



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: October 6, 2016

Subject: Landscape Code - new construction

Prepared By: Maria C. Camara, Village Clerk

Sponsored By: Staff

Background

At the September 13th meeting, the Commission continued its discussion on amending our code to add language for required landscaping on new construction, or major additions/renovations. Along with considering suggested language by the Code Review Board, the Commission also considered utilizing existing Miami-Dade County Code.

Following the meeting, the Village Attorney provided the Commission with the Miami-Dade County Landscape Code, Chapter 18A for their review, and for discussion at the October meeting on incorporating/amending the County Code into the Village Code.

Attachments

- Miami-Dade County – Landscape Code Chapter 18A

MIAMI-DADE COUNTY – LANDSCAPE CODE

Chapter 18A

Sec. 18A-1. - Short title and applicability.

(A) *[Title.]* This chapter shall be known and may be cited as the "Miami-Dade County Landscape Ordinance".

(B) *Applicability.*

(1) This chapter shall be a minimum standard and shall apply to both the incorporated and unincorporated areas, and in the unincorporated area shall be enforced by the County and in the incorporated areas shall be enforced by the municipalities; provided, any municipality may establish and enforce more stringent regulations as such municipality may deem necessary; and in the event the provisions hereof are not enforced within any municipality, the County shall enforce same.

(2) The provisions of this chapter shall be considered minimum standards and shall apply to all public and private development when a permit is required, except for the following:

(a) Existing attached and detached single family and duplex dwellings, including any future additions or expansions shall be exempt from the provisions of this chapter.

(b) *Bonafide agricultural activities.* Any property receiving an agricultural classification and assessment pursuant to Section 193.461 Florida Statutes, substantiated by a plan submitted indicating the area with the agricultural classification.

(c) Except as provided for in Section 33-284.63(A) of this Code, development within the Downtown Kendall Urban Center District pursuant to Article XXXIII(I) of the Code of Miami-Dade County, Florida shall be exempt from the provisions of this chapter.

(3) Existing development as defined in Section 18A-3(O) shall only be required to comply with the street tree requirements of Section 18A-6(C)(2) and parking lot buffers of Section 18A-6(I). This requirement shall not apply to existing attached and detached single family and duplex dwellings pursuant to subsection (2)(a) above. Parking lot buffer will not be required if inadequate area exists which will cause the elimination of any required parking pursuant to County or municipal code. The provisions of this subsection shall only apply where a building permit is required for external alterations or where a paving permit is required for expansion of parking areas. Routine maintenance such as re-roofing and painting shall not be considered external alterations.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 99-166, § 3, 12-16-99)

Sec. 18A-2. - Purpose and intent.

It is the intent of this chapter to establish minimum landscape standards for Incorporated and Unincorporated Miami-Dade County that enhance, improve and maintain the quality of the landscape, and to:

- (A) Promote Florida Friendly landscaping principles through the use of drought-tolerant plant species, grouping of plant material by water requirements, the use of irrigation systems that conserve the use of potable and nonpotable water supplies and restrictions on the amount of lawn areas. Florida Friendly landscape principles also promote planting the right plant in the right place and appropriate fertilization and mulching.
- (B) Use landscape material, specifically street trees, to visually define the hierarchy of roadways, and to provide shade and a visual edge along roadways.
- (C) Prevent the destruction of the community's existing tree canopy and promote its expansion.
- (D) Provide for the preservation of existing natural forest communities and specimen sized trees in conformance with Section 24-60, as may be amended from time to time; re-establish native habitat where appropriate, and encourage the appropriate use of native plant material in the landscape.
- (E) Promote the use of trees and shrubs for energy conservation by encouraging cooling through the provision of shade and the channeling of breezes, thereby helping to offset global warming and local heat island effects through the added absorption of carbon dioxide and reduction of heat islands.
- (F) Contribute to the processes of air movement, air purification, oxygen regeneration, ground water recharge, and stormwater runoff retention, while aiding in the abatement of noise, glare, heat, air pollution and dust generated by major roadways and intense use areas.
- (G) Improve the aesthetic appearance of commercial, industrial and residential development through the use of plant material, thereby protecting and increasing property values within the community, and protecting designated historic landscapes.
- (H) Reduce the negative impacts of exotic pest plant species and prohibit the use of noxious exotic plants which invade native plant communities.
- (I) Promote the use of trees to protect and buffer the effects of high winds on structures.
- (J) Promote the concept of planting the right tree or plant in the right place to avoid problems such as clogged sewers, cracked sidewalk and power services interruptions.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 09-35, § 1, 5-5-09)

Sec. 18A-3. - Definitions.

The definitions contained in Chapters 24 and 33, Code of Miami-Dade County, Florida, shall apply to this chapter except as otherwise changed herein:

Accessways: The maximum width of an accessway through the perimeter landscaped strip to an off-street parking or other vehicular use area shall be determined according to the Public Works Manual, Part I, Standard Details. No more than one (1) two-way accessway shall be permitted on any street frontage up to one hundred (100)

lineal feet or no more than two (2) one-way accessways shall be permitted for any street frontage up to one hundred (100) lineal feet, such standards to be applicable to any property under one (1) ownership. Where such ownership involves over one hundred (100) feet of street frontage, one (1) additional two-way or two (2) additional one-way drives may be permitted for each additional one hundred (100) feet of frontage or major fraction thereof. The balance of such street frontage not involved with access ways shall be landscaped in accordance with the provisions of this chapter.

ANSI A300 Standards: Industry-developed standards of practice for tree care. Acronym for American National Standards Institute.

Automatic irrigation system: An irrigation system with a programmable controller or timing mechanism.

Bonafide agricultural activities: Land used for the growing of food crops, nurseries for the growing of landscape material, the raising of livestock, horse farms, and other good faith agricultural uses, except any portion of the property not eligible for agricultural exemption.

Buffer, perimeter landscape: An area of land which is set aside along the perimeter of a parcel of land in which landscaping is required to provide an aesthetic transition between different land uses and to eliminate or reduce the adverse environmental impact, and incompatible land use impacts.

Caliper: For trees under four (4) inches in diameter, the trunk diameter measured at a height of six (6) inches above natural grade. For trees four (4) inches and greater in diameter, the trunk diameter measured at twelve (12) inches above natural grade.

Clearance pruning: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Colonnade: A roof or building structure, extending over the sidewalk, open to the street and sidewalk, except for supporting columns or piers.

Common open space: Area required as open space under Chapter 33 or municipal codes for various zoning districts.

Controlled plant species: Those plant species listed in the Landscape Manual which tend to become nuisances because of their ability to invade proximal native plant communities or native habitats, but which, if located and cultivated properly may be useful or functional as elements of landscape design.

Diameter at breast height (DBH): Diameter of a tree's trunk measured at a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half (4.5) feet above natural grade.

Differential operation schedule: A method of scheduling an irrigation system to apply different quantities of water, and/or apply water at different frequencies as appropriate, for different hydrozones.

Dissimilar land uses: Proximate or directly associated land uses which are contradictory, incongruous, or discordant such as higher intensity residential, commercial or industrial uses located adjacent to lower intensity uses.

Drip line: An imaginary vertical line extending from the outermost horizontal circumference of a tree's branches to the ground.

Duplex dwelling: A residence building designed for, or used as the separate homes or residences of two (2) separate and distinct families, but having the appearance of a single family dwelling house. Each individual unit in the duplex shall comply with the definition for a one-family dwelling.

Emitters: Devices which are used to control the discharge of irrigation water from lateral pipes.

Existing development: Shall mean a site with structures that were legally approved through the issuance of a certificate of use and occupancy or a certificate of completion as of the effective date of this chapter.

Energy conservation zone: A zone located no more than twenty-two (22) feet from a structure in a one hundred eighty (180) degree band from due east of the northeast point of the structure, to due south, to due west of the northwest point of the structure.

Environmentally Endangered Lands: Lands that contain natural forest, wetland or native plant communities, rare and endangered plants and animals, endemic species, endangered species habitat, a diversity of species, outstanding geologic or other natural features, or land which functions as an integral and sustaining component of an existing ecosystem.

Facultative: Plants with a similar likelihood of occurring in both wetlands and uplands, which are not recognized indicators of either wetland or upland conditions.

Florida Friendly Landscaping: Practices, materials or actions developed by the Florida Yards and Neighborhood Program that help to preserve Florida's natural resources and protect the environment.

Florida Yards and Neighborhood Program: Is a partnership of the University of Florida/Institute of Food and Agricultural Sciences, Florida's water management districts, the Florida Department of Environmental Protection, the National Estuary Program, the Florida Sea Grant College Program and other agencies, managed locally by the Miami-Dade Cooperative Extension Division of the Consumer Services Department.

Forbs: Herbaceous plants other than grasses.

Geologic feature: A natural rock or mineral formation.

Graywater: That portion of domestic sewage emanating from residential showers, residential baths, residential bathroom washbasins, or residential clothes washing machines.

Ground cover: A dense, extensive growth of low-growing plants, other than turfgrass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

Hatrack: To flat-cut the top of a tree, severing the leader or leaders, or the removal of any branch three (3) inches or greater in diameter at any point other than the branch collar.

Hazard pruning: The removal of dead, diseased, decayed, or obviously weak branches two (2) inches in diameter or greater.

Heat island: An unnaturally high temperature microclimate resulting from radiation from unshaded impervious surfaces.

Hedge: A landscape barrier consisting of a continuous, dense planting of shrubs, not necessarily of the same species.

Herbaceous plant: A plant having little or no woody tissue.

Hydromulch: A sprayed application of seed, mulch and water.

Hydrozone: A zone in which plant material with similar water needs are grouped together.

Included bark: Bark that is embedded in a crotch between a branch and trunk or between co-dominant stems, causing a weakened structure.

Irrigation detail: A graphic representation depicting the materials to be used and dimensions to be met in the installation of the irrigation system.

Irrigation plan: A plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by this chapter.

Irrigation system: A system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.

Landscape feature: Trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo, and other similar elements.

Landscape material: Plants such as grass, ground cover, forbs, shrubs, vines, hedges, trees and non-living material such as rocks, pebbles, sand, mulch, or pervious decorative paving materials.

Landscape plan: A plan indicating all landscape areas, stormwater retention/detention areas, areas which qualify to be excluded from maximum permitted lawn area, existing vegetation to be retained, proposed plant material, landscape

legend, landscape features, planting specifications, and details, and all other relevant information in compliance with this chapter.

Lawn area: An area planted with lawn grasses.

Manual irrigation system: An irrigation system in which control valves and switches are manually operated rather than operated by automatic controls.

Mixed use: A mixture of land uses such as provided in Traditional Neighborhood Development (TND), Planned Area Development (PAD), and Planned Development (PD).

Moisture and rain sensor switches: Devices which have the ability to switch off an automatic irrigation controller after receiving a predetermined amount of rainfall or moisture content in the soil.

Mulch: Materials customarily used in landscape design to retard erosion, weed infestation, and retain moisture and for use in planting areas.

Multifamily residential development: Any residential development other than attached or detached single-family or duplex.

Multiple single-family developments: Attached and detached single-family developments that are planned as a total project and not as a single family unit on a single lot.

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

Native plant species: Plant species with a geographic distribution indigenous to all or part of Miami-Dade County. Plants which are described as being native to Miami-Dade County in botanical manuals such as, but not limited to, "A Flora of Tropical Florida" by Long and Lakela, are native plant species within the meaning of this definition. Plant species which have been introduced into Miami-Dade County by man are not native plant species.

Native plant community: A natural association of plants dominated by one (1) or more prominent native plant species, or a characteristic physical attribute.

Natural Forest Community: All assemblages of vegetation designated as Natural Forest Communities on the Miami-Dade County Natural Forest Community Maps and approved by the Board of County Commissioners, pursuant to Resolution No. R-1764-84 and further defined in Section 24-5 of the Miami-Dade County Code.

Net lot area: For the purpose of this chapter, net lot area shall be the area within lot boundaries of all lands comprising the site. Net lot area shall not include any portion of the abutting dedicated streets, alleys, waterways, canals, lakes or any other such dedications.

One family dwelling: A private residence building used or intended to be used as a home or residence in which all living rooms are accessible to each other from within the building and in which the use and management of all sleeping quarters, all appliances for sanitation, cooking, ventilating, heating or lighting are designated for the use of one (1) family only.

Overhead irrigation system: A high pressure, high volume irrigation system.

Planting detail: A graphic representation of the plant installation depicting the materials to be used and dimensions to be met in the placement of plants and other landscape materials.

Prohibited plant species: Those plant species listed in the Miami-Dade Landscape Manual which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.

Shrub: A self-supporting woody perennial plant normally growing to a height of twenty-four (24) inches or greater, characterized by multiple stems and branches continuous from the base.

Site plan: A comprehensive plan drawn to scale indicating appropriate site elevations, roadways, and location of all relevant site improvements including structures, parking, other paved areas, ingress and egress drives, landscaped open space and signage.

Specimen tree: A tree with any individual trunk which has a DBH of eighteen (18) inches or greater, but not including the following:

- (1) All trees listed in Section 24-49(4)(f);
- (2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus;
- (3) Non-native species of the genus *Ficus*, and
- (4) All multitrunk trees in the palm family, except *Acoelorrhaphe wrightii* and *Phoenix reclinata* which have a minimum overall height of fifteen (15) feet.

Spray head: An irrigation device which applies water to the soil or plant surface by fixed spray or mist nozzles.

Sprinkler head: a sprinkler head that provides aboveground or overhead irrigation.

Stabilized lawn area: An area of ground underlain with structural support in the form of grass pavers or stabilized soil prepared to withstand the load of intended vehicular use, such as automobiles, fire trucks and garbage trucks.

Stormwater retention/detention area: An area designed, built and used for temporary storage of stormwater. For purposes of this chapter, these areas are intended to be permanently exempt from wetland regulations.

Street Tree Master Plan: A greenprint for Miami-Dade County as adopted by the Board of County Commissioners on March 6, 2007 as may be amended from time to time.

Tree abuse: Tree abuse shall include:

- (1) Damage inflicted upon any part of a tree, including the root system, by machinery, construction equipment, cambium layer penetration, storage of materials, soil compaction, excavation, chemical application or spillage, or change to the natural grade.
- (2) Hatracking.
- (3) Girdling or bark removal of more than one-third (1/3) of the tree diameter.
- (4) Tears and splitting of limb ends or peeling and stripping of bark resulting from improper pruning techniques not in accordance with the current ANSI A300 Standards.

Tree canopy: The aerial extent of the branches and foliage of a tree as defined by the drip line.

Temporary irrigation systems: A system including surface distribution elements (hose, pipe, etc.) which may be easily removed when landscape is established.

Understory: The complex of woody, fibrous, herbaceous and graminoid plant species that are typically associated with a natural forest community, native plant community, or native habitat.

Vegetation required to be preserved by law: Portions of a site, including but not limited to specimen trees, natural forest communities and native vegetation which are clearly delineated on site plans, plats, or recorded restrictions, or in some other legally binding manner that are to be protected from any tree or understory removal or effective destruction and maintained without any development.

Vegetation survey: A drawing provided at the same scale as the landscape plan which includes relevant information as required by this chapter.

Vehicular use area: A hard surface area designed or used for off-street parking and/or an area used for loading, circulation, access, storage, including fire trucks, garbage trucks, or display of motor vehicles.

Vine: A plant with a flexible stem which normally requires support to reach mature form.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 09-35, § 2, 5-5-09)

Sec. 18A-4. - Plans required.

(A) *General.* Landscape plan(s) shall be approved by the Department of Planning and Zoning, or by the corresponding department(s) in the municipalities, and where required pursuant to 18A-4(D), an irrigation plan shall be approved by the Building Department or by the corresponding department(s) in the municipalities, prior to the

issuance of any building permit or paving for new parking areas or expansion of existing parking areas.

(B) Landscape plans.

(1) Owner - builder single-family or duplex dwelling: Landscape plan(s) submitted for new one (1) family or duplex dwellings may be in the form of a plot plan or drawing prepared by the owner or the owner's representative, provided however, developments, requiring site plan approval pursuant to administrative site plan review or public hearing by Chapter 33 shall meet the requirements of subsection 18A-4(B)(2) and Chapter 481, Florida Statutes.

(2) All other development: The landscape plan for development other than provided for in subsection (1) above, shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by Chapter 481, Florida Statutes, to prepare landscape plans or drawings. Preliminary landscape plans shall be provided as part of the submission for site plan approval and shall:

(a) Be drawn to scale and include property boundaries, north arrow, graphic scale, and date.

(b) Include a vegetation survey, including an aerial photograph which outlines the subject site, provided at the same scale as the landscape plan.

(c) Delineate existing and proposed structures, parking spaces, accessways and other vehicular use areas, sidewalks, utilities, easements, height and voltage of power lines on the property or adjacent property.

(d) Indicate the common and scientific name and quantity of plants to be installed using "Landscape Legend" code format as prescribed by the Director of the Department of Planning and Zoning.

(e) Identify all landscape features and non-living landscape materials.

(f) Show all areas of vegetation required to be preserved by law, including but not limited to trees, specimen trees, native plant species, Natural Forest Communities, native habitats and wetlands.

(g) Illustrate geologic, historic and archeological features to be preserved.

(h) Depict stormwater retention/detention areas and areas excluded from maximum permitted lawn area.

(i) Document zoning district, net lot area, required open space, and maximum permitted lawn area.

(j) Show building coverage and the location and dimension of greenbelt and water areas proposed for business and industrial zones, if required by Chapter 33.

(k) Complete "Preparer's Certification of Landscape Compliance."

Final landscape plans submitted for permit shall include all of the above, as well as the following:

(a) A fully completed, permanently affixed "Landscape Legend" as prescribed by the Director of the Department of Planning and Zoning.

(b) Critical layout dimensions for trees, plant beds and landscape features.

- (c) Method(s) to protect and relocate trees and native plant communities during construction.
- (d) Planting details and specifications.
- (e) Irrigation plans, as required by the zoning district.
- (f) Irrigation details and specifications, as required above.
- (g) Notarized "Preparer's Certification of Landscape Compliance" at time of final inspection."

(C) *Vegetation survey.* A vegetation survey shall be provided for all sites at the same scale as the landscape plan. The vegetation survey shall be accompanied by an aerial photograph which outlines the subject site without obscuring its features. Within municipalities, surveys shall be verified by the department(s) or board(s) as deemed appropriate by the municipality. The vegetation survey shall provide the following information:

(1) The accurate location and graphic representation, in relation to existing development, of all existing trees of a minimum two-inch DBH or ten-foot height or, for native trees, of a minimum one and one-half (1½) DBH or eight-foot height, including those which are proposed to be removed, relocated or preserved on site in accordance with the requirements of this Code and Section 24-60 of the Code.

(2) The boundaries of any native habitat, native plant community, native plant species, and/or Natural Forest Community and associated understory that exists on site, as determined by the Department of Environmental Resources Management.

(3) A table showing the following information:

(a) The scientific and common name of each tree, each of which shall be numbered.

(b) The diameter at breast height (DBH) of each tree, or if a multiple trunk tree, the sum DBH for all trunks.

(c) An estimate of the height, canopy cover, and physical condition of each tree, and whether specimen tree(s) exist on site.

(D) *Irrigation plans.* An irrigation plan shall be submitted if a sprinkler system is required by Chapter 33, or as required in the individual municipalities or where an irrigation system is to be provided regardless of code requirements. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.

(1) For a new one-family or duplex dwelling the irrigation plan may be indicated on a plot plan or a separate drawing prepared by the owner or the owner's agent indicating area(s) to be irrigated, location and specifications of lines and heads and pump specifications.

(2) All other development other than those provided in a subsection (1) above shall:

(a) Be drawn on a base plan at the same scale as landscape plan(s).

(b) Delineate landscape areas, major landscape features, and hydrozones.

(c) Delineate existing and proposed structures, parking areas or other vehicular use areas, access aisles, sidewalks, driveways, the location of utilities and easements, and similar features,

(d) Include water source, design operating pressure and flow rate per zone, total volume required for typical depths of application, and application rate.

(e) Include locations of pipes, controllers, valves, sprinklers, back flow prevention devices, rain switches or soil moisture sensors, and electrical supply.

(f) Irrigation details.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98; Ord. No. 09-35, § 3, 5-5-09)

Sec. 18A-5. - Tree removal and preservation.

Tree removal permits or natural forest community vegetation removal permits are required prior to the removal of trees, specimen trees, or any vegetation in a natural forest community, respectively, pursuant to Section 24-60 of the Code of Miami-Dade County. The Miami-Dade County Department of Environmental Resources Management is responsible for administering and enforcing these provisions.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98)

Sec. 18A-6. - Minimum standards.

The following standards shall be considered minimum requirements unless otherwise indicated:

(A) *Lawn area (turf).*

(1) Grass areas shall be planted in species well adopted to localized growing conditions in Miami-Dade County. Grass areas may be sodded, plugged, sprigged, hydromulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used, overseeding shall be sown for immediate effect and protection until coverage is otherwise achieved.

(2) Exclusions from maximum permitted lawn areas:

(a) Stabilized grassed area used for parking;

(b) Grassed areas designated on landscape plans and actively used for sports, playgrounds or picnic areas;

(c) Grassed areas in the right-of-way;

(d) Stormwater retention/detention areas planted in grasses which are very drought tolerant, as referenced in the Landscape Manual, as well as tolerant to wet soils.

(3) Maximum permitted lawn area for all residential and mixed uses in the unincorporated area is referenced in Table A.

(4) Maximum permitted lawn area for all office, commercial, and industrial uses is as referenced in Table A. Very drought tolerant grasses and low growing native plants, including grasses and forbs, as referenced in the Landscape Manual, may be used as groundcover beyond the maximum permitted grass area specified in Table A.

(5) In municipalities, the maximum amount of lawn area for residential and mixed uses shall be limited to a maximum of sixty (60) percent of the landscaped open space required in the individual municipal code(s). In those residential and mixed use zoning districts where landscaped open space is not specified, lawn areas shall be restricted to a maximum of fifty (50) percent of the net lot area. Lawn areas in commercial, office and industrial zones shall be limited to a maximum of twenty (20) percent of the open space required by the individual municipalities. In those commercial, office and industrial zones, where landscaped open space is not specified, lawn area shall be restricted to a maximum of twenty (20) percent of the net lot area less the area covered by buildings. Very drought tolerant grasses and low growing native plant species, including grasses and forbs, as referenced in the Landscape Manual, may be used as groundcover beyond the maximum permitted grass area.

(B) *Irrigation.*

(1) All newly-planted and relocated plant material shall be watered by temporary or permanent irrigation systems until such time as they are established and subsequently on as-needed basis to prevent stress and die-off in compliance with existing water use restrictions.

(2) Irrigation shall be prohibited within native plant communities and natural forest communities, except for temporary systems needed to establish newly planted material. Temporary irrigation systems shall be disconnected immediately after establishment of plant communities.

(3) Irrigation systems shall be designed, operated and maintained to:

(a) Meet the needs of all the plants in the landscape.

(b) Conserve water by allowing differential operation schedules based on hydrozone.

(c) Consider soil, slope and other site characteristics in order to minimize water waste, including overspray or overflow on to impervious surfaces and other non-vegetated areas, and off-site runoff.

(d) Minimize free flow conditions in case of damage or other mechanical failure.

(e) Use low trajectory spray heads, and/or low volume water distributing or application devices.

(f) Maximize uniformity, considering factors such as:

(1) Emitters types,

(2) Head spacing,

(3) Sprinkler pattern, and

(4) Water pressure at the emitter.

(g) Use the lowest quality water feasible (graywater shall be used where approved systems are available).

(h) Rain switches or other devices, such as soil moisture sensors, shall be used with automatic controls.

Operate only during hours and on days permitted under Chapter 32 of the Code of Miami-Dade County.

- (i) Where feasible, drip irrigation or micro-sprinklers shall be used.
- (4) During dry periods, irrigation application rates of between one (1) and one and one-half (1½) inches per week are recommended for turf areas.
- (5) If an irrigation system is not provided, a hose bib shall be provided within seventy-five (75) feet of any landscape area.

(C) *Trees.*

(1) *Tree size.* All trees, except street trees, shall be a minimum of ten (10) feet high and have a minimum caliper of two (2) inches at time of planting except that thirty (30) percent of the tree requirement may be met by native species with a minimum height of eight (8) feet and a minimum caliper of one and one-half (1½) inches at time of planting.

(2) *Street tree size and spacing.* Street trees shall be of a species typically grown in Miami-Dade County which normally mature to a height of at least twenty (20) feet. Street trees shall have a clear trunk of four (4) feet, an overall height of twelve (12) feet and a minimum caliper of two (2) inches at time of planting, and shall be provided along all roadways at a maximum average spacing of thirty-five (35) feet on center, except as otherwise provided in this chapter. Street trees are not required when a colonnade open to the public is located within four (4) feet of the edge of the roadway. The thirty-five (35) foot average spacing requirement for multiple single family units such as zero-lot-line and townhouse shall be based on the total lineal footage of roadway for the entire project and not based on individual lot widths. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the Public Works Department or the appropriate authority within the municipality. Street trees planted along private roadways shall be placed within seven (7) feet of the edge of roadway pavement and/or where present within seven (7) feet of the sidewalk.

(3) *Power lines.* Where the height and location of overhead powerlines requires the planting of low growing trees, street trees shall have a minimum height of eight (8) feet, a minimum caliper of one and one-half (1½) inches at time of planting, and shall meet the following requirements:

(a) Single trunk trees clear of lateral branches to four (4) feet and/or multitrunk trees or tree/shrubs, as referenced in the Landscape Manual, cleared of foliage to a height of four (4) feet.

(b) A maximum average spacing of twenty-five (25) feet on center.

(c) Maturing to a height and spread not encroaching within five (5) feet of overhead power distribution lines.

(d) Under high voltage (50kV and above) transmission lines installed independent of underbuilt distribution lines, tree height and spread shall not exceed the minimum approach distances specified in the current ANSI (American National Standards

Institute) Z133.1 Standards, as referenced in the Landscape Manual.

(4) *Palms*. Palms which meet all of the following requirements shall count as a required street tree on the basis of one (1) palm per tree.

(a) Minimum canopy of fifteen (15) feet at maturity.

(b) Provided at an average maximum spacing of twenty-five (25) feet on center.

(c) Fourteen-foot minimum overall height or minimum caliper of four (4) inches at time of planting.

It is provided however that queen palms (*Syagrus romanzoffiana*) shall not be allowed as street trees.

(5) Minimum number of trees. Within Unincorporated Miami-Dade County, the minimum number of required trees, in addition to street trees, is referenced in Table A.

TABLE A (See note below regarding street trees)				
LAND USE OR ZONING DISTRICT	NUMBER OF TREES REQUIRED		MAXIMUM LAWN AREA	
	Per Acre of Net Lot Area	Per Lot	Percent of Net Lot Area	Percent of Required Open Space
SINGLE FAMILY RESIDENTIAL AND DUPLEX				
RU-1	-	3	50%	-
RU-1M(a)	-	3	35%	-
RU-1M(b)	-	3	35%	-
RU-1Z	-	3	35%	-
RU-2	-	3	50%	-
TOWN HOUSE				
RU-TH	28	-	-	60%
ESTATE USE				
EU-M	9	-	50%	-
EU-S	9	-	50%	-
EU-1	9	-	60%	-
EU-2	9	-	60%	-
EU-1C	9	-	60%	-
MULTI-FAMILY RESIDENTIAL				
RU-3	28	-	60%	-
RU-3B	28	-	60%	-
RU-3M	28	-	-	60%
RU-4L	28	-	-	60%
RU-4M	28	-	-	40%
RU-4	28	-	-	40%

RU-4A	28	-	-	40%
OFFICE				
RU-5	28	-	-	30%
RU-5A	28	-	-	30%
OPD	28	-	-	30%
COMMERCIAL				
BU-1	22	-	-	20%
BU-1A	22	-	-	20%
BU-2	22	-	-	20%
BU-3	22	-	-	20%
INDUSTRIAL				
IU-1	15	-	-	20%
IU-2	15	-	-	20%
IU-3	15	-	-	20%
IU-C	22	-	-	20%
MISCELLANEOUS ZONING DISTRICTS AND LAND USES				
Planned Developments	28	-	-	40%
Planned Developments Area	28	-	-	40%
Private Educational Facilities	28	-	-	40%
TND	28	-	-	40%
GU Interim*	9	-	60%	-
AU Agriculture (Residential Use)	9	-	60%	-
All Other Zoning Districts	28	-	60%	-
* Use dependent on character of neighborhood, otherwise EU-2 standards apply.				
** Unusual uses must comply with the requirements of underlying zoning district.				
In addition to the number of trees indicated in Table A, additional trees (street trees) may be required as provided in Section 18A-6(C).				

(6) Grassed areas that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating tree requirements.

(7) Trees shall be planted to provide shade to residential structures of a height of thirty-five (35) feet or less. At least two (2) required lot trees shall be positioned in the energy conservation zone as defined herein. All exterior air conditioning units, except for air conditioning units placed on the roof, shall be shaded by trees and/or shrubs as referenced in the Landscape Manual.

(8) Palms of a ten-foot minimum overall height or minimum caliper of three (3) inches at time of planting shall count as a required tree on the basis of two (2) palms-per tree, except as provided herein for palms used as of street trees. No more than thirty (30) percent of the minimum tree requirements may be met by palms.

(9) Existing trees required by law to be preserved on site and that meet the requirements of Section 18A-6(C), may be counted toward fulfilling the minimum tree requirements.

(10) Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.

(11) Of the required trees at least:

(a) Thirty (30) percent shall be native species; and

(b) Fifty (50) percent shall be low maintenance and drought tolerant; and

(c) No more than thirty (30) percent shall be palms.

(12) Eighty (80) percent of the trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

(13) In order to prevent adverse environmental impacts to existing native plant communities, cabbage palms (*Sabal palmetto*) that are harvested from the wild shall not be used to satisfy minimum landscaping requirements. Only existing cabbage palms, which are rescued from government approved donor sites, transplanted within the site, or commercially grown from seed shall be counted towards the minimum tree and native plant requirements.

(14) When trees are planted within the right-of-way, the owners of land adjacent to the areas where street trees are planted must maintain those areas including the trees, plants and sod, using pruning methods specified in this Code. A covenant executed by those owners is required, or a special taxing district must be created to maintain these areas. Where the State, County or municipality determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, they may require that said trees and landscape material be placed on private property.

(15) Consideration shall be given to the selection of trees, plants and planting site to avoid serious problems such as clogged sewers, cracked sidewalks, and power service interruptions.

(16) Municipalities shall meet all the above requirements in the corresponding zoning districts or land use categories of the particular municipality.

(D) *Shrubs.*

(1) All shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Shrubs shall be provided at ratio of ten (10) per required tree. Of the provided shrubs at least:

(a) Thirty (30) percent shall be native species; and

(b) Fifty (50) percent shall be low maintenance and drought tolerant; and

(c) Eighty (80) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

(2) When used as a visual screen, buffer, or hedge, shrubs shall be planted at a maximum average spacing of thirty (30) inches on center or if planted at a minimum height of thirty-six (36) inches, shall have a maximum average spacing of forty-eight (48) inches on center and shall be maintained so as to form a continuous, unbroken and solid visual screen within one (1) year after time of planting. Shrubs used as a buffer, visual screen, or hedge need not be of the same species.

(E) *Vines.* Vines shall be a minimum of twelve (12) inches in length immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. Planting of perimeter walls with vines is recommended as a deterrent to painting of graffiti.

(F) *Ground covers.* Ground cover plants used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

(G) *Mulch.*

(1) Mulches shall be applied and maintained in accordance with the most recent edition of the Florida Yards and Neighborhoods Handbook titled "A Guide to Florida Friendly Landscaping" by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) and available online at <http://www.floridayards.org/landscape/FYN-Handbook.pdf>.

(2) Cypress mulch shall not be used because its harvest degrades cypress wetlands.

(H) *Buffers between dissimilar land uses.* Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a buffer consisting of a six (6) foot wall or fence with a life expectancy of at least ten (10) years, or shrubs which normally grow to a minimum height of six (6) feet. Where chain link fencing is used, shrubs shall also be required. Shrubs used as a buffer shall be a minimum of thirty (30) inches in height at time of planting, and shall be planted at a maximum average spacing of thirty-six (36) inches on center, or a minimum of thirty-six (36) inches in height at time of planting and planted at a maximum average spacing of forty-eight (48) inches on center. Said buffer shall form a continuous screen between the dissimilar land uses within one (1) year after planting. Buffers screening dissimilar uses shall include trees planted at a maximum average spacing of thirty-five (35) feet on center within a minimum five (5) foot landscaped strip.

(I) *Parking lot buffers.* All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3) foot high wall with a seven (7) foot landscaped strip incorporating said planting and/or wall on private property. Planting material at time of planting shall be either a minimum height of eighteen (18) inches with a maximum average spacing of thirty (30)

inches on center, or a minimum height of thirty-six (36) inches with a maximum average spacing of forty-eight (48) inches on center.

(J) *Landscaped areas in parking lots.* Ten (10) square feet of landscaped area per parking space shall be provided within a parking lot. In order to maximize the distribution of shade, trees shall be planted throughout the interior of the parking lot at a minimum density of one (1) tree per eighty (80) square feet of landscaped area, exclusive of parking lot buffers. Planting areas for each tree shall have a minimum width of five (5) feet, exclusive of the curb dimension, and shall be planted or covered with other landscape materials. This requirement is in addition to any applicable required open space as provided in Chapter 33 of the Code of Miami-Dade County or applicable municipal code.

(K) *Plant quality.*

(1) Plants installed pursuant to this Code shall conform to, or exceed, the minimum standards for Florida Number One as provided in the most current edition of "Grades and Standards for Nursery Plants, Part I and II," prepared by the State of Florida Department of Agriculture and Consumer Services.

(2) Trees installed pursuant to this Code shall have one (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.

(L) *Stormwater retention/detention areas.*

(1) Stormwater retention/detention areas shall be designed to maximize the perimeter dimension, where feasible.

(2) Stormwater retention/detention areas shall be planted throughout with native herbaceous facultative plants, with the following exceptions:

(a) In areas that are designated and actively used for play and/or picnic areas, overflow parking, or sports shall be planted with grasses which are very drought tolerant, as referenced in the Landscape Manual, as well as tolerant to wet soils.

(b) In areas where the minimum required stormwater retention capacity would be adversely affected.

(3) The minimum required number of native herbaceous facultative plants shall be one (1) plant per square foot of retention/ detention area, including the slope. Minimum required herbaceous plant container size shall be one and one-half (1½) inches, commonly, referred to as a liner. Sprigging, seeding, plugging, hydro-mulching or sodding with native herbaceous facultative plants grown from local seed sources may be used in lieu of liners. Herbaceous plants shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

(4) Native facultative trees or shrubs may be used in lieu of native herbaceous facultative plants, provided that the minimum required stormwater retention capacity is not adversely affected.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 97-90, § 1, 6-17-97; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 09-35, § 4, 5-5-09)

Sec. 18A-7. - Landscape plan review criteria.

In the unincorporated area all landscape plans shall be reviewed by the Department of Planning and Zoning, and where existing trees or Natural Forest Communities or Environmentally Endangered Lands are involved, the Department of Environmental Resources Management. In the case of a municipality, landscape plans shall be approved by the department(s) or board(s) as deemed appropriate within the municipality. Landscape plans shall be reviewed in accordance with the following goals and objectives and the guidelines and illustrations provided in the Landscape Manual as well as the Guide to Florida-Friendly Landscaping provided by the Florida Yards and Neighborhoods Program:

(A) Landscape design shall enhance architectural features; relate structure design to the site; visually screen dissimilar uses and unsightly views; reduce noise, glare and heat gain from paved areas, major roadways and incompatible uses; strengthen important vistas and reinforce neighboring site design and architecture.

(B) Existing specimen trees, native vegetation (including canopy, understory, and ground cover) and Natural Forest Communities shall be preserved to the maximum extent possible and all requirements of Section 24-49 of the Code of Miami-Dade County shall be met. Preserved Natural Forest Community areas shall be deducted from the total area used to calculate minimum landscaping requirements. Native vegetation in these Natural Forest Community areas shall not be used to satisfy minimum landscape requirements.

(C) In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource inputs. Plants with similar water needs shall be grouped in hydrozones. Adequate growth area, including rooting space, based on natural mature shape and size shall be provided for all plant materials.

(D) The plan shall include the use of native plant species in order to reestablish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape plan.

(E) Trees and shrubs shall be planted in the energy conservation zone where feasible, in order to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.

(F) Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.

(G) Special attention shall be given to the use of appropriate species located under, or adjacent to overhead power lines, and near native plant communities and near underground utility lines. Adequate growth area shall be provided for all plant materials.

(H) Landscaping shall be designed in such a way as to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks in accordance with Section 33-11 of the Code.

(I) Historic landscapes and landscape features designated by local, State or federal governments shall be preserved.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98; Ord. No. 09-35, § 5, 5-5-09)

Sec. 18A-8. - Preparer's certification of landscape compliance.

(A) A preparer's Certification of Landscape Compliance bearing the original letterhead of the designing firm and licensing number shall be submitted to and approved by the Department of Planning and Zoning prior to issuance of any final Certificate of Use and Occupancy or Certificate of Completion. The preparer's Certification of Landscape Compliance shall contain a statement, signed and sealed by the landscape architect or by person(s) authorized to prepare plans by Chapter 481, Florida Statutes, who prepared the approved plans, that the landscape and irrigation plans have been implemented and that all requirements of this chapter have been met. Any changes or substitutions to the approved plan shall be approved by the original designing firm prior to the implementation of said changes and substitutions. All changes or substitutions to the approved plan shall be noted on all copies. Changes and substitutions of plant material shall be of similar quality, quantity and size, as originally approved and shall be in compliance with the intent and requirements of his chapter.

(B) For a new single-family, duplex residence on its own lot or applicable existing development, the owner or owner's agent may certify in writing that landscape and irrigation have been installed according to approved plan(s).

(C) The Department of Planning and Zoning shall have the right to inspect all projects for compliance prior to issuance of a Certificate of Use and Occupancy or Certificate of Completion.

(D) Municipalities are not required to establish a Preparer's Certification of Landscape Compliance procedure.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98)

Sec. 18A-9. - Committee of landscape adjustment.

(A) In unincorporated Miami-Dade County, the members of the Executive Council of the Developmental Impact Committee or their designees shall constitute the Committee of Landscape Adjustment.

(B) The Committee of Landscape Adjustment, upon receipt of an application for adjustment of landscaping requirements shall have the authority and duty to consider and act upon such application. The application shall be filed on forms prescribed by the County, executed and sworn to by the owner or tenant of the property concerned or by authorized agents as evidenced by written power of attorney, and accompanied by a fee for processing of the application, as provided by Administrative Order.

(C) In the application, the applicant shall state clearly and in detail what adjustment of landscaping requirements are being requested and the reasons such adjustments are warranted, and shall accompany the application with such supplementary data, such as sketches, surveys and statistical information as is deemed necessary to substantiate the adjustment.

(D) The Committee of Landscape Adjustment may approve, modify or deny the requested adjustment, but shall approve or modify such request only if it determines that approval of any adjustment would not be contrary to the public interest and would be in keeping with and would preserve the intent of this chapter. The Committee of Landscape Adjustment shall not consider requests for variance from the requirements of Chapter 24, the Miami-Dade County Environmental Protection Code, including

specimen tree and natural forest community variance requests. Any such requests shall be made according to the provisions of Sections 24-48 and 24-49 of the Code. Additionally, the Committee of Landscape Adjustment shall not have authority to modify or adjust any part of Chapter 33 of the Miami-Dade County Code.

(E) Committee of Landscape Adjustment shall meet on a regular basis to act on pending application(s), and shall post their decision in the form of a short, concise statement of the action taken on a conspicuous bulletin board that may be seen by the public at reasonable times and hours in the office of the Department of Planning and Zoning.

(F) Within fourteen (14) days after posting of decision, but not thereafter, any decision of the Committee of Landscape Adjustment may be appealed to the appropriate Community Zoning Appeals Board as prescribed in Chapter 33 for appeals of administrative decisions; otherwise, it shall become final.

(G) The Community Zoning Appeals Boards or the Board of County Commissioners shall have the authority to grant adjustment from this chapter as part of a zoning application.

(H) Each municipality may establish or assign an existing board, committee, or other similar body to review adjustments and to establish criteria for landscape adjustment.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 97-16, § 1, 2-25-97; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98)

Sec. 18A-10. - Landscape Manual.

The Department of Planning and Zoning, in cooperation with other County departments shall prepare a landscape manual and make the same available to the public. The landscape manual shall be adopted by resolution of the Board of County Commissioners. Said manual shall provide an illustrative interpretation of the standards provided herein and suggested guides for landscaping in accordance with the above standards.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98)

Sec. 18A-11. - Landscape maintenance.

(A) An owner is responsible to ensure that landscaping required to be planted pursuant to this chapter, or the ordinances which were in effect prior to the effective date of this chapter, is:

- (1)** Installed in compliance with the Landscape requirements;
- (2)** Maintained as to present a healthy, vigorous, and neat appearance free from refuse and debris; and
- (3)** Sufficiently fertilized and watered to maintain the plant material in a healthy condition.

(B) If any tree or plant dies which is being used to satisfy current landscape code requirements, such tree or plant shall be replaced with the same landscape material or an approved substitute.

(C) Trees shall be pruned in the following manner:

- (1) All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.
- (2) Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously with any reduction in crown.
- (3) Cutting of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.
- (4) Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.
- (5) No more than one-third (1/3) of a tree's living canopy shall be removed within a one (1) year period.
- (6) Trees shall be pruned according to the current ANSI A300 Standards and the Landscape Manual.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98)

Sec. 18A-12. - Prohibitions.

- (A) *Prohibited plant species.* Prohibited species shall not be planted and shall be removed from any site which is subject to the requirements of this chapter.
- (B) *Controlled plant species.* Controlled species shall not be planted within five hundred (500) feet of a Natural Forest Community or native habitats as defined herein.
- (C) *West Indian Mahogany.* West Indian Mahogany, *Swietenia mahagoni*, shall not be planted within five hundred (500) feet of a rockland hammock or pine rockland.
- (D) *Tree abuse.* Tree abuse is prohibited. Abused trees shall not be counted toward fulfilling the minimum tree requirements.

(Ord. No. 98-13, § 1, 1-13-98)

Sec. 18A-13. - Enforcement.

(A) Except during Emergency Phase II and Phase III water restriction periods imposed by the South Florida Water Management District (the "District") as set forth below, the Miami-Dade County Department of Planning and Zoning shall withhold approval of a final building inspection prior to the issuance of a Final Certificate of Use and Occupancy or Certificate of Completion until a Preparer's Certification of Landscape Compliance has been submitted and approved.

During Emergency Phase II and Phase III water restriction periods imposed by the District, and subject to written consent by contract purchasers of individual houses or units, the Department is hereby authorized to issue Certificates of Completion and Certificates of Use and Occupancy for residential uses only, without the installation of the plant and tree components of the required landscaping, including right-of-way and street trees, and without the required watering of such landscaping, as needed. However, the landscaping requirements for grass and irrigation must be complied with as set forth in this Chapter. The Landscape Architect on the project shall provide to the Department a good faith written estimate of the installed cost of the required landscaping not being provided on the property because of the restrictions. In order to assure the Department that the required landscaping shall be planted within ninety (90)

days after the Emergency Phase II or Phase III Water Restrictions are ended by the District, a Performance and Payment Bond in an amount equal to one hundred and ten (110) percent of the estimated cost of such landscaping shall be provided by the Contractor or owner-builder to the Department prior to the issuance of any Certificate of Completion or Certificate of Use and Occupancy. For the purposes of this subsection, the term contractor is defined as any person, firm, joint venture or corporation indicated on the official permit records of the Building Department as the primary contractor and/or primary landscaping contractor for the project. An owner/builder is additionally considered to be a contractor. Additionally, the contract purchaser for any individual house or unit must covenant in writing that after the Emergency Phase II and Phase III Water Restrictions are ended by the District, that such contract purchaser (who may then be an owner) will not interfere with or refuse to allow the installation of the required landscaping.

(B) The Department of Planning and Zoning shall have the right to inspect the lands affected by this Code. Team Metro is authorized to issue cease and desist orders and citations to the current owner and the Contractor, if applicable, for violations.

(C) Failure to install or maintain landscaping according to the terms of this chapter shall constitute a violation of this Code. Also, failure to plant, preserve, or maintain each individual tree shall be considered to be a separate violation of this Code. Each day in which either landscaping or individual trees are not installed or maintained according to the terms of this chapter shall constitute a continuing and separate violation of this Code. Further, failure by the current owner or the Contractor to provide the required landscaping and watering of such landscaping within ninety (90) days after the South Florida Water Management District ends the emergency Phase II and Phase III water restrictions shall constitute a violation of this Code.

(D) In the municipalities, enforcement shall be performed by the Department within the municipality as may be deemed appropriate by the municipality, and in the event the provisions hereof are not enforced within the municipality, the County shall enforce same.

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98; Ord. No. 02-36, § 1, 2-26-02)

Sec. 18A-14. - Conflicts with other ordinances or regulations.

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

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98)

Editor's note—

Ord. No. 98-13, §§ 1, 2, adopted January 13, 1998, renumbered § 18A-13 as § 18A-14 and repealed § 18A-14 which pertained to sunset provisions and derived from Ord. No. 95-222, § 4, 12-5-95.

Sec. 18A-15. - Effective date.

This chapter shall become effective seventy (70) days after the date of enactment provided however this chapter shall not apply to projects for which prior to the effective date of this chapter:

- (1) An application for a building permit has been filed;
- (2) A building permit has been issued and is in effect;
- (3) The Zoning Appeals Board, Community Zoning Appeals Board, or Board of County Commissioners has by resolution approved a project site plan;
- (4) A site plan which has received administrative site plan approval; or
- (5) A zoning application has been filed prior to March 11, 1998 that includes detailed site and landscape plans.

(Ord. No. 95-222, § 6, 12-5-95; Ord. No. 98-13, § 5, 1-13-98)
