
CHAPTER 163 LANDSCAPING AND WALLS**163.01 INTENT**

The intent of this Chapter is to assure that adequate landscaping and buffers are provided in conjunction with all new development, and that the landscape plan achieves water conservation.

163.02 OPEN SPACE OR LANDSCAPED AREA

- (A) **Landscape Plan.** A landscape plan shall be prepared in conformance with Section 163.10 as a part of any site plan.
- (B) **Percentage.** The open space requirement for residential uses shall be in accordance with Table 160. The open space requirement for nonresidential uses shall be twenty-five (25) percent of the site. Open space shall be only pervious recreational or landscaped area. No part of any open space shall be used as building coverage, driveway or parking area. All landscaped areas shall be planted and maintained as sodded lawn or ground cover, shrubs or trees, and shall be designed and located to reinforce the purposes of open space preservation. These purposes include provision of adequate light and air, enhancement of privacy, provision of open space; facilities for recreation, pedestrian circulation and leisure pursuits; and preservation of environmentally-sensitive areas, major drainage ways and natural scenic amenities of the site. Bodies of water which are completely landlocked and not part of navigable waterways may comprise no more than thirty (30) percent of the total required open space.
- (C) **Tree Requirements.** All pervious or non-vehicular open spaces on any developed site in all zoning districts, except for single-family and two-family dwellings, shall have at least one (1) tree per three thousand (3,000) square feet of such landscaped area. The landscape plan shall be designed to provide a tree canopy over at least fifty (50) percent of the required pervious area when the trees reach maturity. See Section 163.08(D) for xeriscape tree requirements.

163.03 LANDSCAPING STANDARDS

All landscape required pursuant to this Chapter shall comply with the following landscape specifications:

- (A) **Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
- Berm.** Mounding of soil.
- Dead Space.** Space within a parking area that is not used for parking or other vehicle use area.
- Encroachment.** Any protrusion of a vehicle outside of a parking space, display area, or accessway into a landscaped area.
- Landscaping.** Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and non-living durable material commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.
- Shrubs.** Woody, perennial, evergreen plants smaller than a tree and usually branching from or near ground.
- Tree, Existing.** Any self-supporting woody perennial plant which normally attains at maturity a trunk diameter of at least three (3) inches measured four and one-half (4 1/2) feet above grade, and having a minimum overall height of fifteen (15) feet.
- 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.
- (B) **Parking Lots.** Screening and landscape requirements for all off-street parking areas shall be provided pursuant to Chapter 162 and landscaping requirements shall be as provided pursuant to Section 163.06. As an alternative to required perimeter walls or fences, the Planning, Zoning and Variance Board may permit landscape plant materials pursuant to the specifications in this Section and Section 163.04.
- (C) **Buffers.** See Section 163.09 for fence, wall and hedge buffer requirements.
- (D) **Screening.** Landscaping and/or walls shall be employed to mask from the public view service areas such as solid waste storage areas, outside equipment and other accessory structures of an anesthetic character. Screening of air conditioning units and other mechanical equipment shall be accomplished in a manner that does not interfere with the operation or maintenance of the equipment.

- (E) **Maintenance.** The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance; shall be kept free from refuse and debris; and shall be maintained in a manner so that it remains erosion-free. All landscaped areas shall be provided with an irrigation system of sufficient capacity to maintain the plant material. If at any time after issuance of a certificate of occupancy, the landscaping of a development to which this Chapter is applicable is found to be in nonconformance, the Town Building Official shall issue notice to the owner that action is required to comply with this Chapter and shall describe what action is required to comply. The owner, tenant or agent shall have thirty (30) days to restore the landscaping as required. If the landscaping is not restored within the allotted time, the person is in violation of this Code.
- (F) **Erosion.** The landscape plan shall include plant material selections that will prevent erosion.

163.04 PLANT MATERIAL STANDARDS

- (A) **Quality.** Plant materials used in conformance with the provisions of this Chapter shall conform to the standards for Florida No. 1 or better as given in "Grade and Standards for Nursery Plants" 1998, State of Florida, Department of Agriculture; or equal thereto. Grass seed shall be delivered to the job site in bags with State Department of Agriculture tags attached indicating the seed grower's compliance with the department's quality-control program; sod is preferred. The Town Building Official shall maintain a list of recommended tree species. In no case shall plant materials which are known to be intolerant of paving environments, whose physical characteristics may be injurious to the public, or which produce a quantity or quality of debris so as to present maintenance difficulties be specified for use under this Chapter.
- (B) **Tree Size and Characteristics.** Trees shall be species having an average mature spread of crown of greater than twenty (20) feet when growing in the Town and eventually having trunks which can be maintained in a clean condition over five (5) feet of clear wood. Trees having an average mature spread of crown less than twenty (20) feet may be substituted by grouping them so as to create the equivalent of a fifteen (15) foot crown spread. Tree species shall be a minimum of eight (8) feet overall height. Palms are considered trees, but the required height shall be eight (8) feet from the ground level to base of palm fronds. Trees of a species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to the public roads or public works.
- (C) **Palm and Species Mix.** Palm species shall not be used for more than twenty-five (25) percent of the total number of trees required. No one tree species shall account for more than thirty-five (35) percent of the total number of trees.
- (D) **Removal of Undesirable Trees.** The following exotic tree species shall be removed from any development site for which a site plan or plat is submitted before issuance of the first building permit. If project is to be phased, the phasing plan for tree removal shall be approved by Town Council.
- (1) Australian Pine (*Casuarina equisetifolia*) (*Casuarina lepidophlia*) (*Casuarina cunninghamiana*);
 - (2) Chinaberry (*Melia azedarach*);
 - (3) Ear Pod (*Enterolobium cyclocarpum*);
 - (4) Brazilian Pepper (*Schinus terebinthifolius*); and
 - (5) Melaleuca (*Melaleuca leucadendra*).
- (E) **Shrubs and Hedges.** Shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid screen within a maximum of one (1) year after the time of planting.
- (F) **Vines.** Vines shall be a minimum of twenty-four (24) inches in height directly after planting and may be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.
- (G) **Ground Covers.** Ground covers other than grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three (3) months after planting.
- (H) **Lawn Grass.** Grass areas are subject to the limits of Section 163.08(D). Grass areas shall be planted in species normally grown as permanent lawns in the vicinity of the Town. Grass areas may be sodded, plugged, sprigged or seeded. Solid sod shall be used in swales or other areas subject to erosion. When grass seed is sowed, it shall be a variety of seed which produces complete coverage within ninety (90) days from sowing. In areas where a ground cover other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

- (I) **Synthetic Plants.** Synthetic or artificial material in the form of trees, shrubs, ground covers or vines shall not be used in lieu of plant requirements in this Section.
- (J) **Berm.** Berms may be utilized for landscape barrier requirements and shall be used in conjunction with plant material to achieve the required heights.

163.05 EXISTING TREES

- (A) **Credits.** Credit for trees preserved on a site shall be granted toward meeting the tree requirements of any landscaping provision of this Chapter. Where a tree is of exceptional quality as determined by the Town Building Official, a two (2) tree credit for the preserved tree may be granted. Exceptional quality shall be judged on the basis of factors such as extraordinary size of trees, vigorous health, large canopy cover, historic value, rareness and age. No credit will be granted for preserved trees which are classified as undesirable, are extremely poor specimens or which are declining in health.
- (B) **Tree Protection.** See Section 167.02.

163.06 LANDSCAPING FOR PARKING AREAS

- (A) **Adjacent to Right-of-Way.** Every off-street parking lot, except where screened visually by a wall in conformance with Section 163.09 or an intervening structure, from any abutting right-of-way (excluding dedicated alleys) shall be provided with landscaping between the parking area and the right-of-way as follows:
 - (1) **Landscaped Buffer.** Such a strip at least ten (10) feet in depth shall be located between the abutting right-of-way and the off-street parking area or other vehicular use area to include one (1) tree for forty (40) lineal feet or fraction thereof. In addition, a hedge, wall or other durable landscape barrier of at least three and one-half (3 1/2) feet in height shall be placed along the inside perimeter of the landscaped strip. If the durable barrier is of non-living material, for each ten (10) feet thereof, one (1) shrub or vine shall be planted along the street side of the barrier unless the shrubs or vines are of sufficient height at the time of planting to be readily visible over the top of the barrier, in which case they may be planted inside the barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover or other landscape treatment excluding paving.
 - (2) **Other Non-Vehicular Land.** All property other than the required landscape strip between the right-of-way and the off-street parking area or other vehicular use area shall be landscaped with at least grass or other ground cover.
 - (3) **Access Drives.** Necessary accessways from the public right-of-way through all the landscaping shall be permitted to service the parking or other vehicular use areas. The accessways may be subtracted from the lineal dimension used to determine the number of trees required.
- (B) **Adjacent to Property Line.** A wall, hedge or other durable landscape barrier not greater than eight (8) feet in height nor less than three and one-half (3 1/2) feet in height shall be installed to form a continuous screen between the off-street parking area or other vehicular use area and the abutting property. The landscaped barrier shall be located between the common lot line and the off-street parking area. This planted strip shall be no less than four (4) feet in width. In addition, one (1) tree shall be provided for each forty (40) lineal feet of the landscape barrier or fractional part thereof. Each tree shall be planted in at least twenty-five (25) square feet of planting area, with a minimum dimension of at least five (5) feet. Each planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving, in addition to the required tree. These provisions shall not be applicable under the following conditions:
 - (1) **Alley.** When a property line abuts a dedicated alley; or
 - (2) **Existing Buffer.** When a proposed parking area or other vehicular use area abuts existing hedge, wall or other durable landscape barrier on an abutting property. The existing barrier may be used to satisfy the landscape barrier requirements of this division provided that the existing barrier meets all applicable standards of this Chapter.
- (C) **Interior Landscaping.**
 - (1) **Landscaped Islands.** An area equal to fifteen (15) percent of the gross parking area will be required for interior landscaping. Each separate landscaped area shall contain a minimum of fifty (50) square feet and shall have a minimum dimension of at least five (5) feet. In addition to trees, the remaining area shall be adequately landscaped with shrubs, ground cover or other authorized landscaping material not to exceed three (3) feet in height. All dead space within the parking area should be planted at the minimum with grass or ground cover.
 - (2) **Trees.** The total number of trees shall not be less than one (1) for each seventy-five (75) square feet (or fraction thereof)

of required interior landscaped area. Each island shall include at least one (1) tree having a clear trunk of at least five (5) feet.

- (3) **Location.** These landscaped areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to the orderly circulation of vehicular and pedestrian traffic. Landscaped areas, wall structures and walks shall require protection from vehicular encroachment of overhang through appropriate wheel stops or curbs. A minimum of two and one-half (2 1/2) feet shall be provided between the wheel stop and the landscape feature or the same distance of sod between the curb and the wall, walk or landscaping.
- (4) **Exceptions.** In other vehicular use areas where the stringent application of this Section will seriously restrict the area's function, the required landscaping may be situated close to the perimeter of the paved area, including those perimeters which may be adjacent to a building on the site. The required interior landscaping which is relocated as provided herein shall be in addition to the perimeter landscaping requirements.

163.07 INTERSECTION VISIBILITY

- (A) **Unobstructed Vision.** When an accessway intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, all landscaping within the triangular areas described in (B) below shall provide unobstructed cross-visibility at a level between three (3) feet and six (6) feet. Trees having limbs and foliage trimmed in a manner so that no limbs or foliage extend into the cross-visibility area shall be allowed, provided they are so located so as not to create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement.
- (B) **Visibility Triangle.** The triangular areas referred to in (A) above are as follows:
 - (1) **Intersection with One Public R/W.** The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way, with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the two (2) other sides; and
 - (2) **Intersection with Two or More Public R/W.** The area of property located at a corner formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular area being thirty (30) feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two (2) sides.

163.08 WATER CONSERVATION

- (A) **Purpose.** The purpose of this Section is to achieve water conservation within the Town with particular emphasis on landscaping and irrigation.
- (B) **Site Plan.** Conformance with this Section shall be achieved through inclusion of a landscape and irrigation plan with the site plan application.
- (C) **Water Retention and Run-Off.**
 - (1) **Single-Family Detached Dwellings.** The landscape plan submitted prior to certificate of occupancy shall reflect the drainage plan approved in conjunction with the plat approval.
 - (2) **Site Plans.** The landscape plan accompanying a site plan shall clearly indicate that the design of the building and landscape has considered water detention, swales and/or run-off via structural drains. Surface water management systems shall be designed and constructed to (a) detain with filtration or retain, as a minimum, run-off from a twenty-five (25) year frequency, twenty-four (24) hour design storm and (b) assure that post development run-off from the site shall not exceed pre-development rates, as required in Sections 168.02.4(B)(4) and 168.04(I)(5).
- (D) **Sod Limitations and Other Xeriscape Requirements.**
 - (1) **Sod Requirements.** The grassed area shall not exceed fifty (50) percent of the landscaped area excluding right-of-way and easements. Grass areas shall be designed to maintain a minimum width of four (4) feet except at the point of termination.
 - (2) **Xeriscape.** Ninety (90) percent of all plantings introduced to the site shall consist of drought-tolerant species as recognized by the Town Building Official. Other species may be used if authoritative sources are provided to establish that the species are drought-tolerant. The landscape design shall consider and locate plants in zones according to their

water needs.

- (3) **Tree Placement.** Tree locations shall provide a minimum of fifty (50) percent shade profile of building structures and hard paved surfaces, excluding approved pool and recreational paved deck areas. These trees shall be placed within twenty-five (25) feet of the structure or hard paved surface to project the maximum shade profile. Shading of outdoor air conditioning units (in a ten (10) foot radius thereof) shall be required.
- (4) **Installation.** All introduced landscape plantings shall be installed by industry accepted horticultural and nursery practices to aid in establishment of the plant.

(E) **Irrigation Systems**

- (1) **Zones.** The irrigation system shall have zones designed to calibrate water application within each zone in accordance with the needs of the plantings. Emphasis shall be placed on a system supplying water at an acceptable rate to reduce run-off. Irrigation zoning shall separate the grass areas independent from planting areas. Matched precipitation rates are required within each zone (one hundred (100) percent coverage with ninety (90) percent overlap).
- (2) **Special Zones.** Plantings determined by the Town Building Official to be high water usage plants (e.g. azalea and annuals) must be irrigated separately from other areas. Elevated planters must be irrigated separately of all other areas, including enclosed planters with extended sides and/or bottoms. High water usage plants in these elevated or enclosed planters will not require additional separation.
- (3) **Timers.** Irrigation controller units shall sequence turf and planting zones. Where more than one (1) controller unit is installed, one (1) unit shall control grass zones and one (1) unit shall control planting zones.
- (4) **Sensors.** Moisture sensors shall be installed with each irrigation system controller unit. This equipment must be approved by the Town Building Official. All equipment shall be installed according to the manufacturer's recommendations and maintained in proper working order.
- (5) **Overspray.** Excessive overspray from sprinklers shall not be allowed onto hard surface areas. Final adjustments must be made prior to field inspection by the Town representative.
- (6) **Backflow.** To reduce contamination of the water supply, approved backflow prevention devices shall be installed on each system according to manufacturer's directions. Above ground connections shall be galvanized or brass.
- (7) **Protected Trees.** Trenching for the installation of sprinkler lines within the protected area of a protected tree is prohibited. Tunneling is acceptable to reduce adverse impact to the tree's roots. Irrigation lines may be surface installed within the protected area.

(F) **Temporary Suspension of Landscaping Requirements.**

- (1) **Conditions of Temporary Suspension.** Landscaping installation pursuant to the provisions of this Section may be temporarily suspended in individual cases by the Town Building Official in one (1) of the following cases:
 - (a) **Freeze.** After a freeze when required landscape materials are not available; or
 - (b) **Drought.** During a period of drought when the use of water is restricted by a governmental authority; or
 - (c) **Natural disaster.** As declared by the Town Manager.
- (2) **Surety Bond Required.** 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 Town, is sufficient to guarantee compliance with the minimum planting requirements of this Section.

- (G) **Final Inspection.** Failure to comply with this Section can result in the withholding of the Certificate of Occupancy or prosecution before the Code Enforcement Board. Final approval rests with the Town Building Official.

163.09 FENCES, WALLS AND HEDGES

- (A) **Residential Districts.** The following provisions apply only between the building setback lines and the property lines.

- (1) **Rear Yard.** Walls, fences or hedges placed in the area from the rear of the dwelling to the rear lot line shall not exceed six (6) feet in height, except on riverfront or oceanfront property, in which case the walls, fences or hedges shall not

exceed four (4) feet in height. Walls, fences or hedges may be built up to the side and rear property line.

- (2) **Side Yard.** Walls, fences or hedges placed in the area of the side yard shall not exceed six (6) feet in height. The walls, fences or hedges may be built up to the side yard property line and shall not extend beyond the building line of the single-family or multifamily dwelling.
 - (3) **Front Yard.** Walls and fences (but not hedges) placed in the area of the front yard shall not exceed four (4) feet in height. The walls or fences may be built up to the side or front property line. Any such wall or fence shall be landscaped on the street side.
 - (4) **Measuring Height.** If the elevation of the lot at the time of platting is below the minimum finished floor elevation as required by Town ordinance, the wall, fence or hedge height will be measured from the Town required minimum finished floor elevation. If the elevation of the lot at the time of platting is above the minimum finished floor elevation as established by Town ordinance, the grade from which the height of a wall, fence or hedge is to be measured shall be the elevation of the ground at the time of platting. In no event will more than six (6) feet of wall, fence or hedge be visible from any direction.
 - (5) **Fencing.** Fencing shall be planted with landscape material not less than eighteen (18) inches in height so that the fence shall be covered in a reasonable period of time. This restriction of height and landscaping does not apply to tennis, temporary construction or agricultural fencing. Fences abutting a street or adjacent residence or residential lot shall have the required landscape material planted on the street side, adjacent residence or residential lot side of the fence as appropriate.
 - (6) **Construction and Maintenance.** Concrete block walls shall be smoothly troweled, stuccoed and painted. All other types of walls and fences shall be finished in accordance with standard building practices. All walls and fences shall be maintained in good repair and kept structurally sound.
 - (7) **Surface Water Runoff.** Walls or fences shall be designed so as not to cause water runoff to be diverted onto the adjacent property. Surface water drainage shall be provided so as to contain one's own water runoff on one's own property.
 - (8) **Walls Along A1A.** In cases of walls and fences running parallel and adjacent to nonresidential properties or A1A, walls may be a maximum of six (6) feet in height. The Planning, Zoning and Variance Board and Town Council shall approve the design of all such walls or fence as a part of the site plan or subdivision process. Unbroken wall expanses shall not be permitted; off-sets, variety of materials, landscaping, etc. shall be used to avoid this. Hedges running parallel and adjacent to nonresidential properties or A1A shall be unrestricted in height, provided however hedges shall not be permitted that cause a traffic hazard.
 - (9) **Buffer Between Single-Family and Multi-Family Districts.** Where single-family districts abut multi-family districts, single-family homeowners may construct a buffer fence or wall.
 - (10) **Design Review.** All walls and fences shall be designed and constructed so as to present a finished and attractive appearance to the outside or neighboring property. Any new single-family detached house shall have any proposed wall or fence reviewed by the Design Review Committee. Any fence or wall proposed for an existing single-family detached lot shall require site plan approval.
 - (11) **Utility Easements.** No wall, fence or hedge shall be erected within Town utility easements unless prior approval is obtained from the Town Council.
- (B) **Nonresidential District Buffers.**
- (1) **Screening Wall.** A six (6) foot unpierced wall or fence shall be provided in nonresidential districts where the boundary line districts are adjacent to or across a street or alley from residential districts. The wall shall screen all parking.
 - (2) **Buffer Strip Alternative.**
 - (a) Wherever in this Chapter an unpierced wall or fence is required, a buffer strip of not less than ten (10) feet in width may be permitted in lieu of the required unpierced wall or fence upon a finding by the Town Council during site plan review that the buffer strip would provide equal or greater protection to the residential district from any adverse effects from the use of the nonresidential district.
 - (b) Whenever in this Chapter a buffer strip is permitted, it shall be landscaped within thirty (30) days from the date of

issuance of a certificate of occupancy for the use which requires the buffer strip, and shall thereafter be reasonably maintained with permanent plant materials to provide a suitable screen equal in characteristics to a wall.

- (C) **Gateposts.** Any gate post or entrance post at any entry or exit to or from residential development shall not exceed eight (8) feet in height. Any wall attached to or made a part of the gate post or entrance post shall not exceed six (6) feet in height with a taper from the gate post or entrance post for a distance not to exceed four (4) feet in the beginning of the wall.
- (D) **Traffic Hazard.** Wherever in this Chapter an unpierced wall or fence is required, the Town Council may reduce the required height or may waive the requirement where the wall or fence is required to be erected within forty (40) feet of a street right-of-way if the Town Council finds that the construction of the wall or fence as required would constitute a traffic hazard.

163.10 LANDSCAPE PLAN REQUIRED

A landscape plan shall be prepared by the owner, nursery firm, landscape designer or landscape architect showing the area to be covered by grass and lawn and the area to be covered by plants of any type. This plan shall be a part of the site plan or if a site plan is not required, must be submitted and approved prior to receiving a certificate of occupancy. The following items shall be included:

- (A) **Landscape Plan.** A landscape plan with drawings to scale containing the following information:
- (1) Building site property lines and adjoining rights-of-way, easements or common ground areas;
 - (2) Position of all structures, drives, pools, terraces and other non-plant improvements on the property;
 - (3) Identification and position of all existing trees and plantings on the property. The size of the existing tree canopies shall be shown and the introduced tree canopies at maturity shall also be indicated;
 - (4) Identification and position of all trees and plants to be introduced to the property;
 - (5) The position and permeability measure of the core samples taken on the subject property if required; and
 - (6) Topography symbols for any changes in elevation that are one (1) foot or more over or under the grade of the main structure on the lots for any location over five hundred (500) square feet in area. Each area with a change in elevation shall be indicated with twelve (12) inch interval contour lines.
- (B) **Detailed Specification Sheet.** A detailed specification sheet containing the following:
- (1) A list identifying all trees and plants with installed sizes, corresponding to their positions on the plan;
 - (2) A list of all non-plant items that may have an effect on water conservation by using or saving water, such as hills, barriers, drains, pools, streams or fountains;
 - (3) A percentage estimate of how much tree canopy will, at the tree's maturity, be covering the property with existing and introduced trees. Areas of native plants or palms may be considered part of canopy coverage if requested in writing and approved by the Town Building Official. When accepted, these areas of plants or palms shall then be construed as protected areas or protected trees under the regulations for tree protection described in Section 167.02 and must follow the requirements set forth therein; and
 - (4) An estimate of the percentage of introduced plant material that is considered native and/or drought-tolerant.

163.11 FINAL INSPECTION

All projects requiring approval under this Chapter shall be finally inspected by the Town Building Official or representative prior to the granting of a certificate of occupancy.