

ORDINANCE NO. 2019- 1696.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING ARTICLE VIII, “LANDSCAPE REQUIREMENTS,” OF CHAPTER 90, “ZONING,” OF THE TOWN’S CODE OF ORDINANCES BY ESTABLISHING FLORIDA-FRIENDLY LANDSCAPE REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, “Landscape Requirements,” (the “Landscape Ordinance”) of Chapter 90, “Zoning” of the Town of Surfside (“Town”) Code of Ordinances (“Code”) utilizes xeriscaping landscape requirements, which are a set of seven principles (Planning and Design, Soil Improvements, Practical Turf Area, Efficient Irrigation, Mulch, Low Water Use Plants and Appropriate Maintenance) for water-wise landscaping (“Xeriscaping Principles”); and

WHEREAS, Xeriscaping Principles utilize the concept of planning, design and maintenance of the landscaping with a sensible approach for water efficiency that allows the conservation of water while providing an attractive landscape; and

WHEREAS, Miami-Dade County has adopted a Florida Friendly landscape ordinance, which has nine principles utilizing planning, design, installation and maintenance (Right Plant-Right Place, Water Efficiency, Fertilize Appropriately, Mulch, Attract Wildlife, Manage Yard Pest Responsibility, Recycle, Prevent Storm Runoff and Protection of Waterfronts) and is aimed at Florida’s unique natural resources; and

WHEREAS, the Florida Friendly landscape principles seek to reduce environmental impacts from landscaping by properly applying water, fertilizer and pesticides, creating a wildlife habitat, preventing erosion and recycling yard wastes; and

WHEREAS, the Town’s current Landscape Ordinance addresses, either explicitly or impliedly, the Florida Friendly landscape principles; and

WHEREAS, the Town Commission seeks to exceed the minimum requirements of the Miami-Dade County Ordinance and meet the requirements of Florida Friendly landscape principles; and

WHEREAS, the Town Commission seeks to reduce the impact of nutrients on surface and ground waters; and

34 WHEREAS, limiting the amount of fertilizer applied to the landscape will reduce the
35 risk of nutrient enrichment of surface and ground waters; and

36 WHEREAS, effective nutrient management requires more comprehensive control
37 measures; and

38 WHEREAS, the Town Commission has determined that the use of fertilizers on lands
39 within the Town creates a risk to contributing to adverse effects on surface and/or ground water;
40 and

41 WHEREAS, the Town Commission finds that Article VIII, "Landscape Requirements,"
42 of Chapter 90, "Zoning" of the Town Code should be amended to enhance, strengthen, and
43 provide a safer environment for the Town; and

44 WHEREAS, the Town Commission finds that this Ordinance is necessary for the
45 preservation and improvement of the environment, public health, safety and welfare of the
46 Town's residents and visitors.

47 NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE
48 HEREBY ORDAINS:¹

49 Section 1. Recitals. The above-stated recitals are true and correct and are
50 incorporated herein by this reference.

51 Section 2. Town Code Amended. The Code of the Town of Surfside, Florida is
52 hereby amended by amending Article VIII, "Landscape Requirements," of Chapter 90, "Zoning"
53 as follows:

54 Chapter 90 – Zoning

55 ***

56 Article VIII. – Landscape Requirements

57 Sec 90-85. - General.

58 **90-85.1 Purpose and intent. The general purposes of this section are as follows:**

- 59 (1) To encourage the establishment of a functional landscape and improve the aesthetic
60 quality, thereby promoting the health and general welfare of its citizenry in the Town of
61 Surfside;

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with highlighted ~~double strikethrough~~ and double underline.

- 62 (2) To create and enhance the aesthetic subtropical character and identity distinctiveness of
63 the Town of Surfside;
- 64 (3) To design landscaping to enhance architectural features, relate structure design to the
65 site, visually screen sites and unsightly views, reduce noise impacts from major
66 roadways and incompatible uses, strengthen important vistas and reinforce neighboring
67 site design and architecture,
- 68 (4) To prevent the expansion of the listed pest plant species by prohibiting the use of
69 noxious exotic plants which invade native plant communities;
- 70 (5) To promote the use of more wind tolerant trees and proper horticultural planting
71 methods in order to maintain a more sustainable landscape;
- 72 (6) To promote ~~landscape~~ Florida Friendly principles through the use of drought-tolerant
73 landscape species, grouping of plant material by water requirements, right plant in the
74 right place, appropriate fertilization, the use of irrigation systems that conserve the use
75 of potable and non-potable water supplies, mulching and restrictions on the amount of
76 lawn areas;
- 77 (7) To utilize landscape material, specifically street trees, to visually define the hierarchy of
78 roadways, and to provide shade and a visual edge along roadways;
- 79 (8) To prevent the destruction of the town's existing tree canopy and promote its expansion
80 to be valued and preserved for present and future generations;
- 81 (9) To provide for the preservation of existing natural plant communities and re-establish
82 native habitat where appropriate, and encourage the appropriate use of native plant and
83 salt tolerant plant material in the landscape and where applicable, encourage appropriate
84 wildlife habitat areas;
- 85 (10) To promote the use of trees and shrubs for energy conservation by encouraging
86 cooling through the provision of shade and the channeling of breezes, thereby helping to
87 offset global warming and local heat island effects through the added absorption of
88 carbon dioxide and reduction of heat islands;
- 89 (11) To contribute to the processes of air movement, air purification, oxygen
90 generation, ground water recharge, and stormwater runoff retention, while aiding in the
91 abatement of noise, glare, heat, air pollution and dust generated by major roadways and
92 intense use areas;
- 93 (12) To improve the aesthetic appearance of the town through the use of plant material,
94 thereby protecting and increasing property values within the community;
- 95 (13) To promote the concept of planting the right tree or plant in the right place to
96 avoid problems such as clogged sewers, cracked sidewalk and power services
97 interruptions;
- 98 (14) To provide the physical benefits of using plant material as a function and integral
99 part of the Town of Surfside's development;
- 100 (15) To provide minimum standards for landscaping new developments or for
101 redevelopment;

- 102 (16) To promote water conservation and vegetation protection objectives by providing
103 for:
- 104 a. The preservation of existing plant communities pursuant to the requirements of
105 the Miami-Dade's Tree Preservation and Protection Ordinance;
 - 106 b. The reestablishment of native plant communities;
 - 107 c. The use of site-specific plant materials; and
 - 108 d. The implementation of ~~Xeriscape~~ Florida Friendly principles as identified in
109 Florida-Friendly Landscaping-Guide to Plant Selection & Landscape Design
110 South Florida Water Management District's Xeriscape Plant Guide II, as
111 amended, and as provided by law.

112 **90-85.2 Definitions.**

113 *Accessway*: A private vehicular roadway intersecting a public right-of-way.

114 *Applicant*: The owner or the authorized agent of the subject property.

115 *Application* or *apply* means the actual physical deposition of fertilizer to turf or landscape
116 plants.

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

118 *Approved test* means a soil test from the University of Florida, government, or other
119 commercial licensed laboratory that regularly performs soil testing and recommendations.

120 *Automatic controller* means a mechanical or electronic device, capable of automated
121 operation of valve stations to set the time, duration and frequency of a water application.

122 *Berm*: A linear earthen mound measured from the crown of the road or abutting finish floor
123 elevation and has a maximum slope of three to one. The berm shall consist of clean fill
124 composed of planting soil.

125 *Best management practices (BMP's)* means turf and landscape practices or combination of
126 practices based on research, field-testing, and expert review, determined to be the most
127 effective and practical site-specific means, including economic and technological
128 considerations, for improving water quality, conserving water supplies and protecting
129 natural resources.

130 *Buffer, perimeter landscape*: An area of flat a grade or bermed land which is set aside along
131 the perimeters of a parcel of land in which landscaping is required to provide an aesthetic
132 transition between adjacent plots to eliminate or reduce the adverse environmental impact,
133 and incompatible land use impacts.

134 *Canopy*: The upper portion of a tree consisting of limbs, branches and leaves.

135 *Clear trunk*: The distance between the top of the root ball along the vertical trunk or trunks
136 of a tree to the point at which lateral branching or fronds begin.

137 *Clear wood ("gray wood")*: The portion of the palm trunk which is mature hardwood
138 measured from the top of the root ball to the base of green terminal growth or fronds.

139 *Code enforcement officer, official, or inspector* means any designated employee or agent of
140 the Town of Surfside whose duty is to enforce codes and ordinances enacted by the Town.

141 Commercial applicator except as provided in F.S. § 482.1562(9), means any person who
142 applies fertilizer for payment or other consideration to property not owned by the person or
143 firm applying the fertilizer or the employer of the applicators.

144 ~~Commercial fertilizer applicator means any person who applies fertilizer on turf and/or~~
145 ~~landscape plants in the Town in exchange for money, goods, services or other valuable~~
146 ~~consideration.~~

147 *CPTED*: The acronym crime prevention through environmental design; design approach to
148 reduce crime and fear of crime by creating a safe climate within a building environment.

149 *Diameter breast height (DBH)*: The diameter of the tree trunk(s) measured at 4½ feet above
150 grade.

151 *Disturbed land/ground*: Any land where the original natural vegetation has been removed,
152 displaced, overtaken or raked.

153 Emitter primarily refers to devices used in microirrigation systems.

154 Fertilizing or fertilization means the act of applying fertilizer to turf, specialized turf or
155 landscape plants.

156 Fertilizer means any substance or mixture of substances that contains one or more
157 recognized plant nutrients and which promotes plant growth, controls soil acidity or
158 alkalinity, provides other soil enrichment, or provides other corrective measures to the soil.

159 Florida-friendly landscape. The principles of Florida-friendly landscaping include planting
160 the right plant in the right place, efficient watering, appropriate fertilization, mulching,
161 attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction
162 of stormwater runoff, and waterfront protections. Additional components of Florida-friendly
163 landscape include planning and design, soil analysis, the uses of solid waste compost,
164 practical use of turf, and proper maintenance.

165 *Functional landscaping*: The combination of living and nonliving materials that, when
166 installed or planted, creates an ongoing system providing aesthetic and environmental
167 enhancement to a particular site and surrounding area.

168 *Groundcover*: A dense, low-growing plant, other than turf, that, by the nature of its growth
169 characteristics completely covers the ground and does not usually exceed two feet in height.

170 Guaranteed analysis means the percentage of plant nutrients or measures of neutralizing
171 capability claimed to be present in a fertilizer.

172 *Hedge*: A dense row of evenly spaced shrubs planted to form a continuous, unbroken visual
173 screen.

174 Hydrozone means a distinct grouping of plants with similar water needs and climatic
175 requirements.

176 *Impervious area*: An area covered by a material which does not permit infiltration or
177 percolation of water directly into the ground.

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

180 Irrigated landscape area means all outdoor areas that require a permanent irrigation system.

181 Irrigation zone means a grouping of sprinkler heads, soakers, bubblers, or microirrigation
182 emitters operated simultaneously by the control of one valve.

183 Institutional applicator means any person, other than a private person applying fertilizer on
184 their own residential property or a commercial applicator (unless such definitions also apply
185 under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or
186 landscape plants. Institutional applicators shall include, but shall not be limited to, owners,
187 managers, or employees of public lands, schools, parks, religious institutions, utilities,
188 industrial or business sites, and any residential properties maintained in condominium and/or
189 common ownership.

190 *Irrigation:* The method of supplying plant materials with water other than by natural
191 rainfall.

192 *Landscape/landscaping:*

193 (1) When used as a noun, this term shall mean living plant materials such as grasses,
194 groundcover, shrubs, vines, trees or palms and nonliving durable materials
195 commonly used in environmental design such as, but not limited to, walls or fences,
196 aesthetic grading or mounding, but excluding pavers, paving, artificial turf, turf
197 block, rocks and structures.

198 (2) When used as a verb, this term shall mean the process of installing or planting
199 materials commonly used in landscaping or environmental design.

200 *Mulch:* Organic, arsenic free, material such as wood chips, pine straw or bark placed on the
201 soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

202 *Multi-trunk trees:* A tree that has a minimum of three trunks with no more than five trunks
203 of equal diameters originating from the ground and with angles no greater than forty-five
204 (45) degrees. ;b1; *NOTE:* The town can require either multi-trunk or single trunk on certain
205 trees.

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

208 Microirrigation (low volume) means the application of small quantities of water directly on
209 or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through
210 emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a
211 number of methods or concepts including drip, subsurface, bubbler, and spray irrigation,
212 previously referred to as trickle irrigation, low volume, or low flow irrigation that deliver
213 water directly to plant root zones with a high degree of efficiency, no runoff, and little to no
214 evaporation.

215 Moisture sensing device or soil moisture sensor means a device to indicate soil moisture in
216 the root zone for the purpose of controlling an irrigation system based on the actual needs of
217 the plant.

218 *Native habitat:* An area enhanced or landscaped with an appropriate mix of native tree,
219 shrub and groundcover species that resembles a native plant community in structure and
220 composition or is naturally occurring.

221 *Native plant community:* A natural association of plants dominated by one or more
222 prominent native plant species, or a characteristic physical attribute as indicated by the
223 Town of Surfside.

224 *Native plant species:* Native plant species shall be those plant species indigenous to the
225 ecological communities of South Florida, as indicated on lists provided by Town of
226 Surfside, or that can be scientifically documented to be native to South Florida.

227 *Open space:* All pervious landscape planting areas of the site.

228 *Overall height:* The height measured from the ground to the bend of the top most branch of
229 the tree. Overall height on palms: the measurement from the ground to the bend of the
230 topmost frond.

231 *Pervious areas:* Any portion of the ground unobstructed by a non landscape planting surface
232 which prevents or slows down the natural seepage of water into the ground.

233 *Planting soil/topsoil:* A medium composed of 50 percent sand and 50 percent muck. Palm
234 planting soils shall compose of no more than 80 percent sand and remainder soil consisting
235 of muck. It must be clear and free of construction debris, weeds and rocks, with a pH
236 between 6.5 and 7.

237 Person means any natural person, business, corporation, limited liability company,
238 partnership, limited partnership, association, club, organization and/or any group of people
239 acting as an organized entity.

240 Point of connection (POC) means the location where an irrigation system is connected to a
241 water supply.

242 Pop-up sprays means spray heads that pop up with water pressure and provide a continuous
243 spray pattern throughout a given arc of operation.

244 Pressure tank means a pressurized holding tank for irrigation water coming from wells to
245 minimize cycling of the water pump.

246 Pump cycling means irrigation pump coming on and shutting off frequently during operation
247 of irrigation systems.

248 Prohibited application period means the time period during which application of fertilizer is
249 prohibited due to the potential of run-off to negatively impact the environment, including
250 tropical storms and hurricane warnings, or for any portion of the Town where heavy rain has
251 been forecasted.

252 Rain sensor device means a low voltage electrical or mechanical component placed in the
253 circuitry of an automatic irrigation system that is designed to turn off a sprinkler controller
254 when precipitation has reached a pre-set quantity.

255 Runoff means water that is not absorbed by the soil or landscape and flows from the area.

256 *Redevelopment:* Any proposed expansion, addition, or facade change to an existing building,
257 structure, or parking facility. Redevelopment may also mean any rebuilding activity which
258 has no net increase in built-upon area or which provides equal or greater stormwater control
259 than the previous development. Exception to this definition, single family dwelling

260 redevelopment would be considered when 75 percent or greater of the existing structure is
261 knocked down.

262 Saturated soil means a soil in which the voids are filled with water. Saturation does not
263 require flow. For the purposes of this article, soils shall be considered saturated if standing
264 water is present or the pressure of a person standing on the soil causes the release of free
265 water.

266 Slow-release means nitrogen in a form which delays its availability for vegetative uptake
267 and use after application, or which extends its availability to the vegetation longer than a
268 reference rapid or quick release product. It includes the terms "controlled release", "timed
269 release," "slowly available" and "water insoluble nitrogen."

270 *Shrub:* A self-supporting, woody plant full to the ground with three or more branches
271 produced from the ground which could be maintained in a healthy state to the height
272 indicated on the landscape plans.

273 *Soil moisture sensor . See Moisture sensing device .*

274 Soil texture means the classification of soil based on the percentage of sand, silt, and clay in
275 the soil.

276 *Site-specific plant materials:* The use of plant species selected to minimize supplemental
277 irrigation, fertilization and pest control.

278 *Town:* The department or division of the Town of Surfside government that the town
279 manager has designated to enforce the landscaping requirements of this section.

280 *Tree:* A self-supporting, woody perennial plant, usually with one vertical stem or main
281 trunk, which naturally develops a distinct, elevated crown and provides, at maturity, natural
282 characteristics of the species.

283 (1) *Tree, Dicotyledonous (Dicot)* is a tree having a woody stem and branches and leaves
284 with net venation and having a separate, distinct outer bark which can be peeled from
285 the tree.

286 (2) *Tree, Monocotyledonous (Monocot)* is a palm or a tree having fronds with parallel
287 venation and no true woody bark with a minimum overall natural height of ten feet at
288 maturity.

289 *Tree abuse:*

290 (1) Hat racking, flat-cutting the top of a tree, severing leader or leaders of a tree.

291 (2) Pruning that reduces the total height or spread of a tree canopy by more than 30
292 percent in one year.

293 (3) Cutting upon a tree which destroys its natural habit of growth.

294 (4) Pruning that leaves stubs or results in a flush cut or splitting of limb ends.

295 (5) Peeling or stripping of bark or the removal of bark to the extent that if a line is drawn
296 at any height around the circumference of the tree, over one-third of the length of the
297 line falls on portions of the tree where the bark remains.

- 298 (6) The use of climbing spikes, nails or hooks with the exception for the purposed of
 299 total tree removal.
- 300 (7) Pruning that does not conform to the standards set by the American National
 301 Standards Institute (ASI A300), as amended, with the exception of palm pruning
 302 which shall allow no pruning of fronds above the horizontal plane.
- 303 (8) Using nails or other piercing devices for the purpose of attaching signage or any
 304 objects to a tree.
- 305 (9) Girdling of trees by guying, staking, support, string trimmers, or non-removal of
 306 planting materials from the root balls.
- 307 (10) Lawn mower string trimmer or deck damage inflicted on any portion of a tree.
- 308 (11) Vehicular damage inflicted causing bark removal, tree leaning and/or destruction.
 309 Also, any damage and/or compaction of the roots by vehicular usage.
- 310 (12) Structures being placed or constructed within a tree.
- 311 (13) Utilizing any portion of a tree as a fence or similar structural support.
- 312 (14) The use of oils, chemicals or other materials poured on the roots and/or trees.
 313 Also, the painting of trees with paint and/or other similar material.

314 ~~Turf: The upper layer of soil matted with roots of grass and covered by viable grass blades.~~
 315 A mat layer of living monocotyledonous grass plants such as, but not limited to, Bahia,
 316 Bermuda, Centipede, Seaside Paspalum, St Augustine, and Zoysia and their cultivars.
 317 However, this definition does not include any type of synthetic/artificial turf.

318 Urban landscape means pervious areas on residential, commercial, industrial, institutional,
 319 road rights-of-way or other nonagricultural lands that are planted with turf or landscape
 320 plants.

321 *Vegetation:* Angiosperms, gymnosperms, ferns and mosses.

322 *Vehicular encroachment:* Any protrusion of a motor vehicle outside of the boundaries of a
 323 vehicular use area into a landscape area.

324 *Vehicular use area (VUA):* An area used for loading, circulation, access, storage, parking, or
 325 display of any type of vehicle, boat, or construction equipment whether self-propelled or
 326 not.

327 *Vine:* Any plant with a long, slender stem that trails or creeps on the ground or climbs by
 328 winding itself on a support.

329 ~~*Xeriscape:* A landscaping method that maximizes the conservation of water by use of site-~~
 330 ~~appropriate plants and an efficient watering system.~~

331 **Sec. 90-86. - Landscape permit plans.**

332 ***

333 **90-86.3** The irrigation plan shall meet the following requirements:

- 334 (1) The same scale of the site plan, but no smaller than one inch equals 50 feet.

- 335 (2) Location of existing trees, vegetation and native plant communities to remain, if
336 applicable.
- 337 (3) Location of existing buildings, paving, and site improvements to remain.
- 338 (4) Location of proposed buildings, paving, site improvements, and water bodies.
- 339 (5) Main location with sleeves, size and specifications.
- 340 (6) Valve location, size and specifications.
- 341 (7) Pump location, size and specifications or water source.
- 342 (8) Backflow prevention device type and specifications.
- 343 (9) Controller locations and specifications.
- 344 (10) Zone layout plan (minimum scale 1" = 20"):
- 345 (11) Provide 100 percent coverage and 100 percent overlap.
- 346 (12) Indicating head-type, specifications and spacing.
- 347 (13) Indicate location and details of rain sensor, second water meter, and rainwater
348 citrons; and
- 349 (14) Indicating methods used to achieve compliance with ~~landscape~~ Florida Friendly
350 principles as required by F. S. ~~§166.048.~~ 373.228.
- 351 (15) Efficient Irrigation Design. All new irrigation installations shall meet the irrigation
352 standards identified per §373.228, F.S. These include:
- 353 1. Irrigation systems, including the use of micro-irrigation as appropriate, shall be
354 designed to meet the needs of the plants in the landscape.
- 355 2. When feasible, irrigation systems shall be designed to separately serve turf and
356 non-turf areas.
- 357 3. The irrigation system plans, and specifications shall identify the material to be
358 used and the construction methods.
- 359 4. The design shall consider soil, slope and other site characteristics in order to
360 minimize water waste, including overspray, the watering of all impervious
361 surfaces and other non-vegetated areas, and off-site runoff.
- 362 5. The system shall be designed to minimize free flow conditions in case of
363 damage or other mechanical failure.
- 364 6. The system shall be designed to use the lowest quality water feasible.
- 365 7. Rain switches or other approved devices, such as soil moisture sensors to
366 prevent unnecessary irrigation, shall be incorporated. (Section 373.62, F.S.)
- 367 9. A recommended seasonal operating schedule and average precipitation rate for
368 each irrigation zone for both establishment and maintenance conditions shall
369 be provided.
- 370 10. Control systems shall provide the following minimum capabilities:

- 371 i. Ability to be programmed in minutes, by day of week, season, time of
372 day,
- 373 ii. Ability to accommodate multiple start times and programs,
- 374 iii. Automatic shut off after adequate rainfall,
- 375 iv. Ability to maintain time during power outages for a minimum of three
376 (3) days, and
- 377 v. Operational flexibility to meet applicable year-round water
378 conservation requirements and temporary water shortage restrictions.
- 379 11. Recommended maintenance activities and schedules shall be included.
- 380 12. Precipitation rates for sprinklers and all other emitters in the same zone shall
381 be matched, except that micro irrigation emitters may be specified to meet the
382 requirements of individual plants.
- 383 13. Irrigation systems shall be designed to maximize uniformity, considering
384 factors such as:
- 385 i. Emitter types.
- 386 ii. Head spacing.
- 387 iii. Sprinkler pattern.
- 388 iv. Water pressure at the emitter.
- 389 14. Irrigation systems with main lines larger than two (2) inches or designed to
390 supply more than seventy (70) gallons per minute shall incorporate a means to
391 measure irrigation water use, at a minimum of ninety-five (95) percent
392 accuracy across the flow range.
- 393 15. Irrigation system plans and specifications shall require the system installer to
394 conduct final testing and adjustments to achieve design specifications prior to
395 completion of the system and acceptance by the owner or owner's
396 representative.
- 397 16. The irrigation system shall be designed to correlate to the organization plants
398 into zones as described in section 12-102 above. The water use zones shall be
399 shown in the irrigation plan. All plants (including turf) require watering during
400 establishment. Temporary facilities may be installed to facilitate establishment.
- 401 17. Rain shut-off switch equipment shall be required on automatic irrigation
402 systems to avoid irrigation during periods of sufficient soil moisture, in
403 accordance with Florida Law ([Section] 373.62, F.S.). Said equipment shall
404 consist of an automatic mechanical or electronic sensing device or switch that
405 will override the irrigation cycle of the sprinkler system when adequate rainfall
406 has occurred.
- 407 18. The installation of tracer wire along main lines and laterals shall be required to
408 permit easy location and prevent inadvertent cutting of pipes.

- 409 19. If the water supply for the irrigation system is from a well, a constant pressure
410 flow control device or pressure tank with adequate capacity shall be required to
411 minimum pump "cycling".
- 412 20. Check valves must be installed at irrigation heads as needed to prevent low
413 head drainage and puddling.
- 414 21. Nozzle precipitation rates for all heads within each valve circuit must be
415 matched to within twenty (20) percent of one another.
- 416 22. A pressure-regulating valve shall be installed and maintained if static service
417 pressure exceeds eighty (80) pounds per square inch. The pressure regulating
418 valve shall be located between the meter and the first point of division in the
419 pipe and set at a not more than fifty (50) pounds per square inch when
420 measured at the most elevated fixture in the structure served. This requirement
421 may be waived if satisfactory evidence is provided that high pressure is
422 necessary in the design and that no water will be wasted as a result of high-
423 pressure operation.
- 424 23. To assist the end user to operate the system property, in addition to the
425 minimum requirements of [Section] 373.228, F.S., the following are
426 encouraged to be provided to the owner at the time of installation. The map
427 shall be attached inside each irrigation controller or be kept in another readily
428 available location if it is not practical to insert into a small container.
- 429 1. Irrigation schedule information, with instructions for seasonal timer
430 and sensor changes;
- 431 2. Irrigation system plans and specifications including as-constructed
432 drawings, recommended maintenance activities and schedules;
- 433 3. Operations schedules, design precipitation rates, and instructions on
434 adjusting the systems to apply less water after the landscape is
435 established;
- 436 4. Maintenance schedule, water source, water shut-off method, and the
437 manufacturing operational guide for their irrigation controller;
- 438 5. To the extent feasible, similar information should be made available
439 for subsequent property transfers.
- 440 24. Reduced-pressure-principle backflow preventers shall be recertified
441 yearly.

442 **Sec. 90-87. - Installation of landscaping and irrigation.**

443 All landscaping and irrigation shall be installed according to accepted horticultural planting
444 procedures with the quality of plant materials as hereinafter described, including:

- 445 (1) Planting soil/topsoil shall be of the minimum quality as specified in the plant materials
446 section of this Code. All trees, palms, shrubs, and ground covers shall be planted with a
447 minimum of 12 inches or two times the root ball of planting soil around root ball. A
448 minimum of three inches of shredded, approved arsenic free, organic mulch or

449 groundcover shall be installed around each tree planting for a minimum of 18 inches
450 beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and
451 groundcover planting. The use of mulch obtained from Melaleuca, Eucalyptus, or other
452 invasive plant species is encouraged in order to reduce their impact on the environment
453 and to preserve the remaining native plant communities.

454 (2) All trees/palms shall be properly guyed and staked at the time of planting until one year
455 from landscape final or establishment. The use of nails, wire or rope, or any other
456 method which damages the trees or palm, is prohibited. All plants shall be installed so
457 that the top of the root ball remains even with the soil grade or ten percent of the root
458 flare is visible above the surrounding grade. All synthetic string, synthetic burlap, cords,
459 or wire baskets shall be removed before planting. 90-87(3)

460 (3) All parking islands, medians, and other landscape areas shall be installed with
461 continuous Type "D" curbing to prevent damage to the plant material and the
462 displacement of topsoil and mulch. Also, all landscape islands, divider medians, and
463 planters shall be excavated of limerock and/or compacted soil to a depth of 30 inches
464 and backfilled with specified planting mix to the top of curb. Additionally, all areas
465 along buildings shall be excavated to a depth of 12 inches and backfilled with specified
466 planting mix. No mulch shall be permitted in adjacent swales or right-of-way.

467 (4) *Reserved.*

468 (5) All proposed multi-trunk trees shall have a minimum of three trunks with no more than
469 five trunks of equal diameters originating from the base of the tree and with angles no
470 greater than forty-five (45) degrees.

471 *NOTE:* The town can require either multi-trunk or single trunk on certain trees.

472 (6) All proposed trees and palms shall not be planted under roof over hangs or balconies.

473 (7) All proposed trees and palms within or overhanging pedestrian areas shall have a clear
474 trunk high enough to allow unobstructed pedestrian movement under or around.

475 (8) ~~All proposed landscaping shall be installed with fertilizer which has trace minor~~
476 ~~elements in addition to a minimum six percent Nitrogen (N) — six percent Phosphorus~~
477 ~~(P) — six percent Potassium (K) of which 50 percent of the nitrogen must be derived~~
478 ~~from an organic source. *Reserved.*~~

479 (9) All proposed tot lots or pools shall be required to have a minimum shade requirement to
480 allow persons to seek refuge from the sun.

481 (10) Salt tolerant plant species are encouraged in all areas of the town.

482 (11) The concepts of Green Building Design and LEED are encouraged to help reduce
483 water consumption, decrease fossil fuel burning, channel breezes, assist in cooling,
484 create more pervious areas for drainage and promote more environmentally conscious.

485 (12) All plant root ball sizes shall conform or exceeded the minimum standards in the
486 current edition of Florida Grades and Standards.

487 (13) All landscape areas with the exception of H30A, H30B and H30C (for single
488 family and two family only) shall be provided with an automatically operating,
489 underground, and rust free irrigation system designed to have 100 percent coverage

490 with 100 percent overlap. Drip, trickle or other low-volume irrigations systems shall be
491 permitted if designated on approved landscape plans and approved by the town.
492 Irrigation systems shall be designed to minimize application of water to impervious
493 areas. All PVC risers shall be painted flat black.

494 a. Pursuant to F.S. § 373.62, any irrigation system installed after May 1, 1991,
495 shall install a rain sensor device or switch which will override the irrigation
496 cycle of the sprinkler system when adequate rainfall has occurred.

497 b. Use of non-potable water, including, but not limited to, water from a canal,
498 lake or a treated water source, in the irrigation of landscaped areas is required
499 when determined to be available and safe.

500 c. Automatic controlling devices shall be used on all irrigation systems.

501 i. Preserved native habitats or native plant communities shall not be
502 irrigated unless required by the town.

503 ii. Recommend the use of a second water meter for irrigation to help
504 reduce the cost of the watering the landscape.

505 *NOTE:* The sewer usage cost is eliminated with this added meter.

506 iii. Encourage the use of rainwater cisterns to help save water, one of our
507 greatest natural resources. Also, rainwater cisterns will help on
508 reducing watering costs and the impacts of water restrictions on the
509 landscaping. Cisterns shall be provided below grade and are permitted
510 in all zoning districts.

511 (14) Inspections of sites for landscape and irrigation installation:

512 a. A pre-inspection of the site with the landscape and irrigation contractor will be
513 required to discuss all the town requirements, answer any questions and
514 determine site conditions for appropriate use and selection of landscape
515 material prior to installation.

516 b. A final landscape and irrigation inspection will be required upon completion.

517 **Sec. 90-88. - Maintenance of landscaped areas.**

518 (1) An owner of land subject to this Code shall be responsible for the maintenance of said land
519 and landscaping so as to present a healthy, vigorous and neat appearance free from refuse
520 and debris. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the
521 plant material in a healthy and viable condition.

522 ~~*NOTE: All fertilizer shall be safe and environmentally friendly. Also, the applications shall*~~
523 ~~*conform to the manufacturer's specifications.*~~

524 (2) Florida Friendly Fertilizer Use To regulate the proper use of fertilizers by any person who
525 applies fertilizer on turf and/or landscape or plants; requires proper training of commercial
526 and institutional fertilizer applicators; establishes training and licensing requirements;
527 establishes a prohibited application period; specifies allowable application fertilizer
528 application rates and methods, fertilizer-free and low maintenance zones, and exceptions. It

529 requires the use of Best Management Practices for the application of fertilizer to minimize
530 negative environmental effects associated with excessive nutrients in water bodies. These
531 environmental effects have been observed in Dade County's natural and constructed
532 stormwater conveyances, canals, lakes, estuaries and other water bodies. Collectively, these
533 water bodies are an important asset to the environmental, recreational, cultural and
534 economic well-being of Town of Surfside residents and their public health. Overgrowth of
535 algae and vegetation hinder the effectiveness of flood attenuation provided by natural and
536 constructed stormwater conveyances. Regulation of nutrients, including both phosphorus
537 and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and
538 habitat quality.

539 Timing of fertilizer applications.

- 540 (1) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf
541 and/or landscape plants during the time period in which a flood watch or warning, a
542 tropical storm watch or warning, or a hurricane watch or warning is in effect for any
543 portion of Town of Surfside, issued by the National Weather Service.
- 544 (2) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf
545 and/or landscape plants if heavy rain two inches or more within a 24-hour period is
546 likely.
- 547 (3) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to
548 saturated soils.
- 549 (4) Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding
550 or sodding a site and shall not be applied for the first 30 days after seeding or
551 sodding, except when hydro-seeding for temporary or permanent erosion control in
552 an emergency situation (wildfire, etc), or in accordance with the stormwater
553 pollution prevent plan for the site.

554 Fertilizer free zones.

555 Fertilizer shall not be applied within ten feet of any water body or canal as defined by the
556 Florida Department of Environmental Protection in Chapter 62-340, Florida
557 Administrative Code, or from the top of a seawall or lake bulkhead. Newly planted turf or
558 landscape plants may be fertilized in this zone only for a 60-day period beginning no
559 sooner than 30 days after planting if needed to allow the vegetation to become well
560 established. Caution shall be used to prevent direct deposition of fertilizer into the water.

561 Fertilizer content and application rates.

- 562 (1) Fertilizers applied to turf shall be applied in accordance with requirements and
563 directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling
564 Requirements for Urban Turf Fertilizers. Under Rule 5E-1.003(2), Florida
565 Administrative Code, required application rate and frequency maximums, which
566 vary by plant and turf types, are found on the labeled fertilizer bag or container.

- 567 (2) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants
568 except as provided in subsection (1) above for turf, or in UF/IFAS recommendations
569 for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or
570 tissue deficiency has been verified by an approved test.
- 571 (3) Fertilizer used for sports turf at golf courses shall be applied in accordance with the
572 recommendations in "Best Management Practices for the Enhancement of
573 Environmental Quality on Florida Golf Courses," published by the Florida
574 Department of Environmental Protection, dated January 2007, as may be amended.
575 Fertilizer used at park or athletic fields shall be applied in accordance with Rule 5E-
576 1.003(2), Florida Administrative Code.

577 Fertilizer application practices.

- 578 (1) Spreader deflector shields shall be used when fertilizing via rotary (broadcast)
579 spreaders. Deflectors must be positioned such that fertilizer granules are deflected
580 away from all impervious surfaces, fertilizer-free zones and water bodies, including
581 wetlands. Any fertilizer applied, spilled or deposited, either intentionally or
582 accidentally, on any impervious surface shall be immediately and completely
583 removed to the greatest extent practicable.
- 584 (2) Fertilizer released on an impervious surface must be immediately contained and
585 either legally applied to turf or any other legal site or returned to the original or other
586 appropriate container.
- 587 (3) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into
588 stormwater drains, ditches, conveyances, or water bodies.
- 589 (4) Property owners and managers are encouraged to use an Integrated Pest Management
590 (IPM) strategy as currently recommended by the University of Florida Cooperative
591 Extension Service publications.

592 Training.

- 593 (1) All commercial and institutional applicators of fertilizer shall abide by and
594 successfully complete the six-hour training program in the "Florida-Friendly Best
595 Management Practices for Protection of Water Resources by the Green Industries"
596 offered by the Florida Department of Environmental Protection through the
597 University of Florida/Broward County Cooperative Extension Service "Florida-
598 Friendly Landscapes" program or an approved equivalent program. A trained
599 applicator shall have identification or other evidence of successful completion of the
600 training program on their person at all times while applying fertilizer.
- 601 (2) Non-commercial and non-institutional applicators not otherwise required to be
602 certified, such as private citizens on their own residential property, are encouraged to
603 follow the recommendations of the University of Florida/IFAS "Florida-Friendly
604 Landscape Program" and label instructions when applying fertilizers.

605 Licensing of commercial applicators.

606 (1) All businesses applying fertilizer to turf or landscape plants (including, but not
607 limited to, residential lawns, golf courses, commercial properties, multi-family and
608 condominium properties) must ensure that the business owner or his/her designee
609 and at least (1) employee holds the appropriate "Florida-Friendly Best Management
610 Practices for Protection of Water Resources by the Green Industries" training
611 certificate prior to the business owner obtaining a Town business tax receipt.
612 Standard business tax receipt (BTR) and transaction fees shall apply. Owners for any
613 category of occupation which may apply any fertilizer to Turf and/or Landscape
614 Plants shall provide proof of completion of the program to the Town of Surfside. It is
615 the responsibility of the business owner to maintain the "Florida-Friendly Best
616 Management Practices for Protection of Water Resources by the Green Industries"
617 certificate to receive their business tax receipt annually.

618 (2) After adoption of this ordinance, all commercial applicators of fertilizer within the
619 Town of Surfside, shall have and carry in their possession at all times when applying
620 fertilizer, evidence of certification by the Florida Department of Agriculture and
621 Consumer Services as a Commercial Fertilizer Applicator per Rule 5E-14.117(18),
622 Florida Administrative Code.

623 (3) Pesticide Management.

624 1. All landscape applications of pesticides, including "Weed and Feed" products, for
625 hire shall be made in accordance with State and Federal Law and with the most
626 current version of the Florida-Friendly Best Management Practices for Protection of
627 Water Resources by the Green Industries, as amended.

628 2. When using pesticides, all label instructions of State and Federal law shall be
629 adhered to. The Florida Department of Agriculture and Consumer Services is
630 responsible for enforcement of pesticide laws.

631 (4) Management of grass clippings and vegetative matter.

632 In no case shall grass clippings, vegetative material, and/or vegetative debris intentionally
633 be washed, swept or blown on to or into storm-water drains, ditches, conveyances, water
634 bodies, wetlands, sidewalks or roadways. Any material that is accidently so deposited
635 shall be immediately removed to the maximum extent practicable.

636 (2) (5) Three inches of clean, weed-free, arsenic free, organic mulch shall be maintained over all
637 areas originally mulched at all times. Turfgrass shall be kept trimmed and/or mowed
638 regularly to a height not exceeding eight inches above the ground. The use of mulch in
639 swales or right-of-way is prohibited.

640 *NOTE:* If weeds, noxious grasses or underbrush are in excess of the eight inches; it too will
641 need to be cut and the weeds, noxious grasses and underbrush removed and re-sodded if
642 necessary.

643 (3) (6) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or
644 improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation
645 system.

646 (4) (7) Preserved and created native plant communities shall be maintained in a natural state
647 without the use of mechanical equipment.

648 (5) (8) An owner is responsible to ensure that landscaping that has been required to be planted
649 pursuant to this Code, or installed in compliance with the landscape requirements previously
650 in effect, be maintained in Florida Grade One condition, including but not limited to single-
651 family residences, multifamily, or business sites. If landscaping is found to be in a state of
652 decline, dead, damaged, or missing, it must be replaced with equivalent landscape material.
653 If total replacement is required, species conforming to this Code shall be used. If any
654 preserved vegetation dies which is being used to satisfy current landscape code
655 requirements, such vegetation shall be replaced with the same landscape material selected
656 from nursery-grown native stock only.

657 (6) (9) All trees shall be trimmed in accordance to Miami-Dade County tree preservation code.
658 Any type of tree abuse/hatracking is prohibited with in the Town.

659 (7) (10) Any trees and/or palms that are diseased (including dead palms with lethal yellowing) or
660 trees and/or palms causing a possible safety hazard as determined by the town are
661 considered to be a public nuisance. The town shall enforce the provisions of this section.
662 Any property owner of any lot or parcel of land in the town shall promptly remove any such
663 tree and/or palm after being notified by the town. The town is authorized and empowered to
664 enter on any lot or parcel of land in the town at any reasonable hour for the purpose of
665 inspecting such trees and/or palms.

666 (8) (11) Shrubs and hedges shall be maintained that such plant materials do not obstruct clear
667 sight triangles and promote vehicular and pedestrian visibility. Also, hedges planted along
668 property lines shall be maintained and trimmed to prevent branches from extending over
669 and/or touching structures on adjacent properties.

670 (9) (12) Any plastic or similar artificial landscape materials shall be prohibited with the
671 exception of seasonal holiday decorative displays of less than 60 days duration.

672 (10) (13) All property owners shall keep such property and the adjoining unpaved portions of the
673 public rights-of-way, swales and bulkheads clean and free from any accumulation of
674 garbage, trash, liter or debris.

675 (11) (14) All property owners with in the town shall not permit unattended vegetation upon the
676 property, adjoining portions of the rights-of-ways, swales and canal banks.

677 (12) (15) ~~All non-compliance with section of the ordinance shall be enforced in accordance with~~
678 ~~the Town's Code Enforcement Rules and Regulations. The provisions of this Article shall~~
679 ~~be enforced pursuant to Chapter 15, Article I, of this Code, and by any other means~~
680 ~~permitted by law.~~

681 ***

682 **Sec. 90-90. - Vegetative provisions.**

683 **90-90-1 Xeriscape Florida Friendly.**

684 (1) A minimum of 20 percent of the pervious area on single family and duplex dwellings
685 must be in xeriscape Florida Friendly landscape.

686 (2) A minimum of 40 percent of the pervious area of multifamily dwellings must be
687 ~~in~~ Florida Friendly landscape.

688 (3) A minimum of 50 percent of the pervious area of all other development uses must be
689 ~~in~~ Florida Friendly landscape.

690 ***90-90.2 Use of site specific plant material:***

691 Plants used in the landscape design shall be to the greatest extent, appropriate to the soil
692 and other environmental conditions in which they are planted.

693 ***90-90.3 Invasive exotic plant material:***

694 As a condition of approval, the property owner shall remove all invasive exotic species
695 from the property prior to final.

696 **Sec. 90-91. - Landscape buffer areas between residential and non-residential properties and**
697 **vehicular use areas.**

698 ***90-91.1 Applicability:***

699 All proposed development or redevelopment sites and vehicular use areas serving H30C,
700 H40, H120, or municipal uses shall conform to the minimum landscaping requirements
701 hereinafter provided. Interior parking landscape requirements under or within buildings and
702 parking areas serving H30A and H30B districts are exempt. Additionally, SD-B40 shall be
703 exempt. Expansive concrete or paver areas shall require landscaping to soften and scale the
704 buildings.

705 ***90-91.2 Required buffer landscaping adjacent to streets and abutting properties:***

706 On any proposed, redeveloped site, or open lot providing a vehicular use area for H30C,
707 H40, H120, adjacent or contiguous to H40, or municipal plots where such area is abutting
708 street(s) and/or property lines, including dedicated alleys, landscaping shall be provided
709 between such area and such perimeters as follows:

710 (1) A flat ground level or bermed strip of land at least ten feet in depth, located along all
711 the property lines of abutting street(s) and abutting property line(s) shall be
712 landscaped. Such landscaping shall include three trees for each 50 linear feet or
713 fraction thereof. The first tree shall be set back from the intersection of the
714 ingress/egress and the street. The setback area shall be limited to groundcover only.
715 In addition, a hedge, berm, wall or other durable landscape barrier shall not create a
716 sight hazard by being placed along the inside perimeter of such landscape strip and
717 shall be maintained at a maximum height of three feet, if contiguous to a pedestrian
718 walkway, to meet crime prevention through environmental design (CPTED)
719 principles. If such durable barriers including walls or fences are of nonliving
720 material, it shall be screened to the height of the durable barrier with a hedge along
721 the street side of such barrier. If a fence or wall is utilized along an abutting property
722 line it must be installed at the property line and screened to the height of the durable
723 barrier with a hedge from the inside. The remainder of the required landscape area
724 shall be landscaped with turf grass, groundcover or other landscape treatment,
725 excluding paving, turf grass not to exceed the maximum amount allowable in the

726 ~~eriscape~~ Florida Friendly requirements. This buffer may not be counted toward
727 meeting the interior landscape requirements.

728 (2) All property other than the required landscaped strip lying between the streets and
729 abutting property lines shall be landscaped with turf grass or other groundcover; if
730 turf grass is used, it shall not exceed the ~~eriscape~~ Florida Friendly requirements.

731 (3) All town approved necessary accessways from the public street through all such
732 landscaping shall be permitted to service the site.

733 (4) Parking area interior landscaping. An area, or a combination of areas, equal to 20
734 percent of the total vehicular use area exclusive of perimeter landscape buffers
735 required under this subsection shall be devoted to interior landscaping. Any
736 perimeter landscaping provided in excess of that required by this section shall be
737 counted as part of the interior landscaping requirements, as long as such landscaping
738 is contiguous to the vehicular use area and fulfills the objective of this subsection.

739 (5) All parking areas shall be so arranged so that if there are ten or less contiguous
740 parking stalls along the same parking aisle, the eleventh space shall be a landscaped
741 peninsula a minimum of 11 feet in width with a minimum of ten feet wide landscape
742 area. Also, all rows of parking shall be terminated with 11 feet in width landscape
743 islands with ten feet wide landscape area. In addition, there shall be a minimum
744 requirement of one shade tree and 25 shrubs planted for every landscaped island. If
745 landscaped divider medians are utilized, they must be a minimum of six feet wide.
746 The minimum dimensions of all proposed landscaped areas not mentioned in this
747 chapter shall be six feet wide. In addition, any town approved grass parking areas
748 will meet the same requirements as paved parking and will not be calculated in the
749 pervious space requirements.

750 (6) Landscaped areas, walls, structures and walks shall require protection from vehicular
751 encroachment through appropriate wheel stops or curbs located a minimum of
752 2½feet from any landscaped area

753 *NOTE:* The town encourages the use of Type "D" curbing in parking area that abut
754 landscape areas to provide more green area and lessen the chance of tripping
755 hazards. This cannot be utilized to count for buffer or divider median requirements
756 but can be utilized for pervious and landscaping in the VUA percentages.

757 (7) Where any plot zoned or used for H120 is contiguous to the bulkhead line, a
758 landscape area consisting of the bulkhead line, the erosion control line, and the
759 property lines shall be provided or restored. The proposed landscape material for the
760 required landscape area shall be 100 percent landscape material used on the barrier
761 island dune system and shall be composed of native plants adapted to the soil and
762 climatic conditions occurring on-site. Additionally, all plant species, amount of plant
763 material, plant spacing and design shall be approved by the town.

764 **Sec. 90-92. - Reserved.**

765 **Sec. 90-93. - Open space.**

766 All open space on any site shall conform to the following requirements:

767 (1) *General landscape treatment:*

768 a. Groundcover, shrubs, and other landscape materials (not including rocks,
 769 gravel, pavers, turf blocks, artificial turf, or other items) shall be installed to
 770 cover all open space areas not covered by paving or structures, using the
 771 required percentages specified in the plant material section. No substance
 772 including rocks, gravel, pavers, turf blocks, artificial turf or other materials
 773 which prevents water percolation shall be used in areas not approved for
 774 paving or structures. Proper horticultural planting practices shall comply with
 775 ~~landscape~~ Florida Friendly requirements.

776 b. Along all buildings and structures, mature landscaping at installation shall be
 777 installed at one-half the height of the building or structure at one tree per 25
 778 linear feet of each building's facade on all sides for scaling and softening. On
 779 buildings over 75 feet in height the proposed trees/palms shall be at least 35
 780 to 38 feet tall at time of installation.

781 *NOTE:* If the landscape buffer is contiguous to the building then the
 782 landscape buffer requirement will supersede, with the exception of one tree
 783 per 25 feet being one-half the height of the building at installation.
 784 Additionally, shrubs and groundcovers shall be added to enhance the
 785 building. In all districts except the SD-B40 district, a minimum six-foot-wide
 786 landscape strip shall be provided not including overhands or awnings around
 787 all the buildings.

788 (2) *Shrub and tree requirements:* Shrubs and trees shall be planted in the open spaces to
 789 meet the following requirements:

Percent of Site in Open Space (Amount of Pervious Landscape Planting Area)	Tree and Shrub Requirements
Less than 30%	1 tree and 10 shrubs per 1,000 sf
30—39%	1 tree and 8 shrubs per 1,500 sf
40—49%	1 tree and 6 shrubs per 2,000 sf
50% or more	1 tree and 6 shrubs per 2,500 sf

790 (3) *Screening of equipment:* Dumpsters, mechanical equipment, A/C units, electrical
 791 transformers, generators and all above ground equipment shall be screened on at
 792 least three sides by landscape material that equal to the height of the element at
 793 installation. Such screening shall not interfere with normal operation of equipment

794 and shall be maintained at the height of the element or no more than one foot above.
795 In addition, bus shelters which are located within property lines shall be screened
796 with plant material a minimum of two feet in height on three sides, and one canopy
797 tree, 14 feet in height or three palms.

798 (4) *Signs*: All freestanding sign installations require the installation and establishment of
799 plant material to enhance the structure, at a minimum of one shrub for every two feet
800 of lineal width of the sign structure on each side; and groundcover, a minimum of
801 five feet around the perimeter of the sign base, designed in such a manner so as to
802 not block the message on the sign. Trees or palms shall be required to enhance the
803 sign with blocking it.

804 (5) *Minimum landscape credits and adjustments*: An owner shall receive credit against
805 the minimum landscape code requirements of this Code for preservation,
806 replacement or relocation of existing trees as determined by the town.

807 ***

808 **Sec. 90-95. - Single-family H30A and H30B district landscape requirements.**

809 All new H30A and H30B dwellings shall conform to the following minimum landscaping
810 requirements:

811 (1) *Landscape plans*: H30A and H30B dwellings may submit landscape plans in the form
812 of a H30A and H30B landscape data table, on a form provided by the town at time of
813 permit application for review. This form shall include the required minimum landscape
814 requirements, specifications and acceptable plant material choices to be chosen by the
815 applicant. After the applicant has submitted a completed and signed form, a review of
816 the form will be done to verify that all the requirements have been met. Landscape
817 drawings are not required for H30A and H30B dwellings, however, plans are
818 recommended.

819 (2) *General landscape treatment*: Trees, turf grass, groundcover, shrubs and other
820 decorative landscape material shall be used to cover all disturbed ground not covered by
821 building and paving; with ~~landscape~~ Florida Friendly to be a minimum of 20 percent of
822 the open space of the site.

823 (3) *Shrub and tree requirements*:

824 a. A minimum of five trees of two different species and 25 shrubs shall be
825 planted per lot. On corner lots an additional one tree and 10 shrubs shall be
826 required. For all lots larger than 8,000 square feet in area, additional shrubs
827 and trees shall be provided at the rate of one tree and ten shrubs per 2,000
828 square feet of lot area; however, there shall be no more than 15 trees and 100
829 shrubs required per acre.

830 b. Where possible, a minimum of two trees shall be required in the front of the
831 lot. Shrubs shall be incorporated in a manner on the site so as to be a visual
832 screen for mechanical equipment or other accessories to the residence.

833 c. The required shade tree in this subsection shall be a minimum of 30 percent at
834 an overall height of 12 feet to 14 feet with a minimum canopy spread of five

835 feet and a DBH of 2½ inches. The small trees can be a maximum of 30 percent
836 at 12 to 14 feet and minimum canopy spread of six feet and DBH of 2½ inches.
837 Palm trees shall have a minimum of six feet of grey wood or clear wood and
838 are counted as three for one (unless from the one for one list) and total palms
839 can not make up more than 40 percent of the total trees.

840 d. Street trees are required and additional to this subsection. Refer to plant
841 material section for street tree requirements.

842 ***

843 **Section 3. Codification.** It is the intent of the Town Commission that the provisions
844 of this ordinance shall become and be made a part of the Town’s Code of Ordinances, and that
845 the sections of this Ordinance may be renumbered or relettered, and the word “ordinance” may
846 be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in
847 order to accomplish such intentions.

848 **Section 4. Severability.** The provisions of this Ordinance are declared to be
849 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
850 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
851 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
852 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
853 part.

854 **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of
855 resolutions, in conflict herewith, are repealed to the extent of such conflict.

856 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon
857 final adoption on second reading.

858

859 [THIS SPACE INTENTIONALLY LEFT BLANK]

860

861 PASSED on first reading on the 9th day of April, 2019.

862 PASSED AND ADOPTED on second reading on the 11th day of June, 2019.

863 On Final Reading Moved By: Vice Mayor Gielchinsky

864 On Final Reading Second By: Commissioner Paavel

865 **FINAL VOTE ON ADOPTION**

866 Commissioner Barry Cohen NO

867 Commissioner Michael Karukin NO

868 Commissioner Tina Paul YES

869 Vice Mayor Daniel Gielchinsky YES

870 Mayor Daniel Dietch YES

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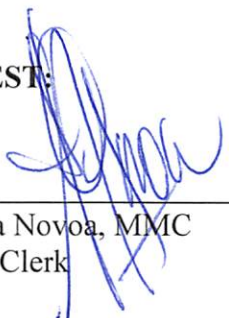
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889



Daniel Dietch
Mayor

ATTEST:



Sandra Novoa, MMC
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney