

## ***DIVISION 8. LANDSCAPING***

### **Sec. 6.8.1. Purpose and intent.**

The purpose and intent of this division is to provide landscaping guidelines establishing minimum standards and criteria for the design, installation, and maintenance of landscaping which enhances the aesthetic appearance of Marion County, complimenting the natural and built environments, reducing noise and glare, improving air and water quality, providing shade and habitat, and buffering the aspects of development.

(Ord. No. 13-20, § 2, 7-11-2013)

### **Sec. 6.8.2. Landscape plan requirements.**

A landscape plan which indicates the following is required for all development except for individual single-family homes and duplexes:

- A. All existing landscaping, indigenous open space, and natural features;
- B. Locations of existing protected trees, labeled and with sizes provided, groups of trees, landscaping and other vegetation to be preserved;
- C. Vegetation and tree protection barricades;
- D. All replacement trees as required per Section 6.7.8;
- E. All proposed landscape areas, labeled and with sizes of each landscape area provided;
- F. Construction details as applicable, including but not limited to:
  - (1) Tree protection;
  - (2) Tree, palm, and shrub installation;
  - (3) Details for specialized installations;
  - (4) Elevation drawings of walls proposed for buffers and/or screening; and
  - (5) Cross section of proposed walls/berms/combo for buffers.
- G. Plant schedule:
  - (1) A key matching the plants being specified (may be plant symbols or written)
  - (2) Quantities of plants being specified
  - (3) Common plant names
  - (4) Scientific plant names
  - (5) Plant specifications including height, spread, and spacing
  - (6) Native status
- H. Calculations for required landscaping:
  - (1) Tree preservation and replacement

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- (2) Shade tree requirements
  - (3) Buffers
  - (4) Parking areas
  - (5) Vehicle use areas
  - I. Proposed street and/or parking lot light pole locations.
  - J. All proposed sign locations, including advertisement and internal vehicular control signs.
  - K. Notes including installation instructions and special requirements related to contractor licensing, utility locating, tree protection, maintenance, fertilizer use, and watering.
  - L. Tree barricade locations and details as well as notes regarding tree protection and inspections as outlined in Section 6.7.3 and 6.7.12 shall also be provided on the landscape plan sheets.

(Ord. No. 13-20, § 2, 7-11-2013)

### **Sec. 6.8.3. Landscape design standards.**

- A. All new landscapes in Marion County shall be designed to protect the County's unique natural resources by conserving water, protecting the quality of groundwater, reducing waste and pollution, creating wildlife habitat, and preventing erosion by implementation of Florida-Friendly Landscaping (FFL) by UF/IFAS and FDEP, including but not limited to:
  - (1) Right plant, right place;
  - (2) Water efficiently;
  - (3) Fertilize appropriately;
  - (4) Mulch;
  - (5) Attract wildlife;
  - (6) Manage yard pests responsibly;
  - (7) Recycle yard waste;
  - (8) Reduce stormwater runoff; and
  - (9) Protect the waterfront.
- B. Prohibited Plants. Prohibited vegetation based on the following sources:
  - (1) Florida Exotic Pest Plant Council Category I & II List of *Invasive* Plant Species,
  - (2) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
  - (3) Center for Aquatic and *Invasive* Plants, University of Florida, IFAS.
- C. Removal and eradication of Prohibited Plant species shall be a condition of development approval. For areas on-site not developed, a containment management plan is required for all Prohibited Plant Species.
- D. Landscaping within rights-of-way shall require approval by the County Engineer or his designee.
- E. Trees shall not be located in areas that will cause conflict with overhead or underground utilities. Shade trees shall not be located within 30 feet of overhead electric lines. Alternative design strategies may be approved by the County's Landscape Architect or their designee when conflicts with existing utilities cannot be avoided.

(Ord. No. 13-20, § 2, 7-11-2013)

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#### **Sec. 6.8.4. Non-residential development.**

For non-residential development, at least 20 percent of the development project area shall be landscape areas as defined below. The development project area is defined as the outer extent perimeter of all disturbed areas of the project.

- A. Landscape areas shall include:
    - (1) Buffers;
    - (2) Landscaping required for parking areas;
    - (3) Shade Trees and/or Replacement Trees;
    - (4) Landscaped side slopes and/or landscaped bottoms of dry stormwater management areas with a depth of four feet or less, and the planted littoral zones of wet stormwater management areas;
    - (5) Building landscaping;
    - (6) Service and equipment area screening.
  - B. Credit towards the landscape area requirements may be allowed on a 1:1.25 basis for all or part of preserved native habitat if the applicant demonstrates that it includes one or more of the following:
    - (1) Preserved existing trees or tree clusters including preserved native vegetation under the tree dripline.
    - (2) Preserved areas of existing native vegetation.
- (Ord. No. 13-20, § 2, 7-11-2013)

#### **Sec. 6.8.5. New residential developments.**

For new residential developments and mixed-use developments, landscape plans shall demonstrate the following:

- A. Yard Tree Requirements.
  - (1) For all new residential developments, or single-family and duplex new construction, each individual single-family or duplex lot shall contain two Shade Trees. A minimum of one Shade Tree shall be located in the front yard . Front yard trees shall be installed within the residential lot area between the road right of way and the residential structures. Yard trees may be deferred until the home construction.
  - (2) For multi-family or mixed-use developments where the residential structures are adjacent to parking areas instead of streets, the required trees for building landscaping, parking lot landscaping and screening shall serve in lieu of yard trees.
  - (3) Trees may not be planted in the right-of-way or utility easements, or within fifteen (15) feet of any foundation.
- B. In new single-family residential developments the developer shall also promote the practices and principles of FFL as described in the 'Florida-Friendly Landscaping Handbook for Home Landscapes', as amended. A program which promotes these principles shall be provided to the County as part of the development application materials, and incorporated into and made part of the restrictive covenants and shall include:

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- (1) Information about the applicable landscaping requirements under this division and under Division 6.8;
  - (2) Procedures for future owners to follow when implementing FFL on individual lots, and
  - (3) Water conservation and FFL educational materials to all new homeowners; and
  - (4) Information regarding landscape irrigation scheduling as stipulated in Section 6.9.9.

(Ord. No. 13-20, § 2, 7-11-2013)

#### **Sec. 6.8.6. Buffers.**

- A. It is the intent of this section to eliminate or reduce the negative impacts of adjacent uses upon each other such that the long-term continuance of either use is not threatened by such impacts and the uses may be considered compatible.
- B. Buffers shall provide a year-round screen, with a maximum of 25% deciduous trees, and provide an aesthetic quality, especially along public rights-of-way, which enhance travel corridors and screen developed areas from public view.
- C. A diverse number of plant species shall be incorporated into buffer plantings to provide habitat and appeal.
- D. Buffers may consist of landscaping, buffer walls, berms, or combinations thereof which work cohesively to achieve the intent of buffering.
- E. If no buffering exists on the adjoining property, or if the existing buffer fails to meet the requirements of this section, buffering shall be required with the exception of the construction of an individual single-family residence or duplexes on an individual parcel of record.
  - (1) In order to utilize a buffer on an adjoining property to meet the regulations, the buffer on the adjoining property must have been required by a development order issued by Marion County or a municipality in Marion County.
  - (2) If a buffer exists on the adjoining property that meets the requirements of this section, no additional buffering shall be required.
  - (3) Commercial properties within a master planned commercial center, or mixed-use PUD may utilize the buffer installed on adjacent parcels within the same development if such buffers were required by a development order issued by Marion County.
  - (4) Commercial properties within a master planned commercial center if an adjacent commercial parcel is vacant, only fifty (50) percent of the buffer width and plants shall be required for the commercial parcel being developed. The adjacent vacant commercial parcel shall install the remaining fifty (50) percent of the buffer when it is developed.
  - (5) When a new but less intense land use is developed adjoining a pre-existing developed site with a higher intensity use that does not provide a buffer consistent with this code, the new use is subject to providing the required land use buffer. In this case, the developer may reduce the required buffer by one buffer type with acknowledgement of the buffer reduction clearly noted on the development plan.
  - (6) Regardless of type of land use adjoining it, the development of an individual single-family residence or duplex is exempt from providing buffers.
  - (7) In interpreting and applying the provisions of buffers, development is classified into categories shown in Table 6.8-1. and as based on the project's proposed use(s).

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- (8) Table 6.8-2 provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use.
- F. If buffers are required, the length shall be measured along each property line and shall exclude driveways and other access points and easements.
- G. No buildings, structures (other than lighting, signs, buffer walls, decorative hardscape, or fences), storage of materials, or parking shall be permitted within the buffer area. Pedestrian trails, sidewalks, etc. are permitted in buffers when integrated into the design of the buffer areas.
- H. Buffers shall not be located on any portion of an existing or dedicated right-of-way, or on individual single-family residential or duplex parcels.
- I. Arrangement of plantings in buffers shall:
- (1) Provide maximum screening to adjacent properties.
  - (2) Avoid damage to existing trees and plant material both within the development and in those areas outside of but directly adjacent to the project development.
  - (3) Account for mature growing sizes of preserved existing and proposed trees regarding shade, root damage, and interference with nearby utilities and signage.
  - (4) Offer interest with a meandering, organic layout where appropriate and a variety of textures and colors.
- J. Description of buffer classifications. The content and composition of each buffer type is described in the following items. Landscaping Plans for required buffers shall be prepared by a Registered Landscape Architect, who shall use these requirements to design buffers that are thoughtfully designed and enhance the perimeter of the development site. Visual screening shall be achieved through the use of proper plant material, arrangement, and layering. The plant quantities and parameters in the buffer type descriptions may be used to develop a total quantity of plants for the entire buffer length and then utilized to achieve an appealing, comprehensive landscape design. Desirable buffers are creatively designed, minimize the implementation of evenly spaced trees or a cookie-cutter appearance, and consider the specific character and topography of the proposed development.

Required landscaping as per below shall meet Section 6.8.10 General Planting Requirements.

- (1) All landscaping required as part of a buffer shall be installed on the public view side of any buffer wall, if a wall is required. Plant selection shall be made in consideration of shade and sun patterns along walls.
- (2) Shrubs, if required per the following, shall be a minimum of seven (7) gallon in size, or equivalent, reaching a minimum height of three (3) feet within one year of planting and shall be spaced no further apart than 48 inches on center unless otherwise approved by the County's Landscape Architect or their designee.
- (3) Groundcovers, if required per the following, shall be spaced no further apart than 30 inches on center.
- (4) Shrubs and groundcovers, if required, shall be arranged to form a layered landscape screen. If a buffer wall is not required, then shrubs and groundcovers shall attain eighty (80) percent opacity within 12 months of planting. If a buffer wall is required, then shrubs and groundcovers shall attain fifty (50) percent opacity in front of the buffer wall within 12 months of planting.
- (5) Type C Buffers adjacent to the following roadways shall require the 25-foot buffer width and planting requirements, and shall also require an equestrian or agricultural-themed 3-rail or 4-rail wooden fence of a 48" height at least 50% of the buffer's linear footage and distributed throughout that linear footage:
  - a) All roadways classified as a Collector or above in the following locations:
    - i. Within the Farmland Preservation Area.

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- ii. Outside of the Urban Growth Boundary, west of I-75.
  - iii. US 27 and SR 40 within the Urban Growth Boundary, west of I-75.
  - iv. US HWY 301/441 within the Urban Growth Boundary, north of the Ocala City Limits.
  - v. Classified as a Scenic Road.
- (6) The preservation of existing natural vegetation within buffers is permitted and encouraged to meet buffering requirements. In order to utilize natural vegetation as a portion of required buffer plantings, or in lieu of required buffer plantings, the applicant shall prepare an assessment of the existing trees vegetation and conduct a field meeting with the County Landscape Architect or their designee. Utilization of existing natural vegetation to satisfy buffer requirements is subject to approval by the County Landscape Architect or their designee.
- (7) A post-construction inspection of preserved existing natural vegetation and trees shall be conducted in accordance with Section 6.7.12. Damaged or removed vegetation, damaged or trees which are no longer considered viable, including those with heavily impacted root zones as determined by the County's Landscape Architect or their designee, shall be supplemented and/or replaced.
- K. Buffer walls and berms.
- (1) Buffer walls and berms shall:
- (a) Not be constructed or installed in a manner which creates a threat to public safety or interferes with vehicular circulation;
  - (b) Be designed to be compatible with existing and proposed site architecture and the character of the surrounding and adjacent settings including the style and selection of materials; and
  - (c) Be situated so that the walls and berms are within the buffer limits and any required landscaping shall be installed on the public view side of the wall.
- (2) The substitution of required buffer walls along a public right-of-way requires Board approval.
- (3) When a buffer wall is required, the buffer wall may be used in conjunction with a berm to achieve a minimum final elevation of six feet in height. When buffer walls, berms and/or combinations of each are used, they shall be constructed to ensure that historic and/or proposed drainage, stormwater, or other surface water flow patterns or facilities are not impacted.
- (4) The maximum side slope for a berm planted with shrubs and woody groundcovers shall be 3:1. The maximum side slope for a berm planted with turfgrass shall be 3.5:1. Trees or shrubs may not be planted along the ridgeline of the berm.
- (5) Buffer areas shall be continually maintained and kept free of all trash and debris.

(Ord. No. 13-20, § 2, 7-11-2013)

**Table 6.8-1 Buffer Type Requirements**

<b>AG</b>	Agriculture, Rural Lands, Rural Residential, Natural Preservation
<b>SFR</b>	Single family or duplex residential
<b>MF</b>	Multi-family residential
<b>COM</b>	Commercial, RV parks, Commercial Recreation
<b>IND</b>	Industrial uses
<b>PUB</b>	Public Use (including Government, Institutional, and related Professional Offices)
<b>ROW</b>	Arterial or Collector Right-of-Way or Road Easement

**Table 6.8-2 Land Use Categories for Buffers**

		Adjacent Permitted or Existing Use						
		AG	SFR	MF	COM	IND	PUB	ROW
<b>Proposed Use</b>	<b>AG</b>	-	-	-	-	-	-	-
	<b>SFR</b>	C <sup>1</sup>	E <sup>3</sup>	C	A	B	C	C <sup>1</sup>
	<b>MF</b>	A/B	D	-	A	B	C	C <sup>1</sup>
	<b>COM</b>	D	B	B	-	B	C	C
	<b>IND</b>	B	B	B	B	-	B	C/D <sup>2</sup>
	<b>PUB</b>	A/B	B	C	C	C	-	C
	<b>ROW</b>	-	D	D	C	D	C	-

1. Properties within the limits of 6.8.6.J(5) shall comply with that buffer requirement
2. D Type Buffer if residential is adjacent to opposite ROW
3. A 6' opaque fence may be used in lieu of a vegetative buffer

**TABLE 6.8.3 – BUFFER CLASSIFICATION REQUIREMENTS**

BUFFER CLASSIFICATION	BUFFER WIDTH	PLANTING REQUIREMENTS (Per 100 lineal feet)	WALL REQUIRED?
A	40 feet	Three Shade Trees Five Understory Trees 30% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	30 feet	Four Shade Trees Six Understory Trees 70% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
B	30 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
	20 feet	Three Shade Trees Four Understory Trees 75% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
C	25 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	15 feet	Three Shade Trees Five Understory Trees 80% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
D	25 feet	Two Shade Trees Three Understory Trees 25% Shrubs and Groundcover, excluding turf grass	Yes
	15 feet	Three Shade Trees Three Understory Trees 60% Shrubs and Groundcover, excluding turf grass	Yes
E	15 feet	Four Shade Trees Single row of continuous Shrubs	No
	5 feet	Five Shade Trees Double row of continuous Shrubs	No

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### **Sec. 6.8.7. Parking areas and vehicular use areas.**

- A. A minimum five-foot wide landscape area consisting of shrubs and groundcovers, excluding turfgrass, shall be provided around the perimeter of parking areas to form a landscape screen with a minimum height of three feet achieved within one year of planting. A land use buffer that abuts a parking area may satisfy this requirement.
- B. Landscaping adjacent to parking areas and vehicular use areas shall be protected from being damaged by vehicles using these areas. Landscaping at the nose of parking stalls shall be offset two and a half feet from the face of curb or wheelstop to allow for vehicle overhang. The area between the landscape and parking stall shall be mulched and contain no vertical irrigation components.
- C. A landscaped parking lot island shall be located every fifteen parking spaces. Where Shade Trees are required, to provide sufficient space for health root development, parking lot islands shall be a minimum of 360 square feet in size. Unsuitable soils, including limerock road base, shall be excavated and replaced with properly drained soils. For paved parking areas within a Primary SPZ, including those with permeable or porous surfaces, parking lot islands shall be completely planted with shrubs or groundcovers; the use of turfgrass is prohibited.
- D. E. Each row of parking spaces shall be terminated by a landscaped island.
- F. Divider medians may be used to meet parking area landscape requirements.
  - (1) The minimum width of a divider median shall be eight feet.
  - (2) One Shade Tree shall be provided per 50 lineal feet of divider median.
- G. To offset heat gain from paved surfaces, Shade Trees as required in Section 6.7.4 should be located to provide as much shade as possible on such surfaces.
- H. Parking lot screening must be achieved regardless of other landscaping requirements in this article. Shade trees as required in Section 6.7.4 shall be integrated into the parking area landscaping.
- I. All landscaping in parking areas and street frontages shall be placed so that it will not obstruct any sight triangle.
- J. Trees within parking areas.
  - (1) All trees required for parking areas and vehicular use areas shall be Shade Trees, unless required otherwise by provisions in this section.
  - (2) All parking lot islands, including terminal parking lot islands, shall contain one Shade Tree unless site lighting fixtures are proposed in said island.
  - (3) In parking lot islands with site lighting fixtures, an arrangement of one or two accent/ornamental trees shall be installed depending on the size and configuration of the island.

(Ord. No. 13-20, § 2, 7-11-2013)

### **Sec. 6.8.8. Building landscaping.**

- A. Landscape plantings shall be provided along the public view sides of all proposed structures to reduce the monotony of large blank walls, reduce heat gain and glare, and enhance the aesthetic appearance of the building.
- B. Landscape areas shall be a minimum of five feet wide allowing for a minimum distance of two feet from the façade to the innermost plants.

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(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 6.8.9. Service and equipment areas.**

- A. Garbage collection areas (dumpster pad) shall be screened with a wall, opaque fencing, or a landscape screen capable of reaching a minimum height of six feet within three years and maintained to preserve an opaque screening quality.
- B. Shade Trees shall remain fifteen feet while other trees and shrubs shall remain eight feet from any fire service connection.
- C. Trees and shrubs shall remain offset three feet from any electrical transformer and shall not be proposed along the access door face of the transformer within the distance provided by the power provider.
- D. Exterior air conditioning components shall be screened by locating the equipment away from public view or through the use of a landscape screen with a minimum height of three feet offset a minimum of three feet from the equipment.

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 6.8.10. General planting requirements.**

- A. All trees, palms, shrubs, and groundcovers shall be nursery grown and Florida No. 1 quality or better, as established by Florida Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida, including latest updates, ('Florida Grades and Standards') as amended.
- B. Plant selection shall be appropriate for the development site and provide the highest level of diversity as practicable.
- C. Diversity requirements: Landscape design that includes a diversity of tree and plant species is required. For projects in which 20 or more trees are required, one species may not account for more than 25% of the total number of trees unless otherwise approved by the County Landscape Architect. At least three species of shrubs or groundcover shall be specified unless otherwise approved by the County Landscape Architect.
- D. Planting specifications are listed as follows:
  - (1) Native plant requirements:
    - (a) Within the Urban Growth Boundary (UGB), a minimum of 25 percent of all proposed plant quantities, excluding turfgrass, shall be Florida native species suitable for use in Marion County.
    - (b) Outside of the UGB a minimum of 35 percent of all proposed plant quantities, excluding turfgrass, shall be Florida native species suitable for use in Marion County.
    - (c) A minimum of 50 percent of the required Shade Trees shall be Florida native species suitable for use in Marion County.
  - (2) The use of invasive plant species based on the following sources, shall be prohibited:
    - (a) Florida Exotic Pest Plant Council Category I & II List of Invasive Plant Species,
    - (b) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
    - (c) Center for Aquatic and Invasive Plants, University of Florida, IFAS.
  - (3) Trees.

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- (a) Shade trees shall have a minimum caliper of 3.5 inches and a height and crown diameter as per Florida Grades and Standards.
  - (b) Understory trees shall have a minimum caliper of 2 inches and a height and crown diameter as per Florida Grades and Standards.
  - (4) Palms.
    - (a) Not more than 25 percent of all required trees shall be palm trees unless a higher percentage is authorized as stated in Section 6.7.9.
    - (b) Additional palms may be provided in excess of the 25 percent threshold when three palms are used to substitute one required tree.
    - (c) Palm trees shall not be substituted for Shade Trees required to meet tree mitigation plantings.
    - (d) Palms shall have a clear trunk height of 10 feet minimum.
  - (5) Shrubs shall reach a height of 30 inches within one year of planting, unless specified differently elsewhere in this Section, and be spaced appropriately for the species and required maintenance.
  - (6) Groundcovers shall be those species of plants with a mature growing height of 24 inches maximum and spaced up to 24 inches minimum and 30 inches on-center maximum.
  - (7) Vining groundcovers shall have a minimum of three runners per plant. Vines may be spaced accordingly for the proposed use. Stakes of vines shall be removed upon planting, and vines shall be trained to the wall or fence for which they are proposed.
  - (8) Turfgrass may be of any variety which is adapted and suitable for use in Marion County and that meets FFL requirements. The use of rolled turf is prohibited on property with public access unless the supportive netting is removed prior to or during installation and the integrity of the turf is not jeopardized during installation.
- D. Mulch types shall be of a renewable resource or a recycled product. The use of cypress mulch is not allowed.
- (Ord. No. 13-20, § 2, 7-11-2013)

#### **Sec. 6.8.11. Landscape installation.**

- A. Any person providing landscape installation services for hire shall meet the licensing and certification requirements under Section 6.8.15.
  - B. All plantings shall be installed according to current best management practices.
  - C. Trees and palms shall be properly planted and guyed or staked.
  - D. All plantings shall be properly irrigated for healthy growth as recommended by Florida Grades and Standards and UF/IFAS literature.
  - E. Installation shall mean survival in perpetuity, and replacement if necessary, of all materials. Dead and/or dying plant material shall be replaced by the owner.
- (Ord. No. 13-20, § 2, 7-11-2013)

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**Sec. 6.8.12. Landscape completion and ongoing inspection requirements.**

- A. Upon completion of the installation of the project a Landscape and Irrigation As-Built Certification shall be signed and sealed by the design professional and submitted to the County Landscape Architect prior to the issuance of a Certificate of Occupancy.
- B. Where landscape buffers are required under this code as a condition of development approval, the responsible maintenance entity shall every 24 months prepare a written certification, on a form provided by the County, that the buffers are in good health and maintenance, and that all plantings required in the buffer are meeting the requirements of the development approval. The certification must be signed by a responsible design professional and submitted to the Growth Services Department.

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 6.8.13. Landscape maintenance.**

- A. All landscape areas shall be maintained in accordance with the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, FFL, UF/IFAS and FDEP.
- B. Trees or palms shall not be severely pruned or shaped. If over 25% of the crown is trimmed during one trimming, then that tree is considered critically impacted and will require replanting at the cost of the Owner. The natural growth habit of a tree or palm shall be considered during the design phase to avoid maintenance conflicts.
- C. Trees or palms which are guyed or braced shall have such guying or bracing removed within one year of planting. Damaging trees with guying devices shall be considered a violation of this Code. Damaged trees shall be replaced at the expense of the owner.
- D. The alteration of any required and approved landscape area without obtaining prior written approval from the County is prohibited. The expansion of drought tolerant landscaping, excluding the replacement of planted areas with turfgrass, or replacing dying or diseased plants with similar plant material is excluded.
- E. Buffers and screening plantings shall provide healthy appearance year-round and be maintained at the required minimum heights.

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 6.8.14. Fertilizers and other landscape chemicals.**

- A. Applicability.
  - (1) This section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the unincorporated area of Marion County, unless such applicator is specifically exempted by the terms of this section from the regulatory provisions of this Code. This section shall be prospective only, and shall not impair any existing contracts.
  - (2) This section requires the use of BMPs which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers.
- B. Exemptions. The provisions set forth in Section 6.8.14 above in this section shall not apply to:
  - (1) Bona fide farm operations as defined in the Florida Right to Farm Act, § 823.14 FS, provided that fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted

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by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question.

- (2) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

C. Fertilizer content and application rates.

- (1) Fertilizers applied to turfgrass and/or landscape plants within Marion County shall be applied in accordance with directions provided by FAC Rule 5E-1.003(2), Labeling Requirements for Urban Turf Fertilizers.
- (2) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site and shall not be applied for the first 30 days after seeding or sodding.
- (3) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary. Nitrogen shall not be applied at an application rate greater than 0.7 lbs of readily available nitrogen per 1,000 square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than 1 pound total nitrogen per 1,000 square feet applied at any one time, and not to exceed the nitrogen recommendations set forth below on an annual basis:

**Table 6.8-3 Fertilizer Application Rates**

Grass Species	Maximum N Application Rate (Lbs/1,000 sf <sup>2</sup> /year)
Bahia	3
Bermuda	4
Centipede	2
St. Augustine	3
Zoysia	4

- (4) No phosphorus fertilizer shall be applied to existing turf and/or landscape Plants within the County at application rates which exceed 0.25 pounds phosphorus per 1,000 square feet per application nor exceed 0.50 pounds phosphorus per 1,000 square feet per year.
- (5) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in Section 6.8.14.C(1) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

D. Timing of fertilizer application. No applicator shall apply fertilizers containing nitrogen and/or phosphorus when soils are saturated.

E. Fertilizer-free zones.

- (1) Fertilizer shall not be applied to turf or landscape plants within 30 feet of any pond, stream, watercourse, lake, canal or wetland. The use of macro-tab slow release fertilizer tablets for landscape plants which are installed within the plant pits during plant installation is allowed.
- (2) Fertilizer shall not be applied to turf grass within the following areas:
  - (a) Seventy-five feet of the WBSL of any spring, pond, stream, watercourse, lake, wetland or sinkhole or other karst feature that has an opening at the surface.

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- (b) Fifteen feet from the top of the bank of any drainage retention area, canal, or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained.
  - (3) In the event an area is included in one or more of the areas described in Section 6.8.14.E(2) above, the more restrictive provision (i.e., the larger distance) shall apply.
  - (4) Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day period beginning 30 days after planting if need to allow the plants to become well established. Caution shall be used to prevent the direct deposit of nutrients into the water.
- F. Low maintenance zones. A 10-foot low maintenance zone is required from any pond, stream, water course, lake, wetland, or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent County regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material shall be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.
- G. Impervious surfaces. 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. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.
- H. Management of grass clippings and vegetative matter. In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, piled or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.
- I. Training for fertilizer applicators.
- (1) Commercial applicators of fertilizer within the unincorporated area of Marion County, shall maintain current Limited Urban Commercial Fertilizer Applicator Certification through the Florida Department of Agriculture and Consumer Services by January 1, 2014, per § 482.1562 FS.
  - (2) Any other person whose duties include the application of fertilizer not required to maintain certification in Section 6.8.14.I(1) above, shall obtain a GI-BMP Certificate of Completion within six months of assuming such duties.
  - (3) Private homeowners are required to follow the recommendations of the Florida Yards and Neighborhoods Handbook by FDEP and UF/IFAS, as amended except to the extent this Code provides more stringent requirements.
- J. Enforcement.
- (1) In addition to county code enforcement officers, the County Administrator may also delegate enforcement responsibility for this section to agencies and departments of Marion County government, in accordance with state and local law.
  - (2) Funds generated by penalties imposed under this section shall be used by the County for the administration and enforcement of § 403.9337 FS, and the corresponding sections of this Code, and to further water conservation and nonpoint pollution prevention activities.

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K. Penalties.

- (1) Violation of any provision of this section shall be subject to the following penalties:
  - (a) First violation: Written Notification and Education.
  - (b) Second violation: Written Notification and Education.
  - (c) Third violation: Fifty dollars (\$50.00).
  - (d) Fourth and subsequent violation(s): One Hundred dollars (\$100.00).
- (2) Each day in violation of this section within a 365-day period, beginning the date of the first violation, shall constitute a separate offense. The Board may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this section.

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 6.8.15. Landscape installation and maintenance licensing and certification.**

- A. Landscape installation professionals performing work for hire within the unincorporated areas of Marion County shall be landscape contractors licensed by the Marion County Building Department, unless otherwise licensed by the State of Florida.
  - (1) Unless subject by Florida Statutes to certain continuing education requirements, contractors licensed under this section are required to complete a minimum of eight Professional Development Hours or Continuing Education Units in Florida Friendly Landscaping Practices from a continuing education organization approved by the County before each succeeding license renewal or bi-annually, whichever is shortest. Compliance with this requirement will be confirmed at the time of license renewal, or by an approved audit procedure.
  - (2) A list of required and approved courses or certifications for Section 6.8.15.A(1) above will be maintained by the Marion County Licensing Board.
  - (3) A course or certification may be added to or withdrawn from the approved list using an approved petition procedure.
- B. Landscape maintenance professionals performing work for hire within the unincorporated areas of Marion County shall possess current GI-BMP Certificate of Completion.
- C. Any person providing services for hire regarding any aspect of landscape maintenance that includes the application of fertilizer or pesticide shall meet the applicable state and County licensing and certification requirements included herein.

(Ord. No. 13-20, § 2, 7-11-2013)