

Sec. 24-105. - Landscaping requirements.

(A) *Purpose.* The objective of this section is to improve the appearance of certain setback and yard areas, including off-street vehicular parking and open lot sales and service areas, to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping and screening aesthetic qualities.

(B) *R-1 and R-2 Districts.*

(1) In the R-1 and R-2 Districts where the subject property is utilized for residential purposes only and RM-16 and RM-25 where the subject property is utilized for residential single-family and duplex residences, the requirements are that all areas which are to be pervious must be landscaped and that ten-foot tall shade trees be provided in accordance with the following minimum standards:

Lot Size in Square Feet	Number of Trees	Number of Shrubs
Less than 6,000	2	5
6,000—7,499	3	8
7,500—9,999	4	11
10,000 and over	5	15

(2) All mechanical equipment for new construction placed on the ground shall be screened with shrubs planted twenty-four (24) inches in height and spaced twenty-four (24) inches on center to form a solid hedge. A solid hedge shall not be required if the mechanical equipment is presently screened from the street view.

(3) All ground cover shall be planted with a minimum of seventy-five (75) percent coverage with one hundred (100) percent coverage occurring within six (6) months of installation.

(4) The provisions of this subsection shall also apply to developed parcels when an addition or remodeling:

- (a) Increases the gross floor area of the structure by twenty-five (25) percent or more; or
- (b) The cost of which exceeds twenty-five (25) percent of the assessed value of the structure.

(5) The requirements contained in subsection (D) below must also be complied with. Any permitted nonresidential use of property located within the R-1 or R-2 districts shall be subject to and adhere to all requirements of this article, including (C) below.

(C) *All other districts.* The minimum landscaping requirements below shall apply to off-street parking or other vehicular use areas, and certain yard areas in all other zoning districts. The regulations applicable to the particular zoning district may contain additional requirements. See also subsection 24-106(B) for mandatory wall locations.

Vehicular use areas shall include all areas used for the display or parking of vehicles, boats, or heavy construction equipment, whether self-propelled or not, plus the access drives thereto or on-site streets except parking under or within buildings.

- (1) *Street trees:* Street trees are trees planted in the swale. Unless prohibited by existing site conditions, one (1) street tree shall be required for every forty (40) linear feet, or fraction thereof, and shall be planted no further than sixty (60) feet apart and no closer than fifteen (15) feet apart. Street trees shall be shade trees unless otherwise approved by the development review committee based on best horticultural practices and planted in swales, as defined in section 24-79, along streets having a right-of-way of fifty (50) feet in width or greater. All street trees are subject to the issuance of an engineering permit.
- (2) *Right-of-way edge requirements:*
 - (a) A landscaped strip at least ten (10) feet in depth shall be located between the abutting right-of-way and any vehicular use area not screened from the right-of-way by an intervening building.
 - (b) One (1) tree for each forty (40) linear feet or fraction thereof shall be located at least seven (7) feet from the right-of-way line, within the required landscaped strip.
 - (c) If there is a vehicular use area adjacent to the right-of-way, a decorative wall or hedge at least twenty-four (24) inches in height shall extend the entire length of the landscape strip, exclusive of any required vision triangle and shall be placed along the interior edge of the required landscape strip. If a decorative wall is erected, then one (1) shrub or vine is to be planted on both sides of the wall for each five (5) linear feet of wall and may be planted in groupings.
 - (d) In lieu of the above wall or hedge, an earthen berm may be provided along the right-of-way in the manner prescribed below:
 1. A rolled berm at least twenty (20) feet in depth and three (3) feet in height along at least one-half ($\frac{1}{2}$) of the frontage.
 2. Plant materials shall be planted along the slope of the berm rather than the top.
 3. No point of the berm may be greater than two and one-half ($2\frac{1}{2}$) feet in height within ten (10) feet of the right-of-way in order to ensure adequate visibility.
 4. To assure that the berm may be properly maintained, the maximum slope should be approximately three to one (3:1).
 - (e) Any parcel zoned PCC, or any parcel with three hundred (300) feet or more of lot depth, which is located along an arterial or urban collector street, shall provide a berm meeting the requirements of subsection (d) above.
 - (f) Where the overhanging area in front of a vehicle is not paved, it cannot be considered as part of the right-of-way landscape requirements, but may be added to the building site open space requirement.
 - (g) No hedge shall be located closer than seven (7) feet from the right-of-way line. Hedges in Jaco Pastorius Park and other public parks that have athletic activities utilizing hedges are exempt from this setback.
 - (h) No fence, wall, hedge, structure or parking space shall be erected or allowed to obstruct vision within a thirty-foot clear sight triangle at the intersection of any two (2) streets or within a twenty-foot clear sight triangle on each side of any driveway.
 - (i) If backout parking is utilized, as permitted in article VI, the required ten-foot landscaped strip shall be provided between the parking area and the building.
 - (j) In the case of an alley right-of-way, the provisions of (3) below shall apply rather than (a) through (i) above.
- (3) *Perimeter landscape requirements relating to abutting properties:*

- (a) A landscape strip at least five (5) feet in width shall be located between the abutting property line and the off-street parking or other vehicular use area. See also (D)(1)(c) which may necessitate a wider strip.
 - 1. One (1) tree shall be planted for each forty (40) linear feet or fraction thereof within this strip.
 - 2. A hedge or other durable landscape barrier shall be planted or installed.
 - 3. Where a wall is erected, one (1) shrub or vine for each five (5) feet of wall may be planted on both sides of side wall, in lieu of a hedge. Shrubs may be placed in groupings.
 - (b) Where a nonresidential use abuts a residential use, a landscape buffer ten (10) feet in width must be placed and maintained between the two (2) properties.
 - 1. A masonry wall, eight (8) feet in height, shall be placed within the perimeter of such landscape buffer; and
 - 2. One (1) tree shall be planted for each thirty (30) linear feet or fraction thereof within this strip;
 - 3. One shrub or vine for each five (5) linear feet, or fraction thereof, of wall shall be planted within the landscape buffer on the side of the wall facing the residential properties.
 - 4. The remainder of the required landscape area shall be landscaped with turf grass, groundcover or other landscape treatment, excluding vehicular use areas.
 - (c) Waterway frontage shall be landscaped. See article IX for specific requirements.
 - (d) A hedge or other durable landscape barrier shall be planted or installed along the perimeter of each plot other than a single-family residence or duplex. Nonresidential districts abutting a residential use shall comply with subsection (3)(b) above.
- (4) *Parking lot interior requirements:*
- (a) Fifteen (15) square feet of landscaped area for each interior parking space even if the spaces abut a right-of-way or perimeter for which landscaping is required.
 - (b) The total required landscaped area is to be separated into smaller areas and located in such a manner as to break up the expanse of pavement. At least one (1) landscape island, ten (10) feet in width, measured from inside the curbs and the length of a parking space, shall be placed every twelve (12) spaces on average, parallel to such spaces and each row of parking shall be separated by at least a five-foot landscape strip.
 - (c) All landscaped areas adjacent to a paved surface of a vehicular use area, which are susceptible to vehicular encroachment, and at the intersection of any aisles or driveways shall be protected by curbing. Artistic paving is encouraged for all access drives and if provided, (a) above may be reduced to ten (10) square feet per parking space.
 - (d) One (1) tree is required for each ten (10) parking spaces, or fraction thereof, located within the perimeter of a parking area. A minimum of fifty (50) square feet is required for each landscaped area with a minimum of one (1) tree included.
 - (e) In addition to trees, each landscaped area shall be fully landscaped with grass or plant material not to exceed three (3) feet in height.
 - (f) Landscaped areas should achieve optimum drainage absorption; this will be reviewed as part of the site plan.
 - (g) The front of a vehicle may encroach on an interior landscaped area when protected by wheel stops or curbing.

(h) A landscaped area having a minimum width of five (5) feet shall separate the vehicular use area from the walls of a building, with the exception of drive-through windows, automated teller machines, and when there is a raised sidewalk adjacent to the building. The minimum landscaped area required for vehicular use areas located adjacent to a public street shall increase by five feet for each additional story up to a maximum landscaped width of fifteen (15) feet. Five (5) shrubs shall be provided for each one hundred fifty (150) square feet of landscaped area.

(5) *Nonconforming landscaping:*

(a) Any lot which is nonconforming relative to items (1), (2), (3) and (4) above shall be brought into conformity with the minimum requirements of this section upon occurrence of any of the following conditions:

1. When a vehicular use area is expanded or enlarged by additional paving resulting in an increase of twenty-five (25) percent or more of the existing vehicular use area square footage; or
2. When there is an addition which increases the area of all existing buildings on the property by more than twenty-five (25) percent gross floor area.
3. When a change of use as defined herein involves more than twenty-five (25) percent of the gross floor area of the building or buildings on the property.

(D) *General regulations.*

(1) *Plant materials:*

(a) *Quality and quantities:* All plant material shall be graded Florida #1 or better, in accordance with "Grades and Standards of Nursery Plants," published by the division of plant industry, Florida Department of Agriculture. The minimum plant height for all required hedge material shall be twenty-four (24) inches and the plants shall be spaced twenty-four (24) inches on center to form a hedge. Quantities shall be included in plant lists and landscape legends for all trees, hedges and ground covers shown on any landscape plan. All plant areas shall be mulched. All pervious areas shall be landscaped. No "Ficus benjamina" species shall be used to comply with this article.

(b) *Trees:* At the time of planting, trees shall be a minimum height as follows:

Percent	Feet
60	10 or higher
20	12 or higher
10	14 or higher
10	16 or higher

All tree species will ultimately attain a spread of twenty (20) feet or more. In the event that palms are used that will not attain a twenty-foot spread, they shall be planted in groups of three (3) with at least eight (8) feet of bare wood. Their staggered heights shall be at least ten (10), twelve (12) and fourteen (14) feet with the average height used for the

above percentage calculation. Such groups of palms shall be counted as one (1) tree. Trees shall also have a minimum six-foot spread and a minimum caliper of two (2) inches. At least three (3) species shall be used and at least half the trees must be of a native, xeriscape species. The planning and zoning division shall maintain a list of recommended tree and shrub species, including native or xeriscape species.

- (c) Any tree and/or palm planted after the effective date of this subsection shall comply with the following:
 1. Trees and palms may not be planted closer than five (5) feet from any underground utility line.
 2. Trees and palms may not be planted closer to overhead utility lines than the following:

<i>Mature Height*</i>	<i>Planting Distance from Overhead Utility Lines</i>
(a) Under 20 feet	may be planted under overhead utility lines
(b) 20 to 30 feet	at least 20 feet
(c) Over 30 feet	at least 30 feet
(d) Palms over 20 feet	species average frond length plus three feet

*The source for the mature height of a tree shall Betrock's Reference Guide to Florida Landscape Plants by Timothy K. Broschat and Alan W. Meerow and for the average frond length of a palm tree shall be Betrock's Guide to Landscape Palms by Alan W. Meerow. Based on best horticultural practices, the city may require an alternate tree species if the proposed tree species is determined to be detrimental if planted as proposed.

- 3. No individual shall refuse to permit a utility or its designee ingress or egress to and from property for the purpose of pruning, trimming, maintaining or removing vegetation that may interfere with the delivery of electric service.
 - 4. Trees, branches, palm fronds, vines, bushes and any other vegetative matter shall be maintained and trimmed so that no tree branches, palm fronds, vines, bushes or other vegetative matter shall be situated at a point any closer than six (6) feet to any overhead electric utility facilities.
- (d) *Landscape plans:* Such plans shall be submitted to the city as part of the site development plan review and must be signed and sealed by a registered landscape architect, licensed to practice in the State of Florida. All landscape plans shall contain in a grid format a plant list or landscape legend containing the following information: 1) key to legend; 2) both common and botanical names of all plant material species; 3) quantities for all plant material species; 4) size and specifications; and 5) minimum spread, minimum four-foot clear trunk and caliper for all trees. All landscape architects shall provide a statement indicating the availability of all proposed plant materials shown on submitted landscape plans. See article XII.

- (e) *Tree preservation:* The provisions contained in subsection 24-116(b) of this Code must also be complied with in any zoning district and a tree removal permit must be obtained from the city to remove or relocate any protected tree.
 - (f) *Irrigation system:* All landscaped areas shall be provided with an underground irrigation system. The irrigation system must be designed to have a minimum of one hundred (100) percent coverage with fifty (50) percent minimum overlap. A lower level of coverage shall be authorized only in those areas where all plant materials are native or xeriscape.
 - 1. Irrigation controllers shall be switched to manual operation during periods of increased rainfall.
 - 2. Systems irrigating lawns or other high water demand landscape areas shall be circuited so that they are on a separate zone and schedules from those irrigating trees, shrubbery or other reduced water requirement areas.
 - 3. Landscape irrigation systems shall be designed so that, to the greatest extent practical, water being applied to non-pervious areas is eliminated.
 - 4. Use of non-potable water for use in the irrigation of lawn and plant material is required when determined to be available.
 - (g) *Root barriers:* A root barrier is a physical barrier installed underground so that plants and structures can cohabitate in a sustainable manner. The roots of trees conflict with hardscapes such as roads, driveways, sidewalks, and curbing. This conflict causes root systems to crack and heave hardscapes which results in damage to infrastructure, and in unsafe and aesthetically poor conditions. Root barriers shall be installed in accordance with the manufacturer's instructions in the following instances when medium or large species of shade trees are planted.
 - 1. Within three (3) feet from any hardscape such as roads, driveways, sidewalks, and curbing.
 - 2. Within six (6) feet of any underground public infrastructure.
 - 3. At the edge of a sidewalk in those circumstances where existing tree roots are causing or potentially causing a trip hazard because of lifting of some portions of a public sidewalk.
 - (h) *Removal of root systems:* Removal of root systems which show evidence of destroying public or private property is required. Root barriers of appropriate depth shall be utilized in lieu of removal where upheavals do not create safety problems or structural damage to buildings.
- (2) *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 a healthy growing condition and shall be free of refuse and debris. Maintenance shall include watering, weeding, mowing, fertilization, insect and disease control, mulching, pruning, regular mowing to at least no higher than six (6) inches, removal/replacement of dead or diseased trees and shrubs and removal of refuse and debris on a regular basis so as to present a neat and well maintained appearance at all times. "Hat-racking," or trimming more than fifty (50) percent of the foliage from a tree, or creating numerous branch stubs of more than three (3) inches in diameter is prohibited and shall be considered a violation of this chapter. The owner, tenant and their agent shall be responsible for watering the landscaping material by means of an automatic sprinkler system providing one-hundred (100) percent coverage, which shall be appropriately reflected on the landscape plan.
- (3) *Enforcement:*
- (a) All landscaping shall be inspected by the code enforcement department upon completion. Landscaping shall be in conformance with approved plans and specifications before the certificate of occupancy is issued.

- (b) Landscaping may be inspected periodically by the code enforcement department to insure proper maintenance. The owner, tenant or their agent, shall be notified by the code enforcement officer, in writing, of any areas which are not being properly maintained and shall, with fifteen (15) calendar days from the time of notification, restore the landscape to a healthy condition.
 - (c) It shall be unlawful for an owner, tenant or their agent, to fail to restore the landscaping within fifteen (15) calendar days after notice has been given, so that said landscaping conforms to the plan submitted to and approved by the code enforcement officer.
- (4) *Adjustments:* All plans shall be subject to the approval of the Engineering and Community Development Department of the City of Oakland Park before any building permit is issued; however, if these requirements cannot be met due to extenuating circumstances, the development review committee (or a subcommittee thereof) is authorized to grant an adjustment to the strict application of these requirements. Any situation where a required tree can not be planted because of site constraints, size availability or based upon best horticultural practices a donation of the equivalent value of the tree shall be made to the city's tree preservation trust fund.

(Ord. No. O-90-21, § 10, 10-17-90; Ord. No. O-1999-011, § 5, 6-2-99; Ord. No. 2004-004, § 2, 2-18-04; Ord. No. O-2006-003, § 2, 4-5-06; Ord. No. O-2010-007, § 2, 2-3-10; Ord. No. O-2012-016, § 4, 9-5-12; Ord. No. O-2014-009, § 2, 6-8-14; Ord. No. O-2014-009, § 2, 6-18-14)