ORDINANCE NO. 2019—

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

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

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

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

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

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

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

WHEREAS, the Town Commission seeks to reduce the impact of nutrients on surface
and ground waters; and
WHEREAS, limiting the amount of fertilizer applied to the landscape will reduce the risk of nutrient enrichment of surface and ground waters; and

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

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

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

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

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

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

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

Chapter 90 – Zoning

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Article VIII. – Landscape Requirements

See 90-85. - General.

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

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

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1 Coding: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double-strikethrough and double underline.
(2) To create and enhance the aesthetic subtropical character and identity distinctiveness of the Town of Surfside;

(3) To design landscaping to enhance architectural features, relate structure design to the site, visually screen sites and unsightly views, reduce noise impacts from major roadways and incompatible uses, strengthen important vistas and reinforce neighboring site design and architecture,

(4) To prevent the expansion of the listed pest plant species by prohibiting the use of noxious exotic plants which invade native plant communities;

(5) To promote the use of more wind tolerant trees and proper horticultural planting methods in order to maintain a more sustainable landscape;

(6) To promote xeriscape and Florida Friendly principles through the use of drought-tolerant landscape species, grouping of plant material by water requirements, right plant in the right place, appropriate fertilization, the use of irrigation systems that conserve the use of potable and non-potable water supplies, mulching and restrictions on the amount of lawn areas;

(7) To utilize landscape material, specifically street trees, to visually define the hierarchy of roadways, and to provide shade and a visual edge along roadways;

(8) To prevent the destruction of the town's existing tree canopy and promote its expansion to be valued and preserved for present and future generations;

(9) To provide for the preservation of existing natural plant communities and re-establish native habitat where appropriate, and encourage the appropriate use of native plant and salt tolerant plant material in the landscape and where applicable, encourage appropriate wildlife habitat areas;

(10) To 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;

(11) To contribute to the processes of air movement, air purification, oxygen generation, 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;

(12) To improve the aesthetic appearance of the town through the use of plant material, thereby protecting and increasing property values within the community;

(13) To 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;

(14) To provide the physical benefits of using plant material as a function and integral part of the Town of Surfside's development;

(15) To provide minimum standards for landscaping new developments or for redevelopment;
To promote water conservation and vegetation protection objectives by providing for:

a. The preservation of existing plant communities pursuant to the requirements of the Miami-Dade’s Tree Preservation and Protection Ordinance;
b. The reestablishment of native plant communities;
c. The use of site-specific plant materials; and
d. The implementation of Xeriscape Florida Friendly principles as identified in Florida-Friendly Landscaping-Guide to Plant Selection & Landscape Design South Florida Water Management District’s Xeriscape Plant Guide II, as amended, and as provided by law.

90-85.2 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

Code enforcement officer, official, or inspector means any designated employee or agent of the Town of Surfside whose duty is to enforce codes and ordinances enacted by the Town.
Commercial applicator except as provided in F.S. § 482.1562(9), means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicators.

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

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

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

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

Emitter primarily refers to devices used in microirrigation systems.

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

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

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

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

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

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

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

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

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

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

Irrigated landscape area means all outdoor areas that require a permanent irrigation system.
**Irrigation zone** means a grouping of sprinkler heads, soakers, bubblers, or microirrigation emitters operated simultaneously by the control of one valve.

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

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

**Landscape/landscaping:**

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

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

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

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

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

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

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

**Native habitat:** An area enhanced or landscaped with an appropriate mix of native tree, shrub and groundcover species that resembles a native plant community in structure and composition or is naturally occurring.
Native plant community: A natural association of plants dominated by one or more prominent native plant species, or a characteristic physical attribute as indicated by the Town of Surfside.

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

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

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

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

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

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

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

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

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

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

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

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

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

Redevelopment: Any proposed expansion, addition, or facade change to an existing building, structure, or parking facility. Redevelopment may also mean any rebuilding activity which has no net increase in built-upon area or which provides equal or greater stormwater control than the previous development. Exception to this definition, single family dwelling
redevelopment would be considered when 75 percent or greater of the existing structure is
knocked down.

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

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

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

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

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

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

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

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

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

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

*Tree abuse*:

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

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

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

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

5. Peeling or stripping of bark or the removal of bark to the extent that if a line is drawn
   at any height around the circumference of the tree, over one-third of the length of the
   line falls on portions of the tree where the bark remains.
(6) The use of climbing spikes, nails or hooks with the exception for the purpose of total tree removal.

(7) Pruning that does not conform to the standards set by the American National Standards Institute (ASI A300), as amended, with the exception of palm pruning which shall allow no pruning of fronds above the horizontal plane.

(8) Using nails or other piercing devices for the purpose of attaching signage or any objects to a tree.

(9) Girdling of trees by guying, staking, support, string trimmers, or non-removal of planting materials from the root balls.

(10) Lawn mower string trimmer or deck damage inflicted on any portion of a tree.

(11) Vehicular damage inflicted causing bark removal, tree leaning and/or destruction. Also, any damage and/or compaction of the roots by vehicular usage.

(12) Structures being placed or constructed within a tree.

(13) Utilizing any portion of a tree as a fence or similar structural support.

(14) The use of oils, chemicals or other materials poured on the roots and/or trees. Also, the painting of trees with paint and/or other similar material.

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

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

Vegetation: Angiosperms, gymnosperms, ferns and mosses.

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

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

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

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

Sec. 90-86. - Landscape permit plans.

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

(1) The same scale of the site plan, but no smaller than one inch equals 50 feet.
(2) Location of existing trees, vegetation and native plant communities to remain, if applicable.

(3) Location of existing buildings, paving, and site improvements to remain.

(4) Location of proposed buildings, paving, site improvements, and water bodies.

(5) Main location with sleeves, size and specifications.

(6) Valve location, size and specifications.

(7) Pump location, size and specifications or water source.

(8) Backflow prevention device type and specifications.

(9) Controller locations and specifications.

(10) Zone layout plan (minimum scale 1" = 20´):

(11) Provide 100 percent coverage and 100 percent overlap.

(12) Indicating head-type, specifications and spacing.

(13) Indicate location and details of rain sensor, second water meter, and rainwater citrons; and

(14) Indicating methods used to achieve compliance with xeriscape Florida Friendly principles as required by F. S. §166.048, 373.228.

(15) Efficient Irrigation Design. All new irrigation installations shall meet the irrigation standards identified per §373.228, F.S. These include:

1. Irrigation systems, including the use of micro-irrigation as appropriate, shall be designed to meet the needs of the plants in the landscape.

2. When feasible, irrigation systems shall be designed to separately serve turf and non-turf areas.

3. The irrigation system plans, and specifications shall identify the material to be used and the construction methods.

4. The design shall consider soil, slope and other site characteristics in order to minimize water waste, including overspray, the watering of all impervious surfaces and other non-vegetated areas, and off-site runoff.

5. The system shall be designed to minimize free flow conditions in case of damage or other mechanical failure.

6. The system shall be designed to use the lowest quality water feasible.

7. Rain switches or other approved devices, such as soil moisture sensors to prevent unnecessary irrigation, shall be incorporated. (Section 373.62, F.S.)

9. A recommended seasonal operating schedule and average precipitation rate for each irrigation zone for both establishment and maintenance conditions shall be provided.

10. Control systems shall provide the following minimum capabilities:
i. Ability to be programmed in minutes, by day of week, season, time of day.

ii. Ability to accommodate multiple start times and programs.

iii. Automatic shut off after adequate rainfall.

iv. Ability to maintain time during power outages for a minimum of three (3) days, and

v. Operational flexibility to meet applicable year-round water conservation requirements and temporary water shortage restrictions.

11. Recommended maintenance activities and schedules shall be included.

12. Precipitation rates for sprinklers and all other emitters in the same zone shall be matched, except that micro irrigation emitters may be specified to meet the requirements of individual plants.

13. Irrigation systems shall be designed to maximize uniformity, considering factors such as:

   i. Emitter types.

   ii. Head spacing.

   iii. Sprinkler pattern.

   iv. Water pressure at the emitter.

14. Irrigation systems with main lines larger than two (2) inches or designed to supply more than seventy (70) gallons per minute shall incorporate a means to measure irrigation water use, at a minimum of ninety-five (95) percent accuracy across the flow range.

15. Irrigation system plans and specifications shall require the system installer to conduct final testing and adjustments to achieve design specifications prior to completion of the system and acceptance by the owner or owner's representative.

16. The irrigation system shall be designed to correlate to the organization plants into zones as described in section 12-102 above. The water use zones shall be shown in the irrigation plan. All plants (including turf) require watering during establishment. Temporary facilities may be installed to facilitate establishment.

17. Rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient soil moisture, in accordance with Florida Law ([Section] 373.62, F.S.). Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

18. The installation of tracer wire along main lines and laterals shall be required to permit easy location and prevent inadvertent cutting of pipes.
19. If the water supply for the irrigation system is from a well, a constant pressure
flow control device or pressure tank with adequate capacity shall be required to
minimum pump "cycling".

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

21. Nozzle precipitation rates for all heads within each valve circuit must be
matched to within twenty (20) percent of one another.

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

23. To assist the end user to operate the system property, in addition to the
minimum requirements of [Section] 373.228, F.S., the following are
couraged to be provided to the owner at the time of installation. The map
shall be attached inside each irrigation controller or be kept in another readily
available location if it is not practical to insert into a small container.

1. Irrigation schedule information, with instructions for seasonal timer
and sensor changes;

2. Irrigation system plans and specifications including as-constructed
drawings, recommended maintenance activities and schedules;

3. Operations schedules, design precipitation rates, and instructions on
adjusting the systems to apply less water after the landscape is
established;

4. Maintenance schedule, water source, water shut-off method, and the
manufacturing operational guide for their irrigation controller;

5. To the extent feasible, similar information should be made available
for subsequent property transfers.

24. Reduced-pressure-principle backflow preventers shall be recertified
yearly.

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

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

(1) Planting soil/topsoil shall be of the minimum quality as specified in the plant materials
section of this Code. All trees, palms, shrubs, and ground covers shall be planted with a
minimum of 12 inches or two times the root ball of planting soil around root ball. A
minimum of three inches of shredded, approved arsenic free, organic mulch or
groundcover shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover planting. The use of mulch obtained from Melaleuca, Eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.

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

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

(4) Reserved.

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

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

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

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

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

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

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

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

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

(13) All landscape areas with the exception of H30A, H30B and H30C (for single family and two family only) shall be provided with an automatically operating, underground, and rust free irrigation system designed to have 100 percent coverage.
with 100 percent overlap. Drip, trickle or other low-volume irrigations systems shall be permitted if designated on approved landscape plans and approved by the town. Irrigation systems shall be designed to minimize application of water to impervious areas. All PVC risers shall be painted flat black.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Florida Friendly Fertilizer Use To regulate the proper use of fertilizers by any person who applies fertilizer on turf and/or landscape or plants; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period; specifies allowable application fertilizer application rates and methods, fertilizer-free and low maintenance zones, and exceptions. It
requires the use of Best Management Practices for the application of fertilizer to minimize negative environmental effects associated with excessive nutrients in water bodies. These environmental effects have been observed in Dade County’s natural and constructed stormwater conveyances, canals, lakes, estuaries and other water bodies. Collectively, these water bodies are an important asset to the environmental, recreational, cultural and economic well-being of Town of Surfside residents and their public health. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.

Timing of fertilizer applications.

(1) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the time period in which a flood watch or warning, a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of Town of Surfside, issued by the National Weather Service.

(2) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants if heavy rain two inches or more within a 24-hour period is likely.

(3) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to saturated soils.

(4) Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevent plan for the site.

Fertilizer free zones.

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

Fertilizer content and application rates.

(1) Fertilizers applied to turf shall be applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers. Under Rule 5E-1.003(2), Florida Administrative Code, required application rate and frequency maximums, which vary by plant and turf types, are found on the labeled fertilizer bag or container.
(2) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in subsection (1) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

(3) Fertilizer used for sports turf at golf courses shall be applied in accordance with the recommendations in "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses," published by the Florida Department of Environmental Protection, dated January 2007, as may be amended. Fertilizer used at park or athletic fields shall be applied in accordance with Rule 5E-1.003(2), Florida Administrative Code.

Fertilizer application practices.

(1) Spreader deflector shields shall be used when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands. Any fertilizer applied, spilled or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

(2) Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site or returned to the original or other appropriate container.

(3) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

(4) Property owners and managers are encouraged to use an Integrated Pest Management (IPM) strategy as currently recommended by the University of Florida Cooperative Extension Service publications.

Training.

(1) All commercial and institutional applicators of fertilizer shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida/Broward County Cooperative Extension Service "Florida-Friendly Landscapes" program or an approved equivalent program. A trained applicator shall have identification or other evidence of successful completion of the training program on their person at all times while applying fertilizer.

(2) Non-commercial and non-institutional applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida/IFAS "Florida-Friendly Landscape Program" and label instructions when applying fertilizers.

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

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

(3) Pesticide Management.

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

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

(4) Management of grass clippings and vegetative matter.

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

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

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

(6) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or
improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation
system.
Preserved and created native plant communities shall be maintained in a natural state without the use of mechanical equipment.

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

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

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

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

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

All property owners shall keep such property and the adjoining unpaved portions of the public rights-of-way, swales and bulkheads clean and free from any accumulation of garbage, trash, litter or debris.

All property owners within the town shall not permit unattended vegetation upon the property, adjoining portions of the rights-of-ways, swales and canal banks.

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

Sec. 90-90. - Vegetative provisions.

90-90-1 Xeriscape Florida Friendly.

(1) A minimum of 20 percent of the pervious area on single family and duplex dwellings must be in xeriscape Florida Friendly landscape.
(2) A minimum of 40 percent of the pervious area of multifamily dwellings must be xeriscape Florida Friendly landscape.

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

90-90.2 Use of site specific plant material:

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

90-90.3 Invasive exotic plant material:

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

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

90-91.1 Applicability:

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

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

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

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

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

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

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

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

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

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

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

Sec. 90-92. - Reserved.

Sec. 90-93. - Open space.

All open space on any site shall conform to the following requirements:
1. General landscape treatment:

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

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

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

2. Shrub and tree requirements: Shrubs and trees shall be planted in the open spaces to meet the following requirements:

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

3. Screening of equipment: Dumpsters, mechanical equipment, A/C units, electrical transformers, generators and all above ground equipment shall be screened on at least three sides by landscape material that equal to the height of the element at installation. Such screening shall not interfere with normal operation of equipment.
(4) **Signs:** All freestanding sign installations require the installation and establishment of plant material to enhance the structure, at a minimum of one shrub for every two feet of linear width of the sign structure on each side; and groundcover, a minimum of five feet around the perimeter of the sign base, designed in such a manner so as to not block the message on the sign. Trees or palms shall be required to enhance the sign with blocking it.

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

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

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

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

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

3. **Shrub and tree requirements:**

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

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

   c. The required shade tree in this subsection shall be a minimum of 30 percent at an overall height of 12 feet to 14 feet with a minimum canopy spread of five
feet and a DBH of 2½ inches. The small trees can be a maximum of 30 percent
at 12 to 14 feet and minimum canopy spread of six feet and DBH of 2½ inches.
Palm trees shall have a minimum of six feet of grey wood or clear wood and
are counted as three for one (unless from the one for one list) and total palms
can not make up more than 40 percent of the total trees.

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

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

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

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

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

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

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

On Final Reading Moved By: Vice Mayor Gielchinsky
On Final Reading Second By: Commissioner Paul

FINAL VOTE ON ADOPTION
Commissioner Barry Cohen  NO
Commissioner Michael Karukin  NO
Commissioner Tina Paul  YES
Vice Mayor Daniel Gielchinsky  YES
Mayor Daniel Dietch

ATTEST:
Sandra Novoa, MMC
Town Clerk

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

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