

**ORDINANCE NO. 39-13**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 78. ZONING. ARTICLE IX. SUPPLEMENTAL REGULATIONS. DIVISION 4. LANDSCAPING. BY AMENDING THIS DIVISION TO UPDATE CERTAIN “FLORIDA FRIENDLY LANDSCAPING” REQUIREMENTS THROUGHOUT THE VILLAGE, TO CLARIFY THE APPLICATION OF SUCH REGULATIONS TO NEW CONSTRUCTION AND CERTAIN RE-DEVELOPMENT; TO UPDATE CODE GRAPHICS AND PROVIDE FOR INTERNAL CONSISTENCY; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, the Village Council desires to update its landscaping code by updating certain “Florida Friendly landscaping” requirements throughout the village, clarifying the application of such regulations to new construction and certain re-development; updating code graphics and providing for internal consistency; and

WHEREAS, the Village Council believes the adoption of the code revisions in this ordinance will be in the best interests of the Village of Tequesta, and will promote the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1:** Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article IX. Supplemental Regulations. Division 4. Landscaping. by updating certain “Florida Friendly landscaping” requirements throughout the village, clarifying the application of such regulations to new construction and certain re-development; updating code graphics and providing for internal consistency; providing that Division 4. Landscaping. shall hereafter read as follows:

## DIVISION 4. - LANDSCAPING

Sec. 78-391. – Purpose and intent.

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Sec. 78-411. - Show cause hearing; right of village to do work and assess costs; additional remedies.

Sec. 78-412. - Assessment to constitute lien.

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78-414. – Education.

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Sec. 78-416.- Enforcement and monitoring.

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### **Sec. 78-391. – Purpose and intent.**

**(A) The intent of this division is as follows:**

- 1. To provide standards for the development, installation, and maintenance of landscaping that adheres to the principles of Florida-friendly landscaping and encourages creative landscape design, construction and management to minimize the potential adverse impacts associated with adjacent land uses of varying intensities.**

2. To provide the physical benefits of using plant material as a function of sustainability.
  3. To provide minimum standards for landscaping new developments or for redevelopment.
  4. To promote water conservation, water quality improvement, and vegetation protection objectives by providing for:
    - a. The re-establishment of native plant communities;
    - b. The use of plant materials appropriate to the location, including hardiness zone, soil type, moisture conditions, light and mature plant size;
    - c. The implementation of Florida-friendly landscaping principles as identified by the Florida Yards and Neighborhoods program operated by the University of Florida's Institute of Food and Agricultural Services Extension ("UF/IFAS Extension") and A Guide to Florida-friendly Landscaping: Florida Yards and Neighborhoods Handbook, Best Management Practices ("BMPs") identified in the Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries (2008), and as provided by law; and
    - d. The use of specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers.
- (B) This division shall be a minimum standard. This division shall not be interpreted to restrict creative designs or the inclusion of landscape elements such as vegetable gardens, fruit trees, arbors, or water gardens. [Comment: Florida Statutes 166.048, and 373.185 provide that a deed restriction or covenant may not prohibit any property owner from implementing Xeriscape or Florida-friendly landscape practices on his or her land.]

**Sec. 78-392. - Applicability.**

- (A) The provisions of this division shall apply to the development, redevelopment, rehabilitation, and maintenance of all property within the Village of Tequesta, as specified herein. Whenever regulations or restrictions imposed by this ordinance conflict with other ordinances or regulations, or are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulations, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern.
1. No permit shall be issued for new construction for building or paving, or for new landscaping installation or landscaping renovation in excess of 50 percent of the estimated value of the existing landscaped areas unless the landscape plans and specifications comply with the provisions hereof; and no

Certificate of Occupancy, Certificate of Completion or similar final approval shall be issued until the requirements herein are met.

2. All Village facilities will be managed in accordance with Florida Friendly Landscaping practices by March 31, 2013. All new and renovated Village facility landscapes will be designed in accordance with these principles and be constructed and installed using Florida-Friendly landscape materials. Parks, open spaces and trails will be designed with these principles in mind, as applicable. All Village landscape service contractors will adhere to these practices. All new bid specifications and contracts will reflect this requirement beginning one year after the approval of this regulation.
3. Specific application of the Florida-Friendly landscape provisions of this division shall include, but not be limited to:
  - a. All new landscapes for private development projects including, but not limited to, commercial, residential, mixed use and recreation projects, including new single-family and two-family homes;
  - b. Developer-installed landscapes at entrances into and common areas of single-family and multi-family projects;
  - c. Any development approved prior to April 12, 2012, if the site plan or other permit guiding landscaping is thereafter amended or modified to an extent greater than fifty (50) percent of the value of the existing development.

(B) Exempted from the provisions of the Florida-Friendly landscape requirements (note: not irrigation requirements) are the following, as applicable:

1. Bona fide agricultural activities;
2. Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing of livestock;
3. Athletic fields;
4. Golf course play areas;
5. Any development with an approved site plan or valid building permit issued prior to April 12, 2012, subject to the modifications listed above;
6. Turfgrass in a dedicated stormwater management area or canal maintenance area or similar and shall not be calculated in the percentages of turfgrass;
7. Public Parks and other play areas indicated on an approved site plan;
8. Cemeteries;
9. Rights-of-way for public utilities, including electrical transmission and distribution lines, and natural gas pipelines; and

(C) Exemptions to the requirements of this division may be granted by variance for individual projects if the applicant can demonstrate that compliance will be impractical and will result in an undue hardship.

**Sec. 78-393. – Definitions.**

The following terms, when used in this division, shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

*ANSI A300 Standards:* American National Standard for Tree Care operations published by the National Arborist Association and approved by the American National Standards Institute.

*Application or apply:* The actual physical deposit of fertilizer to turf or landscape plants.

*Applicator:* Any Person who applies fertilizer on turf and/or landscape plants in the village.

*Automatic Controller:* A mechanical or electronic device, capable of automated operation of valve stations to set the time, duration and frequency of a water application.

*Best Management Practices (BMPs):* A practice or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

*Caliper:* Quantity in inches of tree trunk diameter measured at four and one half feet above the ground.

*Canopy tree:* Any single trunked, self supporting plant, upright in growth, with a minimum size of 16 feet high, 6 foot spread, 3 inch caliper and five feet of clear trunk.

*Commercial Fertilizer Applicator:* Any person who applies fertilizer on turf and/or landscape plants in the village in exchange for money, goods, services or other valuable consideration.

*Constant Pressure/Flow Control:* A device that maintains a constant flow, or pressure, or both.

*Drought-tolerant:* A plant that is capable of surviving a dry spell of more than two (2) or three (3) months without supplemental watering.

*Emitter:* This term primarily refers to devices used in microirrigation systems.

*Fertilize, Fertilizing, or Fertilization:* The act of applying Fertilizer to turf or Landscape Plant.

*Fertilizer:* Any substance or mixture of substances, except pesticide/fertilizer mixtures such as "weed and feed" products, 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.

*Filter:* A device in irrigation distribution systems that separates sediment or other foreign matter.

*Florida-Friendly landscape:* The principles of Florida-friendly landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization,

mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protections. Additional components of Florida-friendly landscape include planning and design, soil analysis, the uses of solid waste compost, practical use of turf, and proper maintenance.

*Ground Cover:* Low growing plants, other than turfgrass, used to cover the soil and form a continuous, low mass of foliage.

*Hardscape:* Areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation.

*Hatracking:* Cutting back of tree limbs to a point between branch collars/buds (internodal cutting) larger than one inch in diameter within the tree's crown.

*Hydrozone:* A distinct grouping of plants with similar water needs and climatic requirements.

*Impervious surface:* Those surfaces which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt.

*Institutional Applicator:* Any person, other than a non-commercial or commercial applicator that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but not be limited to, owners and managers of public lands, schools, parks, religious institution, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

*Irrigated landscape area:* All outdoor areas that require a permanent irrigation system.

*Irrigation System:* An artificial watering system designed to transport and distribute water to plants.

*Irrigation Zone:* A grouping of sprinkler heads, soakers, bubblers, or microirrigation emitters operated simultaneously by the control of one valve.

*Landscape:* Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch or decorative paving materials). Non-living landscape material shall not be used as major landscape ground cover. In no case shall these materials exceed 10% of the landscaped area.

*Landscape Plan:* Plans and drawings showing the location of buildings, structures, pedestrian, transportation, or environmental systems, and the detail for placement of site amenities, accessibility components, plantings and other tangible objects. Plans shall include installation details for plant materials, soil amendments, mulches, edging and other similar materials. Plans shall be numbered, dated, North arrow indicated, scaled, and sealed by an appropriately licensed professional where required by Florida Statutes Chapter 481, Part II.

*Landscaped Area:* The entire parcel; less the building footprint, driveways, hardscapes such as decks and patios, and non-porous areas. Water features are included in the calculation of the landscaped area. This landscaped area includes Xeriscape as defined in Chapter 373.185(1)(b), F.S.

*Landscape strip:* a strip of land along the perimeter of the site containing trees, barriers, ground cover and/or other plant material.

*Low-flow Point Applicators:* Irrigation applicators with output less than sixty (60) gallons per hour (gph).

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

*Moisture Sensing Device or Soil Moisture Sensor:* A device to indicate soil moisture in the root zone for the purpose of controlling an irrigation system based on the actual needs of the plant.

*Mulch:* Non-living, organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.

*Native Vegetation:* Any plant species with a geographic distribution indigenous to all, or part, of the State of Florida as identified in: Guide to Vascular Plants of Florida, R.P. Wunderlin, 1998, University Press of Florida, Gainesville or the Atlas of Florida Vascular Plants (<http://www.florida.plantsatals.usf.edu/>). Native vegetation shall consist of those plant species indigenous to the ecological communities of South Florida.

*Pervious surface:* Any area of land that is landscaped or planted, allows natural passage of water, and is not covered by impervious materials or structures. Pervious surfaces include pervious paving materials.

*Pervious Paving Materials:* A porous asphaltic, concrete or other surface and a high-void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

*Plant Bed:* A grouping of trees, shrubs, ground covers, perennials or annuals growing together in a defined area devoid of turfgrass, normally using mulch around the plants.

*Plant Communities:* An association of native plants that are dominated by one (1) or more prominent species, or a characteristic physical attribute.

*Planting Plan:* Specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials.

*Point of Connection:* The location where an irrigation system is connected to a water supply.

*Pop-up Sprays:* Spray heads that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.

*Pressure Tank:* A pressurized holding tank for irrigation water coming from wells to minimize cycling of the water pump.

*Prohibited Application Period:* The time period during which a Flood Watch or warning or a tropical storm watch or warning, or a hurricane watch or warning is in

effect for any portion of the village, issued by the National Weather Service, or if heavy rain is likely.

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

*Runoff:* Water that is not absorbed by the soil or landscape and flows from the area.

*Sod or Lawn:* A piece of turf-covered soil held together by the roots of the turf.

*Soil Moisture Sensor:* See Moisture Sensing Device.

*Tree:* Any self-supporting woody plant, together with its root system, growing upon the earth, usually with one trunk of at least three inches in diameter at a height of 4½ feet above the ground or a multistemmed trunk system with a definitely formed crown.

*Turf and/or Turfgrass:* A mat layer of monocotyledonous plants such as Bahia, Bermuda, Centipede, Seaside, Paspalum, St. Augustine, and Zoysia.

*Valve:* A device used to control the flow of water in the irrigation system.

*Water Use Zone:* See "Hydrozone".

#### **Sec. 78-394. – Florida friendly landscaping general provisions; design standards.**

- (A) *General Provisions.* Within the Village of Tequesta the principles of Florida-friendly landscaping shall be incorporated into all landscape designs. These include the following:
1. Preserving existing native trees and vegetation, if appropriate and feasible. Where established natural vegetation is incorporated into the landscape design, irrigation of those areas shall not be required.
  2. The plant palette and irrigation system shall be appropriate for site conditions, taking into account that, in some cases, soil improvements can enhance water use efficiency. Drought resistant plants are emphasized.
  3. Plants shall be grouped together by irrigation demand.
  4. The percentage of landscaped area in irrigated high water use hydrozones shall be minimized. The maximum percentage of irrigated landscape area that may be included in high water use hydrozones, excluding turfgrass, shall not exceed twenty (20) percent. These high water use limits shall not apply to landscaped areas requiring large amounts of turf for their primary functions, e.g., ball fields and playgrounds.
  5. Soil improvements are encouraged to improve the soil with organic materials prior to the installation of any irrigation system.
  6. An efficient irrigation system shall be required and designed according to the water needs of the planting groups.
  7. Reclaimed or non-potable water should be used for irrigation if an acceptable source is determined to be available by the Village Utilities Department.
  8. Low impact design principles such as bio-swales, bio-retention areas and other creative stormwater management techniques.



**(B) Design Standards.**

1. Site designs and landscape construction documents shall be prepared in accordance with the requirements of all applicable Florida Statutes. All landscape and irrigation system design shall be consistent with the standards required under Section 373.228, Florida Statutes.
2. Site plans for new development shall include riparian buffers adjoining all waters of the state. Such buffers should be native, or if previously disturbed, then constructed to be at least 25 feet, and preferably 50-150 feet wide, to protect water bodies from nonpoint source pollution generated by up gradient development. Riparian buffers shall be designed and managed in accordance with USDA-NRCS conservation practices for riparian buffers and filter strips (codes 390, 391, and 393). Such riparian areas may be included in the gross development area for purposes of determining zoning density.
3. Site plans shall consider natural drainage features to minimize run-off. The use of pervious surfaces and areas is preferred; therefore impervious surface and material within landscaped areas shall be limited to borders, sidewalks, step stones and other similar material and shall not exceed 10% of the landscaped areas. Use of pervious paving material for driveways and sidewalks is strongly encouraged. A maintenance plan may be required for certain pervious products to ensure that they remain pervious in the long term. Non-living landscape material shall not be used as major landscape ground cover. In no case shall these materials exceed 10% of the landscape area as they increase the need for herbicide use, have no habitat value, reflect rather than absorb heat and do not produce oxygen like plants.
4. Site plans shall detail, at a minimum, all vegetated areas to be preserved by species.

**Sec. 78-395. - Shoreline considerations.**

**(A)** G  
rading and design of property adjacent to bodies of water shall conform to federal, state and local regulations which may include, but is not limited to, the use of berms and/or swales to intercept surface runoff of water and debris that may contain fertilizers or pesticides.

**(B)** A  
voluntary six (6) foot low maintenance zone is recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of the low maintenance zone to capture and filter runoff. No mowed or cut vegetative material should be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

(C) W  
When mowing near the shoreline, direct the chute away from the water body. Riparian or littoral zone plants that do not require mowing or fertilization should be planted in these areas. See the *Florida Waterfront Property Owners Guide* or the Florida Fish and Wildlife Conservation Commission's Invasive Plant Management Section for more information.

(D) M  
Agroforestry shall be performed in accordance with Sections 403.9321 – 403.9334, F.S.

**Sec. 78-396. - Turf areas and soils.**

(A) All turf areas shall be sodded using species suitable as permanent lawns in Tequesta. Where appropriate, turf species that require minimum irrigation are encouraged. The type and location of turf areas shall be selected in the same manner as with all other plantings. Irrigated turf areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreational use, provide cover for septic tank drainfields, or provide soil erosion control such as on slopes or in swales; and where turf is used as a design unifier, or other similar practical use. As a matter of public safety, no turf that requires mowing shall be allowed on slopes greater than 4:1 or within 6 feet of the water's edge, except where adjacent to seawalls and bulkheads or needed to control erosion. Turf areas shall be identified on the landscape plan when a landscape plan is required.

(B) Soils vary from site to site and even within a given site. Soil analysis information is needed for proper selection of plants and, if needed, soil amendments. A soil analysis based on random sampling is required and shall be performed by a reputable soil testing lab or University of Florida/IFAS Cooperative Extension facility. Any new soil required shall be similar to the existing soil in pH, texture, permeability and other characteristics, unless convincing evidence is provided that a different type of soil amendment approach is justified. The use of solid waste compost as a soil amendment is encouraged.

**Sec. 78-397. - Prohibited plant species.**

- (A) The following plant species shall not be planted in the village:
1. *Melaleuca quinquenervia* (commonly known as Punk Tree, Cajeput or Paper Bark).
  2. *Schinus terebinthifolius* (commonly known as Brazilian Pepper or Florida Holly).
  3. *Casuarina* species (commonly known as Australian Pine).
  4. *Acacia auriculiformis* (commonly known as Earleaf Acacia).
  5. *Albizia lebeck* (commonly known as Woman's Tongue).
  6. *Ardisia solonacea* (commonly known as Shoebuttan Ardisia).
  7. *Colubrina asiatica* (commonly known as Leather Leaf).
  8. *Dioscorea bulbifera* (commonly known as Air Potato).

9. *Ficus altissima* (commonly known as Lofty Fig).
10. *Ficus bengalensis* (commonly known as Banyan).
11. *Hibiscus tiliaceus* (commonly known as Mahoe).
12. *Jasminum dichotomum* (commonly known as Jasmine).
13. *Lygodium microphyllum* (commonly known as Small-Leaved Climbing Fern).
14. *Mimosa pigra* (commonly known as Cat's Claw).
15. *Rhodomyrtus tomentosus* (commonly known as Downy Rose Myrtle).
16. *Bischofia javanica* (commonly known as Bischofia).
17. *Cupaniopsis anacardioides* (commonly known as Carrotwood).
18. *Schefflera actinophylla* (commonly known as Schefflera).

(B) \_\_\_\_\_ A

ny parcel of land upon which a structure has been heretofore erected and which received a certificate of occupancy prior to the date of adoption of the ordinance from which this section is derived and contains the prohibited landscaping provided in subsections (a)(1) through (3) of this section shall have the prohibited landscaping removed and replaced with living landscaping pursuant to the provisions of this division within five years of the date of enactment. Any parcel of land upon which a structure has been heretofore erected and received a certificate of occupancy prior to the date upon which the amendment to this section was adopted and contains the prohibited landscaping in subsections (a)(4) through ~~(15)~~ (18) of this section shall have the prohibited landscaping removed and replaced with approved landscaping pursuant to the provisions of this division within four years of the date of enactment of such amendment. The removal of prohibited landscaping as provided in this section shall not apply to the prohibited landscaping existing on single-family lots or duplex lots lying within R-1, R-1A or R-2 districts, except as required by the specific requirements contained in Sec. 78-402, or to any or to lots located within the R/OP district.

**Sec. 78-398. - Irrigation.**

(A) In all districts, pervious areas shall be provided with an automatic underground sprinkler system, adequate to service the landscape areas, except when not required under the provisions of this division. All common open space or landscaped areas shall be provided with an underground irrigation system. All irrigation systems shall be designed to provide one hundred percent (100%) coverage with one hundred percent (100%) overlap.

(B) *Irrigation Plans.*

1. Irrigation plans shall be designed to recognize different irrigation requirements of the landscape described in this Article.
2. The irrigation plan shall be drawn to a scale of not less than 1" to 20 feet, and shall show the following:
  - a. Irrigation points of connection and design capacity;

- b. Water service pressure at irrigation point of connections (POC);
- c. Water meter size when revising existing irrigation plans or when utilizing reclaimed water;
- d. Reduced-pressure-principle backflow prevention devices for each irrigation POC on potable water systems;
- e. Major components of the irrigation system including all pumps, filters, valves, and pipe sizes and lengths;
- f. Precipitation rate expressed in inches per hours for each valve circuit. The preparer must attach to the project data sheet the calculations for deriving precipitation rates for each irrigation valve circuit;
- g. Total flow rate (flow velocity not to exceed 5 feet per second) in gallons per minute (gpm) and operating pressure (psi) for each individual overhead and bubbler circuit, and gallons per hour (gph) and operating pressure for low-flow point irrigation circuit;
- h. Irrigation legend shall have the following elements:
  - i. Separate symbols for all irrigation requirements with different spray patterns and precipitation rates and pressure compensating devices; general description of equipment; manufactures name and model number for all specified equipment; recommended operating pressure per nozzle and bubbler and low-point pressure per nozzle and bubble and low flow emitter; manufactures recommended overhead and bubble irrigation nozzle rating in gallon per minute (gpm) or gallon for hour (gph) for low flow point applications; minimum (no less than 75% of maximum spray radius) and maximum spray radius per nozzle; and manufactures rated precipitation rate per nozzle at specified psi;
  - ii. Location of rain shut-off devices or soil moisture sensors.

(C) *Efficient Design.* All irrigation installations after April 12, 2012 shall meet the irrigation standards identified at Section 373.228, F.S. These include:

1. Irrigation systems, including the use of micro-irrigation as appropriate, shall be designed to meet the needs of the plants in the landscape.
2. When feasible, irrigation systems shall be designed to separately serve turf and non-turf areas.
3. The irrigation system plans and specifications shall identify the material to be used and the construction methods.
4. The design shall consider soil, slope and other site characteristics in order to minimize water waste, including overspray, the watering of all impervious surfaces and other non-vegetated areas, and off-site runoff.
5. The system shall be designed to minimize free flow conditions in case of damage or other mechanical failure.
6. The system shall be designed to use the lowest quality water feasible.

7. Rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient soil moisture, in accordance with Section 373.62, F.S. Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. A recommended seasonal operating schedule and average precipitation rate for each irrigation zone for both establishment and maintenance conditions shall be provided.
8. Control systems shall provide the following minimum capabilities:
  - a. Ability to be programmed in minutes, by day of week, season, time of day;
  - b. Ability to accommodate multiple start times and programs;
  - c. Automatic shut off after adequate rainfall;
  - d. Ability to maintain time during power outages for a minimum of three (3) days; and
  - e. Operational flexibility to meet applicable year round water conservation requirements and temporary water shortage restrictions.
9. Recommended maintenance activities and schedules shall be included.
10. Precipitation rates for sprinklers and all other emitters in the same zone shall be matched, except that microirrigation emitters may be specified to meet the requirements of individual plants.
11. Irrigation systems shall be designed to maximize uniformity, considering factors such as:
  - a. Emitter types;
  - b. Head spacing;
  - c. Sprinkler pattern; and
  - d. Water pressure at the emitter.
12. Irrigation systems with main lines larger than two (2) inches or designed to supply more than seventy (70) gallons per minute shall incorporate a means to measure irrigation water use, at a minimum of ninety-five (95) percent accuracy across the flow range.
13. Irrigation system plans and specifications shall require the system installer to conduct final testing and adjustments to achieve design specifications prior to completion of the system and acceptance by the owner or owner's representative.
14. The irrigation system shall be designed to correlate to the organization of plants into zones as described in this division. The water use zones shall be shown in the irrigation plan. Temporary facilities may be installed to facilitate plant establishment.
15. "Rust stains" on any structure from irrigation system over-spray shall be removed.
16. The installation of tracer wire along main lines and laterals shall be required to permit easy location and prevent inadvertent cutting of pipes.

17. If the water supply for the irrigation system is from a well, a constant pressure flow control device or pressure tank with adequate capacity shall be required to minimize pump "cycling".
  18. Check valves must be installed at irrigation heads as needed to prevent low head drainage and puddling.
  19. Nozzle precipitation rates for all heads within each valve circuit must be matched to within twenty (20) percent of one another.
  20. No water spray from irrigation systems shall be applied under roof overhangs.
  21. Irrigated areas shall not be less than four (4) feet wide, except when next to contiguous property or using micro or drip irrigation.
  22. A pressure-regulating valve shall be installed and maintained if static service pressure exceeds eighty (80) pounds per square inch. The pressure regulating valve shall be located between the meter and the first point of division in the pipe and set at a not more than fifty (50) pounds per square inch when measured at the most elevated fixture in the structure served. This requirement may be waived if satisfactory evidence is provided that high pressure is necessary in the design and that no water will be wasted as a result of high-pressure operation.
- (D) To assist the end user to operate the system property, in addition to the minimum requirements of Section 373.228, F.S., the following shall be provided to the owner at the time of installation. The map shall be attached inside each irrigation controller or be kept in another readily available location if it is not practical to insert into a small container.
1. Irrigation schedule information, with instructions for seasonal timer and sensor changes.
  2. Irrigation system plans and specifications including as-constructed drawings, recommended maintenance activities and schedules.
  3. Operations schedules, design precipitation rates, and instructions on adjusting the systems to apply less water after the landscape is established.
  4. Maintenance schedule, water source, water shut-off method, and the manufacturing operational guide for their irrigation controller.
  5. To the extent feasible, similar information should be made available for subsequent property transfers.
- (E) Reduced -pressure-principle backflow preventers shall be recertified yearly.

**Sec. 78-399. - Maintenance.**

- (A) *Generally.*
1. The owner, occupant, and tenant and the respective agent of each, if any, shall be jointly and severally responsible for all landscaping and irrigation equipment, including that located in the unpaved portion of the public right-of-way between the paved portion of the public right-of-way and the boundary of the owner's property. Landscaping shall be maintained in a good

condition, so as to present a healthy, neat and orderly appearance at least equal to the original installation, and shall be kept free from refuse and debris. Any dead vegetation and landscaping material shall be promptly replaced with healthy, living plantings. Vegetation proximally located to electric utility lines shall also be maintained pursuant to Sec. 74-2.

2. Landscape maintenance for hire shall be performed in accordance with recommendation in the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries. Landscape maintenance by homeowners should be performed in accordance with recommendations of the University of Florida Cooperative Extension Service and Florida Yards and Neighborhoods publications.
3. A regular irrigation maintenance schedule shall be included, but not be limited to, checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the season yearly.
4. Pruning of trees shall be permitted to allow for healthy growth, and to promote safety considerations. Trees which cause a conflict with views, signage or lighting shall not be pruned more than the maximum allowed. The village manager, community development director or building official may suspend the provisions of this section in case of a natural disaster. The removal of any tree shall be pursuant to the applicable provisions of Article VII of Chapter 50.
  - a. A maximum of one-fourth ( $\frac{1}{4}$ ) of tree canopy may be removed from a tree within a one-year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the American National Standards Institute, ANSI 300 (Tree, Shrub and other Woody Plant Maintenance), as amended.
  - b. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point or as part of an overall landscape design. A maintenance commitment shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
  - c. Hatracking (tree topping), as defined in this division, is strictly prohibited.
  - d. The following shall be exempt from the requirements of the above tree pruning regulations; however, removal of any such tree shall be pursuant to the applicable provisions of Article VII of Chapter 50:
    - i. Trees affected by FAA and airport safety regulations.

- ii. Trees which interfere with safe site triangles, utility lines, or utility structures. Electric utilities shall prune trees in proximity to overhead power lines pursuant to Sec. 74-2.
- iii. Trees having crown dieback or decay greater than one-third (1/3) the tree canopy.
- iv. Trees having suffered damage due to natural or accidental causes.
- v. Trees having insect or disease damage greater than one-third (1/3) of the tree crown.
- vi. Trees in botanical gardens, or botanical research centers.

**(B) *Yard waste management; composting and use of mulches.***

- 1. Yard wastes shall not be disposed of or stored directly adjacent to shorelines or in canals, in ditches or swales, or near storm drains. In no case shall grass clippings, vegetative material, and/or vegetative debris either intentionally or accidentally, be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks, or roadways.
- 2. Grass clippings should be left on lawns. Grass clippings are a benefit to lawns, replacing nutrients drawn from the soil and as mulch that helps retain moisture, lessening the need to irrigate. Mulching mowers are recommended, because the grass clippings are chopped very finely by special blades. If a conventional mower equipped with a side discharge chute is used, when mowing near the shoreline, direct the chute away from the waterbody and when mowing upland areas, direct the chute back onto the yard, not onto the road or driveway.
- 3. Mulches applied and maintained at appropriate depths in planting beds assist soils in retaining moisture, reducing weed growth, and preventing erosion. A layer of organic mulch 3" deep is recommended in plant beds and around individual trees in turf areas. Use of byproduct or recycled mulch is recommended. Mulch beds shall be specified on the landscape plan.

**(C) *Fertilizer management.***

- 1. The provisions of this section shall apply to all fertilizer applications within the Village of Tequesta with the following exceptions:
  - a. Bona fide farm operations as defined in Florida Right to Farm Act, Section 823.14, F.S., as amended, provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question; and
  - b. Fertilizer application for golf courses, parks, and athletic fields shall follow the provisions as indicated in Rule 5E-1.003(2)(d), F.A.C., as amended.



- c. Non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the UF/IFAS Extension and UF/IFAS Florida Yards and Neighborhoods program when applying fertilizers.
2. *Licensing and Training of commercial fertilizer applicators.*
  - a. By January 1, 2014, any commercial fertilizer applicator to an urban landscape must be certified by the Department of Agriculture and Consumer Services pursuant to Section 482.1562, F.S., as amended.
  - b. All commercial and institutional applicators of fertilizer within the Village of Tequesta, shall successfully complete and apply fertilizers in accordance with 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 UF/IFAS Extension.
3. Fertilizers applied to turf and/or landscape plants within the Village of Tequesta shall be formulated and applied in accordance with requirements and directions provided on the fertilizer bag and by Rule 5E-1.003(2), F.A.C. Nitrogen or phosphorus fertilizer shall only be applied to turf or landscape plants during growth periods, not during dormant periods. These fertilizers shall not be applied except as provided for by the directions on the fertilizer bag unless soil or plant tissue deficiency has been verified by UF/IFAS Extension or another accredited laboratory or test.
4. *Timing of fertilizer application.*
  - a. Care should be taken to limit the application of fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the summer rainy season.
  - b. In no case shall fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during times which a flood, tropical storm, or hurricane watch or warning issued by the National Weather Service is in effect for any portion of Palm Beach County.
5. *Application practices.*
  - a. Spreadable deflector shields are required when fertilizing via rotary spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
  - b. Fertilizer shall not be applied, spilled or otherwise deposited on any impervious surface.
  - c. Any fertilizer applied, spilled or deposited, either intentional or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

- d. Fertilizer releases on an impervious surface shall be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
  - e. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyance, or water bodies.
6. *Fertilizer free zones:* Fertilizers shall not be applied within ten (10) feet or three (3) feet if deflector shield or drop spreader is used, of any pond, lake, canal or wetlands or watercourse.

**(D) Pesticide management.**

- 1. All landscape applications of pesticides, including "Weed and Feed" products, for hire should be made in accordance with State and Federal Law and with the most current version of the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, as amended.
- 2. Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the UF/IFAS Extension publications.
- 3. When using pesticides, all label instructions of State and Federal law should be adhered to. The Florida Department of Agriculture and Consumer Services is responsible for enforcement of pesticide laws.

**Sec. 78-400. - Landscape plans.**

Landscape plans submitted to meet the provisions of this division shall conform to the following criteria:

- 1. The landscape plan shall be drawn to a scale of not less than one inch equals ~~20~~ 30 feet.
- 2. The landscape plan shall clearly delineate all proposed trees, shrubs, ground covers, required landscape strips, planting islands and other landscape areas and treatments required by this division.
- 3. The landscape plan shall indicate graphically the quantities, types, sizes at time of planting and at five years' maturity, spacing and other qualitative data for all required plant materials under the provisions of this division, including botanical and common names.
- 4. The landscape plan shall bear the seal of a landscape architect licensed to practice in the state or be prepared by another licensed professional authorized to prepare landscape plans pursuant to F.S. ch. 481, pt. II (F.S. § 481.301 et seq.).
- 5. The plans shall conform to any and all other requirements required by the building and zoning department of the village.
- 6. Any and all landscaping provided shall be in accordance with the South Florida Water Management District Waterwise Guide, as amended, techniques, practices and landscape vegetation lists, which shall constitute the village approved landscape guide and list with the following exceptions. All

vegetation species not designated as moderate drought tolerant or very drought tolerant, all invasive species and all species having a hardiness zone designation of tropical shall not be approved and do not constitute a part of the approved village landscape guide and list, a copy of which is hereby incorporated as a part of this division as if fully set forth in this section. Plants should be proposed for planting with regard for salt tolerance depending upon the proposed geographic location and proximity to the Atlantic Ocean. Plants should be grouped in accordance with their respective water and maintenance needs. Fifty (50) percent of all required landscaping shall be landscaping indigenous to the South Florida area as indicated in the Waterwise Guide, as amended.

7. P  
lant materials used in conformance with provisions of this division shall conform to the standards for Florida No. 1 or better, as given in the most current edition of Grades and Standards for Nursery Plants Part I and Part II, State of Florida, Department of Agriculture, Division of Plants Industry, Tallahassee, Florida, or most current edition. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. By the square foot, sod must be ninety (90) percent species and variety as specified on the drawing.
8. Along with the submission of the landscape plan, a tree inventory survey shall be submitted which sets forth in detail the landscaping existing on the property prior to development. The survey shall be accomplished by a registered land surveyor and shall reference all trees of three inches in caliper or greater.

**Sec. 78-401. - Compatibility with streetscape plans.**

Landscaping plans of properties, including proposed subdivisions, abutting or adjacent to U.S. Highway 1 and Tequesta Drive, or any other street upon which the village council has adopted a streetscape plan, shall, to the extent possible, conform to the themes established by the village on the special roadway corridors in the manner and form of the streetscape plan adopted by the village council. The property owner shall pay all costs of planning and landscaping improvements for all off-street streetscape landscaping required by this division.

**Sec. 78-402. – Landscaping on single-family and duplex lots.**

All single-family lots and duplex lots located within R-1, R-1A or R-2 zoning districts shall comply with the following landscape requirements:

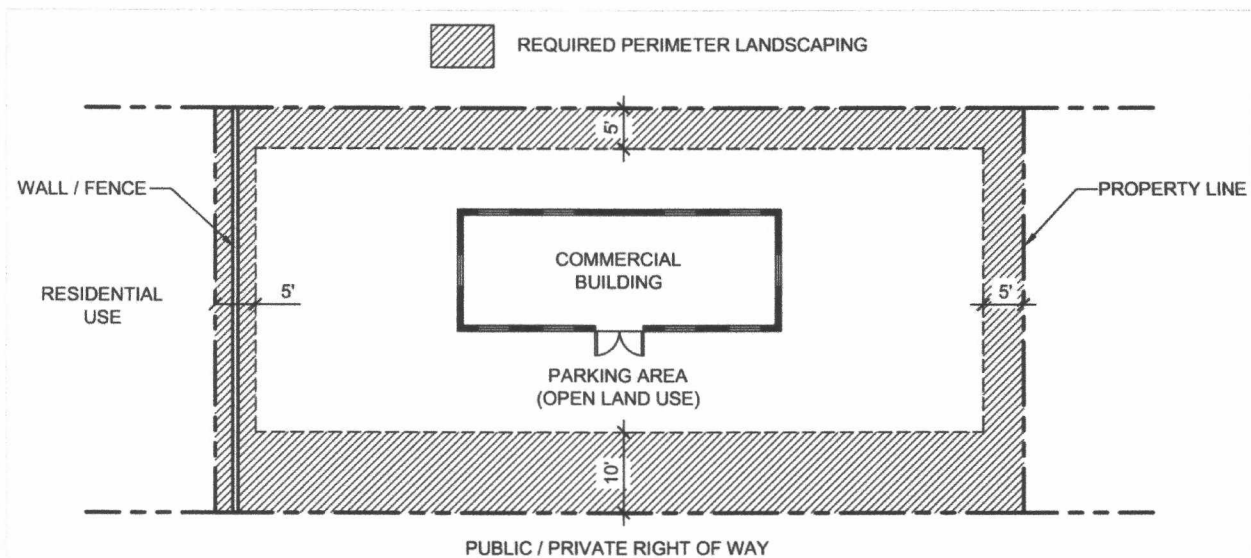
1. All single-family and duplex lots proposed for new development, or redevelopment, renovation or modification in excess of 50% of the value of the existing development prior to the start of construction within the village shall be required to comply with the Florida friendly landscape concept as set

forth in the South Florida Water Management District Waterwise Guide, as amended, with a minimum of 50 percent native landscaping required, by submitting landscaping and irrigation plans to the department of community development for review and consideration for approval prior to issuance of a certificate of occupancy. This provision shall also apply to any renovation, restoration or construction activity to an existing structure or existing landscaped area wherein the renovation, restoration or construction activity value is greater than 50 percent of the assessed value of the existing structure, or 50 percent of the estimated value of the existing landscaped areas determined by the department of community development.

2. All single-family and duplex lots proposed for new development, or redevelopment, renovation or modification in excess of 50% of the value of the existing development prior to the start of construction within the village shall plant at least one canopy tree per 2,500 square feet of site area. If palm trees are planted in lieu of canopy trees, they may be clustered in groups of three which group shall equate to one canopy tree as required in this section. Palm trees shall be planted with a minimum 12 feet of clear trunk at the time of planting. Only 50% of all required trees provided in the landscaping plan may be palm trees. At least one canopy tree must be planted in the front yard.
3. All single-family and duplex lots proposed for new development, or redevelopment, renovation or modification in excess of 50% of the value of the existing development prior to the start of construction within the village shall plant at least one shrub per 1000 square feet of site area. Such shrubs shall not be less than 18 inches high with a 14 inch spread at the time of planting.
4. All landscaped areas on single-family and duplex lots within the village shall be provided with sufficient automatic irrigation facilities and moisture control devices, both of which shall be maintained in working order at all times in accordance with this division. If good cause is shown that there is not a need for automatic irrigation facilities, this requirement may be waived by action of the village council.
5. All single-family and duplex lots proposed for new development, or redevelopment, renovation or modification in excess of 50% of the value of the existing development prior to the start of construction within the village shall be required to remove any prohibited landscaping from the property as set forth in this division. This subsection shall be enforced by the village by requiring the removal of any prohibited landscaping prior to granting any landscaping, irrigation or well permit.

**Sec. 78-403. - Landscaping abutting residential areas; Perimeter planting strip required for parking areas.**

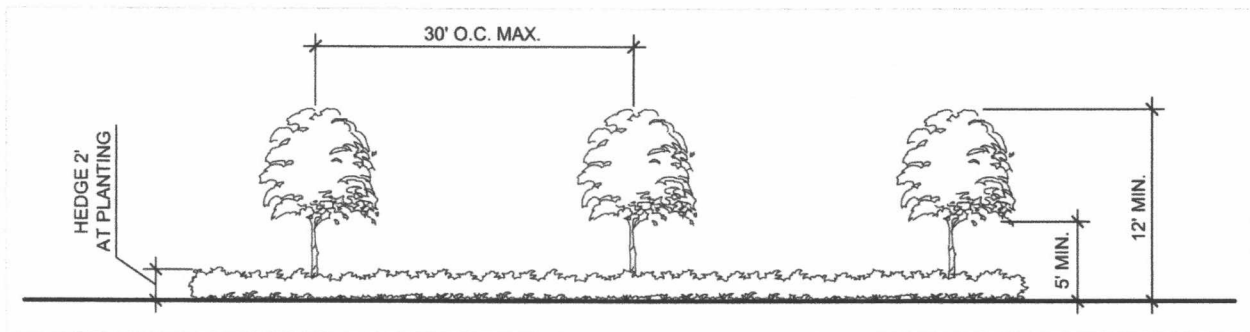
- (A) In the planting strip of commercial properties abutting and/or immediately adjacent to residential areas there shall be planted a living hedge not more than six feet from the residential property line. The hedge must be planted prior to issuance of a certificate of occupancy and must be planted at least four feet in height and not more than two feet on center and must be maintained at a height of not less than six feet and not more than ten feet. Additionally, a solid opaque fence and/or wall of not less than five feet but not more than six feet shall be required.
- (B) For purposes of this section, open land uses shall mean open air parking lots, private or public, and parking areas serving any commercial, business, service, multifamily or institutional use; however, this section shall not apply to single-family residential lots. Any open land use area which abuts any public street right-of-way or abuts or is across any alley from any land used for residential use shall be required to provide a planting strip inside the property line. The planting strip shall have a width of at least five feet where vehicular use areas abut adjacent land uses and a width of at least ten feet where vehicular use areas abut a public and/or private street right-of-way. The planting strips shall be planted with a hedge of at least 24 inches in height at the time of planting, to grow to a minimum of four feet, but not to exceed six feet in height, and shall have trees planted as required in this division. The diagram following is for illustrative purposes. It represents minimum requirements and should be considered as a guideline only.



**Sec. 78-404. - Ground cover and trees in planting strips.**

The area of the required planting strip not occupied by a fence or hedge shall be provided with turf or other plant ground cover material in accordance with this division. In addition, one canopy tree shall be provided for each 30 linear feet of such landscaped

area. If palm trees are planted in lieu of canopy trees, the palm trees may be clustered in groups of three and three palm trees shall be required for each canopy tree required under this section. Palm trees shall be planted with a minimum of 12 feet of clear trunk at time of planting. Large specimen palms with a minimum overall height of 18 feet, such as Medjool Date Palms, Wild Date Palms or Canary Island Date Palms, shall be considered to be the equivalent of one canopy tree for the purposes of this section. Only 50 percent of the required trees provided in the landscaping plan shall be palm trees. The diagram following is for illustrative purposes. It represents minimum requirements and should be considered as a guideline only.

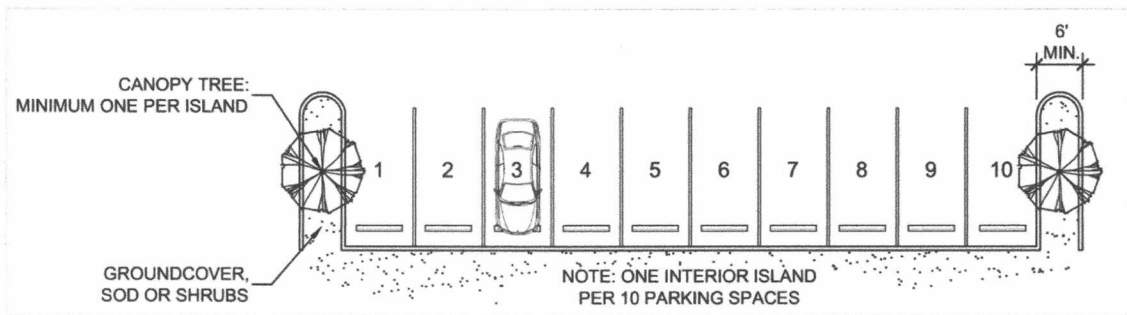


**Sec. 78-405. - Accessways through landscaped areas.**

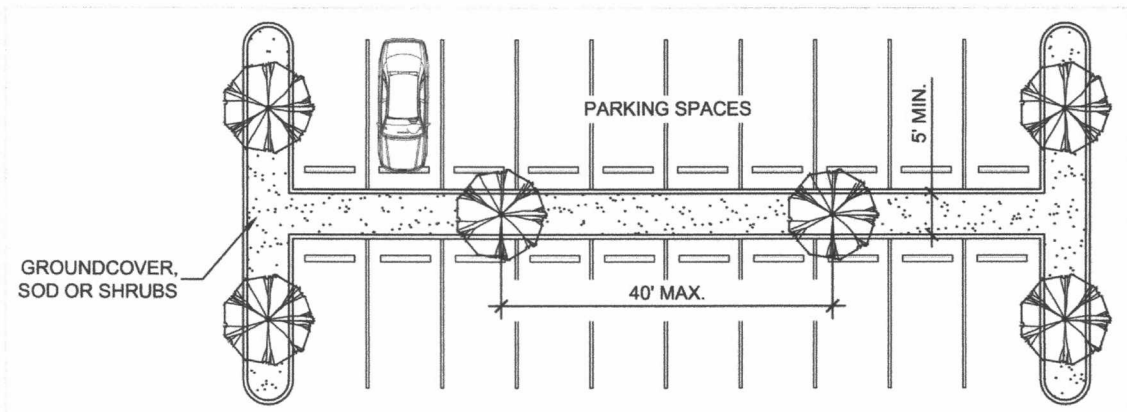
Necessary accessways from public rights-of-way through all required landscaped areas shall be permitted to service the open land use. The width of accessways shall be included in the lineal footage calculation to determine the number of trees required in a required planting strip area. Accessways shall in no event exceed 24 feet in width.

**Sec. 78-406. - Interior landscaping of parking areas.**

- (A) Rows of parking spaces shall be terminated on both ends by landscaped islands which measure not less than six feet in width (outside of curb to outside of curb) and 20 feet in length. At least one tree shall be planted in every six-foot by 20-foot island. The remainder of the terminal island shall be landscaped with turf, ground covers or shrubs or a combination of any of these.
- (B) Additional interior landscape islands shall be placed within rows of parking spaces so that there is at least one interior island for every ten parking spaces or fraction thereof. The island shall measure not less than six feet in width (outside of curb to outside of curb) and shall be equal in length to the length of the parking spaces plus the planting strip. At least one tree, as defined in this division, shall be required per island, with the remainder of the island landscaped with grass, ground covers, shrubs or a combination of any of these. The diagram following is for illustrative purposes. It represents minimum requirements and should be considered as a guideline only.



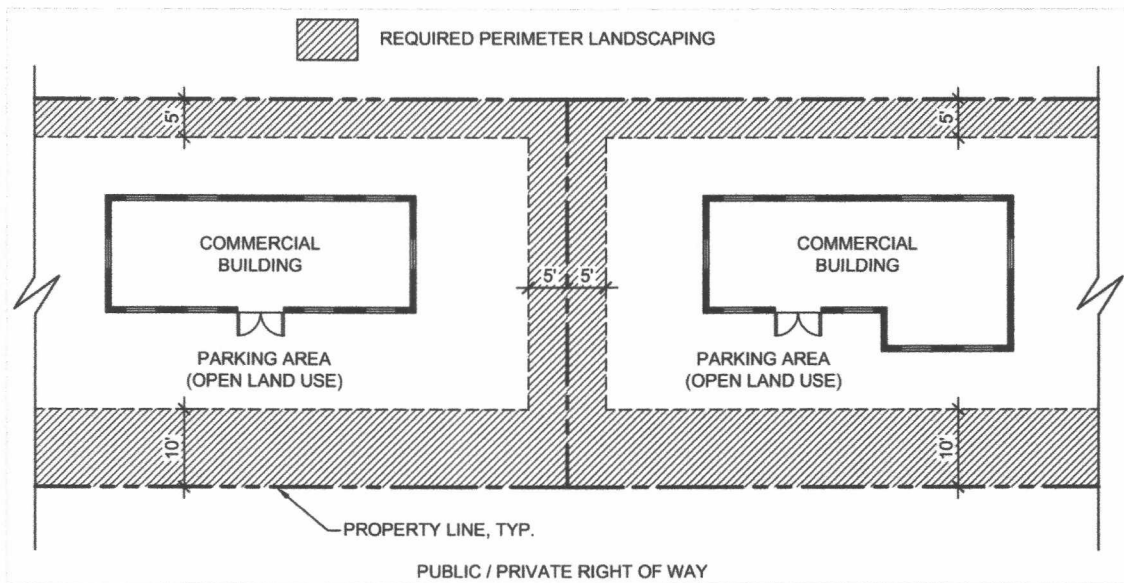
- (C) In addition to the requirements in subsections (a) and (b) of this section, a landscape divider median shall be placed between abutting rows of parking spaces and rows of parking spaces and driveways. The minimum width of the divider median shall be five feet and the divider median shall continue the entire length of the parking row to the terminal landscape island. There shall be one tree, as defined in this division, planted per 40 linear feet of required landscape area. The remainder of the divider median shall be landscaped with grass, ground covers, shrubs or a combination of any of these. The diagram following is for illustrative purposes. It represents minimum requirements and should be considered as a guideline only.



- (D) T
- rees of the species designated within South Florida Water Management District Waterwise Guide, as amended, which is adopted as part of this division and is on file in the village clerk's office, shall be planted in each planting area, provided that each species planted shall be designated as moderate drought tolerant or very drought tolerant, designated as a non-invasive species, have a hardiness zone designation other than tropical, be proposed for planting with regard for salt tolerance depending upon the proposed geographic location and its proximity to the Atlantic Ocean and have a medium or high wind tolerance. All designations referenced in this section shall be as indicated within the South Florida Water Management District Waterwise Guide, as amended. Tree plantings shall meet the landscaping requirements of the village.

**Sec. 78-407. - Planting strip for parking areas abutting other parking area.**

In commercial parking areas where one off-street parking area adjoins or abuts another such parking area under different ownership or use, a landscaped planting strip not less than five feet wide maintained in good condition shall be required. It is the intent of this section that each adjacent strip shall require the five-foot planting strip with the intent being that a minimum combined ten-foot landscape separation be maintained between uses. The diagram following is for illustrative purposes. It represents minimum requirements and should be considered as a guideline only.



**Sec. 78-408. - Percentage of landscape coverage required.**

Fifteen percent minimum of the gross parking area is to be devoted to living landscaping, which includes turf, ground cover, plants, shrubs and trees in accordance with the Florida friendly landscaping requirements of this division. The gross parking area is to be measured from the edge of parking and/or driveway paving and sidewalks, extended five feet in all directions, but is not to include any areas enclosed by the building or covered by a building overhang.

**Sec. 78-409. - Landscaping around principal structures.**

Parking rows and traffic aisles must be separated from principal structures on the side and front by a landscape strip of at least four feet in width. Where a building fronts on two streets, all sides of the building, except for designated loading areas, must be separated from parking rows and traffic aisles by a landscape strip of at least four feet in width which shall include trees and/or hedges. One canopy tree shall be planted



per 30 lineal feet, or fraction thereof, of façade width. Trees may be grouped, but the minimum number of trees required by this section must be met.

**Sec. 78-410. - Notice of violation.**

If the owner, tenant, or agent, jointly or severally, shall fail to meet the requirements of this division as to landscaping or irrigation system maintenance, or if the existing trees, shrubbery, grass or ground covering shall be permitted to die, either intentionally or unintentionally, and is not replaced by the owner, tenant or agent of the real property involved within 30 days of the event occurring, then the building official, code enforcement officer, or their respective designees, shall notify in writing the person responsible for the maintenance or replacement of same to comply with the requirements of this division within 30 days from date of delivery of the notice. Failure to comply with the requirements of this section shall constitute a violation of this division.

**Sec. 78-411. - Show cause hearing; right of village to do work and assess costs; additional remedies.**

If the owner, tenant or agent shall fail to comply as stated in this division, the village shall hold a public hearing allowing the parties an opportunity to show cause as to why the village shall not undertake to correct the violations and assess the costs thereof against the property owner. Upon the conclusion of the hearing and the continued failure of the owner, tenant or agent to comply, the village may have the work conducted at the expense of the village and bill the owner, tenant or agent for the actual costs to make the property come into compliance plus accrued interest at ten percent per annum from date of the completion of the work. Alternatively, failure to comply shall cause the violation to be considered by the special magistrate ~~master~~ pursuant to the procedures prescribed by law, and a fine imposed accordingly. Nothing in this section shall preclude the village seeking relief by civil action through mandatory injunctive relief or other relief available through the courts.

**Sec. 78-412. - Assessment to constitute lien.**

The bill referenced in Section 78-411 shall be assessed to the owner of the property and, if remaining unpaid for a period of 60 days after issuance, the village manager shall cause a lien to be filed against the property, to be recorded in the public records of the county, which lien shall be foreclosable in the manner of code enforcement liens, together with the cost of the action and all reasonable attorneys' fees incurred by the village.

**Sec. 78-413. - Performance surety.**

- (A) If the landscaping and irrigation requirements of this division have not been met at the time that a certificate of occupancy or certificate of use is requested, the

village may approve such request provided the village enters into an agreement with the owner or his agent that the provisions and requirements of this division will be complied with. The owner or his agent shall post a performance bond or other approved surety in an amount equal to 110 percent of the cost of materials and labor and other attendant costs incidental to the installation of the required landscaping and irrigation system. This surety shall run to the village and shall be in a form satisfactory and acceptable to the village, specifying the time for the completion of the landscape requirements.

- (B) The irrigation system shall be in working condition prior to a certificate of occupancy or completion being issued. The system must be able to be turned on at the time of the final landscape inspection to ensure proper overlap is provided. No individual pump shall exceed twenty-five (25) horsepower.
- (C) An "as-built" landscape and irrigation document shall be submitted to the Town prior to the issuance of Certificate of Occupancy if changes were made between plans approval, installation and final sign off. A copy of the final plans, either "as-built" or approved plans, shall be delivered by the applicant to the homeowner, when applicable. The purpose of this provision is to help avoid damage to underground irrigation systems.

**Sec. 78-414. - Education.**

- (A) To assist in public information, the education of its citizens, and the effective implementation of this division, the village shall coordinate its efforts with those of the South Florida Water Management District and other agencies.
- (B) All persons providing landscape maintenance service for hire, including appropriate village maintenance operation staff, shall be trained in Florida-Friendly Best Management Practices for Protection of Water Resources of the Green Industries by December 31, 2012.
- (C) Any person that applies fertilizer for hire or in the course of their employment shall hold a current Certificate of Completion in the Florida-Friendly Best Management Practices for Protection of Water Resources of the Green Industries.
- (D) At least one (1) person holding a current Certificate of Completion in the Florida-Friendly Best Management Practices for Protection of Water Resources of the Green Industries shall be present at all times on any job site while work is in progress.
- (E) New employees shall be trained within one hundred eighty (180) days of starting a new position.

**Sec. 78-415. - Incentives.**

- (A) The Village may develop an incentive program in order to promote voluntary compliance with the Florida Friendly Landscaping requirements of this division.

- (B) Village businesses that use the recommended practices may be recognized as a Green Business through the FDEP Green Business Program and may use this in their advertising and promotion.

**Sec. 78-416. - Enforcement and monitoring.**

The village shall adopt policies and procedures that effectuate this division as soon as practical. Until such time the policies and procedures are established, there shall be no enforcement of the requirements of the fertilizer and pesticide sections of this division.

**Secs. 78-417—78-440. - Reserved.**

**Section 2:** Each and every other section and subsection of Chapter 78. Zoning. shall remain in full force and effect as previously enacted.

**Section 3:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**Section 4:** Should any Section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 5:** Specific authority is hereby granted to codify this Ordinance.

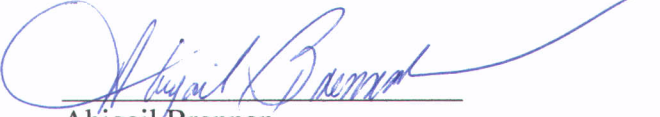
**Section 6:** This Ordinance shall become effective immediately upon passage.

Upon Second Reading this 13<sup>th</sup> day of February 2014, the foregoing Ordinance was offered by Council Member D'Ambra who moved its adoption. The motion was seconded by Council Member Paterno and upon being put to a vote, the vote was as follows:


	<b>For Adoption</b>	<b>Against Adoption</b>
Mayor Abby Brennan	X	
Vice-Mayor Vince Arena	X	
Council Member Steve Okun	X	
Council Member Tom Paterno	X	
Council Member Frank D'Ambra	X	

The Mayor thereupon declared the Ordinance duly passed and adopted this 13<sup>th</sup> day of February 2014.

MAYOR OF TEQUESTA

  
Abigail Brennan

ATTEST:

  
Lori McWilliams, MMC  
Village Clerk

