

ORDINANCE NO. ~~2013-1995~~2016-2089

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1. TITLE

AN ORDINANCE FOR PROTECTION OF WATER QUALITY AND QUANTITY USING GENERAL LANDSCAPE REGULATIONS BY REQUIRING FLORIDA-FRIENDLY LANDSCAPE PRACTICES AND IRRIGATION ~~SYSTEMS~~ **SYSTEMS**; BY PROVIDING FOR CONSISTENCY WITH STATE LAW AND THE CITY OF NEW PORT RICHEY COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AMENDMENT OF EXISTING REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR ENFORCEMENT AND PROVIDING AN EFFECTIVE DATE. ~~AMENDING OR REPLACING ORDINANCE NO.(S) _____ OF THE GENERAL LANDSCAPE REGULATIONS BY REQUIRING FLORIDA-FRIENDLY LANDSCAPE PRACTICES AND IRRIGATION SYSTEMS; BY PROVIDING FOR CONSISTENCY WITH STATE LAW AND THE CITY OF NEW PORT RICHEY COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AMENDMENT OF EXISTING REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR ENFORCEMENT AND PROVIDING AN EFFECTIVE DATE.~~

2. FINDINGS OF FACT

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WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, (F.S.), provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, pursuant to Sections 125.568, 166.048, 373.185, F.S. and 373.228, local governments should consider the adoption of Florida-Friendly Landscape Standards and further Section 376.62, F.S., regulates the installation of rain sensor devices on automatic lawn sprinkler systems; and

WHEREAS, Section 373.228 F.S. requires that ordinances or rules addressing landscaping or irrigation shall follow the standards in *Landscape Irrigation and Florida-Friendly Design Standards*, December 2006; and

WHEREAS, the Florida Watershed Restoration Act (403.067 F.S.) and the NPDES municipal stormwater permitting program require local governments to reduce pollutant loads discharged from their stormwater management systems to better protect and restore surface and ground waters; and

WHEREAS, the City of New Port Richey recognizes the need for the protection of water as a natural resource through the application of Florida-Friendly Landscape practices; and

WHEREAS, a Florida-Friendly Landscape promotes the conservation of water by the use of site adapted plants and efficient watering methods which generally results in a long-term reduction of irrigation, fertilizer, and pesticide requirements, costs, energy, and maintenance; and

WHEREAS, a Florida-Friendly Landscape encourages a reduction of total energy expenditures such as water pumping and treatment, manufacture and shipping of fertilizers, insecticide, and other gardening chemicals, operation and maintenance of mowers, edgers, blowers and other combustion based yard equipment, as well as labor; and

WHEREAS, community-wide Florida-Friendly Landscape efforts are designed to save significant amounts of water to preserve local water supplies such that cumulative benefits may reduce or postpone the need for community potable water supply expansion; and

WHEREAS, The Florida Legislature enacted Florida Statutes, Chapter 481, Part II and the Board of Landscape Architecture adopted Rule 61-G-10 Florida Administrative Code, which defines and regulates the practice of landscape architecture to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEW PORT RICHEY, FLORIDA, as follows:

3. SHORT TITLE

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This ordinance shall be known and may be referred to as the City of New Port Richey Ordinance for Protection of Water Quality and Quantity Using Florida-Friendly Landscapes.

4. AUTHORITY

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This ordinance is adopted by the City of New Port Richey under its home rule powers, its police powers to protect the public health, safety, and welfare, and under powers pursuant to the authority granted by ~~Sections 125.568 (Counties) and Section~~ 166.048 (Cities), Florida Statutes, in order to implement and enforce the standards, rules and regulations as set forth herein.

5. ADMINISTRATIVE STANDARDS

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Whenever, in the course of administration and enforcement of this ordinance, it is necessary and desirable to make any administrative decision, then, unless other standards are in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this ordinance or injurious to the surrounding neighborhood or the community at large.

6. PURPOSE AND INTENT

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The purpose of these regulations is to establish minimum standards for the development, installation, and maintenance of Florida-Friendly Landscape areas without inhibiting creative landscape design, construction and management. Specific Best Management Practices (BMPs) have been developed that include water conservation measures, the preservation of natural

vegetation where applicable, and appropriate plant selection and location. Best Management Practices have also been developed for the use of fertilizers, pesticides and appropriate maintenance practices such as proper pruning techniques, mowing, mulching and composting. Implementation of BMPs will aid in improving environmental quality and the aesthetic appearance of public, commercial, industrial, and residential areas. These guidelines and landscape practices are established to help communities, developers, builders, contractors, businesses and homeowners be partners in improving and protecting Florida's environment. These practices are also based on the premise that the quality of Florida's surface and ground water is affected by stormwater runoff and leachate. Improper landscape design, construction and management may contribute to nonpoint source pollution that affects ground and surface water quality. Use of BMPs in proper landscape design and maintenance can reduce pollution and save water, as well as save labor, resources, and money. Application of BMPs will also help to enhance property values, improve Florida's quality of life and protect natural resources for Florida residents well into the future. This ordinance is based on concepts of Florida-Friendly Landscaping and the use of BMPs. The Florida-Friendly Landscape concept is based on the principles of the *Florida Yards and Neighborhoods (FYN)* and *Environmental Landscape Management (ELM)* programs operated by the University of Florida Cooperative Extension Service, along with the various water conservation programs of the State's Water Management Districts, and BMPs identified in the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries* (2008). The *Florida Yards & Neighborhoods Handbook*, the Water Management Districts' *Waterwise Florida Landscape Guide*, *Xeric Landscaping with Florida Native Plants* by the Association of Florida Native Nurseries, FDEP's *Waterfront Property Owners Guide*, the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries*, and *Water Right: Conserving our Water, Preserving our Environment* published by the International Turf Producers Foundation should be referred to before making landscape and other site decisions. In general, all landscapes shall be designed to minimize adverse effects on Florida's natural systems. No part of these guidelines shall be interpreted to restrict creative designs or the inclusion of landscape elements such as vegetable gardens, fruit trees, arbors, water gardens, or furnishings. This ordinance incorporates several accepted principles of a Florida-Friendly Landscape. These principles, listed below, are included within the general provisions section for the purpose of giving guidance and direction for the administration and enforcement of the regulations contained herein. Detailed explanations of the following principles are included in the previously cited documents.

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- Site Planning and Design
- Soils
- Land Clearing Standards and Preservation of Native Vegetation
- Appropriate Plant Selection, Location, and Arrangement
- Practical Use of Turf
- Efficient Irrigation
- Yard Waste Management, Composting and Use of Mulches
- Fertilizer Management
- Pesticide Management
- Landscape Maintenance
- Shoreline Considerations

This Ordinance regulates the proper use of fertilizers by any applicator and establishes training and licensing requirements for Commercial and Institutional Fertilizer Applicators. It also establishes a prohibited application period when fertilizer cannot be applied and specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The Ordinance requires the use of Best Management Practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the City of New Port Richey's natural and constructed stormwater and drainage conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of the City of New Port Richey residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater and drainage conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

7. APPLICABILITY

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The provisions of this ordinance shall apply to the development, redevelopment, rehabilitation, and maintenance of all property within present or future incorporated areas of the City of New Port Richey which are subject to the provisions of the City of New Port Richey Land Development Code. No permit shall be issued for building, paving, or tree removal unless the landscape construction documents comply with the provisions hereof; and no Certificate of Occupancy shall be issued until the requirements herein are met.

All City facilities will be managed in accordance with these practices within one year of the approval of this Regulation. All City 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.

All new and renovated City facility landscapes will be designed in accordance with these principles and be constructed and installed using Florida-Friendly Landscape materials. This Ordinance shall be prospective only, and shall not impair any existing contracts.

This Ordinance shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer with the area of the City of New Port Richey, unless such applicator is specifically exempted by the terms of the Ordinance from the regulatory provisions of this Ordinance. This Ordinance shall be prospective only, and shall not impair any existing contracts.

If the provisions of this ordinance conflict with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

Specific application of the provisions shall include, but not be limited to:

- All new, redeveloped, or rehabilitated landscapes for public agency projects and private development projects including but not limited to industrial, commercial, residential, and recreation projects, including new single-family and two-family homes;
- Developer-installed landscapes at entrances into and common areas of single-family and multifamily projects;
- Any development approved prior to the effective date of this ordinance if the governing site development plan is amended;

Exempted from the provisions of this ordinance are the following as applicable:

- Bona-fide agricultural activities as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes, ~~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.~~
- Other properties not subject to or covered under the Florida Right to Farm Act that have Pastures used for grazing livestock ~~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.~~
 - Any development that is governed by an approved, final site development plan or a valid building permit issued prior to the effective date of this ordinance is exempted from retrofitting or meeting the specific provisions of Sections 9 A-F. However, existing development is not exempted from those provisions affecting management, maintenance, or the education of maintenance personnel.
 - Rights-of-way for public utilities, including electrical transmission and distribution lines, and natural gas pipelines.
 - Conditional exemption may be granted for individual projects if the applicant can demonstrate acceptable reasons for the requested exemption.

8. DEFINITIONS

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For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly indicates otherwise. All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and the word “person” includes a firm, corporation, county, municipal corporation, or natural person. The term “council” or “commission” shall mean Council or Commission of the City of New Port Richey, and the word “city” or “county” shall mean the City of New Port Richey in Pasco County of the State of Florida. The word “used” shall be deemed to include the words “arranged”, “designed”, or “intended to be used”, and the word “occupied” shall be deemed to include the words “arranged”, “designed”, or “intended to be occupied”. Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

“Administrator”. Means the City of New Port Richey City Manager or his/her designee of the City of New Port Richey government designated by the City Manager or his/her designee to administrator and enforce the provisions of this Article.

“Application” or “Apply”, means the actual physical deposit of Fertilizer to Turf or Landscape Plants.

“Applicator”. means any Person who applies Fertilizer on Turf and/or Landscape Plants in the City of New Port Richey.

“Aquascape”. The planting of aquatic and wetland plants in the enhancement, restoration, or creation of freshwater, estuarine, or marine systems.

“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.

“Board or Governing Board” means the members of the City Council of New Port Richey, Florida.

“Best Management Practices” means turf and landscape practices 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.

“Code Enforcement Officer, Official, or Inspector” means any designated employee or agent of New Port Richey whose duty it is to enforce codes and ordinances enacted by New Port Richey.

“Commercial Fertilizer Applicator”. means any Person who applies Fertilizer on Turf and/or Landscape Plants in the City of New Port Richey in exchange for money, goods, services or other valuable consideration.

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

“Developed landscape area”. That portion of the property where pre-development vegetation is to be removed.

“Emitter”. This term primarily refers to devices used in micro irrigation systems.

“Fertilize,” “Fertilizing” or “Fertilization” means the act of applying Fertilizer to Turf, specialized Turf, or Landscape Plant.

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“Fertilizer” means 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 protection. Additional components of Florida-Friendly Landscape include planning and design, soil analysis, the use 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.

“Guaranteed Analysis” means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a Fertilizer.

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

High Water Use Plants. Plants that require irrigation to provide supplemental water on a regular basis throughout the year, or are so identified by a regulatory agency having jurisdiction. When placed in a naturally high water table area appropriate to the plant such that irrigation is not required, such plants shall not be considered high water use for the purposes of this ordinance.

| **“Hydrozone”**. A distinct grouping of plants with similar water needs and climatic requirements.

| **“Infiltration Rate”**. The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour)

“Institutional Applicator” means any Person, other than a non-commercial or commercial Applicator (unless such definitions also apply under the circumstances), that applies Fertilizer for the purpose of maintaining Turf and/or Landscape Plans. Institutional Applicators shall include, but shall not be limited to, owners, managers of public lands, schools, parks, religious institutions, 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”**. A constructed watering system designed to transport and distribute water to plants.

| **“Irrigation Zone”**. A grouping of sprinkler heads 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, walls, fences, or decorative paving materials).
- | **“Landscape Construction Documents”**. Landscape construction documents may include a planting plan, a landscape layout plan, an irrigation plan, a grading and drainage plan, detail sheets and written specifications. 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.
- | **“Landscape Design”**. Means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for placement of tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.
- | **“Landscape Layout 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 be numbered, dated, North arrow indicated, scaled, and sealed by an appropriately licensed professional where required by Florida Statutes Chapter 481, Part II.
- | **“Landscape Plant”** means any native or exotic tree, shrub, or groundcover (excluding Turf).
- | **“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.
- | **“Low-flow Point Applicators”**. Irrigation applicators with output less than 60 gallons per hour (gph).
- | **“Low Maintenance Zone”** means an area a minimum of ~~six (6)-ten (10-feet) feet~~ wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.
- | **“Low Water Use Plants”**. Plants that do not need supplemental water beyond natural rainfall, or are so identified by a regulatory agency having jurisdiction.
- | **“Microclimate”**. The climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind, than surrounding areas or the area as a whole.
- | **“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.

Moderate Water Use Plants. Plants that need supplemental water during seasonal dry periods.

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.

“Approved Best Management Practices Training Program”. Means a training program approved by the City of New Port Richey City Manager or his/her designee that includes at a minimum, the most current version of the Florida Department of Environmental Protection’s Florida-Friendly Best Management Practices for Protection of Water Resources by Florida Green Industries, December 2008” as revised and any more stringent requirements set forth in this Article.

Native Vegetation. Any plant species with a geographic distribution indigenous to all, or part, of the State of Florida as identified in: Wunderlin, R. P. 1998. Guide to the Vascular Plants of Florida. University Press of Florida, Gainesville.

“Pasture” means land used for livestock grazing that is managed to provide feed value.

“Person” means any natural Person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

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 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 (POC). 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 means 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 City of New Port Richey, issued by the National Weather Service, or if heavy rain is likely.

Pump Cycling. Irrigation pump coming on and shutting off frequently during operation of irrigation systems.

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. Required by law (373.62 F.S.) on all automatic irrigation systems since 1991.

Runoff. The water that results from and occurs following a rain event, or following an irrigation event, because the water is not absorbed by the soil or landscape and flows from the area.

Site Appropriate Plant. A plant that after establishment, will thrive within the environmental conditions that are normal for a specific location without artificial supplements such as irrigation.

“Slow Release,” “Controlled Release,” “Timed Release,” “Slowly Available,” or “Water Insoluble Nitrogen” means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

“Sod,” or “Lawn” means a piece of turf-covered soil held together by the roots of the turf.

Soil Moisture Sensor. See Moisture Sensing Device.

Soil Texture. The classification of soil based on the percentage of sand, silt, and clay in the soil.

Turf and/or Turfgrass. A mat layer of monocotyledonous plants such as, but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia.

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

Water Use Zone. See “Hydrozone”.

9. GENERAL PROVISIONS AND DESIGN STANDARDS

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In 2004, the Florida legislature created section 373.228 Florida Statutes directing the Department of Environmental Protection, the Water Management Districts, and several stakeholder groups to devise standards for Landscape Irrigation and Florida-Friendly Landscape design. The *Landscape Irrigation and Florida-Friendly Design Standards, December 2006*, were published by the Department of Environmental Protection. **Local governments must use these standards** when adopting local ordinances after that date.

Landscape and Xeriscape (Florida-Friendly) Design Standards:

1. Low impact site design practices, such as preserving existing native trees and vegetation, shall be used if 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 improvement can enhance water use efficiency.
3. Plants shall be grouped together by irrigation demand.
4. The percentage of landscaped area in irrigated high water use hydrozones should be minimized. No more than ~~(To be inserted by the local government)~~ 75 % of irrigated landscaped area may be included in high water use hydrozones. These high water use limits shall not apply to landscaped areas requiring large amounts of turf for their primary functions, e.g., ballfields and playgrounds. When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, expansion or change in use of a previously developed site is such that site plan review is required prior to the issuance of a building permit, the provisions of 9A-F of this ordinance shall be applied to newly disturbed areas of such site.

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A. Site Planning and Design

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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 designs shall be consistent with the standards required under 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, 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. The site plan shall consider natural drainage features to minimize runoff. The use of pervious surfaces and areas is preferred, therefore impervious surfaces and materials within the landscaped area shall be limited to borders, sidewalks, step stones, and other similar materials, and shall not exceed ~~(To be inserted by the local government)~~ 40% of the landscaped area. Use of pervious paving materials is strongly encouraged, and relative imperviousness will be considered.

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~~{Optional items which are not required but may be included at NPR's preference include:
- Site plans should identify all vegetated areas to be preserved.~~

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- All invasive exotic plant species should be removed from each site prior to the beginning of construction. For purposes of determining plant species to remove, refer to Department of Agriculture and Consumer Services "Noxious Weeds" rule Chapter 5B-57, F.A.C.
- Gravel, river rock, shell and similar materials should not be used as a major landscape ground cover or mulch. In no case may these materials occupy over (To be inserted by the local government) % of the landscape surface 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.
- The solar orientation of the property and its relationship to other properties should be considered as this may produce different microclimate exposures (e.g., sun vs. shade, southern vs. northern exposure, surrounded by heat reflective surfaces, etc).

Landscape construction documents should include, but not be limited to the following:

- Location of all underground and overhead utilities;
- Existing and proposed trees, shrubs, ground covers and turf areas within the developed landscape area;
- Plants by botanical and common name, and where applicable, cultivar name; spacing, and quantities of each type of plant by container size and by mature height and spread;
- Existing and proposed property lines, streets, street names and public utilities;
- Existing and proposed hardscape features such as driveway(s) and sidewalk(s) as necessary;
- Existing and proposed structures such as pool(s), fountain(s), fence(s) and retaining wall(s);
- Existing and proposed buildings;
- Indicate in a table the total square footage(s) of the various landscape hydrozones on the plan. If more than one water meter serves the site, the total hydrozone square footages of the various hydrozones must be identified with each Point of Connection (POC) and meter providing water service.

Irrigation plans must be designed to recognize differential irrigation requirements of the landscape as described in Section F. It is suggested that "Record" or "As-Built" construction documents be submitted prior to issuance of the Certificate of Occupancy, with a copy delivered to the homeowner. This will help to prevent later damage from digging by utility workers or the homeowner and assist the owner with understanding the system design. The irrigation plan should show the following:

- Irrigation point(s) of connection and design capacity;
- Water service pressure at irrigation POCs;
- Water meter size;
- Reduced pressure principle backflow prevention devices for each irrigation POC on potable water systems;
- Major components of the irrigation system, including all pumps, filters, valves, and pipe sizes and lengths;
- Precipitation rate expressed in inches per hour for each valve circuit. The preparer must attach to the Project Data Sheet the calculations for deriving precipitation rates for each irrigation valve circuit;
- 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;

• Irrigation legend will have the following elements: Separate symbols for all irrigation equipment with different spray patterns and precipitation rates and pressure-compensating devices; general description of equipment; manufacturer's name and model number for all specified equipment; recommended operating pressure per nozzle and bubbler and low flow emitter; manufacturer's recommended overhead and bubbler irrigation nozzle rating in gallons per minute (gpm), or gallons per hour (gph) for low flow point applicators; minimum (no less than 75% of maximum spray radius) and maximum spray radius per nozzle; and manufacturer's rated precipitation rate per nozzle at specified psi;

• Recycled water piping and guidelines as required; Reclaimed or non-potable water should be used for irrigation if an acceptable source is determined to be available by the Public Works department.

• Identify location of rain shut-off devices or soil moisture sensors.

• The irrigation system must take any existing slopes over 10% into account. If a grading plan is desired, it shall indicate all finish grades, spot elevations as necessary, drainage, and existing and new contours within the developed landscape area. _

B. Soils

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1. 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.~~ A facility. A soil analysis satisfying the following conditions shall be submitted:
 - Determination of soil texture, indicating the percentage of organic matter.
 - Measurement of pH, and total soluble salts.
 - Estimated soil infiltration rate.
2. Existing horticulturally suitable topsoil shall be stockpiled and re-spread during final site grading.
3. 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.
4. The use of solid waste compost as a soil amendment is encouraged where it is appropriate.

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C. Standards for land clearing and preservation of native vegetation

1. This section shall apply to all development permitted upon approval of this regulation. Parcels or lots independent of larger developments that are less than ~~1/2 acres.~~ acre (to be determined by local govt.) in size shall not be subject to these set aside requirements. Individual single-family lots are exempt from this requirement; however, single family and planned unit developments are not exempt. Tree preservation ordinances and all other landscape requirements shall remain applicable to all development as described in the tree preservation and landscape ordinances.
2. This ordinance mandates a total of ~~X%~~ 1% percent of a site planned for development be set aside for preservation. When clearing, ~~X% (to be determined by local govt.)~~ 1% of the

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native vegetation on the site shall be preserved. If vegetation is not present on site, established open space zoning and landscape ordinance criteria shall be followed.

3. Vegetation that is set aside for preservation shall be protected from all on-site construction. Protective barriers shall be installed along the perimeter of all preserve areas. Protective barriers shall be constructed at such intervals to prevent machinery from passing between them. No equipment or materials shall be permitted to be stored within the set-aside areas, and dumping of excess soil, liquids, or any other construction debris within the preservation areas is prohibited. Removal or re-grading of soils within preservation areas is prohibited. Any damaged vegetation within the set-aside areas shall be replaced with vegetation equivalent to the vegetation destroyed before any certificates of occupancy or other approvals may be issued.
4. Areas that are considered to be of *high ecological importance* should be given highest priority for protection. These areas include, but are not limited to, areas that have occurrences of federal and state listed species of flora and fauna, areas of high biological diversity, and areas that are in aquifer recharge zones.
5. If more than one native terrestrial plant community is present on the site, areas representing all existing plant communities shall be preserved onsite unless preserving more of one particular community is more ecologically beneficial.
6. Utilities, stormwater easements and right-of-ways are exempt from provisions 1-5 above, but should avoid preserved areas. Although not specifically required, creative alternatives to common practice in these areas may be eligible for incentives.
7. High-quality areas placed in preservation shall be retained in entirety, in their current or improved natural state, and protected into perpetuity regardless of ownership. This requirement may be negotiated to create contiguous preservation among plant communities. The developer shall prove to the reviewer, through exhibits provided during the site approval process, that the highest ecologically valued land is being retained first in order to satisfy the set-aside requirement. If the preservation of the highest ecologically valued land produces undue burden on the development of the property, it is also the developer's responsibility to prove such hardship and provide an acceptable alternative for approval.
8. Areas set aside for preservation should be contiguous parcels of land that are interconnected and considered viable habitat for wildlife to the extent practical. Small fragmented areas of preservation should be avoided when possible.
9. Rights-of-way and areas determined to be future rights-of-way in the comprehensive plan, and utility or drainage easements shall not be allowed as designated set-aside areas.

D. Appropriate Plant Selection, Location, and Arrangement

1. Plant selection should be based on the plant's adaptability to the existing conditions present at the landscaped area and native plant communities, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color and texture. Plant species that are drought and freeze tolerant are preferred. For purposes of determining prohibited and controlled plant species refer to the Department of Agriculture and Consumer Services rule, Chapter 5B-57 Florida Administrative Code. Plants named in this rule may not be used except as allowed in Chapter 5B-57.

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2. Plants shall be grouped in accordance with their respective water and maintenance needs. Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together. The water use zones (hydrozones) shall be shown on the irrigation, layout, and planting plans (where required). Where natural conditions are such that irrigation is not required, the presence of site appropriate plants shall not be considered a high water use hydrozone.
3. The combined size of all high water use hydrozones shall be limited to ~~X% (to be determined by local govt.)~~ 75-of% of the total landscaped area. In landscapes irrigated with recycled water, the allowable size of all high water-use zones ~~shall be increased to not more than X% (To be determined by local government.)~~ may be up to 100-of% of the total landscaped area. These high water-use limits do not apply to landscaped areas requiring large amounts of turf for their primary functions, e.g., ballfields and playgrounds.

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E. Turf Areas

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1. The type and location of turf areas shall be selected in the same manner as with all the other plantings. Irrigated turf areas, as opposed to non-irrigated turf areas, are considered to be a high water use hydrozone. Irrigated turf shall not be treated as a fill-in material but rather as a planned element of the landscape. Turf shall be placed so that it can be irrigated using separate zones. While turf areas provide many practical benefits in a landscape, how and where it is used can result in a significant reduction in water use.
2. Irrigated turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for septic tank drainfields and required drainfield reserve areas, or provide soil erosion control such as on slopes or in swales; and where turfgrass is used as a design unifier, or other similar practical use. As a matter of public safety, no turfgrass that requires mowing shall be allowed on slopes greater than 4:1 or within ~~6-~~ 10 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.
3. One of the most common reasons for turf failure is over-irrigation. Irrigation systems shall be designed and operated in accordance with Section F.

F. Efficient Irrigation

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1. All irrigation installations after the effective date of this ordinance shall meet the irrigation standards identified per 373.228 F.S. These include:
 - a. Irrigation systems shall be designed to meet the needs of the plants in the landscape (not the other way around).
 - b. When feasible, irrigation systems shall be designed to separately serve turf and non-turf areas.
 - c. The irrigation system plans and specifications shall identify the materials to be used and the construction methods.
 - d. The design shall consider soil, slope, and other site characteristics in order to minimize water waste, including overspray, the watering of impervious surfaces and other non-vegetated areas, and off-site runoff.

- e. The system shall be designed to minimize free flow conditions in case of damage or other mechanical failure.
 - f. The system shall be designed to use the lowest quality water feasible.
 - g. Rain switches or other approved devices, such as soil moisture sensors, to prevent unnecessary irrigation, shall be incorporated. (Section 373.62, F.S.)
 - h. A recommended seasonal operating schedule and average precipitation rates for each irrigation zone for both establishment and maintenance conditions shall be provided.
 - i. Control systems shall provide the following minimum capabilities:
 - i. Ability to be programmed in minutes, by day of week, season and time of day,
 - ii. Ability to accommodate multiple start times and programs,
 - iii. Automatic shut off after adequate rainfall,
 - iv. Ability to maintain time during power outages for a minimum of three days, and
 - v. Operational flexibility to meet applicable year-round water conservation requirements and temporary water shortage restrictions.
 - j. Recommended maintenance activities and schedules shall be included.
 - k. Precipitation rates for sprinklers and all other emitters in the same zone shall be matched, except that micro-irrigation emitters may be specified to meet the requirements of individual plants.
 - l. Irrigation systems shall be designed to maximize uniformity, considering factors such as:
 - i. Emitter types.
 - ii. Head spacing.
 - iii. Sprinkler pattern.
 - iv. Water pressure at the emitter.
 - m. Irrigation systems with main lines larger than two inches or designed to supply more than seventy gallons per minute shall incorporate a means to measure irrigation water use, at a minimum of ninety-five percent accuracy across the flow range.
 - n. 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.
 - o. Irrigation system plans and specifications shall require that the installer provide property owners and users with the following post-construction documentation, including as-constructed drawings, recommended maintenance activities and schedules, operational schedule, design precipitation rates, instructions on adjusting the system to apply less water after the landscape is established, maintenance schedule, water source, water shut-off method, and the manufacturer's operational guide for their irrigation controller. To the extent feasible, similar information should be made available for subsequent property transfers.
2. To assist the end user to operate the system properly, in addition to the minimum requirements of 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 it in a small controller.

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- a. Irrigation scheduling information, with instructions for seasonal timer and sensor changes,
 - b. An irrigation valve site map detailing
 - i. valve locations,
 - ii. gallons per minute demands,
 - iii. precipitation rates,
 - iv. plant types within valve circuits, and
 - v. operating pressure requirements for each valve
3. The irrigation system shall be designed to correlate to the organization of plants into zones as described in (C) above. The water use zones shall be shown on the Irrigation Plan. All plants (including turf) require watering during establishment. Temporary facilities may be installed to facilitate establishment. Irrigation must be conducted in accordance with WMD restrictions.
 4. Rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient soil moisture, in accordance with Florida Law (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.
 5. The installation of tracer wire along main lines and laterals is strongly encouraged to permit easy location and prevent inadvertent cutting of pipes.
 6. 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".
 7. Check valves must be installed at irrigation heads as needed to prevent low head drainage and puddling.
 8. Nozzle precipitation rates for all heads within each valve circuit must be matched to within 20% of one another.
 9. No water spray from irrigation systems shall be applied under roof overhangs.
 10. Irrigated areas shall not be less than 4 feet wide, except when next to contiguous property or using micro or drip irrigation.
 11. A pressure-regulating valve shall be installed and maintained if static service pressure exceeds 80 pounds per square inch. The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and set at not more than 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

G. Yard Waste Management, Composting and Use of Mulches

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1. Yard wastes shall not be disposed of or stored by shorelines, in ditches or swales, or near storm drains.
2. Shredded yard clippings and leaves should be used for mulch or be composted for use as fertilizer. However, diseased material should not be mulched and should be properly disposed of to avoid spreading disease.

3. Composting of yard wastes provides many benefits and is strongly encouraged. The resulting materials are excellent soil amendments and conditioners. Other recycled solid waste products are also available and should be used when appropriate.
4. 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. Grass clippings should be left on your lawn. Mulching mowers are recommended, because the grass clippings are chopped very finely by special blade and shroud configurations. If a conventional mower equipped with a side discharge chute is used, the following practices should be employed. When mowing near the shoreline, direct the chute away from the water body. When mowing upland areas, direct the chute back onto the yard, not onto the road or driveway.
5. Mulches applied and maintained at appropriate depths in planting beds assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch can also be used in places where conditions aren't adequate for or conducive to growing quality turf or ground covers. Mulches are typically wood bark chips, wood grindings, pine straws, nut shells, small gravel, and shredded landscape clippings.
6. A layer of organic mulch 3" deep shall be specified on the landscape plans in plant beds and around individual trees in turfgrass areas. Use of byproduct or recycled mulch is recommended. Mulch is not required in annual beds. Mulch rings should extend to at least 3 feet around freestanding trees and shrubs. All mulch should be renewed periodically. Mulches should be kept at least 6 inches away from any portion of a building or structure, or the trunks of trees. Plastic sheeting and other impervious materials shall not be used under mulched areas.

H. Pesticide Management

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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.
2. Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the University of Florida Cooperative Extension Service publications.
3. When using pesticides, all label instructions are state and federal law and must be adhered to. **The Florida Department of Agriculture and Consumer Services is responsible for enforcement of pesticide laws.**

I. Landscape and Irrigation Maintenance

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1. 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. Landscape maintenance for hire shall be performed in accordance with recommendations in the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries*.

3. Landscape maintenance by homeowners should be performed in accordance with recommendations of the University of Florida Cooperative Extension Service and Florida Yards & Neighborhoods publications.
4. A regular irrigation maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the season.
5. To maintain the original performance and design integrity of the irrigation system, repair of the equipment shall be done with the originally specified materials or their equivalents.

J. Shoreline Considerations

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1. Grading 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.
2. A voluntary ~~six (6)~~ten (10) 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 this low maintenance zone to capture and filter runoff. If more stringent city code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. 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.
3. 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. Where water levels vary considerably, care must be taken in the selection of these plants.
4. Decks along the water's edge and into the water shall meet all local and state government regulations and any other lawful requirements. The maximum distance any structure may protrude into the water is ~~X feet (To be inserted by local government)~~ 25 feet from the normal high water mark on the bank. The maximum total width of a deck structure along the shoreline of any lot is 20% of the waterfront footage of that lot. The remainder of the shoreline should remain as natural as possible. Lot owners located on ditches may add 20' to their front footage for calculation purposes. Special permits may be required. No structures are permitted that obstruct the flow of water.
5. Mangrove trimming shall be performed in accordance with Sections 403.9321 - 403.9334, Florida Statutes. The *Florida Waterfront Property Owners Guide* published by the Florida Department of Environmental Protection should be referred to for additional information about Florida-friendly shoreline practices.

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10. EDUCATION

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- A. All persons providing landscape maintenance services for hire (including appropriate City Maintenance Operations staff, and institutional landscape workers) shall be trained

in the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries*

- a. within one year of the effective date of this ordinance if fertilizer is applied, or
- b. within 2 years if the business is not involved in the application of fertilizer.
- 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 by the Green Industries*.
- d. At least one person holding a current Certificate of Completion in the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries* shall be present at all times on any job site while work is in progress.

B. New employees shall be trained within 180 days of starting a new position.

11. INCENTIVES

~~{Optional items which are not required but may be included at NPR's preference include:~~

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~~A. Any development that exceeds the water-efficient design principles and standards established by this ordinance shall receive a reduction in the City permit application fee.~~

~~B. Individual home owners or residents who are not required to but voluntarily submit a development/landscape design which meets or exceeds the Florida friendly design principles and standards established by this ordinance shall receive expedited permitting, a reduction of their stormwater utility water charges; a x% reduction in their building permit fee, property tax reduction, or other incentive within the purview of the city. This reduction will remain in effect provided that the landscaped areas are consistently maintained in accordance with Florida-Friendly Landscape principles and the total monthly water consumption does not exceed X gallons (To be inserted by local government). _~~

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~~C.A. _____ 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~~

12. ENFORCEMENT AND MONITORING

Implementation and enforcement of these regulations shall consist of:

A. Licensing

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1. Within 2 years of the effective date of this ordinance, all businesses performing design, installation, or maintenance services involving Turf and/or Landscape Plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that all supervisory employees have an

appropriate certification (i.e., the Florida Department of Environmental Protection's Green Industries Best Management Practices certification), prior to the business owner obtaining a Local Business Tax Certificate. Non-supervisory employees that do not apply fertilizer must be trained but do not require certification. Owners for any category of occupation which may perform design, installation, or maintenance services involving Turf and/or Landscape Plants shall provide proof of certification and training to the (Municipality/ County) Tax Collector's Office. This provision does not apply to the licensed professional practice of Landscape Architecture, Architecture, or Engineering.

B. Inspections

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1. The City Code Enforcement Officer or designated inspectors shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this ordinance, in order to determine if applicable provisions of the Code of Ordinances and regulations relating to Florida-friendly landscaping are being followed.
2. Inspections may be made without notice, and refusal to allow such an inspection shall be deemed a violation of this ordinance. Such failure to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant for the purpose of inspecting, surveying or examining said premises.
3. In the event a building, structure, or land appears to be vacant or abandoned, and the property owner cannot be readily contacted in order to obtain consent for an inspection, the Code Enforcement Officer or inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection thereof.
4. The Code Enforcement Officer or inspector shall be provided with official identification and exhibit such identification when making any inspection.
5. It shall be the duty of all law enforcement officers to assist in making inspections when such assistance is requested by the Code Enforcement Officer or inspector.

C. Notice of Violation, Notice of Hearing and Hearing Procedure

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1. Whenever the Code Enforcement Officer or an inspector determines that there is a violation of this ordinance, the officer or inspector shall follow the procedures established for bringing a case before the Code Enforcement Board or any alternative code enforcement body or shall seek injunctive relief as provided below.
2. A notice to cease a land use activity or permit issued under this ordinance shall not relieve the owner or operator of the obligation to comply with any other applicable state, regional or local code, regulation, rule ordinance, or requirement. Nor shall said notice or permit relieve any owner or operator of any liability of violation of such codes, regulations, rules, ordinances, or requirements.

D. Injunctive Relief

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If any person engages in activities regulated by this ordinance without having obtained an approved permit as provided within this ordinance or continues in violation of the provisions of

this ordinance or the regulations promulgated pursuant thereto, then the City may file an action for injunctive relief in a court of competent jurisdiction.

13. FEES

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Permit Fees

~~Prior to the issuance of a permit, the applicant shall pay a fee as set forth by the Resolution No. _____, 2012. Such fee shall be used to defray the cost of monitoring the compliance of this ordinance.~~

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13.14. VARIANCES

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As provided in Chapter 5 of these Land Development Regulations, the Board of Adjustment is hereby authorized to grant variances in accordance with stated provisions and can attach conditions to variances granted.

14.15. VIOLATIONS AND PENALTIES

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- A. For any violation which does not constitute a threat to life or property, the (City) shall have the authority to issue a citation and/or to withhold a certificate of occupancy. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his agent, or to the person doing the work. The receipt of a citation shall require that corrective action be taken within thirty (30) calendar days, unless otherwise extended at the discretion of the (City). If the required corrective action is not taken within the time allowed, the (City) may use any available civil or criminal remedies to secure compliance, including revoking a permit.
- B. The City shall have recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this section of this ordinance, including injunctive relief to rejoin and restrain any person from violating the provisions of this section of this ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.
- C. A conviction for violation of the provisions of this section shall be punishable by a fine or imprisonment, or both such fine and imprisonment as provided in ~~Section 125.69~~ Chapter 162, Florida Statutes.

15.16. CONFLICTS AND RELATIONSHIP TO OTHER LAWS

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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 regulation, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

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16.17. SEVERABILITY

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This ordinance and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause be adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portion of the ordinance to other property, buildings, or structures shall not be affected thereby.

17.18. INCLUSION IN CODE, CODIFICATION, SCRIVENERS ERRORS

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The provisions of this ordinance shall become and be made a part of or replace the existing landscape regulations of the City of New Port Richey. Sections of the ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "chapter", "article", or such other appropriate word or phrase in order to accomplish such intentions. Sections of this ordinance may require the correction of typographical errors which do not affect the intent. Such corrections may be authorized without need of a Public Hearing, by filing a corrected or recodified copy of same with the clerk of the City of New Port Richey.

19. REPEAL

~~The existing regulations of the City of New Port Richey, being Chapter _____ of the City Code as amended, are hereby repealed. The adoption of this ordinance; however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Chapter, as amended, if the violation is also a violation of the provisions of this ordinance.~~

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18. EFFECTIVE DATE

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This Ordinance shall take effect immediately upon its passage and enactment by the City Council.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, the ____ day of _____, 20~~12~~16.

The above and foregoing Ordinance was read and enacted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this ____ day of _____, 20~~12~~16.

CITY OF NEW PORT RICHEY, FLORIDA

~~Bob Consalvo~~ Rob Marlowe

Mayor-Councilmember

ATTEST:

Doreen Summers, ~~CMC~~ CAP-OM

City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

By: _____

~~Name: Michael S. Davis~~

Title: City Attorney