

**CITY OF MARCO ISLAND  
ORDINANCE NO. 11-07**

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CODE OF ORDINANCES, SECTIONS 30-433 THROUGH 30-435 IN ARTICLES IV, CHAPTER 30, "LANDSCAPING", CONCERNING FLORIDA FRIENDLY LANDSCAPE STANDARDS, GROUNDCOVERS AND MAXIMUM IMPERVIOUS SURFACES, PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Friendly Landscape principles have been defined and promoted by the State of Florida Department of Environmental Protection; and

**WHEREAS**, Florida Friendly Landscape principles have been endorsed by the South Florida Water Management District; and

**WHEREAS**, Florida Friendly Landscape practices are encouraged by the Florida Friendly Landscape Guidelines for Model Ordinance Language; and

**WHEREAS**, the City of Marco Island has long promoted xeriscape principles and now wishes to modernize the concept consistent with best management practices for Florida Friendly Landscapes; and

**WHEREAS**, the Landscape provisions in Chapter 30 Article IV are in need of clarification with regard to limitation on impervious surface area, use of ground covers, and implementation of Florida Friendly Landscape practices; and

**WHEREAS**, stormwater runoff is a major source of pollution in canals, bays, rivers and the Gulf of Mexico; and

**WHEREAS**, the quantity and quality of stormwater runoff is adversely affected by a lack of pervious coverage areas within the single family zoning district; and

**WHEREAS**, the quantity of stormwater runoff can create health and safety hazards such as flooding in neighborhoods and streets; and

**WHEREAS**, impervious areas in single family lots are currently subject to review during home construction, but not in connection with miscellaneous permits such as driveways, walkways, patios or other improvements made after the home is permitted and completed; and

**WHEREAS**, a significant portion of pollutant runoff reaches the water bodies within and surrounding the City of Marco Island, and their associated riverine and estuarine ecosystems; and

**WHEREAS**, remedial actions are necessary in order to improve the water quality of the water bodies within and surrounding the City of Marco Island, restore their estuarine ecosystems, and reduce the amounts and kinds of pollution flowing into these water bodies through the city storm water system; and

**WHEREAS**, this ordinance is part of a multi-pronged effort by the City of Marco Island to reduce nutrient leaching and runoff including, but not limited to, storm water management, water conservation, and education; and

**WHEREAS**, the proposed regulations will protect the health, safety, property, and welfare of the citizens and visitors to the City, by establishing standards and management guidelines for maximum impervious coverage of residential lots; and

**WHEREAS**, the Planning Board considered this Ordinance at a public hearing on April 1, 2011 and voted 7 to 0 to recommend approval; and

**WHEREAS**, after reviewing the recommendation of City staff, the Planning Board and comments from the public, the City Council finds the adoption of this Ordinance is in the best interest of the residents of the City of Marco Island.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, AS FOLLOWS:**

**SECTION 1. Recitals.**

The foregoing "WHEREAS" clauses are ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

**SECTION 2. Amendment and Adoption.**

The amendments to the Code of Ordinances contained in this Ordinance are hereby adopted as follows:

1. Secs. 30-433 to 30-435 of Article IV, Chapter 30, "Landscaping" are hereby amended as follows:

**Sec. 30-433. Landscaping and irrigation plan procedures.**

*Landscape plan required.* Prior to the issuance of any subdivision plat or site development plan, an applicant whose development is covered by the requirements of this code shall submit a complete landscape plan to the community development director or his designee. This includes commercial, institutional, and multifamily developments. The landscape plan shall be prepared by and bear the seal of a registered landscape architect.

- (a) Prior to the issuance of a certificate of occupancy for a single-family residence the owner or owner's representative shall prepare and submit a copy of the final "as-built" survey that accurately depicts the approximate location of code required landscaping materials on the property, including the common name of tree species installed, and the height at the time of planting. This landscape plan will be used in conjunction with the final inspection of the single-family residence, and kept as part of the permanent file.

Except in the case of a single-family residence, as described above, the landscape plan shall be drawn to a suitable scale, include dimensions, north arrow, date, title, project owner's name and address, delineate the existing and proposed parking, vehicular use areas, buildings, access points, and roadways, show all utility lines or easements, and show the location of existing and proposed planting areas and vegetation communities and designate them by species name. The code-required landscaping shall be highlighted or indicated on the plan to differentiate from the applicant's provided landscaping that is in addition to that required by this code. Design creativity is encouraged so long as it meets the intent of this code. The plan shall show the location of permanent vegetation protection devices, such as barricades, curbing, and tree wells. The plan shall also include a chart indicating graphic plant symbol, botanical and common name, quantity, height, spread, spacing, native status, drought tolerance rating (as defined by "~~Xeriscape Plan Guide II~~" latest edition, as published by ~~South Florida Water Management District, West Palm Beach, FL~~ "Florida Friendly Landscaping", as may be amended from time to time, published by Florida Department of Environmental Protection and University of Florida, Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions) and type of industry practices and standards. In addition, a tabulation of the code required landscaping indicating the calculations necessary to ~~insure~~ ensure compliance with this code should also appear. A certificate of occupancy permit shall not be issued until approval of the landscaping plan and installation of plants are inspected by the city.

(b) *Irrigation plan required.* All new single-family residences, multifamily, commercial and institutional developments shall be irrigated by the use of an automatic irrigation system with controller set to apply water in a manner consistent with this code. Irrigation plans for multifamily, commercial and institutional developments shall be prepared by persons qualified to prepare irrigation plans, such as an irrigation designer or landscape architect. Moisture detection devices shall be installed with all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices shall be installed in compliance with this code.

Required irrigation installed at single-family residences does not require the submittal of an irrigation plan. The system must be installed by a licensed professional prior to the issuance of a certificate of occupancy. As part of the final inspections for the residence, the irrigation system will be inspected to ~~insure~~ ensure the inclusion of the following system elements: control valve; vacuum breaker; timer (clock); and rain sensor.

(1) The irrigation plan shall be drawn at the same scale as the landscape plan to: show existing vegetation to remain; delineate existing and proposed buildings and other site improvements, parking spaces, aisles, and driveways; indicate main valve, and pump locations, pipe sizes and specifications; show controller locations and specifications; show backflow preventer and rain-sensing devices and include a sprinkler-zoning plan indication type, specifications, spacing, and coverage. If drip irrigation or soaker hoses are proposed, their layout shall be shown.

(2) Reference the city public right-of-way ordinance for irrigation system requirements within the public right-of-way. (Reserved.)

(c) *Existing plant communities.* Existing plant communities and ecosystems shall be maintained in a natural state and shall not be required to be irrigated. Native plant areas that are

supplements to an existing plant community or newly installed by the applicant shall be irrigated on a temporary basis only during the period of establishment from a temporary irrigation system, water truck, or by hand watering with a hose.

(d) *Cultivated landscapes.* Cultivated landscape areas (sod, shrubs, and trees) shall be provided with an automatic irrigation system to improve the survivability of the required landscaping. Sprinkler heads irrigating lawns or other high water demand areas shall be zoned separately from those irrigating trees, shrubbery, ground cover, flowers, or other reduced water requirement areas. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering "high water" requirement areas at different frequencies and duration than "low water requirement areas". Landscaping shall only be watered on as-needed bases basis.

(e) *Irrigation systems.* Irrigation systems shall be designed for the zoning of high and low water use areas. Plans shall include in schedule form, the irrigation system's total gallons per minute (GPM) for each zone, recommended zone running times in minutes, hours and showing days per week, and estimated zone precipitation rate in inches per hour. The irrigation system shall be generally designed to apply one inch of water per week during two operations per week. The system coverage shall be designed for 100 percent coverage unless specified by the designer. The system shall be generally designed for the 100 percent head to head coverage as generally recommended by the irrigation sprinkler manufacturers for matched precipitation. These requirements may be adjusted for retention areas. The irrigation system shall be designed and installed in accordance with the Florida Irrigation Society's, Standards and Specifications for Turf and Landscape Irrigation Systems (as amended). Irrigation systems utilizing well water shall be designed and maintained in a manner which eliminates staining of the building, walks, walls, and other site improvements. All systems shall be designed to minimize the application of water onto sidewalks, driveways, streets, and other impervious areas. Irrigation systems, other than drip or soaker hose systems shall be operated between the hours of midnight and 8:00 a.m. South Florida Water Management District (SFWMD), the city, or other utility company water use restrictions shall supersede these requirements. There are no operational requirements for irrigation systems utilizing effluent/reused water sources.

(f) *Installation.* Prior to the issuance of any certificate of occupancy permit for a use required to provide landscaping and irrigation in accordance with this section, all required landscaping and irrigation shall be installed and in place as set out in this code. All plant materials must be installed in accordance with accepted landscape practices in the area and meet the plant material standards contained in this code. Plant materials shall be installed in soil conditions that are conducive to the proper growth and the plant material.

#### **Sec. 30-434. Pruning, maintenance, and removal.**

(a) *Pruning.* Vegetation required by this Code shall be pruned by property owners to promote healthy, uniform, natural growth of the vegetation. Pruning shall be performed in accordance with the current edition of pruning standards published by the American National Standard Institute (ANSI) A300 Pruning Standards, ANSI Z133.1 Safety Standards. Trees shall not be severely pruned in a manner that would damage the vegetation and permanently restrict growth or height. Severely pruned trees are considered damaged and a public nuisance, which shall be replaced with trees equal to the number and height of the damaged trees. A plant's growth habit shall be considered to determine the extent of pruning necessary to maintain healthy growth.

(1) *Utility pruning.* Utilities shall conform to current ANSI A-300 standards when performing line clearing work within public right-of-way. All utilities shall notify the city manager or designee by electronic communication or mail no later than 30 business days prior to performing any utility line clearing work within public right-of-ways. Franchised utilities, after notifying the city manager or designee, shall meet with the city manager or designee to review and approve plans and schedules for utility line clearing work. Franchised utilities shall have an ISA certified arborist directing the pruning of public and private trees. Utility pruning should only provide minimum safe clearance to protect energized power lines with consideration for the combined movement of the conductors near trees in severe weather, the species of the tree, and the voltage of the conductor.

(2) *Canopy and root pruning.* When activities affect public or private trees so that more than 50 percent of the area within the dripline is disturbed, or when pruning must be performed on the crown of a public or private tree, the following arboricultural techniques are required:

a. When the area within the dripline will be disturbed, the affected roots must be severed by clean pruning cuts where the activity impacts the roots. Roots may be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, pruning saw or other equipment designed for tree pruning. Roots within the dripline shall be pruned to a depth of 12 inches below existing grade or to the depth of the disturbance if less than 12 inches from the existing grade. When underground utilities are to be installed through the dripline, root pruning requirements may be waived by the city manager or designee if the lines are installed via tunneling or directional boring.

b. All pruning of public or private trees shall conform to the current ANSI standards defined herein and shall be supervised by an ISA certified arborist. There shall be no flush cuts, stub cuts, or lion's tailing of the crown of the tree.

c. It shall be a violation of this section to perform the techniques of topping, hat racking or other pruning techniques that remove the vertical leader stems or other pruning which results in an unnecessary reduction of shade of public or private trees.

(b) *Maintenance.* The owner shall be responsible for the continued maintenance and upkeep of all required landscaping so as to present a healthy plant in a condition representative of the species. Tree and palm staking shall be removed between six and 12 months after installation. All landscapes shall be kept free of refuse, debris, disease, pests, and weeds and shall be fertilized and irrigated to maintain plants in a healthy condition. Special maintenance requirements necessary to preserve the design professional's intent shall be noted on the planting plan.

(1) *Care and maintenance of permitted private trees on city owned property.* The care and maintenance of all private trees permitted on city owned property shall be the responsibility of the adjacent property owner. A permit shall be obtained from the city manager or designee prior to planting a private tree in the public right-of-way or on other city property. Property owners shall adhere to the maintenance and pruning standards contained herein when maintaining privately-owned trees on city property. Property owners must apply for a vegetation removal permit from the city manager or designee in accordance with Code article XIV and a permit to replace any private tree in the right-of-way in accordance with Code section 30-435.

(2) *Care and maintenance of public trees on city owned property.* The city manager shall designate a department to be responsible for the care and maintenance of public trees on city owned property. Public trees are city street trees, median trees and cul-de-sac trees as defined in section 30-10. The department shall adhere to the maintenance and pruning standards contained herein when maintaining public trees on city property. The department director shall make reports and requests for funds for the care and maintenance of public trees, including needed planting and replanting, to the city council as part of the annual budget approval process. Before removing any public tree from the right-of-way, the department director shall notify the city manager and any other affected department directors.

(3) *Private care and maintenance of public trees on city owned property.* Private property owners may make a written request to the city manager or designee for permission to care for and maintain public trees on public property. Property owners shall adhere to the maintenance and pruning standards contained herein when maintaining publically owned trees on city property. Before replanting, removal or replacement of any public tree, a private property owner shall obtain the permission of the city manager or designee to plant the tree, shrub or other vegetation and if necessary apply for a vegetation removal permit from the city manager or designee in accordance with article XIV. If the replanting shall be in the right-of-way, the property owner shall obtain a permit from the city manager or designee in accordance with section 42-76. Fees for a permit for vegetation removal or replanting shall be waived for public trees.

(c) *Removal of damaged or nuisance trees.* Ongoing maintenance to prohibit the establishment of prohibited exotic species is required. Any plant materials of whatsoever type or kind required by these regulations shall be replaced within 30 days of their demise and/or removal.

(d) ~~*Enforcement Compliance.*~~ Code ~~enforcement~~ Compliance will inspect areas affected by this Code and issue citations for violations. If the required corrective action is not taken within the time allowed, the city may use any available means of enforcement to secure compliance including, but not limited to:

- (1) Prosecution before the city code enforcement board;
- (2) Withholding of any permit, construction plan approval, certificate of occupancy, or inspection by the city; and
- (3) Placing a lien on the property, to include all administrative, legal, material and installation costs.

### **Sec. 30-435. Plant material and installation standards.**

(a) *Quality.* Plant materials used to meet the requirements of this section shall meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, part I and part II, Department of Agriculture, State of Florida (as amended). Root ball sizes on all transplanted plant materials shall also meet state standards.

(1) At least 50 percent of the trees and 50 percent of the shrubs used to fulfill these requirements shall be native or naturalized Southern Floridian species, as determined by accepted valid scientific reference. The "Recommended Trees and Shrubs for the City of Marco Island List" is available for reference at city hall.

(2) In addition, for all sites, at least 50 percent of the trees and shrubs used to fulfill these requirements shall be drought-tolerant species as listed in the "~~Xeriscape Plant Guide and Native~~

~~Trees for South Florida~~" (IFAS) South Florida Water Management District's Plants for Your Florida-Friendly Landscape. Reference to be used in the native determination may include, but not be limited to:

Long, R.W., and O. Lakela, 1976. A Flora of Tropical Florida. Small, J.K., 1933. A Manual of the Southeastern Flora. Wunderlin, R.P., 1982. Guide to the Vascular Plants of Central Florida.

(3) Where ~~xeric~~ Florida-Friendly plants are to be utilized, use the South Florida Water Management District ~~Xeriscape Plant Guide~~ Plants for Your Florida-Friendly Landscape (as amended) as a reference.

(b) *Trees and palms*. All required new individual trees shall be species having an average mature spread or crown of greater than 20 feet and having trunk(s), which can be maintained in a clean condition with over ten feet of clear wood. Trees adjacent to walkways, bike paths and rights-of-way shall be maintained in a clean condition with over ten feet of clear wood. Trees having an average mature spread or crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of a 20-foot crown spread. For code-required trees, at least 50 percent of the trees shall be canopy type trees and 50 percent may be palms. The minimum size of the trees at the time of installation shall be as follows:

*Single-family single story structures.*

Canopy trees:

(50 percent) Ten feet, four-foot spread, 1.75 inch caliper (at 12 inches above the ground).

(50 percent) Eight feet, three-foot spread, 1.50 inch caliper (at 12 inches above the ground).

*All other single story structures (multifamily, commercial, and institutional).*

Canopy trees: (50 percent) Twelve to 24 feet on average height, six-foot spread, three-inch caliper, six- to seven-foot clear trunk, 65 gallon minimum. Container or ball and burlaped (B&B).

Palms: (50 percent) Twelve feet clear trunk height minimum with 15-foot minimum mature clear trunk height.

*All multiple story structures (single-family, multifamily, commercial, and institutional).*

Canopy trees:

(25 percent) Twelve to 14 feet on average height, six-foot spread, three-inch caliper, seven-foot clear trunk, 65-gallon minimum. Container or ball and burlaped (B&B).

(25 percent) Sixteen to 18 feet on average height, seven-foot spread, four-inch caliper, seven-foot clear trunk, 100 gallon minimum. Container or ball and burlaped (B&B).

Palms:

(25 percent) Twelve-foot clear trunk height minimum with 15-foot minimum mature clear trunk height.

(25 percent) Fifteen-foot clear trunk height minimum with 18-foot minimum mature clear trunk height.

A grouping of three palm trees will be equivalent to one canopy tree. Exceptions will be made for *Roystonea* spp. (Florida Royal Palm) and *Phoenix* spp. (Canary Island Date Palm not including *Roebelenii*) which shall count one palm tree for one canopy tree. Also, exceptions will be made for *Cocos* spp. (Coconut Palm) and *Arecastrum* spp. (Queen Palm) which shall count two palm trees for one canopy tree. In side and rear yard locations, palms can only be substituted for 50 percent of the canopy tree requirement. Front yards may have 75 percent palms, and are encouraged within commercial zoning districts.

(c) *Tree species mix.* When trees are required to be planted to meet the requirements of this code, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum numbers of species to be planted are indicated below.

#### Required Species Mix

##### TABLE INSET:

(d) *Screening/buffering.* Where screening is required (refer to Table 2) it shall be accomplished by the use of or combination of hedges, shrubs, ground covers, berming, and decorative fences or walls in combination with shrubs, vines and ground covers covering 50 percent or more of the fence or wall. The screening/buffering shall be designed to create within 12 months a 100 percent opaque visual screen/buffer, to be maintained in perpetuity, except for visibility requirements at vehicular access points, street intersections, and pedestrian access points.

(1) *Minimum shrub sizes for opaque hedges at time of installation.* Ten-gallon container, 48-inch height, 36-inch spread minimum, with the 48-inch height measured from the top of the root ball to the extent of the upper most foliage planted four feet on center.

(2) *Minimum shrub sizes at time of installation adjacent to right-of-way and vehicular use areas.* Three-gallon container minimum planted 36 inches on center with a minimum height of 24 inches and spread consistent to the species of plant, but meeting a Florida No. 1 or better nursery grown grade. The 24-inch height is measured from the top of the root ball to the extent of the upper most foliage.

(e) *Ground covers.* Prior to the issuance of a certificate of occupancy for any single-family residence, multifamily, commercial, or institutional development, ground coverings, as described below, shall be installed. Artificial turf or similar synthetic turf materials are expressly prohibited as ground covers.

(1) *Lawn grass.* All lawn areas shall be sodded and/or planted with turf species normally grown as permanent lawns within the Southwest Florida area. Solid sod shall be used in swales or other areas subject to erosion. The use of drought tolerant species is encouraged. ~~In no event shall the use of or combination of organic or non organic ground coverage areas exceed the pervious area percentages specified in subsection (3) or (4) below.~~ Reference the city public right-of-way ordinance for requirements within the public right-of-way.

~~(2) *Xeriscape.* Landscape areas utilizing xeriscape designs shall comply with the principals of Xeriscape™ as recognized in the publication "Waterwise Florida Landscapes" from Florida's~~



~~Water Management Districts. Landscape designs utilizing the Xeriscape™ principals with reduced lawn areas, and a combination of drought tolerant plantings and mulched areas with properly zoned irrigation systems are encouraged for water conservation purposes. Xeriscape schemes shall comply with the following seven principals of Xeriscape™ landscaping:~~

- ~~\_\_\_\_\_ a. Plan and design;~~
- ~~\_\_\_\_\_ b. Obtain a soil analysis;~~
- ~~\_\_\_\_\_ c. Choose proper plants;~~
- ~~\_\_\_\_\_ d. Use turf wisely;~~
- ~~\_\_\_\_\_ e. Irrigate efficiently;~~
- ~~\_\_\_\_\_ f. Use mulches; and~~
- ~~\_\_\_\_\_ g. Perform proper maintenance.~~

(2) Florida-Friendly Landscape. Florida Friendly Landscape practices are encouraged in all zoning districts. Landscape areas utilizing Florida-Friendly designs are those that comply with the principals of Florida-Friendly Landscape consistent with the standards provided in the following publications, as may be amended from time to time:

- “Florida Yards and Neighborhoods (FYN) and Environmental Landscape Management (ELM),” the University of Florida Cooperative Extension Service (UF-IFAS)
- “Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries (2008),” Florida Water Management Districts
- “The Florida Yards & Neighborhoods Handbook”, Florida Water Management Districts
- “Waterwise Florida Landscape Guide,” Xeric Landscaping with Florida Native Plants,” Association of Florida Nurseries
- “Waterfront Property Owner’s Guide,” Florida Department of Environmental Protection

Landscape designs utilizing the Florida-Friendly Landscape principles are encouraged for the protection of water quality and water conservation and should incorporate the following nine principals:

- a. The right plant in the right place;
- b. Efficient watering with properly zoned irrigation systems;
- c. Appropriate fertilization;
- d. Mulching properly;
- e. Attraction of wildlife;
- f. Responsible management of yard pests with limited use of chemicals;
- g. Recycling yard waste;
- h. Reduction of stormwater runoff; and
- i. Waterfront protection.

~~In no event shall the use of or combination of organic or non-organic ground coverage areas exceed the pervious area percentages as specified in subsection (3) or (4) below.~~

~~(3) Organic ground covers. Ground covers such as organic mulch including bark chips, pine needles, eucalyptus, Austrian pine, and recycled matter from yard cuttings, shall not be permitted on more than 30 percent of the pervious area of the property, unless it is used in combination with a landscape design utilizing all the Xeriscape™ Florida Friendly Landscape principals. In combination with a Xeriscape Florida Friendly type landscape design the organic coverage area may be increased to 50 percent of the pervious area of the property provided all the mulch utilized on site is organic ground cover. The 30 percent or 50 percent coverage areas shall not be~~

contiguous in solid coverage of one area, but broken up with curvilinear lawn grass or landscape planting areas. A two-inch minimum layer after watering in of organic mulch shall be placed and maintained around all newly installed trees, shrubs, and ground cover plantings. Each tree shall have a ring of mulch no less than 24 inches beyond its trunk in all directions.

~~(4) *Non organic ground covers.* Ground covers such as, stone, gravel, or other nonorganic material shall not be permitted on more than 20 percent of the pervious area of the property, unless it is used in combination with a landscape design utilizing all the Xeriscape™ principals. In combination with a Xeriscape type landscape design the non organic coverage area may be increased to 50 percent of the pervious area of the property provided all the stone utilized on site is a decorative smooth surfaced stone. Crushed rock, gravel, and SRD rock is prohibited on lawns utilizing 20 percent or more non organic ground cover. The 20 percent or 50 percent coverage areas shall not be contiguous in solid coverage of one area, but broken up with curvilinear lawn grass or landscape planting areas. If non organic ground cover is installed, it must be installed in a manner that presents a finished appearance.~~

(3) *Impervious surfaces, Single Family Districts:* No more than 67% of the total lot area within a single family zoning district shall be covered with impervious surfaces. The use of pervious pavers will be considered in the calculation to the extent the applicant provides credible evidence of the permeability of the surface. Impervious surfaces may not cover a French drain, if required, except that up to two (2) four (4) feet wide walkways to a dock facility may be used;

(4) *Pervious surfaces, All Districts:* Pervious Yard areas shall include no more than 20% coverage with non-organic material such as stone, gravel or pavers unless approved under Florida Friendly Landscape principles by the City Manager or designee. Pervious yard areas shall include no more than 30% organic ground cover such as mulch, bark, pine needles and yard clippings, unless approved under Florida Friendly Landscape principles by the City Manager or designee.

(f) *Prohibited species.* The following plant species shall not be planted:

- (1) Enterolobium cyclocarpum (Ear tree).
- (2) Melia azedarach (Chinaberry tree).
- (3) Bischofia javanica (Bishopwood).
- (4) Scaevola frutescens (Australian inkberry).
- (5) Dalbergia sissoo (Indian rosewood).
- (6) Sapium sebiferum (Chinese tallow tree).
- (7) Ardisia elliptica (Shoe button ardisia).

This list is an example and shall be subject to revision as exotic plant species are determined to be noxious, invasive, cause environmental degradation to native habitats, or to be detrimental to human health, safety, or the public welfare by the Florida Exotic Pest Plant Council (FLEPPC). The current FLEPPC List of Invasive Plant Species can be found at [www.fleppc.org](http://www.fleppc.org).

(g) *Prohibited invasive exotic species.* In addition to the prohibitions outlined in section 2.4.4.11 30-435 (f), the following species or seeds thereof shall not be grown, offered for sale, or transported inter-city or intra-city.

- (1) Melaleuca spp. (Punk tree).
- (2) Schinus terebinthifolius (Brazilian pepper).
- (3) Any member of the family Casuarinaceae (Australian pine).

- (4) Rhodomyrtus tomentosus (Down rosemyrtle).
- (5) Dioscorea bulbifera (Air potato).
- (6) Colubrina asiatica (Lather leaf).
- (7) Lygodium spp. (Climbing fern).
- (8) Syzygium cumini (Java plum).
- (9) Mimosa pigra (Catclaw mimosa).
- (10) Acacia auriculiformis (Ear leaf acacia).
- (11) Albizia lebeck (Women's tongue).
- (12) Ficus microcarpa (Laurel fig).

This list is an example and shall be subject to revision as exotic plant species are determined to be noxious, invasive, cause environmental degradation to native habitats, or to be detrimental to human health, safety, or the public welfare by the Florida Exotic Pest Plant Council (FLEPPC). The current FLEPPC List of Invasive Plant Species can be found at [www.fleppc.org](http://www.fleppc.org).

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**SECTION 3. Inclusion in the Code of Ordinances.**

It is the intention of the City Council and it is hereby ordained that the amendments to the Code of Ordinances adopted by this Ordinance shall be included and become a part of the Code of Ordinances of the City of Marco Island. The Sections of this Ordinance, as adopted, may be renumbered or re-lettered and that the word "ordinance" may be changed to "Section," "Article," or other appropriate word.

**SECTION 4. Conflicts and Severability.**


If any word, phrase, clause, Subsection, or Section of this Ordinance is for any reason held unconstitutional or invalid for any reason or cause, the remaining portion of this Ordinance shall remain in full force and effect and shall be valid as if the invalid portion was not included in the Ordinance. All Sections or parts of Sections of all existing ordinances in conflict with this Ordinance shall be and the same are hereby repealed to the extent of such conflict.

**SECTION 5. Effective Date.**

This Ordinance shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 20<sup>th</sup> day of June, 2011.


Attest:

By:   
 \_\_\_\_\_  
 Laura M. Litzan, City Clerk  
 (SEAL)

CITY OF MARCO ISLAND, FLORIDA

By:   
 \_\_\_\_\_  
 Gerard M. Gibson, Chairman

Reviewed for legal sufficiency:

By:   
 \_\_\_\_\_  
 Burt L. Saunders, City Attorney

