





Chapter 74 - VEGETATION<sup>(1)</sup>

ARTICLE IV. ~~WATER EFFICIENT LANDSCAPING~~

~~Sec. 74-101.—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. The word "building" includes the word "structure." The word "person" includes a firm, corporation, county, municipal corporation or natural person. The word "used" shall be deemed to include the words "arranged, designed, or intended to be used." 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 or common or standard utilization.~~

~~Automatic controller means a mechanical or electronic timer, capable of operating valve stations to set the days and length of time of a water application.~~

~~Emitter means devices which are used to control the application of irrigation water. This term is primarily used to refer to the low flow rate devices used in micro-irrigation systems.~~

~~Ground cover means plants, other than turfgrass, normally reaching an average maximum height of not more than 24 inches at maturity.~~

~~Infiltration rate means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).~~

~~Irrigation system means a permanent artificial watering system designed to transport and distribute water to plants.~~

~~Landscaped area means the entire parcel less the building, footprint, driveways, nonirrigated portion of parking lots, landscapes such as decks and patios, and other nonporous areas. Water features are included in the calculation of the landscaped area. The landscaped area includes xeriscape as defined in F.S. § 373.185(1)(b).~~

~~Landscaping means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).~~

~~Lot coverage includes all buildings and paved areas, including swimming pools and parking areas, and may not exceed 65 percent of the total site.~~

~~Micro-irrigation (low volume) means the frequent 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). Micro-irrigation 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.~~

~~Mulch means nonliving organic or synthetic material customarily used in landscape design to retard erosion and retain moisture.~~

~~Native vegetation. See Vegetation, native.~~

~~Naturally occurring existing plant communities. See Vegetation, native.~~

~~Open space includes total pervious surface, including drainage retention, landscaped areas and sod. Open space areas shall consist of a minimum of 35 percent of the total development site.~~

~~Pervious paving materials means a porous asphalt or concrete surface and a high void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.~~

~~Rain sensor device means a low voltage electrical or mechanical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn on a sprinkler controller when precipitation has reached a preset quantity.~~

~~Runoff means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.~~

~~Silt texture means the classification of soil based on the percentage of sand, silt, and clay in the soil.~~

~~Site-specific plant means a selection of plant material that is particularly well suited to withstand the physical growing conditions that are normal for a specific location.~~

~~Turf and turfgrass mean continuous plant coverage consisting of grass species suited to growth in the city/county.~~

~~Valve means a device used to control the flow of water in the irrigation system.~~

~~Vegetation, native, means any plant species with a geographic distribution indigenous to all, or part, of the state.~~

~~Water use zone means a grouping of sprays, sprinklers, or micro-irrigation emitters so that they can be operated simultaneously by the control of one valve according to the water requirements of the plants used.~~

~~(Ord. No. 00-09, § 1(25-40), 4-24-2000)~~

~~Cross reference—Definitions generally, § 1-2.~~

~~Sec. 74-102.—Purpose and intent.~~

~~(a)—The purpose of this article is to establish minimum standards for the development, installation, and maintenance of landscaped areas without inhibiting creative landscape design. This article requires specific water conservation measures, including the preservation of natural vegetation where applicable. Implementation will aid in improving environmental quality and the aesthetic appearance of public, commercial, industrial, and residential areas. It is the intent of this article, therefore, that the establishment of these minimum requirements and the encouragement of resourceful planning be incorporated to promote the public health, safety, and general welfare in the areas of water conservation and preservation.~~

~~(b)—Creative site development concepts shall be used in order to promote water conservation. Water requirements may be reduced by providing for:~~

~~(1)—The preservation of existing plant communities;~~

~~(2)—The reestablishment of native plant communities;~~

~~(3)—The use of site-specific plant materials;~~

~~(4)—The use of pervious paving materials;~~

~~(5)—The use of water efficiency in landscaping; and~~

~~(6)—Other environmentally sensitive site development concepts.~~

~~(c)—The land clearing/vegetation protection and preservation objectives are to:~~

~~(1)—Reduce the use of irrigation water in open space areas by promoting the preservation of existing plant communities.~~

~~(2)—Prevent the removal of existing vegetation in advance of the approval of land development plans.~~

~~(3)—Prevent the removal of existing vegetation when no comparable vegetation plan has been prepared for the site.~~

~~(d)—To achieve the objectives of this article, this article incorporates six basic principles of water efficient landscaping. These principles, listed in this article with detailed explanation, are included in this section for the purpose of giving guidance and direction for the administration and enforcement of the regulations contained in this article:~~

- ~~(1) — Planning and design.~~
- ~~(2) — Appropriate plant selection.~~
- ~~(3) — Practical turf areas.~~
- ~~(4) — Efficient irrigation.~~
- ~~(5) — Use of mulches.~~
- ~~(6) — Appropriate maintenance.~~

~~(Ord. No. 00-09, § 1(25-38), 4-24-2000)~~

~~Sec. 74-103. — Applicability.~~

- ~~(a) — The provisions of this article shall apply to the development, redevelopment, rehabilitation, and maintenance of all property within present or future incorporated areas of the city which are subject to the provisions of chapter 98, pertaining to land development criteria, or appendix A to this Code, pertaining to zoning. No permit shall be issued for new construction or site development unless the water efficiency actions included within the landscape plan comply with the provisions of this article, and no certificate of occupancy shall be issued until the requirements in this article are met.~~
- ~~(b) — Specific application of the provisions shall include, but not be limited to:
  - ~~(1) — All new landscaping for public agency projects and private development projects, including but not limited to industrial, commercial, and recreation projects.~~
  - ~~(2) — Developer-installed landscaping at entrances into the common area as in single-family and multifamily projects.~~~~
- ~~(c) — Exemptions from the provisions of this article could include one or more of the following as applicable:
  - ~~(1) — Bona fide agricultural activities.~~
  - ~~(2) — Landscaping for a single-family house or duplex.~~
  - ~~(3) — Electrical transmission and distribution lines.~~~~
- ~~(d) — Conditional exemptions may be granted by the city for individual projects if the applicant can demonstrate acceptable reasons for the requested exemption.~~

~~(Ord. No. 00-09, § 1(25-39), 4-24-2000)~~

~~Sec. 74-104. — Administrative standards.~~

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

~~(Ord. No. 00-09, § 1(25-37), 4-24-2000)~~

~~Sec. 74-105. — Enforcement.~~

~~Implementation and enforcement of this article shall consist of the following: 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 article, in order to determine if applicable provisions of this Code and regulations relating to submitted plans for water-efficient landscaping are being followed.~~

~~(Ord. No. 00-09, § 1(25-42), 4-24-2000)~~

~~Sec. 74-106.—Landscape plan.~~

~~When the construction upon or the development of a new site is such that site plan review by the building official is required prior to the issuance of a building permit, the provisions of this article shall be applied to such site. Any such construction or development activity requiring a site plan or landscape plan which requires local approval shall be designed to be consistent with the water-efficient landscaping standards established in this article and submitted in compliance with the principles and practices of Florida Friendly Yards. All site development plans that include parking shall provide landscape plans prepared, signed and sealed by a state landscape architect.~~

~~(Ord. No. 00-09, § 1(25-41), 4-24-2000; Ord. No. 2009-04, § 2, 3-23-2009)~~

~~Sec. 74-107.—General design standards.~~

~~Site plans shall identify all vegetated areas to be preserved. Installed trees and plant materials shall be grouped together into zones according to water use needs. The water use zones shall correlate to the water use zone designations of plants listed in the recommended plant guide of this article. Plants with similar cultural (soil, climate, sun, and light) requirements should be grouped together and irrigated based on their water requirements. The use zones shall be shown on the landscape plan. Newly installed plants may require regular, moderately applied watering for the first year to become established. Installed trees and vegetation shall be spaced and located to accommodate their mature size on the site.~~

~~(Ord. No. 00-09, § 1(25-41(A)), 4-24-2000)~~

~~Sec. 74-108.—Parking area screening and streetscape requirements.~~

~~Standards for parking area screening are as follows:~~

- ~~(1)—Location and design. Buffers shall be provided on the outer perimeter of a lot or parcel, in accordance with the requirements and standards contained in this article. Buffers shall not be located on any portion of any existing, dedicated, or reserved public or private street or right-of-way. The buffer width is normally calculated parallel to the property line. Design variations are allowed, however, if the average width of the buffer conforms to the standard listed in this section. The average width shall be measured at the two end points of the buffer and two additional points which are each approximately equidistant from themselves and from the closest end point.~~
- ~~(2)—Diversity of tree species. In order to reduce the monotony of site design, no more than one-third of the canopy and understory trees may be of the same species on a site where a total of 15 or more canopy trees are required.~~
- ~~(3)—Use of buffers.
  - ~~a.—A buffer may be used for some forms of passive recreation. It may contain pedestrian, bike or equestrian trails, provided that:
    - ~~1.—No plant material is eliminated.~~
    - ~~2.—The total width of the buffer is maintained.~~
    - ~~3.—All other requirements of this Code are met.~~~~
  - ~~b.—In no event, however, shall the following uses be allowed in buffer areas:
    - ~~1.—Playfields.~~
    - ~~2.—Tennis courts.~~
    - ~~3.—Stables.~~
    - ~~4.—Swimming pools.~~~~~~
- ~~(4)—Buffers in B-4 zoning district.
  - ~~a.—Required width. A minimum average width of 25 feet is required.~~~~

~~b. Required landscaping. Within each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this article: three canopy trees and five understory trees along the property boundaries, together with a minimum three-gallon shrubbery or hedge to provide a continuous visual screen along all streets.~~

~~(5) Buffers in B-3 zoning district.~~

~~a. Required width. A minimum average width of ten feet is required.~~

~~b. Required landscaping. Within each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this article: three canopy trees and five understory trees along the property boundaries, together with shrubs or hedge a minimum of two feet at planting to provide a continuous visual screen along all streets.~~

~~c. Waiver of hedge requirements. The city council may waive the requirement of a streetfront hedge if it is determined the hedge or shrubbery will interfere with the nature or character of the building or structure.~~

~~(6) Landscaping and streetscape requirements for community redevelopment area.~~

~~a. The streetscape shall be improved in the public right of way adjoining any new construction on a vacant or previously used site. The city shall have the right to require the type, quantity and size of streetscape improvements during the site plan review process. The criteria for the improvements shall be based on the city's downtown landscape program. All streetscape improvements throughout the community redevelopment area shall require a drip line irrigation system.~~

~~b. In lieu of subsection (6)a of this section, all new developments in the community redevelopment area district will be required to pay a fee to the city. The fee will be used throughout the community redevelopment area to create urban open space parks or areas or to upgrade the streetscape program along identified rights-of-way. The fee for each development will be based on one percent of the cost of the proposed development or redevelopment or a maximum of \$5,000.00, whichever is lower.~~

~~(Ord. No. 00-09, § 1(25-41(B)), 4-24-2000)~~

~~Sec. 74-109. Parking lot interior landscaping.~~

~~(a) Landscaping shall be provided for interior vehicular use areas to provide visual and climatic relief from broad expanses of pavement and to channelize and define pedestrian and vehicular traffic.~~

~~(b) For developments requiring less than 200 spaces, a minimum of ten percent of the gross square footage of the paved parking lot area and entranceway shall be devoted to landscaping. For development requiring 200 or more parking spaces, 15 percent of the gross square footage of the paved parking area and entranceway shall be devoted to landscaping.~~

~~(c) Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 feet. A maximum of ten contiguous parking spaces in a row will be permitted, although adjustments may be made to save specimen trees. Rows shall begin and end with a landscaped area. Interior landscaped areas in parking lots shall be a minimum of ten feet by 20 feet or the equivalent of 200 square feet. One-half of each separate interior landscape area shall contain at a minimum one canopy tree and one-half may contain at a minimum one understory tree.~~

~~(d) All interior landscaping shall be protected from vehicular encroachment by curbing or wheel stops. Landscaped dividing strips, with or without walkways, shall be used to subdivide parking areas into parking bays with not more than 40 parking spaces, together with the required landscaped areas.~~

~~(e) Each planting area shall be landscaped with an approved ground cover, shrub or other approved landscaping material in addition to the required trees. Sod or turf shall not exceed 40 percent of the planting area; therefore, trees and shrubs should equal or exceed 60 percent of each planting area.~~

~~(Ord. No. 00-09, § 1(25-41(C)), 4-24-2000)~~

~~Sec. 74-110.— Approval of plans involving historic property.~~

~~If a structure requiring a restoration plan, within the designated historic district, proves a hardship due to the historic nature of the site, the restoration plans must be submitted to the historic preservation advisory board for a recommendation to the planning and zoning commission.~~

~~(Ord. No. 00-09, § 1(25-41(D)), 4-24-2000)~~

~~Sec. 74-111.— Approved tree and plant species list.~~

~~The approved tree and plant species list for purposes of this article is as follows:~~

~~(1) Canopy trees. Canopy trees are trees which normally grow to mature height of 40 feet or more. Canopy trees must have a minimum height of ten feet and a caliper of 2.5 inches measured four feet above the ground immediately upon planting or where required as replacement planting.~~

- ~~a.— Live Oak (*Quercus virginiana*).~~
- ~~b.— Laurel Oak (*Quercus laurifolia*).~~
- ~~c.— Shumard Oak (*Quercus shumardi*).~~
- ~~d.— Water Oak (*Quercus nigra*).~~
- ~~e.— Red Maple (*Acer rubrum*).~~
- ~~f.— American Holly (*Ilex opaca*).~~
- ~~g.— Sweetgum (*Liquidambar styraciflua*).~~
- ~~h.— Southern Magnolia (*Magnolia grandiflora*).~~
- ~~i.— Sweet Bay Magnolia (*virginiana*).~~
- ~~j.— Slash Pine (*Pinus elliottii*).~~
- ~~k.— Sand Pine (*Pinus claus*).~~
- ~~l.— Longleaf Pine (*Pinus palustris*).~~
- ~~m.— Loblolly Pine (*Pinus taeda*).~~
- ~~n.— Bald Cypress (*Taxodium distichum*).~~

~~(2) Understory trees. Understory trees are trees which normally grow to a mature height of 15 to 35 feet. Understory trees must have a minimum height of six feet and a caliper of 1.5 inches measured at four feet above the ground at the time of planting.~~

- ~~a.— Winged Elm (*Ulmus atata*).~~
- ~~b.— Drake Elm.~~
- ~~c.— Chinese Elm (*Ulmus parfolia*).~~
- ~~d.— Yaupon Holly (*Ilex vomitoria*).~~
- ~~e.— Weeping Bottlebrush (*Callistemon viminalis*).~~
- ~~f.— Loquat (*Erobotrya japonica*).~~
- ~~g.— Redbud (*Cercia canadensis*).~~



- h.— Dogwood (*Cornus florida*).
- i.— Jerusalem Thorn (*Parkinsonia aculeata*).
- j.— Tree of Gold (*Tabebuia argentea*).
- k.— Cherry Laurel (*Prunus caroliniana*).
- l.— Chicksaw Plum (*Prunus angustifolia*).
- m.— Southern Wax Myrtle (*Myrica cerifera*).
- n.— Grape Myrtle (*Lagerstroemia indica*).
- o.— Citrus trees (all kinds).
- p.— Walter Viburnum (*Viburnum obovatum*).
- q.— Devilwood (*Osmanthus americanum*).
- r.— Bumelia (*Bumelia tenax*).
- s.— Tar Flower (*Befaria racemosa*).
- t.— Fringe Tree (*Chionanthus virginicus*).

(3) ~~Shrubs. Shrubs abutting roadways shall be a minimum of two feet in height immediately after planting and a minimum of three feet in height at maturity.~~

- a.— Sandankwa Viburnum (*Viburnum suspensum*).
- b.— Glossy Privet (*Ligustrum lucidum*).
- c.— Japanese Privet (*Ligustrum japonicum*).
- d.— Podocarpus (*Podocarpus macrophylla*).
- e.— Pittosporum (*Pittosporum tobira*).
- f.— Surinam Cherry (*Eugenia uniflora*).
- g.— Cherry Laurel (*Prunus caroliniana*).
- h.— Wax Myrtle (*Myrica cecifera*).
- i.— Native azaleas (*Rhododendron viscosum*).
- j.— Star Anise (*Illicium parviflorum*).
- k.— Eleagnus (*Eleagnus pungens*).
- l.— Florida Leucothoe (*Agavista populifolia*).
- m.— Walter Viburnum (*Viburnum obovatum*).
- n.— Sweet Viburnum (*Viburnum odoratissium*).
- o.— Devilwood.
- p.— Red Tip Photinia.

(Ord. No. 00-09, § 1(25-41(E)), 4-24-2000)

Sec. 74-112.— Planting requirements.

- (a) ~~Soil and backfilling. Backfill for plants and trees may be the native excavated soil provided that all air pockets have been eliminated. All plants and trees must be properly watered in to remove air pockets. Detection of air pockets by the building official will result in removal and replanting of new plants.~~
- (b) ~~Staking. All trees ten feet in height or greater, and Sable Palms 12 feet in height or greater, must be staked to state department of transportation staking specifications. An exception to this requirement is~~

~~Sable Palms, not more than 18 feet in height, with 36-inch by 36-inch by 36-inch square root balls planted in round 36-inch holes. Sable Palms may not be plunged more than six inches.~~

~~(c) Fertilizing and nutrition. Upon installation of trees, plants and ground cover, a one-year timed-release fertilizer shall be applied at the average rate of material recommended on the container.~~

~~(Ord. No. 00-09, § 1(25-41(F)), 4-24-2000)~~

~~Sec. 74-113. Plant selection.~~

~~Plant selection should be based on the plant's adaptability to the landscape area, desired effect, color, texture, and ultimate plant size. Plants shall be grouped in accordance with their respective water and maintenance needs. Plant material shall be selected that is best suited to withstand the soil and physical growing conditions which are found in the microclimate of each particular location on a site. Plant species that are freeze resistant and drought tolerant are preferred. Plants having similar water use shall be grouped together in distinct water use zones. Undisturbed native plant communities do not require additional landscaping and may be used as part of the minimum requirements.~~

~~(Ord. No. 00-09, § 1(25-41(F)), 4-24-2000)~~

~~Sec. 74-114. Turf areas.~~

~~Turf grass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, or provide soil erosion control such as on slopes or in swales, and where turf grass is used as a design unifier, or other similar practical use. Turf areas shall be identified on the landscape plan.~~

~~(Ord. No. 00-09, § 1(25-41(F)), 4-24-2000)~~

~~Sec. 74-115. Irrigation.~~

~~(a) If a landscape requires regular watering or if an irrigation system is desired, the system should be well planned and managed. Water can be conserved through the use of a properly designed and managed irrigation system. Full coverage irrigation shall be provided on all pervious areas with the following exceptions:~~

~~(1) All native plant communities that have been preserved undisturbed, providing they are not abutting a street or entranceway.~~

~~(2) All other pervious areas where comprehensive xeriscaping principles are employed, except for those landscaped areas facing any street. Buffers and entranceways must be irrigated. The irrigation system must be on a timer and may be 100 percent coverage. Quality and workmanship are to meet or exceed industry standards. Irrigation plans shall be submitted at the time of building.~~

~~(b) Moisture sensor and/or rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. Such equipment shall consist of an automatic mechanical or electronic sensing device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.~~

~~(Ord. No. 00-09, § 1(25-41(F)), 4-24-2000)~~

~~Sec. 74-116. Mulches.~~

~~(a) Mulches applied and maintained at appropriate depths in planting beds will assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch can also be used in places where conditions are not adequate for, or conducive to, growing quality turf or ground covers. Mulches are typically wood bark chips, wood grindings, pine straw, nut shells, small gravel, and shredded landscape clippings.~~

~~(b) A layer of organic mulch to a minimum depth of three inches shall be specified on the landscape plans in plant beds and around individual trees in turf grass area. Mulch shall not be required in annual beds. Mulch shall not come into contact with woody plant or tree trunks.~~

~~(Ord. No. 00-09, § 1(25-41(F)), 4-24-2000)~~

~~Sec. 74-117. Maintenance of landscaping; replacement of defective plants.~~

~~(a) All landscaping shall be maintained in such a manner as to perpetually sustain the quality of the original landscaping to Florida No. 1 quality level. All trees, plants, ground covers and sod falling below Florida No. 1 quality shall be immediately replaced. If 25 percent or more of the trees, plants, ground covers or sod, or the landscaped areas cumulatively, are allowed to fall below Florida No. 1 standards, then the entire landscape shall be removed and a new landscape shall be installed to the original landscape specifications.~~

~~(b) All areas shall be kept weed free and continually maintained for healthy, viable plant and tree life. All plants or trees not in Florida No. 1 condition shall be immediately removed from the job site. Inspection and approval shall be required from the building official prior to a certificate of occupancy or occupational license being issued. All defects shall be corrected within five days and prior to issuance of a certificate of occupancy or occupational license.~~

~~(Ord. No. 00-09, § 1(25-41(F)), 4-24-2000)~~

~~Secs. 74-118—74-130. Reserved.~~

~~ARTICLE V. FLORIDA FRIENDLY FERTILIZER USE ON URBAN LANDSCAPES~~

~~Sec. 74-131. - Short title.~~

~~The ordinance codified in this article shall be known and may be referred to as the City of Dunnellon Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes.~~

~~(Ord. No. 2009-06, § 1, 4-27-2009)~~

~~Sec. 74-132. - Authority.~~

~~The ordinance codified in this article is adopted by City of Dunnellon, Florida 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 F.S. § 166.048, in order to implement and enforce the standards, rules, and regulations set forth herein.~~

~~(Ord. No. 2009-09, § 2, 4-27-2009)~~

~~Sec. 74-133. - Findings.~~

~~As a result of impairment to the county's surface waters caused by excessive nutrients under the Florida Impaired Waters Rule, or, as a result of increasing levels of nitrogen in the surface and/or ground water within the aquifers or springs within the boundaries of Marion County, the city council has determined that the use of fertilizers on lands within Marion County create a particularly high risk to contributing to adverse effects on surface and/or ground water. Accordingly, the board of county commissioners finds that more restrictive measures than are otherwise required by the most recent edition of the " *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002*," shall be required. The city council of the city concurs with the findings of the county board of county commissioners.~~

~~(Ord. No. 2009-09, § 3, 4-27-2009)~~

~~Sec. 74-134. - Purpose and intent.~~

~~This article regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; specifies~~

allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The article 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 City of Dunnellon'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 city 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.

(Ord. No. 2009-09, § 4, 4-27-2009)

Sec. 74-135. - Definitions.

For this article, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

*"Administrator"* means the city manager or an administrative official of the City of Dunnellon designated by the city manager to administer 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 Dunnellon, Florida.

*"Governing board"* means the city council of the City of Dunnellon, Florida. *"Board"* means Marion County Commission.

*"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 Marion County and/or the City of Dunnellon whose duty it is to enforce codes and ordinances enacted by City of Dunnellon and/or Marion County.

*"Commercial fertilizer applicator"* means any person who applies fertilizer on turf and/or landscape plants in the City of Dunnellon in exchange for money, goods, services or other valuable consideration.

*"Fertilize"*, *"fertilizing"*, or *"fertilization"* means the act of applying fertilizer to turf, specialized turf, or landscape plant.

*"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.

*"Guaranteed analysis"* means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

*"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 plants. Institutional applicators shall include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

*"Landscape plant"* means any native or exotic tree, shrub, or groundcover (excluding turf).

*"Low maintenance zone"* means an area a minimum of six feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

"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.

"City of Dunnellon approved best management practices training program" means a training program approved by the city administrator that includes at a minimum, the most current version of the Florida Department of Environmental Protection's "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002," as revised and any more stringent requirements set forth in this article.

"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.

"Specialized Turf Manager" means a person responsible for fertilizing or directing the fertilization of a golf course or athletic field.

"Turf," "Sod," or "Lawn" means a piece of grass-covered soil held together by the roots of the grass.

(Ord. No. 2009-09, § 5, 4-27-2009)

Sec. 74-136. - Applicability.

This article shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the corporate limits of the city, unless such applicator is specifically exempted by the terms of this article from the regulatory provisions of this article. This article shall be prospective only, and shall not impair any existing contracts.

(Ord. No. 2009-09, § 6, 4-27-2009)

Sec. 74-137. - Fertilizer content and application rates.

- (a) Fertilizers applied to turf and/or landscape plants within the city shall be applied in accordance with directions provided by Rule 5E-1.003(2), Florida Administrative Code, *Labeling Requirements for Urban Turf Fertilizers*.
- (b) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary. Nitrogen shall not be applied at an application rate greater than 0.7 lbs of readily available nitrogen per 1,000 square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than one pound total nitrogen per 1,000 square feet applied at any one time, and not to exceed the nitrogen recommendations set forth below on an annual basis:

<u>Grass Species</u>	<u>Maximum N Application Rate</u> <u>(Lbs/1,000 ft. <sup>2</sup> / Year)</u>
Bahiagrass:	3
Bermudagrass:	4
Centipedegrass:	2
St. Augustinegrass:	3
Zoysiagrass:	4

- (c) For new turf or landscape plants that are being installed or established, a one-time use of starter fertilizer as described in Rule 5E-1.003 shall be allowed at an application rate not to exceed 1.0 pounds of phosphorus (P<sub>2</sub>O<sub>5</sub>) per 1,000 square feet.
- (d) No phosphorus fertilizer shall be applied to existing turf and/or landscape plants within city at application rates which exceed 0.25 pounds phosphorus per 1,000 square feet per application nor exceed 0.50 pounds phosphorus per 1,000 square feet per year.
- (e) Nitrogen or phosphorus fertilizer may not be applied to turf or landscape plants except as provided above unless a soil or tissue deficiency has been verified by an approved test by UF/IFAS Extension Soil Testing Laboratory or other accredited laboratory.

(Ord. No. 2009-09, § 7, 4-27-2009)

Sec. 74-138. - Impervious surfaces.

Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

(Ord. No. 2009-09, § 8, 4-27-2009)

Sec. 74-139. - Fertilizer free zones.

(a) Fertilizer shall not be applied to turf grass within the following areas:

- (1) Within 75 feet of the ordinary high water line of a water body for which an environmentally sensitive overlay zone (ESOZ) has been established by Marion County.
  - (2) —15 feet from the top of the bank of any drainage retention area, canal, wetland or other water body.
  - (3) —100 feet of a sinkhole or other karst feature that has an opening at the surface.
  - (4) —Within 75 feet of the ordinary high water line of Silver Springs, Silver Run, and Rainbow Springs ~~or~~ and 150 feet of the ordinary high water line of Rainbow River, and Withlacoochee River, consistent with Chapter 78, Article III.
- (b) In the event an area is included in one or more of the areas described in subsection (a) above, the more restrictive provision (i.e., the larger distance) shall apply.
  - (c) No fertilizer shall be applied to any non-turf area within 30 feet of any pond, stream, water course, lake, canal, or wetland as defined in Chapter 62-340, Florida Administrative Code.
  - (d) Notwithstanding the foregoing provisions, newly planted or renovated turf or landscaping may be fertilized for the first 60 days after being planted or renovated, provided fertilizer application complies with *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002*, as amended .

(Ord. No. 2009-09, § 9, 4-27-2009)

Sec. 74-140. - Low maintenance zones.

A voluntary six-foot low maintenance zone is strongly 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, but not within preserved habitat areas. If more stringent county or city regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material

shall 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.

(Ord. No. 2009-09, § 10, 4-27-2009)

Sec. 74-141. - Management of grass clippings and vegetative matter.

Grass clippings and/or other vegetative debris shall not be piled or disposed of in a stormwater system, water body, or wetland. Lawn clippings discharged onto a road or curb shall be swept, blown, or otherwise removed and disposed of in a manner consistent with this code.

(Ord. No. 2009-09, § 11, 4-27-2009)

Sec. 74-142. - Exemptions.

The provisions set forth above in this article shall not apply to:

- (1) *Golf courses and athletic fields.* For all golf courses, the provisions of the Florida Department of Environmental Protection (FDEP) document, "*BMPs for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007*", as amended, shall be followed when applying Fertilizer to golf courses. All other specialized turf managers shall use their best professional judgment to apply the concepts and principles embodied in the "*Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002*", as amended, and the instructions in *Rule 5E-1.003(2), Florida Administrative Code*, while maintaining the health and function of their turf and landscape plants.
- (2) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. 823.14, 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.
- (3) 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.

(Ord. No. 2009-09, § 12, 4-27-2009)

Sec. 74-143. - Training for fertilizer applicators.

- (a) All persons applying fertilizer as part of landscape maintenance services for hire shall abide by and be trained in the Florida Yards and Neighborhoods Environmental Landscape Management Course and the "*Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002*", as amended, by January 1, 2010. New employees who will apply fertilizer shall obtain training by the date of the next available approved training course. Persons who apply fertilizer to lawns or specialized turf for hire will obtain a certificate of completion upon successful completion of the course. Certification is good for four years and must be taken again at the conclusion of the fourth year from issuance. As an alternative to taking such training course, a person may meet the educational requirement by providing proof that a minimum of four continuing education credits (CEU's) were received from an approved training organization in principles of Florida Friendly Landscape Management within the previous 24 months. The county shall maintain a list of approved training organizations.
- (b) No person for hire shall apply fertilizer to any lawn or specialized turf unless such person is registered with the county as having met compliance with the training requirements under subsection (a) above. Registrants will pay a registration management fee and will receive an authorization certificate, registration cards for individual employees, vehicle decals, and a copy of the "*Florida Green Industries Best Management Practices for the Protection of Water Resources in Florida, June 2002*", as amended. Renewal registration shall be required biennially, prior to September 30 in each odd

calendar year thereafter. It is a violation of this section for any commercial fertilizer applicator to fertilize any lawn without having been first duly registered, or for any employee of a commercial fertilizer applicator to fertilize any lawn after the date of the next available training course following the date of hire, without having a certificate of completion from such training. A vehicle decal, when available from the county, shall be affixed and maintained to the exterior of all vehicles and trailers used in connection with the application of fertilizer within the unincorporated area of the county.

- (c) Commercial fertilizer applicators shall maintain adequate records that demonstrate compliance with the fertilization limits in this section. Invoices and account histories may be required for inspection by the county upon request and shall be made available at the place of business during normal working hours.
- (d) Private homeowners are required to follow the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program when applying fertilizers, except to the extent this article provides more stringent requirements.

(Ord. No. 2009-09, § 13, 4-27-2009)

Sec. 74-144. - Enforcement.

Every police officer and code enforcement officer shall, in connection with all other duties imposed by law, be authorized to enforce the provisions of this article. In addition, the city manager may also delegate enforcement responsibility for this article to agencies and departments of the city, in accordance with state and local law.

(Ord. No. 2009-09, § 14, 4-27-2009)

Sec. 74-145. - Penalties.

Violation of any provision of this article shall be subject to the following penalties:

- (1) First violation: Written notification and education.
- (2) Second violation: Written notification and education.
- (3) Third violation: \$50.00.
- (4) Forth and subsequent violation(s): \$100.00.

Each day in violation of this article within a 365-day period, beginning the date of the first violation, shall constitute a separate offense. The city may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this article.

(Ord. No. 2009-09, § 15, 4-27-2009)