

ARTICLE VIII. - FUNCTIONAL LANDSCAPING AND XERISCAPING

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Sec. 39-75. - Purpose and intent.

The general purposes of this Article are as follows:

- (a) To promote the establishment of a functional landscape in the unincorporated area of Broward County;
- (b) To protect and enhance the aesthetic character of Broward County;
- (c) To provide the physical benefits of using plant material as a function and integral part of Broward County's development;
- (d) To provide minimum standards for landscaping new developments or for redevelopment; and
- (e) To promote water conservation and vegetation protection objectives by providing for:
 - (1) The preservation of existing plant communities pursuant to the requirements of Broward County's Tree Preservation and Abuse Ordinance, Chapter 27, Article XIV;
 - (2) The reestablishment of native plant communities;
 - (3) The use of site-specific plant materials; and
 - (4) The implementation of xeriscape principles as identified in *South Florida Water Management District's Xeriscape Plant Guide II*, as amended, and as provided by law.

The provisions of this Article shall be a minimum standard and shall apply to the unincorporated areas of Broward County.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 1, 5-11-99)

Sec. 39-76. - Definitions.

In addition to the definitions set forth under Article II, section 39-4, the following definitions shall apply to this article:

- (a) *Accessway*: A private vehicular roadway intersecting a public right-of-way.
- (b) *Applicant*: The owner or the authorized agent of the subject property.
- (c) *Berm*: A linear earthen mound.
- (d) *CPTED*: Acronym for Crime Prevention Through Environmental Design; design approach to reduce crime and fear of crime by creating a safe climate within a building environment.
- (e) *Canopy*: The upper portion of a tree consisting of limbs, branches and leaves.
- (f) *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.
- (g) *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.
- (h) *County*: The department or division of Broward County government that the County Administrator has designated to enforce this functional landscape code.
- (i) *Diameter Breast Height (DBH)*: The diameter of the tree trunk(s) measured at four and one-half (4½) feet above grade.
- (j) *Disturbed land/ground*: Any land where the original natural vegetation has been removed, displaced, overtaken or raked.
- (k) *Ecological Community*: Any one of the native vegetative plant communities as same may be determined pursuant to Chapter 5, Article XII, "Natural Resource Areas," § 5-279 et seq., Broward County Code of Ordinances, as same may be amended from time to time.
- (l) *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.
- (m) *Groundcover*: A low-growing plant that, by the nature of its growth characteristics, completely covers the ground and does not usually exceed two feet in height.
- (n) *Hedge*: A row of evenly spaced shrubs planted to form a continuous, unbroken visual screen.
- (o) *Irrigation*: The method of supplying plant materials with water other than by natural rainfall.
- (p) *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, rocks, pebbles, sand, walls or fences, aesthetic grading or mounding, but excluding paving and structures.

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

(q) *Mulch*: Organic material such as wood chips, pinestraw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

(r) *Native Plant Species*: For the purpose of this Article, native plant species shall be those plant species indigenous to the ecological communities of South Florida, as indicated on lists provided by Broward County, or that can be scientifically documented to be native to South Florida.

(s) *Nonvehicular Use Open Space*: All areas, excluding areas defined as vehicular use areas, areas preserved as ecological communities, required landscaping adjacent to public rights-of-way and abutting property, existing structures to remain, and proposed structures. This definition includes areas permanently covered with water.

(t) *Planting Soil*: A medium composed of thirty (30) percent muck or horticulturally acceptable organic material, including solid waste compost.

(u) *Shrub*: A woody plant with several stems produced from the base which could be maintained in a healthy state at approximately a 10- to 12-foot height.

(v) *Site-Specific Plant Materials*: The use of plant species selected to minimize supplemental irrigation, fertilization and pest control.

(w) *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.

(x) *Turf*: The upper layer of soil matted with roots of grass and covered by viable grass blades.

(y) *Vegetation*: Angiosperms, gymnosperms, ferns and mosses.

(z) *Vehicular Encroachment*: Any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape area.

(aa) *Vehicular Use Area*: Areas used for the display or parking of any type of vehicle, boat or construction equipment, whether self-propelled or not, and all land upon which such vehicles traverse.

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

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

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 2, 5-11-99)

Sec. 39-77. - Landscape plans.

(a) All buildings, structures and changes of use requiring a Development Order in accordance with Chapter 5, Article IX of the Broward County Code of Ordinances shall require submittal of a landscape plan. Landscape plans shall be prepared by a landscape architect, or other person authorized pursuant

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to Chapter 481, pt. II, F.S. (§ 481.201, F.S. et seq.), as amended. Landscape plans for single-family and duplex dwellings may be prepared by the owner of the property. The landscape plan shall meet the following requirements:

- (1) A minimum scale of one (1) inch equals fifty (50) feet.
 - (2) Location of all trees, vegetation, or ecological communities to be preserved, or tree survey as approved by the Broward County Environmental Protection Department, if applicable.
 - (3) Location and outline of existing buildings and site improvements to remain.
 - (4) Location and outline of proposed buildings, site improvements, and water bodies.
 - (5) Location of all landscape material to be used.
 - (6) Landscape material schedule listing all plants being used with their botanical and common name, their quantity and size, and degree of drought tolerance (as determined by the *South Florida Water Management District Xeriscape Plant Guide II*, as amended) and indication of whether native to South Florida.
 - (7) Spacing of plant material (where appropriate).
- (b) The irrigation plan shall meet the following requirements:
- (1) A minimum scale of one (1) inch equals fifty (50) feet.
 - (2) Location of existing trees, vegetation and ecological 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, 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"):
 - a. Indicating headtype, specifications and spacing; and
 - b. Indicating methods used to achieve compliance with xeriscape principles as required by § 125.568, F.S.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 3, 5-11-99; Ord. No. 1999-55, § 1, 10-12-99; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2005-17, § 7, 6-28-05)

Sec. 39-78. - Installation of landscaping and irrigation.

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

(a) Topsoil shall be of the minimum quality as specified in the plant materials section of this Article. Excluding palm trees, all trees and shrubs shall be planted with a minimum of six (6) inches of topsoil around and beneath the root ball. A minimum of three (3) inches of shredded, approved organic mulch or groundcover shall be installed around each tree planting for a minimum of eighteen (18) inches beyond its trunk in all directions, including palms, and throughout all hedge and shrub 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.

(b) All trees shall be properly guyed and staked at the time of planting until 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.

(c) All parking islands and landscape strips shall be installed with continuous curbing or landscape timbers to prevent damage to the plant material and the displacement of topsoil and mulch.

(d) All landscape areas, excluding single-family residences and duplex dwellings, shall be provided with an automatically operating, underground irrigation system designed to have one hundred (100) percent coverage with one hundred (100) percent overlap. Drip, trickle or other low-volume irrigations systems shall be permitted if designated on approved landscape plans. Irrigation systems shall be designed to minimize application of water to impervious areas.

(1) Pursuant to § 373.62, F.S., 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.

(2) Use of nonpotable 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.

(3) Automatic controlling devices shall be used on all irrigation systems.

(4) Preserved ecological communities shall not be irrigated unless required by the Broward County Environmental Protection Department.

(5) On non-conforming lots under five thousand (5,000) square feet in size requiring landscape upgrades, irrigation may be accomplished by the installation and use of hose bibs.

(e) Inspections of site for landscape installation:

(1) A pre-inspection of the site will be required to determine site conditions and appropriate use and selection of landscape material prior to installation.

(2) A final landscape inspection will be required upon completion.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 4, 5-11-99; Ord. No. 1999-55, § 1, 10-12-99; Ord. No. 2005-11, § 9, 5-24-05)

Sec. 39-79. - Maintenance of landscaped areas.

- (a) An owner of land subject to this Article 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 condition.
- (b) Three inches of clean, weed-free, organic mulch shall be maintained over all areas originally mulched at all times. Turfgrass shall be mowed regularly.
- (c) 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.
- (d) Preserved and created ecological communities shall be maintained in a natural state without the use of mechanical equipment.
- (e) An owner is responsible to ensure that landscaping that has been required to be planted pursuant to this Article, 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, commercial or industrial sites. If landscaping is found to be in a state of decline, dead or missing, it must be replaced with equivalent landscape material. If total replacement is required, species conforming to this Article 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.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, 5-11-99)

Sec. 39-80. - Plant material.

- (a) *Quality:* Plant materials used in accordance with this Article shall conform to the standards for Florida Grade One, or better, as provided for in the most current edition of *Grades and Standards for Nursery Plants*, 2nd edition, Feb. 1998, State of Florida Department of Agriculture and Consumer Services, as amended. Sod shall be clean and visibly free of weeds, noxious pests and diseases. Grass seed shall be delivered to the job site in sealed bags with Florida Department of Agriculture tags attached.
- (b) *Native Vegetation:* The following percentage of all vegetation, excluding all turfgrass, required to be planted by this code shall be indigenous to South Florida. In order to facilitate growers who may need to reassess field stock, the following dates are established to institute minimum percentages:
 - (1) Forty (40) percent as of June 1, 1999;
 - (2) Fifty (50) percent as of January 1, 2001.
- (c) *Preserved/Created Ecological Communities:* Ecological communities shall be preserved or created as required by Chapter 5, Article XII, Broward County Code of Ordinances. Sites which consist of five acres or more, where there is no viable ecological community, the applicant shall show on the landscape plan an area or areas equivalent to two and one-half (2½) percent of the site to be planted and preserved as an ecological community, pursuant to the conservation goals, objectives and policies of the 1989 Broward County Comprehensive Plan, Volume 2, Adopted Components. Sites which

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consist of two to five acres may incorporate an ecological community into the landscape buffer or interior landscaping requirements. For sites of five acres or more, this shall constitute an additional requirement.

(d) *Trees:*

(1) Trees shall be of a species having an average mature crown of greater than twenty (20) feet and having trunk(s) which can be maintained with over six (6) feet of clear wood. Trees or palms having an average mature crown spread of less than twenty (20) feet may be substituted by grouping the same so as to create the equivalent of a twenty (20)-foot crown spread. Such a grouping shall count as one tree towards meeting tree requirements for any provision herein. If palms are used, they shall constitute no more than twenty (20) percent of the total tree requirements for any provision herein, and shall have a minimum of six (6) feet of clear wood. On projects requiring more than ten (10) trees, a minimum of two (2) species shall be used.

(2) Non-conforming sites with lots under three thousand (3000) square feet or with less than five (5) feet of nonvehicular planting space for required buffers may use canopy trees with a twelve (12) to fifteen (15) foot maturity, with canopy equivalent at such height.

(3) Trees used in the required landscaping adjacent to a public street are subject to approval by Broward County so that the character of the public street can be maintained.

(4) The following plant species shall not be planted as required or optional landscaping and, in addition, these species shall be removed from the construction sites:

Botanical Name	Common Name
<i>Acasia auriculiformis</i>	Earleaf Acasia Ficus
<i>Ficus spp.</i>	Ficus
<i>Bischofia javanica</i>	Bischofia, Toog
<i>Casuarina spp.</i>	Australian Pine
<i>Melaleuca quinquenervia</i>	Melaleuca, Punk Tree, Paperbark
<i>Schinus terebinthifolius</i>	Brazilian Pepper, Florida Holly
<i>Rhodomyrtus tomentosa</i>	Downy Rose Myrtle
<i>Leucaena leucocephala</i>	Lead Tree, Jumbie Bean
<i>Ardisia solanacea</i>	Shoebuttan Ardisia

(5) The following species shall not be used as required landscaping, and shall not, in the aggregate, constitute more than ten (10) percent of the total number of trees to be installed.

a. Brittle Species List.

Botanical Name	Common Name
<i>Araucaria</i>	
<i>heterophylla</i>	Norfolk Island Pine
<i>Dalbergia sissoo</i>	Indian Rosewood
<i>Grevillea robusta</i>	Silk Oak

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b. *Species with invasive root systems list:* The following, and other species whose roots are known to cause damage to pavement or utilities, shall not be planted closer than twenty-five (25) feet to a public right-of-way, public easement or public improvement, or any structure:

Botanical Name	Common Name
<i>Brassaia actinophylla</i>	Schefflera

(6) The County shall maintain a list of plant material known to be invasive of South Florida's native ecological communities or disturbed areas, which shall not be used to meet any requirements of this Article.

(7) Tree species shall be a minimum overall height of ten (10) to twelve (12) feet, Florida Grade One material, with a minimum trunk diameter at breast height (DBH) of two and one-half (2½) inches and a minimum of four and one-half (4½) feet of clear trunk immediately after installation. Minimum canopy spread shall be characteristic of the species at such height and DBH requirements. Credit for existing trees preserved on a site shall be granted toward meeting the tree requirements of any landscaping provisions of this Article. No credit shall be granted for preserved trees which are in extremely poor condition or declining health.

(8) No more than thirty percent (30%) of required trees shall be of the same species.

(e) *Shrubs and Hedges.*

(1) Shrubs shall be a minimum of two (2) feet, full to base, and planted two (2) feet on center when measured immediately after planting. When shrubs are used as a screen around vehicular open space areas, said shrubs shall be a minimum of two (2) feet in height above the vehicular open space pavement surface that directly abuts the shrubs at time of planting.

(2) Required buffer hedges shall be planted and maintained so as to form a continuous, unbroken solid, visual screen, with a maximum height of three (3) feet, to be attained within one (1) year after planting.

(3) *Ficus* spp., when planted as a hedge, may be used to meet the requirements of dumpster enclosure, mechanical equipment and electrical transformer screening only.

(f) *Vines.* Vines shall be a minimum of thirty (30) inches in supported height immediately after planting, and may be used in conjunction with fences, visual screens or walls, planted at ten (10)-foot intervals, to meet landscape buffer requirements as specified.

(g) *Groundcover.* Groundcovers shall be planted with a minimum of fifty percent (50%) coverage with one hundred percent (100%) coverage occurring within six (6) months of installation.

(h) *Turf:*

(1) All turf areas shall be sodded using species suitable as permanent lawns in Broward County, including St. Augustine, Bahia, and their cultivars. Large turf areas not subject to erosion, such as playfields, may be grassed with methods other than sod using permanent species suitable for Broward County.

(2) Turf shall not be treated as a fill-in material, but rather as a major planned element of the landscape and shall be placed so that it can be irrigated separately from planting beds.

(3) Turfgrass areas shall be consolidated and limited to those areas on the site that require pedestrian traffic, provide for recreation use or provide soil erosion control such as on slopes or in swales, or surface water management areas, and where turf is used as a design unifier, or other similar practice use. Turf areas shall be identified on the landscape plan.

(4) The following percentages shall apply to turf areas:

a. No more than eighty (80) percent of the required landscape area for single-family and duplex dwellings may be in turfgrass.

b. No more than sixty (60) percent of the required landscape area for multifamily dwellings may be in turfgrass.

c. No more than fifty (50) percent of the required landscape area for other development uses may be in turfgrass.

(i) *Xeriscape.*

(1) A minimum of twenty (20) percent of the pervious area on single family and duplex dwellings must be in xeriscape landscape, with the exception of Agricultural, Rural and Estate zoning districts (See section 39-85 for these requirements).

(2) A minimum of forty (40) percent of the pervious area of multifamily dwellings must be in xeriscape landscape.

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

(j) *Topsoil:* Topsoil shall be clear and reasonably free of construction debris, weeds and rocks. The topsoil for all planting areas shall be composed of a minimum of thirty (30) percent muck or horticulturally acceptable organic material.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 6, 5-11-99)

Sec. 39-81. - Landscape requirements for vehicular use areas.

(a) *Applicability:* All vehicular use areas serving nonresidential uses shall conform to the minimum landscaping requirements hereinafter provided, except areas used for parking or other vehicular uses on, under or within buildings and parking areas serving single- or two-family dwellings.

(b) *Required Landscaping Adjacent to Streets and Abutting Properties:* On the site of a building or open lot providing a vehicular use area for a nonresidential use where such area will not be entirely screened visually by an intervening building or structure from any abutting street(s) and property lines, including dedicated alleys, landscaping shall be provided between such area and such perimeters as follows:

(1) Except for Office Park "OP" Districts, a strip of land at least five (5) feet in depth, located

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between the abutting street(s) and the vehicular use area; and between the abutting property line(s) and vehicular use area shall be landscaped. Office Park "OP" Districts shall require at least ten (10) feet to be landscaped. Such landscaping shall include one (1) tree for each thirty (30) lineal feet or fraction thereof. The first tree shall be set back ten (10) feet from the intersection of the ingress/egress and the street, which setback shall be limited to groundcover only. Such tree shall be between the abutting street and the abutting property lines and vehicular use areas. In addition, a hedge, berm, wall or other durable landscape barrier, to begin after the first ten (10) feet shall be placed along the inside perimeter of such landscape strip and shall be maintained at a maximum height of three (3) feet, if contiguous to a pedestrian walkway, to meet Crime Prevention Through Environmental Design (CPTED) principles. If such durable barrier is of nonliving material, for each ten (10) feet thereof, one (1) shrub or vine shall be planted along the street side of such barrier. The remainder of the required landscape area shall be landscaped with turfgrass, groundcover or other landscape treatment, excluding paving, turfgrass not to exceed the maximum amount allowable in the xeriscape 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 street and vehicular use areas shall be landscaped with turfgrass or other groundcover; if turfgrass is used, it shall not exceed the xeriscape requirements.

(3) Necessary accessways from the public street through all such landscaping shall be permitted to service the vehicular use areas, and such accessways may be subtracted from the lineal dimension used to determine the number of trees required.

(c) *Parking Area Interior Landscaping.* An area, or a combination of areas, equal to ten (10) 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. All parking areas shall be so arranged so that if there are ten (10) or more contiguous parking stalls along the same parking aisle, the eleventh space shall be a landscaped peninsula a minimum of five (5) feet in width. Other suitable solutions or innovative designs may be substituted when approved by the Development Management Division and Building Code Services Division. In addition, there shall be a minimum of one (1) tree planted for every landscaped area, and in no instance shall there be less than one (1) tree and three (3) shrubs for each two hundred (200) square feet, or fraction thereof, of required interior landscaped areas of the parking stalls in that aisle. In addition, all approved grass parking areas will meet the same requirements as paved parking, and will not be calculated in the pervious space requirements. Landscaped areas, walls, structures and walks shall require protection from vehicular encroachment through appropriate wheel stops or curbs located a minimum of two and one-half (2½) feet from any landscaped area.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 7, 5-11-99; Ord. No. 2000-36, § 16, 8-22-00; Ord. No. 2005-17, § 7, 6-28-05)

Sec. 39-82. - Sight distance for landscaping adjacent to street intersections and points of access.

When the subject property abuts the intersection of two (2) or more streets, all landscaping within the

triangular area located within twenty-five (25) feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between thirty (30) inches and eight (8) feet, with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than five (5) feet from the edge of any roadway and three (3) feet from the edge of any alley or pavement.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 8, 5-11-99)

Sec. 39-83. - Nonvehicular open space.

All nonvehicular open space on any site shall conform to the following requirements:

(a) *General Landscape Treatment:*

(1) Groundcover, shrubs and other landscape materials shall be installed to cover all nonvehicular open space areas not covered by paving or structures, using the required percentages specified in Section 39-80(h)(4) above. No substance which prevents water percolation shall be used in areas not approved for paving or structures. Planting practices shall comply with xeriscape requirements.

(2) Each structure shall be treated with landscaping to enhance the appearance of the structure and to screen any unattractive or unsightly appearance, with a minimum of twenty (20) percent of the front of the structure being planted with shrubs at a minimum of two (2) feet in height.

(b) *Shrub and Tree Requirements:* Shrubs and trees shall be planted in the nonvehicular open spaces to meet the following requirements:

Percent of Site in Nonvehicular Open Space (NOS)	<i>Tree and Shrub Requirements</i>
Less than 30%	1 tree and 10 shrubs per 2,000 square feet
30—39%	1 tree and 8 shrubs per 2,500 square feet
40—49%	1 tree and 6 shrubs per 3,000 square feet
50% or more	1 tree and 6 shrubs per 3,500 square feet

(c) *Screening of Equipment:* Dumpsters, mechanical equipment and electrical transformers shall be screened on at least three (3) sides by landscape material that is a minimum of thirty (30) inches in height. Such screening shall not interfere with normal operation of equipment. In addition, bus shelters which are located within property lines shall be screened with plant material a minimum of two (2) feet in height on three (3) sides, and one canopy tree, ten (10) feet in height.

(d) *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 (2) feet of lineal width of the sign structure on each side; and ground cover, a minimum of five (5) feet around the perimeter of the sign base, designed in such a manner so as to not block the message on the sign.

(e) *Billboard signs:* All billboards require the installation and establishment of plant material to

enhance the structure at a minimum of four (4) trees, chosen from a list of trees that will attain a height of not more than fifteen (15) feet, and a minimum of one shrub for every two (2) feet of lineal width of the sign structure on each side of tree line.

(f) *Minimum Landscape Credits and Adjustments:* An owner shall receive credit against the minimum landscape code requirements of this Article for preservation, replacement or relocation of existing trees as set forth under in the Broward County Tree Preservation and Abuse Ordinance, Chapter 27, Article XIV, other than preserved ecological communities, on a one-for-one basis.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 9, 5-11-99)

Sec. 39-84. - Buffers between residential and nonresidential properties.

(a) Where any plot zoned or used for nonresidential uses, except industrial uses, is separated by a street, alley, canal or public open space from a residential plot, any such nonresidential plot adjacent to such separator shall be provided with a landscape buffer at least ten (10) feet in depth. Any plot zoned or used for industrial uses shall provide a landscape buffer at least fifteen (15) feet in depth. The landscape buffer shall meet the landscaping requirements for vehicular use areas or general open space, whichever is applicable in total or in part.

(b) Where a plot zoned or used for nonresidential uses, except industrial uses, is contiguous to a residentially zoned or used plot, any such nonresidential plot shall be provided with a landscape buffer at least ten (10) feet in depth adjacent to the residential district or use.

(c) Where any plot zoned or used for industrial purposes is contiguous to a residentially zoned or used plot, any such industrial plot shall be provided with a landscape buffer at least twenty (20) feet in depth adjacent to the residential district or use.

(d) Where any plot zoned or used for business, nonresidential or industrial purposes, is contiguous to a park, environmentally sensitive land site (ESL), or urban wilderness area, whether directly or separated by a street, alley, canal or public open space, a minimum of twenty-five (25) feet of landscape buffer shall be provided along such street or property line.

(e) Where any plot zoned for Office Park (OP) is adjacent to any of the above uses, the buffer shall be double the size required in subsections (a), (b), (c) or (d) above.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 10, 5-11-99)

Sec. 39-85. - Single-family and two-family dwellings landscape requirements.

All new single-family and duplex dwellings shall conform to the following minimum landscaping requirements:

(a) *Landscape Plans:* Detached single-family residences and duplex dwellings may submit landscape plans in the form of a landscape permit application, which includes acceptable plant material choices, to be chosen by the applicant, from a list provided by Broward County, stating quantity, size, and quality of plant material, including planting specifications, as required by this Article. Actual landscape drawings are not required for single family and duplex dwellings.

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(b) *General Landscape Treatment:* Trees, turfgrass, groundcover, shrubs and other decorative landscape material shall be used to cover all disturbed ground not covered by building and paving; with xeriscape to be a minimum of twenty (20) percent of the open space of the site.

(1) For single-family residences in Agricultural, Rural, and Estate Districts, xeriscape requirements shall be based on the immediate one acre of property surrounding the principal building with seven thousand five hundred (7,500) square feet of xeriscape landscape being required to meet the xeriscape requirements. In addition, sod/turf may be used in the front yard but may not extend past the first one acre of property in the rear of the principal building. The remainder of the property must be maintained, either in its natural state, in pasture land or other approved open space. This area, however, may not contain any invasive species (Melaleuca, Brazilian Pepper, Australian Pine, etc.), which must be removed from the site.

(c) *Shrub and Tree Requirements:*

(1) A minimum of three (3) trees of two (2) different species and ten (10) shrubs shall be planted per lot. For all lots larger than eight thousand (8,000) square feet in area, additional shrubs and trees shall be provided at the rate of one (1) tree and three (3) shrubs per three thousand (3,000) square feet of lot area; however, there shall be no more than ten (10) trees and thirty (30) shrubs required per acre.

(2) Where possible, a minimum of two (2) 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.

(3) Trees required in this subsection shall have a minimum overall height of ten (10) feet to twelve (12) feet with a minimum canopy spread characteristic of the species at such height and DBH requirements.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 11, 5-11-99)

Sec. 39-86. - Nonconforming properties.

(a) Any property developed prior to November 23, 1993, regardless of the use, which was not brought into compliance with at least fifty (50) percent compliance with Ordinance No. 93-43 within the required five-year period, shall meet at least fifty (50) percent of the requirements of this Article by October 1, 1999. Any property developed prior to November 23, 1993, which was brought into compliance with Ordinance No. 93-43 shall meet at least fifty (50) percent of this Article by October 1, 2004. In order to encourage compliance with this Article, if a vehicular use area cannot be redesigned and the owner is unable to meet this fifty (50) percent requirement, the owner, after demonstrating the maximum extent to which the vehicular use area can be brought into compliance with this Article, shall be permitted to:

(1) Reduce the number of required parking spaces by a maximum of twenty (20) percent to accommodate the additional landscaping. Sites with limited pervious area shall install only native plant material to assist in achieving the fifty (50) percent compliance; or

(2) Where it is determined by Broward County on properties used for commercial, industrial and multiple family dwelling purposes, that conditions are unfavorable for full landscape compliance due to plot size or other environmental conditions, payment may be made to a landscape fund

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which shall be maintained by the Code and Zoning Enforcement Division to assist property owners who prove a financial hardship exists in complying with this Article. Payment for such exemptions shall be based on twenty (20) percent of the amount of landscaping required for the square footage of the property, plus administrative fees. Such payment amounts and administrative fees shall be set by resolution of the County Commission. In cases of financial hardship on properties used for single family purposes, Code and Zoning Enforcement Division shall have the authority to grant extensions of time for compliance with this Article.

(3) Permits issued to attain compliance to the landscape code requirements, including parking lot reconfiguration, will be valid for ninety (90) days from date of issuance.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 12, 5-11-99; Ord. No. 2000-36, § 17, 8-22-00)

Sec. 39-87. - Landscape manual and materials.

Broward County shall prepare and, from time to time, revise a landscape manual and informational materials which shall provide an illustration of the requirements of this Article. Said manual and materials shall be made available to the public.

(Ord. No. 93-43, § 2, 11-23-93; Ord. No. 95-50, § 11, 11-28-95; Ord. No. 1999-25, § 13, 5-11-99)

Secs. 39-88—39-99. - Reserved.