

## Chapter 24

### LANDSCAPING, BUFFERING AND OPEN SPACE\*

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**\*Editor's note**—Ord No 92-42, § 1, approved Dec 15, 1992, deleted in its entirety, in effect repealed, former Ch 24, which pertained to landscaping, and enacted similar new provisions as set out in this chapter. Formerly, Ch 24 consisted of substantive §§ 24-26—24-35, and derived from §§ 19A 11—19A-19, 19A-22 of the county's 1965 Code as amended by Ord No 74-1, §§ 1—7, 7A, 8, 11, approved Jan 8, 1974.

**Charter reference**—General powers of county, § 103

**Cross references**—Buildings and construction regulations, ch 9, environmental control, ch 15, tree protection and removal, § 15-276 et seq, planning and development, ch 30, subdivision regulations, ch 34, zoning, ch 38, landscaping in public rights-of-way, § 21-240

**State law references**—Powers of chartered counties, Fla Const art VIII, § 1(g), adoption of land development regulations, FS § 163 3194(2)

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## ARTICLE I. IN GENERAL

### Sec. 24-1. Purpose and intent.

These regulations are enacted by the county for the purpose of the following

- (1) Maintaining and protecting property values,
  - (2) Providing an acceptable degree of transition between abutting uses,
  - (3) Providing appropriate barriers and relief from traffic, noise, heat, glare, and the spread of dust and debris,
  - (4) Conserving and extending the county's water supply and natural resources through the implementation of water-efficient landscape practices,
  - (5) Enhancing the visual and aesthetic appearance of the community, and
  - (6) Preserving the natural terrain and vegetation where possible
- (Ord No 92-42, § 1, 12-15-92)

### Sec. 24-2. Definitions

As used in this chapter/article, the following terms shall have the meanings given herein

*Berms* Maximum slope permitted is three-to-one (3 1) Berms must be completely covered with shrubs, sod or other landscape quality living ground cover

*Buffer yard* A land area, together with a specified type and quantity of planting and/or structures thereon, required between abutting land uses to eliminate or minimize the impacts of one (1) or both such land uses on each other

*Caliper* A measurement of the size of a tree equal to the diameter of its trunk six (6) inches above the top of the root ball

*Certificate of completion* An official document issued by the county evidencing that facilities constructed in support of a subdivision have been completed in a form and manner acceptable to the county

*Certificate of occupancy (C O)* Certificate of occupancy shall mean an official document evidencing that a building satisfies the requirements of the county for the occupancy of the building

*Change of use* Change of use shall mean a change from one (1) zoning use classification to another

*Encroachment* The protrusion of a vehicle into a vehicular accessway, pedestrian way or landscaped area

*Ground cover* Plants used in mass to replace lawn or create variety in landscape design, usually not having a mature height over two (2) feet tall and as listed in the Florida Friendly Plant List This term does not include turf, turf grass, or sod

*Hedge* A close planting of shrubs which forms a compact, dense, living barrier which protects, shields, separates or demarcates an area from view and which is eighty (80) percent opaque within twelve (12) months from planting Material used shall be a minimum of five (5) gallon plants and not be less than thirty (30) inches in height at the time of planting

*Landscape architect* Landscape architect shall have the meaning as ascribed in FS (2009) ch 481, pt II

*Landscape plan* A scaled plan that clearly delineates vehicular use areas, and displays and describes all landscaping, to include method of irrigation and maintenance of the landscaped areas

*Landscaping* The use of plants, construction and grading to create a desired effect Landscaping elements may consist of, but are not limited to, turf and other ground covers, shrubs, vines, hedges, trees, berms and complementary structural landscape features such as rock, fountains, sculpture, decorative walls and tree wells

*Low impact development techniques* Land planning and engineering designed with a goal to maintaining and enhancing the predevelopment (or redevelopment) hydrologic regime of urban and developing watersheds

*Masonry wall* A wall and footing constructed of masonry material and meeting the requirements of the Southern Building Code

*Qualified professional* For projects other than single-family and two-family dwellings on individual lots, qualified professionals can be an engineer, architect or landscape architect registered in the state or any nurseryman, nursery stock dealer, or agent as defined by FS ch 581, who is required under ch 581 to hold a valid license issued by the division of plant industry of the department of agriculture and consumer services and who does hold a valid license to engage in the selling of nursery stock in this state, insofar as he engages in the preparation of plans or drawings as an adjunct to merchandising his product, so long as he does not use the title, term or designation "landscape architect," "landscape architectural," "landscape architecture," "L A," "landscape engineering," or any description tending to convey the impression that he is a landscape architect unless he is registered as provided in FS ch 481, or is exempt

*Reuse water* Water that has received at least secondary treatment and is reused after flowing out of a wastewater treatment system

*Service area* An equipment area, loading area or dock, trash collection area, trash compaction area, truck parking area, recycling area, or other similar service function area

*Shade tree or canopy tree* Acceptable species shall mean a tree species which features a minimum mature canopy spread of at least twenty-five (25) feet, as described in the Florida Friendly Plant List. At the time of installation, each shade tree must be a minimum of ten (10) feet tall, with a minimum caliper of three (3) inches as measured twelve (12) inches above the root ball. Depending on the proposed location and growing conditions, other tree species not listed in the Florida Friendly Plant List may be considered by the Orange County Zoning Manager or designee

*Site plan review* Site plan review refers to commercial site plan review (chapter 30, Orange County Code)

*Turf, turf grass or sod* A mat layer of monocotyledonous plants such as Bahia, Bermuda, Centipede, Paspalum, St Augustine, and Zoysia

*Understory trees* Acceptable species shall mean a tree species which features a maximum mature canopy spread of no more than twenty (20) feet, as described within the Florida Friendly Plant List. At the time of installation, each understory tree must be a minimum of seven (7) feet tall, with a minimum caliper of two (2) inches as measured six (6) inches above the root ball. Depending on the proposed location and growing conditions, other tree species not listed in the Florida Friendly Plant List may be considered by the Orange County Zoning Manager or his/her designee

*Vehicular use area* Any ground surface area (paved or unpaved) used for storage, display, temporary parking and/or maneuvering of vehicles by employees or customers, either for compensation or to provide an accessory service to a commercial, industrial or residential use, excluding single-family and duplex residences

*Water-efficient landscaping* Landscaping that maximizes the conservation of water, via the application of one (1) or more of the principles of Xeriscape™

*Xeriscape™ or Florida friendly landscaping* A set of design and maintenance principles which reduce nonpoint source pollution and promote good horticultural practice and economic and efficient use of water. The terms Xeriscape and Florida friendly landscape may be used interchangeably in this Code, however, for purposes of determining or certifying when Florida friendly landscaping is used in landscape planning the term shall be more specifically defined in that section of Code so as to be consistent with FS (2009) § 373.185(1)(b)

*Zoning manager* The manager of the Orange County Zoning Division, or his authorized designee (Ord No 92-42, § 1, 12-15-92, Ord No 2001-14, § 3, 6-19-01, Ord No 2009-25, § 1, 9-22-09)

**Sec 24-3. Commercial site plan review—  
Applicability; certificates of occupancy; maintenance; penalties; deviations**

(a) *Applicability* The provisions of this chapter shall apply to the development of all real property including all structures, whether temporary or permanent, in unincorporated Orange County that is subject to commercial site plan review (chapter 30), unless otherwise found exempt by this chapter. Landscape requirements for preliminary subdivision plans (PSP) are included at section 34-131 of this Code.

(b) *Landscape plan submittal requirements* Construction requiring site plan review shall not be permitted until a landscape plan consistent with this Code has been submitted to and approved by the zoning manager. Landscape plans for projects totaling more than one-half (½) acre in size shall be prepared, signed and sealed by a registered landscape architect. Landscape plans for projects of one-half (½) acre in size or less shall be prepared and submitted by a registered landscape architect or other qualified professional. The landscape plans shall be drawn to a scale of one (1) inch equals ten (10) feet, one (1) inch equals twenty (20) feet, or one (1) inch equals thirty (30) feet. The following information shall be shown on the landscape plan or attached thereto:

- (1) Notation of all elements required per chapter 24 and other special requirements and/or approved conditions placed on the applicant, project or property by the board of zoning adjustment, planning and zoning commission, development review committee or board of county commissioners,
- (2) The "limit of work" line for the subject project to include any adjacent property trees located up to ten (10) feet beyond the property line,
- (3) All overhead utility lines, transformers, easements, and underground utilities, including septic tank drainfields, sidewalks located within the project, and ground or pole signs as defined in chapter 31,
- (4) All existing and proposed light poles, fire hydrants, and backflow prevention devices,

- (5) Building finished floor elevation(s) and building overhang(s),
- (6) Proposed site grading, including spot elevations, and contour lines at one-foot intervals,
- (7) Healthy and viable existing on-site trees and shrubs of a Code-acceptable size, species and location that are intended to be preserved and applied toward the requirements of this chapter. Details of the protective barriers and/or other protective measures to be used for said preservation shall be provided,
- (8) Notes indicating that all existing invasive exotic plants, as listed on the Florida Exotic Pest Plant Council's Invasive Plant Species List, shall be removed (any disturbance of a wetland area requires compliance with chapter 15 of this Code and review by the county's environmental protection division), and
- (9) A plant schedule which describes the following:
  - a All proposed landscape materials, including the specifications as to the species, size, spacing, opacity, and quantity of plant materials, and
  - b Where required, calculations demonstrating that the required ratio of high, medium, or low water use plant material, as more fully described in section 24-6 of this Code, has been achieved in the proposed plan, and
  - c In all cases, a certification from the landscape architect or other qualified professional, whichever is appropriate, that the landscape plan is designed in accordance with this Code.

(c) *Exemptions* The redevelopment, reconfiguration, expansion or change of use of a previously developed site requiring site plan review must comply with all elements of this chapter, unless any of the following exemptions apply:

- (1) The provisions of this Code shall not apply to any property, structure or building

for which a building permit has been issued by the county building official, a complete application for a building permit has been submitted to the county building department, a complete application for a development plan or preliminary subdivision plan has been submitted to the county, prior to December 31, 1992

- (2) Existing development of five thousand (5,000) square feet or less if the expansion is less than fifteen hundred (1,500) square feet
- (3) Existing development greater than five thousand (5,000) square feet if the expansion is less than twenty (20) percent of the existing gross floor area on the parcel or lot, and not in excess of five thousand (5,000) square feet

(d) *Aggregated*

- (1) Expansions exempt via (c)(2) or (3) shall be aggregated over the five-year period following the issuance of a building permit. If at any time during that five-year period additional permit(s) for expansion exceed that allowed by exemptions in (c)(2) or (3), the permit for construction that exceeds the exempted amount shall require full compliance with this chapter
- (2) The exemptions provided for in (c)(2) and (3) do not apply to new vehicular use areas that may be associated with the exempt development

(e) *Final approval and acceptance* No final certificate of occupancy/completion shall be given or issued to the owner or his/her agent until all conditions of this chapter have been met and the zoning division has granted final approval and acceptance of the finished landscape product. Final approval shall include either a landscape inspection conducted by the zoning division or as-built certification from a landscape architect or other qualified professional, whichever is appropriate, that the landscaping is installed and functioning as intended. A temporary certificate of occupancy/completion may be issued in those instances where all site improvements except landscaping have been completed, and where electri-

cal power is required to operate irrigation, or where lighting is needed to conduct preliminary business within the permitted structures or where weather conditions are not conducive to planting. Such temporary issuance is subject to the developer of the project certifying in writing that the required landscaping, as depicted on the approved plan, will be installed within a time period acceptable to the zoning manager. The applicant may be required to post as surety a letter of credit or cash escrow with the board of county commissioners in a form acceptable to the county. Such surety, if posted, shall be in an amount no less than one hundred twenty-five (125) percent of the estimated cost of completing the approved landscape plan including, but not limited to, plant material, irrigation and labor. Failure to satisfactorily complete the required landscaping within the specified time period shall be grounds for the immediate and summary revocation of the temporary certificate of occupancy/completion by the county and/or the forfeiture of the bond fund.

(f) *Maintenance* All requisite landscaping, whether preserved or newly planted, must demonstrate health and viability after issuance of the certificate of occupancy/completion. The county may perform a courtesy inspection of the landscaping within ninety (90) days after issuance of the certificate of occupancy/completion. If the landscaping appears to be under stress, staff shall notify the property owner. A compliance inspection will be performed approximately one (1) year after issuance of a certificate of occupancy/completion, or after actual landscape installation, whichever occurred last. Alternatively, a landscape architect or other qualified professional, whichever is appropriate, may certify in writing to the zoning division that the landscape functions as designed and has been maintained properly. If the landscaping is not viable, notice shall be given to the property owner, and the property owner shall be responsible for restoring the landscaping within a time period acceptable to the zoning manager.

(g) *Penalties* Failure to have viable landscaping consistent with the approved landscape plan shall constitute a violation subject to penalties and shall be prosecuted and punished in accordance with Orange County Code section 1-9. The

board of county commissioners may bring suit in the circuit court to restrain, enjoin or otherwise prevent violation of and/or enforce compliance with this chapter

(h) *Deviations from regulations, variances* The provisions of this chapter shall be liberally construed in order to effectively carry out the purpose of this chapter in the interest of the health, safety and welfare of the residents of the county. The zoning manager is authorized to grant deviations from this chapter where the application of this chapter to a specific site would result in a practical difficulty or a physical hardship affecting the economic use of the property. Where substantial deviation from this chapter is proposed, that in the opinion of the zoning manager does not further the intent and purpose of this chapter, the board of county commissioners may consider an appeal of the zoning manager's decision, pursuant to the standards contained in Orange County Code section 34-27. In applying section 34-27 to a variance request hereunder, the term "subdivision improvements" shall be interpreted to mean "landscaping improvements."

(i) Nothing in this chapter shall be construed to prohibit or be enforced to prohibit any property owner from implementing county-approved low impact development techniques for storm water management and capture or Florida friendly landscaping on his/her land (Ord No 92-42, § 1, 12-15-92, Ord No 2001-14, § 4, 6-19-01, Ord No 2009-25, § 2, 9-22-09)

#### **Sec. 24-4 General design and development standards**

The requirements of this section shall apply in all circumstances, unless otherwise specified in this chapter. When a required buffer lies within ten (10) feet of an above ground power or other utility line, understory trees may be planted in the affected buffer in lieu of shade trees. However, in such instance, the understory trees shall be a minimum of seven (7) feet in height, have at least a two-inch caliper, and shall be planted at a rate of one (1) tree for every twenty-five (25) feet.

##### *(a) Vehicular use areas*

(1) *Landscaping adjacent to right-of-way/roadway* Where a vehicular use area lies

adjacent to a public or private roadway (a vehicular use area shall be deemed adjacent to the roadway) if it lies within seventy-five (75) feet of the roadway, landscaping shall be provided as follows

- a A landscape strip at least seven (7) feet in width. Groundcover shall be used on this landscape strip, however, turf, turf grass or sod shall not be permitted for use on this landscape strip.
  - b One (1) shade tree for each forty (40) lineal feet, or fraction thereof,
  - c A continuous hedge at least thirty (30) inches high at planting of a species capable of growing to at least thirty-six (36) inches in height within eighteen (18) months, which hedge shall be maintained at a height not less than thirty-six (36) inches. The height of the hedge shall be measured from parking lot grade, and
  - d Where wheel stops are not used, the required plantings shall not be planted within two (2) feet of the curb, to allow for vehicle overhang.
  - e Reasonable breaks in landscaping in vehicular use areas shall be made to allow pedestrian access through parking areas to points of destination.
- (2) *Landscaping adjacent to other properties* Where a vehicular use area is adjacent to other property (a vehicular use area shall be deemed adjacent to other property if it lies within thirty (30) feet of the property boundary), landscaping shall be installed to screen the vehicular use area from the adjacent properties as follows
- a Where a vehicular use area is adjacent to properties zoned or designated for residential use on the official zoning maps or the future land use map of the comprehensive policy plan, a landscape buffer shall be provided. The buffer shall be completely opaque from the ground to height of at least six (6) feet and shall be a minimum of seven (7) feet

in width. The buffer may utilize a masonry wall, berm, planted and/or existing vegetation, or any combination thereof which maintains the minimum requirements. The buffer shall be four (4) feet in height and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years. The buffer shall have at least one (1) shade tree every fifty (50) feet of common lot line or fraction thereof.

- b Where the adjacent property is zoned or designated for nonresidential use, or where the adjacent property maintains a conforming hedge, hedge/berm or wall, the provisions of subsection (a)(2)a above may not apply, except for the tree planting provisions, which provision shall apply along the property line regardless of the proximity of the vehicular use area.
- c For sites where spacing between non-residential structures is ten (10) feet or more, regardless of whether the separation is utilized for a vehicular use area, a shade tree at fifty (50) foot on center shall be planted to comply with subsection 9-118(m)(1).
- d The provisions of this section shall not apply in the following situations:
  - 1 When the property line abuts a dedicated alley or railroad right-of-way, and/or
  - 2 For those portions of the property where a nonresidential structure is opposite and within ten (10) feet of another nonresidential structure located on the abutting property.
- e Plantings required in this section may be counted against the buffer requirements of section 24-5.
- f Reasonable breaks in landscaping in vehicular use areas shall be made to allow pedestrian access through parking areas to points of destination.

(3) *Interior landscaping* Landscaped areas shall be provided within any interior vehicular use areas to provide visual and climatic relief from broad expanses of pavement and to define logical areas for pedestrian and vehicular circulation. This subsection shall only apply to paved vehicular use areas used for employee and customer parking and maneuvering.

- a An interior vehicular use areas shall be deemed to consist of all vehicular use areas except for those parking spaces located contiguous to a perimeter for which a landscape screen (hedge and trees) is required.
- b At least ten (10) percent of the interior vehicular use area for properties in C-1, C-2 or C-3 zoning districts, non-ancillary commercial uses permitted in the P-O zoning district by special exception, and commercial components of a PD shall be landscaped. Otherwise, at least five (5) percent of the remaining interior vehicular use area shall be landscaped.
- c Each separate landscaped area shall be a minimum of twenty-five (25) square feet, with one (1) shade tree planted for each one hundred (100) square feet of required interior landscaping. All landscaped areas adjacent to parking areas shall be protected from vehicle encroachment by curbing or wheel stops.
- d A maximum of ten (10) continuous parking spaces shall be permitted without a landscape break. The landscape break shall be a minimum of eight (8) feet in length and eight (8) feet in width and include one (1) shade tree of an acceptable species. Landscape breaks that are head-to-head and are eight (8) feet by sixteen (16) feet shall require two (2) shade trees. The shade tree shall be a minimum of ten (10) feet in height with a three-inch caliper. As an alternative, landscaped seven-foot wide center medians located between all lin-



each row of parking which face head-to-head may be provided, with one (1) shade tree provided per sixty (60) lineal feet of median

- e A landscaped island (singular or head-to-head) shall be required at the ends of each row of parking spaces. Where singular, one (1) tree shall be required. Where head-to-head, two (2) trees shall be required.
- f Turf, turf grass, or sod shall not be permitted for use in landscape areas within any interior vehicle use areas.

(b) *Intersection visibility* When an accessway intersects a public right-of-way, landscaping shall be used to define the intersection, provided, however, that all landscaping within the triangular areas described in subsections (b)(1) and (2) below shall provide unobstructed cross-visibility at a level between two (2) feet in height and six (6) feet in height. Trees and foliage shall be periodically pruned and trimmed so that no limbs or foliage extend into the cross-visibility zone. Landscaping, except for grass and similar low ground cover, shall not be located closer than three (3) feet from the edge of any accessway. The triangular areas referenced above shall satisfy the following dimensional requirements, except to the extent deemed unnecessary by the county engineer:

- (1) The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way line with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the other sides, and
- (2) The area of property located at a corner formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular area being measured thirty (30) feet in length along the abutting edges of pavement, from their point of intersection, and the third being a line connecting the ends of the other two (2) lines.

(c) *Parking garages* Perimeter landscaping required for parking garages shall be the same as for buildings.

(d) *Building perimeter* A landscaped area shall be provided between all buildings and the public right-of-way and along the primary facade:

- (1) The landscaped area shall be equal to the full lineal length of the building base oriented toward the public right-of-way and have a minimum depth of eight (8) feet.
- (2) At least fifty (50) percent of the required landscaped area shall consist of landscaping capable of achieving a minimum of thirty (30) inches in height, with one (1) shade tree planted for each twenty-five (25) feet or fraction thereof of the lineal building facade, or one (1) understory tree or palm tree planted for each fifteen (15) feet or fraction thereof of the lineal building facade.
- (3) The layout of the required landscape shall be at the discretion of the owner, such that the required square footage may be aggregated to provide maximum aesthetic value. However, each perimeter requiring landscape must have at least fifty (50) percent of the required landscape along that perimeter.

(e) *Service areas* A service area visible from a public right-of-way or abutting other property shall be screened by a masonry wall and landscape buffer. The wall shall be a minimum of six (6) feet in height using architectural design, materials and colors that are consistent with those of the primary structure. The landscape buffer shall be a minimum of five (5) feet in width, a minimum of three (3) feet in height, fifty (50) percent opaque at planting and capable of attaining a height of five (5) feet and seventy-five (75) percent opacity within eighteen (18) months.

(f) *Solid waste storage areas* A solid waste refuse facility shall be screened on three (3) sides by a six-foot high masonry wall and landscaped pursuant to the requirements of subsection (e) if

it is located within the building setback area or located in an areas visible to customers or from a public right-of-way

(g) *Screening walls* A walls on a side property lines shall be no more than four (4) feet in height where it projects forward of the building setback line Landscaping shall be provided in the form of hedge and shrubs planted adjacent to the wall, and shall be equal to at least twenty-five (25) percent of its length

(h) *Open storage areas* An open storage area shall not be permitted unless it is totally screened from the public right-of-way and any adjacent properties An open storage area shall be screened by a six-foot high masonry wall or ten-foot wide landscape buffer The landscape buffer must be a minimum of three (3) feet in height and fifty (50) percent opaque at planting and be capable of attaining a height of five (5) feet and seventy-five (75) percent opaqueness within eighteen (18) months

(i) *Merchandise display areas on properties zoned C-2 or C-3 and commercial components of PDs* A merchandise display areas (e.g., garden centers), that is visible from a public right-of-way shall be fenced by a vinyl coated chain-link or other decorative metal fencing Additionally, the merchandise display area shall be landscaped, integrated into the design of the primary structure using landscaping adjacent to the perimeter, and utilize one of the following techniques

- (1) Masonry columns constructed of the same materials and color of the main building, spaced a minimum of twenty-five (25) feet apart, or
- (2) A freestanding wall constructed of the same material, color, height and style of the main building along the entire length of the fenced merchandise display area that covers at least fifty (50) percent of the fenced storage area

(j) *Landscaping of drive-through windows and lanes adjacent to or visible from public or private rights-of-way or roadways* An eight-foot wide buffer (for primary facade) or five-foot wide buffer (for secondary facade) and of an appropriate length, shall be required The buffer shall be a minimum

of three (3) feet in height and fifty (50) percent opaque at planting, be maintained at a minimum of three (3) feet and be capable of attaining a height of five (5) feet, and be seventy-five (75) percent opaque within eighteen (18) months The buffer shall contain understory trees and/or palm trees consistent with the appropriate primary or secondary facade requirements

(k) *Big box developments* Big box developments (defined in section 38-1 of this Code) shall adhere to the following requirements

- (1) Earth berming shall be required within all perimeter edge buffers located between parking areas and adjacent street rights-of-way Such berming shall achieve a minimum finished-grade height of twenty-four (24) inches above the finished grade of either
  - a The top of the adjacent planter curb, or
  - b The adjacent sidewalk, whichever is higher

However, in no case may the slopes of any berms exceed a 3:1 slope Such bermed perimeter planting buffer strips shall incorporate a continuous line of shrubs, at least two (2) rows deep Groundcover plantings shall be incorporated within the planting design Curvilinear shrub and groundcover planting patterns (in lieu of straight-line planting patterns) which meander within the planting strip, and across the top of berms, shall be encouraged

- (2) Eight-foot high masonry or pre-cast concrete walls shall be required along all perimeter edge buffers which are adjacent to residentially-zoned properties Such eight-foot high walls shall include columns which project a minimum of six (6) inches from the face of the adjacent wall segments The columns shall be spaced no more than fifty (50) feet on-center, shall extend a minimum of eight (8) inches above the height of the adjacent wall segments, and shall incorporate a flared finial or cap component Furthermore, the wall segments between columns shall incorporate a continuous, flared cap block

(or widened top edge for pre-cast) feature along the entire wall segment. The masonry wall cap block shall project from the wall face a minimum of three (3) inches. Pre-formed and decorative patterns and indentations shall be incorporated on any pre-cast concrete wall segments. Such pre-cast pattern(s) shall coincide with the architectural trim and finish of the principal structure.

When site conditions preclude the perimeter edge buffer berming otherwise required between parking areas and adjacent rights-of-way, as outlined above, a masonry or pre-cast knee wall (thirty-six (36) inches to forty-eight (48) inches high) shall be constructed within a minimum ten-foot wide planter strip between parking areas and adjacent street rights-of-way. Pre-cast knee walls shall incorporate a brick or stone veneer surface which is architecturally compatible with the surface materials used on the principal structure. Pre-cast knee walls which feature only a smooth or stucco finish shall be prohibited. Such knee walls shall incorporate the above-referenced columns. However, spacing between knee wall columns shall be no greater than forty (40) feet on-center. The columns shall project a minimum of six (6) inches from the face of the adjacent wall segments and shall extend above the adjacent wall segments between six (6) and eighteen (18) inches.

Furthermore, the wall segments between columns shall incorporate a continuous, flared, cap block component along the entire wall (or widened top edge for pre-cast walls). The cap block shall project from the wall face a minimum of three (3) inches. Decorative metal railings, or other trim components installed along the top of such knee walls, shall be encouraged.

- (3) Dumpsters, loading docks, compactors, and the like shall be screened so as not to be visible from adjacent rights-of-way and/or adjacent residentially-zoned properties. To the greatest extent possible, steps shall also be taken to noise-buffer such store

service areas from adjacent residentially-zoned parcels, and shall comply with all existing noise pollution performance standards.

- (4) Whenever available, reclaimed water shall be used for irrigation in accordance with Orange County's Reclaimed Water Ordinance No. 94-21 [section 37-651 et seq. of this Code], as may be amended from time to time.

- (1) All plans subject to commercial site plan review shall include a landscape plan and plant schedule, described at subsection 24-3(b)(8) of this Code, which shall demonstrate the following ratio amounts of plants in accordance with the appropriate water use and irrigation needs, based on the drought tolerance and soil moisture categories listed in the Florida Friendly Plant List, provided, however that those portions of the landscape plan dedicated to golf course greens, tees, fairways, primary roughs, or vegetation associated with intensive recreational areas such as playgrounds and football, baseball, and soccer fields shall be exempt from this section (hereafter "40/40/20 plan")

- No more than twenty (20) percent of proposed plant material shall be in a high water use zone as described in section 24-6 of this Code,
- No less than forty (40) percent of the proposed plant material shall be in a low water use zone as described in section 24-6 of this Code, and
- The remaining proposed plant material may be in a moderate or low water use zone as described in section 24-6 of this Code.

The plan shall reflect a calculation of the required percentages described above based upon the total square footage of the area to be landscaped. In no case shall turf exceed sixty (60) percent of the total square footage of the area(s) to be landscaped not including qualified retention ponds.

- (2) As an option to the landscape planning principles described at subsection (1), above, Florida friendly landscaping principles, as described at FS (2009) § 373 185(1)(b), and this Code, may be utilized for the entire landscape plan, however, in no case shall turf exceed sixty (60) percent of the total square footage of the area(s) to be landscaped not including qualified retention ponds. For purposes of utilizing this option, "Florida friendly landscaping" means quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of storm water runoff, and waterfront protection. Additional components include practices such as landscape planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance.
- (3) In no case shall a landscape plan incorporate the use of prohibited invasive exotic plant species as described in FS (2009) § 581 091.
- (4) In either case, the landscape plan shall contain certification by the landscape architect or other qualified professional, whichever is appropriate, that the landscape plan is designed in compliance with this Code and the certification shall be submitted to the county as a component of the initial submittal of the commercial site plan. Such certification shall be stated directly on the landscape plan.

(m) Nothing in this ordinance shall be construed to prohibit or be enforced to prohibit any property owner from implementing county-approved low impact development techniques for storm water management and capture or Florida friendly landscaping on his/her land.

(Ord No 92-42, § 1, 12-15-92, Ord No 98-29, §§ 2—4, 10-20-98, Ord No 2001-14, § 5, 6-19-01, Ord No 2003-11, § 12, 8-26-03, Ord No 2007-01, § 7, 3-20-07, Ord No 2009-25, § 3, 9-22-09)

### Sec. 24-5 Buffer yards.

The buffer yards prescribed in this section are intended to reduce, both visually and physically, the negative impacts generated by abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

#### (a) Buffer classifications

- (1) *Type A, opaque buffer* This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) *Type B, opaque buffer* This buffer classification shall be used to separate community commercial (C-2) and general industrial (I-2, I-3 or I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) *Type C, opaque buffer* This buffer classification shall be used to separate neighborhood commercial (C-1) and light industrial (I-L) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent

opaque at planting and be capable of attaining full height and opacity within three (3) years

- (4) *Type D, opaque buffer* This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.

- (5) *Type E, mobile home and RV park buffer* This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.

- (6) *Type F, residential subdivision buffer* See subdivision regulations (chapter 34, Orange County Code)

(b) *Shade trees* All buffers shall include one (1) shade tree for each forty (40) lineal feet or fraction thereof.

(c) *Decrease of widths, types B through E* Minimum buffer yard widths of types B through E may be decreased by twenty (20) percent if the buffer incorporates any of the following components:

- (1) Utilize plantings and berms to meet minimum buffer requirements

(2) Utilize plantings, berms and wall to meet minimum buffer requirements, where wall is combined with berm to meet minimum height requirements

(3) Utilize wall with plantings, where the plantings are parallel for at least seventy-five (75) percent of the linear length of the wall, and covers at least twenty-five (25) percent of the required buffer width

(d) *Use of buffer yards* All of the buffer yard options may be counted toward zoning district yard setbacks and open space requirements. Passive recreational uses such as walkways, par courses, golf courses, bikeways and retention areas may be located within buffer yards to the extent they are allowed by zoning, provided that buffer yard width and screening requirements are maintained. The following uses are prohibited in buffer yards: playgrounds, swimming pools, tennis courts, vehicular use areas, storage or buildings.

(e) *Buffer yard maintenance* Buffer yards may be maintained as follows:

(1) The buffer yards may be placed in common ownership of the property owners with maintenance by the property owners' association, or

(2) The buffer yard may be placed on private property within a landscape buffer easement dedicated to the property owners' association, with maintenance provided by the property owners' association

(Ord No 92-42, § 1, 12-15-92)

#### **Sec. 24-6. Water-efficient landscaping.**

(a) *Purpose* Because water restrictions have become a common occurrence in Central Florida, the county is incorporating water-efficient landscape standards into this section.

(b) *Water-efficient design* The following water-efficient principles shall be considered when designing a 40/40/20 landscape plan as described in section 24-4 of this Code:

(1) *Design* Tree and plant material shall be grouped into zones designated by the water requirements of the plants so that

plants are grouped together by irrigation demand. The water use zones shall be delineated on the landscape plan. Newly installed trees may require regular watering for up to the first year to become established. Installed trees and vegetation shall be spaced and located to accommodate their mature size on the site. The water use zones are as follows:

- a *Higher water use zone* A zone containing plants which are generally associated with low to no drought tolerance and wet soils
- b *Moderate water use zone* A zone containing plants which are generally associated with medium drought tolerance and medium drained soils
- c *Low water use zone* A zone containing plants which are generally associated with high drought tolerance and well drained soil

In all zones, the plant palette and irrigation system shall be appropriate for site and soil conditions.

- (2) *Plant selection* In preparing the landscape plan, plant material shall be selected that is best suited to withstand the growing and soil conditions which are found in the microclimate of each particular location on a site. Plant species that are freeze and drought tolerant are preferred.
- (3) *Turf grass* Turf grass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreational uses, provide soil erosion control such as on slopes or in swales, where turf grass is used as a design unifier, or other similar practical use. The landscape plan shall label the intended use of turf areas.
- (4) *Mulch* A layer of organic mulch, installed to a minimum depth of two (2) inches, shall be specified on the landscape plans in plant beds and around individual trees in turf grass areas. Mulch shall not be required in annual beds.

(5) *Irrigation* Reuse water shall be used as defined in chapter 37 of this Code. The irrigation system shall be designed to correlate to the organization of plants into zones as described in subsection (b)(1) above. All irrigation systems shall conform to the requirements set forth in chapter 37 of this Code and shall be certified by the licensed contractor or licensed professional to be in compliance with chapter 37 irrigation system requirements in design, certification shall include language providing that the system shall be installed in compliance with the chapter 37 irrigation system requirements. This certification shall be submitted to the county on the landscape plan.

(6) Nothing in this ordinance shall be construed to prohibit or be enforced to prohibit any property owner from implementing county-approved low impact development techniques for storm water management and capture or Florida friendly landscaping on his/her land.

(Ord No 92-42, § 1, 12-15-92, Ord No 2009-25, § 4, 9-22-09)

**Sec. 24-7. Irrigation.**

(a) A permanent underground irrigation system or temporary irrigation system, as appropriate, providing uniform coverage of all landscape/buffer areas is required and shall be designed and installed so as to conform to the requirements set forth in chapter 37 of this Code. The requirement for irrigation providing uniform coverage may be waived by the planning manager under the following circumstances:

- (1) When site dimensions and landscape requirements could be serviced by micro-irrigation at the base of the planter, within the drip line of the tree or by handheld hose or watering can,
- (2) Where native plant habitat is retained,
- (3) Where water-efficient landscaping is proposed as defined in section 24-6

(b) An irrigation plan shall be provided which shall clearly indicate by note whether irrigation is permanent or temporary for the purpose of establishing plant material

(Ord No 92-42, § 1, 12-15-92, Ord No 2009-25, § 5, 9-22-09)

**Sec. 24-8. Landscape materials/installation.**

(a) *Materials*

(1) *Plant quality* Plant material used to satisfy sections 24-4 and 24-5 must meet or exceed "Florida No 1," as established in the latest publication by the State of Florida, Department of Agriculture and Consumer Services, Tallahassee, Florida

(2) *Potable water conservation* Unless reuse water is utilized, plant material must be native to or adaptable to the site and possess appropriate water requirements according to appropriate water management district guidelines

(b) *Installation* All landscaping shall be installed according to accepted commercial planting procedures. Soil shall be free of lime rock and other construction debris. All landscaped areas shall be protected from vehicle encroachment by wheel stops or curbing

(Ord No 92-42, § 1, 12-15-92)

**Sec. 24-9. Planned developments**

The following are additional requirements that apply to nonresidential projects submitted for review under the Planned Development (P-D) district

(1) *Land use plan* The land use plan shall graphically display and/or note the location, width and opacity requirements of all landscape buffers required in this chapter

(2) *Development/subdivision plan* Landscape plans shall contain the following information

a Location of all existing or proposed structures, vehicular use areas, easements and surveyed conservation boundaries, if applicable

b Tree survey, consistent with subsection 15-301(b), Orange County Code

c The location of all landscape/buffer areas proposed to be planted on the site. This shall include specifications as to size, spacing and opacity of plant material and shall include building perimeter and internal landscape details

d Proposed method of irrigation

e Method of maintenance

(Ord No 92-42, § 1, 12-15-92)

**Sec. 24-10. Activity center/tourist commercial development.**

The following standards apply to all properties located within a designated activity center or tourist commercial corridor, unless exempted as a development of regional impact (DRI) or as a binding letter of vested rights development by section 30-363, and are supplemental to all other requirements of this chapter

(a) *Activity center requirements*

(1) *Streetscape buffers* The buffers depicted in Exhibit A [on file in appropriate county offices] are required along all roadways located within the International Drive Activity Center

(2) *Perimeter landscaping*

a Trees shall be provided within buffer areas described in # 1 at the rate of one (1) shade tree for each forty (40) feet of road frontage or fraction thereof, planted on-center. These shade trees are to be a minimum of sixteen (16) feet high, with a minimum caliper of three and one-half (3½) inches, with a minimum six-foot clear trunk, at planting. Shade trees shall be provided along side and rear lot lines not abutting rights-of-way at a rate of one (1) tree for each fifty (50) linear feet or fraction thereof

- b All paved parking and vehicular use areas shall be screened as follows
  - 1 A continuous hedge at least thirty (30) inches high, spaced no greater than thirty (30) inches on-center at planting, which shall reach at least forty-eight (48) inches high and eighty (80) percent opacity within twelve (12) months
  - 2 When two (2) hedges occur along a common property line, compatible species shall be used

Additional screening requirements along side and rear property lines may be required based upon the abutting land use (see section 24-4(a)(2) and section 24-5)

Conventional stormwater retention facilities shall be designed as a site amenity (per section 38-1234, Orange County Code) If design as an amenity is determined infeasible by the county engineer, the stormwater facilities shall be screened from public the right-of-way by a continuous hedge, berm or combination of both

(3) *Interior landscaping*

- a Landscaping shall be provided throughout parking areas in an amount equal to ten (10) percent of the total paved area Each landscaped area shall be a minimum of one hundred (100) square feet One (1) shade tree shall be required for each seventy-five (75) square feet of required landscaping A landscape starter shall be provided at the end of each parking area adjacent to the travel lane serving the parking aisle A minimum of fifty (50) percent of the required landscape areas shall be landscaped with plant materials other than ground cover All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops

- b No more than fifteen (15) parking spaces shall be placed in a continuous row without a landscape break The landscape break shall be a minimum of eight (8) feet in length or eight (8) feet in width and include one (1) shade tree As an alternative, landscaped seven-foot wide center medians located between all lineal rows of parking which face head-to-head may be provided, with one (1) shade tree provided per fifty (50) lineal feet of median

(4) *Building perimeter* A landscaped area shall be provided around the base of all buildings oriented toward the right-of-way or public parking areas

- a The landscaped area shall encircle the building base oriented toward the right-of-way or parking area Minimum width shall be five (5) feet
- b At least fifty (50) percent shall consist of landscape other than ground cover, with one (1) tree provided for each one hundred (100) square feet of required landscaping or fraction thereof
- c The application of the required landscape shall be at the discretion of the owner, such that the required square footage may be aggregated to provide maximum aesthetic value However, each perimeter requiring landscape must have at least fifty (50) percent of the required landscape along that perimeter

(b) *Tourist commercial corridor requirements*

- (1) *Perimeter landscaping* Trees shall be provided along buffer yard areas abutting public rights-of-way at a frequency of one (1) tree for every fifty (50) feet of road frontage or fraction thereof Trees shall be provided along side and rear lot lines not abutting rights-of-way, at a ratio of one (1) tree for each seventy-five (75) linear feet or fraction thereof Existing trees will be counted to meet this requirement Trees must be placed within the buffer yard



areas with at least fifty (50) percent of the required trees located within fifteen (15) feet of the property line

- a The application of the perimeter landscaping criteria shall be flexible with preference being given to aesthetically pleasing landscape design over a rigid interpretation of the tree spacing standard, however, no more than one hundred fifty (150) contiguous feet along the perimeter of the property shall be void of trees
- b The type and size of landscape material shall conform with the plant material specifications contained in this section

(2) *Screen hedges/berms* All paved areas and fenced stormwater retention facilities shall be screened from the public right-of-way by a continuous hedge or berm or combination of both. The use of plant materials to provide a continuous hedge shall conform to the plant material specifications provided herein

- a Berms may be utilized to provide screening of paved areas or stormwater retention facilities, provided they are a minimum of two (2) feet in height and no more than five (5) feet in height. Berms shall be supplemented with landscaping in order to provide a minimum thirty-six-inch high screen
- b Berms constructed adjacent to the public right-of-way shall not exceed seventy-five (75) feet in length without a landscape break. Overlapping berms may be utilized in lieu of landscape breaks
- c Paved areas adjacent to side or rear property lines shall be screened from abutting properties by hedging or berms equaling twenty-five (25) percent of the paved frontage. No more than fifty (50) continuous feet along the property line shall be void of screening. Additional landscaping

shall be provided to screen any on-site uses having a negative impact on adjacent property

(3) *Interior landscaping* Landscaping shall be provided in scattered locations throughout the parking areas, and the aggregate square footage covered by such landscaping shall not be less than five (5) percent of the total paved area. Each landscaped area shall be a minimum of two hundred (200) square feet. A landscape starter shall be provided at the end of each parking area adjacent to the travel lane serving the parking aisle. A minimum of fifty (50) percent of the required landscape areas shall be landscaped with plant materials other than ground cover

- a All landscaped areas shall be protected from vehicle encroachment by curbing or wheel stops
- b No more than twenty (20) parking spaces shall be placed in a continuous row without a landscape break. Flexibility in the application of this standard shall be given to parking areas serving more than five hundred (500) cars, provided that the proposed design produces an acceptable alternative
- c A minimum of fifty (50) percent of the required trees provided within the interior landscaped area shall be of a large shade tree variety

(4) *Building landscaping* A landscaped area shall be provided around the base of all buildings oriented toward public rights-of-way or public parking areas. The rear of the building shall not be included within the landscaped area unless it is oriented to a public right-of-way

- a This landscaped area shall be equal to fifty (50) percent of the linear length of the building base oriented toward the rights-of-way or parking areas, with a minimum width of four (4) feet

- b At least half of the required landscaped area shall contain landscape material other than ground cover, with trees provided at a ratio of one (1) tree per two hundred (200) square feet of required landscaped area or fraction thereof. The distribution of the landscaped areas shall be at the discretion of the owner.

(Ord No 92-42, § 1, 12-15-92)

**Sec. 24-11 Exemptions**

(a) Development applications involving one (1) single-family residence or a duplex residential project, on either a single lot or parcel, are exempt from the requirements of this chapter

(b) Bona fide agricultural activities as defined in the Florida Right to Farm Act (FS (2009) § 823 14) are exempt from the requirements of this chapter provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question

(Ord No 2009-25, § 5, 9-22-09)

**Secs. 24-12—24-25. Reserved.**

**ARTICLE II. OPEN SPACE**

**Sec. 24-26. Definitions**

As used in this article, the following terms shall have the meanings given herein

*Open space* shall mean lands set aside for the following

- (1) The protection of natural resources (such as uplands, wildlife habitats and ground-water recharge areas) and areas unsuitable for development due to natural hazards (such as wetlands, floodplains and areas of unsuitable soils),
- (2) Recreation areas, or
- (3) The enhancement of the developed urban environment (including buffer areas, landscaped areas, plazas and hardscapes)

*Common open space* shall mean a type of open space designed and intended for use or enjoyment of the occupants of a project

*Residential private open space* shall mean the usable open space on individual lots maintained by the required front, rear and side yards of the residential zoning district and excluding paved driveways, principal and accessory structures. However, for purposes of this article, recreational structures such as, but not limited to, pools, tennis courts and porches shall not be considered accessory structures and shall be included in calculating residential open space

(Ord No 92-42, § 1, 12-15-92)

**Sec. 24-27. Legislative findings.**

(a) Open space provides protection of natural resources by encouraging preservation of aquifer recharge areas, floodplains, wetlands and wildlife habitat

(b) Open space enhances the quality of life by providing space for recreation

(c) Open space enhances the urban environment by providing visual relief, and improving light infiltration and air circulation in developed areas

(d) Private open space can be provided in residential areas by required lot setbacks and minimum lot sizes

(e) Consistency in the definition of open space and the provisions for open space are necessary for the balance between private property rights and the protection of the public health, safety and welfare

(Ord No 92-42, § 1, 12-15-92)

**Sec 24-28. Applicability**

The regulations herein are applicable to all development applications permitted by the county. The percentages listed below are considered minimum standards, however, an applicant may provide a greater percentage of open space but a greater percentage will not be required by the county

(Ord No 92-42, § 1, 12-15-92)

**Sec. 24-29. Open space requirements**

(a) In the following residential zoning districts, residential private open space shall be forty (40) percent

R-A

RCE-5

RCE-2

A-R

R-CE

R-1AAAA

R-1AAA

R-1AA

R-1A

R-1

R-2 (single-family detached housing only)

R-3 (single-family detached housing only)

R-L-D

Provided, however, that when a variance to the building setbacks for an addition to the principal residence is successfully obtained from the board of zoning adjustment, then the residential private open space requirements shall be automatically reduced by an amount sufficient to accommodate the setback variance

(b) In the following residential zoning districts, residential private open space shall be forty-five (45) percent

R-2 (excluding single-family detached housing)

R-3 (excluding single-family detached housing)

(c) In the nonresidential zoning districts, open space shall be provided as follows

Office—Twenty-five (25) percent

Commercial—Twenty (20) percent

Industrial—Fifteen (15) percent

Institutional—Thirty-five (35) percent

Big box development

One (1) story and two hundred thousand (200,000) square feet or greater  
Thirty (30) percent

One (1) story and less than two hundred thousand (200,000) square feet  
Twenty-five (25) percent



Two (2) stories, provided that the second story is forty (40) percent or more of the gross floor area that is open to customers Twenty (20) percent

Two (2) stories with multilevel structured parking, provided that the second story is forty (40) percent or more of the gross floor area that is open to customers Fifteen (15) percent

(d) For planned development zoning districts, open space shall be provided in accordance with section 38-1234 of the Orange County Code

(e) For residential cluster districts, common open space shall be provided as follows

<i>Gross Residential Density</i>	<i>% Common Open Space Required</i>
Less than or equal to 1 unit/acre	None required
Greater than 1 unit/acre	10%

(f) For urban village zoning districts, open space shall be provided outside of the village center as follows

Residential private open space—Twenty-five (25) percent

Institutional open space—Thirty-five (35) percent

(Ord No 92-42, § 1, 12-15-92, Ord No 93-11, § 15, 4-27-93, Ord No 2007-01, § 8, 3-20-07)

**Sec 24-30 Open space design guidelines**

The following design guidelines are provided to encourage proper design, location and use of open space For facilities that serve a primary purpose other than open space, performance standards are established for use in obtaining open space credits for these areas

(a) *Location* Open space, other than private residential open space, should be located within the project to enhance its functions as follows

- (1) Landscape buffers should be located on the perimeters of the project and along major collectors and arterials to provide maximum screening from adjacent land uses

- (2) Recreational open space should be located internal to the project and be easily accessible to all residents and employees

- (3) Open space areas that provide natural resource protection should be located to preserve floodplains, wetlands, aquifer recharge areas, wildlife habitat and other unique natural resources

(b) *Size* Open space areas should be the appropriate size for their primary function

(c) *Distribution* Open space should be distributed with reasonable uniformity throughout the project so that remnant open space areas are not created that are unusable or function as private open space to only a small percentage of the development

(d) *Integration*

- (1) Integrated open space systems, i e , connected by greenways, bike paths and/or walkways, are encouraged
- (2) If the project is located next to off-site open space whose primary function is conservation of natural resources, connection of open space with compatible functions is encouraged

(e) *Ownership and maintenance* Common open space areas shall be the responsibility of a property owners' association or a method shall be provided for assuring the maintenance of and access to all common open space areas in perpetuity, either by transferring ownership and maintenance responsibilities for the open space areas to a trustee or mandatory homeowners' association, or by some other method acceptable to the board of county commissioners The county shall not be responsible for the maintenance of common open space areas

(f) *Irrigation* All development containing a contiguous irrigated open space tract or parcel greater than twenty (20) acres, including golf courses, shall be required to accept reclaimed water for irrigation when such reclaimed water is available adjacent to the development's boundary and has sufficient capacity and pressure Connection shall be consistent with the connection policies of the applicable utility provider

(g) *Open space credits* All of the uses below shall be credited towards open space if all performance standards are met. The amount of credits depends on the category of open space, but in no case shall category A open space constitute less than twenty-five (25) percent of the total open space required.

(1) *Category A open space* All of the uses listed below shall count one hundred (100) percent towards meeting the total open space required.

- a Buffer zones and greenbelts,
- b Recreational areas (active and passive),
- c Landscaped areas,
- d All other permanently undeveloped uplands,
- e Dry bottom stormwater management ponds that meet the following requirements:
  - 1 Sodded,
  - 2 Unfenced,
  - 3 Must be dry within seventy-two (72) hours after a twenty-five-year storm event,
  - 4 A skimmer must be provided to minimize the accumulation of trash and pollutants,
  - 5 At least five (5) percent of the area above the peak state elevation must be landscaped with at least fifty (50) percent of the required area landscaped with plant materials other than ground cover (the use of native plant species is encouraged).

(2) *Category B open space* All of the uses listed below may be credited towards meeting the minimum open space requirements if the performance standards are met, but shall not account for more than fifty (50) percent of the total open space required.

- a Wet bottom stormwater management ponds that meet the following requirements:
  - 1 Minimum of one (1.0) acre,

- 2 Five-to-one (5:1) side slopes,
- 3 Sodded or an equivalent ground cover,
- 4 Unfenced,
- 5 Curvilinear in shape rather than angular,
- 6 Landscaped in accordance with the following criteria:

i *One to two and one-half acres* At least ten (10) percent of the land above the design high water level excluding maintenance berms shall be landscaped with at least fifty (50) percent of the required area landscaped with plant materials other than ground cover (the use of native plant species is encouraged), or a littoral zone band of at least five (5) feet in width for at least fifty (50) percent of the shoreline established with native aquatic or semiaquatic plant species,

ii *Two and one-half to five acres* At least five (5) percent of the land above the design high water level excluding maintenance berms shall be landscaped with at least fifty (50) percent of the required area landscaped with plant materials other than ground cover (the use of native plant species is encouraged), or a littoral zone band of at least five (5) feet in width for at least thirty-five (35) percent of the shoreline established with native aquatic or semiaquatic plant species,

iii *More than five acres* A littoral zone band of at

- least five (5) feet in width for at least twenty (20) percent of the shoreline established with native aquatic or semiaquatic plant species
    - 7 Access provided for all residents/employees
  - b Easements that meet the following requirements
    - 1 Minimum twenty-five (25) feet wide,
    - 2 Accessible for public use,
    - 3 Written verification from the easement holder authorizing unrestricted access
  - c Plazas/hardscapes that meet the following requirements
    - 1 Twenty (20) percent landscaped,
    - 2 Seating areas,
    - 3 Thirty (30) percent or gross pedestrian accessible (excluding sidewalks) for area remaining after landscaping and water features/sculptures
  - d Natural lakes that meet the following requirements
    - 1 Only that portion of lakes which are within the legal description of the project shall be credited towards open space,
    - 2 Must be accessible to all residents/employees Common access to natural lakes shall be at least equal to the minimum lot size established by the zoning districts or one-half (1/2) acre, whichever is greater
- (3) *Category C open space* Areas within a project, phase or tract which are classified as conservation areas (including mitigation area) pursuant to chapter 15, article X (conservation ordinance) shall be identified at the time of plan submission Conservation areas shall qualify as open space However, to ensure that conserva-
  - tion areas or mitigation areas which comprise a high percentage of a project or tract do not constitute the only open space for the project, the amount of open space credit shall be limited to no more than seventy-five (75) percent of the total open space required
  - (4) *Open space categories B and C* Open space categories B and C cannot count more than seventy-five (75) percent of the total open space required for the project, phase or tract
  - (5) *Big box development open space* All of the uses listed below may be credited towards meeting the minimum open space requirements if the performance standards are met, but shall not account for more than fifty (50) percent of the total open space required
    - a All retention ponds, fenced or nonfenced, which are meant to fulfill a portion of the open space requirements, shall be designed as a project landscaping amenity As such, they shall have curvilinear water edges which incorporate substantial curve off-sets along the water perimeter Furthermore, all ponds shall incorporate a continuous row of drought-tolerant shrubs and understory trees along their top edge Understory trees shall be planted at a rate of one (1) per twenty-five (25) feet of perimeter edge Clustering of understory trees is acceptable
      - 1 Nonfenced ponds may fulfill up to fifty (50) percent of the project's open space requirement, provided they meet the curvilinear requirements above Decoratively-fenced ponds may fulfill up to fifty (50) percent of the project's open space requirements However, the decorative fencing shall be constructed with black wrought iron-styled post and railing system, and incorporate landscaping along the exterior of the fencing The post

and railing system, while including a gated access system for pond maintenance purposes, shall incorporate masonry columns, minimum twenty-four (24) inches in diameter, spaced at a maximum of fifty (50) feet on-center. The columns shall incorporate a decorative cap feature, and the surface (or veneer) and trim of the columns shall replicate those of the principal structure. Furthermore, the decoratively-fenced ponds shall incorporate the required shrubs and understory trees mentioned above along the exterior base of the fence.

- 2 Ponds which are fenced with chain link, or with any other system which fails to meet the decorative fence description above, shall not fulfill any of the required project open space

(Ord No 92-42, § 1, 12-15-92, Ord No 2007-01, § 9, 3-20-07)