

# HILLIARD TOWN COUNCIL MEETING

Hilliard Town Hall / Council Chambers  
15859 West County Road 108  
Post Office Box 249  
Hilliard, FL 32046

## TOWN COUNCIL MEMBERS

Floyd L. Vanzant, Mayor  
John P. Beasley, Council President  
Kenny Sims, Council Pro Tem  
Lee Pickett, Councilman  
Jared Wollitz, Councilman  
Callie Kay Bishop, Councilwoman

## ADMINISTRATIVE STAFF

Lisa Purvis, Town Clerk  
Richie Rowe, Public Works Director  
Gabe Whittenburg, Parks & Rec Director

## TOWN ATTORNEY

Christian Waugh

# HILLIARD PLANNING AND ZONING BOARD MEETING

## BOARD MEMBERS

Harold "Skip" Frey, Chair  
Wendy Prather, Vice Chair  
Charles A. Reed, Board Member  
Josetta Lawson, Board Member  
Lee Anne Wollitz, Board Member

## ADMINISTRATIVE STAFF

Janis Fleet, AICP  
Land Use Administrator

## PLANNING AND ZONING ATTORNEY

Mary Norberg

---

## AGENDA

**TUESDAY, OCTOBER 11, 2022, 6:00 PM**

---

### CALL TO ORDER

### PRAYER & PLEDGE OF ALLEGIANCE

### ROLL CALL

### WORKSHOP

#### ITEM-1

ARTICLE VII - SIGNS - Chapter 62 Zoning and Land Development Regulations Strikethroughs & Underlines.

#### ITEM-2

ARTICLE XI - LANDSCAPING - Chapter 62 Zoning and Land Development Regulations LUA Add 2022.

### ADDITIONAL COMMENTS

### ADJOURNMENT

### ADA NOTICE

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Town Clerk's Office at (904) 845-3555 at least seventy-two hours in advance to request such accommodations.

### PUBLIC PARTICIPATION

Pursuant to Section 286.0114, Florida Statutes, effective October 1, 2013, the public is invited to speak on any "proposition" before a board, commission, council, or appointed committee takes official action regardless of whether the issue is on the Agenda. Certain exemptions for

emergencies, ministerial acts, etc. apply. This public participation does not affect the right of a person to be heard as otherwise provided by law.

**ADA NOTICE**

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Town Clerk's Office at (904) 845-3555 at least seventy-two hours in advance to request such accommodations.

**PUBLIC PARTICIPATION**

Pursuant to Section 286.0114, Florida Statutes, effective October 1, 2013, the public is invited to speak on any "proposition" before a board, commission, council, or appointed committee takes official action regardless of whether the issue is on the Agenda. Certain exemptions for emergencies, ministerial acts, etc. apply. This public participation does not affect the right of a person to be heard as otherwise provided by law.

Revised – ~~7/13/2022~~~~7/23/2021~~

Secs. 62-386—62-410. - Reserved.

## ARTICLE VII. - SIGNS

Sec. 62-411. - Definitions.

Sign means any structure or device which is erected, constructed or maintained outside of enclosed buildings, or structures for the purpose of display, information, advertisement, or attraction of the attention of persons, and includes among others, posters, pictures, pictorial or reading matter, and any letter, word, model, device or representation used in the nature of any advertisement, announcement, attraction or direction.

Definitions for purposes of sign regulation under this article are set out in section 62-1, under "sign."

~~(Code 1997, § 62-411; Ord. No. 87-119, § 11-1, 12-29-1987)~~

Sec. 62-412. - Scope and intent.

The provisions of this article shall govern the number, sizes, location, character, and maintenance of signs which may be permitted as a main or accessory use. Increased numbers and sizes of signs as well as certain types of lighting can be distracting to the motoring public and create potential traffic hazards. Haphazard location, construction and maintenance of signs seriously detract from the natural beauty of the town and, in turn, injuriously affect the economic well-being of the citizenry. It is the intent of this article to authorize the size and location of signs which carry out their purpose without unduly interfering with motorists, causing unsafe conditions, and without injuriously affecting the value of property. Flashing signs are prohibited.

~~(Code 1997, § 62-412; Ord. No. 87-119, art. 11, 12-29-1987)~~

Sec. 62-413. - Measurement of sign area.

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computations of surface area.

~~(Code 1997, § 62-413; Ord. No. 87-119, § 11-5, 12-29-1987)~~

Sec. 62-414. - Governmental signs excluded.

For the purpose of these regulations, the term "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulations.

~~(Code 1997, § 62-414; Ord. No. 87-119, § 11-3, 12-29-1987)~~

Sec. 62-415. - Nonconforming signs.

Signs which are nonconforming or become nonconforming through zone changes shall be removed or made to conform with this article within the following specified time periods, whichever is shorter:

(1) After the end of the fifth year the sign has become nonconforming.

Revised – ~~7/13/2022~~7/23/2024

- (2) ~~—Flashing signs which are nonconforming must be removed or brought into conformity within one year from the enactment of the ordinance from which this article is derived.~~

~~(Code 1997, § 62-415; Ord. No. 87-119, § 11-13, 12-29-1987)~~

Sec. 62-416. - Removal of signs.

- (a) ~~Grounds for removal.~~ All signs permitted under this article are revocable for violations of this article and ~~may be removed~~ for reasons of safety of persons or property, faulty construction, lack of maintenance or unsightly appearance, ~~including all surfaces which are to be painted and maintained in good condition or in cases where the need no longer exists.~~
- (b) ~~Repair/removal of Unsafe Signs time frame.~~ A citation shall be issued for any unsafe sign or a sign ~~in disrepair.~~ Any sign for which a citation has been issued or is in violation of this chapter must be repaired or removed within 30 days after receiving due notice. In case the objectionable sign is not removed, the town shall then have the right to enter upon the property, remove the sign and assess such cost against the property.
- (c) ~~Abandoned signs.~~ Any abandoned sign shall be removed within 30 days from the date of its abandonment. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to removal ~~by the Town,~~ as prescribed in subsection (b) of this section.
- (d) ~~Unsafe signs.~~ Unsafe signs shall be removed in accordance with applicable town ordinances.

~~(Code 1997, § 62-416; Ord. No. 87-119, § 11-14, 12-29-1987)~~

Sec. 62-417. - Construction requirements.

All signs or similar advertising matter shall be governed in their construction or erection and maintenance by ~~applicable the town ordinances.~~ Code and the Florida Building Code

~~(Code 1997, § 62-417; Ord. No. 87-119, § 11-2, 12-29-1987)~~

Sec. 62-418. - General requirements for all signs and districts.

The following ~~regulations contained in this section~~ shall apply to all signs and all use districts:

- (1) Any illuminated sign or lighting device ~~shall employ only a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights.~~ In no event shall an illuminated sign or lighting device be placed or directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises, so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- (2) No sign shall employ any parts or elements which revolve, rotate, whirl, or spin ~~or otherwise make use of motion to attract attention.~~
- (3) All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions ~~of the local electrical code in effect~~ Florida Building Code.
- (4) No sign shall be erected or maintained from the front or face of a building of more than two feet, including those projecting from the face of any theater, hotel or motel marquee.
- (5) No sign shall be placed on the roof of any building.
- (6) No temporary sign shall be placed on the front or face of a building or on any premises, ~~except as expressly provided in this chapter.~~

Revised – ~~7/13/2022~~ 7/23/2024

- (7) No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20 percent of the window surface.
- (8) No sign of any classification shall be installed, erected or attached in any form, shape or manner against a building, which would prevent ingress and egress through any door or window required or designed for access to any building, nor shall any sign or over street graphic obstruct a fire escape or any door or window giving access to any fire escape.
- ~~(9) All signs hung and erected shall be plainly marked with the name of the person responsible for maintaining the sign and the permit date and number, if necessary.~~
- (10) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the sign shall, upon receipt of written notice from the ~~land use administrator~~ Town, proceed at once to put such sign in a safe and secure condition or remove the sign.
- (11) No sign shall be placed in any public right-of-way, except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking or indicating private property, but bearing no advertising matter, shall be permitted on any property. No sign shall overhang or infringe upon the right-of-way of any street, road or public way.
- (12) No sign or other street graphic may use the words "stop," "look," "drive-in," "danger" or similar word, phrase, symbol or character, nor simulate a traffic control device, nor may red, amber or green lights be used, within ten feet of a public right-of-way or 200 feet of a traffic control device.
- (13) No sign shall be attached to a tree or any vegetation.

~~Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.~~

~~(Code 1997, § 62-418; Ord. No. 87-119, § 11-4, 12-29-1987)~~

Sec. 62-419. - Signs permitted in all districts.

The following signs shall be permitted in all districts:

- (1) Not more than one sign advertising the sale, lease or rental of the premises upon which the sign is located, not exceeding 32 square feet in area, except in all residential districts the area of the sign shall not be more than six square feet.
- (2) Professional nameplates not exceeding two square feet in area.
- (3) Signs denoting the name and address of the occupants of the premises, not exceeding two square feet in area.
- (4) Non-advertising directional signs or symbols (entrance, exit, slow) located and pertaining to a parcel of private property, not to exceed two square feet in area.
- (5) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies located on the premises of such institution, not to exceed 15 square feet in area.
- (6) Subdivision entrance or identifying signs shall not exceed 40 square feet.

~~(Code 1997, § 62-419; Ord. No. 87-119, § 11-6, 12-29-1987)~~

Sec. 62-420. - Signs permitted in commercial and industrial districts; wall mounted ~~projecting~~ and marquee signs.

Revised – ~~7/13/2022~~7/23/2024

- (a) In a commercial or industrial district, each business shall be permitted one ~~flat or building~~ on-site sign. Permanent on-site signs for any single-business enterprise may have an area equivalent to 1½ square feet of sign area for each lineal foot of building width or part of a building occupied by such enterprise, but shall not exceed a maximum area of 100 square feet. The height of signs shall not exceed 12 feet in height.
- (b) ~~Projection of wall signs shall not exceed two feet, measured from the face of the building.~~

~~(Code 1997, § 62-420; Ord. No. 87-119, § 11-7, 12-29-1987)~~

Sec. 62-421. - Temporary signs.

- (a) Temporary stationary signs, not exceeding 50 square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of 60 days plus the construction period. Such temporary signs shall be nonilluminated and shall conform to the general and setback requirements ~~as set forth in this article and, in addition, shall meet such other requirements as may be set by the land use administrator to accomplish the interest of this section.~~
- (b) ~~Temporary illuminated mobile signs announcing the opening of a new business or ownership shall be limited to 30 days and shall not be located closer than ten feet from the right-of-way.~~

~~(Code 1997, § 62-421; Ord. No. 87-119, § 11-8, 12-29-1987)~~

~~Sec. 62-422. - Wall signs pertaining to nonconforming uses.~~

~~On-site wall signs pertaining to a nonconforming use shall be permitted on the same site with such use, provided the area of the sign does not exceed 12 square feet.~~

~~(Code 1997, § 62-422; Ord. No. 87-119, § 11-9, 12-29-1987)~~

Sec. 62-423. - Signs on public property.

No sign, other than official signs shall be posted on any public property.

~~(Code 1997, § 62-423; Ord. No. 87-119, § 11-10, 12-29-1987)~~

Sec. 62-424. - Sign setback requirements.

- (a) ~~Except as modified in this section, o~~On-site signs, ~~where permitted,~~ shall be set back from the established right-of-way line ~~of any thoroughfare~~ at least ten feet. Less than ten feet setback may be allowed where a building is less than ten feet from the right-of-way provided it does not obstruct visibility and cause a traffic safety hazard.
- (b) For every square foot by which any on-site sign exceeds 50 square feet, the setback shall be increased by one-half foot, but need not exceed 100 feet.
- (c) All types of signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten feet from the established right-of-way line of any street or highway, provided such sign or bulletin board complies with the clear sight triangle, ~~as defined.~~

Revised – ~~7/13/2022~~7/23/2024

- (d) On-site signs, ~~where permitted,~~ shall be erected or placed in conformity with the side and rear yard requirements of the district in which they are located, except that in any residential district, on-site signs shall not be erected or placed within 12 feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than 12 feet, the latter shall apply.
- (e) ~~Signs located on public rights-of-way shall have clear unobstructed cross visibility between the height of two feet and eight feet above the gradeline of the right-of-way.~~

~~(Code 1997, § 62-424; Ord. No. 87-119, § 11-11, 12-29-1987; Ord. No. 97-93, § 13, 4-6-1998)~~

~~Sec. 62-425. Off-site signs permitted by special exception.~~

~~For the purpose of this chapter, outdoor advertising off-site signs shall be classified as a business use and be permitted in all commercial and industrial districts by special exception after site plan review excluding neighborhood commercial districts. Off-site signs shall be limited in size as determined by the planning and zoning board, but in no case shall any off-site sign exceed a maximum size of 32 square feet in area. No more than two signs shall be permitted per parcel. Off-site signs may advertise on one or both sides, advertising products or services produced or sold in the town. No off-site signs shall be permitted in other zoning districts. All types of off-site signs shall comply with all applicable federal and state laws.~~

~~(Code 1997, § 62-425; Ord. No. 87-119, § 11-12, 12-29-1987; Ord. No. 2006-04, § 1, 6-15-2006)~~

Secs. 62-426—62-450. - Reserved.

#### ADD TREE MITIGATION AND LANDSCAPE ORDINANCE

#### ARTICLE VIII. - FLOOD DAMAGE PREVENTION<sup>[2]</sup>

Footnotes:

--- (2) ---

**Editor's note**— Ord. No. 2017-11, § 2, adopted July 20, 2017, repealed former Art. VIII, §§ 62-451—62-477, in its entirety and enacted new provisions as herein set out. Former Art. VIII pertained to similar subject matter and derived from Ord. No. 2011-02, 4-7-2011.

#### DIVISION 1. - GENERALLY

Sec. 62-451. - Title.

These regulations shall be known as the Flood Damage Prevention Ordinance of the Town of Hilliard, hereinafter referred to as "this article."

(Ord. No. 2017-11, § 2, 7-20-2017)

Sec. 62-452. - Scope.

The provisions of this article shall apply to all development that is wholly within or partially with in any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site

requirement. The town seeks to comply with the District's regulations even though there apparently has not been any formal rulemaking to define the term *common plan of development*. In the absence of better guidance from the district and any amendment to these provisions, the town shall consider all property under construction by the same owner within 1,000 feet of the property for which a building permit is sought that does not already abut a paved road to be part of any *common plan of development*. Property shall be considered "under construction" if a building permit has been applied for until such time the permit is denied, it expires or a certificate of occupancy has been issued for the property. An owner shall be a person with a direct or indirect ownership interest in the property, including without limitation, an ownership interest in an entity that owns an interest in the property. Permit applicants shall, upon written request, provide a notarized statement setting forth to his best knowledge, information and belief, the property owned by the following within 1,000 feet of the property for which a building permit is sought: The applicant and all owners, as defined above, of the property for which the permit is sought. The town council may waive the application of the provisions herein upon appeal for good cause shown. The town council may also approve a fair share agreement that allows for the permit to be issued despite the lack of this special requirement of transportation concurrency so long as this specific requirement of transportation concurrency is met at the conclusion of the project and adequate guarantees are provided to the town.

## **ARTICLE XII. LANDSCAPING**

### **Sec. 62-563. Purpose and intent.**

- (a) Landscape, landscaped areas, buffers and tree protection shall be provided and/or accomplished for all premises in the manner set forth in this article. Required landscaped areas shall be located at or above grade unless otherwise prescribed in these land development regulations. The minimum provision of required landscape, landscaped areas, buffers and trees may be exceeded. Unless otherwise prescribed, the most stringent provision of this schedule shall prevail.
- (b) Landscape, buffer and tree protection requirements serve many purposes in the built-up environment. Landscape provides visual and climatic relief from buildings, structures and broad expanses of pavement; landscape buffers pedestrian and vehicular traffic; and trees provide shade, scenic beauty and natural habitat.
- (c) In general, landscaping and buffers shall be designed to:
  - (1) Enhance the urban development by blending natural and manmade environments.
  - (2) Provide shade for paved surfaces.
  - (3) Separate vehicular and non-vehicular use areas.
  - (4) Define vehicular access ways and access points.
  - (5) Screen vehicular movement, noise and glare.
  - (6) Provide visual and physical separation of potentially incompatible land uses.
  - (7) Incorporate water conservation features such as drought tolerant landscaping and reclaimed water usage as required herein.

(Code 2001, § 98-231; Ord. No. O-08-2011, § 5, 12-6-2011; Ord. No. O-03-2017 , exh. A(98-231), 1-24-2017)

### **Sec. 62-564. Definitions.**

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



*Berm* means manmade earth contoured so as to form a mound above the general elevation of the adjacent ground or surface and designed to provide visual interest, screen undesirable view and/or decrease noise.

*Buffer* means a combination of physical space and vertical elements such as plants, berms, fences, or walls, whose purpose is to separate and screen incompatible land uses from one another.

*Caliper* means the diameter of a tree measured at breast height (DBH) which is approximately 4½ feet above the ground.

*Canopy or shade tree* means any tree grown specifically for its shade. The term "canopy or shade tree" usually applies to large trees with spreading canopies. Canopy trees normally grow to a minimum overall height of 30 feet and an average mature crown spread of 25 feet. Oaks, maples, ashes, lindens, and elms are examples canopy/shade trees. Canopy trees shall be a minimum of 2.5 inches caliper DBH.

*Clear trunk* means the distance between the top of the root ball and the point of the trunk where lateral branching begins.

*Common area* means that area which will be maintained by a homeowners association, or other form of cooperative organization.

*Decorative turf* means turf used purely for ornamental purposes having no use other than aesthetics.

*Drip line* means the vertical line running through the outermost portion of the tree crown projected vertically to the ground.

*Fully shielded lighting* means lighting constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. Such fixtures usually have a flat, horizontally oriented lens and opaque (usually metal) sides. They are often described as shoebox luminaires if the luminaire has a predominantly rectangular form. Fixtures that either have reflecting surfaces or lenses (clear or prismatic) located below the lamp and visible from the side or above and fixtures that can be mounted such that the shielding is ineffective are not considered fully shielded lighting.

*Groundcover* means a low-growing plant, including turf grass, that, by the nature of its growth characteristics, completely covers the ground and does not usually exceed two feet in height.

*Hat racking or topping* means pruning a tree in such a way that the majority of limbs are removed and the tree is left with only a trunk and the stumps of a few primary limbs, with little or no foliage or other trimming or pruning that has the effect of preventing a tree from attaining its natural height and/or shape.

*Hedge* means a row of evenly spaced shrubs planted to form a continuous unbroken visual screen.

*Industrial* means all uses in M-1 and M-2 zoning districts and all industrial uses in a PUD zoning district.

*Landscape* means vegetative and inert materials, including, but not limited to, grass, sod, shrubs, vines, hedges, trees, flowers, berms and complementary structural landscape architectural features such as rocks, fountains, sculpture, decorative walls and tree wells or other hardscape features.

*Landscaped area* means land area to be provided with landscape.

*Landscaped strip or landscaped island* means required landscaped areas containing ground cover, shrubs, trees and/or other landscape used to divide parking areas into individual bays.

*Moisture sensing switch* means a device which has the ability to shut off an automatic irrigation controller after receiving a determined amount of rainfall.

*Mulch* means nonliving organic materials such as wood chips that is customarily placed around the base of trees, shrubs and groundcovers for the purpose of retaining moisture and retarding weed infestation and soil erosion. Also, mulch is used in pathways and play areas.

*Native or naturalizing plant species* means plant species native to the region or introduced which once established are capable of sustaining growth and reproduction under local climatic conditions, without supplemental watering.

*Nonresidential* means, pursuant to land use category headings reflected in Schedule B, Permitted Uses, in these land development regulations, all commercial, transient lodging and entertainment, automotive, miscellaneous business and services, industrial and public/semi-public uses.

*Parking area* means a paved ground surface area used for the temporary parking and maneuvering of vehicles by employees or customers, either for compensation or to provide an accessory service to a commercial, industrial, institutional or residential use.

*Paved ground surface area.* An area paved with concrete or asphalt

*Shrub* means a self-supporting woody species of plant characterized by persistent stems and branches springing from the base.

*Specimen tree* means a particularly fine or unusual example of any tree due to its age, size, rarity, environmental value or exceptional aesthetic quality. A tree may also be designated a specimen due to its association with historic events or persons. A specimen tree cannot be of a species that is unacceptable as referenced in list of exempt trees in this Code.

*Tree* means a self-supporting woody plant of a species that normally grows to a minimum overall height of 15 feet and has an average mature crown spread greater than 15 feet within the Town.

*Turf* means upper layer of soil bound by grass and plant roots into a thick mat.

*Understory, sub-canopy trees* means trees which normally grow to a maximum overall height of 15 feet and an average mature crown spread of 15 feet.

*Vehicular circulation area* means streets, rights-of-way, access ways, parking spaces, parking, loading and unloading and other similar or related functions.

(Code 2001, § 98-232; Ord. No. O-08-2011, § 5, 12-6-2011; Ord. No. O-03-2017 , exh. A(98-232), 1-24-2017)

## **Sec. 62-565. Required landscaping.**

- (a) Landscape requirements for one-family dwellings and two-family dwellings shall be as follows:
  - (1) At least one canopy tree, 2.5 inches DBH, shall be located in the required front yard of each dwelling unit.
  - (2) The lot shall be sodded, seeded, or appropriate ground cover for erosion control.
- (b) Landscape requirements for nonresidential uses, including multifamily structures with three or more dwelling units, shall be as follows:
  - (1) *Perimeter landscaping.* At a minimum, each site developed for multifamily, institutional, commercial, or industrial uses will contain one shade or canopy tree for each 50 linear feet of the perimeter of the site.
  - (2) *Interior landscaping.* There will be one tree per every 1,500 square feet of the first 10,500 square feet of the project site, then one tree for every 4,000 square feet of the remainder of the project site. The trees shall be an equal proportion of shade (canopy) and understory trees. At a minimum, 15 percent of the site shall be landscaped.
- (c) Landscape adjacent to streets and parcels.
  - (1) A landscaped strip shall be provided along all parcel lines and abutting street right-of-way lines.

- (2) The depth of the required landscaped strip shall be measured and provided parallel to the parcel line or abutting street right-of-way in question.
  - (3) Landscaped strips shall be considered to be required landscaped area.
  - (4) A landscaped strip may be included in satisfying buffer requirements.
- (d) Landscaped strips shall be provided in the following manner:
- (1) Ten-foot landscaped strip along all rights-of-way.
  - (2) The landscape buffer area shall be planted in the following manner:
    - a. *Canopy trees.*
      - 1. One row of canopy trees, 2.5 inches DBH at planting. For 50 percent of the canopy trees, two sub-canopy/understory trees may be substituted for each canopy tree.
      - 2. The trees shall be planted every 50 feet and staggered so as to be midway between each other, and equal distance between each row and right-of-way and/or parcel line. Trees shall be evenly spaced. The tree spacing may be altered with approval of the development services, provided the total number of trees is provided.
    - b. *Sub-canopy/understory trees.* A minimum of four sub-canopy/understory trees per 100 feet of frontage shall be planted in and about each access point and intersection.
    - c. *Hedges.* When off-street parking, loading, unloading and vehicular circulation areas are to be located adjacent to the street right-of-way, a dense hedge of evergreen-type shrubs shall be provided in the following manner:
      - 1. At initial planting and installation, shrubs shall be at least 24 inches in height and shall be planted at least 36 inches or less on center.
      - 2. The hedge shall be planted four feet or more from the tree trunks.
      - 3. Within two years of initial planting and installation, shrubs shall have attained and be maintained at a minimum height of three feet and shall provide an opaque vegetative screen between the street and the use of the premises.
      - 4. In lieu of a vegetative hedge, the use of vegetated berms or other appropriate landscape materials in a manner that results in the visual separation of street right-of-way can be approved by the development services director.
    - d. *Shrubs.*
      - 1. Buffer areas, not adjacent to a street right-of-way, shall include nine shrubs for every 100 linear feet of the parcel line
      - 2. Shrubs shall be at least 24 inches in height at the time of planting.
- (e) Groundcover. The buffer area shall be planted with groundcover minimum of 18 inches on center or solid grass sod, unless natural area to remain.

### **Sec. 62-566. Exemptions and exceptions to landscape requirements.**

Interior landscaping for parking garages or other vehicle use areas contained entirely with a roofed and

### **Sec. 62-567. Parking area landscaping.**

The requirements of this section apply to all development, unless exempted:

- (1) *Internal landscape area.*

- a. Minimum required land area for required landscaped areas not in a parking area. Each required landscaped area shall contain a minimum land area of 200 square feet.
  - b. The minimum required internal landscaped area for parking areas shall cover ten percent of the parking area.
  - c. Required landscaped area for rows of parking spaces.
    - 1. A landscaped area shall be provided at each end of all rows of parking.
    - 2. In addition, at least one landscaped area shall be provided between every ten parking spaces.
    - 3. Each required landscaped area shall be five feet wide inside the curb or paving line running the entire length of the parking space.
    - 4. At least one canopy tree shall be provided at each island.
    - 5. A five-foot turning radius shall be accommodated at the end of parking rows.
  - d. Parking space reduction to protect existing trees. The Land Use Administrator shall have the authority to reduce the required number of off-street parking spaces when such reduction would result in the preservation of existing trees.
    - 1. Trees to be preserved must be a minimum of 12 inches in diameter measured at breast height above the ground.
    - 2. The reduction in the number of required parking spaces shall result in a reduction in an amount of required parking of less than five percent of the total number of required off-street parking spaces.
- (2) *Required trees.*
- a. At least one canopy tree shall be provided in each required landscaped area.
  - b. One canopy trees or two sub canopy trees shall be provided for each required landscaped area for the rows of parking. A minimum of 50 percent of the trees used shall be canopy trees.
- (3) *Location of landscaped areas for interior landscaping.*
- a. A landscaped area or buffer shall be provided between all parking areas and principal structures or any sidewalks and street or rights-of-way.
  - b. This landscape area or buffer must contain at least one canopy tree per 50 feet linear perimeter of the parcel.
  - c. Every effort will be made to retain native vegetation and trees.
  - d. Minimum width of the landscape area:
    - 1. Ten feet when abutting a public right-of-way.
    - 2. Five feet when abutting alleys or the rear or side property lines.
  - e. Each landscaped area shall have five shrubs per each tree required.
  - f. All landscaped areas shall be covered in groundcover or turf.
- (4) *Maintenance of planted areas.*
- a. Irrigation shall be provided for all new planting. Hose bibs maybe installed as an alternative, one hose bib within 75 feet of all landscaped areas.
  - b. Maintenance shall be the responsibility of the developer and/or landowner.

- c. Failure to maintain landscaped areas shall be considered a violation of this subpart and subject to code enforcement.
- (5) *Buffer zones for incompatible land uses.*
- a. A buffer zone is a five-foot landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and land use districts. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.
  - b. A buffer zone shall have a visual screen running the entire length of the property with a minimum opacity of 85 percent and a minimum height of six feet.
  - c. The use of existing native vegetation in buffer zones is preferred.
  - d. A five-foot buffer of native vegetation between a conservation designated land use and any other development shall be required. This is not in addition to buffers required by any permitting agency.
- (6) *Street trees for subdivisions.*
- a. The developer shall plant, within ten feet of the right-of-way of each street within a residential development meeting the subdivision requirements of this Code, one canopy tree for every 50 linear feet of right-of-way.
  - b. Except where property on one side of the right-of-way is not owned by the developer, the trees shall be planted alternately on either side of the street.
  - c. Existing trees and native tree species that need less water and maintenance are preferred.
  - d. Coordination with the Town utility departments is required prior to planting the street trees.
  - e. Street trees planted shall have a minimum overall height of 2.5-inch DBH at time of planting.
- (7) *Certain functional uses not permitted.* No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use shall be permitted in the minimum required landscape area and/or buffer zone. Combining of compatible functions such as landscaping and drainage facilities are permitted.
- (8) *Concealing and location of dumpsters.*
- a. Dumpsters must be concealed in opaque concrete, brick or chain-link fence with screening slats of enough height consistent with the size of the container to shield the container from view from all sides.
  - b. The front of screen must be accessible for service of the container.
  - c. The dumpster must be located on a paved surface of asphalt or concrete.
- (9) *Clear line of sight.* An unobstructed cross visibility shall be required within a triangle area formed by the intersection of two rights-of-way or access ways, as referenced in section 62-76.

### **Sec. 62-568. Landscape design and materials.**

- (a) *Design principles.* All landscaped areas required shall conform to the following general design principles:
- (1) Landscaping should integrate the proposed development into existing site features through consideration of existing topography, hydrology, soils and vegetation.
  - (2) The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.
  - (3) Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material that aids in soil stabilization.

- (4) Existing native vegetation should be preserved and used to meet landscaping requirements.
  - (5) Landscaping should enhance the visual environment through the use of materials that achieve variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.
  - (6) Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plant at maturity, and the design should use short-term and long-term elements to satisfy the general design principles of this section over time.
  - (7) Landscaping should enhance public safety and minimize nuisances.
  - (8) All landscaping and plant material shall be planted in a manner which shall not be intrusive or interfere, at or before maturity, with pavement surfaces, power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility services.
  - (9) Landscaping should maximize the shading of streets and vehicle use areas.
  - (10) Architectural planters.
    - a. Planters can be are used to meet landscaping requirements.
    - b. Planters shall be a minimum of ten square feet and shall have minimum depth of 15 inches.
    - c. Planters shall be maintained and replanted if necessary.
    - d. Planters cannot be located within the Town right-of-way without prior consent from the development services director.
- (b) *Installation of required landscape and trees.*
- (1) *General.* All required trees and landscaping shall be installed according to generally accepted commercial planting procedures. Soil, free of limerock, rocks, and other construction debris, shall be provided. All landscaped areas shall be protected from pedestrian and vehicular encroachment by raised planting surfaces, depressed walks, curbs, edges, wheel stops and the like.
  - (2) *Florida No. 1 quality.*
    - a. All required plant materials, including, but not limited to, trees and shrubs, shall equal or exceed the standards for Florida No. 1 as established and revised by the state department of agriculture and consumer services.
    - b. Grass sod shall be healthy and reasonably free of weeds, pests and disease.
  - (3) *Proper planting and anchoring.*
    - a. All plant material shall be mulched to a depth of two inches.
    - b. Trees shall be installed with anchoring for a period of at least one year, in order to provide sufficient time for their roots to become established.
      1. Trees with trunks under four inches in diameter should be staked with one to three stakes.
      2. Trees with a diameter of 2.5 inches or more DBH should be guyed with three to four guy wires.
  - (4) *Irrigation.*
    - a. All landscaped areas shall be watered with an underground irrigation system or a drip irrigation system or hose bibs designed to allow differential operation schedules for high and low water requirement areas. To avoid operation of the system during periods of increased rainfall, an operational moisture sensor switch shall be required on all irrigation systems equipped with

automatic controls that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

- c. If a landscaped area contains primarily species native to the immediate region, or plants acceptable for xeriscape landscaping, the development services director may waive the requirement for installation of an irrigation system. Consideration of a waiver of the irrigation requirement shall include, in addition to the area covered by native vegetation, such local conditions as sun or shade, use of fill soil, and depth to water table.
  - b. The development services director may require or otherwise approve water supply provisions for unusual landscape conditions provided, however, that a readily available water source shall be located within 100 feet of any required landscaping plant material.
- (5) *Berm*. When a berm is used to form a required visual screen in lieu of, or in conjunction with, a required hedge or wall, such berm shall not exceed a slope of 30 degrees and shall be completely covered with shrubs, trees, or other living ground cover.
- (6) *Grass*.
- a. Grass shall be seeded, plugged, or sodded.
  - b. On swales, berms or other areas that are subject to erosion, grass shall be completely sodded.
- (7) *Ground cover*. Ground cover shall be installed and maintained for all improved parcels, in order to prevent erosion and dust. Ground cover used in lieu of grass shall be planted in such a manner so as to present a finished appearance and reasonably complete coverage within three months after planting.
- (8) *Nonliving materials*. Mulch shall be a minimum depth of two inches.
- (c) *Recommended plant list*. Below is a list of recommended plants by category:

Understory Trees/Sub-Canopy	
<i>Common Name</i>	<i>Botanical Name</i>
Redbud	<i>Cercis canadensis</i>
Anise	<i>Illicium spp.</i>
Drake/Chinese elm	<i>Ulmus parvifolia</i>
Flowering dogwood	<i>Comus florida</i>
Wax myrtle	<i>Myrica cerifera</i>
Loblolly bay	<i>Gordonia lasianthus</i>
Southern red cedar	<i>Juniperus silicicola</i>
Yaupon holly	<i>Ilex vomitoria</i>
Fringe tree	<i>Chionanthus virginica</i>
Sweet bay magnolia	<i>Magnolia virginiana</i>
Chinese fan palm	<i>Livistona chenensis</i>
Windmill palm	<i>Trachycarpus fortunei</i>
Washington palm	<i>Washingtonian robusta</i>
Dahoon holly	<i>Ilex cassine</i>
Savannah holly	<i>Ilex opaca</i> × <i>attenuate</i> & cultivars
River birch	<i>Betula nigra</i>
Palatka holly	<i>Ilex attenuate</i>

Understory	
<i>Common Name</i>	<i>Botanical Name</i>
Crape myrtle	<i>Lagerstroemia</i> × <i>fauriei</i>
Wax myrtle	<i>Myrica cerifera</i>

Loblolly bay	Gordonia lasianthus
Junipers	Juniperus torulosa & spartan
Bottlebrush	Callistemon spp.
Redbud	Cercis canadensis
Rusty pittosporum	Pittosporum ferrugineum
Podocarpus	Podocarpus nagi
Holly	Ilex spp.
Leyland cypress	Cupressocyparis leylandi

Canopy Trees	
<i>Common Name</i>	<i>Botanical Name</i>
American elm	Ulmus americana
Live oak	Quercus virginiana
Chinese elm	Ulmus parvifolia
Red bay	Persea borbonia
American sycamore	Platanus occidentalis
Tulip tree	Lirodendron tulipifera
Southern magnolia	Magnolia grandiflora & cultivar
Laurel oak	Quercus laurifolia
Canary Island palm	Phoenix canariensis
European fan palm	Chamaerops humillis
Pindo palm	Butia capitata
Hornbeam/bluebeech	Carpinus caroliniana
Water ash; pop ash	Fraxinus caroliniana
Florida winged elm	Ulmus alata
Florida elm	Ulmus americana floridana
Red maple	Acer rubrum
American holly	Ilex opaca & cultivars
Loblolly bay	Gordonia lasianthus

- (d) *Unacceptable plant species.* All prohibited species shall be allowed to be removed without a permit and prior to the development of the site.
- (e) *Maintenance and replacement of landscape plants.* All plant material shall be maintained according to the following standards:
- (1) All required trees, shrubs and landscaped areas shall be maintained in good and healthy condition for as long as the use continues to exist.
  - (2) Maintenance shall consist of mowing, removing of litter and dead plant material, necessary pruning, pest control, water and fertilizing.
  - (3) Maintenance also includes, but is not limited to, the replacement of plants damaged by insects, disease, vehicular traffic, acts of God and vandalism.
  - (4) Necessary replacements shall be made within a time period not to exceed 30 days after notification by the Town of the violation.
  - (5) In order to increase the tree canopy within the Town, give shade to paved surfaces, buffer pedestrian and vehicular traffic and provide scenic beauty and natural habitat, as well as prevent decay, sunburn and hazards to trees, all landscape material shall be pruned to maintain the natural shape of the plant.



- (6) No topping, hat racking, poodle cutting, excess pruning or excess crown reduction shall be performed on trees within the right of way.
- (7) The Town shall encourage the standards of the International Society of Arboriculture and the Tree Care Industry Association for tree care operations, plant maintenance and proper pruning methods.

**Sec. 62-569. Tree preservation during development and construction.**

- (a) Protective barriers.
  - (1) During construction, protective barriers shall be placed, as necessary and/or as directed by the development services director, to prevent the destruction or damaging of trees.
  - (2) Trees destroyed or receiving major damage must be replaced before occupancy or use unless approval for their removal has been granted during the site plan approval process
  - (3) All trees not designated for removal may be required to be protected by barrier zones erected prior to construction of any structures, roads, utility service, or other improvements,
- (b) The protective barrier shall be constructed to the following standards:
  - (1) The protective barrier shall be constructed outside the drip line of the tree, when possible (see Figure A). The protective barrier shall have a minimum of a six-inch radius, plus one inch for each one inch of caliper.
  - (2) The protective barrier shall be a minimum of three feet high.
  - (3) Protective barrier posts shall be two inches by four inches or larger and shall be no more than six feet apart.
  - (4) The barrier shall have two one-by-four-inch horizontal railings affixed securely to the posts.
  - (5) The entire protective zone shall be wrapped in orange safety fencing material, a minimum of three feet in height.
  - (6) The protective barriers shall be inspected by the department prior to the commencement of construction.
- (c) No grade changes shall be made within the protective barrier zones without prior approval of the Land Use Administrator.
- (d) Where roots greater than one-inch diameter are exposed, they shall be cut cleanly.
- (e) Protective barrier zones shall remain in place and intact until such time as landscape operations begin or construction is complete, whichever occurs first.
- (f) The development services director may conduct periodic inspections of the site before work begins and during clearing, construction and post-construction phases of development in order to ensure compliance.
- (g) No building materials, machinery or temporary soil deposits shall be placed within protective barrier zones defined above.
- (h) No attachments or wires other than those of a protective or non-damaging nature shall be attached to any tree.

**Figure A**

SUBPART B - LAND DEVELOPMENT CODE  
Chapter 62 - DEVELOPMENT STANDARDS  
ARTICLE VII. TREES

Item ITEM-2

