

ORDINANCE NO. 20-__

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, COMPREHENSIVELY UPDATING AND REVISING CHAPTER 3, "LAND DEVELOPMENT REGULATIONS," CHAPTER 14, "ENVIRONMENTAL PROTECTION," AND CHAPTER 26, "PROPERTY MAINTENANCE AND CONTROL" OF THE TOWN CODE OF ORDINANCES RELATING TO ENVIRONMENTAL, RESILIENCY, AND SUSTAINABILITY REGULATIONS; DISSOLVING THE MORATORIUM IMPOSED BY ORDINANCE NO. 19-13 AS TO ENVIRONMENTAL, RESILIENCY, AND SUSTAINABILITY REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the "Town") has adopted land regulations to facilitate safe and orderly growth which forms an integral part of the community; and

WHEREAS, on July 17, 2019, the Town Council adopted Ordinance No. 19-13, providing for a moratorium on development within the Town (the "Moratorium"); and

WHEREAS, on January 15, 2020, the Town Council adopted Ordinance No. 20-03, extending the Moratorium through April 17, 2020; and

WHEREAS, the Moratorium provided the Town's consultants the opportunity to study and recommend amendments to the Town's Land Development Regulations, which serve to further guide land use and development, so that development within the Town will further the Town's goal of creating a sustainable environment, establishing a unique character, and providing enhanced quality of life; and

WHEREAS, the Town Council desires to comprehensively update and revise the standards in Chapter 3, "Land Development Regulations," Chapter 14, "Environmental Protection," and Chapter 26, "Property and Maintenance Control," as they relate to sea level rise and other environmental concerns to ensure sustainability and resiliency for the Town's residents and future generations; and

WHEREAS, the Town Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and has recommended approval; and

WHEREAS, after due notice and hearing, the Town Council finds that this Ordinance is consistent with the Town's Comprehensive Plan and Code of Ordinances; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation and improvement of the environment, public health, safety and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference as the legislative intent of this Ordinance.

Section 2. Amending Chapter 3 of the Town Code. The Town Council of the Town of Cutler Bay hereby amends Chapter 3, "Land Development Regulations," of the Town Code as set forth in Exhibit "A" attached hereto and incorporated herein.

Section 3. Amending Chapter 14 of the Town Code. The Town Council of the Town of Cutler Bay hereby amends Chapter 14, "Environmental Protection," of the Town Code as set forth in Exhibit "B" attached hereto and incorporated herein.

Section 4. Amending Chapter 26 of the Town Code. The Town Council of the Town of Cutler Bay hereby amends Chapter 26, "Property Maintenance and Control," of the Town Code as set forth in Exhibit "C" attached hereto and incorporated herein.

Section 5. Dissolving Moratorium as to Environmental, Resiliency and Sustainability Regulations. Pursuant to Section 8 of Ordinance No. 19-13, the moratorium that was imposed on all properties in the Town to allow the Town to study, recommend, and adopt regulations to address environmental, resiliency, and sustainability issues pursuant to Section 2(b) of Ordinance No. 19-13 is dissolved. The moratoria on development imposed pursuant to Section 2(c) of Ordinance No. 19-13 shall continue in effect.

Section 6. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading on the _____ day of March, 2020.

PASSED AND ADOPTED on second reading on the ____ day of _____, 2020.

TIM MEERBOTT
Mayor

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with yellow highlighted ~~double strikethrough~~ and double underline.

ATTEST:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE SOLE USE OF
THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

First Reading:

Moved by: _____

Second by: _____

Second Reading:

Moved by: _____

Second by: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert "BJ" Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____

Chapter 3 – LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE III. - APPLICATION REVIEW AND APPROVAL REQUIREMENTS

* * *

Sec. 3-33. – Site Plan Application.

* * *

- (2) *Approval criteria.* The town council shall use the following criteria in making their decision regarding approval or disapproval of a site plan application:
- a. The development permitted by the application, if granted, conforms to the growth management plan, is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered.
 - b. The development permitted by the application, if granted, will have a favorable impact on the environmental and natural resources of the town, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. In addition, the development shall demonstrate compliance with a minimum of three (3) LEED “Neighborhood Green Standards” or similar criteria.

* * *

ARTICLE IV. - DISTRICTS AND DEVELOPMENT STANDARDS

* * *

Sec. 3-63. – CON, Conservation District.

The conservation district is composed of environmentally sensitive areas. It is intended to preserve and protect open spaces, park lands, wilderness areas, marshlands, watersheds and water recharge areas, scenic areas, beaches, and native flora and fauna. It is also intended to preserve areas for residents and visitors to view wildlife in their natural habitat as a passive recreational opportunity.

- (1) *Permitted uses.*
- a. Elevated walkway (with railing).
 - b. Undeveloped passive park and open space.
 - c. Scenic viewing tower.
 - d. Recreational facility (limited to trail, interpretive centers, viewing areas and other recreation uses deemed to be of low intensity).
 - e. Living shorelines and alternative shoreline stabilization.

- (2) *Site development standards.* Site development standards are as approved by town council.

Sec. 3-64. - WU, Water Use District.

The economy of the town depends in measure upon the protection and preservation of water areas within the jurisdiction of the town. All designated waters, including, but not limited to, basins, canals, lakes, waterways, and all public or privately owned submerged lands, are included in this district.

- (1) *Permitted uses.*
- a. Public and privately owned bodies of water, including ponds, lakes and canals.
 - b. Boat ramp, dock and pier incidental to residential uses and marinas where such activities are permitted uses on upland property abutting a WU district. Site plan approval is required for all uses.
 - c. Living shorelines and alternative shoreline stabilization.
- (2) *Site development standards .* Ramps, docks, and piers shall be similar in design, height, and appearance to those on adjoining lots. They are limited to one per lot with a minimum width of four feet and extending no more than 20 feet waterward of the lot line for lakes and no more than six feet for canals. Structures shall be setback a minimum of ten feet from side property lines and 20 feet from adjoining docks. Living shorelines shall be required when shoreline stabilization is deemed necessary, unless an alternative method of shoreline stabilization is approved by the director.

* * *

ARTICLE V. - GREEN STANDARDS

* * *

Sec. 3-72. - Standards.

* * *

- (c) *Hybrid electric vehicles and inherently low emission vehicle parking.* Nonresidential and/or multifamily development requiring 20 or more parking spaces shall provide an area for parking hybrid electric vehicles (HEV), inherently low emission vehicles (ILEV), and golf carts equal to five percent of the off-street parking required for the site. The provisions of this subsection shall also apply to those properties located east of Old Cutler Road requiring ten or more parking spaces. Such parking spaces shall be clearly marked and reserved for such vehicles and are to be located close to the handicapped parking spaces. Vehicles parking in these spaces must display a current state division of motor vehicles issued decal.

* * *

Chapter 14 – ENVIRONMENTAL PROTECTION

* * *

ARTICLE III. - FERTILIZER USE

Section 14-301. – Purpose and Intent.

This Article regulates the proper use of Fertilizers by any Applicator; requires proper training of Commercial and Institutional Fertilizer Applicators establishes a Prohibited Application Period; specifies allowable Fertilizer Application rates and methods, fertilizer-free zones, Low Maintenance Zones, and exemptions. The Article requires the use of Best Management Practices 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 Town's natural and constructed stormwater systems, canals, lakes, and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of the Town's residents and the health of the public. Regulation of nutrients, including both phosphorous and nitrogen contained in Fertilizer, will help improve and maintain water and habitat quality.

Section 14-302. – 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.

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 Town.

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.

Commercial Fertilizer Applicator, except as provided in 482.1562(9) F.S., means any Person who applies Fertilizer for payment or other consideration to property not owned by the Person or firm applying the Fertilizer or the employer of the Applicator.

Fertilize, *Fertilizing*, or *Fertilization* means the act of applying Fertilizer to turf, specialized turf, or landscape plants.

Fertilizer means any substance or mixture of substances 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 private, non-commercial or a 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, managers, or employees of public lands, schools, parks, religious institutions,

utilities, 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 ten (10) feet wide adjacent to surface waters which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

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

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 county, issued by the National Weather Service, or if heavy rain (two inches or more) is likely.

Restricted Application Period means June 1 to September 30.

Saturated Soil means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this Article, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

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.

Surface Waters means waters on the surface of the earth, including the Atlantic Ocean, bays, lakes, ponds, and canals.

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

Section 14-303. – Applicability.

This Article shall be applicable to and shall regulate any and all Applicators of Fertilizer and areas of Application of Fertilizer within the Town, unless such Applicator is specifically exempted by the terms of this Article.

Section 14-304. – Timing of Fertilizer Application

- (a) No Applicator shall apply Fertilizers containing nitrogen and/or phosphorous to Turf and/or landscape plants during the Prohibited Application Period, or to Saturated Soils. In addition, Fertilizer containing nitrogen or phosphorous shall not be applied to Turf or Landscape Plants during the Restricted Application Period.
- (b) Fertilizer shall only be applied to actively growing Turf that is not dormant, dead or unestablished.
- (c) Fertilizer containing nitrogen or phosphorous shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydroseeding for temporary or permanent erosion control in an emergency situation or in accordance with the Stormwater Pollution Prevention Plan for that site.

Section 14-305. – Fertilizer Free Zones.

Fertilizer shall not be applied within fifteen (15) feet of any pond, lake, canal, wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code),

or from the top of a seawall. If more stringent County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted Turf and/or landscape plants may be fertilized in this zone only for a sixty (60) day period beginning 30 days after planting if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of Fertilizer into the water.

Section 14-306. – Low Maintenance Zones.

A voluntary ten (10) foot Low Maintenance Zone is strongly recommended, but not mandated, from any pond, lake, canal, 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 County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may 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.

Section 14-307. – Fertilizer Application.

- (a) Fertilizers applied to Turf and/or landscape plants within the Town shall be applied in accordance with directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers.
- (b) Fertilizer shall be applied to Turf and/or landscape at the lowest rate necessary. Nitrogen shall not be applied at an application rate greater than 0.5 lbs of readily available nitrogen per one thousand (1,000) square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than four (4) pounds of nitrogen per one thousand (1,000) square feet applied in any calendar year.
- (c) No fertilizer containing phosphorus shall be applied to turf and/or landscape plants in the Town, except where a phosphorus deficiency has been demonstrated in the soil underlying the turf and/or landscape plants by a soil analysis test performed by a State of Florida certified laboratory. Any person who obtains a soil analysis test showing a phosphorus deficiency and who wishes to apply phosphorus to turf and/or landscape plants shall provide a copy of the test results to the Town prior to the application of phosphorus.
- (d) The nitrogen content of Fertilizer applied to Turf or landscape plans within the Town shall contain at least 50% slow release, controlled release, timed release, slowly available, or water insoluble nitrogen per guaranteed analysis label. Caution shall be used to prevent direct deposition of nutrients in the water.

Section 14-308. – Application Practices.

- (a) Spreader deflector shields are required when Fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that Fertilizer granules are deflected away from all impervious surfaces, Fertilizer-free zones and water bodies, including wetlands.
- (b) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.
- (c) 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.
- (d) 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.
- (e) In no case shall Fertilizer be washed, swept, or blown off impervious surfaces into stormwater systems or water bodies.

Section 14-309. – Management of Grass Clippings and Vegetative Matter.

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

Section 14-310. – Exemptions.

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

- (a) A property owner who seeks and is granted a waiver of the provisions of this Article for the personal, non-commercial Application of non-conforming Fertilizer to the property the individual is occupying. In considering a request for a waiver of the enforcement of this Section, the Town will consider the care of newly planted landscaping, the requirements of ornamental and/or other specialty plants, and/or any special individual landscaping needs of a given property. This waiver may be granted administratively upon application to the Town Manager. Such a waiver shall be valid for 12 months and may be renewed upon application to the Town.
- (b) The provisions of this Article shall not apply to Town owned, leased, or maintained athletic fields.

Section 14-311. – Training.

- (a) Private, non-commercial Applicators are required to follow the recommendations of the University Florida IFAS *Florida Yards and Neighborhoods* program when applying Fertilizers.

Section 14-312. – Licensing of Commercial Applicators.

- (a) All Commercial Applicators of Fertilizer within the Town's jurisdiction shall have and carry in their possession at all times when applying Fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator.
- (b) Prior to a business applying Fertilizer to Turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties), the business must ensure that at least one employee has a "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate obtained upon successful completion of the "*Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries*" offered by the Florida Department of Environmental Protection through the University of Florida Extension "Florida-Friendly LandscapeTM" program, or an approved equivalent. Upon request, a business shall provide proof of completion of the program to the Town Manager or designee.

Section 14-313. – Enforcement; Penalties.

- (a) Following adoption of this Article, the Town shall engage in public education efforts to inform the public of the provisions of this Article.
- (b) Beginning July 1, 2020, the Town's Code Compliance Division shall enforce all provisions of this Article.
- (c) Violations of the provisions of this Article shall be enforced through Chapter 8 of the Town Code and shall be subject to the following penalties:
 - a. First violation: a fine of \$100.00

- b. Second violation: a fine of \$250.00.
- c. Third and subsequent violations: a fine of \$500.00.
- (d) Each day in violation of these regulations within a three hundred sixty-five (365) day period, beginning with the date of the first violation, shall constitute a separate offense. The Town Council may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this code.
- (e) In addition to any Applicator, Commercial Fertilizer Applicator, or Institutional Applicator, the owner of any real property upon which any Fertilizer regulated herein is applied shall be responsible for compliance with this Article to the same extent as the Applicator, Commercial Fertilizer Applicator, or Institutional Applicator.

* * *

ARTICLE IV. – MANGROVE PROTECTION

Sec. 14-401. – Mangrove Protection.

All new development of property abutting coastal wetlands shall plant mangrove trees along the side of the property abutting such wetlands along the wetland delineation line as defined by Miami-Dade County DERM. For purposes of this section, mangrove trees shall mean any of the following species, regardless of size, including mangrove trees as small as rooted seedlings: *Avicennia germinans* (black mangrove), *Rhizophora mangle* (red mangrove), *Laguncularia racemosa* (white mangrove), *Conocarpus erectus* (buttonwood). Notwithstanding the foregoing, mangrove tree shall not include seedlings smaller than 3—5 leaf stage rooted seedlings.

Chapter 26 - PROPERTY MAINTENANCE AND CONTROL

* * *

ARTICLE II. – NUISANCES

DIVISION 1. - GENERALLY

Sec. 26-19. – Construction dust and debris.

Prior to the issuance of the Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between construction site and adjoining properties to minimize blowing of dust and construction debris. Applicant shall use its good faith efforts to minimize vibration, odors and noise during construction of the project.

Secs. 26-19~~20~~—26-39. - Reserved.

DIVISION 2. - NOISE

* * *



Ordinance Exhibit "C-1"

Chapter 3 Land Development Regulations – Architecture and Landscape

Chapter 3 – LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE I. – IN GENERAL

* * *

Sec. 3-11. - Nonconforming development.

It is the purpose and intent of this section to provide procedures whereby lawful nonconforming structures and uses may be maintained where such maintenance will not have a detrimental effect upon other persons or property within the vicinity, and in so doing to bring such uses and structures up to present standards to the maximum possible extent.

- (7) *Maintenance, repairs and renovations.* Normal structural repairs, maintenance and renovations may be performed to allow the continuation of a nonconforming building. However, such cumulative work in any 12 month period shall not exceed 50 percent of the assessed value of such building. Assessed value for purposes of this section shall be determined by using the current assessed value as provided by the Miami-Dade County Property Appraiser's Office. Any maintenance, repairs, alterations or improvements that do not increase the square footage of a nonconforming building shall be permitted. However, expansion of any square footage or complete demolition of a building shall comply with the provisions of the code.

ARTICLE VI. – ARCHITECTURE AND FORM STANDARDS

Sec. 3-80. - Nonresidential and mixed use.

1. Architectural design
 - a. Building design shall be consistent with the "Modern, Traditional, and Regional Architecture" style elements identified in the Miami-Dade County Urban Design Manual Volume I – Private Development
<https://www.miamidade.gov/planning/library/studies/UDM-final-vol-1.pdf>
 - i. Other architectural styles that are consistent and compatible with the above referenced Miami-Dade County Urban Design Manual Volume I – Private Development may be approved through the site plan approval process.
 - b. An increase of square footage, enlargement, or extension of a nonconforming building consistent with Section 3-11 shall require full building architecture consistency with the "Modern, Traditional, and Regional Architecture" style elements identified in the Miami Dade County Urban Design Manual Volume I – Private Development, or other style elements approved through the site

plan approval process.

<https://www.miamidade.gov/planning/library/studies/UDM-final-vol-1.pdf>

- i. Other architectural styles that are consistent and compatible with the above referenced Miami-Dade County Urban Design Manual Volume I – Private Development may be approved through the site plan approval process.
- c. All ground-floor portions of the primary façade shall be human scale and promote pedestrian interaction at the street level. The ground-floor shall be no more than fourteen-feet in height from floor to ceiling. This shall apply to single-story and multi-story buildings.
- d. The primary façade shall be defined as the side of the building which abuts a legally accessible public right-of-way and are limited to primary and secondary streets.
 - i. Buildings with multiple street frontages shall have a primary façade on all street frontages.
- e. Multi-building developments that are repetitive in building design, scale and massing shall be prohibited. Multi-building developments shall include two or more of the following features:
 - i. A distinction in architectural style elements
 - ii. A distinction in the structure shape and size
 - iii. A distinct variation in color and use of materials
 - iv. A distinction in structure height by at least ten percent
 - v. A variation in roof form.

2. Exterior materials

- a. All exterior façades shall be harmonious in design and material with the chosen Modern, Traditional, and Regional Architecture style.
 - i. The following exterior materials are allowed: brick, sandstone, other native stone, tinted/textured masonry, stucco, wood siding, manmade materials which resemble wood siding, or other materials similar in appearance and durability. Concrete block shall have a stucco finish.
 - ii. Manmade substances such as foam or false stone may be utilized in accent areas such as molding or cornice work, but are otherwise prohibited, unless approved as part of a LEED or alternative green certification program.

- b. The use of exterior colors that are of high-intensity, metallic, or fluorescent tones shall be prohibited.
- c. All accessory structures shall be shall have exterior materials complimentary to the primary façade and architectural style.
- d. Increase of square footage, enlargement, or extension of a nonconforming building consistent with Section 3-11 shall require compliance with the exterior materials requirements on all new and existing buildings.

3. Windows and entrances

- a. The ground floor portion of primary façades shall comprise of windows that allow views of indoor space or product display areas.
 - i. Mirrored or reflected glass is not permitted on any façade.
 - ii. The ground floor portion of all primary and side façades shall have windows that begin no lower than 18 inches from the finished floor and extend no lower than 18 inches from the ceiling.
 - iii. Faux windows are not permitted in lieu of exterior window treatments on the primary façade.
- b. The primary entrance shall face a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
 - i. Where multiple bays are located within a commercial and/or retail development, each bay shall have a separate exterior customer entrance.
- c. Side and rear façades visible from a primary or secondary street shall include windows and door openings or similarly proportioned modulations consistent with the chosen Regional Architecture style.
- d. Increase of square footage, enlargement, or extension of a nonconforming building consistent with Section 3-11 shall require compliance with the building windows and entrances requirements on all new and existing buildings.

4. Building placement and site layout

- a. All new building construction, shall abut the primary right-of-way or, if applicable, a public easement abutting the primary right-of-way.
 - i. All new building construction that increases square footage, enlarges, or extends a nonconforming building consistent with Section 3-11 shall abut the primary right-of-way. Alternate building placement for nonconforming buildings and/or nonconforming use of land may be approved by a resolution of the Town Council.

- b. All new development surface parking areas shall be located to the rear and/or side of the building. Surface parking areas shall not abut a primary street for all new development. Surface parking areas shall not abut a secondary street for more than 25 percent.
 - i. Surface parking area shall be defined as the area that includes parking, loading, drive, parking storage, and required landscape areas.
 - ii. Surface parking areas abutting a secondary street shall require the inclusion of a perimeter site buffer between the surface parking area, required landscape area, and the secondary street. The required buffer shall be transparent such as a vined pergola, shade structures, covered freestanding arcades or similar features. Walls, fences, or landscape hedges or tree walls are not allowed as the perimeter buffer. The perimeter buffer shall include pedestrian access to the secondary street.
 - iii. Surface parking areas greater than 2,500 square feet shall include at least 25 percent porous surface.
- c. All new building construction in the Transit Corridor District and Town Center District Subdistrict Edge that increases square footage, enlarges, or extends a nonconforming building consistent with Section 3-11 shall require the inclusion of a perimeter site buffer between existing surface parking areas and the adjacent primary and secondary streets.
 - i. The required buffer shall allow pedestrian access to the adjacent primary and secondary streets.
 - ii. The required buffer shall be transparent such as a vined pergola, shade structures, covered freestanding arcades or similar features. Walls, fences, landscape hedges, or tree walls are not allowed as the perimeter buffer.
 - iii. Alternate perimeter buffer for nonconforming buildings and/or nonconforming use of land may be approved by a resolution of the Town Council.
- d. Where permissible, drive-thru customer services shall be located at the rear of the building or on a side which does not abut a primary street.
- e. Development located along designated transit routes shall provide on-site accommodations for public transit access, such as pedestrian walkways, a bus pullout and shelters consistent with adopted transit plans.

- i. Increase of square footage, enlargement, or extension of a nonconforming building consistent with Section 3-11 shall require compliance with the public transit access requirements.
- f. Pedestrian walkways shall be provided from building entries to adjacent right-of-way, on-site parking areas, and on-site outparcel buildings.
 - i. Pedestrian walkways shall be constructed with decorative pavers.
 - ii. Increase of square footage, enlargement, or extension of a nonconforming building consistent with Section 3-11 shall require compliance with on-site pedestrian circulation requirements.
- g. Site lighting, amenities, and site furniture style should be complementary to the architectural style of the buildings.
 - i. Increase of square footage, enlargement, or extension of a nonconforming building consistent with Section 3-11 shall require compliance with site lighting, amenities, and site furniture requirements.
- h. Bicycle parking and bicycle amenity stations shall be provided on all new development sites.
 - i. Increase of square footage, enlargement, or extension of a nonconforming building consistent with Section 3-11 shall require compliance with bicycle amenity requirements.
- i. Developments with residential uses, shall provide pet waste service stations in open space areas or by walking trails.
- j. Trash and recycling containers shall be located in the rear of the property, or on the side of the property when the rear of the property is inaccessible. Recycling containers shall be in a permanent enclosure that has exterior materials complimentary to the architectural style of primary building.
- k. Mechanical equipment shall be in the rear of the property, or on the side of the property when the rear of the property is inaccessible. Mechanical equipment shall be screened from view from the public right-of-way. Rooftop mechanical equipment is allowed as long as it is screened from view from the public right-of-way.
- l. Parking bays, loading areas, and garage entrances may not face a primary or secondary street.

m. Loading docks shall be screened from view of from primary streets.

5. Site amenities

New development in the Transit Corridor District on sites less than three acres and new developments in the Town Center District on sites less than 25,000 square feet shall provide at least two amenities from the list below. Such amenities shall be identified on the submitted site plan.

New development in the Transit Corridor District on sites three acres or greater and new developments in the Town Center District on sites 25,000 square feet or greater shall provide at least four site amenities from the list below. Such amenities shall be identified on the submitted site plan.

- a. Artwork accessible and visible to the public.
- b. Pedestrian plaza with seating areas and shade structures -- minimum 500 square feet.
- c. Green roof or rooftop garden covering a minimum of 75 percent of the roof.
- d. Covered area along the primary façade -- minimum of 200 linear feet.
- e. Outdoor shaded playground area -- minimum of 500 square feet.
- f. Covered area dedicated for kiosks and temporary vendors -- minimum of 500 square feet.
- g. A water element, such as a decorative fountain or similar water feature.
- h. Clock tower or other focal feature at a human and pedestrian scale.
- i. Renewable energy systems such as photovoltaic panels integrated into site features or buildings not part of a LEED or alternative green certification program.

- ~~(a) Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height, are permitted to encroach into setbacks and up to eight feet of the width of the sidewalk. Encroaching arcades shall cover the entire sidewalk unless town council approves an acceptable alternative.~~
- ~~(b) Drive-thru customer services, if permitted in the district, must be located at the rear of the building or on a side which does not abut a street.~~
- ~~(c) Parking shall be located to the rear and/or side of the building. Sideyard parking may occupy no more than 45 percent of the principal frontage line. Parking shall not be placed in any sideyard abutting an intersecting street.~~

- ~~(d) Trash containers and mechanical equipment shall be located in a side parking area, if no rear parking is available. Trash containers and mechanical equipment shall be screened from view from the public right of way.~~
- ~~(e) Building walls shall be brick, sandstone, other native stone, tinted/textured masonry, stucco, or other materials similar in appearance and durability. Decorative concrete block may be used on building walls not visible from a public street or as an accent material only. Manmade substances such as plastic wood, foam, or false stone are prohibited, unless approved as part of a LEED or alternative green certification program. All accessory structures shall be clad in materials matching the building facade.~~
- ~~(f) The first floor of street level building facades shall be a minimum of 50 percent and a maximum of 70 percent in windows or doorways. Faux or display casements are not permitted in lieu of exterior window treatments for the frontage elevation. No frontage wall shall remain unpierced by a window or functional general access doorway for more than 16 feet.~~
- ~~(g) No more than 45 percent of the total area of the facade may be comprised of glass area or other openings.~~
- ~~(h) Mirrored or reflected glass is not permitted in any location.~~
- ~~(i) A change in design, doors, window rhythm and articulation, and building materials and textures shall be required at least every 100 feet along a building's street frontage. Minimum spacing between the similar architectural compositions shall be 300 feet. Development in the town center is exempt from this provision.~~
- ~~(j) Building facades shall have a maximum width of 70 feet before new facade articulation is required.~~
- ~~(k) No exterior wall facing a street or pedestrian walkway shall have a blank, uninterrupted length exceeding 30 feet without including at least two of the following: change in plane, change in texture or masonry pattern, windows, lattice work with vines, or an equivalent element that subdivides the wall into human scale proportions.~~
- ~~(l) Side and rear walls adjoining pedestrian walkways shall include windows and door openings defined by frames (false windows and doors may be allowed in certain situations), sills and lintels, or similarly proportioned modulations of the wall. All sides of the building shall include materials and design characteristics consistent with those on the front of the building.~~
- ~~(m) Building facades shall have a recognizable "base," including, but not limited to, thicker walls, ledges and sills using integrally textured materials such as stone or other masonry or inclusion of planters.~~
- ~~(n) Building facades shall have a recognizable "top," including, but not limited to, cornice treatments (other than just colored "stripes" or "bands,") with integrally textured materials such as stone or other masonry, sloping roof with overhangs or brackets, or parapets with three-dimensional cornice treatment.~~

- ~~(o) Development located along designated transit routes shall provide on-site accommodations for public transit access, such as pedestrian walkways, a bus pullout and shelters where applicable following transit plans.~~
- ~~(p) Where multiple stores are located within a larger retail development, each such store shall have a separate exterior customer entrance.~~
- ~~(q) Pedestrian sidewalks shall be provided from building entries to surrounding streets, parking spaces, external sidewalks, and outparcels.~~
- ~~(r) Entrance canopies shall face the street. Bays and garage entrances may not face the fronting street.~~
- ~~(s) The use of exterior colors that are of high intensity, metallic, or fluorescent tones shall be prohibited.~~
- ~~(t) Development over five acres in area shall provide at least four of the following:~~
 - ~~(1) Patio with a minimum of 1,000 square feet in area with shaded seating;~~
 - ~~(2) Pedestrian plaza with a minimum of 1,000 square feet in area with benches and shade structures;~~
 - ~~(3) Green roof, rooftop garden or a green wall covering a minimum of 75 percent of the area;~~
 - ~~(4) Window shopping covered arcade with a minimum of 1,000 linear feet in length;~~
 - ~~(5) Outdoor shaded playground area with a minimum of 1,000 square feet in area;~~
 - ~~(6) Covered kiosk area with a minimum of 1,000 square feet in area;~~
 - ~~(7) Water feature with a minimum of 1,000 square feet in area; or~~
 - ~~(8) Clock tower or other focal feature;~~

~~That, in the judgment of the director, adequately enhances such community and public spaces. Such areas may be combined into one or more locations, in order to create a larger amenity. Any such areas shall have direct access to the public sidewalk network and shall not be constructed of materials inferior to the principal materials of the building and landscape.~~

- ~~(u) Buildings shall incorporate a minimum of eight of the following design treatments:~~
 - ~~(1) Canopies or portico integrated with the building's massing and style;~~
 - ~~(2) Overhangs with a minimum of three feet in depth along all building walls;~~
 - ~~(3) Arcades with a minimum of eight feet clear in width along the building facade;~~
 - ~~(4) Artwork accessible and visible to the public;~~
 - ~~(5) Raised cornice or building banding with a minimum of two reliefs along the building facade;~~
 - ~~(6) Peaked roof forms;~~
 - ~~(7) Consistent pattern of arches across the street level primary building facade;~~

- ~~(8) Consistent rhythm of display windows across the street level primary building facade;~~
- ~~(9) Ornamental and structural architectural details, other than cornices, which are integrated into the building structure and overall design;~~
- ~~(10) Projected and covered entry a minimum of five feet in width;~~
- ~~(11) Metal or tile roof as the dominant roof material;~~
- ~~(12) Decorative landscape planters, a minimum of five feet wide, and areas for shaded seating consisting of a minimum of 100 square feet;~~
- ~~(13) Integration of specialty pavers, or stamped concrete along the building's walkway. Said treatment shall constitute a minimum of 60 percent of walkway area;~~
- ~~(14) Water elements, such as a decorative fountain or similar water feature, a minimum of 300 square feet in area;~~
- ~~(15) Integration of porous surfaces over at least 1,000 square feet or 25 percent of a pervious area, whichever is greater.~~

* * *

ARTICLE VII. – LANDSCAPING AND TREE PRESERVATION

* * *

Sec. 3-103. - Plant material and installation.

~~Plant material used to meet the requirements of this article shall meet Unless otherwise noted, plant material shall conform to the standards for Florida Number 1 or better, as defined by the current edition of the set out in Grades and Standards for Nursery Plants, Division of Plant Industry, Part I and Part II Florida Department of Agriculture and Consumer Services, State of Florida, as amended. At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements on a site shall be native Southern Florida species. In addition, at least 75 percent of the trees and shrubs used to fulfill these requirements on a site shall be drought tolerant species.~~

- (1) Plant Material. The Town adopts the *Cutler Bay Plant List* as a basis for plant material selection. Other plant material species proposed may be submitted for Town approval. Minimum standards are as follows:
 - a. **Native Requirement:** A Minimum 75 percent of plant material must be Florida native species.
 - b. **Rockland Requirement:** Properties located in the Town Center District, Transit Corridor District, and the Neighborhood Residential District must designate 10 percent of the required Florida native species using the plant material indigenous to the pine rockland and rockland hammock ecosystems.

- c. **Mangrove Requirement:** Mangroves shall be planted along the side of the property abutting coastal wetlands along the wetland delineation line as defined by Miami-Dade County DERM.
- d. **Drought Tolerant Requirement:** A Minimum 50 percent of plant material must be drought tolerant.
- e. **Plant Size Requirement:** Minimum installed plant size by plant material type

<u>Canopy Tree</u>	<u>6 inch caliper</u>
<u>Street Trees</u>	<u>6 inch caliper</u>
<u>Shade Trees</u>	<u>4 inch caliper</u>
<u>Understory Trees</u>	<u>1 inch caliper</u>
<u>Specimen Palms</u>	<u>18 foot height, 10 foot clear trunk or 8 foot grey wood, 12 inch DBH</u>
<u>Palms</u>	<u>12 foot height, 6 foot grey wood</u>
<u>Mangroves</u>	<u>3 -- 5 leaf stage rooted seedlings</u>
<u>Understory Palms</u>	<u>5 foot height</u>
<u>Equipment Screening Material</u>	<u>7 gallon container, 36 inch height</u>
<u>Hedge</u>	<u>3 gallon container, 24 inch height</u>
<u>Shrubs</u>	<u>3 gallon container, 18 inch height</u>
<u>Groundcover</u>	<u>1 gallon container, 6 inch height</u>

- f. **Species mix:** No one species and no one category of species can exceed 25 percent of the minimum number of plant material required.
- g. **Existing trees or palms to remain or relocate credits:** Existing trees and palms (excluding prohibited species) preserved on site or relocated will be credited towards meeting the planting requirements of this article as approved by Town staff.

- i. Applicants must coordinate with Town staff to prepare a Plant Condition Report for review. The Plant Condition Report must document the existing condition of trees and palms (excluding prohibited species) scheduled to protect in place, to relocate on site, or offered to the Town, with equivalent square inch site replacement material of 3 inch diameter at breast height measured 54 inches above grade (DBH).
- ii. The Plant Condition Report must be prepared by an International Society of Arboriculture Certified Arborist, or a Florida Licensed Landscape Architect.
- iii. The Plant Condition Report must include at a minimum:
 - i. Tree and palm quantities to match the submitted plans;
 - ii. Species and cross sectional area, DBH of palms and caliper of trees;
 - iii. Description of any damage, disease, scars, or infestation;
 - iv. Photographs of each tree or palm; and
 - v. The condition rating for each plant categorized as Excellent, Good, Fair, Poor, Very Poor, or Dead, in accordance with the 'Guide for Plant Appraisal 10th Ed.', as amended.
- iv. Existing trees and palms will be reviewed in the following order of disposition.
 - i. Existing trees and palms of fair quality or better, protected in place will be credited an equivalent of 1:1 square inch.
 - ii. If existing trees and palms cannot be protected in place, as determined by the Town, they must be relocated on site. Existing trees or palms of good quality or better relocated on site will be credited an equivalent of 1:1 square inch.
 - iii. If existing trees and palms cannot be relocated on site, as determined by the Town, they must be made available to the Town. The equivalent square inches must be replaced on site. Replacements must be 3 inch minimum caliper and will be credited towards meeting the planting requirements of this article.
 - v. Credits applied to trees and palms protected in place or relocated on site must be labeled as protected-credit tree or palm. If the protected-credit tree or palm dies or declines below their original condition rating, they must be replaced by the number of credit trees taken.

(2) Installation.

- a. Minimum Setbacks from utility and other structures:
 - i. Trees, palms, and shrubs: 8 feet from fire equipment.
 - ii. Trees: 12 feet from street lights.
 - iii. Palms: 7 feet from street lights.
- b. Minimum Tree spacing:
 - i. Tree and palm spacing: 3 times root ball size.
- c. Minimum pervious area per tree:
 - i. Canopy tree, Street tree or Shade tree: 200 square foot
 - ii. Understory trees and palms: 64 square feet
- d. Planting Soil:
 - i. Excavate planting areas to a minimum depth of 12 inches where existing soil is unsuitable. Backfill with approved planting soil.
- e. Mulch:
 - i. Install and maintain mulch at a minimum thickness of 3 inches.
 - ii. Keep mulch 6 inches away from the trunks of trees, and 3 inches away from the base of shrubs.
 - iii. Decorative stone or gravel may be utilized upon approval by the Town in lieu of mulch.
- f. Staking:
- g. Brace/stake installed trees and palms.
- h. Prohibited species.
 - i. The Town adopts the current edition of the Florida Exotic Pest Plant Council Invasive Plant List provided at <https://www.fleppc.org>. Species listed as category 1 and category 2 are prohibited.

(3) Cutler Bay Plant List.

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>NATIVE SPECIES</u>	<u>ROCKLAND HAMMOCK SPECIES</u>	<u>PINE ROCKLAND SPECIES</u>
<u>Trees</u>		-	-	-
<u>Acacia choriophylla</u>	<u>Cinnecord,</u> <u>Tamarindillo,</u> <u>Thornless Acacia</u>	<u>X</u>	-	-

<u>Acacia cyanophylla</u>	<u>Beach Acacia</u>	-	-	-
<u>Acer rubrum</u>	<u>Red Maple</u>	<u>X</u>	-	-
<u>Adansonia digitata</u>	<u>Baobab</u>	-	-	-
<u>Annona glabra</u>	<u>Pond Apple, Custard Apple</u>	<u>X</u>	-	-
<u>Avicennia germinans</u>	<u>Black Mangrove</u>	<u>X</u>	-	-
<u>Azadirachta indica</u>	<u>Neem Tree</u>	-	-	-
<u>Bombax ceiba</u>	<u>Red Silk Cotton Tree</u>	-	-	-
<u>Bourreria succulenta</u>	<u>Strongbark</u>	<u>X</u>	<u>X</u>	-
<u>Brachychiton acerifolia</u>	<u>Bottle Tree</u>	-	-	-
<u>Bucida buceras</u>	<u>Black Olive</u>	-	-	-
<u>Bucida molinetti</u>	<u>Spiny Black Olive</u>	<u>X</u>	<u>X</u>	-
<u>Bulnesia arborea</u>	<u>Verawood</u>	-	-	-
<u>Bursera simaruba</u>	<u>Gumbo Limbo</u>	<u>X</u>	<u>X</u>	-
<u>Butea monosperma</u>	<u>Flame Of The Forest</u>	-	-	-
<u>Caesalpinia granadillo</u>	<u>Bridalveil Tree</u>	-	-	-
<u>Caesalpinia mexicana</u>	<u>Mexican Cassia</u>	-	-	-
<u>Caesalpinia pulcherrima</u>	<u>Pride Of Barbados</u>	-	-	-

<u>Calliandra haematocephala</u>	<u>Red Powderpuff</u>	-	-	-
<u>Calliandra surinamensis</u>	<u>Pink Powderpuff</u>	-	-	-
<u>Cananga odorata</u>	<u>Ylang</u>	-	-	-
<u>Canella winterana</u>	<u>Cinnamon Bark,</u> <u>Wild Cinnamon</u>	<u>X</u>	-	-
<u>Carya floridana</u>	<u>Scrub Hickory</u>	<u>X</u>	-	-
<u>Cassia fistula</u>	<u>Golden Shower</u>	-	-	-
<u>Cassia javanica</u>	<u>Apple Blossom</u>	-	-	-
<u>Ceiba pentandra</u>	<u>Kapok Tree</u>	-	-	-
<u>Celtis laevigata</u>	<u>Hackberry,</u> <u>Sugarberry</u>	<u>X</u>	-	-
<u>Coccoloba diversifolia</u>	<u>Pigeon Plum</u>	<u>X</u>	<u>X</u>	-
<u>Chorisia speciose</u>	<u>Silk Floss Tree</u>	-	-	-
<u>Chrysophyllum oliviforme</u>	<u>Satinleaf</u>	<u>X</u>	<u>X</u>	-
<u>Citharexylum spinosum</u>	<u>Fiddlewood</u>	<u>X</u>	-	-
<u>Clusia rosea</u>	<u>Pitch Apple,</u> <u>Autograph Tree</u>	<u>X</u>	-	-
<u>Colubrina arborescens</u>	<u>Greenheart</u>	<u>X</u>	-	-
<u>Colubrina elliptica</u>	<u>Soldierwood</u>	<u>X</u>	-	-
<u>Conocarpus erectus</u>	<u>Green Buttonwood</u>	<u>X</u>	-	-

<u>Conocarpus erectus sericeus'</u>	<u>Silver Buttonwood</u>	<u>X</u>	-	-
<u>Cordia boissieri</u>	<u>White Geiger</u>	-	-	-
<u>Cordia lutea</u>	<u>Yellow Geiger</u>	-	-	-
<u>Cordia sebestena</u>	<u>Orange Geiger</u>	<u>X</u>	-	-
<u>Delonix regia</u>	<u>Royal Poinciana</u>	-	-	-
<u>Diospyros virginiana</u>	<u>Persimmon</u>	<u>X</u>	-	-
<u>Drypetes diversifolia</u>	<u>Milkbark,</u> <u>Whitewood</u>	<u>X</u>	-	-
<u>Drypetes lateriflora</u>	<u>Guiana Plum</u>	<u>X</u>	<u>X</u>	-
<u>Elaeocarpus decipiens</u>	<u>Japanese Blueberry</u>	-	-	-
<u>Eriobotrya japonica</u>	<u>Loquat</u>	-	-	-
<u>Erythrina crista galli</u>	<u>Cockspur Coral Tree</u>	-	-	-
<u>Eucalyptus deglupta</u>	<u>Rainbow Eucalyptus</u>	-	-	-
<u>Eugenia confusa</u>	<u>Ironwood, Red Berry Stopper</u>	<u>X</u>	-	-
<u>Euphoria longan</u>	<u>Longan</u>	-	-	-
<u>Exothea paniculata</u>	<u>Inkwood,</u> <u>Butterbough</u>	<u>X</u>	<u>X</u>	-
<u>Ficus aurea</u>	<u>Strangler Fig</u>	<u>X</u>	<u>X</u>	-
<u>Ficus citrifolia</u>	<u>Shortleaf Fig, Wild Banyan</u>	<u>X</u>	<u>X</u>	-

<u>Ficus rubiginosa</u>	<u>Rusty Leaf</u>	-	-	-
<u>Filicium decipiens</u>	<u>Japanese Fern Tree</u>	-	-	-
<u>Genipa clusiifolia</u>	<u>Seven Year Apple</u>	<u>X</u>	-	-
<u>Guaiacum sanctum</u>	<u>Lignum Vitae</u>	<u>X</u>	-	-
<u>Guapira discolor</u>	<u>Blolly, Beefwood</u>	<u>X</u>	<u>X</u>	-
<u>Gymnanthes lucida</u>	<u>Crabwood,</u> <u>Oysterwood</u>	<u>X</u>	-	-
<u>Ilex cassine</u>	<u>Dahoon Holly</u>	<u>X</u>	-	-
<u>Ilex krugiana</u>	<u>Krugs Holly</u>	<u>X</u>	-	-
<u>Jacaranda mimosifolia</u>	<u>Jacaranda</u>	-	-	-
<u>Jatropha multifidi</u>	<u>Coral Jatropha</u>	-	-	-
<u>Khaya nyasica</u>	<u>African Mahogany</u>	-	-	-
<u>Kigelia pinnata</u>	<u>Sausage Tree</u>	-	-	-
<u>Krugiodendron ferreum</u>	<u>Black Ironwood</u>	<u>X</u>	<u>X</u>	-
<u>Lagerstroemia indica</u>	<u>Crepe Myrtle</u>	-	-	-
<u>Lagerstroemia speciosa</u>	<u>Queen Crepe Myrtle</u>	-	-	-
<u>Laguncularia racemose</u>	<u>White Mangrove</u>	<u>X</u>	=	=
<u>Ligustrum japonicum</u>	<u>Japanese Privet</u>	-	-	-
<u>Lysiloma latisiliquum</u>	<u>Wild Tamarind,</u> <u>False Tamarind</u>	<u>X</u>	-	-

<u>Lysiloma sabicu</u>	<u>Horseflesh Mahogany</u>	-	-	-
<u>Magnolia virginiana</u>	<u>Sweet Bay Magnolia</u>	<u>X</u>	-	-
<u>Manilkara jaimiqui subsp. Emarginata</u>	<u>Wild Dilly</u>	<u>X</u>	-	<u>X</u>
<u>Myrsine cubana</u>	<u>Myrsine, Colicwood</u>	<u>X</u>	-	-
<u>Noronhia emarginata</u>	<u>Madagascar Olive</u>	-	-	-
<u>Ocotea coriacea</u>	<u>Lancewood</u>	<u>X</u>	-	-
<u>Osmanthus fragrans</u>	<u>Sweet Olive</u>	-	-	-
<u>Peltophorum pterocarpum</u>	<u>Copper Pod</u>	-	-	-
<u>Persea borbonia</u>	<u>Red Bay</u>	<u>X</u>	-	-
<u>Persea palustris</u>	<u>Swamp Bay</u>	<u>X</u>	-	-
<u>Pimenta dioica</u>	<u>Allspice</u>	-	-	-
<u>Pimenta racemosa</u>	<u>Bay Rum</u>	-	-	-
<u>Pinus elliottii</u>	<u>Slash Pine</u>	<u>X</u>	-	<u>X</u>
<u>Podocarpus gracilior</u>	<u>Weeping Podocarpus</u>	-	-	-
<u>Prunus myrtifolia</u>	<u>West Indian Cherry</u>	<u>X</u>	-	-
<u>Prunus umbellate</u>	<u>Flatwoods Plum</u>	<u>X</u>	-	-
<u>Pseudobombax ellipticum</u>	<u>Shaving Brush Tree</u>	-	-	-
<u>Quercus chapmanii</u>	<u>Chapmans Oak</u>	<u>X</u>	-	-

<u>Quercus laurifolia</u>	<u>Laurel Oak</u>	<u>X</u>	-	-
<u>Quercus myrtifolia</u>	<u>Myrtle Oak</u>	<u>X</u>	-	-
<u>Quercus virginiana</u>	<u>Live Oak</u>	<u>X</u>	<u>X</u>	-
<u>Reynosa septentrionalis</u>	<u>Darling Plum, Red Ironwood</u>	<u>X</u>	-	-
<u>Rhizophora mangle</u>	<u>Red Mangrove</u>	<u>X</u>	-	-
<u>Samanea saman</u>	<u>Monkeypod</u>	-	-	-
<u>Sapindus saponaria</u>	<u>Wingleaf Soapberry</u>	<u>X</u>	-	-
<u>Schaefferia frutescens</u>	<u>Yellowwood, Florida Boxood</u>	<u>X</u>	-	-
<u>Schizolobium parahyba</u>	<u>Tower Tree</u>	-	-	-
<u>Senna polyphylla</u>	<u>Senna</u>	-	-	-
<u>Senna surattensis</u>	<u>Glaucous Cassia</u>	-	-	-
<u>Sideroxylon celastrinum</u>	<u>Saffron Plum</u>	<u>X</u>	-	-
<u>Sideroxylon foetidissimum</u>	<u>Mastic, False Mastic, Wild Olive</u>	<u>X</u>	-	-
<u>Sideroxylon salicifolium</u>	<u>Willow Busic</u>	-	<u>X</u>	-
<u>Sideroxylon tenax</u>	<u>Tough Buckthorn, Tough Bully</u>	<u>X</u>	-	-
<u>Simarouba glauca</u>	<u>Paradise Tree, Bitterwood</u>	<u>X</u>	-	-
<u>Spathodea campanulata</u>	<u>African Tulip Tree</u>	-	-	-

<u>Swietenia mahagoni</u>	<u>West Indian Mahogany</u>	<u>X</u>	-	-
<u>Tabebuia caraiba</u>	<u>Yellow Trumpet Tree</u>	-	-	-
<u>Tabebuia heterophylla</u>	<u>Pink Trumpet Tree</u>	-	-	-
<u>Tabebuia impetiginosa</u>	<u>Purple Trumpet Tree</u>	-	-	-
<u>Taxodium ascendens</u>	<u>Pond Cypress</u>	<u>X</u>	-	-
<u>Taxodium distichum</u>	<u>Bald Cypress</u>	<u>X</u>	-	-
<u>Triplaris cumingiana</u>	<u>Long John Tree</u>	-	-	-
<u>Ulmus parvifolia</u>	<u>Chinese Elm</u>	-	-	-
<u>Vachellia choriophylla</u>	<u>Cinnecord</u>	<u>X</u>	-	<u>X</u>
<u>Zanthoxylum clava herculis</u>	<u>Hercules Club</u>	<u>X</u>	-	-
<u>Zanthoxylum fagara</u>	<u>Wild Lime, Colina, Lime Pricklyash</u>	<u>X</u>	-	-
-	-	-	-	-
<u>Palms</u>		-	-	-
<u>Adonidia merrilli</u>	<u>Christmas Palm</u>	-	-	-
<u>Archontophoenix alexandrae</u>	<u>Alexandra King Palm</u>	-	-	-
<u>Bismarckia nobilis</u>	<u>Bismarckia Palm</u>	-	-	-
<u>Butia capitata</u>	<u>Pindo Palm</u>	-	-	-

<u>Carpentaria acumenata</u>	<u>Carpenter Palm</u>	-	-	-
<u>Chamaedorea cataractarum</u>	<u>Cat Palm</u>	-	-	-
<u>Coccothrinax argentata</u>	<u>Florida Silver Palm</u>	<u>X</u>	<u>X</u>	-
<u>Chamaerops humilis</u>	<u>European Fan Palm</u>	-	-	-
<u>Coccothrinax miraguama</u>	<u>Miraguama Palm</u>	-	-	-
<u>Copernicia baileyana</u>	<u>Bailey Palm</u>	-	-	-
<u>Copernicia macroglossa</u>	<u>Cuban Petticoat</u>	-	-	-
<u>Copernicia prunifera</u>	<u>Carnauba Wax Palm</u>	-	-	-
<u>Corypha umbraculifera</u>	<u>Talipot Palm</u>	-	-	-
<u>Dictyosperma album</u>	<u>Princess/Hurricane Palm</u>	-	-	-
<u>Dypsis cabadae</u>	<u>Cabadae Palm</u>	-	-	-
<u>Dypsis decaryi</u>	<u>Triangle Palm</u>	-	-	-
<u>Dypsis lastelliana</u>	<u>Teddy Bear Palm</u>	-	-	-
<u>Dypsis lutescens</u>	<u>Areca Palm</u>	-	-	-
<u>Elaeis guineensis</u>	<u>African Oil Palm</u>	-	-	-
<u>Heterospathe elata</u>	<u>Sagisi Palm</u>	-	-	-
<u>Howea forsteriana</u>	<u>Kentia Palm</u>	-	-	-

<u>Hyophorbe lagenicaulis</u>	<u>Bottle Palm</u>	-	-	-
<u>Hyophorbe verschaffeltii</u>	<u>Spindle Palm</u>	-	-	-
<u>Latania loddigesii</u>	<u>Blue Latan Palm</u>	-	-	-
<u>Latania lontaroides</u>	<u>Red Latan Palm</u>	-	-	-
<u>Licuala grandis</u>	<u>Licuala Palm</u>	-	-	-
<u>Licuala spinose</u>	<u>Spiny Licuala</u>	-	-	-
<u>Livistona decipiens</u>	<u>Ribbon Palm</u>	-	-	-
<u>Leucothrinax morrisii</u>	<u>Brittle Thatch Palm,</u> <u>Key Thatch Palm</u>	<u>X</u>	-	-
<u>Phoenix canariensis</u>	<u>Canary Island Date Palm</u>	-	-	-
<u>Phoenix dactylifera</u>	<u>Medjool Palm</u>	-	-	-
<u>Phoenix reclinata</u>	<u>Senegal Date Palm</u>	-	-	-
<u>Phoenix roebellenii</u>	<u>Pygmy Date Palm</u>	-	-	-
<u>Phoenix rupicola</u>	<u>Cliff Date Palm</u>	-	-	-
<u>Phoenix sylvestris</u>	<u>Wild Date Palm</u>	-	-	-
<u>Pseudophoenix sargentii</u>	<u>Florida Cherry Palm, Buccaneer Palm</u>	<u>X</u>	-	<u>X</u>
<u>Ptychosperma macarthurii</u>	<u>Macarthur Palm</u>	-	-	-
<u>Rhapis excels</u>	<u>Lady Palm</u>	-	-	-
<u>Roystonea regia</u>	<u>Royal Palm</u>	<u>X</u>	-	-
<u>Sabal palmetto</u>	<u>Cabbage Palm</u>	<u>X</u>	-	<u>X</u>

<u>Syagrus romanzoffiana</u>	<u>Queen Palm</u>	-	-	-
<u>Thrinax radiata</u>	<u>Florida Thatch Palm</u>	<u>X</u>	-	-
<u>Trachycarpus fortunei</u>	<u>Windmill Palm</u>	-	-	-
<u>Veitchia spp.</u>	<u>Veitchia Palm</u>	-	-	-
<u>Wodyetia bifurcata</u>	<u>Foxtail Palm</u>	-	-	-
-	-	-	-	-
<u>Shrubs</u>		-	-	-
<u>Agave decipiens</u>	<u>False Sisal</u>	<u>X</u>	-	-
<u>Amorpha fruticosa</u>	<u>False Indigo Bush</u>	<u>X</u>	-	-
<u>Angadenia berteroi</u>	<u>Pineland Allamanda,</u> <u>Pineland Golden Trumpet</u>	<u>X</u>	-	-
<u>Ardisia escallonioides</u>	<u>Marlberry,</u> <u>Marbleberry</u>	<u>X</u>	<u>X</u>	-
<u>Asimina reticulata</u>	<u>Dog Banana, Netted Pawpaw</u>	<u>X</u>	-	-
<u>Baccharis halimifolia</u>	<u>Groundsel Tree, Sea Myrtle, Salt Bush</u>	<u>X</u>	-	-
<u>Batis maritima</u>	<u>Saltwort,</u> <u>Turtleweed</u>	<u>X</u>	-	-
<u>Bejaria racemose</u>	<u>Tarflower, Flyweed</u>	<u>X</u>	-	-
<u>Borrchia arborescens</u>	<u>Shrubby Sea OxEye Daisy</u>	<u>X</u>	-	-

<u>Bourreria cassinifolia</u>	<u>Little Strongbark</u>	<u>X</u>	-	-
<u>Byrsonima lucida</u>	<u>Locustberry, Long Key Locustberry</u>	<u>X</u>	-	<u>X</u>
<u>Callicarpa americana</u>	<u>American Beautyberry</u>	<u>X</u>	-	-
<u>Cephalanthus occidentalis</u>	<u>Buttonbush</u>	<u>X</u>	-	-
<u>Chiococca alba</u>	<u>Snowberry</u>	<u>X</u>	-	-
<u>Chrysobalanus icaco</u>	<u>Cocoplum</u>	<u>X</u>	-	-
<u>Coccoloba uvifera</u>	<u>Seagrape</u>	<u>X</u>	-	-
<u>Conradina grandiflora</u>	<u>Large Flowered Conradina, Large flower False Rosemary</u>	<u>X</u>	-	-
<u>Crossopetalum ilicifolium</u>	<u>Quailberry, Christmasberry</u>	<u>X</u>		<u>X</u>
<u>Crossopetalum rhacoma</u>	<u>Rhacoma, Maidenberry</u>	<u>X</u>	-	-
<u>Cynophalla flexuosa</u>	<u>Limber Caper, Bay Leaved Caper, Bay Leaved Capertree</u>	<u>X</u>	-	-
<u>Dodonaea viscosa</u>	<u>Varnish Leaf, Florida Hopbush</u>	<u>X</u>	-	-
<u>Erithalis fruticose</u>	<u>Black Torch</u>	<u>X</u>	-	-
<u>Ernodea littoralis</u>	<u>Beach Creeper, Golden Creeper</u>	<u>X</u>	-	-

<u>Erythrina herbacea</u>	<u>Coralbean,</u> <u>Cherokee Bean</u>	<u>X</u>	-	-
<u>Eugenia axillaris</u>	<u>White Stopper</u>	<u>X</u>	-	-
<u>Eugenia foetida</u>	<u>Spanish Stopper,</u> <u>Boxleaf Stopper</u>	<u>X</u>	-	-
<u>Eugenia rhombea</u>	<u>Red Stopper,</u> <u>Spiceberry</u>	<u>X</u>	-	-
<u>Geobalanus oblongifolius</u>	<u>Gopher Apple</u>	<u>X</u>	-	-
<u>Hamelia patens</u>	<u>Firebush</u>	<u>X</u>		<u>X</u>
<u>Helianthus debilis</u>	<u>East Coast Dune</u> <u>Sunflower</u>	<u>X</u>	-	-
<u>Heliotropium angiospermum</u>	<u>Scorpion Tail</u>	<u>X</u>	-	-
<u>Heliotropium gnaphalodes</u>	<u>Sea Lavender, Sea</u> <u>Rosemary</u>	<u>X</u>	-	-
<u>Heterosavia bahamensis</u>	<u>Maidenbush</u>	<u>X</u>	-	-
<u>Hypericum cistifolium</u>	<u>Roundpod St. Johns</u> <u>Wort</u>	<u>X</u>	-	-
<u>Hypericum fasciculatum</u>	<u>Sandweed</u>	<u>X</u>	-	-
<u>Hypericum hypericoides</u>	<u>St. Andrews Cross</u>	<u>X</u>	-	-
<u>Hypericum myrtifolium</u>	<u>Myrtle Leaf St.</u> <u>Johns Wort</u>	<u>X</u>	-	-
<u>Hypericum tetrapetalum</u>	<u>Four Petal St. Peters</u> <u>Wort</u>	<u>X</u>	-	-
<u>Ilex glabra</u>	<u>Inkberry, Gallberry</u>	<u>X</u>	-	-

<u>Iva frutescens</u>	<u>Bigleaf Marsh Elder</u>	<u>X</u>	-	-
<u>Iva imbricate</u>	<u>Seacoast Sumpweed</u>	<u>X</u>	-	-
<u>Jacquinia keyensis</u>	<u>Joewood</u>	<u>X</u>	-	-
<u>Kosteletzkya virginica</u>	<u>Saltmarsh Mallow</u>	<u>X</u>	-	-
<u>Lantana depressa</u> <u>var. depressa</u>	<u>Gold Lantana</u>	<u>X</u>	-	-
<u>Lantana involucrata</u>	<u>Wild Lantana, Wild Sage</u>	<u>X</u>	-	-
<u>Lindera benzoin</u>	<u>Spicebush</u>	<u>X</u>	-	-
<u>Lyonia fruticose</u>	<u>Staggerbush</u>	<u>X</u>	-	-
<u>Lyonia lucida</u>	<u>Fetterbush, Shiny Lyonia</u>	<u>X</u>	-	-
<u>Morella cerifera</u>	<u>Wax Myrtle</u>	<u>X</u>	-	-
<u>Morinda royoc</u>	<u>Cheese Plant, Indian Mulberry, Yellowroot</u>	<u>X</u>	-	<u>X</u>
<u>Mosiera longipes</u>	<u>Long Stalked Stopper, Trailing Eugenia</u>	<u>X</u>	-	-
<u>Myrcianthes fragrans</u>	<u>Simpsons Stopper, Twinberry</u>	<u>X</u>	-	-
<u>Oenothera laciniata</u>	<u>Cutleaf Evening Primrose</u>	<u>X</u>	-	-
<u>Piloblephis rigida</u>	<u>Pennyroyal</u>	<u>X</u>	-	-
<u>Pithecellobium keyense</u>	<u>Florida Keys Blackbead</u>	<u>X</u>	-	-

<u>Pithecellobium unguis cati</u>	<u>Cats Claw, Catclaw Blackbead</u>	<u>X</u>	-	-
<u>Plumbago zeylanica</u>	<u>Wild Plumbago</u>	<u>X</u>	-	-
<u>Psychotria ligustrifolia</u>	<u>Bahama Wild Coffee</u>	<u>X</u>	-	-
<u>Psychotria nervosa</u>	<u>Shiny Leaf Wild Coffee, Wild Coffee</u>	<u>X</u>	-	-
<u>Quadrella jamaicensis</u>	<u>Jamaica Caper Tree</u>	<u>X</u>	-	-
<u>Randia aculeata</u>	<u>White Indigo Berry</u>	<u>X</u>	-	<u>X</u>
<u>Rhododendron canescens</u>	<u>Wild Azalea, Piedmont Azalea, Pinxter Azalea</u>	<u>X</u>	-	-
<u>Rhus copallinum</u>	<u>Winged Sumac</u>	<u>X</u>	-	-
<u>Rivina humilis</u>	<u>Rouge Plant</u>	<u>X</u>	-	-
<u>Sabal etonia</u>	<u>Scrub Palmetto</u>	<u>X</u>	-	-
<u>Sambucus nigra subsp. Canadensis</u>	<u>Elderberry, American Elder</u>	<u>X</u>	-	-
<u>Scaevola plumieri</u>	<u>Beachberry, Inkberry, Gullfeed</u>	<u>X</u>	-	-
<u>Senna ligustrina</u>	<u>Privet Senna, Privet Wild Sensitive Plant</u>	<u>X</u>	-	-
<u>Senna mexicana var. chapmanii</u>	<u>Chapmans Sensitive Plant, Bahama Senna</u>	<u>X</u>	-	-
<u>Serenoa repens</u>	<u>Saw Palmetto</u>	<u>X</u>	-	<u>X</u>
<u>Sideroxylon salicifolium</u>	<u>Willow Busic, White Bully</u>	<u>X</u>	-	-

<u>Sophora tomentosa</u> <u>var. truncata</u>	<u>Yellow</u> <u>Necklacepod</u>	<u>X</u>	-	-
<u>Suriana maritima</u>	<u>Bay Cedar</u>	<u>X</u>	-	-
<u>Vaccinium</u> <u>corymbosum</u>	<u>Highbush Blueberry</u>	<u>X</u>	-	-
<u>Vaccinium</u> <u>darrowii</u>	<u>Darrows Blueberry</u>	<u>X</u>	-	-
<u>Vaccinium</u> <u>myrsinites</u>	<u>Shiny Blueberry</u>	<u>X</u>	-	-
<u>Vachellia</u> <u>farnesiana</u>	<u>Sweet Acacia</u>	<u>X</u>	-	-
<u>Vallesia antillana</u>	<u>Pearl Berry,</u> <u>Tearshrub</u>	<u>X</u>	-	-
<u>Varronia</u> <u>bahamensis</u>	<u>Bahama Manjack</u>	<u>X</u>	-	<u>X</u>
<u>Varronia globosa</u>	<u>Bloodberry,</u> <u>Butterfly Sage</u>	<u>X</u>	-	-
<u>Viburnum</u> <u>dentatum</u>	<u>Southern</u> <u>Arrowwood</u>	<u>X</u>	-	-
<u>Ximenia</u> <u>americana</u>	<u>Tallowwood, Hog</u> <u>Plum</u>	<u>X</u>	-	-
<u>Yucca aloifolia</u>	<u>Spanish Bayonet,</u> <u>Aloe Yucca</u>	<u>X</u>	-	-
<u>Yucca filamentosa</u>	<u>Adams Needle,</u> <u>Beargrass</u>	<u>X</u>	-	-
<u>Zamia integrifolia</u>	<u>Arrowroot, Coontie</u>	<u>X</u>	-	<u>X</u>
-	-	-	-	-
<u>Flowers and Groundcovers Excluding</u> <u>Ferns and Grasses</u>		-	-	-

<u>Agalinis fasciculata</u>	<u>Beach False Foxglove</u>	<u>X</u>	-	-
<u>Aletris lutea</u>	<u>Yellow Colic Root</u>	<u>X</u>	-	-
<u>Ambrosia hispida</u>	<u>Coastal Ragweed, Bay Geranium</u>	<u>X</u>	-	-
<u>Argemone mexicana</u>	<u>Yellow Prickly Poppy</u>	<u>X</u>	-	-
<u>Asclepias incarnata</u>	<u>Rose Or Swamp Milkweed</u>	<u>X</u>	-	-
<u>Asclepias lanceolata</u>	<u>Red Milkweed, Few Lower Milkweed</u>	<u>X</u>	-	-
<u>Asclepias perennis</u>	<u>Aquatic Milkweed, Swamp Milkweed</u>	<u>X</u>	-	-
<u>Asclepias tuberosa</u>	<u>Butterflyweed, Orange Milkweed</u>	<u>X</u>	-	-
<u>Bacopa caroliniana</u>	<u>Blue Waterhyssop, Lemon Hyssop</u>	<u>X</u>	-	-
<u>Bacopa monnieri</u>	<u>Water Hyssop, Herb Of Grace</u>	<u>X</u>	-	-
<u>Balduina angustifolia</u>	<u>Coastalplain Honeycombhead, Yellow Buttons</u>	<u>X</u>	-	-
<u>Berlandiera subacaulis</u>	<u>Common Greeneyes, Florida Greeneyes</u>	<u>X</u>	-	-
<u>Bidens alba</u>	<u>Spanish Needle, Beggarticks</u>	<u>X</u>	-	-
<u>Bidens laevis</u>	<u>Burmarigold, Smooth Beggarticks</u>	<u>X</u>	-	-

<u>Bletia purpurea</u>	<u>Pinepink</u>	<u>X</u>	-	-
<u>Boehmeria cylindrica</u>	<u>Small Spike False Nettle, Bog Hemp</u>	<u>X</u>	-	-
<u>Cakile lanceolata</u>	<u>Coastal Searocket</u>	<u>X</u>	-	-
<u>Callirhoe papaver</u>	<u>Woodland Poppymallow</u>	<u>X</u>	-	-
<u>Canavalia rosea</u>	<u>Seaside Jackbean, Baybean, Beach Bean</u>	<u>X</u>	-	-
<u>Canna flaccida</u>	<u>Golden Canna, Bandana Of The Everglades</u>	<u>X</u>	-	-
<u>Capsicum annuum var. glabriusculum</u>	<u>Bird Pepper</u>	<u>X</u>	-	-
<u>Carphephorus corymbosus</u>	<u>Coastal Plain Chaffhead</u>	<u>X</u>	-	-
<u>Chamaecrista fasciculata</u>	<u>Sleeping Plant, Partridge Pea</u>	<u>X</u>	-	-
<u>Cirsium horridulum</u>	<u>Purple Thistle, Yellow Thistle</u>	<u>X</u>	-	<u>X</u>
<u>Clematis baldwinii</u>	<u>Pine Hyacinth</u>	<u>X</u>	-	-
<u>Clinopodium brownei</u>	<u>Brownes Savory</u>	<u>X</u>	-	-
<u>Cnidoscolus stimulosus</u>	<u>Tread Softly, Finger Rot</u>	<u>X</u>	-	-
<u>Conoclinium coelestinum</u>	<u>Mistflower, Blue Mistflower</u>	<u>X</u>	-	-
<u>Coreopsis floridana</u>	<u>Florida Tickseed</u>	<u>X</u>	-	-

<u>Coreopsis leavenworthii</u>	<u>Leavenworths Tickseed</u>	<u>X</u>	-	-
<u>Crinum americanum</u>	<u>String Lily, Swamp Lily</u>	<u>X</u>	-	-
<u>Crossopetalum ilicifolium</u>	<u>Quailberry</u>	<u>X</u>	-	<u>X</u>
<u>Dalea carnea</u>	<u>Hammock Prairie Clover, Whitetassels</u>	<u>X</u>	-	-
<u>Dalea feayi</u>	<u>Prairie Clover, Scrub Prairie Clover</u>	<u>X</u>	-	-
<u>Elephantopus elatus</u>	<u>Tall Elephants Foot</u>	<u>X</u>	-	<u>X</u>
<u>Erigeron quercifolius</u>	<u>Oakleaf Fleabane</u>	<u>X</u>	-	-
<u>Euploca polyphylla</u>	<u>Pineland Heliotrope</u>	<u>X</u>	-	-
<u>Eustoma exaltatum</u>	<u>Seaside Gentian</u>	<u>X</u>	-	-
<u>Flaveria linearis</u>	<u>Yellowtop</u>	<u>X</u>	-	-
<u>Gaillardia pulchella</u>	<u>Blanket Flower, Gaillardia, Indian Blanket</u>	<u>X</u>	-	-
<u>Glandularia maritima</u>	<u>Beach Verbena, Coastal Mock Vervain</u>	<u>X</u>	-	-
<u>Gossypium hirsutum</u>	<u>Wild Cotton</u>	<u>X</u>	-	-
<u>Habenaria quinqueseta</u>	<u>Long Horned Rein Orchid</u>	<u>X</u>	-	-
<u>Helenium spp.</u>	<u>Sneezeweed</u>	<u>X</u>	-	-

<u>Helianthemum</u> <u>spp.</u>	<u>Rockrose</u>	<u>X</u>	-	-
<u>Heliotropium</u> <u>curassavicum</u>	<u>Seaside Heliotrope</u>	<u>X</u>	-	-
<u>Hibiscus</u> <u>grandiflorus</u>	<u>Swamp Rosemallow</u>	<u>X</u>	-	-
<u>Hibiscus poeppegi</u>	<u>Fairy Hibiscus</u>	<u>X</u>	-	-
<u>Hydrocotyle</u> <u>umbellata</u>	<u>Marsh Penny Wort</u>	<u>X</u>	-	-
<u>Hymenocallis</u> <u>latifolia</u>	<u>Mangrove</u> <u>Spiderlily,</u> <u>Perfumed Spiderlily</u>	<u>X</u>	-	-
<u>Hymenocallis</u> <u>palmeri</u>	<u>Alligator Lily</u>	<u>X</u>	-	-
<u>Hymenocallis spp.</u>	<u>Spiderlily</u>	<u>X</u>	-	-
<u>Hyptis alata</u>	<u>Musky Bushmint</u>	<u>X</u>	-	-
<u>Justicia angusta</u>	<u>Everglades Water</u> <u>Willow, Pineland</u> <u>Water Willow</u>	<u>X</u>	-	-
<u>Lachnanthes</u> <u>caroliana</u>	<u>Redroot</u>	<u>X</u>	-	-
<u>Liatris spicata</u>	<u>Spiked Blazing Star,</u> <u>Gayfeather</u>	<u>X</u>	-	-
<u>Liatris spp. (dry</u> <u>site species)</u>	<u>Blazing Star</u>	<u>X</u>	-	-
<u>Liatris tenuifolia</u>	<u>Shortleaf Blazing</u> <u>Star, Shortleaf</u> <u>Gayfeather</u>	<u>X</u>	-	-
<u>Linaria canadensis</u>	<u>Canadian Toadflax</u>	<u>X</u>	-	-

<u>Ludwigia repens</u>	<u>Creeping Seedbox</u>	<u>X</u>	-	-
<u>Lythrum alatum</u> <u>var. lanceolatum</u>	<u>Loosestrife</u>	<u>X</u>	-	-
<u>Marshallia</u> <u>graminifolia</u>	<u>Grassleaf Barbaras</u> <u>Buttons</u>	<u>X</u>	-	-
<u>Melanthera nivea</u>	<u>Snow Squarestem,</u> <u>Salt & Pepper</u>	<u>X</u>	-	-
<u>Mimosa strigillosa</u>	<u>Sunshine Mimosa,</u> <u>Powderpuff</u>	<u>X</u>	-	-
<u>Neptunia</u> <u>pubescens</u>	<u>Tropical Neptunia,</u> <u>Tropical Puff</u>	<u>X</u>	-	-
<u>Nymphoides</u> <u>aquatica</u>	<u>Floating Hearts</u>	<u>X</u>	-	-
<u>Opuntia humifusa</u>	<u>Prickly Pear Cactus</u>	<u>X</u>	-	-
<u>Opuntia stricta</u>	<u>Erect Prickly Pear</u> <u>Cactus</u>	<u>X</u>	-	-
<u>Oxalis corniculata</u>	<u>Common Yellow</u> <u>Woodsorrel</u>	<u>X</u>	-	-
<u>Palafoxia</u> <u>integrifolia</u>	<u>Many Wings,</u> <u>Coastalplain Palafox</u>	<u>X</u>	-	-
<u>Peperomia</u> <u>obtusifolia</u>	<u>Florida Peperomia</u>	<u>X</u>	-	-
<u>Phyla nodiflora</u>	<u>Frogfruit, Turkey</u> <u>Tangle Fogfruit,</u> <u>Capeweed</u>	<u>X</u>	-	-
<u>Physalis walteri</u>	<u>Walters</u> <u>Groundcherry</u>	<u>X</u>	-	-

<u>Physostegia purpurea</u>	<u>Obedient Plant,</u> <u>Eastern False</u> <u>Dragonhead</u>	<u>X</u>	-	-
<u>Phytolacca americana</u>	<u>Pokeweed</u>	<u>X</u>	-	-
<u>Pityopsis graminifolia</u>	<u>Silk Grass, Silkgrass</u>	<u>X</u>	-	-
<u>Pluchea spp.</u>	<u>Camphor Weed</u>	<u>X</u>	-	-
<u>Poinsettia cyathophora</u>	<u>Painted Leaf</u>	<u>X</u>	-	-
<u>Poinsettia heterophylla</u>	<u>Fiddlers Spurge,</u> <u>Mexican Fireplant</u>	<u>X</u>	-	-
<u>Polygonella polygama</u>	<u>Jointweed, October</u> <u>Flower</u>	<u>X</u>	-	-
<u>Pontederia cordata</u>	<u>Pickerelweed</u>	<u>X</u>	-	-
<u>Rhexia spp.</u>	<u>Meadow Beauty</u>	<u>X</u>	-	-
<u>Rudbeckia hirta</u>	<u>Black Eyed Susan</u>	<u>X</u>	-	-
<u>Rudbeckia spp.</u>	<u>Blackeyed Susan</u>	<u>X</u>	-	-
<u>Ruellia caroliniensis</u>	<u>Carolina</u> <u>Wildpetunia, Wild</u> <u>Petunia</u>	<u>X</u>	-	-
<u>Sabatia brevifolia</u>	<u>Shortleaf</u> <u>Rosegentian</u>	<u>X</u>	-	-
<u>Sabatia decandra</u>	<u>Bartrams Marsh</u> <u>Pink</u>	<u>X</u>	-	-
<u>Sagittaria graminea</u>	<u>Grassy Arrowhead</u>	<u>X</u>	-	-
<u>Sagittaria lancifolia</u>	<u>Duck Potato, Lance</u> <u>Leaved Arrowhead,</u>	<u>X</u>	-	-

	<u>Bulltongue Arrowhead</u>			
<u>Salvia coccinea</u>	<u>Scarlet Sage,</u> <u>Tropical Sage,</u> <u>Blood Sage</u>	<u>X</u>	-	-
<u>Salvia lyrata</u>	<u>Lyre Leaved Sage</u>	<u>X</u>	-	<u>X</u>
<u>Salvia misella</u>	<u>Southern River Sage,</u> <u>Creeping Sage</u>	<u>X</u>	-	-
<u>Saururus cernuus</u>	<u>Lizards Tail</u>	<u>X</u>	-	-
<u>Sisyrinchium angustifolium</u>	<u>Pointed Blue Eyed Grass</u>	<u>X</u>	-	-
<u>Solidago sempervirens</u>	<u>Seaside Goldenrod</u>	<u>X</u>	-	-
<u>Solidago stricta</u>	<u>Wand Goldenrod,</u> <u>Slender Goldenrod</u>	<u>X</u>	-	-
<u>Spiranthes odorata</u>	<u>Fragrant Ladies' Tresses,</u> <u>Lesser Ladiestresses</u>	<u>X</u>	-	-
<u>Stachys floridana</u>	<u>Florida Hedgenettle,</u> <u>Florida Betony</u>	<u>X</u>	-	-
<u>Stachytarpheta jamaicensis</u>	<u>Blue Porterweed,</u> <u>Joe</u>	<u>X</u>	-	-
<u>Symphotrichum adnatum</u>	<u>Scaleleaf Aster,</u> <u>Clasping Aster</u>	<u>X</u>	-	-
<u>Symphotrichum concolor</u>	<u>Eastern Silver Aster</u>	<u>X</u>	-	-
<u>Symphotrichum dumosum</u>	<u>Bush Aster, Rice Button Aster</u>	<u>X</u>	-	-

<u>Symphytotrichum elliottii</u>	<u>Elliotts Aster</u>	<u>X</u>	-	-
<u>Triadenum virginicum</u>	<u>Virginia Marsh St. Johns Wort</u>	<u>X</u>	-	-
<u>Trichostema dichotomum</u>	<u>Forked Bluecurls</u>	<u>X</u>	-	-
<u>Verbesina virginica</u>	<u>Frostweed, White Crownbeard</u>	<u>X</u>	-	-
<u>Viola spp.</u>	<u>Violet</u>	<u>X</u>	-	-
<u>Zephyranthes atamasca</u>	<u>Zephyr Lily, Rainlily, Atamasco Lily</u>	<u>X</u>	-	-
-	-	-	-	-
<u>Ferns</u>		-	-	-
<u>Acrostichum danaeifolium</u>	<u>Giant Leather Fern</u>	<u>X</u>	-	-
<u>Adiantum capillus veneris</u>	<u>Venus Maidenhair Fern, Southern Maidenhair</u>	<u>X</u>	-	-
<u>Asplenium spp.</u>	<u>Spleenwort</u>	<u>X</u>	-	-
<u>Campyloneurum phyllitidis</u>	<u>Long Strap Fern</u>	<u>X</u>	-	-
<u>Nephrolepis biserrata</u>	<u>Giant Swordfern</u>	<u>X</u>	-	-
<u>Nephrolepis exaltata</u>	<u>Wild Boston Fern</u>	<u>X</u>	-	-
<u>Osmunda regalis var. spectabilis</u>	<u>Royal Fern</u>	<u>X</u>	-	-
<u>Psilotum nudum</u>	<u>Whisk Fern</u>	<u>X</u>	-	-

<u>Pteridium aquilinum</u>	<u>Bracken Fern</u>	<u>X</u>	-	-
<u>Telmatoblechnum serrulatum</u>	<u>Swamp Fern</u>	<u>X</u>	-	-
<u>Thelypteris spp.</u>	<u>Maiden Fern</u>	<u>X</u>	-	-
<u>Woodwardia virginica</u>	<u>Chain Fern</u>	<u>X</u>	-	-
-	-	-	-	-
<u>Grasses and Grass like Plants</u>		-	-	-
<u>Andropogon glomeratus</u>	<u>Bushy Bluestem</u>	<u>X</u>	-	-
<u>Andropogon virginicus</u>	<u>Broomsedge Bluestem</u>	<u>X</u>	-	-
<u>Aristida stricta var. beyrichiana</u>	<u>Wiregrass</u>	<u>X</u>	-	-
<u>Equisetum hyemale</u>	<u>Scouring Rush, Horsetail</u>	<u>X</u>	-	-
<u>Eragrostis elliottii</u>	<u>Elliotts Lovegrass</u>	<u>X</u>	-	-
<u>Eustachys petraea</u>	<u>West Indian Fingergrass</u>	<u>X</u>	-	<u>X</u>
<u>Muhlenbergia capillaris</u>	<u>Hairgrass, Muhly Grass</u>	<u>X</u>	-	-
<u>Oplismenus setarius</u>	<u>Bristle Basketgrass</u>	<u>X</u>	-	-
<u>Panicum hemitomon</u>	<u>Maidencane</u>	<u>X</u>	-	-
<u>Panicum virgatum</u>	<u>Switchgrass</u>	<u>X</u>	-	-

<u>Paspalum vaginatum</u>	<u>Seashore Paspalum</u>	<u>X</u>	-	-
<u>Rhynchospora colorata</u>	<u>Fineleaf Whitetop</u> <u>Sedge, Starrush</u> <u>Whitetop</u>	<u>X</u>	-	-
<u>Rhynchospora latifolia</u>	<u>Giant Whitetop,</u> <u>Sandswamp</u> <u>Whitetop</u>	<u>X</u>	-	-
<u>Sorghastrum secundum</u>	<u>Lopsided</u> <u>Indiangrass</u>	<u>X</u>	-	<u>X</u>
<u>Spartina bakeri</u>	<u>Sand Cordgrass</u>	<u>X</u>	-	-
<u>Spartina patens</u>	<u>Marshhay</u> <u>Cordgrass</u>	<u>X</u>	-	-
<u>Spartina spartinae</u>	<u>Gulf Cordgrass</u>	<u>X</u>	-	-
<u>Sporobolus junceus</u>	<u>Pineywoods</u> <u>Dropseed</u>	<u>X</u>	-	-
<u>Tripsacum dactyloides</u>	<u>Eastern Gamagrass,</u> <u>Fakahatchee Grass</u>	<u>X</u>	-	-
<u>Tripsacum floridanum</u>	<u>Dwarf Fakahatchee</u> <u>Grass, Florida</u> <u>Gamagrass</u>	<u>X</u>	-	-
<u>Uniola paniculata</u>	<u>Sea Oats</u>	<u>X</u>	-	-
-	-	-	-	-
<u>Vines</u>		-	-	-
<u>Ampelopsis arborea</u>	<u>Pepper Vine</u>	<u>X</u>	-	-
<u>Cardiospermum corindum</u>	<u>Balloonvine,</u> <u>Heartseed, Faux</u> <u>Persil</u>	<u>X</u>	-	-

<u>Centrosema virginianum</u>	<u>Spurred Butterfly Pea</u>	<u>X</u>	-	-
<u>Galactia striata</u>	<u>Florida Hammock Milkpea</u>	<u>X</u>	-	-
<u>Ipomoea alba</u>	<u>Moonflower</u>	<u>X</u>	-	-
<u>Ipomoea cordatotriloba</u>	<u>Tie vine</u>	<u>X</u>	-	-
<u>Ipomoea hederifolia</u>	<u>Scarlet Morning glory</u>	<u>X</u>	-	-
<u>Ipomoea imperati</u>	<u>Beach Morning glory</u>	<u>X</u>	-	-
<u>Ipomoea pes caprae subsp. Brasiliensis</u>	<u>Railroadvine, Lavender Goatfoot Morning Glory</u>	<u>X</u>	-	-
<u>Ipomoea sagittata</u>	<u>Glades Morning Glory</u>	<u>X</u>	-	-
<u>Jacquemontia pentanthos</u>	<u>Skyblue Jacquemontia, Skyblue Clustervine</u>	<u>X</u>	-	-
<u>Jacquemontia reclinata</u>	<u>Beach Jacquemontia</u>	<u>X</u>	-	-
<u>Parthenocissus quinquefolia</u>	<u>Woodbine, Virginia Creeper</u>	<u>X</u>	-	-
<u>Passiflora incarnata</u>	<u>Passion Vine, Maypop, Purple Passion Flower</u>	<u>X</u>	-	-
<u>Passiflora suberosa</u>	<u>Corkystem Passion Flower</u>	<u>X</u>	-	-

<u>Pentalinon luteum</u>	<u>Wild Allamanda,</u> <u>Hammock</u> <u>Viperstail</u>	<u>X</u>	-	-
<u>Rhabdadenia</u> <u>biflora</u>	<u>Rubber Vine,</u> <u>Mangrove Rubber</u> <u>Vine</u>	<u>X</u>	-	-

* * *



Ordinance Exhibit "C-2"

Chapter 14 – Environmental Protection

Chapter 14 – ENVIRONMENTAL PROTECTION

* * *

ARTICLE III. - FERTILIZER USE

Section 14-301. – Purpose and Intent.

This Article regulates the proper use of Fertilizers by any Applicator; requires proper training of Commercial and Institutional Fertilizer Applicators establishes a Prohibited Application Period; specifies allowable Fertilizer Application rates and methods, fertilizer-free zones, Low Maintenance Zones, and exemptions. The Article requires the use of Best Management Practices 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 Town's natural and constructed stormwater systems, canals, lakes, and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of the Town's residents and the health of the public. Regulation of nutrients, including both phosphorous and nitrogen contained in Fertilizer, will help improve and maintain water and habitat quality.

Section 14-302. – 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.

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 Town.

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.

Commercial Fertilizer Applicator, except as provided in 482.1562(9) F.S., means any Person who applies Fertilizer for payment or other consideration to property not owned by the Person or firm applying the Fertilizer or the employer of the Applicator.

Fertilize, *Fertilizing*, or *Fertilization* means the act of applying Fertilizer to turf, specialized turf, or landscape plants.

Fertilizer means any substance or mixture of substances 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 private, non-commercial or a 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, managers, or employees of public lands, schools, parks, religious institutions,

utilities, 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 ten (10) feet wide adjacent to surface waters which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

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

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 county, issued by the National Weather Service, or if heavy rain (two inches or more) is likely.

Restricted Application Period means June 1 to September 30.

Saturated Soil means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this Article, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

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.

Surface Waters means waters on the surface of the earth, including the Atlantic Ocean, bays, lakes, ponds, and canals.

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

Section 14-303. – Applicability.

This Article shall be applicable to and shall regulate any and all Applicators of Fertilizer and areas of Application of Fertilizer within the Town, unless such Applicator is specifically exempted by the terms of this Article.

Section 14-304. – Timing of Fertilizer Application

- (a) No Applicator shall apply Fertilizers containing nitrogen and/or phosphorous to Turf and/or landscape plants during the Prohibited Application Period, or to Saturated Soils. In addition, Fertilizer containing nitrogen or phosphorous shall not be applied to Turf or Landscape Plants during the Restricted Application Period.
- (b) Fertilizer shall only be applied to actively growing Turf that is not dormant, dead or unestablished.
- (c) Fertilizer containing nitrogen or phosphorous shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydroseeding for temporary or permanent erosion control in an emergency situation or in accordance with the Stormwater Pollution Prevention Plan for that site.

Section 14-305. – Fertilizer Free Zones.

Fertilizer shall not be applied within fifteen (15) feet of any pond, lake, canal, wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code),

or from the top of a seawall. If more stringent County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted Turf and/or landscape plants may be fertilized in this zone only for a sixty (60) day period beginning 30 days after planting if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of Fertilizer into the water.

Section 14-306. – Low Maintenance Zones.

A voluntary ten (10) foot Low Maintenance Zone is strongly recommended, but not mandated, from any pond, lake, canal, 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 County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may 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.

Section 14-307. – Fertilizer Application.

- (a) Fertilizers applied to Turf and/or landscape plants within the Town shall be applied in accordance with directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers.
- (b) Fertilizer shall be applied to Turf and/or landscape at the lowest rate necessary. Nitrogen shall not be applied at an application rate greater than 0.5 lbs of readily available nitrogen per one thousand (1,000) square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than four (4) pounds of nitrogen per one thousand (1,000) square feet applied in any calendar year.
- (c) No fertilizer containing phosphorus shall be applied to turf and/or landscape plants in the Town, except where a phosphorus deficiency has been demonstrated in the soil underlying the turf and/or landscape plants by a soil analysis test performed by a State of Florida certified laboratory. Any person who obtains a soil analysis test showing a phosphorus deficiency and who wishes to apply phosphorus to turf and/or landscape plants shall provide a copy of the test results to the Town prior to the application of phosphorus.
- (d) The nitrogen content of Fertilizer applied to Turf or landscape plans within the Town shall contain at least 50% slow release, controlled release, timed release, slowly available, or water insoluble nitrogen per guaranteed analysis label. Caution shall be used to prevent direct deposition of nutrients in the water.

Section 14-308. – Application Practices.

- (a) Spreader deflector shields are required when Fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that Fertilizer granules are deflected away from all impervious surfaces, Fertilizer-free zones and water bodies, including wetlands.
- (b) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.
- (c) 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.
- (d) 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.
- (e) In no case shall Fertilizer be washed, swept, or blown off impervious surfaces into stormwater systems or water bodies.

Section 14-309. – Management of Grass Clippings and Vegetative Matter.

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

Section 14-310. – Exemptions.

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

- (a) A property owner who seeks and is granted a waiver of the provisions of this Article for the personal, non-commercial Application of non-conforming Fertilizer to the property the individual is occupying. In considering a request for a waiver of the enforcement of this Section, the Town will consider the care of newly planted landscaping, the requirements of ornamental and/or other specialty plants, and/or any special individual landscaping needs of a given property. This waiver may be granted administratively upon application to the Town Manager. Such a waiver shall be valid for 12 months and may be renewed upon application to the Town.
- (b) The provisions of this Article shall not apply to Town owned, leased, or maintained athletic fields.

Section 14-311. – Training.

- (a) Private, non-commercial Applicators are required to follow the recommendations of the University Florida IFAS *Florida Yards and Neighborhoods* program when applying Fertilizers.

Section 14-312. – Licensing of Commercial Applicators.

- (a) All Commercial Applicators of Fertilizer within the Town's jurisdiction shall have and carry in their possession at all times when applying Fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator.
- (b) Prior to a business applying Fertilizer to Turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties), the business must ensure that at least one employee has a "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate obtained upon successful completion of the "*Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries*" offered by the Florida Department of Environmental Protection through the University of Florida Extension "Florida-Friendly LandscapeTM" program, or an approved equivalent. Upon request, a business shall provide proof of completion of the program to the Town Manager or designee.

Section 14-313. – Enforcement; Penalties.

- (a) Following adoption of this Article, the Town shall engage in public education efforts to inform the public of the provisions of this Article.
- (b) Beginning July 1, 2020, the Town's Code Compliance Division shall enforce all provisions of this Article.
- (c) Violations of the provisions of this Article shall be enforced through Chapter 8 of the Town Code and shall be subject to the following penalties:
 - a. First violation: a fine of \$100.00

- b. Second violation: a fine of \$250.00.
- c. Third and subsequent violations: a fine of \$500.00.
- (d) Each day in violation of these regulations within a three hundred sixty-five (365) day period, beginning with the date of the first violation, shall constitute a separate offense. The Town Council may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this code.
- (e) In addition to any Applicator, Commercial Fertilizer Applicator, or Institutional Applicator, the owner of any real property upon which any Fertilizer regulated herein is applied shall be responsible for compliance with this Article to the same extent as the Applicator, Commercial Fertilizer Applicator, or Institutional Applicator.

* * *

ARTICLE IV. – MANGROVE PROTECTION

Sec. 14-401. – Mangrove Protection.

All new development of property abutting coastal wetlands shall plant mangrove trees along the side of the property abutting such wetlands along the wetland delineation line as defined by Miami-Dade County DERM. For purposes of this section, mangrove trees shall mean any of the following species, regardless of size, including mangrove trees as small as rooted seedlings: *Avicennia germinans* (black mangrove), *Rhizophora mangle* (red mangrove), *Laguncularia racemosa* (white mangrove), *Conocarpus erectus* (buttonwood). Notwithstanding the foregoing, mangrove tree shall not include seedlings smaller than 3—5 leaf stage rooted seedlings.



Ordinance Exhibit "C-3"

Chapter 26– Property Maintenance and Control

Chapter 26 - PROPERTY MAINTENANCE AND CONTROL

* * *

ARTICLE II. – NUISANCES

DIVISION 1. - GENERALLY

Sec. 26-19. – Construction dust and debris.

Prior to the issuance of the Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between construction site and adjoining properties to minimize blowing of dust and construction debris. Applicant shall use its good faith efforts to minimize vibration, odors and noise during construction of the project.

Secs. 26-19~~20~~—26-39. - Reserved.

DIVISION 2. - NOISE

* * *