

§ 155.125 LANDSCAPING.

(A) Application.

(1) This subchapter shall apply to all development within the city and shall be instituted at such time that a development permit is issued which alters the pervious area of any given plot.

(2) Only single family residential plots shall be exempt from the vehicular use area and buffer requirements sections of this subchapter.

(3) No Certificate of Occupancy, permanent or temporary, shall be issued by the city unless the landscaping requirements are met as evidenced by Certificate of Completion.

(B) Purpose and Intent.

(1) To establish minimum standards for the development, installation and maintenance of landscaping and landscaped open green space, including specific water conservation measures that will encourage resourceful planning and promote the public health, safety and general welfare in the areas of water conservation and preservation;

(2) Promote cleaner air and energy conservation through the creation of shade and the reduction of heat gain by buildings and paved surfaces;

(3) To preserve and encourage open space;

(4) To require the proper placement and maintenance of landscaping necessary for public safety and to prevent interruption of electrical service;

(5) To maintain, preserve, and improve the existing tree canopy of the city, because tree leaf surfaces trap and filter out ash, dust, and pollution; that tree root systems hold and consolidate soil and other loose earthen materials, thereby helping prevent erosion, reducing water pollution and maintaining the continued vitality of natural habitats for the propagation and protection of wildlife, birds, game, fish and other aquatic life;

(6) To improve environmental quality and to protect the natural environment and aesthetic appearance of public, commercial, industrial and residential areas of the city by regulating the unnecessary destruction, removal, damaging or cutting down of desirable trees and plant life; and

(7) To establish procedures and standards for the administration and enforcement of this section;

(C) Authorization. To insure that the minimum standards for landscape design, installation and maintenance, in all instances, shall comply with the provisions of this subchapter, the following authorizations and certifications are required:

(1) The landscape plans for all development, other than for single-family and duplex residential plots, shall be prepared by and bear the seal of a registered landscape architect in the State of Florida.

(2) All persons providing for hire landscape services such as inspection, installation, maintenance, pruning and removal within the city shall be required to have a business tax receipt. A photocopy of such business tax receipt shall be made available for examination at each job site. Vehicles used by tree arborists shall be marked in accordance with code requirements.

(D) Any landscape plan review being submitted for approval shall be accompanied by the appropriate fee as set forth in [Chapter 157](#), “Development of Land.”

(E) Documents Incorporated by Reference. The following documents, as they currently appear as or may be amended, and the standards contained therein, are adopted as standards and are incorporated in this section by reference: The American National Standards Institute A-300, *Tree, Shrub and Other Woody Plant Maintenance - Standard Practices*, and Z-133.1, *Pruning, Repairing, Maintaining and Removing Trees and Cutting Brush - Safety Requirements*; Florida Department of Agriculture Division of Plant Industry, *Grades and Standards for Nursery Plants*; Jim Clark and Nelda Matheny, *Trees and Development*; Council of Tree and Landscape Appraisers, *Guide for Plant Appraisal, Ninth Edition, 2000*; Richard Harris, *Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines*, Second Edition; Gary W. Watson and E.B. Homelike, *Principals and Practices of Planting Trees and Shrubs*; Florida Urban Forestry Council, *Selecting and Planting Trees for the South Florida Urban Forest*; Florida Power and Light's *Plant the Right Tree in the Right Place* brochure; Bedrock Information Systems, Inc. *Plant Finder*, current edition; Florida Exotic Pest Plant Council list of invasive species; and South Florida Water Management District's *Xeriscape. Plant It Smart* brochure.

(Ord. 90-28, passed 2-6-90; Am. Ord. 94-16, passed 2-1-94; Am. Ord. 98-37, passed 3-24-98; Am. Ord. 2002-42, passed 3-12-02; Am. Ord. 2004-36, passed 4-27-04; Am. Ord. 2007-58, passed 7-24-07)

§ 155.126 DEFINITIONS.

The following terms, phrases, and words shall have the meaning herein prescribed where applicable any term or word not specifically defined shall have the meaning as provided for in § [155.125](#)(E) and by the following articles incorporated by reference, unless the contents clearly indicate otherwise: Tomlinson, *Trees Native to Tropical Florida*, the latest edition, Julia Morton, *500 Plants of South Florida*; State of Florida Dig Manual, and the previously listed documents as referenced in § [155.125](#)(E).

ACCESSWAY. A paved area intended to provide ingress and egress of vehicular traffic from a public right-of-way to an off-street parking area.

BERM. A natural or man-made earthen-mound strip used in landscape design.

BUFFER. A continuous area of land along the perimeter of a plot in which landscaping is used to provide a transition between one type of land use and another.

CALIPER. Trunk diameter measured six inches from the ground on trees up to and including four inches in caliper, and twelve inches above the ground for larger trees.

CLEAR TRUNK. The lower portion of the trunk maintained free of any branches, measured from the soil line up to the first major branch.

CORRECTIVE PRUNING. Pruning which removes one or more trunks to create a stronger, well-structured tree framework.

CROWN. The branches, twigs and leaves that make up the foliage portion of the tree.

CROWN SPREAD. The aerial extent of the branches within the drip line of the tree or shrub.

DESTROY/EFFECTIVELY DESTROY. Pruning or other action that causes or results in the death of a tree, or, which causes irreparable damage and permanent disfigurement to the natural habit of growth of a tree

such that, even with re-growth, the tree will never regain the original characteristics of its tree species. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is 50% or greater to the circumference of the trunk, or the removal of sufficient canopy to cause the decline of the tree.

DRIPLINE. The outside end of branches of a tree or shrub projected vertically to the ground.

EQUIVALENT VALUE. An amount of money which reflects the estimated cost of replacing a tree as determined by the Zoning Director or designee.

FLUSH CUT. A pruning cut made too close to, or flush with, the trunk of the tree.

FROND. A large compound leaf of a palm.

GROUND COVER. Plants, other than turfgrass, normally reaching an average maximum height of not more than 24 inches at maturity.

HATRACKING. To sever the leader or leaders, or to prune a tree by stubbing of mature wood.

HEDGE. A close planting of shrubs to form a compact, dense, visually opaque living barrier or screen.

HISTORICAL TREE. A particular tree or group of trees which has historical value because of its unique relationship to the history of the region, state, nation, or world as designated by the Director of Zoning or designee.

HORIZONTAL PLANE. An imaginary line that begins at the base of the live palm frond petioles.

IRRIGATION. A permanent, man-made watering system designed to transport and distribute water to plant material.

LANDSCAPED AREA. The entire parcel less the building, footprint, driveways, non-irrigated portions of parking lots, landscapes such as decks and patios, and other impervious areas. Water features are included in the calculation of the landscaped area. This landscaped area includes Xeriscape as defined in F.S. § 373.185(1)(b).

LANDSCAPING. Living plant material such as grass, ground cover, shrubs, vines, trees, and palms; grading of land areas; irrigation; and non-living durable material commonly used in landscape design such as, but not limited to, rocks, crushed stone, mulch, sand, walls, fences, water features and pedestrian pavements which are used separately or in combination to meet the requirements of this section.

LARGE PALMS. Palms that have a mature overall height and a mature overall spread greater than 20 feet.

LAWN; GRASS; SOD. Upper layer of soil bound by grassy plant roots and covered by viable grass blades.

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

NATIVE SPECIES, NATIVE VEGETATION or NATURALLY OCCURRING EXISTING PLANT COMMUNITIES. Any plant species with a geographic distribution indigenous to South Florida and as set forth in the Xeriscape Plant Guide of South Florida Water Management District.

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

PERSON. Shall include, but not be limited to, any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, business, or similar entities.

PERVIOUS; IMPERVIOUS AREA. The area of a plot remaining after the impervious areas are subtracted. The impervious area includes the areas covered by structure, vehicular use areas, storage areas or display areas, accessways, pedestrian pavement or wet retention areas. The impervious area does not include dry retention areas.

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

PLANT COMMUNITIES. A natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

PLOT. Any lot, portion or parcel of land considered as a unit as shown in official public documents.

PROTECTIVE BARRIER. Conspicuously colored fences or like structures constructed of sturdy materials that are at least four feet in height which prevent or obstruct passage.

PRUNE. To cut away, remove, cut off or cut back parts of a tree.

RECONSTRUCTION. Any construction that alters the existing pervious area of a plot.

RECURRING OFFENSE. Any violation of this section which has been the subject of a previous citation, violation notice or warning and which has recurred within five years of the date of the previous citation, violation notice or warning.

REMOVAL OF TREE. When the remaining portion of the tree no longer meets the definition of standards of tree, as defined in this section.

RIGHT TREE RIGHT PLACE (RTRP). The process of selecting the right tree to be placed within the area of electric utilities whether overhead or underground, using the local electric utility RTRP guidelines on file in the City's Zoning Division.

ROOT BALL. The earthen ball encompassing the root system.

RUNOFF. Water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

SHAPING. The regular and frequent shearing of outer tree branches, making cuts of one inch in diameter or less.

SHEARING. The cutting of many small diameter stems of one inch in diameter or less.

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

SITE SPECIFIC PLANT. A selection of plant material that is particularly well suited to withstand the physical growing conditions that are normal for a specific location.

SPECIMEN TREE. Any tree which has a caliper of 18 inches or greater; with the exception of the following:

- (1) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit including, but not limited to, mangos, avocados, or citrus;
- (2) Species of the genus *Ficus* except *F. aurea* (strangler fig), *F. laevigata* (short leaf fig), *F. rubiginosa* (rusty fig or rusty leaf fig), *F. jacquinfolia*;
- (3) All multi-trunk palms;
- (4) Trees that are in poor condition or form as determined by the Director of Zoning or designee.

STUB-CUTTING. An internodal cut.

TOPIARY. The practice of pruning or shearing a tree or shrub into an unnatural or man-made ornamental shape by altering branches one inch in diameter or less.

TOPSOIL. Fertile, friable natural surface soil with an acidity range of pH 5.0 to pH 7.0 containing not less than 5% organic matter.

TREE ABUSE. This includes any or all of the following: hatracking a tree; destroy/effectively destroy; pruning which leaves stubs or results in a flush cut; splitting of limb ends; removing tree bark; using climbing spikes, nails, or hooks, pruning that does not conform to standards set forth by the American National Standards Institute, pruning live palm fronds which initiate above the horizontal plane, overlifting a tree, shaping a tree.

TREE-CANOPY. A self-supporting woody perennial plant usually with one vertical stem or main trunk which naturally develops a more or less distinct and elevated crown and which provides a minimum shade of 35 feet in diameter at maturity. A canopy tree may have two or more trunks developed at 4½ feet above the root ball which is a natural characteristic of some species.

TREE-ORNAMENTAL. A tree which by habit of growth, form, foliage, flower or color display makes it unique to its location.

TREE-PALM. A plant of tropical or subtropical species commonly marked by a simple stem and terminal crown of large leaves.

TREE-STREET. Any canopy tree placed in the right-of-way area.

TREE SURVEY. A document signed and sealed by a Florida registered land surveyor which must provide, at a minimum, the following information:

- (1) Location, plotted by accurate techniques, of all existing trees;
- (2) The common and scientific name of each tree;

- (3) The caliper of each tree.

TURF AND/OR TURFGRASS. Continuous plant coverage consisting of grass species suited to growth in Pompano Beach.

UNDERSTORY. Plant material developed as an undergrowth associated in the habitat with trees.

VEHICULAR USE AREA. Any area used by motor vehicles, except public thoroughfares, including but not limited to parking, displaying, storing or traversing of any and all types of motor vehicles, motorcycles, bicycles, watercraft, trailers, airplanes, or construction equipment.

VINE. Any plant with a long, slender stem that trails or creeps on the ground or climbs by winding itself about a support or holding fast with tendrils.

VISUAL SCREEN. An obstruction used to separate two areas or uses which is at least 75% opaque. Visual screens may include a masonry wall, wood or metal fence, hedge, informal planting or berm provided for the purpose of buffering a building or activity from neighboring areas or from a public street.

XERISCAPE. Landscape methods that maximize the conservation of water by the use of site-appropriate plants and an efficient watering system. The seven principles of Xeriscape design include planning and design, appropriate choice of plants, soil analysis which may include the use of compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

(Ord. 90-28, passed 2-6-90; Am. Ord. 91-64, passed 6-25-91; Am. Ord. 98-37, passed 3-24-98; Am. Ord. 2000-21, passed 11-23-99; Am. Ord. 2002-42, passed 3-12-02; Am. Ord. 2004-36, passed 4-27-04)

§ 155.127 GENERAL REQUIREMENTS.

(A) Plant Material.

(1) All required plant materials shall be Florida No. 1 or better according to the Florida Department of Agriculture and Consumer Services Division of the Plant Industry Grades and Standards for Nursery Plants. Plant material shall to the greatest extent possible:

- (a) Be based on the plant's adaptability to the landscape area, desired effect, color, texture, and ultimate plant size;
- (b) Be frost and drought tolerant, and grouped in accordance with their respective water and maintenance needs;
- (c) Be appropriate for the ecological setting in which the materials are to be planted including the shielding of buildings from the sun (where possible) and from radiating surfaces such as parking areas, and as a screen for noise abatement;
- (d) Be commercially available;
- (e) Not have invasive growth habits, as stated by the Florida Exotic Pest Plant Council on their list of invasive plant species;
- (f) Not hinder public safety; and

(g) Be consistent with the intent of this subchapter.

(2) The protection and preservation of native species and natural areas is required. Therefore all landscaped areas shall include placement of native vegetation and substantial conformity with the Xeriscape Landscaping Principles referenced in the South Florida Water Management Districts Xeriscape Plant Guide and outlined in the City of Pompano Beach Landscape Manual.

(3) Plant species stated by the Florida Exotic Pest Plant Council on their current list of invasive species Category I are prohibited from being planted.

(a) This shall include *Araucaria heterophylla* (commonly known as Norfolk Island Pine).

(B) Installation.

(1) All landscaping shall be installed in a sound, workmanlike manner. All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements. The city shall reserve the right to inspect all landscaping.

(2) All minimum dimensions of landscaped material refer to dimensions at the time of planting.

(3) Topsoil shall be clean and reasonably free of construction debris, weeds, rocks, noxious pests and diseases. The topsoil for all planting areas shall be amended with horticulturally acceptable organic material. The minimum topsoil depth shall be six inches for groundcover areas, four inches for seeded grass area, and two inches for sodded grass areas. Shrubs and trees shall receive six inches of topsoil around and beneath the root ball.

(4) (a) Turf grass shall be drought tolerant as indicated in the City of Pompano Beach Landscape Manual and identified on the Landscape Plan. Turf shall not be treated as a fill-in material but consolidated and placed so that it can be irrigated separately, as many varieties require supplemental watering at frequencies different than other types of landscape plants.

(b) Turf grass areas shall be limited to those areas that receive pedestrian traffic; provide for practical or recreational use; provide soil erosion control such as on slopes or in swales; and where turf grass is used as a design unifier.

(c) Excessively large turf areas, not subject to soil erosion, such as play fields, may be grassed by other methods if approved by the Planning and Zoning Board.

(5) Ground cover, of living plant material, shall be planted with a minimum of 50% coverage and with 100% coverage occurring within one year of installation.

(6) Vines shall have a minimum of four runners each which shall be two feet long.

(7) Shrubs shall be not less than two feet in height with a minimum spread of 18 inches. When used as a hedge, shrubs shall be planted no further than 24 inches on center; three-foot high or larger shrubs may be planted 36 inches on center.

(8) For all properties requiring the installation of ten or more trees, large palms may be substituted for 50% of required canopy trees along the perimeter, installed at heights as required in § [155.127\(B\)\(14\)](#). However, when palms are utilized for one entire perimeter requirement, the palm requirement shall increase to one large palm per 20 linear foot. For all properties requiring the installation of 20 or more trees, a minimum of

50% of the required trees shall be native species; not more than 25% of the required trees may be palm trees, and a minimum of four tree species shall be utilized to enhance species diversity.

(9) Palm trees shall have a minimum clear trunk measurement of four feet, and shall be Florida Grade #1 or better.

(10) Canopy and street trees shall have a minimum trunk caliper of two inches, and a minimum height of ten feet, and shall be Florida Grade #1 or better.

(11) Ornamental trees shall have a minimum trunk caliper of two inches, and a minimum height of eight feet, and shall be Florida Grade #1 or better.

(12) The minimum area for planting a tree shall be 25 square feet with a minimum dimension of five feet.

(13) A minimum distance of 15 feet shall separate trees from pole lights.

(14) A minimum of 50% of required trees on a plot shall be of an installed size relating to the height of the main structure as follows:

Height of Structure	Canopy and Ornamental Tree Height	Palm Height/Clear Trunk Measurements
To 15 feet	12 feet	14; 4 feet
15-25 feet	14 feet	18; 8 feet
26 or more	16 feet	22; 14 feet

(15) All yards and other portions of a plot of land not utilized for structures, parking areas, walks, drives, decking, pool and other legal amenities shall be covered with lawn or living ground cover. Non-living ground cover may cover not more than 15% of the landscaped area.

(16) All lakes, canals, wet retention areas and other water bodies shall be landscaped to the edge of the mean high water mark. All dry retention areas shall be landscaped with sod or groundcover as approved by the Director of Zoning or designee, and completely irrigated.

(17) Berms shall be planted in ground cover or sod; the maximum slope for berms shall not exceed one foot in height up for every three feet in width.

(18) Mulch shall be maintained at a minimum thickness of two inches around shrubs and trees.

(19) In instances where a property owner is required to provide trees at a regular interval along a property line, the property owner may elect to plant the trees in a straight line or stagger the trees perpendicular to an imaginary planting line located in the landscaped area.

(C) Maintenance. All owners of land, or their agents, shall be responsible for the maintenance, in accordance with ANSI A300 Standards and ANSI Z133.1 Standards, as amended, of all landscaping located in areas where landscaping is required by this ordinance, including abutting portions of rights-of-way, swales, lakes, and canal banks in accordance with the following standards:

(1) Keep landscaping reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to be in a health growing condition.

(2) An automatic properly functioning underground irrigation system with a rain sensing cutoff device shall be designed and installed in compliance with the South Florida Building Code and city Building Code requirements. The rain sensing cutoff device shall be located and installed in such a manner that the building eaves, balconies and similar overhangs do not interfere with the operation of the device. The irrigation system shall be properly maintained in good working order and provide a minimum coverage of 100% with 50% overlap. Irrigation water shall be rust free except where it is deemed unnecessary by the Zoning Director or his designee. The first 35 feet of sandy beach on ocean front parcels of land are omitted from this requirement.

(3) Mow, trim or prune landscaping in a manner and at frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Growth of plant material at maturity shall be considered prior to planting, where future conflicts such as views, signage, utilities and traffic circulation might arise.

(4) Maintain all landscaping to minimize property damage and public safety hazards, including removal of dead or decaying plant material, removal of low hanging branches next to sidewalks and walkways, removal of root systems which show evidence of destroying public or private property, and maintenance of sight distance standards as set forth herein. Any dead vegetation which reduces the landscaping below these minimum requirements as provided in this section shall be promptly replaced with an equivalent replacement of living plants as that originally installed or with acceptable substitutes.

(5) All required landscaping must be properly maintained in accordance with the minimum specifications contained herein including, but not limited to, size, number, location, and type of landscaping material or maintained in accordance with the minimum specifications contained on the approved landscaping plan on file in the city.

(6) Property owners shall be required to maintain a clear view area located three feet to six feet off the ground on the sides of the property abutting a public right-of-way. The view area enables police officers to see into the property as the police officers patrol the area from the public right-of-way. The landscape architect who prepares the landscape plans for those properties which require a landscape plan shall be responsible for selecting and placing the landscaping material so that the view area is not unduly blocked. The property owner is responsible for maintaining the landscaping material so that the view area is not unduly blocked. The hedges shall be trimmed at a maximum height of three feet and tree limbs of maturing or mature trees below six feet shall be pruned to provide a view area which is not unduly blocked.

(7) Site Restoration. Where there has been a total demolition of all existing structure(s) or an existing structure on a property, the property owner shall be responsible for installing and properly maintaining drought resistant sod and/or drought resistant living, weedless ground cover on the entire demolition area within 30 days from the completion of the demolition. All asphalt, rock and other non-natural materials removed shall be refilled with clean soil prior to any planting or installation of any drought resistant sod or drought resistant living, weedless ground cover. This requirement shall not apply to properties where there is an active building permit for a new principal structure and where the construction will start within 30 days after the demolition has been completed.

(a) Any property owner who has applied and is actively seeking a building permit, must secure the building permit within 180 days of the demolition and in addition to the sod or living ground cover as stated above, may use a non-living permeable material which is adequate to keep the property free from the creation of dusty conditions and the shifting, blowing and other dissemination of soil, sand, gravel or any fill from the property including the non-living ground cover, until the commencement of construction.

(b) All such property must also be kept free of debris during such time period. Provisions of this subsection (7) are exempt from § [155.127\(C\)\(2\)](#).

(c) The elevation on the site shall be restored to the pre-demolition elevation and the property shall remain clear of debris, trash, invasive plant material and brush cut to the standards as set forth in the city's Code of Ordinances. A four foot perimeter temporary berm may be permitted subject to the written approval of the Development Services Director or his/her designee, and said berm shall include the required ground cover. The berm shall be removed prior to the conclusion of construction.

(d) The site shall not be used for storage of additional fill, building materials, or construction equipment until a building permit is issued.

(Ord. 90-28, passed 2-6-90; Am. Ord. 91-04, passed 10-23-90; Am. Ord. 95-61, passed 5-9-95; Am. Ord. 98-37, passed 3-24-98; Am. Ord. 2002-21, passed 1-8-02; Am. Ord. 2002-42, passed 3-12-02; Am. Ord. 2004-36, passed 4-27-04; Am. Ord. 2008-15, passed 12-11-07; Am. Ord. 2009-46, passed 7-28-09)

§ 155.128 TREES.

(A) Tree Abuse.

(1) Tree abuse is prohibited in the city. Abused trees may not be counted toward fulfilling landscape requirements and may be required to be replaced if no corrective action is adequate to remediate the abuse pursuant to the standards adopted in this section, as determined by the Zoning Director or designee. Tree abuse shall include:

(a) Damage inflicted upon any part of a tree, including the root system, by girdling excavation, vehicle accidents, chemical application, changes to the natural grade, storing or using equipment within the drip line of the tree.

(b) Damage inflicted by cutting a tree which: permits infection or pest infestation, allows stubs, results in a flush cut, results in overlifting.

(c) Pruning of live palm fronds which initiate above the horizontal plane.

(d) Shaping, as defined by this chapter.

1. Toparies as specified by the landscape architect preparing such plans and as approved by the Zoning Director or designee, and these trees were not installed to meet minimum landscape requirements.

(e) Hatracking, which is prohibited in all areas in any zoning district.

(f) Bark removal to the extent that if a line is drawn at any height around the circumference of the tree, over one-third the length of the line falls on portions of the tree where bark no longer remains.

(g) Tears and splitting of limb ends or peeling and stripping of bark.

(h) Use of climbing spikes on any species of tree for any purpose other than tree removal, by standards set by the American National Standards Institute.

(i) Severe neglect of tree nutrition or adequate irrigation for continued growth.

(j) Improper guying, bracing or staking of newly planted trees by nailing or other methods which cause cosmetic or biological damage.

(k) Driving nails or other pointed objects into any portion of a tree.

(l) Trees removed without a permit having first been issued by the city if so required.

(m) Destroy/effectively destroy the natural habit of the growth of the tree.

(n) Land clearing without first having barricades up around the drip line of the tree, and/or land clearing without first obtaining a tree removal permit.

(2) Tree Abuse Prohibited.

(a) No owner of any property within the city shall cause or permit to be caused, abuse of any tree on its property, or possess an abused tree on said property.

(b) No person shall abuse any tree within the City of Pompano Beach. Violations of this subdivision are punishable under § [10.99](#) of this Municipal Code of Ordinances, and shall also require a payment to the city's Tree Canopy Trust Fund or other appropriate fund in an amount determined by the Court.

(c) Violations pursuant to subdivision (a) or (b) above, or under both, may be pursued by the city for any single act of tree abuse.

(3) Remedial Measures for Tree Abuse.

(a) Any person who abuses any tree as provided for herein or possess any such abused tree on property which they own shall:

1. For any first incident of tree abuse on a property, payment shall be made into the city's Tree Canopy Trust Fund or other appropriate fund as set forth in [Chapter 157, Appendix A: Fee Schedule](#), for each abused tree. Said amount shall be waived should replacement of a tree or trees be required pursuant to subsection 3. below. If the tree abuse is a second incident, payment shall be made into the city's Tree Canopy Trust Fund or other appropriate fund as set forth in [Chapter 157, Appendix A: Fee Schedule](#), for each abused tree. Any third or subsequent incident shall require a payment into the city's Tree Canopy Trust Fund or other appropriate fund as set forth in [Chapter 157, Appendix A: Fee Schedule](#), for each abused tree; and

2. Undertake pruning and other remedial action as determined by the Zoning Director or designee, not limited to the removal of destroyed or effectively destroyed trees to protect public safety and property, and corrective pruning to improve the health and form of affected trees. No tree removal permit is required for the removal of destroyed or effectively destroyed trees that are removed pursuant to the city's direction; and

3. Plant replacement trees meeting the standards for replacement trees contained within this chapter, if the tree is destroyed or effectively destroyed.

4. The remedial actions as provided for in this subsection shall be considered partial corrective action(s) required to cure a violation and are in addition to any penalties that may be imposed by the City's Special Master or a court of competent jurisdiction.

(4) Exemptions from Tree Abuse,

(a) The following are exempt from the prohibition of tree abuse as set forth in this section:

1. Topiary pruning when:

a. The trees are located on owner-occupied property developed for detached single-family or duplex usage; or

b. The trees were not installed to meet minimum landscape requirements and are identified on an approved landscape plan as appropriate for topiary pruning; or

2. Tree abuse necessary to alleviate a dangerous condition posing an imminent threat to the public or property; provided that the threat cannot be remedied by pruning that is not defined as tree abuse; or

3. Shaping of trees to protect property such as buildings and infrastructure in which there is adequate evidence accepted by the Zoning Director or designee that shaping has occurred historically.

4. Nuisance trees, provided that no condition is created which poses an imminent threat to public safety or property. In such cases, the nuisance tree shall be removed in a manner specified in § [155.128\(B\)\(9\)\(c\)\(2\)](#) to alleviate any threat. Failure to remove said tree as requested after being directed to do so by the Zoning Director or designee, shall constitute a violation.

(B) Tree Removal and Replacement. Provided all other applicable sections of this subchapter are complied with, in full, property owners may pursue tree removal permits under this part.

(1) It shall be unlawful to:

(a) Cut down, destroy, remove, relocate, effectively destroy, or damage any other tree or trees on the site during tree removal activity, without first obtaining a permit; or

(b) Allow any dead tree to remain on any developed property. All dead trees located on developed property shall be removed and the requirements for tree removal as provided in this section shall apply to each dead tree to be removed.

(2) Tree removal permits shall not be issued for vacant properties, such as properties without a developed use. Tree removal permits shall not be issued for any developed property if such removal causes said property to be in violation of the provisions of this subchapter or an approved site plan unless one of the conditions in division (B)(4) are met. The following exemptions may apply:

(a) Tree removal/relocation permits issued on vacant property when in conjunction with approved demolition/land clearing permits.

(b) Tree removal permits issued on vacant property when a tree(s) exists that is dead or destroyed due to unnatural causes, and/or causing a public safety hazard as determined by the Director of Zoning or designee.

(3) A tree removal permit may be issued when the required application data is supplied and one of the following conditions exists:

(a) The tree is located where it unreasonably restricts the permitted use of the property.

(b) The tree is diseased, injured, in danger of falling, is too close to an existing or proposed structure so as to endanger the structure, interferes with utility services, creates unsafe vision clearances or conflicts with other ordinances or regulations; is of poor quality.

(c) The tree or trees are in excess of the tree requirements for property being used for single family or duplex residential use in which case conditions in division (B)(4) do not apply.

(d) The tree or dead trees have been destroyed or have died.

(e) The tree is required to be removed pursuant to § [155.128\(A\)\(3\)\(c\)](#).

(f) Whether a proposed development cannot be located on the site without tree removal.

(g) Whether the applicant has made every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees removed.

(h) Whether a tree proposed to be removed growing too close in proximity to another tree to permit normal growth and development of the affected tree as determined by the Zoning Director or designee.

(4) An applicant of a tree removal permit must agree to fulfill one of the following conditions:

(a) That the tree, if relocated, will be moved to another location on the site or within the project area.

(b) That the tree, if destroyed or dead, will be substituted with an equivalent replacement or replacements, planted on the site or within the project area as required by the Zoning Division.

(c) That the tree, if destroyed, will be replaced by the applicant by providing the equivalent value to the City Tree Canopy Trust Fund. This condition will be considered after it is determined by the Director of Zoning or designee that the replacement/relocation cannot be planted back on site.

(5) Tree Replacement.

(a) The applicant shall submit a tree appraisal prepared by an ISA Certified Arborist pursuant to the Guide for Plant Appraisal, as amended, by the Council of Tree and Landscape Appraisers for the purpose of determining the dollar value of any tree proposed for removal.

(b) The Zoning Department after reviewing the appraisal shall then calculate the number of replacement trees required to equal the appraised value of the specimen tree proposed for removal; this calculation shall include the purchase price of the replacement tree(s) plus installation costs. The applicant shall be required to install the calculated number of replacement trees.

(6) Failure of an owner to replace a removed tree with an equivalent replacement within 60 days after being notified by the Zoning Director shall be a violation of this section.

(7) If removal or replacement of a tree or trees occurs in conjunction with a development permit, the application shall be considered part of the development site plan and no development permit shall be issued without an approved tree removal permit. Removal, replacement, or relocation shall take place before a Certificate of Occupancy is granted.

(8) Any tree removed without a permit having first been issued shall be replaced by an equivalent replacement, and the permit fee will be doubled. In the event that insufficient trunk of the removed tree exists so that equivalency cannot be determined size and equivalency shall be estimated based upon trees of the same species existing in the vicinity, considering, among other things, aerial photographic records and other available data relative to the area.

(9) No permits shall be required for the removal of the following trees:

(a) Trees which have been planted and are being grown in a state-certified plant nursery or botanical garden for sale to the general public and are being transplanted to be utilized as landscape material.

(b) Trees which cause immediate jeopardy to life, limb, or property caused by the event of a storm, accident or other act of nature on an emergency basis to be determined by the Zoning Director or designee.

(c) Destroyed or effectively destroyed trees when removed at the direction of the Zoning Director or designee as provided in § [155.128\(A\)\(3\)\(a\)\(2\)](#) governing remedial actions for tree abuse.

(d) Nuisance Trees.

1. The following species are specifically found to be nuisance trees:

a. *Melaleuca quinquenervia* (commonly known as Punk Tree, Cajeput or Pepper Bark).

b. *Schinus terebinthifolius* (commonly known as Brazilian Pepper or Florida Holly).

c. *Casuarina* species (commonly known as Australian Pine).

d. *Metopium Toxiferum* (commonly known as Poison Wood).

e. *Bischofia javanica* (commonly known as Bishopwood).

f. *Araucaria heterophylla* (commonly known as Norfolk Island Pine).

g. *Acacia auriculaeformis* (commonly known as Earleaf Acacia).

h. *Brassia actinophylla* (commonly known as Scleffera, Umbrella Tree).

i. *Leucaena leucocephala* (commonly known as Lead Tree).

j. *Cupaniopsis ancardiopsis* (commonly known as Carrotwood).

2. Removal of a nuisance tree shall include complete removal of the tree canopy and root system. If the nuisance tree fulfills a landscape requirement for the site, the tree shall be replaced with a canopy tree minimum ten feet in height, using RTRP principals.

(10) Fee schedule for any tree permit as set forth in [Chapter 157, Appendix A](#): Fee Schedule. Fee will be doubled if work is done without a permit. Permit fees are non-refundable and non-transferable. The required application data shall include, but not be limited to:

(a) Original application submitted by owner or authorized agent of the owner.

(b) Documents and drawings describing the proposed activities to be performed and to clearly identify all potential impacts to the environment and public health.

(c) A map or certified site plan showing the size and location of the site where the trees are to be removed, and where all other existing or proposed structures and vegetation are located.

(d) For new or re-development of a property, a certified tree survey and site plan of identical scale designating those trees which are proposed to be preserved, relocated, or removed. This shall include an assessment, prepared by an ISA Certified Arborist or registered Florida landscape architect, illustrating the species, quantity, size, location, condition, status and value for each tree to be preserved, relocated, or removed.

(e) The legal description of the site.

(C) Tree Protection and Preservation.

(1) Any person engaged in construction or land clearing shall:

(a) Clear vegetation within the drip line of trees designated for preservation by hand only or with the use of light rubber wheeled equipment, which will not damage tree roots or cause soil compaction.

(b) Utilize retaining wall and drywell to protect any tree to be preserved from severe grade changes.

(c) Promptly repair any tree designated for preservation which is damaged during construction by:

1. Corrective pruning for damage to tree canopy.

2. Measures such as corrective root pruning, fertilization, and soil enhancements for damage to tree roots.

(d) Provide protective barricades at the drip line before and during construction activities, as set forth in the Landscape Manual.

(2) Underground utility lines shall be routed around existing trees to the outside of the dripline where possible. If this is not possible, a tunnel made by a power-driven soil auger may be used under the tree.

(3) Installation of fences and walls shall take into consideration the root systems of existing trees. Post-holes and trenches close to trees shall be dug by hand and adjusted as necessary to avoid damage to major roots. Continuous footers for masonry walls shall be ended at the point where major large roots are encountered and these roots bridged.

(4) No impervious surface (including, but not limited to, paving or buildings) may be located within five feet (measured from the center of the trunk) of any tree.

(5) All newly planted trees shall be properly guyed and staked at the time of planting to insure establishment and erect growth. Trees shall be restaked in the event of blow-overs or other failure of the staking and guying. Staking and guying shall comply with the specifications as set forth in the Landscape Manual.

(6) As identified in the City Comprehensive Plan, areas of unique natural or unusual vegetation, both the understory and the trees shall be preserved. Any altering of such areas shall be prohibited unless first approved by the Local Planning Agency/Planning and Zoning Board.

(D) Tree Relocation.

(1) The following evaluations shall be made for tree relocation:

(a) A tree which meets the criteria for tree removal shall be relocated, unless it is demonstrated that relocation is not a viable alternative for a particular tree. If relocation is not a viable solution, the applicant shall replace a removed tree pursuant to the requirements set forth in § [155.128\(B\)](#).

(b) Whether relocation is on the property or off the property, due to lack of available space on the property. Where relocation is to occur onto another property, written authorization from that property owner shall be required.

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

(a) Not unnecessarily damage any other tree or trees remaining on-site while relocations are taking place.

(b) Relocate a tree so that it will not interfere with existing or proposed utilities, whether above or below ground.

(c) Relocate a tree to an area with adequate space for root and canopy development.

(d) Relocate a tree within the City of Pompano Beach.

(e) Ensure successful relocation and transplanting of trees by adhering to the following guidelines for relocating a tree:

1. Any tree being relocated shall not be unnecessarily damaged during removal, transport or replanting of that tree.

2. If a tree has a dormant period, it should be transplanted during that time.

3. Adequate space for root and canopy development shall be provided.

4. Prior to relocating, the tree shall be root and canopy pruned according to sound arboricultural standards.

5. During and following transplanting of a tree, the root ball and trunk shall be-protected. The root ball must be kept moist at all times.

6. A transplanted tree shall be braced for at least one year after is relocation.

7. A transplanted tree shall be fertilized as appropriate and shall be watered sufficiently until tree growth is re-established. Written proof of temporary irrigation may be required with submittal of permit and as a condition of permit approval.

(3) Tree relocation maintenance and monitoring requirements. Any person conducting tree relocation activities shall:

(a) Maintain the health of a relocated tree for a period of one year from the date of planting.

(b) Replace, within 60 days, a relocated tree that dies or is determined by the Director of Zoning or designee, to be effectively destroyed within one year of being relocated. The one year maintenance period shall begin anew whenever a tree is replaced. The replacement trees are to be determined from the dollar value given for each at time of permitting.

(4) Tree relocation bond requirement:

(a) Any person conducting tree relocation activities must post a bond to insure the survival of trees designated for relocation. This bond shall be in addition to any other bond that may be required by any other entities. Determination of the bond amount shall be computed based upon the most current version of the ISA Guide for Plant Appraisal.

(b) Release of bonds will occur upon completion of construction activities and successful tree relocation, as set forth in this section, and with written approval by the Director of Zoning or designee.

(c) If a tree is determined to be effectively destroyed within one year from the date of relocation, and no efforts have been made for preservation or replacements, the bond shall be drawn upon and funds will be deposited into the Tree Canopy Trust Fund.

(E) Street Trees.

(1) New Development. In conjunction with new construction, street trees shall be placed in the landscaped area of streets having a right-of-way of 50 feet in width or greater by the developer or builder prior to the issuance of a Certificate of Occupancy. One street tree shall be required for every 40 linear feet of street frontage and shall be planted no further than 60 feet and no closer than 15 feet apart. All street trees are to be placed in a location in accordance with the requirements of the City Engineer in order to accommodate location of utilities or street widenings. The variety and specie of trees shall be in accordance with the "Official Street Tree Plan" as maintained by the city Planning Department.

(2) "Official Street Tree Plan." There is created an "Official Street Tree Plan," which is by reference made a part of Landscape Manual and hereinafter shall be referred to as the Street Tree Plan. Said official Street Tree Plan reference shall be located in the Planning Department. The Street Tree Plan shall depict the official trees which shall be planted along the arterial and collector streets of the city.

(3) Local Street Trees.

(a) Any property owner may apply for a permit to plant a tree or trees in the swale area of a local street abutting the property owned by the applicant provided that the mature height and spread of the tree shall not interfere with any public utility service. The location and species of the tree or trees shall conform to Right Tree Right Place guidelines and shall be approved by the Director of Planning and Zoning or designee.

(b) Citizen groups may petition the City Commissioners for special tree planting approval within the rights-of-way of local streets. Costs of trees and installation may be assessed and paid for by the respective citizen groups or property owners. The city will maintain the street trees. Variety and specie of trees shall be in accordance with the approved list of trees as maintained by the Planning Department and shall comply with the standards as set forth in this subchapter.

(Ord. 90-28, passed 2-6-90; Am. Ord. 91-21, passed 12-11-90; Am. Ord. 95-61, passed 5-9-95; Am. Ord. 98-37, passed 3-24-98; Am. Ord. 2000-21, passed 11-23-99; Am. Ord. 2002-73, passed 9-24-02; Am. Ord. 2003-49, passed 5-27-03; Am. Ord. 2004-36, passed 4-27-04; Am. Ord. 2007-50, passed 4-24-07)

§ 155.129 LANDSCAPE REQUIREMENTS BY ZONING DISTRICTS.

(A) RS-1, RS-2, RS-3, RS-4, RD-1 Districts. (Single-Family and Two-Family Residential Districts).

(1) A minimum of 30% of the total gross area of a plot shall be devoted to landscaped pervious area.

(2) All plots of 7,000 square feet or less shall contain three trees, except all corner plots shall contain five trees, and 20 shrubs.

(3) All plots over 7,000 square feet shall contain a minimum of four trees, except all corner plots shall contain six trees, and 30 shrubs.

(B) RM-12, RM-20, RM-30, RM-45, RPUD Districts. (Multi-Family Districts).

(1) A minimum of 25% of the total gross area of a multi-family residential plot shall be devoted to landscaped pervious area.

(2) The pervious area shall contain one tree and five shrubs for every 3,000 square feet of lot area or major portion thereof.

(C) B-1, B-2, BSC, B-3, B-4, M-1, M-2, BP, I-1, PCI Districts. (Business Commercial and Industrial Districts).

(1) A minimum of 20% of the total gross area of a plot shall be devoted to landscaped pervious area.

(2) The pervious area shall contain one tree and five shrubs for every 3,000 square feet of lot area or major portion thereof.

(D) PR, CR, CF, T and PU Districts. (All other Districts).

(1) A minimum of 40% of the total gross area of a plot shall be devoted to landscaped pervious area.

(2) The pervious area shall contain two trees and five shrubs for every 2,000 square feet of lot area or major portion thereof.

(E) The maximum width of a residential accessway through the perimeter landscaped strip to an off-street parking or other vehicular-use area shall be 24 feet for two-way vehicular movement and 14 feet for one-way vehicular movement. For commercial and industrial uses the maximum width for accessways shall be two times that for residential uses. No more than one two-way accessway shall be permitted for any street frontage up to 100 lineal feet or no more than two one-way accessways shall be permitted for any frontage up to 100 lineal feet, these standards to be applicable to any property under one ownership. If the ownership involves over 100 feet of street frontage, one additional two-way or two additional one-way drives may be permitted for each additional 100 feet of frontage or major fraction thereof. The balance of the street frontage not involved with accessways shall be landscaped in accordance with the provisions of this subchapter.

(Ord. 90-28, passed 2-6-90; Am. Ord. 91-64, passed 6-24-91; Am. Ord. 92-18, passed 1-14-92; Am. Ord. 93-41, passed 4-27-93)

§ 155.130 BUFFER REQUIREMENTS.

(A) Where multi-family residential plots abut single-family and/or two-family residentially zoned plots, a buffer area shall be provided on the multi-family plot. This area shall be a minimum continuous depth of ten feet of landscaped area and shall contain a minimum of one tree for every 30 linear feet or major fraction thereof and a continuous hedge or shrub grouping to provide a separation between the different land use areas. The hedge or shrub grouping shall reach a height of four feet within 18 months of planting and shall be maintained at not less than the minimum height.

(B) Where a business, commercial, or planned commerce development plot abuts any residentially zoned plot, a buffer area shall be provided on the non-residential plot. The buffer area shall be a minimum continuous depth of ten feet of landscaped area and shall contain a wall or opaque fence of at least six feet in height. On the side of the wall or opaque fence that abuts the residential plot, one tree for every 30 linear feet or major fraction thereof and a continuous hedge shall be provided. On the side of the wall or opaque fence that is interior to the non-residential plot, one shrub shall be provided every ten linear feet. The wall or opaque fence shall contain a door to permit access necessary to maintain the required landscaping material. In cases where a landscape buffer is provided on the abutting residentially zoned plot, the buffer will not be required on the non-residentially zoned plot provided the following criteria are met:

- (1) The buffer meets all screening and dimensional requirements described in subsection (B);
- (2) The buffer is incorporated into an approved site plan; and

(3) The buffer is memorialized through a deed restriction that is recorded in the Public Records of Broward County, Florida.

(C) Where an industrial or planned industrial plot abuts or is separated from any residentially zoned plot by a street or waterway, a buffer area shall be provided on the non-residential plot. The buffer area shall be a minimum continuous depth of 25 feet and shall contain a masonry or CBS wall eight feet in height. On the side of the wall abutting or adjacent to the residential plot one ornamental tree for every 30 feet and a continuous hedge shall be provided. The hedge shall be maintained at a height of not less than five feet. On the side of the wall that is interior to the non-residential plot one shade tree with a minimum height of 16 feet and a minimum spread of seven feet shall be provided for every thirty linear feet. The wall shall contain a gate to permit access necessary to maintain the required landscaping materials. In cases where a landscape buffer is provided on the abutting residentially zoned plot, the buffer will not be required on the non-residentially zoned plot, provided the following criteria are met:

- (1) The buffer meets all screening and dimensional requirements described in subsection (B);
- (2) The buffer is incorporated into an approved site plan; and

(3) The buffer is memorialized through a deed restriction that is recorded in the Public Records of Broward County, Florida.

(Ord. 90-28, passed 2-6-90; Am. Ord. 97-70, passed 7-22-97; Am. Ord. 2006-64, passed 9-26-06; Am. Ord. 2010-32, passed 6-22-10)

§ 155.131 VEHICULAR AREAS.

(A) Application. All vehicular use areas shall conform to the following minimum landscaping requirements. Single-family vehicular use areas are exempted from the following requirements.

(B) Required landscaping adjacent to public rights-of-way, private roadways, and alleys. On the site of a building or open lot providing an off-street parking area or other vehicular-use area, there shall be provided landscaping between the area and adjacent rights-of-way, private roadways and alleys as follows:

(1) A minimum width of ten feet of landscaping, excluding egress and ingress drives, shall be provided along the property line.

(2) For industrial properties which abut a trafficway as depicted on the Broward County Trafficway Map, a minimum width of 20 feet of landscaping area shall be provided along the property line.

(3) One canopy tree per 30 linear feet, or major fraction thereof, of property line shall be provided, excluding egress and ingress drives. Where a property is required to provide ten or more canopy trees, palms may be substituted for 50% of the required perimeter trees, installed at heights as required in § [155.127](#)(B)(14). However, when palms are utilized for one entire perimeter requirement, the palm requirement shall increase to one large palm per 20 linear feet.

(4) A continuous hedge, wall, or other durable landscape barrier of at least 24 inches in height shall be provided. One shrub or vine per five feet of non-living durable barrier shall be planted between the barrier and the adjacent right-of-way.

(5) Grass or ground cover shall be planted in the remaining unplanted area of the landscape strip.

(C) Perimeter landscaping related to abutting properties. On the site of a building, structure, or open lot providing an off-street parking area or other vehicular-use area where the area will not be entirely screened visually by an intervening building or structure from the abutting property, that portion of the area not so screened shall be landscaped as follows.

(1) A minimum width of 10 feet shall be provided between the abutting property line and the parking or other vehicular-use area, except for plots having a width of 100 feet or less, only five feet shall be provided.

(2) One canopy tree for each 40 linear feet of property line or major fraction thereof shall be provided. Where a property is required to provide ten or more canopy trees, large palms may be substituted for 50% of the required perimeter trees, installed at heights as required in § [155.127](#)(B)(14). However, when palms are utilized for one entire perimeter requirement, the palm requirement shall increase to one large palm per 20 linear feet.

(3) A continuous wall, hedge, or other durable landscape barrier at least 24 inches in height shall be provided. One shrub or vine for each five feet of non-living durable barrier shall be planted between the barrier and the off-street parking or other vehicular-use area.

(4) Grass or ground cover shall be planted in the remaining unplanted area of the landscaped strip.

(5) Waterway frontage shall be landscaped. Minimum requirements for this landscape area shall be the same as the perimeter requirements relating to abutting properties.

(6) Tree provisions do not apply to those portions of the property that are opposite a building or other structure located within five feet of the abutting property line.

(7) Where abutting properties have the same perimeter landscaping requirement, the perimeter landscaping requirement can be provided jointly by the abutting property owners and does not have to be duplicated by each property owner.

(D) Interior Landscaping. An area or a combination of areas, equal to 15% of the total vehicular-use area shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required by this ordinance may be counted as part of the interior landscaping requirement as long as such landscaping is contiguous to the vehicular use area and fulfills the objective of this division.

(1) Each parking row shall begin and end with a landscaped island. For parking rows which provide more than ten parking spaces, one additional landscaped island shall be provided for every ten parking spaces. The spacing interval for the landscaped islands shall not exceed a landscaped island every ten parking spaces. The landscaped islands shall have a minimum size of five feet in width by 15 feet with a minimum of one canopy tree.

(2) Landscaped areas, and walks shall require protection from vehicular encroachment through appropriate curbs, or wheel stops, located a minimum of 18 inches from landscaped areas or pedestrian walkways.

(3) A landscaped area having a minimum width of five feet shall be provided between abutting parallel rows of parking spaces.

(4) Canopy trees in vehicular use areas shall be maintained to provide the maximum canopy crown.

(5) A center landscaped median having a minimum width of five feet may be installed within a driveway entrance as a traffic guide when at least 12-foot wide driving lanes are provided. The median shall be maintained in grass, shrubs or ground cover and protected from vehicular encroachment by curbing.

(6) A landscaped area having a minimum width of five feet shall separate the vehicular use area from the walls of a single story building. The minimum landscaped area shall increase by five feet for each additional story up to a maximum landscaped area of 25 feet. This requirement shall not apply to openings to garages and carports or loading docks.

(7) Other suitable solutions or innovative designs to reduce heat-glare may be substituted when approved by the Development Services Director, provided the following criteria are met:

(a) The alternative solution does not result in a loss of the square footage of interior landscaping that would otherwise be required by § [155.131\(D\)](#); and

(b) No parking stall is farther away than 50 feet from a tree measured in a straight line from the tree trunk; and

(c) The interior landscaping is distributed over the vehicular use area so as to avoid the appearance of an unbroken expanse of paved area; and

(d) The plan includes a combination of the following:

1. Canopy trees that are 25% to 50% larger than would otherwise be required by § [155.141\(D\)\(1\)](#);

2. Canopy trees are planted or grouped at a minimum spacing of 15 feet on center;

3. Landscaped islands that are 25% to 50% larger than would otherwise be required by § [155.141\(D\)\(1\)](#);

4. Landscape areas between abutting parallel rows of parking spaces that are 25% to 50% larger than would otherwise be required by § [155.131\(D\)\(3\)](#);

5. Perimeter landscape strips that are 25% to 50% larger than would otherwise be required by § [155.131\(C\)\(1\)](#);

6. Paving materials that have a high Solar Reflective Index such as concrete or cement (as opposed to black asphalt);

7. Parking island locations that are designed in a complimentary staggered fashion so as to increase the shade provided over the vehicular use area.

(8) The following exceptions will apply:

(a) Special vehicular use areas which are not open to the general public for automobile parking, such as storage areas for new, used or rental motor vehicles, watercraft, trailers or construction equipment, inter-urban bus stations and trucking terminals shall provide interior landscaping equal to 15% of the special vehicular use area. The required landscaping shall be distributed over the special vehicular use area so as to avoid the appearance of an unbroken expanse of paved area.

(b) Covered parking garages.

(Ord. 90-28, passed 2-6-90; Am. Ord. 2004-36, passed 4-27-04; Ord. 2010-32, passed 6-22-10)

§ 155.132 EXISTING USES.

(A) Nothing in this subchapter shall be considered retroactive and shall only apply to properties developed on or after February 6, 1990. Any property developed before February 6, 1990 shall be governed by the rules and regulations in effect at the time the property was developed.

However, in the event buildings existing as of February 6, 1990 are enlarged or new buildings constructed on the same parcel that increases the building size 20% or more, then that parcel shall be governed by this section. Further, when an existing parking area is enlarged or another parking area is added to the same parcel in an amount of 20% or more, the entire parcel including the parking in existence on February 6, 1990 shall come under the provisions of this section. The provision pertaining to existing parking areas shall not apply to existing single-family homes.

(B) Notwithstanding the provisions in subsection (A) above, all properties developed prior to October 30, 1973, shall comply with the following requirements, however, single-family homes shall be exempt from these requirements. In addition, any dumpster placed on a lot prior to October 24, 1978, shall comply with the screening requirements under subparagraph (1) below:

(1) Dumpster areas visible from a public right-of-way or more restrictive zoning district shall be enclosed fully on three sides by a six foot high solid view-screening fence and with solid view-screening gates unless such dumpster is legally located in a front or street side setback in which case the fence requirement shall not apply. A 24-inch high continuous hedge shall be provided around the dumpster enclosure.

(2) All mechanical equipment visible from a public right-of-way or more restrictive zoning district including, but not limited to, air conditioning compressors, swimming pool pumps, bottled gas tanks, garbage containers which are located at ground level and back flow prevention devices shall be screened on three sides

or 75% of the perimeter. A hedge, berm, wood fence or wall maintained at a height of six inches above the equipment may be used to meet this requirement.

(3) (a) Except for necessary access to loading or parking areas, provide sod within the right-of-way swale to the edge of the paved travel lane. Provide one street tree per 40 lineal feet of sodded swale area. Placement of street trees is subject to prior approval of the City Engineer.

(b) The Zoning Director will not require sod in a swale when substantial evidence exists that a portion of a swale was developed as a loading area.

(4) Provide a five foot wide landscaped area with a continuous hedge or one tree per 40 lineal feet of frontage adjacent to a building wall facing any public street. This requirement shall not apply to necessary access to building entrances, loading docks, overhead doors, garages or parking spaces.

(5) (a) Provide a landscape strip with an average width of five feet between any parking area or driveway and a front or street side lot line.

(b) Provide a continuous hedge at least 24 inches in height at planting.

(c) Provide one tree per 30 lineal feet of property in a planting area a minimum of five feet in width.

(d) Grass or other ground cover shall be planted in the remaining unplanted area of the landscape strip.

(6) No proceeding requirement shall apply if Zoning Department staff determines that compliance with such requirement will cause a property to be nonconforming or will increase an existing nonconformity with respect to the number of parking spaces or access way requirements required under this chapter.

(7) General and procedural requirements of this landscaping subchapter shall apply to the design and submittal of plans, installation of material and inspections. Submission and approval of a landscape plan shall be required for compliance with this section. When needed, Development Services Department staff will assist property owners in preparing planting plans for the purpose of compliance with this subsection.

(Ord. 90-28, passed 2-6-90; Am. Ord. 95-55, passed 4-25-95; Am. Ord. 98-28, passed 2-24-98; Am. Ord. 2000-16, passed 10-26-99; Am. Ord. 2000-29, passed 12-14-99; Am. Ord. 2003-49, passed 5-27-03; Am. Ord. 2004-53, passed 7-27-04; Am. Ord. 2010-32, passed 6-22-10)

§ 155.133 ADDITIONAL SCREENING.

(A) Dumpsters: Dumpster areas shall be enclosed fully by a six-foot high painted masonry wall and a fully opaque access gate. A 24-inch high continuous hedge shall be provided around the dumpster enclosure except for the access gate and pedestrian opening.

(B) All mechanical equipment and outdoor storage uses, such as but not limited to, air conditioning compressors, swimming pool pumps, bottled gas tanks, garbage containers which are located at ground level and back-flow prevention devices shall be screened on three sides (or 75% of the perimeter). Where such equipment or outdoor storage uses abut the building, the building wall may provide partial credit towards the screening requirement. A hedge, berm, wood fence or wall, maintained at a minimum of six inches above the items to be screened, may be used meet this requirement.

(Ord. 90-28, passed 2-6-90; Am. Ord. 91-64, passed 6-25-91)

§ 155.134 SIGHT DISTANCE FOR LANDSCAPING ADJACENT TO PUBLIC RIGHTS-OF-WAY.

(A) When the subject property abuts the intersection of two or more public rights-of-way, a sight visibility triangle shall be provided. The sight visibility triangle shall provide unobstructed cross-visibility for vehicular, pedestrian, and bicycle traffic at a level between three feet and six feet measured from grade level. Sight visibility triangles are formed as follows.

The area of property located at a corner formed by the intersection of two or more public rights-of-way with two sides of the triangular area being ten feet in length along the abutting public right-of-way pavement, measured from their point of intersection, and the third side being a line connecting the ends of the other two sides.

(B) Obstructions to be restricted in the sight visibility triangle include fencing (excluding chain link or other open type fencing that is a minimum of 90% see-through), walls, landscaping, signs, public utility structures or other structures. However, a single sign pole no greater than eight inches in diameter is allowed. Additionally, trees or palms having limbs or foliage trimmed in such a manner that no limbs or foliage extends into the sight visibility triangle between three feet and six feet measured above the grade level may be planted and maintained within the triangular area described herein, provided such trees do not materially impair the visibility of operators of vehicular traffic. The Planning and Growth Management Director shall enforce the above requirements regarding the provision of landscaping in sight distance areas. In cases when existing landscaping material obstructs sight distances the property owner shall be responsible for complying with the requirements.

(Ord. 90-28, passed 2-6-90; Am. Ord. 95-61, passed 5-9-95; Am. Ord. 95-71, passed 6-20-95; Am. Ord. 2000-1, passed 10-12-99)

§ 155.135 LANDSCAPE PLAN APPROVAL.

(A) General. Appropriate plans showing proposed landscape development shall be submitted to the Zoning Director at the time of final site plan review where such approval is required in the Zoning Ordinance and prior to the issuance of any building permit, paving permit or any permit that otherwise alters the pervious area of any given plot.

(B) Evidence of design responsibility. All landscape plans for all new development other than for a single-family or duplex-family residential unit shall be prepared by a landscape architect registered in the state.

(C) Landscape plan. The landscaping plan(s) shall contain the following minimum information:

(1) The scale of drawing(s) shall not be greater than one inch equals 20 feet on sheet size not to exceed 24 inches by 36 inches. Where more than one sheet is necessary due to the extent of the project, a key plan shall be presented, at any scale practicable, illustrating the entire scope of the project.

(2) Property lines, location of all structures, utilities, pavements and roadways, water features and retention areas where required.

(3) Location and identification of all trees to be preserved and all trees to be removed.

(4) Location and identification of all landscaping material to be used including walls, pedestrian pavements, fences, and other landscape structures.

(5) Landscape material schedule listing all plants being used by botanical name, common name, quantity, and planting size by caliper, height and crown spread.

(6) The grading plan may be a separate drawing or on the site plan but at the same scale as the landscape plan. It will show existing and proposed grades and means of accommodating storm water runoff.

(7) A conceptual irrigation plan must be submitted as a separate drawing, at the same scale of the landscape plan, and indicate the water source, head locations, head type, rain sensing device, radius of coverage, rust filter, pipe location, pipe sizing and zones, automatic control devices, pump or meter locations and backflow prevention and anti-siphon devices.

(8) Landscaping specifications shall be provided to supplement information which cannot be indicated on the drawings.

(9) Typical tree and shrub planting details shall be included on the site plan to assure that the installation requirements are met.

(Ord. 90-28, passed 2-6-90; Am. Ord. 95-61, passed 5-9-95; Am. Ord. 98-37, passed 3-24-98)

§ 155.136 ENFORCEMENT.

(A) Responsibility. This subchapter shall be the minimum standard applied to the areas of the city and shall be enforced by the Code Enforcement Division by the direction, inspection and recommendation of the Director of the Planning and Growth Management.

(B) Inspection. A duly authorized representative of the City Code Enforcement Division is authorized and directed to lawfully enter in and upon all premises at reasonable times to inspect and determine their condition insofar as the provisions of this section are applicable.

(C) Procedures. Whenever a violation of this subchapter exists, the property owner shall be given a notice of violation according to the Code Enforcement Division procedures. Such notice shall indicate the nature of the violation, compliance requirements and the time period for accomplishment of the necessary corrections.

(D) Penalty. Penalties shall be proscribed by law.

(E) Temporary Suspension of Landscape Requirements. The installation of landscaping pursuant to the provisions of this section may be temporarily suspended in individual cases by the Director of Planning and Growth Management under the following conditions:

(1) After a freeze where required landscape materials are not available.

(2) During a period of drought in which the use of water is restricted by governmental authority. The suspension of planting shall be conditioned upon the provision by the applicant of a bond or similar surety which, in the opinion of the City Attorney, is sufficient to guarantee compliance with the minimum requirements of this section when sufficient plant materials become available or when a water emergency is lifted.

(F) Stop Work Orders. Whenever any person is performing landscaping work which is not in compliance with the Zoning Code, the Zoning Director or designee, or any Code Enforcement Inspector, may order the work be stopped and any persons performing such work shall immediately cease the work. The work may not

resume until such time as authorized by the City. Failure to stop work when ordered by an authorized person shall constitute a violation, punishable under § [10.99](#).

(Ord. 90-28, passed 2-6-90; Am. Ord. 2004-36, passed 4-27-04)

§ 155.137 LANDSCAPE MANUAL.

The Planning Department shall prepare within six months of the passage of this subchapter, and from time to time revise a landscape manual. The Landscape Manual shall provide graphic and illustrative interpretations of the requirements of this subchapter and will be available to the public as an aid in satisfying the purpose and intent of this subchapter.

(Ord. 90-28, passed 2-6-90)