

1 EXHIBIT 1

2 ORDINANCE NO. 2021-

3
4 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
5 HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING AND
6 LAND DEVELOPMENT CODE; AMENDING ARTICLE IV, DEVELOPMENT
7 STANDARDS; DIVISION 8, LANDSCAPING; AMENDING SECTION 32-381,
8 PURPOSE AND INTENT OF THE DIVISION; AMENDING SECTION 32-383,
9 RELATIVE TO LANDSCAPING WITHIN NONCONFORMING EXISTING
10 DEVELOPMENT; AMENDING SECTION 32-384, LANDSCAPING
11 REQUIREMENTS, RELATIVE TO TREE REQUIREMENTS AND INTERIOR
12 LANDSCAPING; AMENDING SECTION 32-385, GENERAL REQUIREMENTS,
13 RELATIVE TO IRRIGATION AND PLANT MATERIALS; PROVIDING FOR
14 CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR
15 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

16
17 **WHEREAS**, the City of Hallandale Beach desires to fortify its minimum standards for the
18 installation and maintenance of functional and sustainable landscaped areas within the city in
19 order to increase the storage of sequestered carbon, reduce greenhouse gas emissions, and
20 reduce the urban heat island effect; and

21 **WHEREAS**, the City of Hallandale Beach continues to promote the use of landscape
22 elements that effectively contribute to the processes of air purification, water purification, oxygen
23 regeneration, water absorption, and abatement of noise, glare and heat; and

24 **WHEREAS**, the City of Hallandale Beach desires to continue promotion of Florida-
25 Friendly landscaping principles through the use of drought-tolerant plant species, grouping of
26 plant materials by water requirements, the use of irrigation systems that conserve the use of
27 water and reduction of the amount of lawn area; and

28 **WHEREAS**, the Mayor and City Commission desire to amend Chapter 32, Zoning And
29 Land Development Code, Article IV, Development Standards, Division 8, Landscaping, Section
30 32-381, Purpose and Intent of the Division, Section 32-383, Relative to Landscaping Within
31 Nonconforming Existing Development, Section 32-384, Landscaping Requirements, Relative To
32 Tree Requirements and Interior Landscaping and Section 32-385, General Requirements,
33 Relative To Irrigation and Plant Materials; and

34 **WHEREAS**, the City Commission deems that it is in the best interest of the residents of
35 the City of Hallandale Beach to amend the City Landscaping Code as set forth below.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY
COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

SECTION 1. The foregoing "Whereas" clauses are hereby incorporated herein.

SECTION 2. Chapter 32, Zoning And Land Development Code, Article IV,
Development Standards, Division 8, Landscaping, Section 32-381, Purpose And Intent Of The
Division, Section 32-383, Relative To Landscaping Within Nonconforming Existing
Development, Section 32-384, Landscaping Requirements, Relative To Tree Requirements And
Interior Landscaping and Section 32-385, General Requirements, Relative To Irrigation And
Plant Materials is hereby amended to read as follows:

DIVISION 8. – LANDSCAPING

Sec. 32-381. - Purpose and intent.

The purpose and intent of this division are as follows:

- (1) To establish minimum standards for the installation and maintenance of functional and sustainable landscaped areas within the city ~~that increases in order to increase~~ the storage of sequestered carbon, ~~and~~ reduce greenhouse gas emissions, and reduce the urban heat island effect.
- (2) To emphasize the importance of preserving and ~~replenishing~~ restoring the natural environment and ~~maintaining an~~ to provide an ecological balance for the all residents of the city. Excessive land coverage by structures and paving tends to significantly increase ambient air temperatures, a problem especially noticeable in subtropical climates. The presence of trees, plants and other types of vegetation has the opposite effect through transpiration and the creation of protective shade. Impervious non-landscaped surfaces also generate greater water runoff, causing problems from erosion, flooding, water pollution, and interference with recharge of the aquifer.
- (3) To promote the use of landscape elements that effectively contribute to the processes of air purification, water purification, oxygen regeneration, water absorption, and abatement of noise, glare and heat ~~abatement~~.
- (4) To promote Florida-Friendly landscaping principles through the use of drought-tolerant plant species, grouping of plant materials by water requirements, the use of irrigation systems that conserve the use of water and reduction of the amount of lawn area.

Florida-Friendly landscape principles also promote planting the right plant in the right place.

(5) To promote the establishments of functional and sustainable landscapes that increase the storage of sequestered carbon, ~~and seek to~~ reduce greenhouse gas emissions 45 percent by 2030 and 100 percent by 2055, and provide natural habitat.

(6) To protect and enhance the aesthetic character of Hallandale Beach while maximizing natural habitat.

(7) To provide the physical benefits of using plant material as a function of sustainability and integral part of the City of Hallandale Beach urban development.

(8) To provide minimum standards for landscaping new developments or for redevelopment.

(9) To use landscape material, especially street trees, to visually define the hierarchy of roadways, and to provide shade and a visual edge along roadways.

(10) To promote Ocean Friendly Landscaping and Low Impact Development/Green Infrastructure.

(11) To increase the City's tree canopy in coordination with Broward County goals.

Sec. 32-382. - Applicability; new development or reconstruction.

(a) All new development or reconstruction within the city shall be in full compliance with the provisions of this division. For the purposes of this division, any use of property which is being improved, renovated or replaced at a cost of more than 50 ~~percent~~percent of its assessed value as determined by the most recent official records of the county property appraiser shall be deemed to be reconstructed.

(b) If a principal use and some or all of its ancillary vehicular use areas (required or otherwise) are located on separate parcels, the requirements in this division shall apply to all properties.

Sec. 32-383. - Nonconforming existing development.

All existing development, as of the effective date of this division, which is not in compliance with the provisions in this division, shall be required to conform and shall secure from the city a certificate of compliance. Exceptions shall include:

- (1) No existing structure shall be required to be altered or moved in order to comply with the provisions of this division, except in the event of reconstruction.
- (2) If existing parking does not meet the minimum space requirements of division 11 of this article, the provision of such spaces shall take priority over the provision of required landscaping elements, except to the extent new vehicular use areas are required to be landscaped. Those additional parking spaces which take priority over landscaping requirements must be pervious paving material.
- (3) Where nonconforming existing development cannot otherwise meet the full requirements of this division, they shall be required to ~~approach~~meet such requirements by installing landscaping in all areas ~~which~~that are vacant and not currently essential to the use of the parcel.
- (4) Nonconforming existing development ~~which~~that complied with the landscape requirements of Ordinance No. 79-01 prior to the adoption of this section shall be considered in conformance, unless not properly maintained or substantial reconstruction occurs on the property. This provision does not require removal of healthy plant material for existing landscaped nonconforming development.

Sec. 32-384. - Landscaping requirements.

- (a) *Landscape area requirements.* The minimum amount of required landscape area for all uses, unless otherwise stipulated within this chapter or within a specific zoning district, shall be as follows:
- (1) All single-family detached residential uses: ~~50~~40 percent, ~~with at least 15 percent in the rear yard.~~
- (2) All duplex uses: 40 percent.
- (3) Townhouse development: 40 percent.
- (4) Mobile home uses: 30 percent.
- (5) Multi-family uses in RM-18 district: 30 percent.
- (6) Multi-family uses in RM-25 and RM-HD-2 districts: 30 percent.
- (7) All public, institutional, and permitted nonresidential uses in residential districts: 25 percent.
- (8) All commercial uses: 15 percent.

- (9) All industrial uses: 15 percent.
- (b) *Calculation of landscape area.*
- (1) All ground level sodded or landscaped areas: 100 percent credit.
- (2) All architectural planters, nonground-level planted areas and interior atriums: 50 percent credit.
- (3) All sodded off-site abutting swale areas: ~~ten~~ 10 percent credit.
- (4) Calculation of pervious paving area. Areas with pervious paving material, may be permitted to count towards the required landscape area, by the city engineer based on commonly accepted engineering standards applicable to the permeability of pervious paving materials as follows:
- a. All single-family detached residential uses: 15 percent.
- b. All duplex uses: 15 percent.
- c. Townhouse development: 15 percent.
- d. Mobile home uses: ~~ten~~ 10 percent.
- e. Multi-family uses in RM-18 district: ~~ten~~ 15 percent.
- f. Multi-family uses in RM-25 district: ~~ten~~ 15 percent.
- g. Multi-family uses in RM-HD2 district: ~~ten~~ 15 percent.
- h. All public, institutional uses and permitted nonresidential uses in residential districts: ~~ten~~ 15 percent.
- i. All commercial uses: ~~five~~ 10 percent.
- j. All industrial uses: ~~five~~ 10 percent.
- (5) All ground level or depressed low-impact development such as bioswales, rain gardens, and constructed wetlands: 50 percent.
- (6) Swales located in the right of way: 10 percent.
- (c) *Tree requirements.*
- (1) At least 80 percent of required trees shall be of a native Florida species not injurious to the public, listed in the South Florida Water Management District publication, *Waterwise*, not to create a possible nuisance, safety hazard or damage to public property.

(2) The development services department will make available for public inspection and distribution a list of trees and shrubs that are preferable for this area and climate and shall maintain a list of prohibited species ~~per~~ pursuant to the South Florida Water Management District publication, *Waterwise*, and the city's design guidelines manual. Species on the list of invasive plants species shall be removed from construction sites.

(3) For each 1,500 square feet of total project site area, at least one tree shall be provided, except for single-family residences, which shall provide a minimum of ~~three~~ four trees. ~~Fifty~~ At least 80 percent of the trees required shall be drought-tolerant, native plant materials indigenous to South Florida.

(4) When palm species are used, where traffic visibility may be impaired, they shall have a minimum of six feet of clear wood at the time of planting.

(5) On projects requiring six to ten trees, a minimum of two tree species shall be utilized; for 11 to 20 trees required, a minimum of three trees species shall be utilized; for 21 to 50 trees required, a minimum of four tree species shall be utilized; and for 51 or more trees required, a minimum of five tree species shall be utilized.

(6) Canopy tree shading and/or groupings of palm plantings designed to provide shade are required on all impervious surfaces associated with multifamily residential, commercial and industrial land uses. Impervious surfaces shall include all structures, all land paved with concrete or asphalt that is used for off-street parking, and driveways. In order to satisfy the canopy requirement, canopy trees shall be interspersed throughout impervious surfaces, rather than restricted in any way to only to a portion of the impervious surfaces serving the development. The following requirements shall apply:

(d) *Existing tree credits.* Existing healthy trees of desirable species shall be retained on site and incorporated into the design plan for development projects consistent with the requirements of chapter 29, the city's tree preservation regulations. Trees retained on-site shall be credited toward meeting the required number of trees specified in subsection (c) of this section, in the following manner:

(1) For each tree with a diameter (DBH) of six inches to 12 inches, a credit of two trees;

(2) For each tree with a diameter (DBH) of 12 inches to 24 inches, a credit of three trees; and

(3) For each tree with a diameter (DBH) of 24 inches or more, a credit of four trees.

- (e) *Perimeter landscaping.* Landscaped buffer strips shall be required around the perimeter of all vehicular use areas, exclusive of permitted accessways. At least 50 percent of trees used in the required perimeter landscaping adjacent to a public right of way, except alleys, shall be shade trees selected from the city's approved species list on file in the development services department. The minimum width of such buffer strips shall be as follows:
- (1) Abutting public rights-of-way, excepting alleys: ten feet.
 - (2) Abutting alleys and rear or side common property lines: five feet.
- (f) *Interior landscaping.*
- (1) Within vehicular use areas, all rows of parking spaces shall be terminated with landscaped islands not less than seven feet in width and running the entire length of the abutting space. Where curbs are being used for landscaped islands, curb cut inlets shall be used. At least one tree shall be provided within each terminal island.
 - (2) In addition to the required terminal islands, one interior island shall be provided for every ten spaces in a row. Each interior island shall also be not less than seven feet in width and extend the entire length of the parking space. The location of interior islands should be staggered in order to avoid regimented appearance. At least one tree shall be provided within each interior island.
 - (3) At least ~~50~~ 80 percent of trees ~~required~~ within terminal and interior islands shall be shade trees selected from the city's approved species list on file in the development services department. Trees planted in interior or terminal islands of less than ten feet in width shall be medium size tree with a maximum mature height of 25 feet overall height or palm selected from the city's approved species list.
- (g) *Landscaping of non-vehicular use areas.* Yards and other portions of a parcel of land not utilized for permitted structures, required walks, vehicular use areas, decking, pools and legal amenities shall be landscaped accordingly, utilizing Florida-Friendly landscaping principals and materials.
- (h) *Use of wheel stops and curbing.* In meeting the requirements of subsection 32-453(d), the area forward of the required wheel stops or curb may be landscaped in lieu of pavement. Such area shall not be included to meet minimum landscape area requirements of subsection (a) of this section. The width of curbing shall be excluded from the calculation of the minimum dimensions of all required landscape areas.

- (i) *Vision clearance.* Unobstructed cross visibility at a level between two feet and six feet above ground shall be required within a 25-foot triangular area at the intersection of two public rights-of-way; a 15-foot triangular area at the intersection of a street right-of-way and an alleyway; or a ten-foot triangular area at the intersection of an access way and a public right-of-way; with the exception of tree trunks which do not create a traffic hazard. Vision clearance areas shall be determined by measuring along each intersection right-of-way or accessway line and then connecting the ends of such lines with an imaginary diagonal line.

Sec. 32-385. - General requirements.

- (a) *Installation.* All landscape materials shall be installed in a sound workmanlike manner according to accepted good planting procedures with the quality of plant materials as described in this section.

(b) *Maintenance.*

- (1) The legal owner of record as appears on the current tax assessment roll shall be responsible for the maintenance of all landscape areas, including the adjacent right-of-way as required by section 25-2. Such areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of invasive plants such as weeds and from refuse and debris. Maintenance shall include the pruning and replacement of all dead plant materials and treatment of diseased plant material, including lawn grass. Where curbing is used to protect landscaped areas, it shall be maintained in good repair. Tree abuse as defined in section 32-8 is prohibited.

- (2) All landscaping shall be maintained to minimize property damage and public safety hazards, including removal of dead or decaying plant material, removal of low-hanging branches next to sidewalks and walkways. Removal of root systems that show evidence of destroying public or private property is required. Root barriers of appropriate depth shall be utilized in lieu of removal where upheavals do not create safety problems or structure damage to buildings. Maintenance of sight distant standards shall be as set forth in this division.

- (3) Vehicular parking is prohibited on sodded or otherwise landscaped areas in all zone districts, excluding the right-of-way.

(c) *Irrigation.*

- (1) All landscaping shall be effectively supported with a water-conservation irrigation system. Where established native vegetation is incorporated into the landscape design, irrigation of those areas shall not be required.
- (2) The system shall be designed to accommodate reuse or rainwater and may include but is not limited to rain barrels, cisterns, or other water conservation methods. Cisterns, if visible from a public right-of-way must be screened by adequate vegetation.
- (3) Plants shall be grouped together by irrigation demand and maintenance needs. Different types of irrigation types (i.e. rotors, drip irrigation, sprays) should be installed in different zones with no mixing of irrigation types on the same irrigation zone.
- (4) All irrigation systems installed after the effective date of this ordinance shall meet the irrigation standards identified in F.S. § 373.228, as amended.
- (5) Irrigation systems, including rain sensors, must be maintained in an operable condition.
- (d) *Plant materials.*
- (1) *Quality.* Plant materials used in conformance with the provisions of this division shall conform to the standards for Florida Grade One or better provided in the most current edition of "Grades and Standards for Nursery Plants," by the Division of Plant Industry, Department of Agriculture and Consumer Affairs, State of Florida. As a prerequisite to the issuance of a certificate of occupancy, certification that materials installed conform to the requirements of this section must be provided. Plant materials that are known to be intolerant of paving environments or the physical characteristics of which may be injurious to the public shall not be permitted.
- (2) *Trees.* At least 75 percent of trees planted for credit shall be shade trees. Trees planted for credit under subsections 32-384(c) and 32-384(f) shall be a minimum of 15 feet in height with a three-inch caliper for nonresidential uses and ten feet in height with a two-inch caliper for residential uses when measured immediately after planting at a minimum height of six inches above the natural grade and have a minimum of a five-foot spread. Trees shall be of a species having an average mature spread of crown of greater than 15 feet and having trunks which can be maintained in a clean condition for over five feet of clear wood measured from ground level. Fruit trees reaching a mature canopy spread of greater than 10 feet may be used on single family lot districts only to meet minimum tree requirements. Such trees shall have a minimum height of 10 feet at time of planting. Trees having an average mature crown of spread less than 15 feet such as palms may

be substituted by grouping them so as to create the equivalent of [a] 15-foot crown spread but shall count as one tree. ~~Fifty percent of trees required shall be drought-tolerant, native plant material indigenous to South Florida.~~ Tree species the roots of which are likely to cause damage to public roadways or other public improvements shall not be planted nearer than 12 feet to such improvements. The species and location of trees from electric utility lines shall follow those guidelines established by Florida Power and Light publication, *Right Tree, Right Place*, on file with the development services department. Tree height requirements may be adjusted for required trees located under power lines in accordance with the Florida Power and Light guidelines. If palms are used, they shall consist of no more than ~~50~~ 25 percent of the total required trees. The minimum height of a palm at planting shall be 15 feet overall height for nonresidential uses and ten feet in overall height for residential uses. Single credit palms shall be required to have a minimum height of 20 feet for nonresidential uses and a minimum height of 15 feet for residential uses at the time of planting.

- (3) *Ground covers.* Ground covers, such as shrubs, vines, flowers, annuals, perennials, edible landscaping, and other non-turf plants ~~other than turf grass~~ shall be planted in such a manner as to present a finished appearance with a minimum of 50 percent coverage at time of planting and reasonably complete coverage within six months after planting. An area not in excess of ~~20~~ 50 percent of the required landscaped area may consist of non-living pervious groundcovers such as rocks, pebbles, mulch, wood chips, ~~plant material~~ or similar natural materials used for decorative purposes. Three inches of clean, weed-free, approved organic mulch containing no arsenic products shall be maintained over all areas originally mulched at all times until landscaped area matures to 100 percent coverage.

- (4) *Turf grass.* Grass areas shall be sodded with species normally grown as permanent lawns in South Florida and following those guidelines established by the South Florida Water Management District publication, *Waterwise*, on file with the development services department. Grass areas shall not be plugged, sprigged or seeded. Sod shall be used in swales that are ~~or other areas~~ subject to erosion. Irrigated turf grass areas shall be consolidated and limited as required below:

- a. No more than ~~80~~ 50 percent of the landscape area for single family and duplex dwellings may be in turf grass.

b. No more than ~~70~~ 50 percent of the landscaped area for multifamily dwellings may be in turf grass.

c. No more than ~~70~~ 50 percent the landscaped area for other development uses may be turf grass, with the exception for athletic and recreational spaces.

(5) *Synthetic materials.* Synthetic or artificial material in the form of trees, shrubs, ground covers, sod, flowers or vines shall not be used in lieu of plant requirements provided, however that synthetic turf in lieu of turf grass shall be permitted in all districts, parkland, recreational areas and playgrounds not exceeding an area of up to 30 percent of the landscape area required for the use pursuant to subsection 32-384(a). Artificial turf shall conform with the specifications on file in the development services department.

(6) *Architectural planters.* Architectural planters may be permitted by the city manager in fulfillment of landscape area requirements. Such architectural planters shall contain a surface area of not less than ten square feet and shall have at least a dimension of not less than 15 inches in depth. Such planters shall be subject to and included in the limitations of ground covers, subsection 32-385(3) above.

(7) *Landscaped buffer strips specifications.*

a. All landscaped buffer strips required by this division shall consist of a hedge at least two feet in height when measured immediately after planting in a bed of mulch, wood chips, pebbles, rocks or similar materials, and so pruned as to provide maximum opacity. Hedges, where required, shall be planted and maintained so as to form a continuous, solid visual screen within a maximum of one year after time of planting. Hedges shall be planted with branches touching, so as to create a solid screen with no visual spacing. Spacing of plants shall be no more than two feet on center, depending on species. A hedge shall not be required if the vehicular use area is screened by an existing hedge on an adjacent property which meets the requirements of this provision, provided however, if the screening on the abutting property is removed for any reason, the required on site hedge shall be installed.

b. At least 80 percent of plants shall be of a native Florida species that can reasonably be expected to thrive in the situation in which they are to be planted. ~~Preferably they should be native plants.~~

c. At least 80 percent of all hedge plants shall be of a native Florida species in the list published by the South Florida Water Management District publication, *Waterwise*,

as meeting the criteria established in this section. ~~A minimum of 30 percent of the required hedge plants shall be drought-tolerant, native plant material indigenous to South Florida.~~ Single-family detached and duplex residential dwellings shall be exempt from the requirement to plant shrubs or hedges in required perimeter landscaping around parking areas.

(e) *Exceptions.* Interior parking garages or other vehicular use areas contained entirely within a roofed and walled structure are exempt from the landscaping requirements of this article. Low-impact development may be exempt from dimensional standards (number and spacing).

(f) *Required landscaping in the public right-of-way.* All of the right-of-way area, not otherwise used for pavement, sidewalks and other improvements, shall be landscaped subject to the requirements of subsections 25-2(e) and 25-2(f).

(g) *Right-of-way for swales, tree filter boxes.* Street right-of-way swales shall be contoured, ~~sodded~~ landscaped and maintained by the abutting property owner, to ensure satisfactory surface runoff retention and flow control in accord with city drainage designs. Plantings in swale areas are permitted per subsection 25-2(e)(6) of the code. Below-grade tree filter boxes and cisterns shall be permitted in rights-of-way adjacent to private property.

SECTION 3. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 4. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 5. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

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375 PASSED AND ADOPTED ON 1ST reading on _____, 2021.

376 PASSED AND ADOPTED ON 2ND reading on _____, 2021.

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JOY COOPER
MAYOR

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382 SPONSORED BY: CITY ADMINISTRATION

383 ATTEST:

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JENORGEN M. GUILLEN, CMC
CITY CLERK

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389 APPROVED AS TO LEGAL SUFFICIENCY
390 AND FORM

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JENNIFER MERINO
CITY ATTORNEY

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