) *[Emergency conditions.]* During emergency conditions caused by a hurricane or other natural disaster, the provisions of this article may be suspended by the direction of the city manager.

-
- (b) *Nuisance trees.* Nuisance trees as defined by this ~~A~~article are exempt from the prohibitions set forth in this article, as amended provided that no condition is created which poses an ~~imminent threat to public safety or property unacceptable risk~~. In such cases, the nuisance tree shall be removed to alleviate any threat. Failure to remove said tree after warning from DEES shall constitute a violation of this article.
- (c) *Tree Risk.* The pruning, trimming, removal, or replanting of a tree on residential property is exempt from any notice, application, approval, permit, fee, or mitigation requirements of this Article if the property owner possesses documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger poses an unacceptable risk to persons or property. This exemption implements and adopts by reference Section 163.045, Florida Statutes, as amended, including, but not limited to the definitions of documentation and residential property, and the standards therein for determining whether a tree poses an unacceptable risk. This exemption does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to Sections 403.9321 through 403.9333, Florida Statutes, as amended.

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-20. Tree removal ~~license permit~~ requirements and standards.

(A) *License Permit* requirements.

- (1) [*License Permit* required.] Unless otherwise exempted by this article, a person shall obtain a tree removal license prior to relocating or removing a tree.
- (2) *Exemptions from Licensing Permitting.* Unless otherwise prohibited by the Code, the following activities are exempted from the *Licensing Permitting* requirements of this article provided that no nuisance or any condition which adversely affects the environment or public health is created, and provided that the activity does not violate any provisions of the Code, or federal, state, or local government regulations:
 - (a) Removal of any tree that is hazardous to the extent that its continued existence creates an imminent threat to public safety or property. In order to claim this exemption, the owner of the property must document by photographs or other evidence that such condition(s) existed prior to the removal of the tree.
 - (b) Pursuant to Section 163.045, Florida Statutes, as amended, pruning, trimming, removal, or replanting of, or mitigation to, tree on residential property is exempt from any notice, application, approval, permit, fee, or mitigation requirements of this section 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 damage to persons or property.
 - (c) Removal of trees by all county-licensed nurseries, botanical gardens and commercial grove operations, but only in relation to those trees which are planted and grown for the sale or intended sale to the general public in the ordinary course of the licensed business;
 - (d) Removal of trees by all governmental and private nurseries with respect to trees which have been planted and grown for future relocation;
 - (e) Removal of trees, except historical or specimen trees, by franchised utility companies provided that:
 - i. The utility company provides written notice to DEES and the record owner of the property on which the trees proposed to be removed are located of the intent to remove trees; the

written notices shall be delivered, at minimum, fifteen (15) calendar days prior to the intended tree removal; and

ii. The utility company can demonstrate to DEES prior to tree removal that:

- (a) The tree will cause a continual disruption of service. A specimen palm tree may be removed under this exemption;
- (b) The easement or property was in actual use conveying utilities prior to the effective date of this article; and
- (c) The threat of service interruption cannot be remedied by tree pruning in accordance with standards as set by the American National Standards Institute, as amended;

(f) Removal of nuisance trees.

(B) License Permit application requirements.

- (1) *Application forms:* A license permit application for removing or relocating trees shall be submitted by a property owner or authorized agent of the owner, on DEES approved application form(s).
- (2) *Tree removal fees.* The permit fee, except as otherwise provided, shall be the following:

Initial tree removal permit application fee on developed residential occupied property (nonrefundable)\$10.00

Initial tree removal permit application fee on all other property (nonrefundable)50.00

Plus, for each tree proposed to be removed or relocated10.00

No fee shall be charged for trees which are:

- 1. Relocated or lie within a utility easement and are required to be removed in order to provide utility service to the property;
 - 2. Damaging public property and where a notice of violation was issued by the code enforcement division; or
 - 3. Governmental agencies and applications for tree removals in areas dedicated to public use shall be exempted from permit fees but shall be subject to all other provisions of this section.
- (3) *Required application data:* The license permit application must be accompanied by documents and drawings as required by DEES that describe the proposed activities to be performed in sufficient detail to meet the standards in this article and to clearly identify all potential impacts to the environment and public health. Application data required shall include, but is not limited to:
- (a) A map showing the size and location of the site where the licensed activities are to be conducted;
 - (b) A starting date and duration of the proposed activities;
 - (c) A brief description of the work to be performed, including a drawing of the proposed work or a certified site plan, as determined by DEES, showing the location of all existing or proposed buildings, structures, and site uses;
 - (d) For development on undeveloped property or for redevelopment of property, a certified tree survey and site plan of identical scale designating those trees which are proposed to be preserved, relocated, or removed is required. All tree survey(s) or site plan(s) must be prepared by a person(s) qualified to do so under the Laws of Florida;
 - (e) The legal description of the site.

(C) *Licensing standards for tree removal, relocation and replacement.*

- (1) Any person conducting tree removal activities shall only remove a tree or trees from a site as approved for removal in a DEES tree removal ~~license permit~~.
- (2) ~~Licenses Permits~~ shall be issued or denied in accordance with the provisions in chapter 23, article II of the Code, as amended.
- (3) The term of a tree removal ~~license permit~~ shall be in accordance with the provisions of chapter 23, article II of the Code, as amended.
- (4) Damage to any other tree or trees on the site during tree removal activity shall constitute a violation of this article.
- (5) An applicant may be eligible to receive a tree removal ~~license permit~~ if one of the following criteria is present:
 - (a) A proposed development cannot be located on the site without tree removal;
 - (b) The applicant has made every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees removed;
 - (c) A tree proposed to be removed is of poor quality and condition;
 - (d) A tree proposed to be removed is obstructing safe vehicular cross visibility;
 - (e) A tree proposed to be removed is damaging existing improvements;
 - (f) A tree proposed to be removed is creating ongoing safety problems for existing development; ~~or~~
 - (g) A tree proposed to be removed is growing too close in proximity to another tree(s) to permit normal growth and development of the affected tree(s); ~~or~~
 - (h) A tree proposed to be removed is inhibiting the use of rooftop photovoltaic solar systems, and pruning the tree does not provide adequate remedy.
- (6) If an application meets the above criteria, DEES will, prior to issuing any tree removal ~~license permit~~, conduct a tree relocation evaluation pursuant to subsection 23-20(d).

(D) *Tree relocation evaluation.*

- (1) For tree relocation, DEES shall make the following evaluations:
 - (a) A tree which meets the criteria for removal as specified in this section.
 - (b) Whether relocation is on the property or off the property, due to lack of available space on the property. Where relocation is to occur onto another property, written authorization from the property owner shall be required.

(E) *Tree relocation requirements.* Any person conducting tree relocation activities shall:

- (1) Not unnecessarily damage any other tree or trees remaining on-site while relocating a tree;
- (2) Relocate a tree so that it will not interfere with existing or proposed utilities, either above or below ground. A relocated tree which may reach a height of thirty (30) feet shall not be placed within twenty (20) feet of an overhead power line or as outlined in Selecting and Planting Trees for the South Florida Urban Forest;
- (3) Relocate a tree to an area with adequate space for root and canopy development;
- (4) Relocate a tree, where practicable, within the City of Margate;

-
- (5) Ensure successful relocation and transplanting of trees by adhering to the following guidelines for transplanting a tree:
- (a) Any tree being relocated shall not be unnecessarily damaged during removal, transport or replanting of that tree;
 - (b) If a tree has a dormant period, it should be transplanted during that time. A tree should not be transplanted during periods of strong, dry winter winds or during droughts;
 - (c) Adequate space for root and canopy development shall be provided;
 - (d) Prior to transplanting, the tree shall be root and canopy pruned according to sound arboricultural standards. All crown pruning shall be done in accordance with standards set by the American National Standards Institute, as amended;
 - (e) During and following transplanting of a tree, the root ball and trunk shall be protected. The root ball must be kept moist at all times;
 - (f) A transplanted tree shall be braced for at least one (1) year after its relocation; and
 - (g) A transplanted tree shall be fertilized as appropriate and shall be watered sufficiently until tree growth is re-established.
- (F) *Tree relocation maintenance/monitoring requirements.* Any person conducting tree relocation activities shall:
- (1) Maintain the health of a relocated tree for a period of one (1) year from the date of planting; and
 - (2) Replace, within sixty (60) calendar days, a relocated tree that dies or is determined by DEES to be effectively destroyed within one (1) year of being relocated. The one-year maintenance period shall begin anew whenever a tree is replaced. For projects that include the relocation of ten (10) or more trees, a ten (10) ~~per-cent~~ percent mortality allowance will apply. If ninety (90) ~~per-cent~~ percent or more of the relocated trees are determined to be viable after a period of one (1) year, the project shall be considered successful and replacement trees will not be required for the remaining ten (10) ~~per-cent~~ percent of the trees that die or are in a state of decline.
- (G) *Tree relocation bond requirements.*
- (1) *[Bond required.]* Unless otherwise exempted by this article, any person conducting tree relocation activities involving specimen trees must post a bond to insure the survival of specimen trees designated for preservation. Said bond shall meet the approval of the city attorney's office and may be in the form of a letter of credit drawn upon banks or savings and loan institutions legally doing business in the State of Florida, cash bonds issued by an insurance company legally doing business in Florida or other acceptable means as approved by the city attorney's office.
 - (2) *[Determination of bond.]* Determination of the bond amount shall be computed based upon the most current version of the Guide for Plant Appraisal, published by the International Society of Arboriculture.
 - (3) Government entities are exempt from bond requirements.
 - (4) *Release of bonds.*
 - (a) Tree relocation bonds will be released upon successful tree relocation as set forth in subsection 23-20(C) of this article and written approval by DEES. Bonds involving specimen trees shall be released upon completion of construction activities, if it is determined by DEES that the tree(s) is/are not effectively destroyed.

- (b) Bonds may be released by the city when a tree removal license permit is transferred. The city may condition the release of the bond upon the posting of a new bond by the subsequent licensee.
- (5) *Drawing on bonds.* If a tree is determined by DEES to be effectively destroyed within one (1) year from the date of relocation, the bond shall be drawn upon and funds will be deposited into the City of Margate Tree Preservation Fund.
- (H) *Tree replacement in lieu of tree relocation.* When it is determined by DEES that tree relocation cannot be accomplished, an applicant shall replace trees pursuant to subsection 23-20(I) of this article.
- (I) *Tree replacement requirements.*
- (1) *Tree replacement requirements for nonspecimen trees.*
- (a) If DEES determines that a removed tree cannot be successfully relocated, said tree shall be replaced to compensate for lost tree canopy coverage.
- (b) The following criteria shall be used by DEES to determine the tree replacement requirements:
- (i) The tree canopy coverage of a site shall be determined using any combination of the following methods:
- a) Review of aerial photography;
- b) On-site inspection; and/or
- c) Review of a tree survey.
- (ii) A tree that is successfully relocated pursuant to subsection 23-20(F) need not be replaced.
- (iii) Native trees identified in appendix 1 of this article must be planted to replace native tree canopy coverage removed.
- (iv) For tree replacement requirements of one (1) to five (5) trees, a minimum of one (1) species shall be utilized as a replacement tree. For six (6) to ten (10) replacement trees required, a minimum of two (2) species shall be utilized. For eleven (11) to twenty (20) replacement trees required, a minimum of three (3) species shall be utilized. For twenty-one (21) to fifty (50) replacement trees required, a minimum of four (4) species shall be utilized. For fifty-one (51) or more replacement trees required, a minimum of five (5) species shall be utilized.
- (v) For trees removed pursuant to subsections 23-20(C)(5)(a), (b), (c), an additional fifty (50) per-cent percent tree replacement shall be required.
- (vi) The number of required replacement trees shall be based upon the size of area of impact and the category of replacement trees selected by the applicant. The canopy of the replacement trees at maturity shall at least equal the canopy removed.

The following table shall be used to determine the number of required replacement trees:

| Replacement Tree Category (See Appendix 1) | Replacement Canopy Area Credit (In Square Feet) |
|---|---|
| Category 1 Tree <u>12' tall</u> | 300 |
| <u>Category 1 Tree Greater or equal to 13' tall</u> | <u>350</u> |
| <u>Category 1 Tree Greater or equal to 16' tall</u> | <u>400</u> |
| Category 2 Tree <u>Greater or equal to 8' tall</u> | 150 |
| <u>Category 2 Tree Greater or equal to 10' tall</u> | 200 |
| Category 3 Tree | 100 |

| | |
|-----------------|----|
| Category 4 Tree | 50 |
|-----------------|----|

(2) *Tree replacement for specimen trees.*

- (a) A tree appraisal will be performed by DEES to determine the dollar value of any specimen tree approved by DEES for removal pursuant to subsection 23-20(c)(5) of this article. This appraisal shall be pursuant to the Guide for Plant Appraisal, 9th Edition, as amended, by the Council of Tree and Landscape Appraisers.
- (b) DEES will then calculate the number of replacement trees required to equal the appraised value of the specimen tree removed. This calculation shall include the purchase price of the replacement tree, plus installation costs. The applicant will be required to compensate the number of replacement trees indicated by DEES for the removal of the specimen tree(s).

(3) *Minimum standards for replacement trees.*

- (a) All replacement trees shall be a minimum quality of Florida o. 1 grade or better, as identified in Grades and Standards, Florida Department of Agriculture;
- (b) Only trees listed in appendix 1 (Replacement Tree Species) shall be used as replacement trees. The applicant shall have the option of choosing the category of trees for replacement provided at least fifty (50) ~~per cent percent~~ of the replacement trees are from category 1 or category 2 with respective size as follows:

(1) *Category 1.* ~~Minimum of twelve (12) feet in height and two (2) inches DBH at time of planting;~~ 300 (for trees greater than or equal to a 12-foot minimum height)

350 (for trees greater than or equal to a 13-foot minimum height)

400 (for trees greater than or equal to a 16-foot minimum height)

(2) *Category 2.* ~~Minimum of eight (8) feet in height at time of planting;~~ 150 (for trees greater than or equal to an 8-foot minimum height) 200 (for trees greater than or equal to a 10-foot minimum height)

(3) *Category 3.* Minimum of six (6) feet in height at time of planting.

(4) *Category 4.* For replacement palm trees, a minimum of six (6) feet clear trunk or Greywood at time of planting.

- (c) If the minimum tree size is commercially unavailable, smaller trees may be substituted with the approval of DEES. Additional credit may be given for the installation of larger trees, at DEES discretion.

(4) *General requirements for replaced trees.* Any person conducting tree replacement activities shall:

- (a) Refrain from unnecessarily damaging any other tree or trees remaining on site while planting or preparing the site for any replacement tree(s);
- (b) Plant the replacement tree so that it will not interfere with existing or proposed utility lines or cables, either above or below ground. A tree which may reach a height of thirty (30) feet shall not be planted within twenty (20) feet of an overhead power line;
- (c) Plant replacement tree species and use installation and maintenance methods that follow xeriscape principles, where practicable;
- (d) Plant a replacement tree in an area with adequate space for root and canopy development following Florida Power and Light's Right Tree In The Right Place guidelines;

-
- (e) Where practicable, plant a replacement tree within the municipality from which the original tree was removed; **and**
 - (f) Complete tree replacement within six (6) months of the issuance of a DEES tree removal ~~license~~ **permit** unless granted an extension by DEES.
- (5) *Maintenance/monitoring requirements for replaced trees.* Any person conducting tree replacement activities shall:
- (a) Maintain the health of a replacement tree for a period of one (1) year from the date of planting;
 - (b) Replace within sixty (60) **calendar** days any replaced tree that dies or is determined to be effectively destroyed within one (1) year of being planted, as determined by the city. The one-year maintenance period shall begin anew whenever a tree is replaced. For projects that include the planting of one hundred (100) or more replacement trees, a ten (10) ~~per-cent~~ **percent** mortality allowance will apply. If ninety (90) ~~per-cent~~ **percent** or more of the replacement trees are determined to be viable after a period of one (1) year, the project shall be considered successful and replacement trees will not be required for the remaining ten (10) ~~per-cent~~ **percent** of the trees that die or are in a state of decline.
- (6) *Remuneration in lieu of tree replacement.* If it is determined by DEES that the replacement is not feasible due to lack of available planting space, the following applies:
- (a) The person conducting the tree replacement activity shall pay into the City's Tree Preservation Account a replacement contribution in lieu of actual tree replacement;
 - (b) The replacement contribution will be determined using a schedule for current value of replacement trees plus installation and maintenance as established by the city;
 - (c) Specimen tree calculations shall be in accordance with subsection 23-20(l)(2).
- (7) *Tree preservation account.*
- (a) *Purpose.* This account shall be used to replace or expand the tree canopy in the city.
 - (b) *[Use of monies in account.]* Monies in the account shall be expended, utilized, and disbursed for the planting of trees and any other ancillary costs associated with the planting of trees on public lands in the city. Ancillary costs shall not exceed twenty (20) ~~per-cent~~ **percent** of the cost of the particular tree planting project, and shall include landscape design services, irrigation, additional landscaping, and any other items or materials necessary for the proper installation and maintenance of tree planting projects. These monies may also be used to cover the expense of relocation of trees to public lands in City of Margate and the expense of periodically distributing saplings, trees, and applicable landscape materials to the public that increase tree canopy coverage in City of Margate.

(Ord. No. 2004-13, § 2, 10-6-2004; Ord. No. 1500.602, § 3, 8-21-2013; Ord. No. 2017-10, § 1, 5-17-2017 ; Ord. No. 2019-1500.648, § 1, 11-20-2019)

Sec. 23-21. Construction and land clearing requirements.

- (a) *General requirements.* Any person engaged in construction or land clearing shall:
 - (1) Clear vegetation within the drip line of trees designated for preservation only by hand or with the use of light rubber-wheeled equipment, which will not damage tree roots; said equipment shall be a maximum of forty-eight (48) inches wide, tire to tire, with a maximum weight of three thousand five hundred (3,500) pounds.

-
- (2) Utilize retaining walls and drywells to protect any tree to be preserved from severe grade changes.
 - (3) Promptly repair any tree designated for preservation pursuant to a tree removal ~~license permit~~ which is damaged during construction by:
 - (a) Corrective pruning for damage to tree canopy.
 - (b) Measures such as corrective root pruning, fertilization, and soil enhancements for damage to tree roots.

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-22. Tree abuse.

- (a) *Exemptions from tree abuse.* The following are exempt from the prohibition of tree abuse as set forth in this article of the Code as amended:
 - (1) Topiary pruning when:
 - (a) The trees are located on owner occupied property developed for detached single family or duplex usage; ~~or;~~
 - (b) The trees were not installed to meet minimum landscape requirements and are identified on an approved landscape plan as appropriate for topiary pruning.
 - (2) Tree abuse necessary to alleviate a dangerous condition posing an imminent threat to the public or property provided that the threat cannot be remedied by pruning that is not defined as tree abuse; or
 - (3) Shaping of trees to protect property, such as buildings and infrastructure, in which there is adequate evidence accepted by DEES that shaping has occurred historically.
- (b) *Remedial measures for tree abuse.* Any person that abuses a tree in violation of this article shall:
 - (1) Undertake pruning and other remedial action as determined by DEES, not limited to the removal of severely abused trees to protect public safety and property, and corrective pruning to improve the health and form of affected trees. No tree removal ~~license permit~~ is required for the removal of severely abused trees that are removed pursuant to DEES direction.
 - (2) Plant replacement trees pursuant to this article of the Code as amended, if the natural habit of growth of the abused tree is destroyed.

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-23. Historical trees.

- (A) *Standards for designation.* The city commission shall only designate as a historical tree a tree or group of trees that meet the following criteria:
 - (1) The tree is located on historically significant property and is related to a historic event; or
 - (2) The tree is uniquely related to the heritage of the City of Margate; or
 - (3) The tree is at least thirty-five (35) years old.
- (B) *Request for designation.*
 - (1) The following entities may request that the board designate a particular tree or group of trees within its jurisdiction as an historical tree:

- (a) State, county, municipality or any historical preservation society designated by the city commission; or
 - (b) Any property owner may make a similar request providing the request is for a tree or group of trees located on his/her own property.
- (2) The request shall be in writing to the city manager and contain:
- (a) The exact location of the tree or trees to be designated as historical.
 - (b) The name and address of the current owner and affected utilities of the land upon which the tree is located.
 - (c) The reason(s) for requesting the historical designation.
- (C) *Consideration by the city commission.* The entity shall request that the city manager place the request on the city commission agenda for discussion and vote on the request. When the person requesting this designation is not the property owner, the property owner shall be notified in writing by certified mail of the request and the time, date, and place of the hearing. The city commission shall then make a determination based on the standards for designation.
- (Ord. No. 2004-13, § 2, 10-6-2004)

APPENDIX 1

RECOMMENDED TREES FOR CANOPY REPLACEMENT 13 12-FOOT MINIMUM HEIGHT, 2.5 2-0-INCH CALIPER

Replacement Canopy Area Credit: 350 square feet

RECOMMENDED TREES FOR CANOPY REPLACEMENT 12 FOOT MINIMUM HEIGHT, 2.5 INCH CALIPER

Replacement Canopy Area Credit: 350 square feet

RECOMMENDED TREES FOR CANOPY REPLACEMENT GREATER THAN OR EQUAL TO 16' FOOT MINIMUM HEIGHT, 3.0-INCH CALIPER

Replacement Canopy Area Credit: 400 square feet

CATEGORY 1 TREES

| Common Name | Latin Name |
|---|---------------------------------------|
| African mahogany Apple Blossom | Khaya spp. Cassia Javanica |
| Flame bottle tree | Brachychiton acerifolius |
| * Bald cypress | Taxodium distichum |
| Floss silk tree | Chorisia speciosa |
| Golden rain tree | Koelreuteria formosana |
| Golden shower tree | Cassia fistula |
| Green Buttonwood | Conocarpus erectus |
| * Gumbo limbo | Bursera simaruba |
| Indian tamarind | Tamarindus indica |
| Jacaranda | Jacaranda mimosifolia |
| Kapok tree | Ceiba pentandra |
| * Laurel oak | Quercus laurifolia |
| * Live oak | Quercus virginiana |
| * Mahogany | Swietenia mahogani |
| * Mastic | Mastichodendron foetidissimum |
| * Paradise tree | Simarouba glauca |

Created: 2021-11-16 16:32:08 [EST]

| | |
|----------------------|----------------------------|
| * Pitch apple | Clusia rosea |
| * Pond cypress | Taxodium ascendens |
| * Red mulberry | Morus rubra |
| Red silk cotton tree | Bombax ceiba |
| Pongam | Pongamia pinnata |
| Royal poinciana | Delonix regia |
| * Sea grape | Coccoloba uvifera |
| * Shortleaf fig | Ficus citrifolia |
| *Slash pine | Pinus elliottii var. densa |
| * Soapberry | Sapindus saponaria |
| * Southern magnolia | Magnolia grandiflora |
| Spanish cherry | Mimusops elengi |
| * Strangler fig | Ficus aurea |
| * Sugarberry | Celtis laevigata |
| * Sweet bay | Magnolia virginiana |
| Weeping podocarpus | Podocarpus gracilior |
| * Wild tamarind | Lysiloma latisilqua |
| * Willow bustic | Dipholis salicifolia |
| Yellow poinciana | Peltophorum pterocarpum |
| * Native to Florida | |

CATEGORY 2 TREES
8-FOOT MINIMUM HEIGHT

Replacement canopy Area Credit: 150 square feet

Greater or equal to 10-foot minimum Replacement Canopy Area Credit: 200 square feet

| Common Name | Latin Name |
|---------------------------|--------------------------------------|
| African tulip tree | Spathodea campanulata |
| Black sapote | Diospyros dignya |
| Bottlebrush | Callistemon spp. |
| Brazil beautyleaf | Calophyllum brasiliense |
| Buttercup tree | Cochlospermum vitifolium |
| * Buttonwood (silver) | Conocarpus erectus (var sericeus) |
| * Cherry laurel | Prunus caroliniana |
| * Crabwood | Gymnanthes lucida |
| Curly pod | Caesalpinia mexicana |
| * Dahoon holly | Ilex cassine |
| <u>East Palatka Holly</u> | <u>Ilex attenuata</u> |
| * Fiddlewood | Citharexylum fruticosum |
| Frangipani | Plumeria spp. |
| * Guiana plum | Drypetes lateriflora |
| * Jamaica dogwood | Piscidia piscipula |
| <u>Japanese Blueberry</u> | <u>Elaeocarpus Decipiens</u> |
| <u>Japanese Fern Tree</u> | <u>Filicium Decipiens</u> |
| * Krug's holly | Ilex krugiana |

| | |
|----------------------|--------------------------|
| Florida lilac | Lonchocarpus |
| * Lancewood | Nectandra coriacea |
| Longan | Euphoria longan |
| Loquat | Eriobotrya japonica |
| Lychee | Litchi chinensis |
| Madagascar olive | Noronhia emarginata |
| * Persimmon | Diospyros virginiana |
| * Pigeon plum | Coccoloba diversifolia |
| Pink trumpet tree | Tabebuia heterophylla |
| * Pond apple | Annona glabra |
| Queen's crape-myrtle | Lagerstroemia speciosa |
| Red Geiger | Cordia sebestena |
| * Wild tamarind | Lysiloma sabicu |
| * Sand pine | Pinus clausa |
| * Satinleaf | Chrysophyllum oliviforme |
| Sausage tree | Kigelia pinnata |
| * Southern red cedar | Juniperus silicicola |
| * Sweetgum | Liquidambar styraciflua |
| * Sycamore | Platanus occidentalis |
| Tree of gold | Tabebuia caraiba |
| Vera <u>Wood</u> | Bulnesia arborea |
| White Geiger | Cordia boissieri |
| * Native to Florida | |

CATEGORY 3 TREES
6-FOOT MINIMUM HEIGHT FOR TREES
6-FOOT CLEAR TRUNK FOR PALMS

Replacement Canopy Area Credit: 100 square feet

| Common Name | Latin Name |
|--------------------------|-----------------------------|
| Allspice | Pimenta dioica |
| <u>Bahama Strongback</u> | <u>Bourreria succulenta</u> |
| Beach acacia | Acacia cyanophylla |
| * Black ironwood | Krugiodendron ferreum |
| <u>Bismarck palm</u> | <u>Bismarckia nobilis</u> |
| * Blolly | Guapira discolor |
| Bottlebrush tree | Callistemon spp. |
| Brush cherry | Syzygium paniculatum |
| * Cabbage palm | Sabal palmetto |
| Canary Island date palm | Phoenix canariensis |
| Coconut palm | Cocos nucifera |
| * Cocoplum | Chrysobalanus icaco |
| Coral bean | Erythrina spp. |
| Crape myrtle | Lagerstroemia indica |
| Glossy privet | Ligustrum lucidum |
| * Jamaica <u>n</u> caper | Capparis cynophallophora |

Created: 2021-11-16 16:32:08 [EST]

| | |
|--|-------------------------------------|
| Lignum vitae | Guaiacum sanctum |
| Macadamia nut | Macadamia spp. |
| Nellie R. Stevens | Ilex X |
| * Redberry stopper | Eugenia confusa |
| Royal palm | Roystonea spp. |
| * Simpson stopper | Myrcianthes fragrans |
| Small Leaf Pitch Apple | Clusia Guttifera |
| Snailseed | Cocculus laurifolius |
| * Spanish stopper | Eugenia foetida |
| * Wax myrtle | Myrica cerifera |
| White Geiger | Cordia boissieri |
| White Tabebuia | Tabebuia bahamensis |
| Wild Date palm | Phoenix sylvestris |
| * Wild lime | Zanthoxylum fagara |
| Yellow Geiger | Cordia lutea |
| * Native to Florida | |

CATEGORY 4
PALMS
MINIMUM 6 FOOT CLEAR TRUNK

[Replacement Canopy Area Credit: 50 square feet](#)

| Common Name | Latin Name |
|---------------------------------|---------------------------------------|
| Alexandra palm | Archontophoenix alexandrae |
| Blue Latan palm | Latania loddigesii |
| Bottle palm | Hyophorbe lagenicaulis |
| Carpenter palm | Carpenteria acumenata |
| Chinese fan palm | Livistona chinensis |
| Date palm | Phoenix dactylifera |
| * Florida cherry palm | Pseudophoenix sargentii |
| * Florida silver palm | Coccothrinax argentata |
| * Florida thatch palm | Thrinax radiata |
| Foxtail palm | Wodyetia bifurcata |
| Hurricane palm | Dictyosperma album |
| Montgomery palm | Veitchia montgomeryana |
| * Paurotis palm | Acoelorrhaphe wrightii |
| Pindo palm | Butia capitata |
| Queen palm | Syagrus romanzoffiana |
| Senegal date palm | Phoenix reclinata |
| Washington palm | Washingtonia robusta |
| Windmill palm | Trachycarpus fortunei |

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-24. Protection of trees from destruction, damage, etc.

- (a) *[Tree abuse.]* It shall be unlawful for any person to abuse a tree in violation of this article. In the event a person abuses a tree in violation of this article, the violator shall be responsible to remove the abused tree and replace it as provided for in this chapter.
- (b) *[Tree replacement.]* If the natural habit of growth of the tree is destroyed, the violator shall remove the destroyed tree and install a replacement tree, at his expense, pursuant to subsection 23-20(B). The destroyed tree shall be removed if it threatens public safety or property, and the appropriate tree removal permit fee shall apply.
- (c) *[Remedial actions.]* Remedial actions and replacement required under this section shall be completed within sixty (60) **calendar** days of notice from the city that such actions are required. The city may require the violator to immediately undertake remedial actions in the event the abused tree is an immediate threat to the public or property.
- (d) *[Protective barriers.]* During any construction or land development, protective barriers, of specifications approved by the city, shall be placed and maintained around all trees to be retained on the site to prevent their destruction or damage; and the developer shall use every precaution possible to avoid damaging such trees, by preventing the use or storage of materials or equipment, or the contamination of soil with such materials as paint, oil solvents, asphalt, concrete, mortar, etc., within the drip line.
- (e) *[Attachments.]* No attachments, other than those of a protective or nondamaging nature, shall be attached to any tree except those trees approved by the city to be eliminated and not be retained or relocated.
- (f) *[Nuisance trees.]* Nothing in this section shall disallow a person from shaping a nuisance tree which may be contrary to the standards of this article.
- (g) *[Responsibility.]* The owner of the property, tenant, and agent, whether same be an individual, corporation, or other entity shall be responsible in the event that a tree is abused, contrary to this article.
- (h) *[Power lines.]* Nothing in this section shall read to prohibit the shaping of trees under power lines such that they do not interfere with such power lines and cause a public safety hazard.

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-25. Removal of trees on public lands.

No trees shall be removed from any public land, including, but not limited to, street right-of-way and swale areas, without the approval of the city according to this article or any other appropriate sections of the Code.

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-26. Designation of administration and enforcement personnel.

The city manager shall designate city personnel to be responsible for implementing and enforcing the provisions of this section and any pertinent policies of the city commission and shall prescribe the duties thereof.

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-27. Preservation as grounds for variance; appeals from administrative decisions.

- (a) The preservation of any tree may be considered as the basis for the granting of a variance from the literal application of the provisions of the city's zoning or subdivision regulations. If, in the determination of the city manager or his designate, the sole basis for the request for a variance is to preserve any tree which would otherwise have to be removed, he may direct the required variance fee to be waived.
- (b) Any person or party aggrieved by an administrative decision or order of city personnel in the implementation and enforcement of the provisions of this article may appeal to the board of adjustment, setting forth the facts and reasons why they feel such administrative decision or order is not reasonable or in the public interest, according to the spirit and intent of this article.

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-28. Article violations; penalty.

- (a) *Generally.* Any person who violates any provision of this article shall be punished as provided in section 1-8 of the City Code. Each and every "tree," as defined by this article, which shall be damaged, defaced, destroyed or removed in violation of this article shall constitute a separate and distinct violation.
- (b) *Failure to relocate and replace.* An individual shall be in violation of this article if the trees are not relocated or replaced as specified by this article within sixty (60) calendar days of the granting of the tree removal license permit; provided, however, if the trees are to be removed to facilitate construction, said relocation or replacement must be completed prior to issuance of a certificate of occupancy. In lieu of relocation or replacement an individual may also pay \$300 per tree to the Tree Preservation fund.
- (c) *Failure to maintain relocated or replaced trees.* An individual shall be in violation of this article if the trees to be relocated or replaced are not maintained in a healthy condition for a period of one (1) year.

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-29. Injunction proceedings authorized.

The city attorney's office is hereby authorized to seek, in any court of competent jurisdiction, an injunction or restraining order of either a temporary or permanent nature, restraining any person from violating any provision of this article.

(Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-30. Stop work orders.

Whenever any work is being done by a person not in compliance with this article, a code compliance officer, as designated in section 23-26, may order that work be stopped and such persons performing such work shall immediately cease such work. The work may not resume until such time as the person is in compliance.

(Ord. No. 2004-13, § 2, 10-6-2004)