

ORDINANCE NO. 2013-51 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING PART II, CHAPTER 12, HEALTH AND SANITATION, BY ADDING AN ENTIRELY NEW ARTICLE TO BE ENTITLED "ARTICLE VIII." "FERTILIZER FRIENDLY USE REGULATIONS" TO PROVIDE FOR NEW FERTILIZER USE AND APPLICATION REGULATIONS FOCUSING ON EXCESSIVE NUTRIENT LEVELS IN PALM BEACH COUNTY WATER BODIES; PROVIDING FOR TITLE; PROVIDING DEFINITIONS; PROVIDING FINDINGS; PROVIDING A PURPOSE AND INTENT; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT, PENALTIES, APPEALS; AMENDING PART II, CHAPTER 14, BUSINESS TAX RECEIPTS AND BUSINESS REGULATIONS, ARTICLE I, IN GENERAL, SECTION 14-6 TO INCLUDE PREREQUISITES NECESSARY TO OBTAINING A BUSINESS TAX RECEIPT; AMENDING PART II, CHAPTER 23, LAND DEVELOPMENT REGULATIONS, ARTICLE XXI, SUPPLEMENTAL REGULATIONS, SECTION 23.21.08.11, MINIMUM MAINTENANCE REQUIREMENTS, CHAPTER 2, ADMINISTRATION, ARTICLE VII, ABATEMENT OF NUISANCES, SECTION 2-75.9, LANDSCAPING, AND CHAPTER 23, LAND DEVELOPMENT REGULATIONS, ARTICLE XX, SITE PLAN REVIEW PROCEDURES AND REGULATIONS, SECTION 23.20.02.03, SITE DESIGN QUALITATIVE DEVELOPMENT STANDARDS, TO INCLUDE APPROPRIATE REFERENCES; PROVIDING A CODIFICATION CLAUSE, A CONFLICTS CLAUSE, and SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to Section 303(d) of the federal Clean Water Act and the resulting Florida Impaired Waters Rule (Chapter 62-303, Florida Administrative Code), the Florida Department of Environmental Protection (FDEP) has classified specific water bodies in Palm Beach County as "impaired" as a result of the presence of excessive nutrients; and

WHEREAS, Florida Statute, Section 403.9337 requires local governments located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to Florida Statute, Section 403.067, adopt an ordinance for Florida-Friendly™ fertilizer use on urban landscapes; and

WHEREAS, FDEP on the 2nd day of March 2011, issued its Palm Beach County Municipal Separate Storm Sewer System Permit No. FLS 000018-003 (hereinafter referred to as the "MS4 Permit") to forty-one (41) governmental entities including the City of Lake Worth; and

WHEREAS, the MS4 permit requires local governments within the watershed of an nutrient impaired water body to adopt FDEP's Model Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes or an Ordinance that includes all the requirements set forth in the Model Ordinance; and

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WHEREAS, surface water runoff and base flow runoff leaves residential neighborhoods, commercial centers, industrial areas, and other lands of Palm Beach County and enters into natural and artificial stormwater and drainage conveyances and natural water bodies in Palm Beach County; and

WHEREAS, phosphorus and nitrogen, the primary nutrients associated with the degradation of surface water, are commonly the primary components of fertilizer for turf and landscape application; and

WHEREAS, the quality of streams, lakes, and wetlands is important to environmental, economic, and recreational prosperity and to the health, safety, and welfare of the residents of Palm Beach County; and

WHEREAS, algae blooms and accelerated growth of aquatic weeds in Palm Beach County's water bodies have heightened community concerns about water quality and eutrophication of surrounding waters; and

WHEREAS, it is generally recognized that Eastern Palm Beach County soils naturally have adequate phosphorus content for most vegetative needs and that additional phosphorus is therefore only occasionally needed to create or maintain a vibrant landscape; and

WHEREAS, it has been recognized that proper application of slow-release nitrogen sources is more efficiently used by plants and less likely to leach or runoff; and

WHEREAS, this Ordinance is part of a regulatory program to address nonpoint sources of nutrient pollution which is scientifically based, and economically and technically feasible; and

WHEREAS, in the process of adoption of this Ordinance, the City of Lake Worth has considered scientific information, including input from the FDEP, the Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences; and

WHEREAS, the City of Lake Worth City Commission has determined that the approval of the Fertilizer Friendly Use Regulations contained herein serve a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE, THE CITY OF LAKE WORTH FLORIDA, that:

SECTION 1. The foregoing "WHEREAS" clauses are true and correct and are hereby ratified and confirmed by the City Commission.

SECTION 2. Part II, Chapter 12, Health and Sanitation, is hereby amended by adding a new Article VIII to read as follows:

CHAPTER 12
HEALTH AND SANITATION
ARTICLE VIII. – FERTILIZER FRIENDLY USE REGULATIONS.

Sec. 12-100. Title.

This shall be known as the Fertilizer Friendly Use Regulations Ordinance.

Sec. 12-101. Definitions.

For this article, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

Application or Apply shall mean the actual physical deposition of fertilizer to turf or landscape plants.

Applicator shall mean any person who applies fertilizer on turf and/or landscape plants in the City of Lake Worth.

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

Best Management Practices (BMP's) shall mean 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.

Code Compliance Officer, Official, or Inspector shall mean any designated employee or agent of the City of Lake Worth whose duty it is to enforce codes and ordinances enacted by the City of Lake Worth.

Commercial Fertilizer Applicator except as provided in section 482.1562(9), F.S., shall mean 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.

Fertilizing or Fertilization shall mean the act of applying fertilizer to turf, specialized turf, or landscape plants.

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

Institutional Applicator shall mean any person, other than a private, non-commercial 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.

Landscape Plant shall mean any native or non-native tree, shrub, or groundcover (excluding turf).

Pasture shall mean land managed for livestock grazing.

Person shall mean 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.

Prohibited Application Period shall mean the time period during 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 the City of Lake Worth, issued by the National Weather Service, or if heavy rain (2 inches or more within a twenty-four (24) hour period) is likely.

Saturated Soil shall mean 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, Controlled Release, Timed Release, Slowly-Available, or Water Insoluble Nitrogen shall mean 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.

Turf, Sod, or Lawn shall mean an area of grass-covered soil held together by the roots of the grass.

Urban Landscape shall mean pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or landscape plants. For the purposes of this section, agriculture has the same meaning as provided in section 570.02, Florida Statutes.

Sec. 12-102. Findings.

As a result of the Florida Department of Environmental Protection's determination that certain water bodies within Palm Beach County are impaired for excessive nutrient levels, the city finds that the best management practices contained in the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries", are required in this article.

Sec. 12-103. Purpose and Intent.

It is the purpose and intent of this article to regulate the proper use of fertilizers by any applicator; require proper training of commercial and institutional fertilizer applicators; establish training and licensing requirements; establish a Prohibited Application Period; and specify allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions. This article requires the use of Best Management Practices to minimize negative environmental effects associated with excessive nutrients in our water bodies. These environmental effects have been observed in and on Palm Beach County's natural and constructed stormwater conveyances, rivers, creeks, canals, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset important to the environmental, recreational, cultural and economic well-being of Palm Beach County residents and the health of the public. 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.

Sec. 12-104. Applicability.

This article shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer to urban landscapes within the city, unless such application is specifically exempted by section 12-111 of this article. This article shall be prospective only, and shall not impair any existing contracts.

Sec. 12-105. Timing of Fertilizer Applications.

- (a) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period or to saturated soils.
- (b) Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first thirty (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 that site.

Sec. 12-106. Fertilizer Free Zones.

Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector shield or drop spreader is used, of any pond, stream, water body, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (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 sixty (60) day period beginning thirty (30) days after planting if needed to allow the vegetation to become well established. Caution shall be used to prevent direct deposition of nutrients, chemicals & fertilizer into the water.

Sec. 12-107. Fertilizer Content and Application Rates.

- (a) Fertilizers applied to turf within the city shall be formulated and 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.
- (b) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in section (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.
- (c) 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.

Sec. 12-108. Fertilizer Application Practices.

- (a) As required in Section 12-106 of this article, 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.
- (b) 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.
- (c) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.
- (d) 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.

Sec. 12-109. 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 stormwater drains, ditches, conveyances, water bodies, wetlands, sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

Sec. 12-111. Exemptions.

The provisions set forth above in this article shall not apply to:

- (a) Bona fide farm operations as defined in the Florida Right-to-Farm Act, Section 823.14, Florida Statutes.
- (b) Other properties not subject to or covered under the Florida Right-to-Farm Act that have pastures used for grazing livestock.
- (c) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

Sec. 12-112. Training.

- (a) All commercial and institutional applicators of fertilizer within Palm Beach County applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and

multi-family and condominium properties) within the city 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/Palm Beach County Cooperative Extension Service "Florida-Friendly Landscapes" program or an approved equivalent program.

- (b) Non-commercial and non-institutional applicators applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multi-family and condominium properties) within the city which are 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.

Sec. 12-113. Licensing of Commercial Applicators.

- (a) All businesses applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multi-family and condominium properties) within the city must ensure that the business owner or his/her designee 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 Local Business Tax Receipt. 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 City of Lake Worth Business Tax Receipt/Use and Occupancy Division. 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.
- (b) After December 31, 2013, all commercial applicators of fertilizer within the city, 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.
- (c) All businesses applying fertilizer to turf and/or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties and multi-family and condominium properties) within the city must ensure that at least one (1) employee has an appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Certificate. Standard Business Tax Receipt (BTR) and transaction fees shall apply.

Sec. 12-114. Enforcement, Penalties, Appeals.

- (a) Enforcement. The provisions of this article shall be enforced by the special magistrate pursuant to the authority granted by Section 162.01 et. seq., Florida Statutes, as may be amended, and the city through its authority to enjoin and fine any person violating its Code of Ordinances as provided at Article VI of Chapter 2, Administration. The city public services director, or designee, may pursue these or any other enforcement remedies available to and applicable to the city under applicable law.
- (b) Penalties. Failure to comply with the requirements of this article shall constitute a violation of this article by either the applicable land owner or the Applicator. Each application which violates this article shall constitute a separate and distinct violation.
- (c) Disposition of Penalty Funds. Funds generated by penalties imposed under this article shall be used by the city for the administration and enforcement of Section 403.9337, Florida Statutes (2011), and the corresponding sections of this article, and to further water conservation and nonpoint pollution prevention activities.
- (d) Appeals. Appeals of administrative order of the special magistrate shall be as provided under state law, Section 162.11, Florida Statutes.

SECTION 3. Part II, Chapter 14, Business Tax Receipts and Business Regulations, Article I, In General, Section 14-6 is hereby amended to read as follows:

Sec. 14-6. - How local business tax construed as to specified professions.

- (a) The local business tax provided in section 14-20 for architects, auctioneers, accountants, dentists, civil engineers, layers, osteopaths, chiropractors, physicians, real estate salesmen or other professions regulated by the department of business and professional regulation shall be construed to mean that each individual shall pay the local business tax herein provided, whether practicing by himself or in partnership, except in the case of pharmacist practicing the profession of pharmacy. (F.S. 205.196).
- (b) Pharmacies and pharmacists. The business tax officer shall not issue local business tax receipts to operate a pharmacy unless the applicant exhibits a current permit issued by the board of pharmacy; however, no such local business tax receipt shall be required in order to practice the profession of pharmacy.
- (d) The business tax officer shall not issue local business tax receipts to commercial fertilizer applicators unless the applicant meets the prerequisites contained in section 12-113.

SECTION 4. Part II, Chapter 23, Land Development Regulations, Article 6, Environmental Regulations, Section 23.6-1 subsection i) is hereby amended to read as follows:

23.6-1. Landscape Regulations

* * *

i) *Minimum maintenance requirements.*

1. *General.* The landowner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:
 - (a) All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed, and in accordance with acceptable horticultural practices and meet applicable City code requirements. Any fertilizing performed by a commercial fertilizer applicator shall be performed in compliance with section 12-113 of the city code.
 - (b) The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition.
 - (c) The regular maintenance, repair or replacement, where necessary, of any screening or buffering required by this section.
 - (d) Perpetual maintenance to prohibit the re-establishment of prohibited controlled species as referenced in paragraph j within landscaping and preservation areas.
 - (e) Continuous maintenance of the site.

* * *

SECTION 5. Part II, Chapter 2, Administration, Article VII, Abatement of Nuisances, Section 2-75.9 is hereby amended to read as follows:

Sec. 2-75.9. - Landscaping.

- (a) No more than twenty-five (25) percent of the area between the building and a street or fifty (50) percent of the remaining area shall be constructed with stone, concrete, asphalt or mulch except necessary walks and vehicular use area.
- (b) Installation: All landscaping shall be installed in a sound, workmanlike manner and according to accepted good planting procedures.
- (c) Landscape material; general provisions:

- (1) Plant material used in conformance with provisions of this article shall conform to the standards for Florida No. 1 or better, as given in "Grades and Standards for Nursery Plants," part 1, 1963, and part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean, free of weeds and noxious pests or diseases. 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.
- (2) Grass areas shall be sodded with a species of grass that will survive as a permanent lawn in the city (assuming adequate watering and fertilizing). Any fertilizing performed by a commercial fertilizer applicator shall be performed in compliance with section 12-113 of the code.

Sod provided must be viable, reasonably free of weeds and capable of growth development. In general, sod strips shall be aligned with tightly-fitted joints and no overlap of butts or sides. Sub-grade of lawn areas shall be reasonably free of all stones, sticks, roots and other matter prior to the placement of sod.

- (3) Ground covers used shall be planted in such a manner as to present a finished appearance and complete coverage.
- (4) Maintenance: The owner, designated agent and/or tenant shall be responsible for the maintenance of all landscaping in accordance with the following standards:
 - a. Keep landscaping reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to be in a healthy growing condition.
 - b. Mow or trim landscaping in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Growth of plant material at maturity shall be considered where future conflicts such as views, signage, street lighting, utilities and circulation might arise.
 - c. Maintain all landscaping to minimize property damage and public safety hazards, including removal of dead or decaying plant material, removal of low hanging branches next to sidewalks and walkways obstructing street lighting and removal of root systems which show evidence of destroying public or private property, and maintenance of sight distance standards as set forth herein. Any dead vegetation shall be

promptly replaced with healthy living plantings of a like plant material as that originally installed.

- d. Pruning is to be performed strictly adhering to the standards established by the National Arborist Association.
 - e. Hatracking as defined herein is strictly prohibited.
- (5) On existing properties that have poured concrete or asphalt which is maintained in a safe and aesthetic manner or properties covered with decorative stone (excluding drainfield rock) which are maintained free from weeds and maintained in an aesthetic manner, the property owner in lieu of removing the concrete, asphalt or stones shall provide the following:
- a. A two-foot wide planting strip around the perimeter of the property adjacent to the property line. Such strip shall be planted with an approved hedging material which shall be planted and maintained so as to form a continuous visual screen. Shrubs used as hedges shall be state department of agriculture grade no. 1 or better with a minimum height of twenty-four (24) inches and with a minimum spread of eighteen (18) inches, when measured immediately after planting and shall be capable of reaching a minimum of three (3) feet in height within two (2) years from the date of planting. Hedges shall be planted with branches touching so as to create a solid screen with no visual spaces between plants at time of installation. Plant spacing shall be adjusted according to plant sizes so long as a solid screen is achieved, but no further than eighteen (18) inches apart.
 - b. Two (2) cut outs in the front yard. Such cut outs shall be at least six (6) feet in diameter and two (2) canopy trees with a minimum height of eight (8) feet shall be planted surrounded by ground cover. On corner lots, two (2) additional trees shall be planted in the side yard adjacent to the street. Groups of three (3) palms may be substituted for canopy trees.
 - c. A three-foot planting strip adjacent to the main structure, consisting of shrubs and ground cover.
 - d. A plot plan shall be submitted to the building planning and zoning department for approval. The plan shall show the cut out areas with all measurements and common names of all trees, shrubs and ground cover. Once the plan is approved, it will be stamped approved and the property owner will

receive a copy and the original will be placed in the property file.

Anyone aggrieved by this section may, for a fee of fifty dollars (\$50.00), apply to the housing board of adjustments and appeals, when it would appear to cause undue hardship on an owner or when it is claimed that the true intent and meaning of this code or any of the regulations therein have been misconstrued or wrongly interpreted:

SECTION 6. Part II, Chapter 23, Land Development Regulations, Article 2, Administration, Division 3, Permits, Section 23.2-31, Site design qualitative standards, subsection c) is hereby amended to read as follows:

23.2-31. *Site design qualitative standards.*

* * *

c) *Qualitative development standards.*

1. *Harmonious and efficient organization.* All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.
2. *Preservation of natural conditions.* The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies, as specified in Part II, Chapter 12, Health and Sanitation, Article VIII, Fertilizer Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

* * *

SECTION 7. CODIFICATION: The provisions of Sections 2 through 6 of this Ordinance shall be made a part of the Code. The sections of this Ordinance may be renumbered or reentered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 8. REPEAL OF LAWS IN CONFLICT: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. SEVERABILITY: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect ten (10) days after adoption.

The passage of this Ordinance on first reading was moved by Vice Mayor Maxwell, seconded by Commissioner Amoroso, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	AYE
Vice Mayor Scott Maxwell	AYE
Commissioner Christopher McVoy	ABSENT
Commissioner Andy Amoroso	AYE
Commissioner John Szerdi	ABSENT

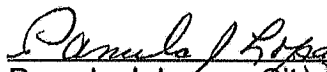
The Mayor thereupon declared this Ordinance duly passed on first reading on the 15th day of October, 2013.

The passage of this Ordinance on second reading was moved by Commissioner Amoroso, seconded by Commissioner Szerdi, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	AYE
Vice Mayor Scott Maxwell	AYE
Commissioner Christopher McVoy	AYE
Commissioner Andy Amoroso	AYE
Commissioner John Szerdi	AYE

The Mayor thereupon declared this Ordinance duly passed and enacted on the 5th day of November, 2013.

ATTEST:


Pamela J. Lopez, City Clerk

