

DRAFT

FLORIDA FRIENDLY LANDSCAPE
MODEL ORDINANCE

(February 14, 2002)

1. TITLE

AN ORDINANCE OF THE (CITY/COUNTY OF) AMENDING OR REPLACING ORDINANCE NO.(s)___ OF THE GENERAL LANDSCAPE REGULATIONS BY REQUIRING FLORIDA FRIENDLY LANDSCAPE PRACTICES AND IRRIGATION SYSTEMS WHERE APPROPRIATE; BY PROVIDING FOR CONSISTENCY WITH STATE LAW AND THE (CITY/COUNTY OF) COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AMENDMENT OF EXISTING REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR ENFORCEMENT AND PROVIDING AN EFFECTIVE DATE.

2. FINDINGS OF FACT

WHEREAS, the Local Government

Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, (F.S.), provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, pursuant to Sections 125.568 and 166.048, F.S., local governments should consider the adoption of water-efficient Landscape Standards and further Section 376.62, F. S., regulates the installation of rain sensor devices on automatic lawn sprinkler systems; and

WHEREAS, the Florida Watershed Restoration Act of 1999 and the NPDES municipal stormwater permitting program require local governments to reduce pollutant loads discharged from their stormwater management systems to better protect and restore surface and ground waters.

WHEREAS, the (City/County of ___) recognizes the need for the protection of water as a natural resource through the application of Florida Friendly landscape practices; and

WHEREAS, a Florida Friendly landscape promotes the conservation of water by the use of site adapted plants and efficient watering methods which generally results in a long-term reduction of irrigation, fertilizer, and pesticide requirements, costs, energy, and maintenance; and

WHEREAS, a Florida Friendly landscape encourages a reduction of total energy expenditures such as water pumping and treatment, manufacture and shipping of fertilizers, insecticide, and other gardening chemicals, operation and maintenance of mowers, edgers, blowers and other combustion based yard equipment, as well as manhours; and

WHEREAS, community-wide Florida Friendly landscape efforts are designed to save significant amounts of water to preserve local water supplies such that cumulative benefits may reduce or postpone the need for community potable water supply expansion.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/COUNTY OF _____), FLORIDA, as follows:

3. SHORT TITLE

This ordinance shall be known and may be referred to as the (City/County of _____) Florida Friendly Landscape Regulations.

4. AUTHORITY

This ordinance is adopted by the (City/County of _____) under its home rule powers, its police powers to protect the public health, safety, and welfare, and under powers pursuant to the authority granted by Sections 125.568 (Counties) and 166.048 (Cities), Florida Statutes, in order to implement and enforce the standards, rules and regulations as set forth herein.

5. ADMINISTRATIVE STANDARDS

Whenever, in the course of administration and enforcement of this ordinance, it is necessary and desirable to make any administrative decision, then, unless other standards are in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this ordinance or injurious to the surrounding neighborhood or the community at large.

6. PURPOSE AND INTENT

The purpose of these regulations is to establish minimum standards for the development, installation, and maintenance of landscape areas without inhibiting creative landscape design, construction and management. This ordinance requires specific BMPs that include water conservation measures, the preservation of natural vegetation where applicable, and appropriate plant selection and location. It also requires BMPs for the use of fertilizers, pesticides and appropriate maintenance practices such as proper pruning techniques, mulching and composting. Implementation of BMPs will aid in improving environmental quality and the aesthetic appearance of public, commercial, industrial, and residential areas.

It is also the intent of this ordinance to raise the standards for sustainability and a “Florida Friendly” landscape. These guidelines and landscape rules are established to help each community, builder, business and homeowner be a partner in improving and protecting Florida’s environment.

These rules are based on the premise that the quality of Florida’s surface and ground water is affected by stormwater runoff and leachate. Improper landscape design construction and management may contribute to nonpoint source pollution that affects ground and surface

water quality. Use of BMPs in proper landscape design and maintenance can reduce pollution, as well as save labor, resources, and money. Application of BMPs will also help to enhance property values, improve Florida's quality of life and protect natural resources for Florida residents well into the future.

The Florida Friendly landscape concept is based on the principles of the Florida Yards and Neighborhoods and Environmental Landscape Management programs operated by the University of Florida Cooperative Extension Service, along with the Xeriscape programs of the State's Water Management Districts, and BMPs identified in the *Green Industries Best Management Practices for Protection of Water Resources in Florida* (2002).

The *Florida Yards & Neighborhoods Handbook*, the *Waterwise Florida Landscape Guide*, FDEPs *Waterfront Property Owners Guide*, the *Green Industries Best Management Practices for Protection of Water Resources in Florida*, and *Water Right: Conserving our Water, Preserving our Environment* published by the International Turf Producers Foundation should be referred to before making landscape and other site decisions. In general, all landscapes shall be designed to minimize adverse effects on Florida's natural systems.

No part of these guidelines shall be interpreted to restrict creative designs or the inclusion of traditional landscape elements, such as vegetable gardens, fruit trees, arbors, water gardens, or furnishings.

Detailed explanations of the following components of a Florida Friendly Landscape are included in the previously cited documents. These documents should be referred to for the administration and enforcement of the regulations contained herein:

Site Planning and Design

Soil Analysis

Appropriate Plant Selection, Location, and Arrangement

Efficient Irrigation

Practical Use of Turf

Yard Waste Management, Composting and Use of Mulches

Fertilization

Pesticide management

Landscape Maintenance

Waterfront Considerations

APPLICABILITY

The provisions of this ordinance shall apply to the development, redevelopment, rehabilitation, and maintenance of all property within present or future incorporated areas of the (City/County of _____) which are subject to the provisions of Chapter _____, Site Plan Review; Chapter _____, Planned Unit Developments; or Chapter _____, Subdivisions and Plats of the (City/County of _____), Land Development Code.

No permit shall be issued for building, paving, or tree removal unless the landscape plan complies with the provisions hereof; and no Certificate of Occupancy shall be issued until the requirements herein are met.

All City/County facilities will be managed in accordance with these practices within one year of the approval of this Regulation. All City/County landscape service contractors will adhere to these practices. All new bid specifications and contracts will reflect this requirement beginning one year after the approval of this regulation.

All new and renovated City/County facility landscapes will be designed in accordance with these principles and be constructed and installed using Florida Friendly landscape materials.

If the provisions of this ordinance conflict with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

Specific application of the provisions shall include, but not be limited to:

- All new redeveloped, or rehabilitated landscapes for public agency projects and private development projects including but not limited to industrial, commercial, and recreation projects;
- Developer-installed landscapes at entrances into and common areas of single-family and multi-family projects;

Any development approved prior to the effective date of this ordinance if the governing site development plan is amended;

Exempted from the provisions of this ordinance are the following as applicable:

Bonafide agricultural activities;

Golf courses and specialized athletic fields;

Any development that is governed by an approved, final site development plan or a valid building permit issued prior to the effective date of this ordinance.

Rights-of-way for public utilities, including electrical transmission and distribution lines, and natural gas pipelines.

Conditional exemption may be granted by (to be inserted by local government) for

individual projects if the applicant can demonstrate acceptable reasons for the requested exemption.

8. DEFINITIONS

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and the word "person" includes a firm, corporation, county, municipal corporation, or natural person. The term "council" or "commission" shall mean Council or Commission of the (City/County of _____), and the word "city" or "county" shall mean the (City/County of _____) of the State of Florida. The word "used" shall be deemed to include the words "arranged", "designed", or "intended to be used", and the word "occupied" shall be deemed to include the words "arranged", "designed", or "intended to be occupied". Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

Assessed Value. The value as published by _____ County's Property Appraiser's office.

Automatic Controller. A mechanical or electronic device, capable of automated operation of valve stations to set the time and duration of a water application.

Best Management Practices (BMPs). A practice or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

Bubblers. Irrigation heads that flood the soil area surrounding the bubbler head.

Constant Pressure/Flow Control. A device that prevents continual cycling of irrigation pumps.

Developed landscape area. All outdoor areas that require irrigation.

Emitter. This term primarily refers to devices used in microirrigation systems.

Filter. A device in irrigation distribution systems that separates sediment or other foreign matter.

Florida Friendly. Describes practices or actions that help to preserve Florida's natural resources and protect the environment.

Florida Friendly Landscape. A landscape that incorporates the BMPs and philosophies promoted by programs such as Florida Yards and Neighborhoods/Environmental Landscape Management and Xeriscape™

Ground Cover. Low growing plants, other than turfgrass, used to cover the soil and form a continuous, low mass of foliage.

Hardscape. Areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation.

High Water Use Plants. Plants characterized by high transpiration rates and shallow rooting, which require regular supplemental water in addition to natural rainfall to survive.

Hydrozone. A distinct grouping of plants with similar water needs and climatic requirements.

Infiltration Rate. The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

Irrigation Design Capacity. The maximum amount of water calculated to flow through an irrigation system, or section of a system, based on pipe size, pipe material, operating pressure, and other factors.

Irrigation System. A permanent, artificial watering system designed to transport and distribute water to plants.

Landscape Plans. Landscape Plans can include a plant list, a planting plan, an irrigation plan, or a grading plan drawn at the same scale and that clearly and accurately identify specified plants, irrigation layout, equipment, finish grades and drainage, specifications and construction details, plan sheet numbers, and drawing date of plans.

Landscaped Area. The entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and non-porous areas. Water features are included in the calculation of the landscaped area. This landscaped area includes xeriscape as defined in Chapter 373.185(1)(b), F.S.

Landscape. Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

Low-flow Point Applicators. Irrigation applicators, commonly called drip irrigation, with output measured and expressed in gallons per hour (gph), that apply water directly to soil in the plants root zone.

Low Water Use Plants. Plants that survive on natural rainfall without supplemental water.

Microclimate. The climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind, than surrounding areas or the area as a whole.

Microirrigation (low volume). The frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation,

previously referred to as trickle irrigation, low volume, or low flow irrigation.

Moderate Water Use Plants. Plants that survive on natural rainfall with supplemental water during seasonal dry periods.

Moisture Sensing Device or Soil Moisture Sensor. A device to indicate soil moisture in the root zone for the purpose of controlling an irrigation system based on the actual needs of the plant.

Mulch. Non-living, organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native Vegetation. Any plant species with a geographic distribution indigenous to all, or part, of the State of Florida.

Overhead Irrigation. An irrigation method that delivers water to the landscape in a spray or stream-like manner from above-ground irrigation nozzles with output expressed in gallons per minute (includes micro-misters).

Overspray. Water that would be delivered by irrigation nozzles beyond the targeted landscape area during windless conditions onto any adjacent hardscapes or other non-landscaped areas during an irrigation cycle.

Pervious Paving Materials. A porous asphaltic, concrete or other surface and a high-void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

Plant Bed. A grouping of trees, shrubs, ground covers, perennials or annuals growing together in a defined area devoid of turfgrass, normally using mulch around the plants.

Plant Communities. An association of native plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Point of Connection (POC). The location where an irrigation system is connected to a water supply.

Pop-up Sprinklers. Spray heads that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.

Pressure Tank. A pressurized holding tank for irrigation water coming from wells to minimize cycling of the water pump.

Pump Cycling. Irrigation pump coming on and shutting off frequently during operation of irrigation systems.

Rain Sensor Device. A low voltage electrical or mechanical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.

Rotor Sprinklers. Sprinkler heads that provide water as they rotate through a set arc of operation.

Runoff. Water which is not absorbed by the soil or landscape and flows from the area.

Site Appropriate Plant. A plant that will thrive within the environmental conditions that are normal for a specific location.

Soil Texture. The classification of soil based on the percentage of sand, silt, and clay in the soil.

Turf and/or Turfgrass. A mat layer of monocotyledonous plants such as Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia.

Valve. A device used to control the flow of water in the irrigation system.

Irrigation Zone. A grouping of sprinkler heads or microirrigation emitters so that they can be operated simultaneously by the control of one valve according to the water requirements of the plants used.

Water Use Zone. See “Hydrozone”.

9. SPECIFIC PROVISIONS AND DESIGN STANDARDS

When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, expansion or change in use of a previously developed site is such that site plan review by the (to be inserted by the Local Government) is required prior to the issuance of a building permit, the provisions of this ordinance shall be applied to such site. Any such construction or development activity requiring said site plan or landscape plan which requires local approval shall be designed to be consistent with the Florida Friendly landscape standards established herein and submitted in compliance with the requirements of state law.

Site Planning and Design

Site plans shall identify all vegetated areas to be preserved. The developer for each site shall be responsible for protecting trees and other vegetation from construction damage, material storage, and worker carelessness.

All invasive exotic plant species shall be removed from each site prior to the beginning of construction. For purposes of determining plant species to remove, refer to Department of Agriculture and Consumer Services “Noxious Weeds” rule Chapter 5B-57, F.A.C. and Department of Environmental Protection “Prohibited Plants” rule Chapter 62C-52. F.A.C.

The removal of existing trees and vegetation on a site to be developed and the protection of native trees and vegetation to remain on the site shall be regulated as follows:

(To be inserted by the local government)

The landscape design should consider natural drainage features to minimize runoff. The use of pervious surfaces and areas is preferred, therefore impervious surfaces and materials within the landscaped area shall be limited to borders, sidewalks, step-stones, and other similar materials, and shall not exceed (To be inserted by the local government) % of the landscaped area.

Gravel, river rock, shell and similar materials shall not be used as a major landscape ground cover or mulch. Small amounts of these materials may be used around pool areas, in select beds or as part of a French-drain system. In no case may these materials occupy over (To be inserted by the local government) % of the landscape surface area as they increase the need for herbicide use, have low habitat value, reflect rather than absorb heat, and do not produce oxygen like plants.

The solar orientation of the property and its relationship to other properties will be considered as this may produce different microclimate exposures (e.g., sun vs. shade, southern vs. northern exposure, surrounded by heat-reflective surfaces, etc).

Landscape plans shall include, but not be limited to the following:

Planting Plan: *For single-family and duplex homes that are not part of a larger planned development, conceptual drawings by the owner or a landscape designer will be acceptable. For all others,* planting plans must accurately identify and locate, but are not limited to the following:

- i. New and existing trees, shrubs, ground covers and turf areas within the developed landscape area;
- ii. Plants by Latin and common name, and where applicable, cultivar name; spacing, and quantities of each type of plant by container size;
- iii. Property lines, streets and street names;
- iv. Driveway(s), sidewalk(s) and other hardscape features as necessary;
- v. Pool(s), fountain(s), fence(s) and retaining wall(s);
- vi. Existing and proposed buildings;
- vii. Indicate in a table the total square footage(s) of the various landscape hydrozones on the plan. If more than one water meter serves the site, the total hydrozone square footages of the various hydrozones must be identified with each Point of Connection (POC) and meter providing water service.

Irrigation Plan: The irrigation plan shall be drawn to the same scale as the planting plan. The irrigation plan shall be separate from but in the same format as the planting plan. Irrigation plan shall be designed to recognize differential irrigation requirements of the landscape as described in Section E. *Performance specifications meeting the requirements of this Ordinance will be acceptable for single-family and duplex services that are not part of a larger planned development if irrigation plan drawings are not available.* As-Built plans shall be submitted prior to issuance of the Certificate of Occupancy. The irrigation

plan shall show but not be limited to the following:

- i. Irrigation point(s) of connection and design capacity;
- i. Water service pressure at irrigation POCs;
- ii. Water meter size;
- iii. Reduced-pressure-principle backflow-prevention devices for each irrigation POC;
- iv. Major components of the irrigation system, including all pipe sizes and lengths.
- v. Precipitation rate expressed in inches per hour for each overhead spray, bubbler (calculated by dividing gallons per minute output of valve circuit by irrigation area square footage), and low-flow point irrigation circuit (calculated by dividing gallons per minute output of valve circuit by hydrozone square footage for ground covers, or 65% of hydrozone area for station plantings). The landscape agent must attach to the Project Data Sheet the calculations for deriving precipitation rates for each irrigation valve circuit;
- vi. Total flow rate in gallons per minute (gpm) and operating pressure (psi) for each individual overhead and bubbler circuit, and gallons per hour (gph) and operating pressure for low-flow point irrigation circuit;
- vii. Irrigation legend will have the following elements: Separate symbols for all irrigation equipment with different spray patterns and precipitation rates and pressure compensating devices; general description of equipment; manufacturer's name and model number for all specified equipment; operating pressure per nozzle and bubbler and low-flow emitter; manufacturer's overhead and bubbler irrigation nozzle rating in gallons per minute (gpm), or gallons per hour (gph) for low-flow point applicators; minimum (no less than 75% of maximum spray radius) and maximum spray radius per nozzle; and manufacturer's rated precipitation rate per nozzle at specified psi;
- viii. Recycled-water piping and guidelines as required; Reclaimed or non-potable water shall be used for irrigation if an acceptable source is determined to be available by the (City/ County) Engineer.
- ix. Identify location of rain shut-off devices or soil moisture sensors.
- x. The irrigation system must take any existing slopes over 15% into account.
- xi.

Grading Plan: The grading plan shall be drawn at the same scale as the planting and irrigation plans. The grading plan must show all finish grades, spot elevations as necessary, drainage, and existing and new contours within the developed landscape area. *For single-family and duplex homes that are not part of a larger planned development, a landscape grading plan, separate from that otherwise required for a building, environmental, or stormwater permit, shall not be required.*

B. Soil Analysis

Soils vary from site to site and even within a given site. Soil analysis information is needed for proper selection of plants and, if needed, soil amendments. A soil analysis based on random sampling is required and will be performed by a reputable soil testing lab or University of Florida/IFAS Cooperative Extension facility.

A soil analysis satisfying the following conditions shall be submitted as part of the Landscape Plan.

- Determination of soil texture, indicating the percentage of organic matter.
- Measurement of pH, and total soluble salts.

Existing topsoil shall be stockpiled and re-spread during final site grading.

Any new soil required shall be similar to the existing soil in pH, texture, permeability, and other characteristics, unless convincing evidence is provided that a different type of soil amendment approach is justified.

Appropriate Plant Selection, Location, and Arrangement

Plant selection should be based on the plant's adaptability to the landscape area, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color and texture.

Plant selection must also consider prohibited invasive exotic plant species and controlled plant species. For purposes of determining prohibited and controlled plant species refer to Department of Agriculture Chapter 5B-57 and Department of Environmental Protection Chapter 62C-52. Plants named in these statutes may not be used.

Plants shall be grouped in accordance with their respective water and maintenance needs. The water use zones shall correlate to the water use zone designations of plants listed in the Approved Plant List of the Landscape Ordinance. Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together and irrigated based on their water requirements. The water use zones shall be shown on the Landscape Plan. Exceptions will be granted for the first year following planting because it is recognized that all newly installed plants require regular, moderately applied watering for a period of time to become established. The Water Use Zones (or Hydrozones) are as follows:

High Water Use Zone – Consists of plants characterized by high transpiration rates and shallow rooting, which require regular supplemental water in addition to natural rainfall to survive. The combined size of all high water use zones shall be limited to X% (to be determined by local govt.) of the total developed landscape area. In landscapes irrigated with recycled water, the allowable size of all high water-use zones shall be increased to not more than X% (To be determined by local government.) of the total developed landscape area. These high water-use limits do not apply to developed landscape areas requiring large amounts of turf for their primary functions, e.g., ballfields and playgrounds.

Moderate Water Use Zone – Consists of plants that survive on natural rainfall with supplemental water during seasonal dry periods.

Low Water Use Zone – Consists of plants that survive on natural rainfall without supplemental water.

D. Turf Areas

The type and location of turf areas shall be selected in the same manner as with all the other plantings. Irrigated turf shall not be treated as a fill-in material but rather as a major planned element of the landscape. Where turf varieties require supplemental watering at frequencies different than the other types of landscape plants, turf shall be placed so that it can be irrigated using separate zones. While turf areas provide many practical benefits in a landscape, how and where it is used can result in a significant reduction in water use.

Irrigated turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for septic tank drainfields and required drainfield reserve areas, or provide soil erosion control such as on slopes or in swales; and where turfgrass is used as a design unifier, or other similar practical use. No turf grass that requires mowing shall be allowed on slopes greater than 4:1 or within 6 feet of the waters edge, except where adjacent to seawalls and bulkheads. Turf areas shall be identified on the landscape plan.

E. Efficient Irrigation

If an irrigation system is desired, it will be designed, constructed, operated and maintained according to the *Green Industries Best Management Practices for Protection of Water Resources in Florida* (2002). Water can be conserved through the use of a properly designed and managed irrigation system. Irrigation scheduling information, with instructions for seasonal timer and sensor changes, shall be provided to the owner at the time of installation. An irrigation valve site map detailing valve locations, gallons per minute demands, precipitation rates, plant types within valve circuits, and operating pressure requirements for each valve shall be developed. This map should be attached inside each irrigation controller or be kept in another readily available location if it is not practical to insert it in a small controller.

The irrigation system shall be designed to correlate to the organization of plants into zones as described in (A) above. The water use zones shall be shown on the Irrigation Plan. All plants (including turf) require watering during establishment. Temporary facilities may be installed to facilitate establishment.

Moisture sensing and/or rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient soil moisture. Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

If the water supply for the irrigation system is from a well, a constant pressure flow control device or pressure tank with adequate capacity shall be required to minimize pump "cycling".

Check valves must be installed at irrigation heads as needed to prevent low head drainage and puddling.

Nozzle precipitation rates for all heads within each valve circuit must be matched to within 20% of one another.

No water spray from irrigation systems shall be applied under roof overhangs.

Irrigated areas shall not be less than 4 feet wide, except when next to contiguous property.

A pressure-regulating valve shall be installed and maintained if static service pressure exceeds 80 pounds per square inch. The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and set at not more than 50 pounds per square inch when measured at the most elevated fixture in the structure served. This requirement may be waived if satisfactory evidence is provided that high pressure is necessary in the design and that no water will be wasted as a result of high-pressure operation.

F. Yard Waste Management, Composting and Use of Mulches

Yard wastes should never be discarded or stored by shorelines, in ditches or swales, or near storm drains. Yard wastes release nutrients as they decompose which may pollute the receiving water. Improper disposal of yard wastes can also contribute to flooding by causing stormwater runoff to backup in drainage systems.

Yard clippings and leaves should be shredded for use as mulch or be composted for use as fertilizer. The resulting materials are excellent soil amendments and conditioners.

Grass clippings are a benefit to lawns, replacing nutrients drawn from the soil and as mulch that helps retain moisture, lessening the need to irrigate. Grass clippings should be left on your lawn. Mulching mowers are recommended, because the grass clippings are chopped very finely by special blade and shroud configurations. If a conventional mower equipped with a side discharge chute is used, the following practices should be employed. When mowing near the shoreline, direct the chute away from the waterbody. When mowing upland areas, direct the chute back onto the yard, not onto the road or driveway.

Mulches applied and maintained at appropriate depths in planting beds assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch can also be used in places where conditions aren't adequate for or conducive to growing quality turf or ground covers. Mulches are typically wood bark chips, wood grindings, pine straws, nut shells, small gravel, and shredded landscape clippings.

A layer of organic mulch to a minimum depth of 3" shall be specified on the landscape plans in plant beds and around individual trees in turfgrass areas. Use of byproduct or recycled mulch is recommended. Mulch shall not be required in annual beds. Mulch rings should extend to at least 3 feet around freestanding trees and shrubs. All mulch should be renewed periodically. Mulches should be kept at least 6 inches away from any portion of a building or structure. Plastic sheeting and other impervious materials shall not be used under mulched areas.

G. Fertilization

All applications of fertilizer, other than by private homeowners on their own property, shall

be made in accordance with the most current version of the *Green Industries Best Management Practices for Protection of Water Resources in Florida* and recommendations of the University of Florida Cooperative Extension Service.

Private homeowners should utilize the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program and the University of Florida IFAS Fact Sheet ENH-860.

H. Pesticide Management

All landscape applications of pesticides for hire shall be made in accordance with State and Federal Law and with the most current version of the *Green Industries Best Management Practices for Protection of Water Resources in Florida*.

Homeowners should use an Integrated Pest Management Strategy as currently recommended by the University of Florida Cooperative Extension Service and Florida Yards & Neighborhoods publications.

When utilizing pesticides, all label instructions are federal law and must be strictly adhered to.

I. Landscape and Irrigation Maintenance

Proper landscape and irrigation maintenance will preserve and enhance a quality landscape and help to ensure water-efficiency.

A regular irrigation maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the season.

To maintain the original performance and design integrity of the irrigation system, repair of the equipment shall be done with the originally specified materials or their equivalents, unless exempted by the reviewing department for the following reason: (To be inserted by local government)

Landscape maintenance for hire should be performed in accordance with recommendations in the *Green Industries Best Management Practices for Protection of Water Resources in Florida*.

Landscape maintenance by homeowners should be performed in accordance with recommendations of the University of Florida Cooperative Extension Service and Florida Yards & Neighborhoods publications.

Shoreline Considerations

Ideally, shorelines should remain completely natural to most effectively use or absorb nutrients. Unfortunately, many waterfront property owners have removed beneficial vegetation and formed sandy beaches along their shorelines. This loss of a natural buffer

may contribute to shock loads of nutrients and other pollutants affecting the waterbody and may lead to erosion.

Shoreline vegetation can often be restored through aquascaping. Advice regarding appropriate plants for aquascaping and locating sources for these plants in your area may be obtained by contacting the Department of Environmental Protection's Bureau of Invasive Plant Management, the UF Cooperative Extension Service in each county and/or the UF Center for Aquatics and Invasive Plants. A simple free of charge permit may be required from DEPs Bureau of Invasive Plant Management for activities involving aquatic plants along freshwater shorelines.

Vegetation height should extend well above the water level. There is a direct correlation between height and a plant's ability to absorb nutrients. Shoreline plants should not be fertilized or treated with herbicides.

No grasses that require mowing shall be allowed within 6 feet of the water's edge, except where seawalls and bulkheads exist. See section F. for mowing details
Decks along the waters edge and into the water shall meet all local and state government regulations and any (other) requirements. The maximum distance any structure may protrude into the water is X feet (To be inserted by local government) from the normal high water mark on the bank. The maximum total width of a deck structure along the shoreline of any lot is 20% of the waterfront footage of that lot. The remainder of the shoreline should remain as natural as possible. Lot owners located on ditches may add 20' to their front footage for calculation purposes. Special permits may be required. No structures are permitted that obstruct the flow of water.

The *Florida Waterfront Property Owners Guide* published by the Florida Department of Environmental Protection should be referred to for additional information about Florida Friendly shoreline practices .

10. EDUCATION

To assist in public information, the education of its citizens, and the effective implementation of this ordinance, the (City/County) will coordinate its efforts with those of the Water Management District and the (_____ County) Agricultural Extension Service and other agencies. These entities should jointly sponsor semi-annual workshops on the design principles and standards of Florida Friendly landscapes.

All persons providing landscape maintenance services for hire (including appropriate City/County Maintenance Operations staff) will be trained in the Florida Yards & Neighborhoods Environmental Landscape Management Course and the the *Green Industries Best Management Practices for Protection of Water Resources in Florida* within one year of the approval of this Regulation. New employees will be trained within 180 days of starting a new position. Government facilities should serve as educational examples and demonstration sites of building, landscape, and/or design principles related to natural resource conservation including water, energy, and landscapes. Informational signs should be displayed and brochures made available for public use.

11. INCENTIVES

Any development/landscape plan which exceeds the Florida Friendly landscape design principles and standards established by this ordinance will be granted special staff consideration and will be expedited through the landscape review portion of the site-plan review process.

In addition to a streamlined processing, any development/landscape plan that exceeds the water-efficient design principles and standards established by this ordinance shall receive a reduction in the (City/County) permit application fee.

Individual home owners or residents who are not required to but voluntarily submit a development/landscape plan that meets the Florida Friendly design principles and standards established by this ordinance shall receive a reduction of their monthly utility water charges. This reduction will remain in effect provided that the landscaped areas are consistently maintained in accordance with Florida Friendly landscape principles and the total monthly water consumption does not exceed X gallons (To be inserted by local government).

Local businesses that are not required to but voluntarily utilize the recommended practices shall be recognized annually through (various incentives and public recognition programs to be specified by local government).

12. ENFORCEMENT AND MONITORING

Implementation and enforcement of these regulations shall consist of:

A. Licensing

In order to obtain or renew an occupational license, proof is required that a minimum of 4 Continuing Education Credits (CEUs) from an approved training organization (See list of known providers below) in principles of Florida Friendly landscape management have been granted within the previous 12 months. A valid pesticide license issued under Ch. 482 or Ch 487 F.S., or certification as a landscape professional by a recognized professional association, shall be accepted as proof of such training. _____ Department of the City/County shall maintain a list of approved certification programs and training organizations, including in-house corporate programs.

Known providers of acceptable training are: University of Florida Cooperative Extension Service, Florida Nurserymen and Growers Association (FNGA)....

B. Field Certification

Other than for single-family and duplex homes that are not part of a larger planned development, a final field observation shall be conducted. Except where exempt under Florida Statutes Chapter 481.329, this observation shall be performed by a landscape

architect licensed or certified by the State of Florida. A certificate of substantial completion or other demonstration of compliance with the ordinance shall be provided to the (City/County). The certificate shall specifically include reference to the landscape, irrigation system, the irrigation audit, and any other requirements of the (City/County). *For single-family and duplex homes that are not part of a larger planned development, the final building inspection shall be deemed adequate for this purpose.*

C. Inspections

The (City/County) Code Enforcement Officer or designated inspectors shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this ordinance, in order to determine if applicable provisions of the Code of Ordinances and regulations relating to Florida Friendly landscaping are being followed.

Inspections may be made without notice, and refusal to allow such an inspection shall be deemed a violation of this ordinance. Such failure to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant for the purpose of inspecting, surveying or examining said premises.

In the event a building, structure, or land appears to be vacant or abandoned, and the property owner cannot be readily contacted in order to obtain consent for an inspection, the Code Enforcement Officer or inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection thereof.

The Code Enforcement Officer or inspector shall be provided with official identification and exhibit such identification when making any inspection.

It shall be the duty of all law enforcement officers to assist in making inspections when such assistance is requested by the Code Enforcement Officer or inspector.

D. Notice of Violation, Notice of Hearing and Hearing Procedure -

Whenever the Code Enforcement Officer or an inspector determines that there is a violation of this ordinance, the officer or inspector shall follow the procedures established for bringing a case before the Code Enforcement Board or any alternative code enforcement body or shall seek injunctive relief as provided below. A notice to cease a land use activity or permit issued under this ordinance, shall not relieve the owner or operator of the obligation to comply with any other applicable state, regional or local code, regulation, rule ordinance, or requirement. Nor shall said notice or permit relieve any owner or operator of any liability of violation of such codes, regulations, rules, ordinances, or requirements.

E. Injunctive Relief

If any person engages in activities regulated by this ordinance without having obtained an approved permit as provided within this ordinance or continues in violation of the provisions of this ordinance or the regulations promulgated pursuant thereto, then the (City/County) may file an action for injunctive relief in a court of competent jurisdiction.

13. FEES

Permit Fees

Prior to the issuance of a permit, the applicant shall pay a fee as set forth by the Resolution No. _____, 20___. Such fee shall be used to defray the cost of monitoring the compliance of this ordinance.

14. VARIANCES

As provided in Chapter ___ of these Land Development Regulations, the Board of Adjustment is hereby authorized to grant variances in accordance with stated provisions and can attach conditions to variances granted.

15. VIOLATIONS AND PENALTIES

For any violation which does not constitute a threat to life or property, the (City/County) shall have the authority to issue a citation. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his agent, or to the person doing the work. The receipt of a citation shall require that corrective action be taken within thirty (30) calendar days, unless otherwise extended at the discretion of the (City/County). If the required corrective action is not taken within the time allowed, the (City/County) may use any available civil or criminal remedies to secure compliance, including revolving a permit.

The (City/County) shall have resource to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this section of this ordinance, including injunctive relief to rejoin and restrain any person from violating the provisions of this section of this ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.

A conviction for violation of the provisions of this section shall be punishable by a fine or imprisonment, or both such fine and imprisonment as provided in Section 125.69, Florida Statutes.

16. CONFLICTS AND RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by this ordinance conflict with other ordinances or regulations, or are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

17. SEVERABILITY

This ordinance and the various parts, sections, subsections and clauses thereof, are hereby

declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause be adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portion of the ordinance to other property, buildings, or structures shall not be affected thereby.

18. INCLUSION IN CODE, CODIFICATION, SCRIVENERS ERRORS

The provisions of this ordinance shall become and be made a part of the existing landscape regulations of the (City/County of _____). Sections of the ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "chapter", "article", or such other appropriate word or phrase in order to accomplish such intentions. Sections of this ordinance may require the correction of typographical errors which do not affect the intent. Such corrections may be authorized without need of a Public Hearing, by filing a corrected or recodified copy of same with the clerk of the (City/County of _____).

19. REPEAL

The existing regulations of the (City/County of _____), being Chapter _____ of the City/County Code as amended, are hereby repealed. The adoption of this ordinance; however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Chapter _____, as amended, if the violation is also a violation of the provisions of this ordinance.

20. EFFECTIVE DATE

This ordinance shall take effect _____, 20__.

PASSED ON FIRST READING _____ (Date)

PASSED ON SECOND AND
FINAL READING AND ADOPTED _____ (Date)

(Signature) (Name)
Mayor-Commissioner or Chairman

Attest:

(Signature)

(Name)
City Clerk or Clerk of Circuit Court

Approved as to form and correctness:

— (Signature)
(Name)
City or County Attorney