City of Stuart

AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD March 22, 2021
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Eula R. Clarke
Vice Mayor Merritt Matheson
Commissioner Becky Bruner
Commissioner Troy McDonald
Commissioner Mike Meier

ADMINISTRATIVE

City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

Agenda items are available on our website at http://www.cityofstuart.us
Phone: (772) 288-5306 . Fax: (772) 288-5305 . E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

WHAT IS CIVILITY? *Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.*

PUBLIC COMMENT: *If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.*

CONSENT CALENDAR: *Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.*

QUASI-JUDICIAL HEARINGS: *Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.*

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. THE TREASURE COAST REGIAONAL PLANNING AGENCY STAFF PRESENTATION AND DISCUSSION OF DESIGN CONSIDERATIONS FOR US-1 BETWEEN KANNER AND PALM CITY ROAD

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

CONSENT CALENDAR

2. APPROVAL OF 3/8/2021 CCM MINUTES

END OF CONSENT CALENDAR

COMMISSION ACTION

3. CITY OF STUART GRANT TO BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY (RC):

RESOLUTION No. 35-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A GRANT AWARD AGREEMENT BETWEEN THE CITY OF STUART AND THE BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY TO SUPPORT ECONOMIC DEVELOPMENT PROJECTS, PROGRAMS, AND SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. URGING THE BAHAMIAN GOVERNMENT TO BAN OFFSHORE OIL DRILLING (RC):

RESOLUTION No. 41-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA URGING THE BAHAMIAN GOVERNMENT TO DENY OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSESA RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA URGING THE BAHAMIAN GOVERNMENT TO DENY OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. STUART GREEN MARKET LICENSE AGREEMENT (RC):

RESOLUTION No. 34-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TERMINATING THE NON-EXCLUSIVE USE LICENSE AGREEMENT BETWEEN THE CITY AND THE STUART GREEN MARKET, INC., AN INTERNAL REVENUE SERVICE DESIGNATED 501(C)(4) ORGANIZATION; AUTHORIZING THE CITY MANAGER TO IMMEDIATELY EXERCISE THE SIXTY (60) DAY WRITTEN NOTICE OF TERMINATION OUTLINED IN SECTION 2 OF THE LICENSE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

If Resolution 34-2021 passes, the Commission can either take up Resolution 37-2021, elect not to have a public market, or discuss other options.

RESOLUTION No. 37-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTING AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR THE OPERATION OF A PUBLIC MARKET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

6. ANNEXATION OF CITY OWNED PROPERTY AT HANEY CREEK (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2452-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING, ALLOCATING A FUTURE LAND USE OF CONSERVATION AND ALLOCATING A ZONING CATEGORY OF PUBLIC FOR FOUR (4) CITY OWNED PROPERTIES ADJACENT TO HANEY CREEK AND NW BAKER ROAD AND WHICH ARE SUBJECT TO A FLORIDA COMMUNITIES TRUST GRANT AWARD AGREEMENT AND BEING MORE FULLY DESCRIBED IN EXHIBITS A1, A2, A3 and A4 ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7. FOURWINDS AT ST LUCIE; REZONING (RC):

ORDINANCE No. 2460-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING FROM (R-1) SINGLE FAMILY TO (R-2) DUPLEX ON THE

CITY'S OFFICIAL ZONING MAP FOR PROPERTY TOTALING 0.75 ACRES, OWNED BY 245 ST LUCIE, LLC AND 257 4WINDS, LLC, LOCATED ON THE NORTHEAST CORNER OF ST LUCIE BOULEVARD AND SE FOURWINDS DRIVE; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

8. FLORIDA FRIENDLY LANDSCAPING CODE OF ORDINANCE TEXT AMENDMENT (RC):

ORDINANCE No. 2462-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING CHAPTER 42, ARTICLE II, DIVISION 4 OF THE CODE OF ORDINANCES ENTITLED "CONSERVATION" IN RESPECT OF STANDARDS FOR THE PROVISION OF REGULATING FLORIDA FRIENDLY LANDSCAPING AND THE USE OF RAIN SENSOR DEVICES ON AUTOMATIC SPRINKLER SYSTEMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

ADJOURNMENT

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 3/22/2021 **Prepared by:** Kev Freeman

Title of Item:

THE TREASURE COAST REGIAONAL PLANNING AGENCY STAFF PRESENTATION AND DISCUSSION OF DESIGN CONSIDERATIONS FOR US-1 BETWEEN KANNER AND PALM CITY ROAD

Summary Explanation/Background Information on Agenda Request:

TCRPC Staff will be available to discuss

Funding Source:

N/A

Recommended Action:

Receive the presentation and discuss

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 3/22/2021 **Prepared by:** Keri Lauture

Title of Item:

APPROVAL OF 3/8/2021 CCM MINUTES

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes

ATTACHMENTS:

	Description	Upload Date	Type
🗋	03082021 CCM Minutes	3/11/2021	Cover Memo
🗋	Intervenor Petition (Agenda Item #13, Public Comment #3)	3/11/2021	Cover Memo

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD March 8, 2021
AT 4:00 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Eula R. Clarke
Vice Mayor Merritt Matheson
Commissioner Becky Bruner
Commissioner Troy McDonald
Commissioner Mike Meier

ADMINISTRATIVE
City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

SERGEANT AT ARMS: Police Chief Joseph Tumminelli

4:04 PM ROLL CALL

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - ELLIOTT MUSEUM PRESENTATION BY ROB STEELE, PRESIDENT & CEO OF HISTORICAL SOCIETY OF MARTIN COUNTY

Mr. Steele presented an informative and entertaining power point presentation on the various community events, exhibits, and opportunities available offered at the Elliot Museum.

PRESENTATIONS

4:17 PM 2. SERVICE AWARDS - MARCH 2021

Ryanne Cavo, Paralegal, City Attorney Department – 5 Years

3. EMPLOYEE OF THE YEAR AND RUNNER-UP 2020

Employee of the Year Runner-Up - Anne Ellig, Recycling and Conservation Coordinator, Utilities & Engineering Department.

Employee of the Year - Michele Jett, GIS Coordinator, Development Department

4:26 PM 4. THE 100 CLUB OF MARTIN COUNTY IN RECOGNITION OF RESERVE OFFICER SERGEANT DAVID SCHOONOVER

Retired Chief Savini from the Sewall's Point Police Department came forward and provided a brief history of the 100 Club of Martin County and presented Volunteer Officer, David Schoonover a plaque in recognition of his 40 plus years of service to the City of Stuart.

4:31 PM 5. FLORIDA'S CONSTITUTIONAL AMENDMENT 2 - MINIMUM WAGE INCREASE

Roz Johnson, Human Resources Director, presented on the changes to the minimum wage laws, provided background and history, the incremental increases, a review of the adoption of the Paypoint HR program software, the positions currently under the minimum standard range and the expected impacts to the City. Johnson proposed the strategy options and reviewed common questions related to pay compression, giving examples.

City Manager Dyess announced that he requested Ms. Johnson present on this topic to inform the Commissioners of the status of the minimum wage increase and to help with the understanding for upcoming budget challenges. A brief questions and answer discussion between Commissioners and Ms. Johnson took place about the effect on current contracts, the identification of actual dollar amounts, and a brief discussion on the compression information.

4:59 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- **No Comments**

Commissioner McDonald

- **Commented on and article on the Southern Reservoir and happy about the Resolution adopted in support of this project, noted mission accomplished!**
- **Complimented Public Works Director, Milton Leggett, and his crew for the consistent job they do, reported on a complaint he received on St. Lucie Blvd. and Flamingo about an overgrown Seagrape tree blocking the road.**
- **Commented that he participated on a ride-along with the Stuart Police Department and expressed his appreciation for the work they do,**

- **Announced March 29th as Vietnam Veterans Day and thanked these veterans for their service.**

Commissioner Meier

- **Recognized National Women's Day and thanked all the women in his life.**
- **Reported that he recently took a trip to Jacksonville and noted what a beautiful City it was with its public art and redevelopment, reminded him of Stuart. Commented on their micro mobility and transit system and recent scooter trial.**
- **Commented on the Florida Friendly Landscaping Code on tonight's agenda and encourages them to consider incentivizing shade trees and canopy's.**

Mayor Clarke

- **Announced and welcomed County Commissioner Ed Ciampi, and former Commissioner/Mayor Tom Campenni.**
- **Announced the funeral of Thelma Waters on Friday in Indiantown.**
- **Announced on Saturday, March 13th, at the Treasure Coast Regional Planning Council Tour and Talk Meeting will take place and a Cleanup planned for March 27th, details to follow.**

Vice Mayor Matheson

- **Requested to pull Items #8 and #9 from Consent Calendar.**
- **Reported on Lake Okeechobee discharges and a telephone call between him and Col. Polk this past week; provided an update. There will be a Rivers Coalition Meeting on the third Thursday in March.**

5:14 PM COMMENTS BY CITY MANAGER

City Manager Dyess

- **Commented that due to recent successful events, it is his intent to sign the fireworks contract for July 4th. There will be a mask recommendation.**

Per the Mayor's request, City Manager read the Civility Clause.

APPROVAL OF AGENDA

5:15 PM MOTION: Move approval of the agenda pulling Items #8 and #9.
MOVED BY: Commissioner Meier
SECONDED BY: Matheson
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

No Comments.

5:17 PM CONSENT CALENDAR

6. APPROVAL OF 02/22/2021 CCM MINUTES

7. AWARD OF ITB# 2021-104; SHEPARD PARK BOAT PARKING IMPROVEMENTS:

RESOLUTION No. 29-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2021-104, SHEPARD PARK BOATPARKING IMPROVEMENTS TO THE LOW EST, RESPONSIVE, RESPONSIBLE BIDDER TOTAL UNIT PRICE OF $529,072.08 TO FERREIRA CONSTRUCTION SOUTHERN DIVISION CO, INC.. OF HOBE SOUND, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(PULLED) 8. PLAT OF NEW AVONLEA PUD PARCEL 2:

RESOLUTION No. 31-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "NEW AVONLEA PUD FIRST REPLAT", WITH LANDS SITUATED IN SECTION 28, TOW NSHIP 37 SOUTH, RANGE 41 EAST, CONTAINING 3.11 ACRES, PREPARED BY ROBERT F. KEMERSON OF VELCON ENGINEERING AND SURVERYING, LLC, A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 6285, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(PULLED) 9. PLAT OF NEW AVONLEA PUD PARCEL 12:

RESOLUTION No. 32-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "NEW AVONLEA PUD SECOND REPLAT", WITH LANDS SITUATED IN SECTION 28, TOWNSHIP 37 SOUTH, RANGE 41 EAST, CONTAINING 3.11 ACRES, PREPARED BY ROBERT F. KEMERSON OF VELCON ENGINEERING AND SURVERYING, LLC, A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 6285, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

5:17 PM MOTION: Move approval, minus Items 8 and 9.
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Matheson
Motion passed unanimously.

8. PLAT OF NEW AVONLEA PUD PARCEL 2:

RESOLUTION No. 31-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "NEW AVONLEA PUD FIRST REPLAT", WITH LANDS SITUATED IN SECTION 28, TOWNSHIP 37 SOUTH, RANGE 41 EAST, CONTAINING 3.11 ACRES, PREPARED BY ROBERT F. KEMERSON OF VELCON ENGINEERING AND SURVERYING, LLC, A FLORIDA REGISTERED LAND

SURVEYOR AND MAPPER NO. 6285, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Vice Mayor Matheson announced that he pulled this item from the Consent Calendar to report that he has completed Form 8B to report a conflict and recuse himself from the vote on Item #8 and #9, Resolutions No. 31-2021 and 32-2021.

MOTION: Move to approve Resolution No. 31-2021.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion passed 4/5, Vice Mayor Matheson Abstained.

9. PLAT OF NEW AVONLEA PUD PARCEL 12:

RESOLUTION No. 32-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "NEW AVONLEA PUD SECOND REPLAT", WITH LANDS SITUATED IN SECTION 28, TOWNSHIP 37 SOUTH, RANGE 41 EAST, CONTAINING 3.11 ACRES, PREPARED BY ROBERT F. KEMERSON OF VELCON ENGINEERING AND SURVERYING, LLC, A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 6285, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5:20 PM MOTION: Move to approve Resolution No. 32-2021.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion passed 4/5, Vice Mayor Matheson Abstained.

5:23 PM Recess
5:33 PM Resume Meeting

5:33 PM COMMISSION ACTION

10. EXTENSION #11 TO THE DECLARATION OF STATE OF EMERGENCY FOR COVID-19:

RESOLUTION No. 22-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, EXTENDING THE DECLARATION OF A STATE OF LOCAL EMERGENCY PERTAINING TO COVID-19; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5:34 PM MOTION: Move for approval Resolution No. 22-2021.
MOVED BY: Vice Mayor Matheson
SECONDED BY: Commissioner Meier
Motion passed unanimously.

11. AUTHORIZATION OF MAYOR TO SEND CORRESPONDENCE TO CONGRESSIONAL MEMBERS REQUESTING DIRECT FEDERAL COVID-19 FUNDING RELIEF:

RESOLUTION No. 33-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO SEND CORRESPONDENCE ON BEHALF OF THE CITY COMMISSION TO CONGRESSIONAL MEMBERS REQUESTING THEIR SUPPORT OF DIRECT FEDERAL COVID-19 FUNDING RELIEF FOR ALL CITIES; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

5:37 PM MOTION: Motion to approve.
MOVED BY: Vice Mayor Matheson
SECONDED BY: Commissioner Meier
Motion passed unanimously.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

5:39 PM 12. FOURWINDS AT ST LUCIE; REZONING:

ORDINANCE No. 2460-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING FROM (R-1) SINGLE FAMILY TO (R-2) DUPLEX ON THE CITY'S OFFICIAL ZONING MAP FOR PROPERTY TOTALING 0.75 ACRES, OWNED BY 245 ST LUCIE, LLC AND 257 4WINDS, LLC, LOCATED ON THE NORTHEAST CORNER OF ST LUCIE BOULEVARD AND SE FOURWINDS DRIVE; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

Tom Reetz, Senior Planner, Development Department presented on the Fourwinds providing the location analysis, current future land use, pointing out that this is a zoning change. He reviewed the single-family only option options and zoning setbacks allowed in low density.

Four (4) people sworn; Kev Freeman and Tom Reetz, City of Stuart, Douette Pryce, Real Estate Developer, and Dale Thornberry, Intervenor.

Mr. Douette Pryce introduced himself and presented on the Four Winds at St. Lucie, described it as the "missing-middle" and explained the meaning, reviewed the subject sites as 257 SE Fourwinds Drive and 245 St. Lucie Blvd., the development pattern, etc. Announced his request to go from R-1 to R-2 zoning and presented the differences between the two in his request.

6:30 PM Mr. Pryce summarized his plan and provided a conceptual vision.

6:43 PM Intervenor Presentation
Mr. Dale Thornberry – St. Lucie Blvd. and Monterey Rd.; introduced himself, announced that he has a petition and presented with a power point to address the parking.

Pryce questioned Intervenor, Thornberry. Thornberry continued with additional photos of the property Mr. Pryce owns on Fourwinds Drive. Pryce provided a rebuttal, feels Thornberry simply provided an attack on his character.

Commissioners and staff participated in a brief discussion.

7:38 PM Hearing Closed.

Public Comment:

1) **Deb Pappalardo – Four Winds Drive; Commented on the parking and driving issues on her street, has concerns of traffic flow, feels a PUD should be addressed.**
2) **Dale and Lynda Abrahamson - Four Winds Drive; In support of Intervenor's position. School buses do not stop there any longer, visibility safety issues and there's increased traffic since Snug Harbor West was built; difficult to back out of driveway; concerned for young children.**
3) **Kim Roberts – Four Winds Drive; Witnessed police coming to that property and has concerns for parking.**
4) **Roger Bernot – Harbor Point; Commented on the conceptual design being so precise, wonders why Mr. Price is not presenting exactly what he is going to do. Median would cause safety problem if a fire truck needs to come down the street.**
5) **Mario Cirabisi – Four Winds Drive; Parking concerns and stated people park on the drainage.**
6) **Lily Pryce – Four Winds; Wife of Duette Price, not asking for relief of following zoning requirements, hopes the information speaks for itself.**
7) **Fred Rutzke – St. Lucie Blvd.; Commented that they didn't expect to see an eye sore from their property.**
8) **Dorette Pryce – Duette's sister; Commented that she supports the project and her brother and asks the Commission to consider the data because she knows her brother and he cares about the community.**
9) **Jeff Hardin – River Road; Personally knows Duette Pryce and his family and supports the project, reiterated that it has staff approval, meets code. Intervenor did not prove damages.**
10) **Britta Erickson – ZOOM; Tampa FL, in support of project and has worked with Mr. Pryce on past projects.**
11) **Sarah Hoil – ZOOM; Commented that Police were not called to the property but to another property. Vouched that Mr. Pryce is an excellent landlord.**

Commissioner Meier expressed his disappointment with the conflict between the community members between the developer and the members of the community and encouraged the public to review the Code online

8:07 PM MOTION: Motion for approval.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner Bruner
Motion passed unanimously.

8:17 PM Recess
8:26 PM Meeting Resumed

13. CENTRAL PARKWAY LOFTS - MAJOR AMENDMENT TO RPUD (QUASI-JUDICIAL):

ORDINANCE No. 2461-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING A 6.65 ACRE PROPERTY CONSISTING OF TWO PARCELS OPPOSITE ONE ANOTHER ON S.E. CENTRAL PARKWAY APPROXIMATELY MIDWAY BETWEEN ITS INTERSECTIONS WITH S. KANNER HIGHWAY TO THE WEST AND U.S. HIGHWAY ONE TO THE EAST TO APPROVE A MAJOR AMENDMENT TO THE "CENTRAL PARKWAY LOFTS (NORTH)" AND THE CENTRAL PARK LOFTS (SOUTH) RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF ONE HUNDRED NINETY SIX (196) MULTI-FAMILY UNITS WITHIN FIVE (5) INDIVIDUAL FOUR-STORY APARTMENT BUILDINGS; WITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Four (4) people sworn; Kevin Freeman and Tom Reetz of City of Stuart Development Department, Marcela Camblor, Marcela Camblor and Assoc., and Don Cuozzo of Conceptual Design Group.

Tom Reetz, Senior Planner, presented on the Central Parkway Lofts including the location, zoning, streetscape site plan and a traffic calming option, offered the conditions for redevelopment and reviewed the variances requested for the PUD. Kev Freeman went over the attainable housing evaluation and economic benefits.

8:40 PM Marcela Camblor presented on the general locations, demonstrating previous approval, proposed development, parking, and the public benefits. Proposal of bike share program, electric charging stations, and as a rental, must meet Fair Housing Act.

Commissioner comments included suggestions/requests for a commitment to a sidewalk, solar on flat roofs to power the common areas, the maintenance of stamped concrete, confusion for attainable units with sunsetting or is it kept in perpetuity, the proximity to Poppleton Creek, and transit.

Public Comment:

1) **Bill Fisher – Sedona Circle; Concerns over traffic issues, mixed use, has a lot of traffic and many use it to cut through, concerns of children crossing road for pool.**
2) **Melinda Bruna – Halifax Lane; Relocated from Miami 2 months ago and asks the Commissioners to be careful with their choices.**
3) **Lucas Latham – Sea Hunt Way; Commented that he has a petition with over 200 signatures opposing this project, scanned by the Clerk; commented on Comp Plan language about smart growth, provided area statistics and feels this project will stick out like a sore thumb. Presented posters of views of area to Commission.**
4) **John Schalk - Not present.**
5) **Linda Kay Richards – Cabana Point Circle; Provided a handout of approved and pending projects and commented on the housing explosion within 3 miles of each other, concerns of the increasing the density and quality of life.**
6) **Robin Cartwright – Hibiscus Avenue; Quoted "Just because you can, doesn't mean you should." Provided population statistics on affordable housing.**
7) **Barbara Grass – Palermo Court; Opposes the project, commenting on the parking issues, cannot reduce parking as people from other communities already park at the dog park, commented on schools as well.**
8) **Caryn Hall Yost Rudge – ZOOM; (audio problem) Commented with a request for Development to put proposals on the website. (?)**
9) **Jeff Harden – River Road; Representing Developer, commented on the speed on Central Parkway but that should not be an issue for the developer, parking solutions**
10) **Helen McBride – Flamingo Ave; Commented that the City has 9 apartment buildings approved and suggests we wait and see what is truly needed.**
11) **Jim Gallegos – Manor Drive; Commented that he feels more housing is needed but feels we are abandoning the character of the City and this project does not fit the character of the City.**

9:38 PM MOTION: Motion for approval on First Reading with the condition that the affordable units set aside without a 10-year sunset, that they would remain in perpetuity.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner Bruner
Motion passed 3/2.
Meier - YES
McDonald - YES
Bruner - YES
Matheson – NO
Clarke - NO

10:18 PM 14. FLORIDA FRIENDLY LANDSCAPING CODE OF ORDINANCE TEXT AMENDMENT:

ORDINANCE No. 2462-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING CHAPTER 42, ARTICLE II, DIVISION 4 OF THE CODE OF ORDINANCES ENTITLED "CONSERVATION" IN RESPECT OF STANDARDS FOR THE PROVISION OF REGULATING FLORIDA FRIENDLY LANDSCAPING AND THE USE OF RAIN SENSOR DEVICES ON AUTOMATIC SPRINKLER SYSTEMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

10:19 PM MOTION: Move approval.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

DISCUSSION AND DELIBERATION

10:20 PM ADJOURNMENT

Mary R. Kindel, City Clerk **Eula R. Clarke, Mayor**

Minutes to be approved at the Regular Commission Meeting this 22nd day of March 2021.

Good evening City Commission,

My name is Luke Latham. I reside at 369 SE Sea Hunt Way, Stuart.

In the last 9 days, we the concerned Citizens of Stuart and the Poppleton Creek Dog Park patrons have collected over 150 petition signatures. And while I would like to chain myself to a tree and ask you not disturb the park's animals, birds, and fish; I am a realist. Some construction will take place at the proposed site. This petition asks for you the City Commissioners to not approve Central Parkway Lofts to exceed 15 dwelling units per acre. Please see Document A for our petition

Now let's be reminded of what's included within the City's comprehensive plan and then talk numbers. Under objective 2.A5, it states, "Through smart growth principles...the City shall maintain its small-town character." Please see Document B

As far as numbers, we have compared the dwelling units per acre of the four major residential communities close to the area where the proposed development would take place.
Please see Document C

Villa Bella: 2 stories; 7 dwelling units per acre

Town Park North Condominiums; 2 stories; 11 dwelling units per acre

Seaside by Meritage; 2 stories; 10 dwelling units per acre

The Estates at Stuart; 2 stories; 6 dwelling units per acre

Central Parkway Lofts; 4 stories; between 29.5 to 24 units per acre

One is not like the others and will stick out like a sore thumb.

I realize from attending the Local Planning Agency meeting on February 11th, that the site was previously approved for four story town homes in 2005. A lot has happened in the past 16 years including the creation of the dog park at Poppleton Creek.

Saturday morning, I took a picture of the current view from the Poppleton Creek Park Pavilion looking east. Please see Document D. The current view is of a beautiful tree line, some of the trees standing more than 40 or 50 feet tall. If the height and density of this project is approved, that tree line will be replaced with a 40 to 50 foot skyline of apartment buildings. I don't think anyone in here can say with a straight face that putting the proposed structure next to a public park would reflect small town character or smart growth.

City Commission there is really only two courses of action to take.

Either vote to keep the Central Parkway Lofts under 15 dwelling units per acre

Or

Vote yes, to allow the Central Parkway lofts to build a four story 196 to 160 unit rental property. In that case please remove any language in the City's Comprehensive Plan that refers to smart growth principles and/or maintaining a small town character.

Please choose wisely. – Thank you

Document B

The Treasure Coast Region Hurricane Evacuation Study Update Report will be implemented by the City along with the Plan's directives, programs and activities.

Policy 2.A3.2. Institute intergovernmental coordination mechanisms to allow City input in the review of proposed development in Sewall's Point and on the portion of Hutchinson Island's Martin County portion for consistency with the City's ability to accommodate the roadway, shelter and public safety needs of island residents and visitors during hurricane evacuation.

The City shall set standards for determining which private and public development proposals and changes to local comprehensive plans in Sewall's Point and Martin County shall come under this type of review.

Policy 2.A3.3. Evacuation of coastal populations will continue to be evaluated.

(Ord. No. 2205-2010, § 1(Exh. I), 9-27-2010)

Cross reference— Hurricane evacuation and planning, Element I, Objective B4.

Objective 2.A4. - [Access to downtown area.]

Maintain direct and easy access to downtown Stuart via the U.S. 1 and Second Street intersection for traffic entering Stuart from the north.

Policy 2.A4.1. The City continues to support enhanced north/south roadway capacity, both within the eastern and western corridors, provided that proposed improvements take into account negative impact on established residential neighborhoods and traditional business districts.

Policy 2.A4.2. The City will continue to evaluate the extension of Seventh Street to Colorado Avenue as surrounding neighborhoods continue to transition.

(Ord. No. 2205-2010, § 1(Exh. I), 9-27-2010)

Objective 2.A5. - [Width of roadway corridors.]

Through smart growth principles and to reflect the Florida Department of Transportation (FDOT) Complete Streets Design Manual recommendations, the City shall maintain its small-town character by limiting the width of roadway corridors throughout the City to no more than six through lanes and implement Complete Streets policies where feasible.

Policy 2.A5.1. East Ocean Boulevard shall not be more than four through lanes.

Policy 2.A5.2. No roadway facility in the City shall be more than six through lanes.

Policy 2.A5.3. While seeking to minimize impacts on residential neighborhoods and established business districts, the City and Martin County shall continue to work together to develop and effectively utilize major north-south alternate corridors for U.S. 1, including Green River Parkway ~~(which is currently under construction and scheduled for completion by November 2010)~~ and the Willoughby Boulevard extension project.

Policy 2.A5.4. The City shall emphasize intersection improvements and the synchronization of signals prior to the widening of roadways.

Policy 2.A5.5. Where space allows, pedestrian accessways (sidewalks) shall be separated from traffic by landscape areas, on-street parking and other design elements.

Policy 2.A5.6. Within the CRA and where appropriate, the City shall encourage increased transportation efficiency and pedestrian mobility by advocating creative transportation planning methods such as the reduction of lane ~~widthsage~~ to promote pedestrian access, on-street parking, and landscaping.

Document C

POPPLETON CREEK PARK

ESTATES AT STUART
123 units ÷ ~22.5 ac.
= 6 du/ac.

CENTRAL PARKWAY LOFTS
196 UNITS ÷ 6.65 ac.
= 29 du/ac.



VILLA BELLA CENTRAL PARK
112 units ÷ ~16 ac.
= 7 du/ac.

SEASIDE TOWNHOMES
76 UNITS ÷ ~7.7 ac
= 10 du/ac

TOWNE PARK NORTH CONDOMINIUMS
98 units ÷ ~9 a.c.
= 11 du/ac.



Document D

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taken march 6, 2021 at 0819 AM

Sent from my iPhone

view from poppleton creek park looking east

document A

page 1

Petition to not approve Central Parkway Lofts to exceed 15 units per acre

Petition summary and background	To preserve the slow growth of the city of Stuart and the beauty of the Poppleton Creek Dog Park
Action petitioned for	We, the undersigned, are concerned citizens who urge the Stuart City Commission to act now by voting against allowing Central Parkway Lofts to exceed code 2.07.00.D3 Density, by not allowing the development to exceed 15 dwelling units per acre.

Printed Name	Signature	Address	Date
1. LUCAS B. LATHAM		369 SE SEA HUNT WAY STUART, 34994	2/28/21
2. Christine Latham		" "	2/28/21
3. PERRY WARE		366 SE SEA HUNT WAY STUART	2/28/21
4. MICHAEL STREFF		356 SE SEA HUNT WAY STUART	2/28/21
5. JEFF GORDON		301 SE HALIFAX WAY STUART	2/28/21
6. SUSAN SELNICK		"	2/28/21
7. Mackay Rufus		7185 Crockett CT STUART	2/28/21
8. Kevin Knapp		3707 Big Bend Terr. Hobe Sound	2/28/21
9. Anne Adams		1290 SW Shoreline Dr. P.C.	2/28/21
10. Bruce Childers		1221 SW Shoreline Dr Apt 123	2/28/21
11. Michelle Zopff		5169 SE Ebbtide Avenue	02-28-2021
12. Vinny Cedeno		2445 SE ASTER LANE	2/28/21

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Petition to not approve Central Parkway Lofts to exceed 15 units per acre

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	Printed Name	Signature	Address	Date
13.	MIKE NEUBERG		2884 SE INDIAN ST STUART 34997	2/28/21
14.	Diane Terry		6242 SE Fauna Terrace Hobe Sound, 33455	"
15.	Lynette Miller		7450 SE FLAMINGO WAY 33455	2/28/21
16.	ANICA VIN		1200 N.W. 15th St. Stuart FL 34994	2/28/21
17.	Susan Hirsch		800 SE Central Pkwy Apt 15 Stuart FL 34994	2/28/21
18.	PAUL ROBINSON		153 S.W Hideaway Pl Stuart FL 34994	2/28/21
19.	JEAN JOHNSON		195 SW Palm City Rd STUART FL 34994	2/28/21
20.	Ria Rampersad		2220 SE Gaslight St PSL FL 34994	
21.	OAKLEY KOMAR		5772 SE WINDSONG LN #234 STUART FL 34997	2/28/21
22.	JESUS RAMIREZ		4358 SE HAMILTON LN	2/28/21
23.	ROY AUFORT		384 SE SEA HUNT, STUART	2/28/21
24.	Adrian Bruce		307 SE Halifax Lane	2/28/21

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03222021 CCM

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	Printed Name	Signature	Address	Date
25.	Melinda Bruna		307 SE Halifax Lane,	2/28/21
26.	Juan Bruna		307 SE Halifax Lane	2/28/21
27.	Isabella Manson	Isabella	1841 SW Palm city Rd.	2/28/21
28.	Marian Hoge		2020 SW Dartforth Cir	2/28/21
29.	James Jaffe		3129 SW Monteffelo pl Palm City	2/28/21
30.	L. Valerie Matthews	L. Valerie Matthews	2372 SE SAINT LUCIE BLVD.	2.28.21
31.	Mary Peng		5985 SE Riverboat Dr, #635, Stuart	2/28/21
32.	ROBERT VOISINET	Robert Voisinet	3122 SE FAIRWAY W, STUART	2/28/21
33.	Robert Demichele		New York	2/28/21
34.	Michael Nicolaou		3375 SW Sunset Trace Cir Palm City	2/28/21
35.	Michael Darkson		1900 SW Winners Dr. 34990	2/28/21
36.	Matt Kuxhausen		858 SW CANOE ST	2/28/21

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	Printed Name	Signature	Address	Date
37.	Jeff Metz		5675 SE Graham Dr	2/28
38.	Leyla Mejr	Leyla Mej	5675 SE Graham Dr - Stuart	2/28
39.	Bruce Goodkaff		918 SW 33rd ST Port City	2-28-21
40.	R. Alan Ley	RAL	5505 SE Martin Meadows Ave	2-28-21
41.	F Worthington		224 SE ST LUCIE BLVD, STUART	2/28/21
42.	Maria Arellano	Maria Arrellano	426 SE San Jose St Stuart FL 34994	2/28/21
43.	Vianca Rios	V Rios	426 SE San Jose St Stuart FL 34994	2/28/21
44.	Jose Hernandez		41479 SE SALVATORI RD	2/28/21
45.	Chris Sprague		3600 SE Sea Hunt Way	2/28/21
46.	Jessica Barnett		360 SE Sea Hunt Way	2/28/2021
47.	Diana Straff		356 SE Sea Hunt Way	2/28/2021
48.	Miles Weimar		329 SE Hitching Circle	2/28/21

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Printed Name	Signature	Address	Date
49. Steve Budmon		156 SE Hancock St	3/1/21
50. John Wishovich	John Wishovich	2865 S.W. Feroe Ave	3/1/21
51. Mark Dickman	Mark Dickman	1627 Monroe St	3-1-21
52. Brainard Hines, PhD	Brainard Hines, PhD	406 SE Rogers Ct.	3-1-21
53. Wm Snyder		800 SE Monterey Rd	3/1/21
54. Judy Burns		105 SE Monterey Rd. Stuart	2-1-21
55. Geri Gaynor	Geri Gaynor	4771 SE Winter Haven Ct Stuart	2-2-21
56. Vera Lazarko		4681 SE Winterhaven St.	3-1-21
57. John Goodson	John Goodson	431 SE Edgewood Dr	3-1-21
58. Nathalie Ortega		717 SE Ruhl Junior Blvd Stuart	3-1-21
59. George Rasenelli		1924 S.W. College St Stuart	3/1/21
60. Sherrie Rasenelli	Sherrie Rasenelli	1924 SW College St Stuart	3/01/21

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Petition to not approve Central Parkway Lofts to exceed 15 units per acre

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	Printed Name	Signature	Address	Date
61.	Diane Downs	Diane Downs	8437 SE Woodcrest Pl.	3/1/21
62.	James P. Downs	James P Downs	8437 SE Woodcrest Pl	3/1/21
63.	Thomas Sandra	Thomas Sandra	9481 S/E Geneva Dr Stuart	3-1-21
64.	Gage Carell		stuart, Fl	3-1-21
65.	Robert Lafferty	Robert Lafferty	362 SE Rogers Stuart	3/1
66.	Petra Cillo	Petra Cillo	305 SE Halifax Lane Stuart	3/1/21
67.	Doug Killsné	Doug Killsné	Dolphin Dr. Stuart	3/2/21
68.	Harris Weidner	Harris Weidner	2600 S Kanner Stuart	3/2/21
69.	Robyn Baber	Robyn Baber	3770 NW Royal Oak Dr J.B.	3/2/21
70.	Colton Antrom	Colton Antrom	3504 NE Indian Ct.	3/2/21
71.	Adam Ryan	Adam Ryan	822 SE Stypmann Blvd	3-2-21
72.	Gordon Goodwin	Gordon Goodwin	8607 SW Tropical Ave	3-2-21

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Petition to not approve Central Parkway Lofts to exceed 15 units per acre

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	Printed Name	Signature	Address	Date
73.	SANDRA Palma	Sandra Palma	2912 SW Westlake Cir Palm City	3-2-21
74.	William McGrath	William McGrath	1239 SW covered Bridge Rd	3-2-21
75.	Samantha Kelly	Samantha Kelly	1239 SW Covered Bridge Rd	3-2-21
76.	Shelia Carson	Shelia Carson	750 SW Darden Blvd	3-02-21
77.	Barry Drubin	Barry M. Drubin	11777 NW Golden Falls Lane 34987	3-02-21
78.	Margo Krzakowski	Margo Krzakowski	803 S.E Central Blvd #2	3-2-21
79.		Joel Hufnagel	803 SE central parkway #8	3/2/21
80.	Pedro Sandoval	Pedro Sandoval	5948 SE Avalon Drive	3/2/21
81.	Sarah Salas	Sarah Salas	5948 SE Avalon Dr, Stuart, FL	3/2/21
82.	Christine Dyal	Christine Dyal	7422 SE Concord Place, Stuart	3/2/21
83.	Jerry Hoge	Jerry Hoge	2805 SW Dartford Ln	3/2/21
84.	Rebecca Warner	Rebecca Warner	432 SE Kitching Cir, Stuart FL 34994	3/3/21

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Printed Name	Signature	Address	Date
85. Tyler fox		8337 S.E. hazard st.	3/3/21
86. Tyler Rice		2995 SE Aster Ln	3/3/21
87. Hannah Fleming		2995 SE Aster Ln	3/3/21
88. MARTA ROY		382 SE SEA Hunt Way	3/3/21
89. Anna Bowie	Anna C Bowie	393 SE Sea Hunt Way	3/3/21
90. Margaret Sargeant	Margaret Sargeant	600 SW Camden Ave	3/4/21
91. Jason Kanew		3728 SW Sunset Trace Cir	3/4/21
92. Ryan Law		4271 SW McCrory St	3/4/21
93. Emily Ebersold	Emily Ebersold	385 SE Sea Hunt Way	3/4/21
94. Corrine Eckley		376 SE Sea Hunt Way	3/4/21
95. TOM WATERS		380 SE Sea Hunt Way	3/4/21
96. LaurieVecchio		374 SE Sea Hunt Way	3/4/2021

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	Printed Name	Signature	Address	Date
97.	Joseph Vecchio		~~374~~ 374 SE Sea Hunt Way	3/4/2021
98.	Elaine Cassone	Elaine Cassone	374 SE Sea Hunt Way	3/4/2021
99.	Andrew Infante		375 SE Sea Hunt Way	3-4-21
100.	Wendy Infante		375 SE Sea Hunt Way	3-4-21
101.	Carol Welchinski		2317 SW Heronwood Rd Palm City	3-5-21
102.	Jina Plent		49 SE Sedona Circle #103	3-5-21
103.	Jeremy Vasquez		61 SE Palermo Ct	3/5/21
104.	THOMAS W DeMond	Thomas W DeMond	358 SE SEA HUNT WAY	3/5/21
105.	Karen Reed	Karen Reed	3141 SE Indian St. Stuart	3/5/21
106.	TERRY COOK	Terry Cook	3886 SW Whispering Sound dr Palm City	3.5.21
107.	Guy Cassone		2214 Leighgow ST Port Saint Louis	3-5-21
108.	Virginia Cook	Virginia Cook	3886 SW WHISPERING SOUND DR PALM CITY 34990	3.5.21

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	Printed Name	Signature	Address	Date
109.	Logan Briggs		2965 SW Fence Ave Palm City	3/6/21
110.	Ron Mulcahy		1610 SW Sea Holly Way, Palm City	3/6/21
111.	Hayley Briggs		2965 SW Fence Ave palm city	3/6/21
112.	Tracie Lowe		354 SE Sea Hunt way Stuart FL 34994	3/6/21
113.	Sharen Lowe		354 SE Sea Hunt Way Stuart FL 34994	3/6/21
114.	TaShae Otton		368 SE SEA Hunt way Stuart FL 34994	3/6/21
115.	Aron Spector		↓	↓
116.	Lindsay Samartino		〃	
117.	Abel J. Sebastian	Abel J. Sebastian	106 S.E. Superior Way Stuart FL 34997	3-7-21
118.	Zach Bittel		1283 SW 29th St Palm City, FL 34990	3/7/2021
119.	Mary Alice Rowley	Mary Alice Rowley	2600 S. Kanner Hwy #61 Stuart FL 34994	3/7/2021
120.	Agustin Arellano	Agustin Arellano	161 mobile in	3/7/21

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Printed Name	Signature	Address	Date
121. Jose Avellano	Jose Avellano	161 mobil ln #	3/7/21
122. Alexis Stuckey	A Stuckey	2934 SW Pond Way, 34990	3/7/2021
123. Steve Douglas	Steve Douglas	2820 SW Butterfly Lane 34990	3/7/2021
124. Amber Lunsford		5508 SW cherokee 34990	3/7/2021
125. Richard Platham	Richard Platham	2 NE NAUTICAL DR OCEAN BREEZE FL 34957	3/7/21
126. Kelley Russell	Kelley Russell	355 SE Anglers Dr Ft Pierce FL 34982	3/7/21
127. J Croton	J Croton	3218 SE Aster P116	3/7/21
128. NANCY WRIGHT	Nancy Wright	5033 SE Bentwood Dr. 34997	3/7/21
129. JON WRIGHT	Jon M. Wright	5033 SE Bent Wood Dr. 34997	3/7/21
130. ALAN LONG	Alan Long	5334 SE INLET PLACE 34997	3/7/21
131. [illegible]	[illegible]	9505 ICA Aner	3/7/21
132. [illegible]	[illegible]	Palm city	3/7/21

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	Printed Name	Signature	Address	Date
133.	Tina Knowles	Tina Knowles	5933 SE Riverboat Dr. Stuart FL 34997	3/2/21
134.	Corina Coffinas	Corina Coffinas	5339 SE Graham Dr. Stuart, FL 34997	3/3/21
135.	Amy Reed		377 SE Southwood Stuart FL 34997	3/3/21
136.	Tamara Phillips		501 SW South Riverpoint Dr Stuart 34994	3/3/21
137.	Jerry Erbe		2000 SE Federal Hwy Stuart, FL 34994	3/3/21
138.	Katherine Dee Rose	K Dee Rose	5971 SE Riverboat Dr 629 Stuart FL 34997	3/3/21
139.	JOANN LEONE	JoAnn Leone	5631 SE FOXCROSS PL STUART FL 34997	3/4/21
140.	Pia Bundy	Pia Bundy	7977 SE Doubletree Dr Hobe Sound FL 33455	3/4/21
141.	MICHAEL DREXLER		6005 SE WINDSONG LANE STUART, FL 34997	3-4-21
142.	Joanne Baxter	Joanne Baxter	5018 SW Anhinga Ave Palm City FL 34990	3-5-21
143.	Mike Murray		6495 SE Circle St. Hobe Sound, FL 33455	3-7-21
144.	Kevin Keeler		5765W Sun Circle Palm City FL	3-7-21

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	Printed Name	Signature	Address	Date
145.	Jim Gorman		803-12th Central Park	3-4-21
146.	NANCY STARACE		803-12 SE Central Pkwy	3-4-21
147.	LAWRENCE WEAVER	Laurence Weaver	803 SE. Central Pkwy	3-4-21
148.	John Cirsc	John Cirsc	803 SE Central Pkwy	3/5/21
149.	[illegible]	[illegible]	822 SE Central Pkwy	3/6/21
150.	THOMAS TOBIN		806-11 CENTRAL PKY	3-5-21
151.	Scott Parsons		802-4 Central Parkway	3/5/21
152.	JANINE WIEGOLD	Janine L. Wiegold	803-3 Central Parkway	3/6/21
153.	Donald C. Wiegold	Donald Wiegold	802-6 Central Pkwy	3/6/21
154.	Shirley A. Wiegold	Shirley A Wiegold	802-6 Central Pkwy	3/6/21
155.	MARK ANDERSON	Mark Anderson	805 SE Central Pkwy #7	3/7/21
156.	BEATA KEELER	Beata Keeler	576 SW Siena Cir Palm City	3/7/21

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	Printed Name	Signature	Address	Date
157.	Fran Johnson	Fran Johnson	610 SE Prescott PL	3-5-21
158.	DeeDee Bradley	DeeDee Bradley	462 NW Emilia Way, Stuart JensenBch	3-5-21
159.	Sue Olesun	Sue Olesun	3622 SW Mini Circle Palm City	3-5-21
160.	LizAndrea Balatavis	LizAndrea	8497 SW Sea Captain Dr.	3.5.21
161.	Russell Golden		2984 SE Banyan St.	3/7/21
162.	Nicole Phillips	Nicole Phillips	2984 SE Banyan St	3/7/21
163.	Christian Van Riper		4912 SW Landing Creek Drive Palm City	03/07/21
164.	Melanie Van Riper	Melanie Van Riper	4912 SW Landing Creek Drive Palm City	03/07/21
165.	Sandra Schilling	Sandra Schilling	2064 SW Cimarron Ct Palm City	3/07/21
166.	Stacey Sullivan		389 SE SEA HUNT Way	3/7/21
167.	Maria Rodriguez	Maria Rodriguez	389. SE Sea Hunt Way	3/7/21

Petition to not approve Central Parkway Lofts to exceed 15 units per acre

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	Printed Name	Signature	Address	Date
168.	Michael Petropulos	Michael Petro	83 SE Sedona Circle	3/7/21
169.	Gary Semon	Gary Semon	53 SE Sedona Circle #102	3/7/21
170.	BILL FISHER	Bill Fisher	53 SE Sedona Cir #104	3/7/21
171.	JANICE McNAUGHTON	Jan McNaughton	same ↑	3-7-21
172.	George Petropulos	George Petropulos	53 SE Sedona Circle #105	3-7-21
173.	Bruce Loudsbury	Bruce Loudsbury	53 S.E. Sedona Circle #202	3-7-21
174.	MELINDA MATHERNE	Melinda Matherne	53 SE SEDONA CIR. #101	3-7-21
175.	Holly Matherne	Holly Matherne	53 SE Sedona Cir #101	3-7-21
176.	Scott Ayre	Scott Ayre	53 SE Sedona Cir #203	3-7-21
177.	JOHN D SCHALK	John D Schalk	43 SE Sedona Cir #102	3/7/21
178.	MARY F SCHALK	Mary F Schalk	43 SE Sedona Cir #102	3/7/21
179.	Daniel Gilewski	Daniel Gilewski	43 SE Sedona Cir #201	3/7/21
180.	Antoni Gilewski	Antoni Gilewski	43 SE Sedona Cir #201	

DOCUMENT A

Petition to not approve Central Parkway Lofts to exceed 15 units per acre

03222021 CCM

Petition summary and background	To preserve the slow growth of the city of Stuart and the beauty of the Poppleton Creek Dog Park
Action petitioned for	We, the undersigned, are concerned citizens who urge the Stuart City Commission to act now by voting against allowing Central Parkway Lofts to exceed code 2.07.00.D3 Density, by not allowing the development to exceed 15 dwelling units per acre.

	Printed Name	Signature	Address	Date
181.	Jim Hopkins		40 SE SEDONA #102	3/1/21
182.	Darlene Hopkins		40 SE SEDONA CIR. #102	3/1/21
183.	Jean Cerniglia		48 SE Sedona Cir #103	3/1/21
184.	Rosana Rao		40 SE Sedona cir #103	3/1/21
185.	Jennifer Rao		47 SE Sedona Circle #102	3/1/21
186.	George Asbeck		53 SE Sedona Cir #106	3/7/21
187.	Robert Belvin		43 SE Sedona #203	3/7/21
188.	Tonya Belvin		43 SE Sedona Cir #203	3/7/21
189.	Virginia Petropulos		53 SE Sedona Cir. #105	3/7/21
190.	Chris Kalwa		49 st Sedona Cir. 20	3-7-21
191.	Sean Nelson		55 Se Palermo #105	3/7/21
192.	Mathew Grogg		55 SE Palermo #105	3/7/21

03222021 CCM

Petition to not approve Central Parkway Lofts to exceed 15 units per acre

Petition summary and background	To preserve the slow growth of the city of Stuart and the beauty of the Poppleton Creek Dog Park
Action petitioned for	We, the undersigned, are concerned citizens who urge the Stuart City Commission to act now by voting against allowing Central Parkway Lofts to exceed code 2.07.00.D3 Density, by not allowing the development to exceed 15 dwelling units per acre.

	Printed Name	Signature	Address	Date
193.	Ryan Dunn	Ryan Dunn	806 SE Central PKwy Apt 8	03/07/21
194.	ANICE Hirsch	Janice Hirsch	806 SE Central PKwy #8	3/7/21
195.	Walter Maunder	Walter	" " "	3/7/21
196.	William Gryner	Will Gryner	806 SE " " #4	3/7/21
197.	June Marsden	June Marsden	806 SE " " #5	3-7-21

Petition to not approve Central Parkway Lofts to exceed 15 units per acre

Petition summary and background	To preserve the slow growth of the city of Stuart and the beauty of the Poppleton Creek Dog Park
Action petitioned for	We, the undersigned, are concerned citizens who urge the Stuart City Commission to act now by voting against allowing Central Parkway Lofts to exceed code 2.07.00.D3 Density, by not allowing the development to exceed 15 dwelling units per acre.

	Printed Name	Signature	Address	Date	
198.	Candy Wilson	Candy Wilson	6925 SE Melissa Ln.	3-4-21	
199.	Kenneth Wolsoh	KCW	6925 SE Melissa Ln	3-4-21	
200.	Kymberly Gudgeon	Kym	364 SE Sea Hunt Way	3/6/21	
201.	Michael Gudgeon	MG	364 SE Sea Hunt Way	3-6-21	

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 3/22/2021 **Prepared by:** jchrulski

Title of Item:

CITY OF STUART GRANT TO BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY (RC):

RESOLUTION No. 35-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A GRANT AWARD AGREEMENT BETWEEN THE CITY OF STUART AND THE BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY TO SUPPORT ECONOMIC DEVELOPMENT PROJECTS, PROGRAMS, AND SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

R35-2021 is to recognize the FY21 budgeted grant for the Business Development Development Board of Martin County (BDBMC) and to support various economic development projects, programs, and services. The grant reflects supporting the BDBMC at the LEADERSHIP level of $10,000, and reserves $15,000 for additional projects as needed.

NOTE: This was the same sponsorship level as Indiantown, Florida.

Funding Source:

Adopted FY21 Budget: $25,000
Fund: 1110 Account: 581

Recommended Action:

Recommend Approval.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	R35-2021 Grant with Business Develoipment Board of Martin County	3/3/2021	Resolution add to Y drive
🗋	City of Stuart GRANT - BDBMC	3/11/2021	Attachment
🗋	BDBMC Partnership-Leadership Levels	3/11/2021	Attachment

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 35-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A GRANT AWARD AGREEMENT BETWEEN THE CITY OF STUART AND THE BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY TO SUPPORT ECONOMIC DEVELOPMENT PROJECTS, PROGRAMS, AND SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The Mayor and City Clerk are hereby authorized to execute a grant award from the City of Stuart to the Business Development Board of Martin County Inc., (BDBMC) for the purpose of economic development support programs and activities.

SECTION 3: This Resolution shall take effect upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
EULA R. CLARKE, MAYOR				
MERRITT MATHESON, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED this 22nd day of March, 2021.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

GRANT AWARD TO
BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY, INC.
FROM THE CITY OF STUART

THIS GRANT AWARD is made and entered into this 22ND day of March, 2021, to the **BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY, INC.**, (hereinafter referred to as "Board") a Florida not-for-profit organization, doing business at 1002 SE Monterey Commons Boulevard, Suite 207, Stuart, Florida 34996, by the **CITY OF STUART**, (hereinafter referred to as the "City") , a Florida municipal corporation, with offices at 121 SW Flagler Avenue, Stuart, Florida 34994.

WHEREAS, the Business Development Board (BDB), is recognized by the State of Florida as the official Economic Development organization for Martin County; and

WHEREAS, the City recognizes the Board as an organization which promotes economic development and prosperity in Martin County; and

WHEREAS, the Board is responsible for providing assistance to new start-ups, existing businesses and other entities seeking to expand employment opportunities and make capital investments within the City of Stuart and Martin County; and

WHEREAS, the Board is a 501(c)(6) not-for-profit, public-private partnership for economic development, funded by the Martin County Board of County Commissioners through a multi-year economic development services agreement, in addition to other non-profit and private sector investors who support its yearly operations; and

WHEREAS, the City Commission desires to make a contribution to the overall county-wide economic development strategy, including programs and other initiatives that will promote the City as a premier business destination, yielding job growth and furthering capital investment in the City; and

WHEREAS, it is the sense of the City Commission of the City of Stuart that a grant award of $10,000 to the BDB to become a LEADERSHIP level member of the Board will serve the best interests of the community; and

WHEREAS, the City of Stuart reserves up to $15,000 as an additional allocation of funds for special projects that will specifically benefit the businesses and/or residents that reside within the city limits.

NOW THEREFORE, in consideration of the promises and mutual agreements contained herein, the parties agree as follows:

1. **Grant Award.** The City hereby grants an initial award sum of $10,000 to the Business Development Board of Martin County with up to an additional $15,000 appropriation for special projects that will directly benefit city businesses and residents, for a total grant award not to exceed the amount of $25,000, as provided herein.

2. **Term.** This grant award agreement shall have a term of one (1) year commencing on the date signed by both parties and executed by the City Clerk.

3. **Reporting.** The Board will provide the City Commission, City Manager or their designee quarterly written reports on economic development activities as follows:

> Quarterly reports and year-end report shall be furnished to the City of Stuart. In addition, at least two (2) in-person economic development briefings to the City Commission focused on economic development results, activities, programs, and initiatives from its annual business plan including highlights of key specific benefits with and in the City during the term of this agreement and any other presentations that may be requested from time to time.

4. **City of Stuart Recognition and Participation.** The Board will recognize the City of Stuart as a LEADERSHIP Level partner of its organization. (Model – Exhibit A). The City will also continue to have board member representation on the BDB's Board of Directors and the Partner's Council, and receive invitations to join and participate in all "Hubs of Excellence" activities such as roundtables, focus groups, one-on-one visits, and hosting teams.

5. **Support Assistance for City Projects and Initiatives**. The Board recognizes that the City of Stuart has its own robust community, economy, redevelopment and sustainability plans, and strategies which it is advancing to benefit its residents and businesses. As such, the Board is committed to building synergies with those plans and supporting and assisting the City in its efforts whereby business intelligence, market research, data gathering and analysis, outreach, promotion, and other general economic development services may be requested and agreed upon by both parties, as they so determine.

6. **Grant Fulfillment and Termination.** This Grant award shall be in effect upon its execution and monies awarded for services rendered as outlined herein. The City reserves the right to terminate this agreement and withhold any amount or entirety of this award for any or no reason given, provided that all approved and executed scopes of work have been reimbursed in accordance with the recitals provided herein.

7. **Effective Law, Jurisdiction, and Venue.** This Grant has been awarded, executed and delivered in Martin County, Florida, and shall be construed in accordance with the laws of the State of Florida, and jurisdiction and venue shall lie only in the state courts in and for Martin County, Florida.

8. **Amendment of Grant.** This Grant award shall not be amended, waived, or altered except by a written instrument properly executed by both parties.

9. **Binding Grant Award Agreement; No Third Parties.** This Grant and each of its agreements, covenants, contractual provisions, pledges, and deliverables shall be binding upon execution and shall inure only to the benefit of the public, and the parties hereto, and shall not be construed as benefitting any private third party, whatsoever.

GRANT AWARD TO
BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY, INC.
FROM THE CITY OF STUART

IN WITNESS WHEREOF, on the date first written above, the Board and the City have executed this Grant Award by the duly authorized undersigned officers.

ATTEST:

BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY, INC.

EXECUTIVE DIRECTOR

KATE COTNER, CHAIRMAN

ATTEST:

CITY OF STUART, FLORIDA

MARY KINDEL, CITY CLERK

EULA S. CLARKE, MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

MICHAEL J. MORTELL, CITY ATTORNEY

Martin County | Florida
Economic Development Partnership

LEADERSHIP AND ENGAGEMENT OPPORTUNITIES

Ambassador
$1,000

- Name one (1) company representative who receives basic access to BDBMC's new engagement structure featuring the Champions Corps, and Talent Advancement Team.
- Helps to build the community's economic development knowledge and understanding and drives improvements to Martin County's talent pipeline.
- 2 Complimentary Tickets at BDBMC Signature Events*
- Listing on investor honor roll
- Recipient of monthly electronic investor-only newsletter with updates on projects, business development efforts and regional economic development news
- Opportunity to Advertise in BDBMC Publications

Entrepreneur
$2,500

- Name up to two (2) company representatives who receive Basic Access to BDBMC's new engagement structure (see above) along with a seat on the new Innovators-Entrepreneurs Council.
- Leads business assistance and will launch Martin County's new ecosystem for start-ups.
- 4 Complimentary Tickets at BDBMC Signature Events*
- Ambassador level benefits

Corporate
$5,000

- Name up to three (3) company representatives who receive Full Access to BDBMC's new engagement structure (see above) along with a seat on Martin County's new 1:1 Visitation Team and Special Project and Industry Teams as designated.
- Leads the BDBMC's industry development and business retention-expansion strategies
- 8 Complimentary Tickets at BDBMC Signature Events*
- Entrepreneur and Ambassador level benefits

*Future social distancing guidelines may impact ticket availability and engagement benefits associated with in-person events.

Why Invest in Economic Development and the BDBMC?

Help develop a common vision and advance broad-based economic prosperity
Promote Martin County's competitive advantages and distinctiveness
Collaboratively address crucial business climate issues
Gain more industry and policy development insights
Influence positive change and grow networks
Strengthen regional assets through the power of partnerships

Martin County | Florida
Economic Development Partnership

LEADERSHIP AND ENGAGEMENT OPPORTUNITIES

Leadership
$10,000

- Name up to four (4) company representatives who receive VIP Access to BDBMC's new engagement structure (see above) along with a seat on the BDBMC's new Competitiveness Council.
- Leads BDBMC efforts to improve Martin County's Business Climate and Economic Competitiveness
- Logo at BDBMC Signature Events
- Participation in General Recruitment Activities and Events
- Invitations to VIP programs and special events hosted for clients or site selectors
- 10 tickets (table equivalent) at BDBMC Signature Events with Priority Seating and Access to VIP Receptions*
- Visibility on BDBMC.org including featured company spotlight
- Complimentary Half-Page Ad in Who's Who Directory and Small Business Resource Guide
- Ambassador, Entrepreneur and Corporate level benefits

CEO
$25,000

- Company's Top Executive serves on new CEO Council
- Unlimited company representatives receive VIP Access to BDBMC's new engagement structure (see above)
- Drives Business Recruitment + Branding for Martin County |Florida as a business, headquarters and thought leadership destination
- Opportunity to participate in 1:1 prospect-client site visits
- Preferred listing in BDBMC print and online materials distributed to prospective clients
- Company Listing and headshot at BDBMC Signature Events
- 20 tickets (2 table equivalents) at BDBMC Business Awards + State of the Economy and Mid-Year Meetings (Signature Events) with Priority Seating and Access to VIP Receptions*
- Complimentary Full-Page Ad in Who's Who Directory and Small Business Resource Guide
- First Consideration for participation in one sales or leadership mission annually
- Ambassador, Entrepreneur, Corporate and Leadership level benefits

*Future social distancing guidelines may impact ticket availability and engagement benefits associated with in-person events.

A Stronger Economy is Everyone's Business.

Contact: Joan K. Goodrich, Executive Director, 772.210.0211 or joan@bdbmc.org to discuss leadership and engagement opportunities.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 3/22/2021 **Prepared by:** David Dyess, City Manager

Title of Item:

URGING THE BAHAMIAN GOVERNMENT TO BAN OFFSHORE OIL DRILLING (RC):

RESOLUTION No. 41-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA URGING THE BAHAMIAN GOVERNMENT TO DENY OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSESA RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA URGING THE BAHAMIAN GOVERNMENT TO DENY OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Given the commissions past stance on off shore drilling along Florida's coast and the proximity of our coast to the Bahamas, staff recommends joining other Florida communities in urging the Bahamian government to deny offshore drilling.

Funding Source:

N/A

Recommended Action:

Motion to approve Resolution No. 41-2021.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Resolution 41-2021	3/18/2021	Resolution add to Y drive

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 41-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA URGING THE BAHAMIAN GOVERNMENT TO DENY OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

****

WHEREAS, the Bahamas Petroleum Company ("BPC") has been granted an offshore oil drilling exploration license by the Bahamian government that allows them to construct exploratory offshore oil drilling wells 150 miles off the coast of Florida; and

WHEREAS, exploratory and commercial drilling, extraction, and transportation of offshore oil and gas resources by BPC poses a significant risk of oil spills and chronic leakage that may adversely impact the Bahamas and coastal communities in the Caribbean and Florida; and

WHEREAS, offshore drilling activities pose threats to treasured vacation destinations in the Caribbean and along Florida's Coasts, which are of intrinsic economic value for numerous industries and countries, provide essential nursery habitats for recreational and commercially important fisheries, and act as natural buffers from storm surge and hurricanes; and

WHEREAS, the City is one of numerous communities in Florida and in the Caribbean whose local or nearby marine habitats, industries, and public health may be devastated by offshore drilling oil spills originating in the Bahamas; and

WHEREAS, the City endeavors to protect the environmental health of all marine habitats; and

WHEREAS, exploration and development of oil and gas resources off the Bahamian coast may not effectively address the long-term economic diversification goals of the Bahamas, and would likely substantially damage the tourism sector of the Bahamian economy, which makes up sixty percent of the country's economy; and

WHEREAS, the City urges the Bahamian government to deny offshore oil drilling exploration licenses and to permanently ban offshore oil drilling activities in the Bahamas, and further urges Martin County and the State of Florida to oppose such offshore oil drilling and work with the Bahamian government in such efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:

SECTION 1: The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution

SECTION 2: The City Commission respectfully urges the Bahamian government to deny offshore oil drilling exploration licenses and further urges the Bahamian government to permanently ban all offshore oil drilling activities in the Bahamas. The City Commission further urges Martin County and the State of Florida to oppose such offshore oil drilling and to work with the Bahamian government in such efforts.

SECTION 3: The City Commission hereby directs the City Clerk to transmit a copy of this Resolution to the Bahamian Prime Minister Hubert Minnis, the Bahamian Ambassador to the U.S. Sidney S. Collie, the Martin County Board of County Commissioners, Governor Ron DeSantis on behalf of the State of Florida, all municipalities in Martin County, Florida, and the Treasure Coast Regional League of Cities.

SECTION 4: This Resolution shall become effective immediately upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
EULA R. CLARKE, MAYOR				
MERRITT MATHESON, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED this ___ day of _____, 2021.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 3/22/2021 **Prepared by:** David Dyess, City Manager

Title of Item:

STUART GREEN MARKET LICENSE AGREEMENT (RC):

RESOLUTION No. 34-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TERMINATING THE NON-EXCLUSIVE USE LICENSE AGREEMENT BETWEEN THE CITY AND THE STUART GREEN MARKET, INC., AN INTERNAL REVENUE SERVICE DESIGNATED 501(C)(4) ORGANIZATION; AUTHORIZING THE CITY MANAGER TO IMMEDIATELY EXERCISE THE SIXTY (60) DAY WRITTEN NOTICE OF TERMINATION OUTLINED IN SECTION 2 OF THE LICENSE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

If Resolution 34-2021 passes, the Commission can either take up Resolution 37-2021, elect not to have a public market, or discuss other options.

RESOLUTION No. 37-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTING AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR THE OPERATION OF A PUBLIC MARKET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

As instructed this is a two part agenda item:

R34-2021 authorizes the city manager to exercise the 60 day written termination notice to Stuart Green Market INC.

R37-2021 authorizes staff to issue a Request For Proposal (RFP) for a new market.

Funding Source:

N/A

Recommended Action:

Terminate Green Market License Agreement.

ATTACHMENTS:

Description	Upload Date	Type
R34-2021 Authorizing Termination of Stuart		Resolution add

Green Market License Agreement	3/3/2021	to Y drive
Green Market License Agreement	3/12/2021	Backup Material
R37-2021 Authorize RFP For New Market	3/12/2021	Resolution add to Y drive
RFP Document For New Market	3/12/2021	Backup Material

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 34-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TERMINATING THE NON-EXCLUSIVE USE LICENSE AGREEMENT BETWEEN THE CITY AND THE STUART GREEN MARKET, INC., AN INTERNAL REVENUE SERVICE DESIGNATED 501(C)(4) ORGANIZATION; AUTHORIZING THE CITY MANAGER TO IMMEDIATELY EXERCISE THE SIXTY (60) DAY WRITTEN NOTICE OF TERMINATION OUTLINED IN SECTION 2 OF THE LICENSE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The City Commission is terminating its non-exclusive use agreement with the Stuart Green Market Inc., and thereby authorizes the City Manager to immediately exercise the City's sixty (60) day written notice option to terminate the license pursuant to Section 2 of the license agreement.

SECTION 3: This Resolution shall take effect upon its adoption.

Resolution No. 34-2021
Terminating an exclusive use license agreement with the Stuart Green Market Inc.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
EULA R. CLARKE, MAYOR				
MERRITT MATHESON, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED this ___ day of _____, 2021.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 66-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF STUART AND STUART GREEN MARKET, INC A DESIGNATED 501(c) ORGANIZATION; GRANTING A NON-EXCLUSIVE LICENSE TO OPERATE A WEEKLY OUTDOOR MARKET PLACE FOR SALES TO THE GENERAL PUBLIC FOR FRESH PRODUCE, BAKED GOODS, PLANTS, AND ASSORTED FOODS AND GREEN PRODUCT SERVICES BY INDEPENDENT VENDORS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The Mayor and City Clerk are hereby authorized to execute a non-exclusive license to Stuart Green Market, Inc. for the operation of a weekly outdoor market place for sales to the general public of fresh produce, baked goods, plants, and assorted foods and green product services by independent vendors.

SECTION 3: This Resolution shall take effect upon its adoption.

Commissioner GLASS LEIGHTON offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
REBECCA S. BRUNER, MAYOR	Y			
EULA R. CLARKE, VICE MAYOR	Y			
KELLI GLASS LEIGHTON, COMMISSIONER	Y			
MERRITT MATHESON, COMMISSIONER	Y			
MIKE MEIER, COMMISSIONER	Y			

ADOPTED this 22nd day of July, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

CITY OF STUART · FLORIDA · INCORPORATED 1914 · SAILFISH CAPITAL OF THE WORLD ·

LICENSE AGREEMENT
CITY OF STUART AND STUART GREEN MARKET, INC.

This LICENSE AGREEMENT, hereinafter "License" made and entered into this 22nd day of July, 2019, by and between the CITY OF STUART, FLORIDA, a municipal corporation of the State of Florida, 121 S.W. Flagler Avenue, Stuart, Florida 34994, hereinafter the "City," and STUART GREEN MARKET, INC., a Florida not for profit corporation, 121 S.W. Flagler Avenue, Stuart, FL, 34994, hereinafter the "Licensee."

W I T N E S S E T H:

The City and the Licensee do hereby agree as follows:

1. DESCRIPTION OF LICENSED PREMISES. City licenses to Licensee, and Licensee accepts such License from City, for the purpose of operating an outdoor market place for sales to the general public of fresh produce, baked goods, plants, and assorted foods and green products and services, by independent vendors, upon that portion of the parking lot adjacent to Stuart City Hall at 121 S.W. Flagler Avenue, and further described in the drawing attached hereto as **Exhibit "A,"** hereinafter the "Premises." The Premises does not include the parking area to the south (front) of the City Hall building, nor does it include the fire lanes adjacent thereto.

2. TERM. The initial term of this License shall commence on the date first written above and continue henceforth until terminated by either party upon sixty (60) days written notice to the other; hereinafter the "Term." The City licenses the Premises only on each Sunday during the Term from 6:00 a.m. through 5:00 p.m., unless otherwise expressly permitted by the City Manager, in advance and in writing, for additional Special Events of a temporary nature.

3. FEE. The License Fee for the use of the Premises during the Term as provided in paragraph 2 above is $2,000.00 annually, to be paid within 30 days of the execution of this agreement, and subsequent renewal payments on or before the first day of July, each year the agreement remains in effect beginning July 1st, 2020.

4. CITY'S OBLIGATIONS. City shall have the obligation to do the following:

A. The Premises shall be kept in good condition and repair by the City; and the City will use its best efforts to make repairs to the bathroom facilities, including emergency repairs, as needed.

B. Assure that the public bathrooms adjacent to City Hall are cleaned at the beginning of each Sunday morning, no later than 8:30 AM, and assure the bathrooms are open and available for use by the public during the use of the Premises.

C. Provide three (3) 90 gallon Green Carts for solid waste, and three (3) 90 gallon Blue Carts for Recyclable materials to be located behind the stem wall next to City Hall.

D. Cause all City vehicles to be parked outside the Premises. The City will make all reasonable efforts to clear the lot of privately owned vehicles but cannot guarantee all private vehicles will be removed.

E. Provide two barricades at the entrances of the parking lot to prohibit entrance at certain times during the use of the Premises.

F. Provide electrical and water service to the Premises as reasonalby needed, and as currently installed.

G. Conduct an annual review of the terms and conditions of this agreement.

5. LICENSEE'S OBLIGATIONS. Licensee shall have the obligation to do the following:

A. The Licensee must furnish to the City, a copy of its annual financial report, including any 990 forms filed with the IRS, or as otherwise required by law as a recognized 501(c) organization, each year this agreement remains in effect. The Licensee must also maintain an IRS tax exempt, 501(c) status throughout the term of this agreement. Revocation of Licensee's tax exempt status by the IRS, whether automatic or as an outcome of an audit, will constitute a material breach of the terms of this license.

B. In the event that the Licensee makes any charitable contributions, donations, or takes similar actions, all parties to this agreement recognize that the proceeds from the "green market" are a direct result of the use of City of Stuart Public Property, and the parties further agree that it is the intent of the organization to provide public benefit to the City of Stuart. Therefore, any charitable actions which use funds generated from the Green Market shall be for the public benefit of the City of Stuart and its residents, property owners, and businesses. The Board for Stuart Green Market Inc., agrees to seek approval from the Stuart City Manager prior to making any donations or contributions as set forth above.

C. The Licensee shall have access to the Premises at 6:00 AM Sunday morning, and shall vacate the Premises not later than 5:00 PM the same day.

D. Licensee shall be permitted to employ no more than seventy five (75) privately contracted vendors ("Vendors") each Sunday, who shall each be permitted to temporarily erect for licensed uses, 10'x10' canopies, tables,

and displays for the sale or distribution of produce, food, beverages, wares, or services.

E. The Vendors shall set up between 6:00 AM and 9:00 AM, at which time the general public will be admitted to the Premises. At 4:00 PM the general public will no longer be admitted to the Market, and the remaining Vendors will begin to close their operations.

F. Licensee agrees and will assure that no more than 45 of its Vendors shall be permitted to remain on the Premises from 1:00 PM to 4:00 PM, and only in the areas designated by the City for their use nearest to the Riverwalk Stage.

G. The Licensee shall keep the Premises clean throughout its Sunday operation by the Licensee, including but not limited to the parking lot, the outdoor bathrooms at City Hall, the adjacent walkways, driveways, and streets, and the entire Premises shall be cleaned and restored to its prior condition by 5:00 PM each Sunday of operation.

H. The Licensee shall use the three (3) 90 gallon Green Carts for solid waste, and three (3) 90 gallon Blue Cart for Recyclable materials provided by the City, and shall collapse and fold all cardboard boxes and place them in the Blue recycle cart or immediately adjacent to it in a neat and orderly fashion behind the stem wall next to City Hall by 5:00 PM each Sunday of operation.

I. The City of Stuart is in the process of becoming a 'zero plastic waste' city as directed by the City Commission. It will be the responsibility of the Stuart Green Market Inc. to ensure its vendors comply with and conform to any such policy once adopted by the City Commission. Any violation of this policy after its effect will be considered a material breach of this agreement. Licensee shall be subject to any penalties as set forth in the policy. Further, failure to comply with same shall be grounds for termination of this agreement.

J. Any sale, distribution, or consumption of alcoholic beverages during each event will be limited to a predefined area as determined and approved by the City Manager, or their designee. Such activity by the Licensee or any of their designated vendors will be considered ancillary to the scope and nature of the license, and may be revoked by the City Manager, or their designee for any reason, at any time.

K. The Licensee shall not be obligated to make any repairs, replacements, or renewals of any kind, nature, or description whatsoever to the Premises or

any improvements on it, except if the Licensee or any of its independent vendors shall have damaged the same.

L. Licensee shall comply with and abide by all federal, state, county, municipal, and other governmental statutes, ordinances, laws, and regulations affecting the Premises, the improvements on the Premises, or any activity or condition on or in the Premises.

M. Any signage constructed or placed by Licensee shall be first approved by the City Manager.

N. Licensee Vendors will not park their vehicles on the streets immediately adjacent to the Licensed Premises, or within the City Hall parking lot except when setting up or breaking down equipment to be transported to and off premise. Repeated violations of this policy may constitute a material breach of the license agreement.

O. Licensee shall pay to the City, a fee of $80.00 for each event occurring in February, March, and April of every calendar year for the purpose of assigning one police officer for traffic control over a two hour period; and as may otherwise be determined by the City with reasonable notice given to the Licensee.

P. If Licensee elects to make alcoholic beverages available for sale, distribution, or consumption during its licensed event, Licensee may be required to hire at its own expense, additional public or private security officers as determined by the City.

6. NON-EXCLUSIVE USE. City grants this License to the Licensee as a non-exclusive right to use the Premises, except that the City agrees it shall not grant a similar license or right to use the Premises during the dates and times of this License, without first consulting and making a suitable mutual agreement with Licensee. Licensee's use of the Premises is nonetheless a "public use" provided by a private entity.

7. CITY'S RIGHT OF ENTRY. Licensee shall permit City and its agents and employees to enter the Premises at all reasonable times for the purpose of inspecting them.

8. NOTICES. All notices, demands, or other writings in this License provided to be given or made or sent, or which may be given or made or sent, by either party to this License to the other, shall be deemed to have been fully given or when either hand delivered to the offices of or made in writing and deposited in the United States Certified Mail, and postage prepaid, or emailed and receipted, and properly addressed to:

to the City: City of Stuart
ATTN: City Manager
121 SW Flagler Avenue
Stuart, FL 34994
cmanager@ci.stuart.fl.us and mmortell@ci.stuart.fl.us

to the Licensee: Stuart Green Market, Inc.
3467 SW Englewood Street
Port St. Lucie, FL 34953
stuartgreenmarket@yahoo.com

9. TAXES AND ASSESSMENTS. In the event any governmental taxes or assessments are levied upon the Premises as a result of the occupancy and activities of the Licensee hereunder, Licensee, as an additional license fee, shall pay and discharge said taxes or assessments as they become due, promptly and before delinquency.

10. LIENS. Licensee shall keep all of the Premises free and clear of any and all liens for or arising out of or in connection with work or labor done, services performed, or materials or appliances used or furnished for or in connection with any operations of Licensee, any alteration, improvement, or repairs or additions which Licensee may make or permit or cause to be made, or any work or construction, by, for, or permitted by Licensee on or about the Premises, or any obligations of any kind incurred by Licensee. Licensee shall at all times promptly and fully pay and discharge any and all claims on which any lien may or could be based, and shall indemnify City and all of the Premises and all buildings and improvements on the Premises against all liens and claims of liens and suits or other proceedings pertaining to those liens.

11. INDEMNIFICATION OF CITY. Under separate consideration, the amount and sufficiency which is acceptable to each party, it is further agreed that the City shall not be liable for any loss, injury, death, or damage to persons or property which at any time may be suffered or sustained by Licensee, or by any of Licensee's vendors, or any other person who may at any time be using or occupying or visiting the Premises or be in, on, or about the Premises, whether the loss, injury, death, or damage shall be caused by or in any way result from or arise out of any act, omission, or negligence of Licensee or of any occupant, vendor, visitor, or user of any portion of the Premises, or shall result from or be caused by any other matter or thing. Licensee shall hold the City, its agents and employees harmless, and shall indemnify the City, its agents and employees against all claims, liability, loss, or damage whatsoever on account of any such loss, injury, death, or damage. The foregoing indemnification shall not apply to loss, injury, death, or damage arising by reason of the negligence or misconduct of the City, its agents, or employees. This indemnification shall be insured, at all times during this License, by the Licensee, in amounts provided in Section 13, below, failing which this License shall be automatically terminated without further action by the City.

12. INSURANCE. Licensee shall maintain in effect throughout the term of this License personal injury liability insurance covering the Licensee, and the City and the operations of the business in the amount of $1,000,000 for injury to or death of any one person, and $1,000,000 for injury to or death of any number of persons in one occurrence, and property damage liability insurance on the Premises in the amount of $50,000. The insurance shall specifically insure Licensee against all contractual liability assumed by it under this License, as well as liability imposed by law, and shall insure both City and Licensee.

13. REDELIVERY OF PREMISES. Licensee shall pay the fees and all other sums required to be paid by Licensee under this License in the amounts, at the times, and in the manner provided in this License, and shall keep and perform all the terms and conditions of this License on its part to be kept and performed, and at the expiration or sooner termination of this License, Licensee shall peaceably and quietly quit and surrender the Premises to City in good order and condition. In the event of the non-performance by Licensee of any of the covenants that Licensee has undertaken, this License may be terminated as provided herein.

14 NOTICE OF DEFAULT. For any material breach of this License, including the failure to maintain the required insurance coverages, the Licensee shall not be deemed to be in default under this License unless City shall first give to Licensee 10 days written notice of the default and Licensee fails to cure the default within 10 days, thereafter. Fees shall be due and shall become delinquent without notice thereof given by City to Licensee.

15. DEFAULT. In the event of any material breach of this License by Licensee, and following notice as required herein, if any is required, City, in addition to the other rights or remedies it may have, shall have the immediate right to cancel this License and may remove the Licensee and all invited or uninvited persons and property from the Premises. Such personal property may be removed and stored in a public warehouse or elsewhere at the cost of, and for the account of Licensee.

16. WAIVER. The failure of either party to take action with respect to any breach of any term, covenant, or condition contained in this License shall not be deemed to be a waiver of such term, covenant, or condition, or subsequent breach, or of any other term, covenant, or condition contained in the License. The subsequent acceptance of the license fee under this License by City shall not be deemed to be a waiver of any preceding breach by Licensee of any term, covenant, or condition of this License, other than the failure of Licensee to pay the particular license fee so accepted, regardless of City's knowledge of the preceding breach at the time of acceptance of the license fee.

17. MISCELLANEOUS. The License embodies the entire understanding and agreement of the parties concerning the use of the Premises by the Licensee. The Licensee shall not rely upon any prior written agreement or any oral agreement concerning the use of the Licensehold. No modification or amendment to this License

Exhibit A



process to enforce any terms of the License, the prevailing party shall be entitled to reasonable attroneys fees and costs, at all levels of litigation.

IN WITNESS WHEREOF, the parties have respectively signed and sealed this License the days and year written below.

ATTEST:

MARY KINDEL
CITY CLERK

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITYATTORNEY

CITY:
CITY OF STUART, FLORIDA

BECKY BRUNNER
MAYOR

CITY OF STUART · FLORIDA · INCORPORATED 1914 · SAILFISH CAPITAL OF THE WORLD ·

LICENSEE:
STUART GREEN MARKET, INC.

PAT BRADLEY
PRESIDENT

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 37-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTING AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR THE OPERATION OF A PUBLIC MARKET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The City Commission of the City of Stuart hereby approves the authorization to solicit for RFP #2021-203, City of Stuart Market by RFP as detailed herein.

SECTION 2: This resolution shall take effect upon adoption.

Resolution No. 37-2021
Authorization to Solicit for RFP #2021-203, City of Stuart Farmers Market

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
EULA R. CLARKE, MAYOR				
MERRITT MATHESON, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED this 22nd day of March, 2021.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

City of Stuart

121 SW Flagler Avenue • Stuart • Florida 34994
Department of Financial Services
Procurement Division
purchasing@ci.stuart.fl.us
PH: 772-288-5320 • FAX: 772-600-1202

FINAL

Request for Proposal (RFP) No. 2021-203

Stuart Market

Event	Date
Date RFP Issued	TBD
Due date for proposer questions	TBD
RFP Due Date	TBD

City of Stuart

RFP 2021-203

City of Stuart Market

Advertisement

Proposals for City of Stuart Market will be received by the City of Stuart at the Procurement Office, 121 S.W. Flagler Avenue, Stuart, Florida, 34994, until TBD.

The City of Stuart is seeking qualified firms to establish an agreement with a qualified firm or individual to utilize his/her/its own methods and procedures to produce an event in accordance with the purposes, intentions, and objectives of the City as described herein.

The City encourages E-bidding via DemandStar at https://www.demandstar.com. If not submitting electronically than an original, five (5) copies and **one (1) electronic copy (PDF format preferred) on a CD or flash drive** must be submitted in sealed envelopes/packages addressed to Procurement Division, City of Stuart, and marked **RFP 2021-203 City of Stuart Market.** Submittals received after that date and time will not be accepted or considered and will be retained in the Procurement Office unopened.

A complete bid package can be obtained by contacting the Procurement Office at 772-288-5320, purchasing@ci.stuart.fl.us or from DemandStar at http://www.demandstar.com or by calling (800) 711-1712. The City of Stuart is not responsible for the content of any bid package received through any 3rd party bid service or any source.

Mail/Overnight Submittal Responses to:
Stuart City Hall
Procurement Office
121 S.W. Flagler Avenue
Stuart, Florida 34994

Mark outside of envelope: RFP 2021-203: Stuart Market

Dated: TBD
Published: TBD

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PART 1 - GENERAL INFORMATION

1.1. OVERVIEW

This Request for Proposal (RFP) provides guidelines for the submission of proposals in response to the City of Stuart's solicitation for firms and individuals to provide The intent of this solicitation is to establish an agreement with a qualified firm or individual to utilize his/her/its own methods and procedures to produce an event in accordance with the purposes, intentions, and objectives of the City. The City of Stuart is seeking proposals from qualified individuals or firms to enter into a license agreement for the purpose of operating an outdoor Market Place for sales to the general public provide services for a weekly outdoor market including but not limited to fresh produce, baked goods, plants, art, education, entertainment, assorted food and green product services by independent vendors. The Public can enjoy a casual, gathering place in an open-air setting, which advances a feeling of local area and animates collaboration among neighbors. In accordance with the terms, conditions, and specifications contained in Request for Proposal.

The vision for the public market is to showcase, arts and crafts, education, entertainment, and food products. The Market shall feature fresh produce to the community and encourages the will promote of the agricultural industry. Attendees can enjoy an informal, social gathering place in an open-air setting, which promotes a sense of community and stimulates interaction among neighbors. The Market is expected to be a mix of a "green" shopping opportunity and a social occasion

1.2. PROPOSERS' COSTS

The City shall not be liable for any costs incurred by Proposers in connection with preparation of a response to this RFP.

1.3. INQUIRIES

The City will not respond to oral inquiries. Interested proposers may contact the Procurement Office regarding questions about the proposal at the Procurement Division, City Hall, 121 SW Flagler Avenue, Stuart, FL 34994, email: purchasing@ci.stuart.fl.us. The Procurement Office will also receive written requests for clarification concerning the meaning or interpretation of this RFP, until TBD. Questions shall be faxed or emailed with reference to the RFP number. All proposers are expected to carefully examine the proposal documents. Any ambiguities or inconsistencies should be brought to the attention of the City through written communication with the City prior to opening of the proposals.

Respondents may not contact any member of the selection committee, City employee or City elected official during this solicitation process. All questions or requests for clarification must be routed through the Procurement Office.

1.4. DELAYS

The City may delay scheduled due dates, if it is to the advantage of the City to do so. The City will notify proposers of all changes in scheduled due dates by written addenda submitted to the City.

1.5. QUALIFICATION SUBMISSION AND WITHDRAWAL

The City will receive all proposals at the following address:

Stuart City Hall
Procurement Division
121 S.W. Flagler Avenue
Stuart, Florida 34994

To facilitate processing, please mark the outside of the envelope as follows: **RFP 2021-203 Stuart Market.** The City encourages E-bidding if submitting via mail the envelope shall also include the proposer's return address. Respondents shall submit one (1) original, five (5) copies and one (1) electronic copy (PDF format preferred) on a CD or flash drive of their proposal submittal in a sealed envelope marked as noted above. A proposer may submit the proposal by personal delivery, mail, or express shipping service.

THE CITY MUST RECEIVE ALL PROPOSALS BY
2:30 P.M. ON TBD

Due to the irregularity of mail service, the City cautions proposers to assure actual delivery of mailed or hand-delivered proposals directly to the City's Procurement Office, as specified above, prior to the deadline set for receiving proposals. A proposal received by the City Procurement Office after the established deadline will be returned unopened to the proposer.

Proposers may withdraw their proposal submissions by notifying the City in writing at any time prior to the deadline for proposal submittal. Proposers may withdraw their submissions in person or by an authorized representative. Proposers and authorized representatives must provide the letter of withdrawal, picture identification, proof of authorization (in the case of authorized representatives) and provide the City with a signed receipt for the withdrawn proposal. After the deadline, proposals once opened, become a public record of the City and are subject to the provisions of the Florida Public Records Law. As such they are subject to public disclosure in accordance with Chapter 119, Florida Statutes.

1.6. ADDENDA

If revisions become necessary, the City will provide written addenda. It is the responsibility of the proposer to obtain any addenda issued. The City will make every effort to notify registered Proposers by email that an addendum has been made to the RFP. The City shall not be responsible for providing notice of addenda to potential proposers who receive an RFP package from sources other than the City or DemandStar. All addenda issued by the City must be acknowledged within the proposal at the time it is submitted to the City. Failure to acknowledge all addenda may result in disqualification.

1.7. EQUAL OPPORTUNITY

The City recognizes fair and open competition as a basic tenet of public procurement and encourages participation by minority and women owned business enterprises.

1.8. AGREEMENT TERMS

A final license agreement will be negotiated with a perpetual term upon approval of Commission, with a 60 day cancellation notice by either party.

1.9. DEVELOPMENT COSTS

Neither the City nor their representatives shall be liable for any expenses incurred in connection with the preparation of a response to this RFP. Respondents should prepare their submittals simply and economically, providing a straightforward and concise description of the respondent's ability to meet the requirements of the RFP.

1.10. INSURANCE

The successful professional shall not commence any work in connection with this agreement until it has obtained all of the following types of insurance and the City has approved such insurance. Nor shall the successful professional allow any subcontractor to commence work on its subcontract until all similar insurance required of the subcontractor has been so obtained and approved. All insurance policies shall be with insurers licensed and authorized to do business in the State of Florida. The successful professional shall maintain required insurance coverage for the full term of this agreement or for such longer periods as may be specifically required herein. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida and rated no less than "B" as to management and no less than Class "VIII" as to strength in accordance with the A.M. Best Company Insurance Guide, or its equivalent as determined by the City in its sole discretion.

Loss Deductible Clause: The City shall be exempt from, and in no way liable for, any sums of money which may represent a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the professional and/or subcontractor providing such insurance.

Worker's Compensation Insurance: The professional/service provider shall maintain during the life of this Agreement, Worker's Compensation Insurance for all of its employees connected with the work of this project that complies fully with the State of Florida Worker's Compensation Law, F.S. 440.

General Liability: The Proposer shall, during the life of this agreement take out and maintain broad form Commercial General Liability including but not limited to bodily injury, property damage, contractual liability, products and completed operations, and personal injury with limits of not less than $1,000,000 per occurrence, $1,000,000 aggregate covering all work performed under this Contract. Include broad form property damage (provide insurance for damage to property under the care custody and control of the contractor)

Certificates of Insurance: The Proposer, upon notice of award, will furnish Certificate of Insurance Forms. These shall be completed by the authorized Resident Agent and returned to the Procurement g Office. This certificate shall be dated and show:

a) The name of the insured contractor, the specified job by name and job number, the name of insurer, the number of the policy, its effective date, and its termination date.

b) Statement that the Insurer will mail notice to the City at least thirty (30) days prior to any material changes in provisions or cancellation of the policy.

c) The City of Stuart is to be specifically included as an ADDITIONAL INSURED on General Liability Insurance and Business Automobile Liability Insurance.

d) The City of Stuart shall be named as Certificate Holder. Please Note that the Certificate Holder should read as follows:

City of Stuart
121 S.W. Flagler Avenue
Stuart, FL 34994

e) No City Division, Department, or individual name should appear on the certificate. NO OTHER FORMAT WILL BE ACCEPTABLE.

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f) The "Acord" certification of insurance form should be used.

1.11. PUBLIC ENTITY CRIMES

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit proposals or contract with the City for construction of a public building or public works; may not submit bids for leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided for in s. 287 for CATEGORY TWO for a period of 36 months from the date being placed on the convicted vendor list. Questions regarding this statement should be directed to the State of Florida, Bureau of State Procurement (850) 488-8440.

1.12. SUSPENDED VENDOR

An entity or affiliate who has been placed on the State of Florida Suspended Vendor List will not be considered for award. The Suspended Vendor List is available on the State's website at:

http://dms.myflorida.com/business_operations/state_purchasing/vendor_information

1.13. PUBLIC RECORDS

Proposals become "public records" and shall be subject to public disclosure consistent with Chapter 119.07 Florida Statutes. Document files may be examined, during normal working hours by appointment. Requested information in this RFP will not be considered confidential and/or proprietary.

All documents and other materials made or received in conjunction with this project will be subject to public disclosure requirements of chapter 119, Florida Statutes. The proposal will become part of the public domain upon opening. Vendors shall not submit pages marked "proprietary" or otherwise "restricted".

1.14. PUBLIC RECORDS LAW: Public Records Relating to Compliance, Request for Records; Noncompliance, & Civil Action

Note: If the Proposer has questions regarding the application of Chapter 119, Florida Statutes, to the Proposer's duty to provide public records relating to this contract, contact the office of the City Clerk as the custodian of Public Records for the City of Stuart, and all the respective departments at 772-288-5306 or mkindel@ci.stuart.fl.us, City of Stuart, City Clerk 121 SW Flagler Avenue, Stuart, Fl. 34994 per F.S. 119.12.

In compliance with F.S. 119.0701 the Proposer shall:

a) Keep and maintain public records required by the public agency to perform the service.
b) Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Proposer does not transfer the records to the public agency.

d) Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the Proposer or keep and maintain public records required by the public agency to perform the service. If the Proposer transfers all public records to the public agency upon completion of the contract, the Proposer shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Proposer keeps and maintains public records upon completion of the contract, the Proposer shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

A request to inspect or copy public records relating to a public agency's contract for services must be made directly to the public agency. If the public agency does not possess the requested records, the public agency shall immediately notify the Proposer of the request, and the Proposer must provide the records to the public agency or allow the records to be inspected or copied within a reasonable time.

If a Proposer does not comply with the public agency's request for records, the public agency shall enforce the contract provisions in accordance with the contract.

A Proposer who fails to provide the public records to the public agency within a reasonable time may be subject to penalties under F.S. 119.10.

If a civil action is filed against a Proposer to compel production of public records relating to a public agency's contract for services, the court shall assess and award against the Proposer the reasonable costs of enforcement, including reasonable attorney fees, if:

1. The court determines that the Proposer unlawfully refused to comply with the public records request within a reasonable time; and
2. At least 8 business days before filing the action, the plaintiff provided written notice of the public records request, including a statement that the Proposer has not complied with the request, to the public agency and to the Proposer.

A notice complies with subparagraph 2 above, if it is sent to the public agency's custodian of public records and to the Proposer at the Proposer's address listed on its contract with the public agency or to the Proposer's registered agent. Such notices must be sent by common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery, which may be in an electronic format.

A Proposer who complies with a public records request within eight (8) business days after the notice is sent is not liable for the reasonable costs of enforcement.

1.15. TAXES & LICENSES

Proposer shall, at his own expense, pay all licenses, fees and taxes on labor, insurance benefits, vacations, holidays, and all manner of other charges, levies or fees of every description, and comply with all local ordinances, state and federal laws, rules and regulations applicable to business to be carried on under this contract.

a) Licenses: Firms utilizing employee leasing companies, Proposers, both corporate and individual, must be fully licensed and certified for the type of work to be performed in the State of Florida at the time of receipt. The submittal of any Proposer that is not fully licensed and/or certified shall be rejected.
b) Sunbiz: Proposers, both corporate and individual, must provide proof that their firm is registered with the Division of Corporations for the State of Florida.

c) Business Tax Receipt: Proposer shall comply with Business Tax Receipt requirements for their business location A copy of the business tax receipt or proof of exemption must be included with the submittal package, if applicable. The successful company will be required to register with the City of Stuart business tax division.

1.16. BACKGROUND INFORMATION

As part of the evaluation process, the City reserves the right, to require a Proposer to submit such evidence of his/her qualifications as it may deem necessary, and may consider any evidence available to it as to the qualifications and abilities of the Proposer, including past performance (experience) with the City by the Proposer or any of their Owners.

1.17. REFERENCES/RECORD CHECK

As part of the evaluation process, the City may conduct an investigation of references, including but not limited to, a record check of consumer affairs complaints. Proposer's submission of their RFP constitutes acknowledgment of the process and consent to investigate. City is the sole judge in determining Proposer's qualifications.

1.18. DRUG-FREE WORKPLACE

Preference shall be given to businesses with Drug-Free Work Place (DFW) programs. Whenever two or more proposals which are equal with respect to price, quality, and service are received by the Ctiy for the procurement of commodities or contractual services, a proposal received from a business that completes the attached DFW form certifying that it is a DFW shall be given preference in the award process.

1.19. COMPETENCY OF RESPONDENTS

Proposals will be considered only from firms which are regularly engaged in the business of providing the goods and/or services as described in this RFP and who can provide evidence that they have established a satisfactory record of performance to insure that they can satisfactorily execute the services under the terms and conditions stated herein. The term "equipment and organization" as used herein shall be construed to mean a fully equipped and well established company in line with the best business practices in the industry and as determined by the proper authorities of the City.

1.20. PERFORMANCE EVALUATION

Throughout the contract period the vendor(s) performance will be monitored by City staff. If vendor performance fails to meet the standards specified and receives an unacceptable rating, the City may without cause and without prejudice to any other right or remedy, terminate the contract whenever the City determines that such termination is in the best interest of the City. Vendor's receiving an unacceptable rating will be notified by certified mail. Contract termination shall be served by written notice by the Procurement Division.

1.21. REJECTION OF PROPOSALS

The CITY reserves the right to accept or reject any or all proposals, part of proposals, and to waive minor irregularities or variations to specifications contained in proposals, and minor irregularities in the proposal process.

1.22. CONFLICT OF INTEREST

The Proposer covenants that they presently have no interest and shall not acquire any interest, directly or indirectly, which would conflict in any manner or degree with the performance of the services hereunder. The Proposer further covenants that no person having any such known interest shall be employed or conveyed an interest, directly or indirectly, in the contract.

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1.23. CONE OF SILENCE

A Cone of Silence shall be in effect during the Competitive Solicitation beginning upon the advertisement for requests for proposals, requests for qualifications and competitive bids. The Cone of Silence shall continue through the negotiation phase for requests for proposals and requests for qualifications.

The Cone of Silence shall terminate at the time the City Commission or City Manager makes final award of a bid or gives final approval of a contract or contract amendment, rejects all bids or responses to the Competitive Solicitation, or takes other action in the Competitive Solicitation.

Any person or entity that seeks a contract, contract amendment, award, recommendation, or approval related to a Competitive Solicitation or that is subject to being evaluated or having its response evaluated in connection with a Competitive Solicitation, including a person or entity's representative shall not have any communication with any City Commissioner, the City Manager and their respective support staff or any person or group of persons appointed or designated by the City Commission or the City Manager to evaluate, select, or make a recommendation to the City Commission or the City Manager regarding a Competitive Solicitation.

Any action in violation of this section shall be cause for disqualification of the bid or the proposal. The determination of a violation shall be made by the City Manager.

FINAL

PART 2 - STATEMENT OF WORK

2.1. BACKGROUND

The intent of this solicitation is to establish an agreement with a qualified firm or individual to utilize his/her/its own methods and procedures to produce an event in accordance with the purposes, intentions, and objectives of the City. The City of Stuart is seeking proposals from qualified individuals or firms to enter into a license agreement for the purpose of operating an outdoor Market Place for sales to the general public provide services for a weekly outdoor market including but not limited to fresh produce, baked goods, plants, art, education, entertainment, assorted food and green product services by independent vendors. The Public can enjoy a casual, gathering place in an open-air setting, which advances a feeling of local area and animates collaboration among neighbors. In accordance with the terms, conditions, and specifications contained in Request for Proposal.

The public Stuart market consists of, art, education, entertainment, and food event. The Market provides fresh produce to the community and encourages the promotion of the agricultural industry. Attendees can enjoy an informal, social gathering place in an open-air setting, which promotes a sense of community and stimulates interaction among neighbors. The Market is expected to be a mix of a "green" shopping opportunity and a social occasion.

2.3 Propose Area:

Flagler Park map attached (includes basketball+ courts) – The City has the right to place the event in an alternate location. The proposed area is open to the public and there shall be no fee for admission.

2.4 Days/Times:

Once a week 52 Sunday's
Access to the Premises at 6:00 AM Sunday morning, and shall vacate the Premises not later than 3:00 PM the same day.

2.5. Organization Status:

Profit or Not-for-Profit The following entities are eligible to apply: Agricultural business; agricultural cooperatives; producer networks; producer associations; non-profit corporations; public benefit corporations; economic development corporations; food councils; regional Stuart market authorities.

2.6. LICENSEE'S OBLIGATIONS: Examples of Licensee Agreement language as follows:

A. A not-for-profit licensee must furnish to the City, a copy of its annual financial report, including any 990 forms filed with the IRS, or as otherwise required by law as a recognized 501(c) organization, each year this agreement remains in effect. The Licensee must also maintain an IRS tax exempt, 501 (c) status throughout the term of this agreement. Revocation of Licensee's tax-exempt status by the IRS, whether automatic or as an outcome of an audit, will constitute a material breach of the terms of this license. A for profit licensee must provide an annual financial report.

B. In the event that the Licensee makes any charitable contributions, donations, or takes similar actions, all parties to this agreement recognize that the proceeds from the "Stuart market" are a direct result of the use of City of Stuart Public Property, and the parties further agree that it is the intent of the organization to provide public benefit to the City of Stuart. Therefore, any charitable actions which use funds generated from the Market shall be for the public benefit of the City of Stuart and its residents, property owners, and businesses. The Board for Stuart Market agrees to seek approval from the Stuart City Manager prior to making any donations or contributions as set forth above.

C. Licensee shall be permitted to employ privately contracted vendors ("Vendors") each Sunday, who shall each be permitted to temporarily erect for licensed uses, 10'x10' canopies, tables, and displays for the sale or distribution of produce, food, beverages, wares, or services.

D. The Licensee shall keep the Premises clean throughout its Sunday operation by the Licensee, including but not limited to the parking lot, the bathrooms at Flagler Park, the adjacent walkways, driveways, and streets, and the entire Premises shall be cleaned and restored to its prior condition by 3:00 PM each Sunday of operation.

E. The Licensee shall use the three (3) 90 gallon Green Carts for solid waste, and three (3) 90 gallon Blue Cart for Recyclable materials provided by the City, and shall collapse and fold all cardboard boxes and place them in the Blue recycle cart or immediately adjacent to it in a neat and orderly fashion on Flagler Ave. by 5:00 PM each Sunday of operation.

F. The City of Stuart is in the process of becoming a 'zero plastic waste' city as directed by the City Commission. It will be the responsibility of the Stuart Market to ensure its vendors comply with and conform to any such policy once adopted by the City Commission. Any violation of this policy after its effect will be considered a material breach of this agreement. Licensee shall be subject to any penalties as set forth in the policy. Further, failure to comply with same shall be grounds for termination of this agreement.

G. Any sale, distribution, or consumption of alcoholic beverages during each event will be limited to a predefined area as determined and approved by the City Manager, or their designee. Such activity by the Licensee or any of their designated vendors will be considered ancillary to the scope and nature of the license, and may be revoked by the City Manager, or their designee for any reason, at any time.

H. The Licensee shall not be obligated to make any repairs, replacements, or renewals of any kind, nature, or description whatsoever to the Premises or any improvements on it, except if the Licensee or any of its independent vendors shall have damaged the same.

I. Licensee shall comply with and abide by all federal, state, county, municipal, and other governmental statutes, ordinances, laws, and regulations affecting the Premises, the improvements on the Premises, or any activity or condition on or in the Premises.

FINAL

J. Any signage constructed or placed by Licensee shall be first approved by the City Manager.

K. Licensee Vendors will not park their vehicles on the streets immediately adjacent to the Licensed Premises.

Flagler Park was redeveloped using funds from a Florida Department of Economic Protection Florida Recreation Development Assistance Program (FRDAP). Pursuant to Administrative Rule 62D-5.059 as well as any other regulations pertaining to FRDAP Grants, Flagler Park has been dedicated an outdoor recreational site for the use and benefit of the general public. No portion of the land shall be converted to other than public outdoor recreational uses. Outdoor recreation means the pursuit of leisure activities in an outdoor environment. The City believes that a Stuart Market provides outdoor leisure activity to the general public while at the same time providing healthy locally grown products to the public. In the event that it is determined by the City Commission that the Stuart Market must relocate from Flagler Park, the applicant understands and agrees that the City can relocate the Stuart Market to a different property located within the City.

2.7. Hold Harmless:

Proposer shall, in addition to any other obligation to indemnify the City of Stuart, Florida and to the fullest extent permitted by law, indemnify and hold harmless the City of Stuart, its officials, and employees from and against all claims, actions, liabilities, losses (including economic losses), and costs arising out of any bodily injury, sickness, disease or death, or injury to or destruction of tangible property including the loss of use resulting therefrom, or any other damage or loss caused by any negligent act, error or omission, recklessness, or intentionally wrongful conduct of the Contractor, any subcontractor, or anyone directly or indirectly employed by and of them.

The indemnification obligations hereunder shall not be limited by any limitation on the amount, type of damages, compensation or benefits payable by or for the Contractor or any subcontractor under any contract or agreement or under worker's compensation acts; disability benefit acts, other employee benefit acts or any statutory bar.

Any cost of expenses, including attorney's fees, appellate, bankruptcy or defense counsel fees incurred by the City of Stuart to enforce this indemnification clause shall be borne by the Contractor. The obligations contained in this indemnification Clause shall continue indefinitely and survive the cancellation, termination, expiration, lapse or suspension of this agreement.

2.8. Negotiations:

The City maintains whatever authority is needed to go into contract dealings with the suggested Proposer(s). On the off chance that the City and the suggested Proposer(s) can't arrange an effective agreement, the City may end said exchanges and start dealings with another suggested Proposer(s). This cycle will proceed until an agreement(s), adequate to the City, has been executed or all recommendations are dismissed. No proposer will have any rights against the City emerging from such dealings or end thereof. Selected party isn't awarded until the successful negotiation of a License Agreement and it has been approved by the City Commission and executed by the Mayor.

PART 3 - EVALUATION OF SUBMISSIONS

EVALUATION METHOD AND CRITERIA

The City reserves the right to evaluate each response on a separate and individual basis. The City further reserves the right to reject any and all responses submitted, or accept a response deemed most advantageous to the City. The City's selection committee will evaluate proposals and will select the proposer which meets the best interests of the City. The City shall be the sole judge of its own best interests, the proposals, and the resulting negotiated agreement.

An Evaluation Committee composed of five (5) City staff shall meet to evaluate each response in accordance with the requirements of this solicitation. Each Committee member will rank all proposals based on the criteria below. The top ranked firms may be required to provide a presentation to the selection committee. The selection committee will recommend award to the top ranked firm.

The City's decisions will be final. This criterion shall be utilized in the evaluation of the proposals. The City's evaluation criteria will include, but not be limited the following:

- Qualifications: The Proposer must have proven experience with large scale community events.
- Pricing and Compensation Schedule
- Task approach
- Business Plan
- Quality of submittal

Selection: Proposals will be evaluated using the above criteria. The City will assign this task to a Selection Committee. The City of Stuart reserves the right to select the most qualified individuals/firms from review of the packages submitted or to interview the most qualified Respondents prior to requesting authorization to negotiate an agreement with the highest ranked respondents. Individuals/firms will be notified in writing if they are selected for interview. Notices for interviews will contain explicit instructions concerning location, date, time and length of interviews.

Terms and Conditions: Any actual or prospective Proposer who disputes the reasonableness, necessity or competitiveness of the terms and conditions of this request for proposals; selection or award recommendation shall file such dispute in writing with the City Manager, not later than close of business on the proposal opening date, as to the terms and conditions, and within ten (10) days of award recommendation. The City reserves the right to reject any or all proposals without recourse, to waive technicalities and informalities or to accept the proposal which in its sole judgment best serves the interest of the City.

FINAL

PART 4 - INSTRUCTIONS FOR PREPARING SUBMISSIONS

4-1. RULES FOR SUBMISSIONS

The City encourages E-bidding through DemandStar https://www.demandstar.com The submission must name all persons or entities interested in the submission as principals. The proposal must declare that it is made without collusion with any other person or entity submitting a proposal pursuant to the RFP. The interested firm or individual must submit one (1) original, (5) copies and **one (1) electronic copy (PDF format preferred) on a CD or flash drive** of their proposal. Please tab all support documents or attachments according to the order established in the following paragraph.

IMPORTANT NOTE:

To expedite the evaluation of responses, it is mandatory that all respondents follow the format and instructions contained herein. The City retains the option to reject any response that does not conform to the stated requirements.

4-2. PROPOSAL FORMAT

Proposers should prepare their proposals using the following format. Proposers shall label, tab and organize proposal submittal documents utilizing the following format as outlined below. All attachments as requested shall be inserted in the back of each corresponding section.

In preparing your proposal, proposer should assume that the City has no previous knowledge of their product or capabilities. Each response shall be prepared simply and economically, providing a straightforward and concise description of the respondent's capabilities regarding the specific work to be performed pursuant to this solicitation. Emphasis should be concentrated on conformance to the solicitation instructions, responsiveness to the solicitation requirements, and on completeness and clarity of content.

All abbreviations and acronyms used in the response shall be kept to a minimum and defined upon their first usage. Page size shall be 8.5 x 11 inches, foldouts are not acceptable. The text size should be 11 point or larger using Arial or Times New Roman font only.

Letter of Transmittal: The response format shall contain a letter of transmittal. The Letter of Transmittal will summarize in a brief and concise manner the Proposer's understanding of the scope of work and make a positive commitment to timely perform the work. Provide a statement indicating the respondent's interest in, knowledge of, and resources necessary to provide the services described in this RFP. An agent authorized to contractually bind Proposer must sign the Letter of Transmittal indicating the agent's title or authority. The transmittal letter shall not exceed two pages in length.

Tab 1: Corporate Structure and Location

Firms shall provide a brief profile of their company, which should include their history, locations of their corporate and satellite offices, location of their project team, corporate structure, ownership interest, and the length of company's existence.

Tab 2: Experience

Indicate the company's number of years of experience in providing services with other governmental entities in the State of Florida. List all Florida Clients within the last five years with client name and dates of contract (from and to).

Tab 3: Business Plan

The Respondent shall submit a Business Plan that provides details of the operations of the,

including but not limited to:

1. Operations
    a. Describe proposed project association, including group construction, and ID and duties of key faculty. Incorporate resumes for key work force as connections.
    b. Describe kind of accessibility and hours during non-market hours including office area/hours, phone and fax numbers, and email addresses. Give a sign of the estimated staffing level(s) for the task.
    c. Safety: Provide an Accident Prevention and Safety Program to be used by staff.
    d. Describe in detail the capabilities and experience of the person who will go about as the Stuart Market Maker including itemized work/obligations depiction.
    e. Communicate and exhibit an information and comprehension of the nearby climate and culture by depicting the Proposer's involvement in the City of Stuart and how the Proposer anticipates keeping an open neighborhood presence while working with City of Stuart staff.

Tab 4: Price Proposal
Give a value proposition to play out the entirety of the necessary administrations depicted in this RFP. Clarify in detail how the proposed cost was figured including charges to vendor and compensation to the City of Stuart.

Tab 5: Insurance
Provide a statement agreeing to obtain (prior to award) Insurance with coverages as detailed in the RFP. A certificate of insurance indicating that the firm has coverage in accordance with the requirements herein set forth may be furnished by the firm to the City along with their qualification data. A properly completed Accord Form is preferable. The City of Stuart must be named as an additional insured for all General Liability prior to entering into a contract.

Tab 6: Other Information
Provide any information pertinent to this project that will provide insight to the evaluators about the qualifications, fitness and abilities of the Respondent (please limit this information to two pages).

Tab 7: Addenda (if applicable)
All addenda issued pursuant to this solicitation must be acknowledged and submitted as part of the proposal package.

Tab 8: City required forms

FINAL

PART 5 – FORMS

DRUG-FREE WORK PLACE CERTIFICATION

Whenever two (2) or more bids/proposals, which are equal with respect to price, quality, and service, are received by the City of Stuart for the procurement of commodities or contractual services, a bid/proposal received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in number (1).
4. In the statement specified in number (1), notify the employees that as a condition for working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction on or plea of guilty or nolo contendere to any violation of Chapter 893, Florida Statutes or of any controlled substance law of the United States or any singular state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of Section 287.087, Florida Statutes.

This Certification is submitted by _____
(Individual's Name)

Of

_____
(Name of Company)

Who does hereby certify that said Company/Vendor has implemented a drug-free workplace program, which meets the requirements of Section 287.087, Florida Statutes, which are identified in numbers (1) through (6) above.

_____ _____
Date **Signature**

FINAL

Public Entity Crimes Form
NOTIFICATION OF PUBLIC ENTITY CRIMES LAW

Pursuant to Section 287.133, Florida Statutes, you are hereby notified that a person or affiliate who has been placed on the convicted contractors list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity; may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals on leases or real property to a public entity; may not be awarded or perform work as a contractor, supplier, sub-Proposer, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 [F.S.] for Category Two [$35,000.00] for a period of thirty-six (36) months from the date of being placed on the convicted contractors list.

Acknowledged by:

Company Name

Signature

Name and title (Print or Type)

Date

FINAL

Conflict of Interest Disclosure Form

The award of this contract is subject to the provisions of Chapter 112, Florida Statutes. All Proposers must disclose within their proposal: the name of any officer, director, or agent who is also an employee of the City of Stuart.

Furthermore, all Proposers must disclose the name of any City employee who owns, directly or indirectly, an interest in the Proposer's firm or any of its branches.

The purpose of this disclosure form is to give the City the information needed to identify potential conflicts of interest for key personnel involved in the award of this contract.

The term "conflict of interest" refers to situations in which financial or other personal considerations may adversely affect, or have the appearance of adversely affecting, an employee's professional judgment in exercising any City duty or responsibility in administration, management, instruction, research, or other professional activities.

Please check one of the following statements and attach additional documentation if necessary:

_____ To the best of our knowledge, the undersigned firm has no potential conflict of interest due to any other Cities, Counties, contracts, or property interest for this proposal.

_____ The undersigned firm, by attachment to this form, submits information which may be a potential conflict of interest due to other Cities, Counties, contracts, or property interest for this proposal.

Company Name

Signature

Name and title (Print or Type)

Date

FINAL

Attachment A
Proposed Map of Area



EXHIBIT B
"BACKGROUND OF EXISITING MARKET"



CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 3/22/2021 **Prepared by:** Kev Freeman

Title of Item:

ANNEXATION OF CITY OWNED PROPERTY AT HANEY CREEK (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2452-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING, ALLOCATING A FUTURE LAND USE OF CONSERVATION AND ALLOCATING A ZONING CATEGORY OF PUBLIC FOR FOUR (4) CITY OWNED PROPERTIES ADJACENT TO HANEY CREEK AND NW BAKER ROAD AND WHICH ARE SUBJECT TO A FLORIDA COMMUNITIES TRUST GRANT AWARD AGREEMENT AND BEING MORE FULLY DESCRIBED IN EXHIBITS A1, A2, A3 and A4 ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Item History
The Item was approved at First Reading by City Commission at their February 8, 2021 meeting. The application materials and ordinance were forwarded to reviewing agencies for comment.

Those agencies consulted were as follows:
Department of Economic Opportunity (DEO)
Department of Environmental Protection (DEP)
Treasure Coast Regional Planning Council (TCRPC)
South Florida Water Management District (SFWMD)
Department of State (DOS)
Department of Transportation (DOT)
Martin County Board of County Commissioners (MCBOCC)

Correspondence received in respect of consultations is attached to this item. The DEO recommended that the following language be inserted into the adopting Ordinance:

'The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.'

This item was approved by the Local Planning Agency Meeting of December 14, 2020. Staff have communicated with the County's Growth Management Department and confirmed that the County has no immediate plan to amend the Future land use of their property to Conservation.

In terms of a creation of an enclave the City Attorney in attachment D3 to this agenda item states:
'Based upon the foregoing facts and analysis it is my opinion that the voluntary annexation of this parcel into the municipal boundaries of the City of Stuart complies with three of the four conditions set forth in Florida Statute §171.044. If the County challenges this annexation application, it is unlikely that the City will meet the burden of proof to comply with the state statute.'

Background
The four (4) properties subject of this application are affected by the conditions and restrictions contained within a Florida Communities Trust Grand Award Agreement dated 28th June, 2000. The agreement sets out the conservation of an area of land contiguous to the Haney Creek watershed. The agreement further states that the properties within the project site should be assigned a Future Land Use of Open Space, Conservation or outdoor recreation uses.

At the present time the properties are within the jurisdiction of Martin County and each are assigned a Future Land Use of one of either Mobile Home, Low Density or Medium Density.

Summary
Staff have confirmed with the County Administrator that the County have no objection to the annexation of the properties subject of this application. Staff have also confirmed that County is not interested in the annexation of the remaining County owned parcel, which has a Future Land Use of Low Density.

The proposal is therefore to annex the four (4) City owned properties into the City limits and to allocate a future land use category of Conservation and zoning category of Public to each property.

Conservation future land use is defined in the Comprehensive Plan such: The purpose[s] of the conservation category include: to conserve and protect natural resources including wetlands, floodplains, unique native vegetation, and habitat of listed species; to provide flood control; and to provide a general open space amenity. Uses allowed include passive recreation support facilities and other public facilities and utilities which do not conflict with the purpose of this land use category.

A Public zoning category allows uses that are of a public function such as parks.

Funding Source:

N/A.

Recommended Action:

Move to Approve Ordinance 2452-2020 at second reading and notify the reviewing agencies accordingly.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	A1. Ord 2452-2021 Haney Creek City Properties	3/12/2021	Ordinance add to Y drive
🗋	A2. Exhibit A1 to Ord 2452-2021	12/17/2020	Exhibit
🗋	A3. Exhibit A2 to Ord 2452-2021	12/17/2020	Exhibit

A4. Exhibit A3 to Ord 2452-2021	12/17/2020	Exhibit
A5. Exhibit A4 to Ord 2452-2021	12/17/2020	Exhibit
B1. Staff Presentation	12/18/2020	Staff Report
C1. Subject Property	9/28/2020	Backup Material
C2. Notification Property Owners 300ft	9/28/2020	Attachment
C3. County Notification	9/28/2020	Attachment
D1. Resolution 181-98	9/25/2020	Backup Material
D2. FCT Grant Agreement	9/25/2020	Backup Material
D3. City Attorney Letter	10/1/2020	Backup Material
D4. Transmittall to DEO	3/12/2021	Backup Material
D5. Response from DEO	3/12/2021	Backup Material
D6. SFWMD Response	3/12/2021	Backup Material
D7. TCRPC Approval	3/12/2021	Backup Material
D8. DEP No Objection	3/12/2021	Backup Material

Return to:

City Attorney's Office
City of Stuart
121 SW Flagler Street
Stuart, FL 34994

ORDINANCE No. 2452-2021

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING, ALLOCATING A FUTURE LAND USE OF CONSERVATION AND ALLOCATING A ZONING CATEGORY OF PUBLIC FOR FOUR (4) CITY OWNED PROPERTIES ADJACENT TO HANEY CREEK AND NW BAKER ROAD AND WHICH ARE SUBJECT TO A FLORIDA COMMUNITIES TRUST GRANT AWARD AGREEMENT AND BEING MORE FULLY DESCRIBED IN EXHIBITS A1, A2, A3 and A4 ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

******

WHEREAS, The City of Stuart as petitioner, constituting the fee simple title holder to the four (4) parcels consisting of a combined 42.46 acres, more particularly described in **Exhibits "A1, A2, A3 and A4"**, attached hereto and made a part thereof, has voluntarily requested the City of Stuart annex said land into the corporate limits of the City; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for annexation, and has also considered the recommendation of the Stuart Local Planning Agency and City staff.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF STUART:

SECTION 1. Findings. The City Commission finds the above statements are true and

correct,

and serve as a basis for consideration of this ordinance; that said lands are contiguous with the corporate limits of the City of Stuart, creates no enclaves, is reasonably compact, and that the City can effectively provide police, fire, and sanitary services to said land, all in compliance with the terms and requirements of Sec. 171.44, Florida Statutes, and the City of Stuart Code.

SECTION 2. Annexation. The parcels of lands more particularly described in **Exhibits "A1, A2, A3 and A4",** are hereby annexed into and shall be within the corporate limits of the City of Stuart, Florida, and that same shall henceforth be a part of said City as if said lands were originally a part of the City of Stuart.

SECTION 3. Future Land Use. The parcels of lands more particularly described in **Exhibits "A1, A2, A3 and A4",** are hereby designated a City of Stuart Future Land Use of Conservation.

SECTION 4. Zoning. The parcels of lands more particularly described in **Exhibits "A1, A2, A3 and A4",** are hereby designated a City of Stuart zoning category of Public.

SECTION 5. Directions to the City Clerk. The City Clerk shall cause the boundaries as set forth in the City's Charter to be amended and codified. The City Clerk shall submit such documentation as required by law to give effect to this ordinance to the Clerk of the Circuit Court, Board of County Commissioners Florida Statute 171.044(6) within 10 days prior to second reading adoption, the Chief Administrative Officer of Martin County, and the Florida Department of State within seven (7) days following adoption, in accordance with Section 171.044, Florida Statutes. Upon complete execution of this Ordinance, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

SECTION 6. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 7. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance. The corporate boundary of the City shall be re-codified to include lands annexed.

SECTION 8. The effective date of this plan amendment: If the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

SECTION 9. Adoption. This ordinance shall take effect upon adoption.

Passed on first reading the ____ day of _____, 2021.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
EULA R. CLARKE, MAYOR				
MERRITT MATHESON, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2021.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

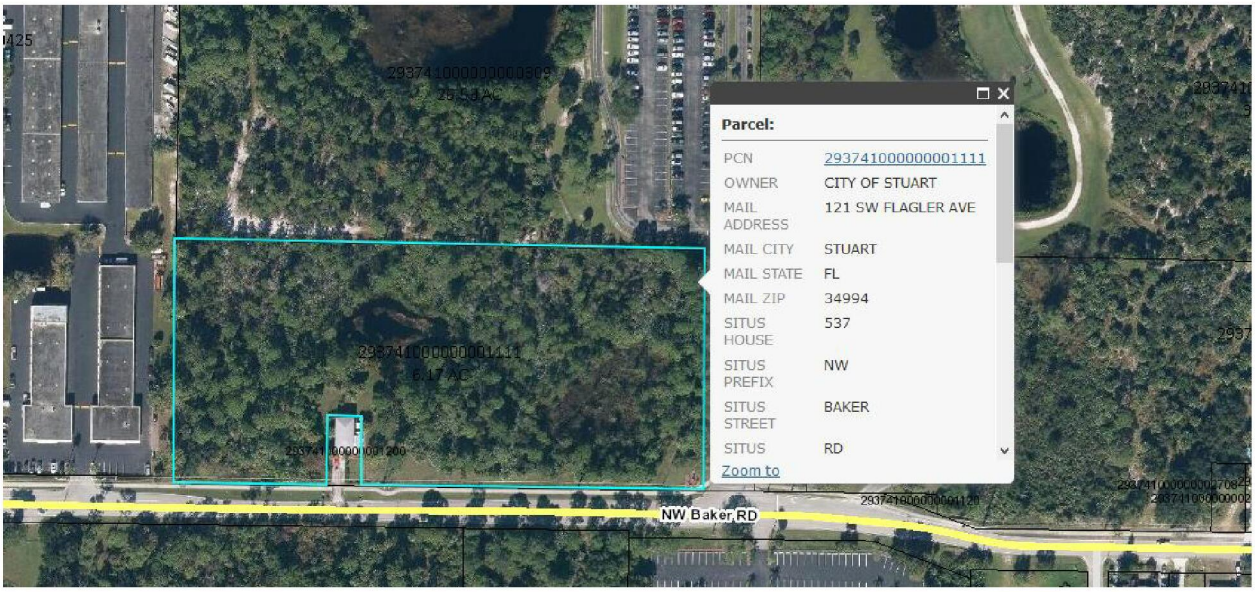
_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

Exhibits

EXHIBIT A1 to Ordinance 2452-2020

PARCEL ID: **29-37-41-000-000-00111-1** ACRES: **6.12**

ADDRESS: **537 NW BAKER RD, STUART**



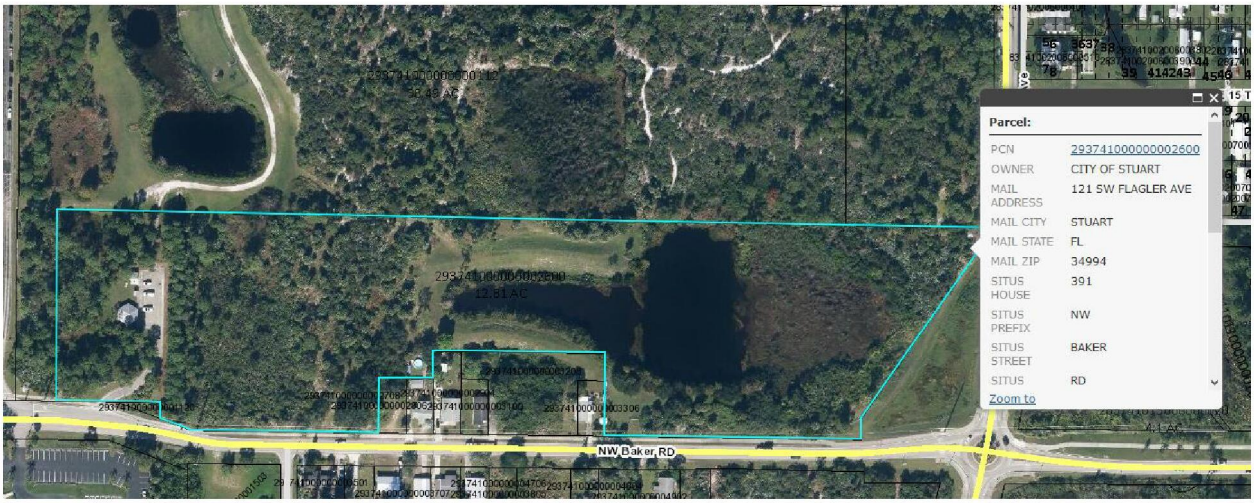
LEGAL DESCRIPTION

Commence at the Southeast corner of Section 29, Township 37 South, Range 41 East, Martin County, Florida, thence N 88°49'00" W along the South line of said section, a distance of 272.50', thence N 00°15'00" E along a line parallel to the East line of said section a distance of 874.94' to the South right of way line of Baker Road; thence N 89°04'50" W along said line, a distance of 282.26' to the Point of Beginning; thence N 89°04'50" W a distance of 50'; thence S 00°55'10" W a distance of 100'; thence N 89°04'50" W a distance of 200'; thence N 00°55'00" E a distance of 100'; thence N 89°04'50" W a distance of 100'; thence S 00°55'10" W a distance of 100' thence N 89°04'50" W a distance of 100'; thence S 00°55'10" W a distance of 107'; thence S 88°49'00" E a distance of 172.50'; thence S 00°18'41" W a distance of 664.53' to a point on the South line of Section 29; thence S 88°49'00" E along said South section line 335.44'; thence N 00°15'14" E a distance of 668.21'; thence N 88°56'17" W a distance of 57.22'; thence N 00°55'10" E a distance of 205.53' to the South right of way line of Baker Road and the Point of Beginning.

EXHIBIT A2 to Ordinance 2452-2020

PARCEL ID: **29-37-41-000-000-00260-0** ACRES: **13.0**

ADDRESS: **391 NW BAKER RD, STUART**



LEGAL DESCRIPTION

Begin 633 feet East of the Northwest corner of the Southeast ¼ of the Southeast 1/4 , thence run East 678 feet to the West road right-of-way, thence run Southwesterly and South to the North road right-of-way, thence run West along right-of-way 460 feet, thence run North 100 feet, thence run East 35 feet and North 292.87 feet to the Point of Beginning, Section 29, Township 37 South, Range 41 East, Martin County, Florida.

AND

Begin 1,326.1 feet North of the Southeast section corner and 703.15 feet West for the Point of Beginning, thence continue West 300 feet, thence run South 244.59 feet, thence run East 265 feet, thence run South 50 feet, thence run East 35 feet and North 292.89 feet to the Point of Beginning, Section 29, Township 37 South, Range 41 East, Martin County, Florida.

AND

Begin at the Northwest corner of the Southeast ¼ of the Southeast 1/4 , thence run South 396.48 feet, thence run East along road right-of-way 180.12 feet, thence run North 100 feet, thence run East 100 feet, thence run North 50 feet, thence run East 50 feet, thence run North 244.59 feet and East 333 feet to the Point of Beginning, and the East 171 feet of the Southwest ¼ of the Southeast ¼, lying North of Baker Road, Section 29, Township 37 South, Range 41 East, Martin County, Florida.

AND

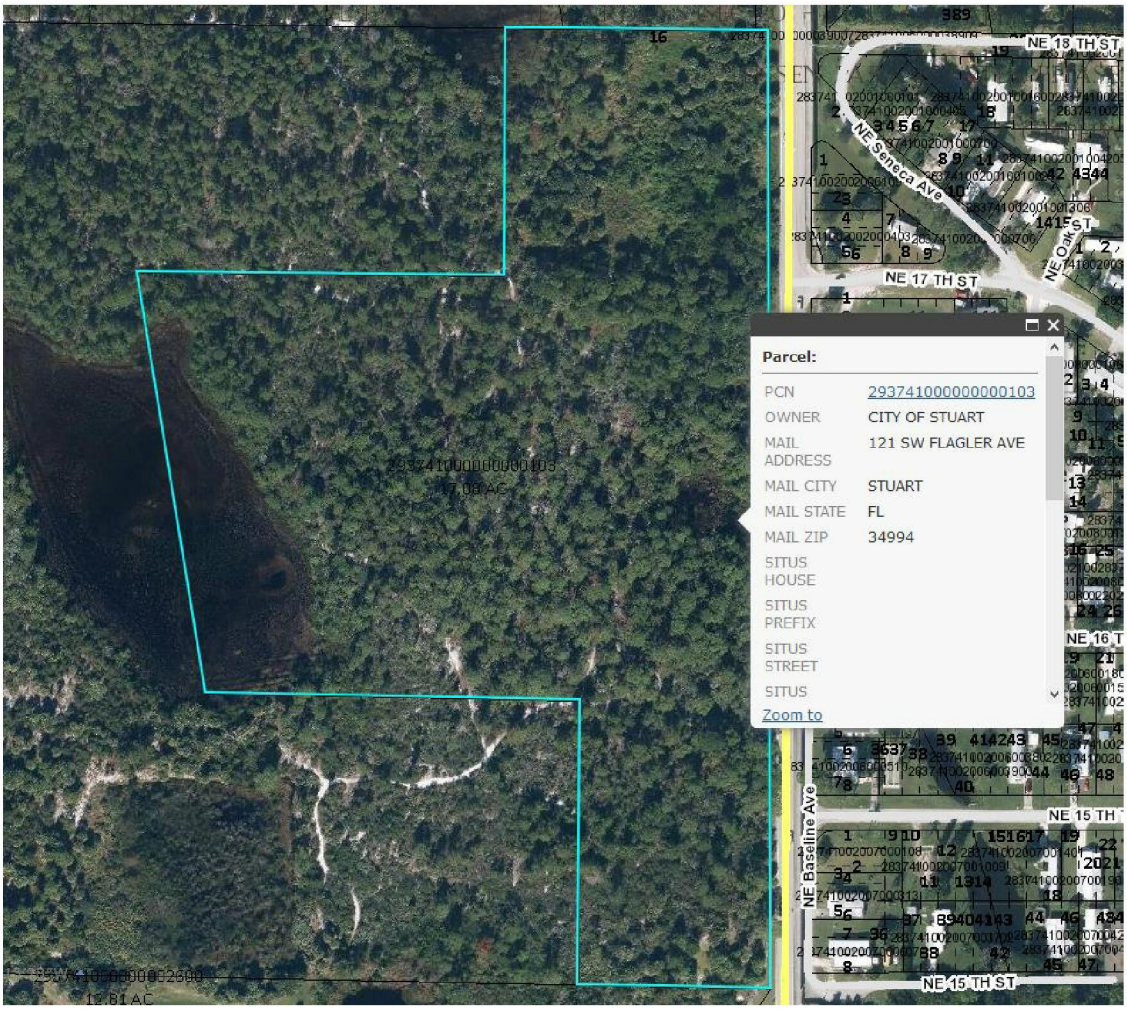
That part of the Southwest ¼ of the Southeast ¼ of Section 29, Township 37 South, Range 41 East, Martin County, Florida, lying North of the North right-of-way of Baker Road; less triangle along North right-of-way as described in O.R. Book 1076, Page 2499 and less that West 925.89 feet thereof.

(Containing 13 Acres +/-)

EXHIBIT A3 to Ordinance 2452-2020

PARCEL ID: **29-37-41-000-000-00010-3** ACRES: **16.9**

ADDRESS: **NW GREEN RIVER PKY, STUART**



LEGAL DESCRIPTION

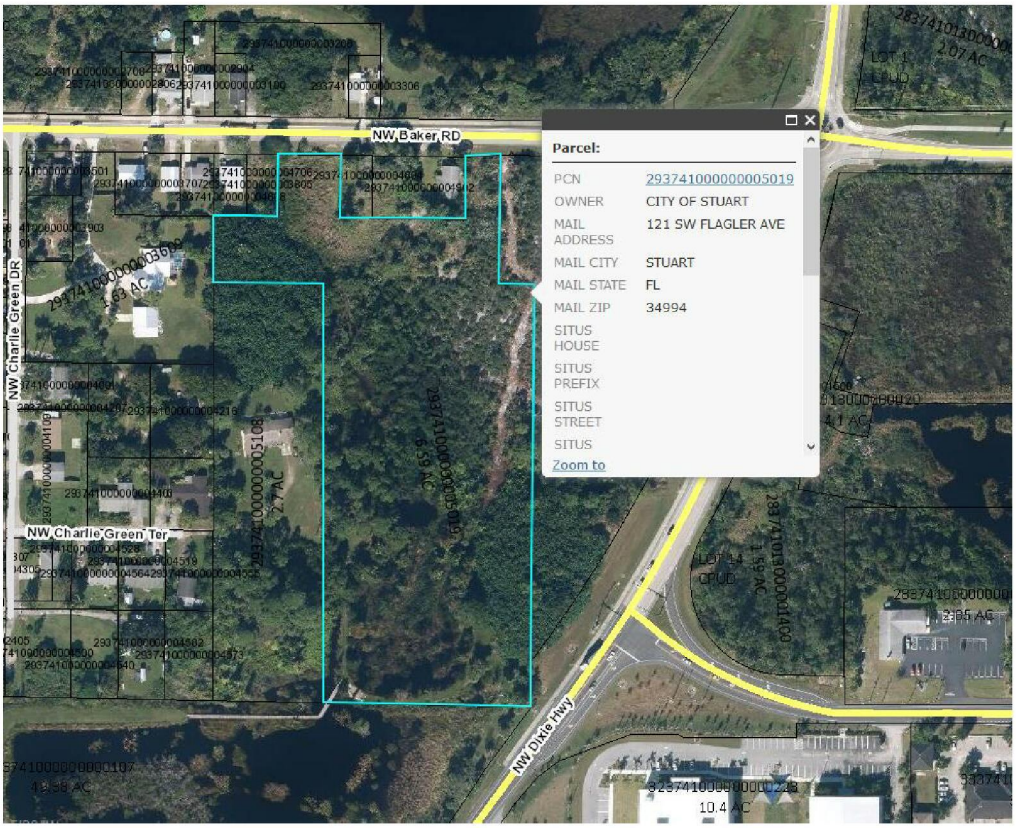
Part of the Northeast ¼ of the Southeast ¼ of Section 29, Township 37 South, Range 41 East, Martin County, Florida, described as follows:

Begin 2,255 feet, more or less, East of the Northwest corner of the Southeast ¼; thence run South 350 feet, thence run West 520 feet; thence run South 09°43'31" East 603.83 feet; thence run East 530 feet; thence run South 400 feet; thence run East to the East line of Section; thence run North to the Northeast corner of the Southeast ¼ and West to the Point of Beginning. Less and except the East 30 feet thereof.

EXHIBIT A4 to Ordinance 2452-2020

PARCEL ID: **29-37-41-000-000-00501-9** ACRES: **6.44**

ADDRESS: **UNASSIGNED, SOUTH BAKER ROAD, STUART**



LEGAL DESCRIPTION

Commence at the Southeast corner of Section 29, Township 37 South, Range 41 East, Martin County, Florida, thence N 88°49'00" W along the South line of said section, a distance of 272.50', thence N 00°15'00" E along a line parallel to the East line of said section a distance of 874.94' to the South right of way line of Baker Road; thence N 89°04'50" W along said line, a distance of 282.26' to the Point of Beginning; thence N 89°04'50" W a distance of 50'; thence S 00°55'10" W a distance of 100'; thence N 89°04'50" W a distance of 200'; thence N 00°55'00" E a distance of 100'; thence N 89°04'50" W a distance of 100'; thence S 00°55'10" W a distance of 100' thence N 89°04'50" W a distance of 100'; thence S 00°55'10" W a distance of 107'; thence S 88°49'00" E a distance of 172.50'; thence S 00°18'41" W a distance of 664.53' to a point on the South line of Section 29; thence S 88°49'00" E along said South section line 335.44'; thence N 00°15'14" E a distance of 668.21'; thence N 88°56'17" W a distance of 57.22'; thence N 00°55'10" E a distance of 205.53' to the South right of way line of Baker Road and the Point of Beginning.

CITY COMMISSION
January 11th, 2021

ANNEXATION OF CITY OWNED PROPERTY AT HANEY CREEK

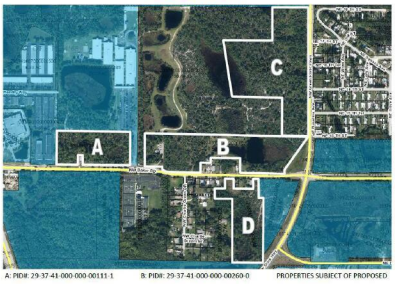
1

Ordinance 2452 - 2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING, ALLOCATING A FUTURE LAND USE OF CONSERVATION AND ALLOCATING A ZONING CATEGORY OF PUBLIC FOR FOUR (4) CITY OWNED PROPERTIES ADJACENT TO HANEY CREEK AND NW BAKER ROAD AND WHICH ARE SUBJECT TO A FLORIDA COMMUNITIES TRUST GRANT AWARD AGREEMENT AND BEING MORE FULLY DESCRIBED IN EXHIBITS A1, A2, A3 and A4 ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

2

Location



A: PIDN: 29-37-41-000-000-00111-1
B: PIDN: 29-37-41-000-000-00260-0
PROPERTIES SUBJECT OF PROPOSED ANNEXATION
C: PIDN: 29-37-41-000-000-00010-3
D: PIDN: 29-37-41-000-000-00501-9

3

Future Land Use - Existing



PROPERTIES SUBJECT OF PROPOSED ANNEXATION

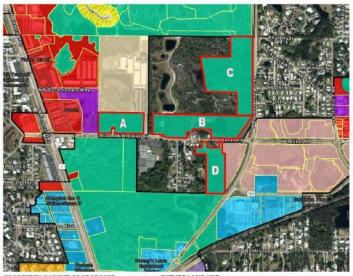
FUTURE LAND USE EXISTING COUNTY

A: MOBILE HOME B: MOBILE HOME C: LOW DENSITY D: MEDIUM DENSITY

City of Stuart

4

Future Land Use - Proposed



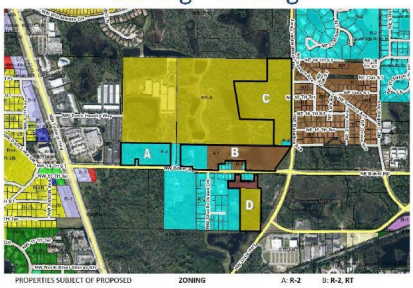
PROPERTIES SUBJECT OF PROPOSED ANNEXATION

FUTURE LAND USE PROPOSED CITY: CONSERVATION

City of Stuart

5

Zoning - Existing



PROPERTIES SUBJECT OF PROPOSED ANNEXATION

ZONING EXISTING COUNTY

A: R-2 B: R-2, RT C: RS-6, R-2 D: RM-8, R-5

City of Stuart

6

Zoning - Proposed



City of Stuart

7

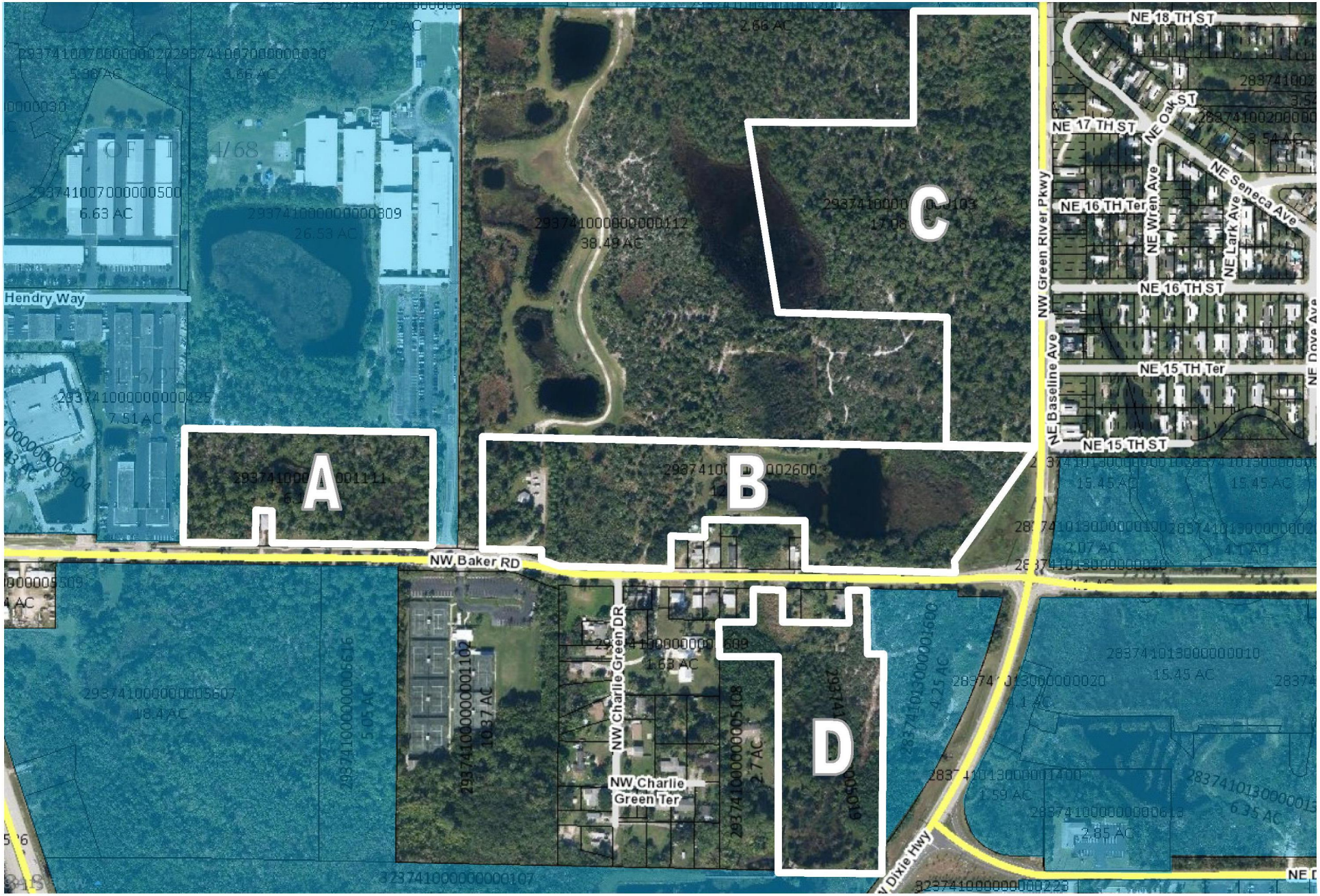
Recommendation

Staff discussed with Martin County Growth Management – no plan to amend future land use of County property to Conservation.

Move approval at First Hearing.

City of Stuart

8



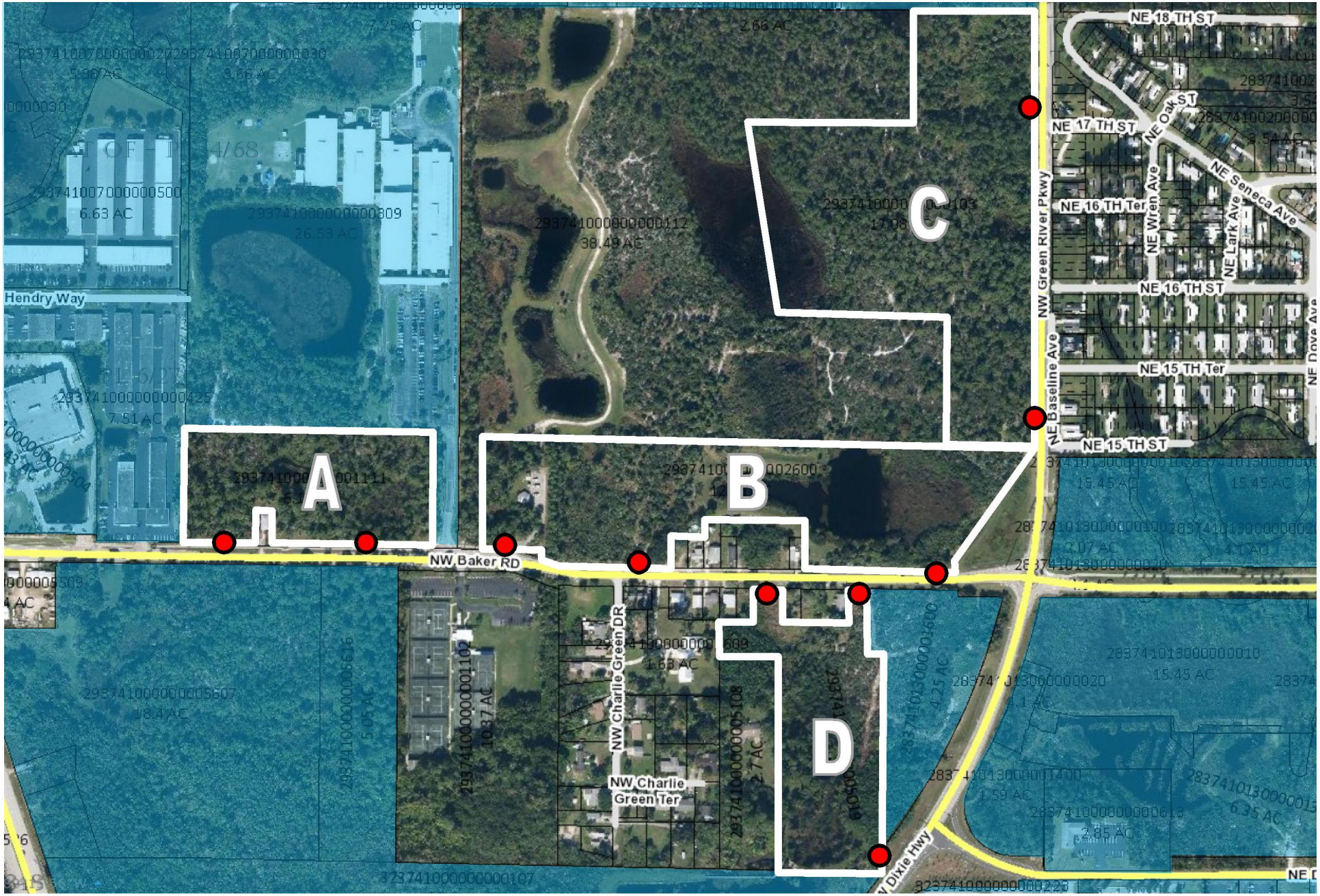
A: PID#: 29-37-41-000-000-00111-1

B: PID#: 29-37-41-000-000-00260-0

PROPERTIES SUBJECT OF PROPOSED ANNEXATION

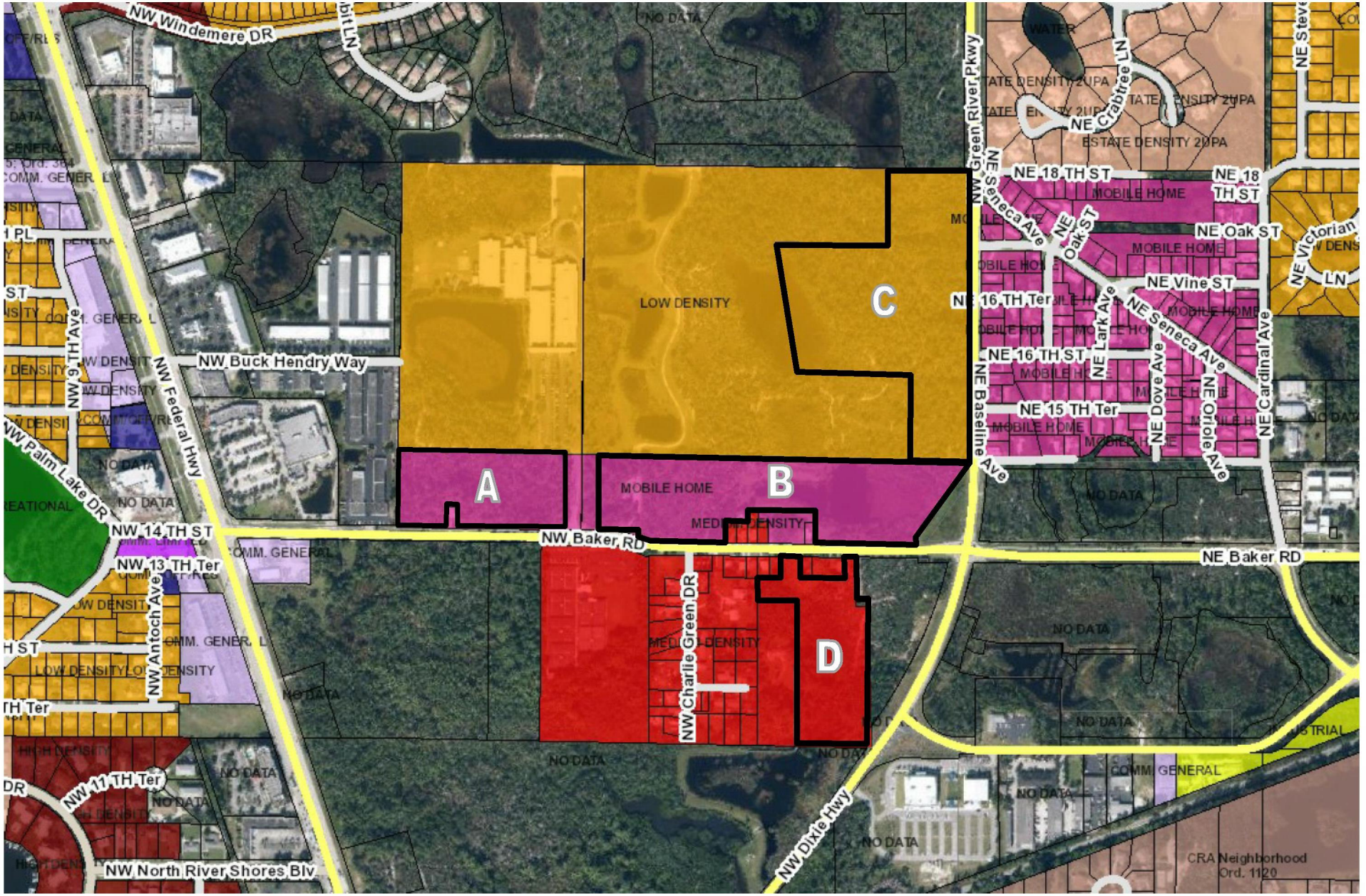
C: PID#: 29-37-41-000-000-00010-3

D: PID#: 29-37-41-000-000-00501-9



SITE NOTICE LOCATIONS

PROPERTIES SUBJECT OF PROPOSED ANNEXATION



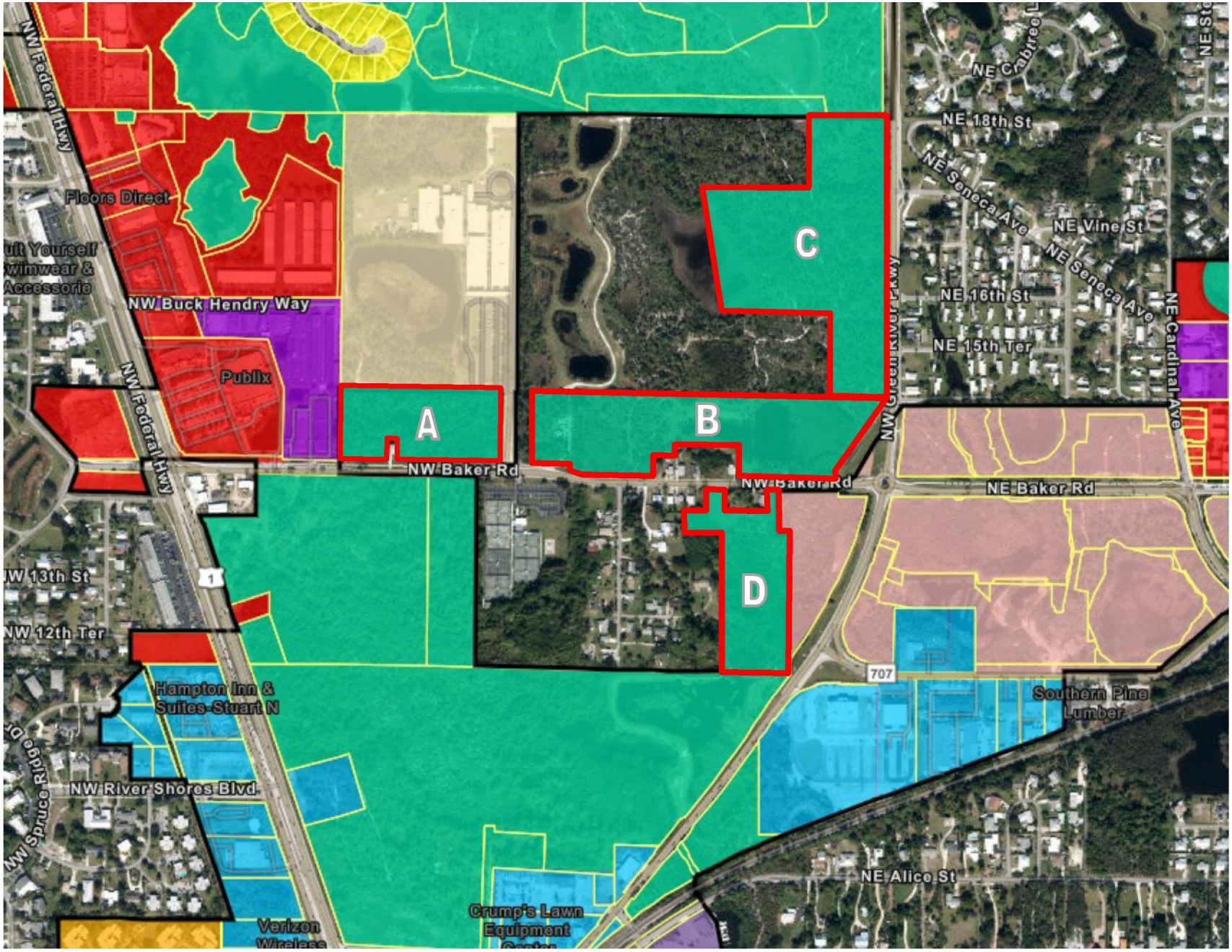
PROPERTIES SUBJECT OF PROPOSED ANNEXATION

FUTURE LAND USE

EXISTING COUNTY

A: **MOBILE HOME** B: **MOBILE HOME**

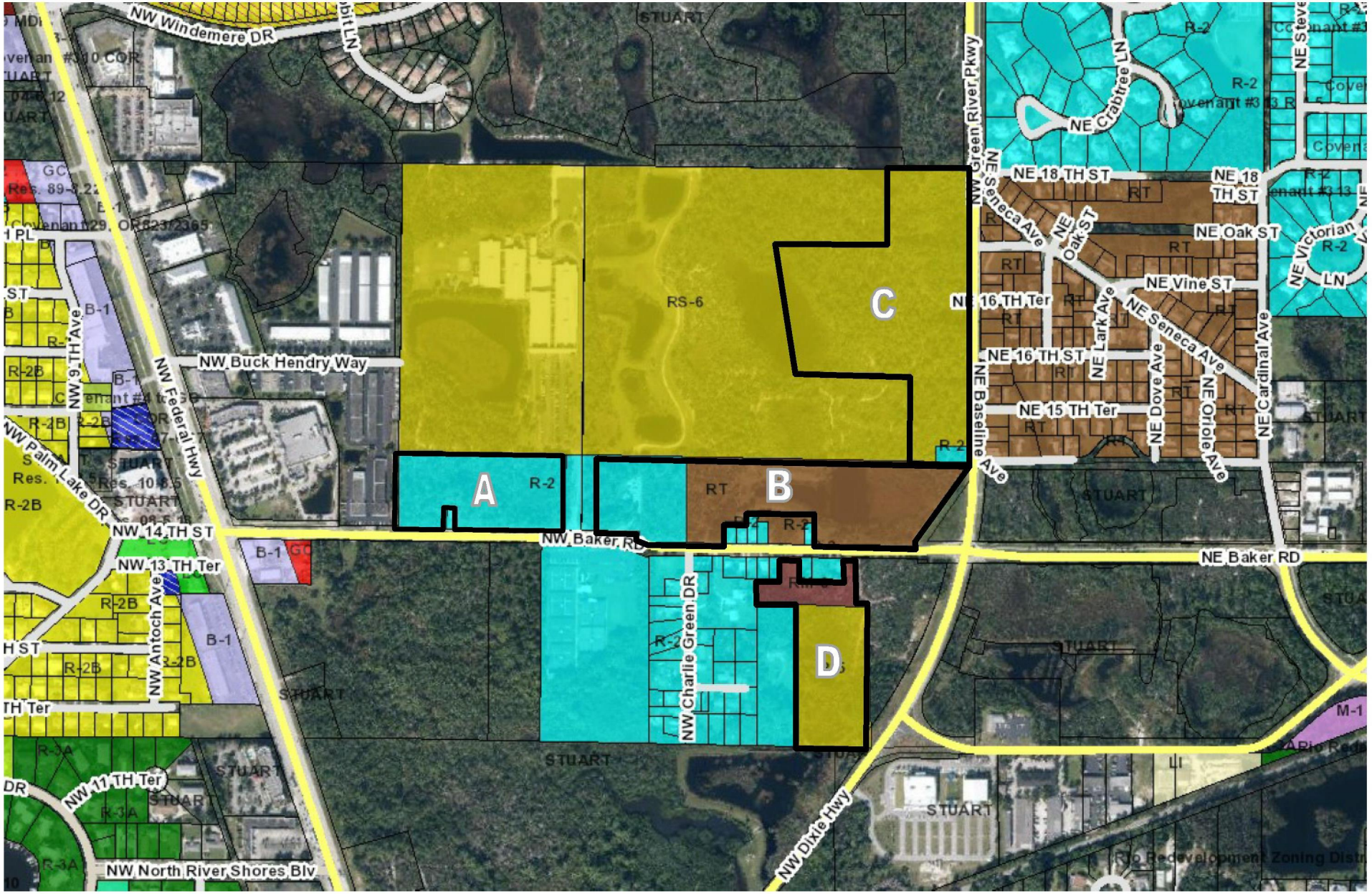
C: **LOW DENSITY** D: **MEDIUM DENSITY**



PROPERTIES SUBJECT OF PROPOSED ANNEXATION

FUTURE LAND USE

PROPOSED CITY: **CONSERVATION**



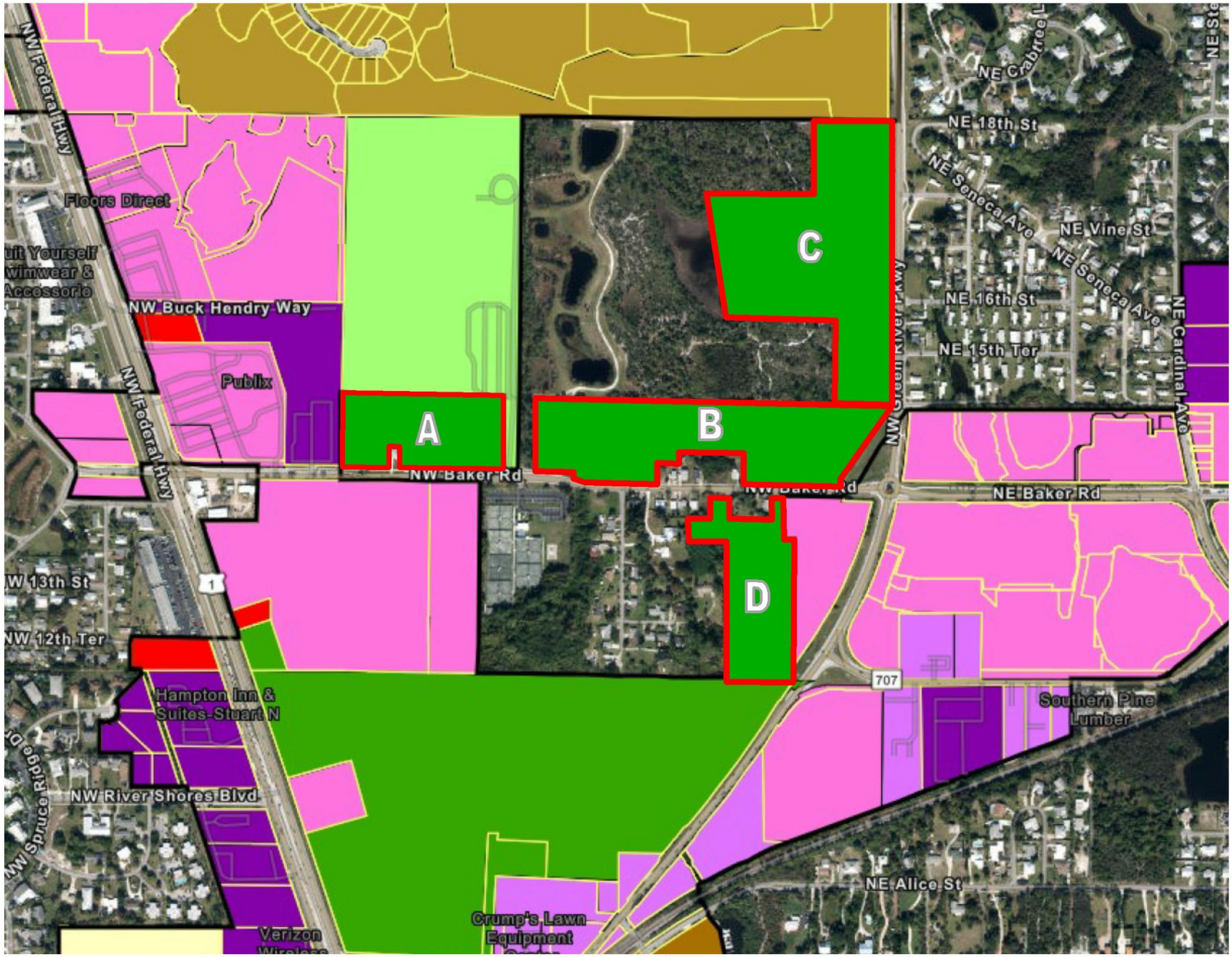
PROPERTIES SUBJECT OF PROPOSED ANNEXATION

ZONING

EXISTING COUNTY

A: **R-2** B: **R-2, RT**

C: **RS-6, R-2** D: **RM-8, R-5**



PROPERTIES SUBJECT OF PROPOSED **ZONING**

ANNEXATION PROPOSED CITY ZONING: **PUBLIC**

Owner	Mail Street Addr	Mail City	Mail State	Mail Zip
16330B55 TRUST	1015 10TH ST	LAKE PARK	FL	33403
ABSHIRE CAROL F	18 MOHAVE RD	CRAWFORDVILLE	FL	32327
AVONLEA COMMERCIAL CORNERS LLC	100 SW ALBANY AVE #200	STUART	FL	34994
AVONLEA PROPERTY OWNERS ASSOCIATION	PO BOX 1610	JENSEN BEACH	FL	34958
BAGNASCO JEFF	38 NE 16TH TERR	STUART	FL	34994
BAKER RD LLC	20734 NW 29TH AVE	BOCA RATON	FL	33434
BASHAWAY MARIA LEONORBASHAWAY PAUL DAVID	61 NE 15TH TERR	STUART	FL	34994
BEACH, NETTIE ANN	PO BOX 141	STUART	FL	34995
BETEL PROPERTIES	2702 SE JANET ST	STUART	FL	34997
BROWN JENNIFER LSATUR DAVID	1822 NE CRABTREE TR	JENSEN BEACH	FL	34957
BUTTONWOOD TENNIS CLUB LLC	400 NW BAKER RD	STUART	FL	34994
CHURCH OF JESUS CHRIST	1628 APACHE AVE	STUART	FL	34994
COGOSSI MATTHEW	1368 NW CHARLIE GREEN DR	STUART	FL	34994
COOPER THOMAS JCOOPER VIRGINIA K	1585 N BASELINE AVE	STUART	FL	34994
DURYEA CHARLES H	1535 NW 9TH AVE	STUART	FL	34994
DYSON MILA L/E	42 NE 15TH TERR	STUART	FL	34994
ESTRADA, VICTORIALEON, COSMEN	55 NE 16TH ST	STUART	FL	34994
FARMER, BOBBY RAY JR	956 NW EGRET CT	STUART	FL	34994
FIORE MICHAELFIORE MARTIN	1043 FAIRVIEW AVE	LAKE FOREST	IL	60045
FISHER, GLENN W	49 NE 15TH ST	STUART	FL	34994
FORTIN VIRGINIA L	1740 NE SENECA AVE	STUART	FL	34994
FRANK A WACHA JR TRUSTEE	PO BOX 1610	JENSEN BEACH	FL	34958
FREDERICK H RUTZKE FARMS INC	325 SE ST LUCIE BLVD	STUART	FL	34996
FYR SFR BORROWER LLC	3505 KOGER BLVD #400	DULUTH	GA	30096
GARCIA MIGUEL AGARCIA JANET	14645 SW SANDY OAKS LOOP	INDIANTOWN	FL	34956
GARLAND MARJORIE	190 SW KANNER HWY	STUART	FL	34997
GATHRIGHT THOMASGATHRIGHT LINDSEY	1832 NE CRABTREE LN	JENSEN BEACH	FL	34957
GONZALEZ GAUDENCIO	1104 NW 16TH PL	STUART	FL	34994
GREEN MARGARET	1358 NW CHARLIE GREEN DR	STUART	FL	34994
HALL, KENNETH D	93 NE OAK ST	STUART	FL	34994
HENDRY PROPERTIES INC	656 NW BUCK HENDRY WAY	STUART	FL	34994
HOLLINGER JODY	276 NW CHARLIE GREEN TERR	STUART	FL	34994
HOWARD-DAVIS, BOBBIE MOORE, SHELLY L	225 NW CHARLIE GREEN TER	STUART	FL	34994
HUGHES, WILLIAM NHUGHES, MARTHA A (T/C)	738 HUGHES RD	FRANKLIN	KY	42134
JK & MAG HOMES & ASSOCIATES INC	5354 NW ALAM CIR	PORT ST LUCIE	FL	34986
JOSUE DIANA DIXON	2601 ARNOLD CT	FORT PIERCE	FL	34946
KINDIG CHRISTOPHER WKINDIG MELISSA C	646 NE RIVER TERR	JENSEN BEACH	FL	34957
LEONARD ANNIE ESTATE	1900 S KANNER HWY #5-201	STUART	FL	34994
LEONARD OTIS SRLEONARD OTIS JR	292 NW BAKER RD #A	STUART	FL	34994
MAIZE, JOYCE	236 NW CHARLIE GREEN TER	STUART	FL	34994
MARTIN COUNTY	2401 SE MONTEREY RD	STUART	FL	34996
MCLENDON MONTE PARKER	272 NW BAKER RD	STUART	FL	34994
MIHAYLOV VASILTODOROVA GALINA S	3864 SE FAIRWAY WEST	STUART	FL	34997
MYERS WANDA SILSBY	1535 N BASELINE AVE	STUART	FL	34994
NEADOW CHRISTINA	1148 S ORTONVILLE RD	ORTONVILLE	MI	48462
NORTHWOOD MOBILE HOME PARK LLC	21346 ST ANDREWS BLVD #420	BOCA RATON	FL	33433
NORTHWOOD TWIN LAKES, INC	152 NE 15TH TERR	STUART	FL	34994
PARRISH NEALIE C	222 NW BAKER RD	STUART	FL	34994
PINEAPPLE PLANTATION PROPERTY OWNERS	1111 SE FEDERAL HWY SUITE 100	STUART	FL	34994
PUBLIX SUPER MARKETS INC	PO BOX 32018	LAKELAND	FL	33802
RABENOLD, MARLYN L	6700 WYMAN LN	CINCINNATI	OH	45243
RICKARD RODNEY L/E	82 NE 15TH TERR	STUART	FL	34994
RPMO PROPERTIES II LLC	2854 NE ROSETREE DR	JENSEN BEACH	FL	34957
SANCHEZ FERNANDO RUBIO	4476 SE BECKET AVE	STUART	FL	34997
SCHOOL BOARD OF MARTIN COUNTY	500 E OCEAN BLVD	STUART	FL	34994
SOLID GROUND OF MARTIN COUNTY LLC	2076 NW DIAMOND CREEK WAY	JENSEN BEACH	FL	34957
STRAIN BRIAN	4357 HICKORY HOLLOW RD	GASTONIA	NC	28056
TELMI, SANDRA LYNN	37 NE 16TH TER	STUART	FL	34994
THAYER JOAN ELAINE	1 NE 15TH TERR	STUART	FL	34994
TILLMAN, JERRY D III	62 NE 18TH ST	STUART	FL	34994
TLC LLC	1592 NE SOUTH ST	JENSEN BEACH	FL	34957
TREASURE COAST COMMUNITY CHURCH INC	PO BOX 1511	JENSEN BEACH	FL	34958
TYSON CLEVELAND	231 NW BAKER RD	STUART	FL	34994
VILORIA MARIO WVILORIA CARMEN	1720 NE SENECA AVE	STUART	FL	34994
WELLIVER, ALAN RWELLIVER, BRENDA L	27 NE 16TH TERR	STUART	FL	34994
WILLIAMS JAMES ESTATE	1100 NW 128TH ST	MIAMI	FL	33168
WILSON SHACARA D	3654 BURLINGTON AVE N	ST PETERSBURG	FL	33713

Development Department
121 SW Flagler Ave. Stuart Fl. 34994
Phone: 772.600.5375

VIA MAIL AND EMAIL

September 17th, 2020
Taryn Kryzda
County Administrator
Martin County Administrative Center
2401 SE Monterey Road
Stuart, FL 34996

RE: City of Stuart property annexations.

Dear Taryn,

In accordance with the City of Stuart Comprehensive Plan Intergovernmental Coordination Element Policy A8.13, please find enclosed a proposal for the City to annex four properties located in the area adjacent to NW Baker Road and NW Green River Parkway, Stuart. The properties are all in ownership of the City of Stuart and subject to a Florida Communities Trust grant award agreement. Details of each property are also attached.

As part of the application the City proposes to assign a Future Land Use of Conservation and a Zoning of Public to each parcel.

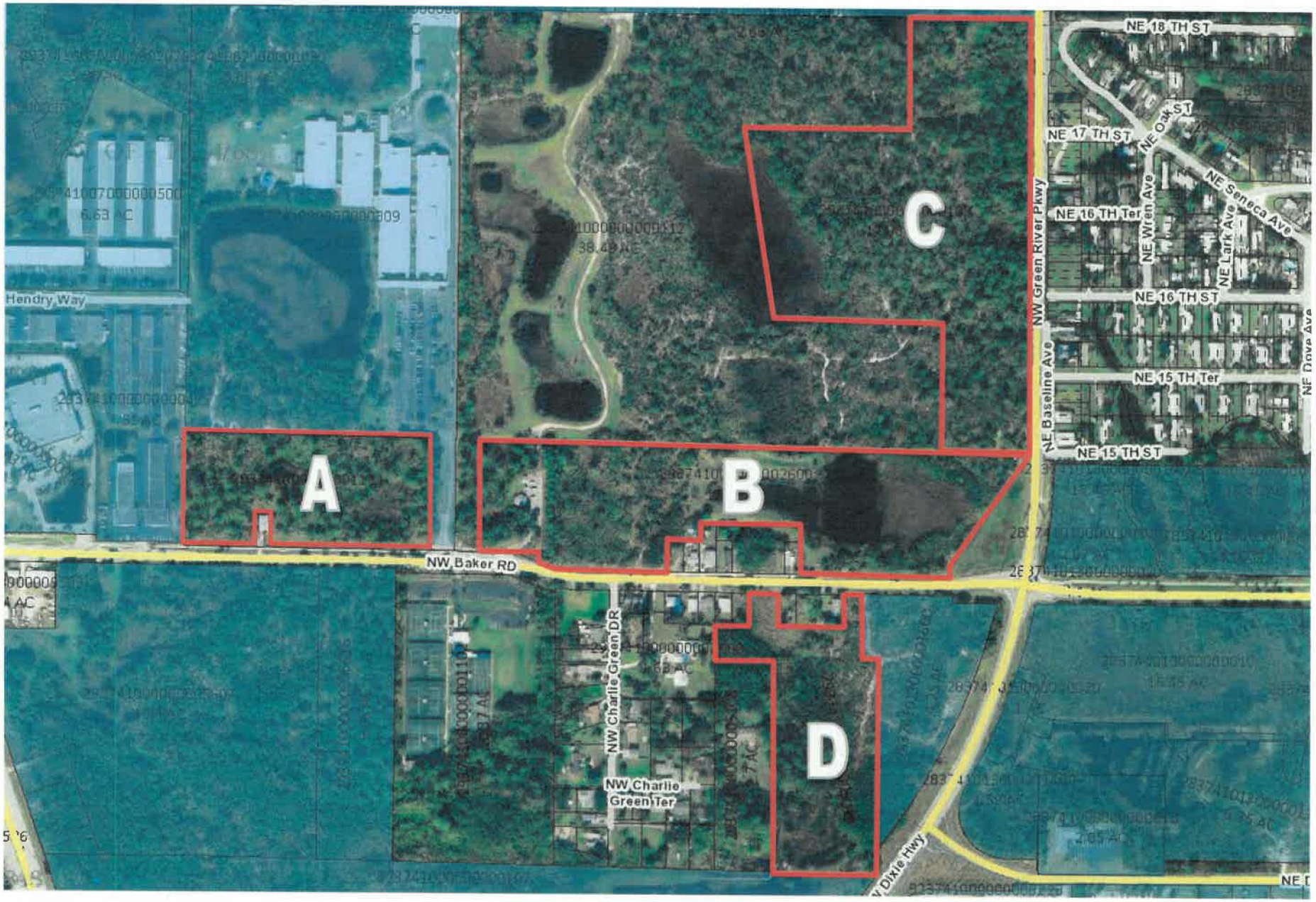
The proposal is scheduled for the October 8th, 2020 Local Planning Agency meeting and hearings at the October 26th, 2020 and November 9th, 2020 City Commission meetings. If possible, please review and submit comments by Friday, October 2nd, 2020.

If you have any questions or would like to schedule a meeting to discuss the proposal, please feel free to contact me at 772 288 5328.

Sincerely,

Kev Freeman
Development Director

CC: Paul Shilling, Growth Management Director
Sarah Woods, County Attorney



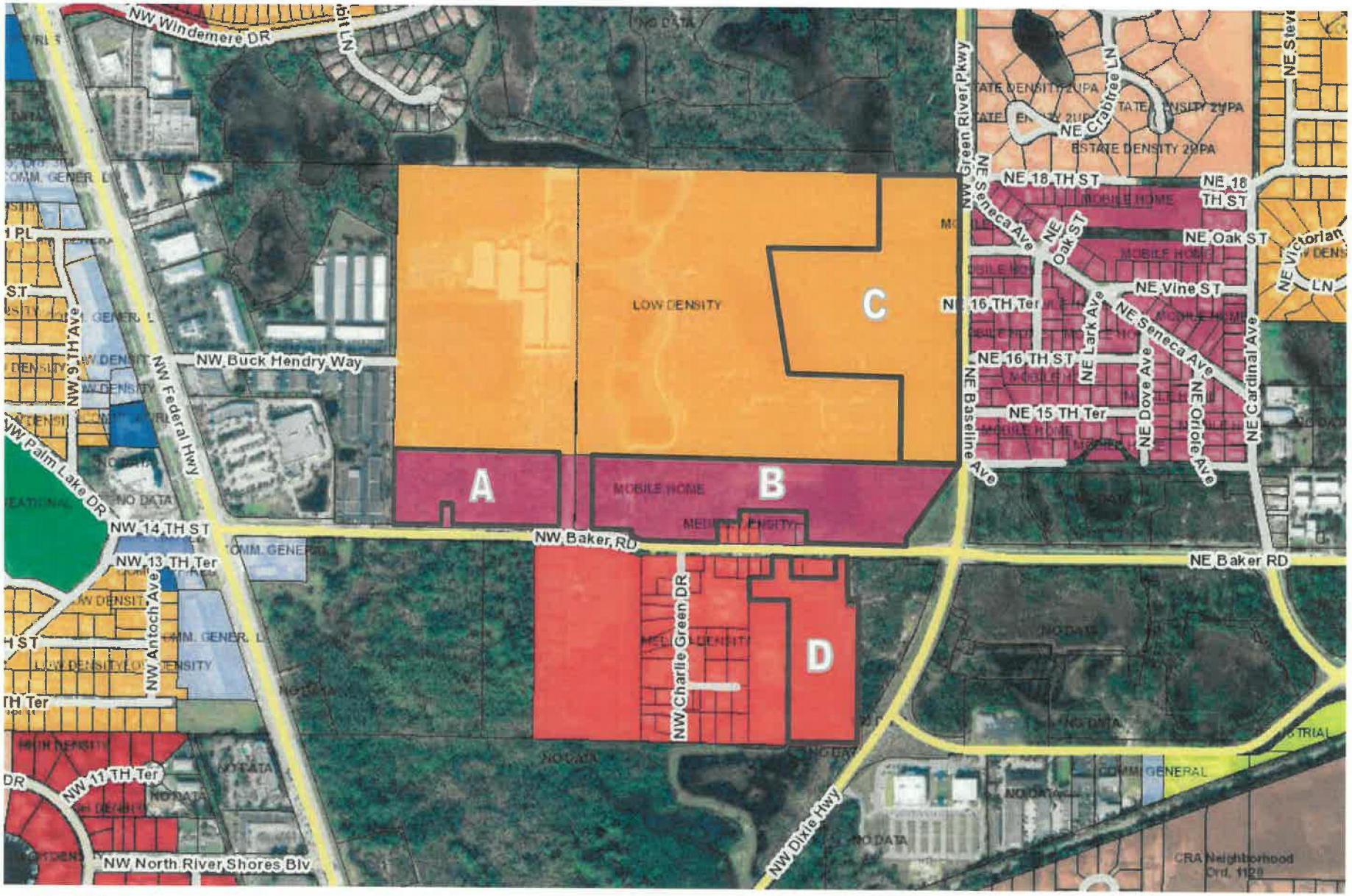
A: PID#: 29-37-41-000-000-00111-1

B: PID#: 29-37-41-000-000-00260-0

C: PID#: 29-37-41-000-000-00010-3

D: PID#: 29-37-41-000-000-00501-9

PROPERTIES SUBJECT OF PROPOSED ANNEXATION



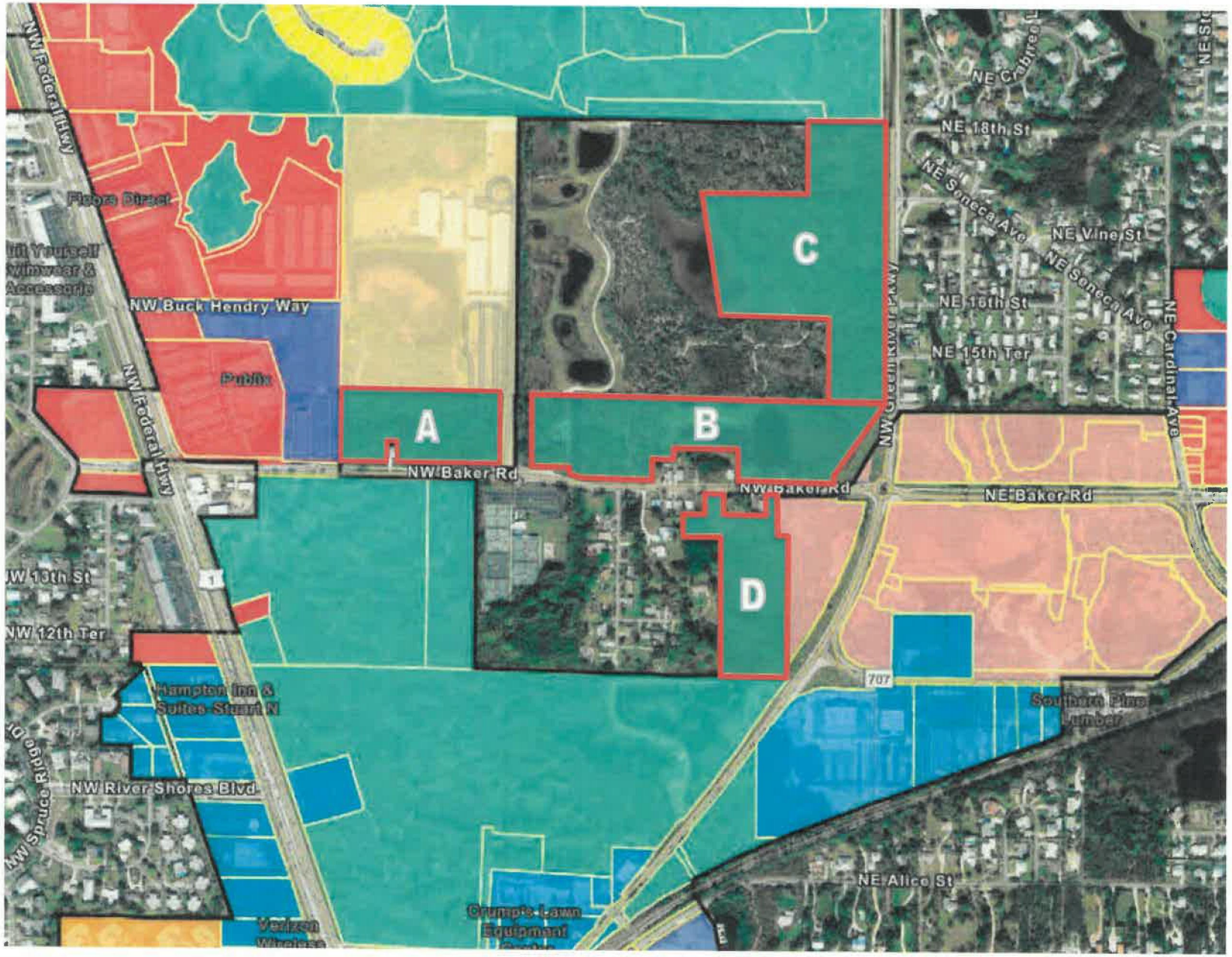
PROPERTIES SUBJECT OF PROPOSED ANNEXATION

FUTURE LAND USE

EXISTING COUNTY

A: **MOBILE HOME** B: **MOBILE HOME**

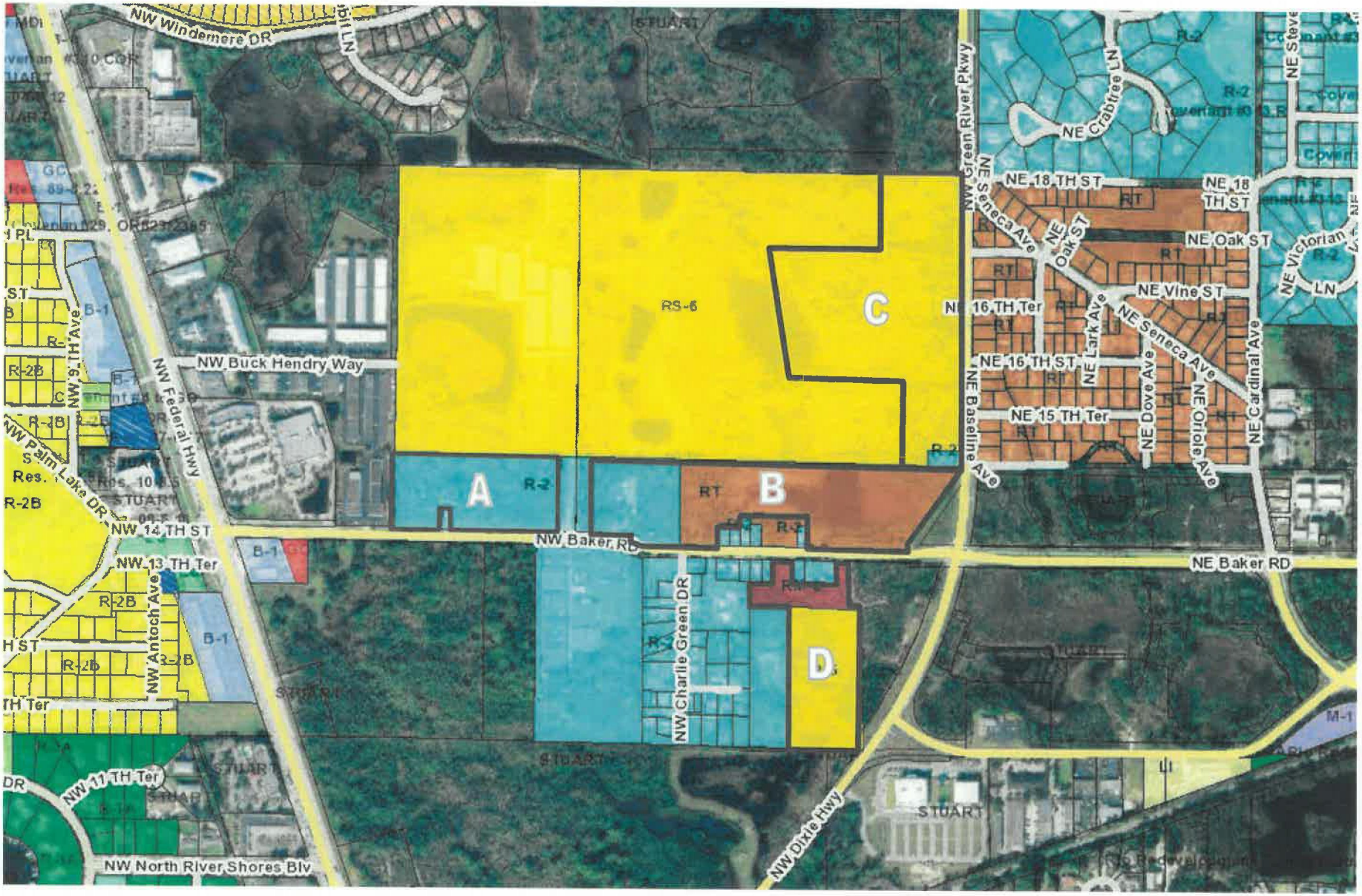
C: **LOW DENSITY** D: **MEDIUM DENSITY**



PROPERTIES SUBJECT OF PROPOSED ANNEXATION

FUTURE LAND USE

PROPOSED CITY: **CONSERVATION**



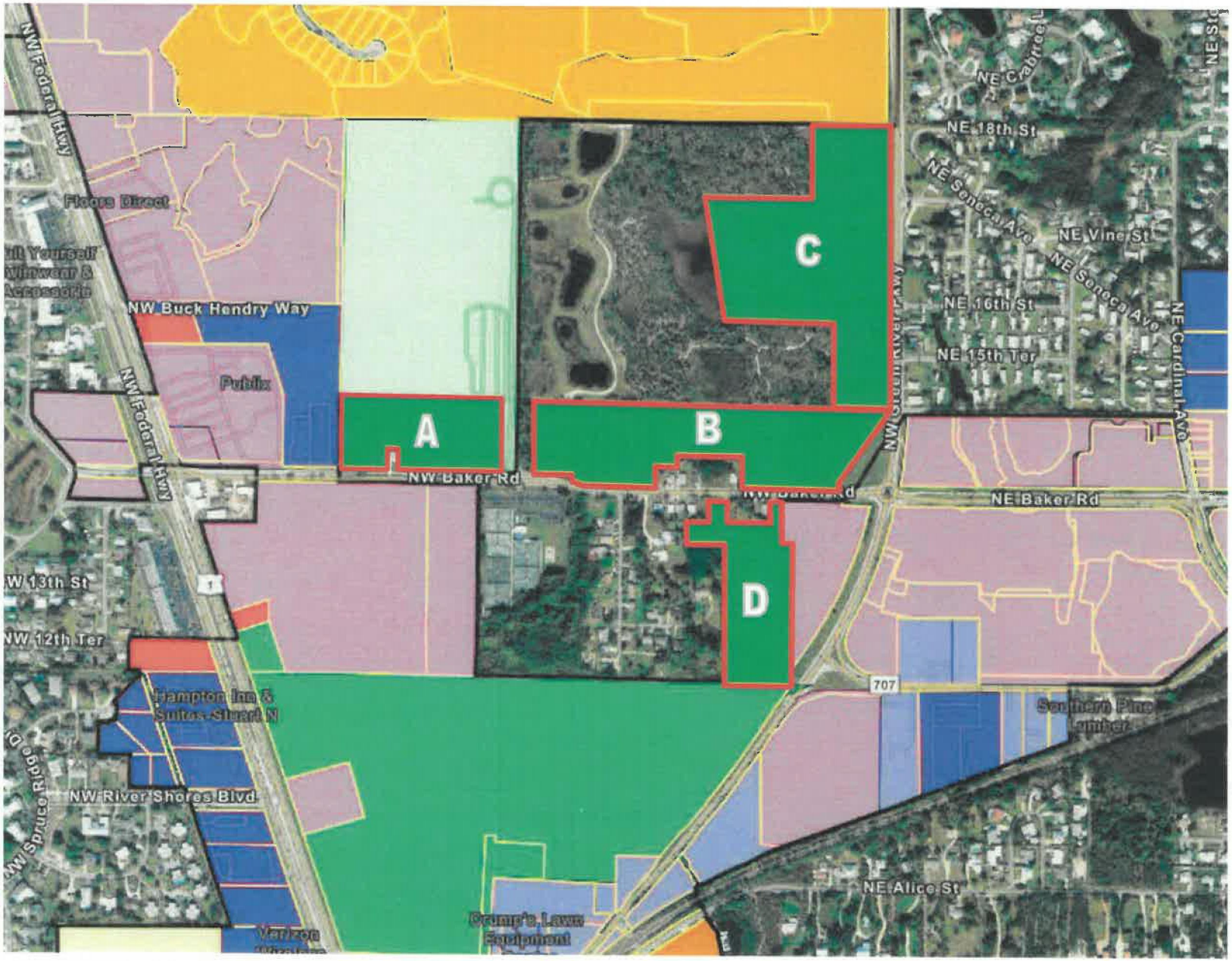
PROPERTIES SUBJECT OF PROPOSED ANNEXATION

ZONING

EXISTING COUNTY

A: **R-2** B: **R-2, RT**

C: **RS-6, R-2** D: **RM-8, R-5**



PROPERTIES SUBJECT OF PROPOSED ANNEXATION

ZONING

PROPOSED CITY ZONING: **PUBLIC**

A

PARCEL ID: **29-37-41-000-000-00111-1** ACRES: **6.12**

ADDRESS: **537 NW BAKER RD, STUART**



LEGAL DESCRIPTION

Commence at the Southeast corner of Section 29, Township 37 South, Range 41 East, Martin County, Florida, thence N 88°49'00" W along the South line of said section, a distance of 272.50', thence N 00°15'00" E along a line parallel to the East line of said section a distance of 874.94' to the South right of way line of Baker Road; thence N 89°04'50" W along said line, a distance of 282.26' to the Point of Beginning; thence N 89°04'50" W a distance of 50'; thence S 00°55'10" W a distance of 100'; thence N 89°04'50" W a distance of 200'; thence N 00°55'00" E a distance of 100'; thence N 89°04'50" W a distance of 100'; thence S 00°55'10" W a distance of 100' thence N 89°04'50" W a distance of 100'; thence S 00°55'10" W a distance of 107'; thence S 88°49'00" E a distance of 172.50'; thence S 00°18'41" W a distance of 664.53' to a point on the South line of Section 29; thence S 88°49'00" E along said South section line 335.44'; thence N 00°15'14" E a distance of 668.21'; thence N 88°56'17" W a distance of 57.22'; thence N 00°55'10" E a distance of 205.53' to the South right of way line of Baker Road and the Point of Beginning.

B

PARCEL ID: **29-37-41-000-000-00260-0** ACRES: **13.0**

ADDRESS: **391 NW BAKER RD, STUART**



LEGAL DESCRIPTION

Begin 633 feet East of the Northwest corner of the Southeast ¼ of the Southeast 1/4 , thence run East 678 feet to the West road right-of-way, thence run Southwesterly and South to the North road right-of-way, thence run West along right-of-way 460 feet, thence run North 100 feet, thence run East 35 feet and North 292.87 feet to the Point of Beginning, Section 29, Township 37 South, Range 41 East, Martin County, Florida.

AND

Begin 1,326.1 feet North of the Southeast section corner and 703.15 feet West for the Point of Beginning, thence continue West 300 feet, thence run South 244.59 feet, thence run East 265 feet, thence run South 50 feet, thence run East 35 feet and North 292.89 feet to the Point of Beginning, Section 29, Township 37 South, Range 41 East, Martin County, Florida.

AND

Begin at the Northwest corner of the Southeast ¼ of the Southeast 1/4 , thence run South 396.48 feet, thence run East along road right-of-way 180.12 feet, thence run North 100 feet, thence run East 100 feet, thence run North 50 feet, thence run East 50 feet, thence run North 244.59 feet and East 333 feet to the Point of Beginning, and the East 171 feet of the Southwest ¼ of the Southeast ¼, lying North of Baker Road, Section 29, Township 37 South, Range 41 East, Martin County, Florida.

AND

That part of the Southwest ¼ of the Southeast ¼ of Section 29, Township 37 South, Range 41 East, Martin County, Florida, lying North of the North right-of-way of Baker Road; less triangle along North right-of-way as described in O.R. Book 1076, Page 2499 and less that West 925.89 feet thereof.

(Containing 13 Acres +/-)

C

PARCEL ID: **29-37-41-000-000-00010-3** ACRES: **16.9**

ADDRESS: **NW GREEN RIVER PKY, STUART**



LEGAL DESCRIPTION

Part of the Northeast ¼ of the Southeast ¼ of Section 29, Township 37 South, Range 41 East, Martin County, Florida, described as follows:

Begin 2,255 feet, more or less, East of the Northwest corner of the Southeast ¼; thence run South 350 feet, thence run West 520 feet; thence run South 09°43'31" East 603.83 feet; thence run East 530 feet; thence run South 400 feet; thence run East to the East line of Section; thence run North to the Northeast corner of the Southeast ¼ and West to the Point of Beginning. Less and except the East 30 feet thereof.

D

PARCEL ID: **29-37-41-000-000-00501-9** ACRES: **6.44**

ADDRESS: **UNASSIGNED, SOUTH BAKER ROAD, STUART**



LEGAL DESCRIPTION

Commence at the Southeast corner of Section 29, Township 37 South, Range 41 East, Martin County, Florida, thence N 88°49'00" W along the South line of said section, a distance of 272.50', thence N 00°15'00" E along a line parallel to the East line of said section a distance of 874.94' to the South right of way line of Baker Road; thence N 89°04'50" W along said line, a distance of 282.26' to the Point of Beginning; thence N 89°04'50" W a distance of 50'; thence S 00°55'10" W a distance of 100'; thence N 89°04'50" W a distance of 200'; thence N 00°55'00" E a distance of 100'; thence N 89°04'50" W a distance of 100'; thence S 00°55'10" W a distance of 100' thence N 89°04'50" W a distance of 100'; thence S 00°55'10" W a distance of 107'; thence S 88°49'00" E a distance of 172.50'; thence S 00°18'41" W a distance of 664.53' to a point on the South line of Section 29; thence S 88°49'00" E along said South section line 335.44'; thence N 00°15'14" E a distance of 668.21'; thence N 88°56'17" W a distance of 57.22'; thence N 00°55'10" E a distance of 205.53' to the South right of way line of Baker Road and the Point of Beginning.

City of Stuart

Sailfish Capital of the World

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 181-98

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE A "CONCEPTUAL APPROVAL AGREEMENT" BETWEEN THE CITY AND THE FLORIDA COMMUNITIES TRUST OF THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS RELATING TO THE "HANEY CREEK WATERSHED PRESERVATION AND GREENWAYS PROJECT" GRANT; FURTHER DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE A "CONFIDENTIALITY AGREEMENT" RELATING TO THIS PROJECT GRANT; APPROVING AN ACQUISITION PLAN FOR THE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The Mayor and City Clerk are hereby authorized and directed to execute on behalf on the City a "Conceptual Approval Agreement" between the City and the Florida Communities Trust of the Florida Department of Community Affairs relating to the "Haney Creek Watershed Preservation and Greenways Project." A copy of the agreement is attached as "Attachment A."

SECTION 2: The Mayor and City Clerk are hereby authorized and directed to execute on behalf on the City a "Confidentiality Agreement" relative to this Project. A copy of the agreement is an attachment to the agreement.

SECTION 3: An "Acquisition Plan" is hereby approved for this Project. A copy of the plan is attached as "Attachment B."

SECTION 4: This resolution shall take effect upon adoption.

ADOPTED this 23rd day of November, 1998.

ATTEST:

DIANNE M. O'DONNELL
CITY CLERK

JEFFREY A. KRAUSKOPF
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

CARL V.M. COFFIN
CITY ATTORNEY

ORIGINAL

FCT Contract #99-CT-8D-98-8A-H1-045

FLORIDA COMMUNITIES TRUST
P8A AWARD #98-045-P8A
HANEY CREEK WATERSHED PRESERVATION AND GREENWAYS

CONCEPTUAL APPROVAL AGREEMENT

THIS AGREEMENT is entered into on JANUARY 5, 1999, the date the last party executes this Agreement, by and between the FLORIDA COMMUNITIES TRUST (FCT), a nonregulatory agency within the State of Florida Department of Community Affairs, and CITY OF STUART (FCT Recipient), a local government of the State of Florida. The intent of this Agreement is to impose terms and conditions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds (Project Site), that are necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Sections 259.101, 375.045, and Chapter 380, Part III, Florida Statutes (F.S.).

* * * * * * *

WHEREAS, Chapter 380, Part III, F.S., the Florida Communities Trust Act, creates a nonregulatory agency within the Department of Community Affairs (Department) that will assist local governments in bringing local comprehensive plans into compliance and implementing the goals, objectives, and policies of the conservation, recreation and open space, and coastal management elements of local comprehensive plans, or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, Section 259.101(3)(c) of the Florida Preservation 2000 Act provides for the distribution of ten percent (10%) less certain reductions of the net Preservation 2000 Revenue Bond proceeds to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the FCT;

WHEREAS, the Governor and Cabinet have annually authorized the sale and issuance of State of Florida Department of Environmental Protection Preservation 2000 Revenue Bonds (Bonds); and Bonds have been annually sold, thereby producing revenues for distribution according to Section 259.101(3)(c), F.S.;

WHEREAS, the Bonds are issued as tax-exempt bonds, meaning that the interest on the Bonds is excluded from the gross income of Bondholders for federal income tax purposes;

WHEREAS, Rule Chapter 9K-4, Florida Administrative Code (F.A.C.), describes the

procedures for evaluation and selection of lands proposed for acquisition using funds allocated to the FCT through the Department of Community Affairs from the Preservation 2000 Trust Fund;

WHEREAS, the FCT Governing Body met on August 27-28, 1998, to score, rank and select projects that were to receive Conceptual Approval for funding;

WHEREAS, the FCT Recipient's project, described in an application submitted for evaluation, was selected for funding and in accordance with Rule Chapter 9K-4, F.A.C., and more particularly described within this Agreement;

WHEREAS, Rule 9K-4.010(2)(f), F.A.C., authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding; and

WHEREAS, the purpose of this Agreement is to set forth the conditions of Conceptual Approval that must be satisfied by FCT Recipient prior to the disbursement of any FCT Preservation 2000 funds awarded, as well as the restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Preservation 2000 Series Bond Proceeds.

NOW THEREFORE, FCT and FCT Recipient mutually agree as follows:

I. GENERAL CONDITIONS

1. At least two original copies of this Agreement shall be executed by FCT Recipient and returned to the FCT office at 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 as soon as possible and before **December 15, 1998**. Upon receipt of the signed Agreements by FCT, FCT will execute the Agreements, retain one original copy and return all other copies that have been executed to FCT Recipient. If the FCT Recipient requires more than one original document, the FCT Recipient should photocopy the number of additional copies needed, and then execute each as an original document.

2. The name *Conceptual Approval Agreement* is used to indicate that the project has been approved as a concept that was described in FCT Application #98-045-P8A. Since the entire Project Site has not yet been negotiated for acquisition, some elements of the project are not yet known, such as the purchase price, other project costs, and the terms upon which an owner will voluntarily convey the property. The Conceptual Approval Agreement is in every respect a grant contract between the parties. The Agreement describes activities that will be conducted both prior and subsequent to acquisition of the Project Site, described in the application that was submitted and selected for funding by the FCT.

3. Conceptual Approval for funding shall be until **July 27, 1999**. In the event the project has not been completed in full by **July 27, 1999**, the Conceptual Approval Agreement must be extended in order that the grant will remain in effect. In advance of the **July 27, 1999**, date and in sufficient time before a meeting of the FCT governing board that would allow

approval of an extension to this Agreement before its expiration, the FCT Recipient must request a written extension to the Conceptual Approval Agreement for project continuation in compliance with Rule 9K-4.010(2)(j), F.A.C. If the FCT Recipient does not request an extension, or if an extension is not granted to the FCT Recipient by the FCT Governing Body, the Preservation 2000 award granted to the FCT Recipient by the Governing Body shall terminate and all obligations hereunder shall cease.

Based upon the Florida Legislature's ongoing oversight of the rate of expenditure of funds, and the impact on future funding if expenditures do not timely occur, the FCT requires that the project be completed as soon as possible after project selection.

4. Extensions to this Agreement, described in Paragraph 3 above, shall not exceed 24 months from the date the Agreement was approved by the FCT, except as described in this paragraph. In compliance with Section 380.510(f), F.S., if the project is not concluded by **October 27, 2000**, the project shall only be extended if the FCT Governing Body determines that a request for additional time to complete the project is warranted based upon FCT Recipient's demonstration that significant progress is being made toward closing the project or that extenuating circumstances warrant an extension of time.

5. This Agreement may be terminated before its expiration at the written request of the FCT Recipient. Such a request shall fully describe the circumstances that compel the FCT Recipient to terminate the project. A request for termination should be mailed to the offices of the FCT at the address given in paragraph 1 above. The request for termination will be placed on the agenda of the next regularly scheduled meeting of the FCT Governing Body for concurrence by the FCT. The termination shall be acknowledged by the FCT in a letter to the FCT Recipient.

Circumstances may arise that, in the analysis of the FCT, warrant termination of the project before its completion. In such an event, the FCT will advise the FCT Recipient of its analysis and will confer with the FCT Recipient on continuation of the project. If the FCT Recipient concurs, a request for termination will be considered at the next regularly scheduled meeting of the FCT Governing Body.

6. FCT Recipient agrees to make diligent efforts to submit the documentation to FCT that is required in this Agreement as soon as is reasonably possible so that the Project Site may be acquired in an expeditious manner. Deadlines stated in this Agreement, as well as deadlines associated with any FCT activity relating to the project, are strictly enforced. Failure to adhere to deadlines, whether stated in this Agreement or associated with meetings of the FCT Governing Body, may result in delays in the project, may result in allocation of time or resources to other recipients that responded timely, and may result in this Agreement being voidable. It is the responsibility of the FCT Recipient to know all project deadlines, to devise a method of monitoring the project, and to adhere to all deadlines.

7. The FCT Preservation 2000 award granted to the FCT Recipient will in no event

exceed the lesser of Ninety-Five Percent (95.00%)of the final Total Project Costs, as defined in Rule 9K-4.002(30), F.A.C., or Four Million Four Hundred Twenty-Four Thousand Six Hundred Twenty-Five Dollars And No Cents ($4,424,625.00), unless the FCT Governing Body approves a different amount, which shall be reflected in an addendum to this Agreement.

8. The grant amount stated in paragraph 7 above is based on the FCT Recipient's estimate of Total Project Costs in application #98-045-P8A, as well as limits on awards in the Notice of Application Period announcing the application cycle. When disbursing funds for the project, the FCT will recognize the actual Total Project Costs, defined in Rule 9K-4.002(30), F.A.C., for acquisition of the Project Site. The Total Project Costs will be reflected on a grant reconciliation statement prepared pursuant to paragraph 10 below. The FCT will participate in the land cost at either the actual purchase price, or the Maximum Approved Purchase Price based on appraisal reports that comply with requirements set forth in Rule 9K-6.007, F.A.C., whichever is less, and multiplied by the percent stated in paragraph 7 above.

9. The FCT Governing Body has given Conceptual Approval for funding to acquire the entire Project Site identified in the FCT Recipient's application #98-045-P8A. The FCT Governing Body reserves the right to withdraw the FCT award if the acreage that comprises the Project Site is reduced so that the objectives of the acquisition cannot be achieved. Request for modification of the boundary of the Project Site identified in the FCT Recipient's application #98-045-P8A may be considered by the FCT Governing Body following the procedures for submission and review of boundary modification requests set forth in Rule 9K-4.0105, F.A.C.

If the Project Site is comprised of multiple parcels, an Acquisition Plan was required in the application. The FCT Governing Body reserves the right to withdraw the FCT award if the priority parcel(s), identified in the Acquisition Plan prepared pursuant to Rule 9K-4.004(5)(g), F.A.C., included in application #98-045-P8A, incorporated by reference herein and attached as Exhibit "A," cannot be acquired. Approval of the Conceptual Approval Agreement shall constitute approval of the Acquisition Plan by FCT.

10. The FCT funds shall be delivered either in the form of eligible Project Costs prepaid by FCT to vendors or in the form of a State of Florida warrant at the closing of the Project Site, payable to the Seller or the Seller's designated agent authorized by law to receive such payment, provided the Comptroller determines that such disbursement is consistent with good business practices and can be completed in a manner minimizing costs and risks to the State of Florida. If the Project Site is comprised of multiple parcels, FCT shall deliver at the closing of each parcel only the share of the FCT award that corresponds to the parcel being closed. FCT will prepare a grant reconciliation statement prior to the closing of the Project Site parcel that will evidence the amount of local match, if any is required, provided by the FCT Recipient and the portion of the FCT award that corresponds to the parcel being closed. Cash expended by the FCT for eligible Project Costs incurred by the FCT will be recognized as part of the FCT grant award amount on the grant reconciliation statement.

11. The FCT Recipient's local match, if any is required, shall be delivered either in the form of eligible Project Costs prepaid to vendors by the FCT Recipient; cash; eligible documented donation by Seller of land value; or FCT Recipient's warrant at the closing of the Project Site. If the Project Site is comprised of multiple parcels, the FCT Recipient shall deliver at the closing of each parcel the share of the local match, if any is required, that corresponds to the parcel being closed. The cash expended by the FCT Recipient for eligible Project Costs incurred by the FCT Recipient conducting acquisition activities will be recognized as part of the local match, if any is required, on the reconciliation statement prepared pursuant to paragraph 10 above. In the event FCT Recipient's application #98-045-P8A represents that land value is the source of local match, if any is required, the value attributed to the land local match, if any is required, shall be determined after an appraisal report that complies with the procedures and requirements set forth in Rule 9K-6.007, F.A.C. Such appraisal report shall be subject to review and approval by FCT prior to FCT funds being delivered for the project.

12. The FCT Governing Body adopted the Preservation 2000 Program Approved List of Complete Applications for Series P8A Funding Cycle on May 18, 1998, at which time the Project Site became part of a list of lands that were approved for consideration for land acquisition. If action initiated by the FCT Recipient that is the local government having jurisdiction over the Project Site, subsequent to May 18, 1998, results in a governmentally-derived higher value due to an enhanced highest and best use, the FCT acquisition activities will be terminated unless the seller agrees that the appraisal will be done at the highest and best use of the Project Site on or before May 18, 1998.

13. FCT Recipient hereby notifies the FCT that the following local government employee or official is the authorized key contact, or project manager, on behalf of the FCT Recipient for purposes of coordinating project activities for the duration of the project:

Name: David Collier
Title: City Manager
Address: 121 S.W. Flagler Ave. Stuart, Fl. 34994
Phone: (561) 288-5312 Fax: (561) 288-5316

The FCT Recipient must notify the FCT as to any change in the authorization of the key contact on behalf of the FCT Recipient named above. This notification must be made in writing to the Executive Director and signed by the appropriate local government employee, official or authorized representative named in paragraph II.6.d. below.

14. This Agreement may be amended at any time prior to FCT giving Project Plan approval to the FCT Recipient. Any amendment must be set forth in a written instrument and agreed to by both the FCT Recipient and FCT. Such amendments shall become a part of this Agreement.

II. REQUIREMENTS THAT MUST BE MET PRIOR TO INITIATION OF PROJECT SITE NEGOTIATION

1. The FCT Recipient hereby notifies the FCT that City of Stuart [*note: elect either FCT, FCT Recipient or FCT Recipient Agent*] will be the party responsible for all negotiation and acquisition activities.

2. The FCT Recipient hereby notifies the FCT that the FCT Recipient(s)' Federal Employer Identification Number(s) is 59-6000 433.

3. No later than **December 15, 1998,** the FCT Recipient must deliver to FCT a written statement from the Project Site property owner(s) evidencing that the owner(s) is willing to entertain an offer from the FCT Recipient and FCT.

4. No later than **December 15, 1998,** the FCT Recipient shall execute a Confidentiality Agreement pursuant to Rule 9K-6.010(5), F.A.C. A sample of a Confidentiality Agreement is attached as Exhibit "B"; an Agreement specific to this project will be prepared by FCT for execution by the FCT Recipient. This Confidentiality Agreement is not a part of this Agreement and may be amended without amending this Agreement, if needed.

5. By execution of this Agreement, the FCT Recipient affirms that:

a. the FCT Recipient is ready, willing and able to provide the local match, if any is required;

b. the FCT Recipient reaffirms the representations made in FCT Application #98-045-P8A;

c. the FCT Recipient shall, on the anniversary date of the approval of the Project Plan by the FCT Governing Body, prepare and submit to FCT an annual report as required by Rule 9K-4.013, F.A.C.;

d. the FCT Recipient authorizes the local government employee, official or authorized representative named in this paragraph to execute all documents in connection with this project on behalf of the FCT Recipient, including but not limited to the Conceptual Approval Agreement or any addenda thereto, purchase agreement for the property, grant reconciliation statement, closing documents, statements submitted as a part of the Project Plan, and Grant Award Agreement pursuant to Rule 9K-6.014(6), F.A.C.:

Name: David Collier
Title: City Manager
Address: 121 S.W. Flagler Ave. Stuart, Fl. 34994

Phone: (561) 288-5312 Fax: (561) 288-5316

The FCT Recipient must notify the FCT as to any change in the authorization of the local government employee, official or representative named in this paragraph to execute all documents on behalf of the FCT Recipient. This notification must be made in writing to the Executive Director and signed by the appropriate local government employee, official or authorized representative.

III. PROJECT PLAN APPROVAL

1. Prior to closing of the real estate transaction and final disbursement of award funds by FCT, the FCT Recipient must prepare a Project Plan that complies with Rule 9K-4.011, F.A.C. This Project Plan is a compilation of the following items listed below, which must be reviewed and approved by FCT in a meeting of the FCT Governing Body. In the event that the FCT Recipient is a partnership, the FCT Recipient must also provide FCT with the interlocal agreement that sets forth the relationship among the partners and the fiscal and management responsibilities and obligations incurred by each partner for the Project Site as a part of its Project Plan.

The Project Plan shall include, and shall not be considered by FCT unless it includes allof the following documents, to be reviewed an approved by FCT to ensure that the interest of the State of Florida will be protected:

a. A purchase agreement for acquisition of the Project Site, **in a form approved by the FCT staff prior to being executed by the Seller, such agreement fully executed by both the Seller and the FCT Recipient**, that is based on an appraisal or appraisals prepared consistent with the requirements of Rule Chapter 9K-6, F.A.C., and otherwise consistent with the provisions of that rule chapter and in a form and with terms that are acceptable to FCT. (See Paragraph 1 of Section IV below.)

b. A management plan that complies with the following: written according to Exhibit "C" (*FCT Technical Assistance Bulletin #2--Writing a Management Plan*), which is attached hereto and incorporated herein by reference; acceptable to FCT; addresses the criteria and conditions set forth in Section IV, V, VI, VII and VIII hereinbelow; and, at a minimum, sets forth how the site will be managed to further the purpose of the project, contains a description of all planned improvements to the Project Site, identifies the costs of management and site improvement and funding sources, and identifies the management entity and its funding source.

If the FCT Recipient is not the proposed managing entity, the Project Plan must also include a signed agreement between the FCT Recipient and the managing entity stating the managing

entity's willingness to manage the site, the manner in which the site will be managed to further the purpose(s) of the project, and identification of the source of funding for management.

c. A statement of the Total Project Cost, including all non-recurring costs of project development.

d. A statement of the amount of the award being requested from the FCT.

e. A statement from each local government in whose jurisdiction the Project Site is located that the Project Plan is consistent with the local comprehensive plan.

f. Evidence that the conditions imposed as part of the Conceptual Approval Agreement have been satisfied.

g. An affidavit from the FCT Recipient evidencing that after conducting a diligent search, the FCT Recipient, to the best of its knowledge, represents that there are no existing or pending violations of any local, state, regional and federal laws and regulations on the Project Site.

2. The FCT strongly encourages the FCT Recipient to request a courtesy review of its entire Project Plan, but especially its management plan, well in advance of the meeting of the FCT Governing Body where the Project Plan will be considered for approval and funds will be authorized for disbursement. As a part of its duties to the FCT Governing Body, FCT Staff will make a recommendation of approval of complete and accurate Project Plans or disapproval of incomplete or insufficient Project Plans. FCT Recipient is strongly urged to coordinate with the FCT staff in order that the FCT review of the management plan coincides with both the anticipated FCT Governing Body approval and the closing date of the real estate transaction(s) associated with the project.

3. Pursuant to 9K-4.011(2)(f), F.A.C., FCT shall withhold Project Plan approval if the local comprehensive plan(s) of the FCT Recipient or the FCT Recipient's partner is, for any reason, found not in compliance by the Department after conceptual approval has been granted by FCT, unless the FCT Recipient has executed a Compliance Agreement (formerly called a stipulated settlement agreement) with the Department to resolve all of the issues raised by the Department in a statement of intent to find a plan not in compliance issued pursuant to Section 163.3184(8), F.S.

4. Pursuant to Rule 9K-4.011(3), F.A.C., the FCT shall publish a Notice of Approval for Preservation 2000 Funds in the *Florida Administrative Weekly* that shall list each Project Plan that has received approval for funding and the amount of funding approved. Any person with a substantial interest that is or may be determined by the decision of the FCT to reject or approve the Project Plan may request an administrative proceeding pursuant to Section 120.57, F.S. within 21 days from publication of the Notice of Approval for Preservation 2000 Funds. Real

estate closings associated with the project may close only after expiration of the 21-day notice period, so long as no requests for an administrative proceeding have been filed.

IV. PROJECT SITE ACQUISITION REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375, AND CHAPTER 380, PART III, F.S.

FCT RECIPIENT AGREES AS FOLLOWS:

1. FCT shall approve the terms under which the interest in land is acquired, pursuant to Section 380.510(3), F.S. Such approval is deemed given when the FCT governing body approves and executes the purchase agreement for acquisition of the Project Site, further described in Section III.1.a. above, to which FCT is a party.

2. Title to the Project Site shall be titled in the FCT Recipient, unless the FCT Recipient specifically requests that title shall permanently vest in the Board of Trustees of the Internal Improvement Trust Fund (Trustees). Such request shall be subject to the approval of FCT and the Trustees. **The FCT Recipient hereby elects that title to the Project Site shall be vested in** City of Stuart **[*Note–insert either the name of FCT Recipient or Board of Trustees of Internal Improvement Trust Fund*].** If the FCT Recipient elects that title shall vest in the Trustees, then all acquisition activities shall be administered by the Division of State Lands as specified in Section 253.025, F.S., and Rule 18-1, F.A.C.

3. The transfer of title to the FCT Recipient for the Project Site shall not occur until the requirements for the acquisition of lands, as specified in Section 380.507(11), F.S., and Rule Chapter 9K-6, F.A.C., have been fully complied with by the FCT Recipient and FCT.

4. Any deed whereby the FCT Recipient acquires title to the Project Site shall contain or be subject to such covenants and restrictions as are, at a minimum, sufficient to ensure that the use of the Project Site at all times complies with Section 375.045 and 375.051, F.S.; Section 9, Article XII of the State Constitution; the applicable bond indenture under which the Bonds were issued; and any provision of the Internal Revenue Code or the regulations promulgated thereunder that pertain to tax exempt bonds and shall contain clauses providing for the conveyance of title to the Project Site in the Board of Trustees of the Internal Improvement Trust Fund upon failure to use the Project Site conveyed thereby for such purposes. Such covenants and restrictions as are described in this paragraph shall be in the form of a Grant Award Agreement, prepared by FCT, executed by the parties to the Conceptual Approval Agreement and recorded at the time of closing of the Project Site. The recordable Grant Award Agreement shall restate the conditions that were placed on the Project Site at the time of project selection and initial grant approval. All statements contained in the recordable Grant Award Agreement are contained in this Conceptual Approval Agreement, with the exception of statements that do not survive the real estate closing of the Project Site.

5. The Grant Award Agreement containing such covenants and restrictions as

referenced in paragraph 4 above and describing the real property subject to the Agreement shall be executed by the FCT and FCT Recipient at the time of the conveyance of the Project Site and shall be recorded in the county in which the Project Site is located.

6. If any essential term or condition of the Grant Award Agreement is violated, and the FCT Recipient does not correct the violation within 30 days of written notice of violation, title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund. The deed transferring title to the Project Site to the FCT Recipient shall set forth the executory interest of the Board of Trustees of the Internal Improvement Trust Fund.

7. The interest acquired by the FCT Recipient in the Project Site shall not serve as security for any debt of the FCT Recipient.

8. If the existence of the FCT Recipient terminates for any reason, title to all interest in real property it has acquired with the FCT award shall be conveyed or revert to the Board of Trustees of the Internal Improvement Trust Fund, unless FCT negotiates an agreement with another local government or nonprofit organization which agrees to accept title to all interest in and to manage the Project Site.

9. The Project Site shall be managed only for the conservation, protection and enhancement of natural resources and for public outdoor recreation that is compatible with the conservation, protection and enhancement of the Project Site, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site must be specifically designated in the management plan approved by the FCT as a part of the Project Plan.

V. OBLIGATIONS OF THE FCT RECIPIENT AS A CONDITION OF PROJECT FUNDING

1. Following the acquisition of the Project Site, the FCT Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation, or outdoor recreation uses as appropriate. If an amendment to the FCT Recipient's comprehensive plan is required, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the FCT Recipient subsequent to the Project Site's acquisition.

2. FCT Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the applicable adopted and approved comprehensive plan. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

3. The FCT Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the management plan approved by the FCT as a part of the Project Plan.

4. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the FCT Recipient at the Project Site.

5. All buildings, structures, improvements, and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. The approval by FCT of the FCT Recipient's management plan addressing the items mentioned herein shall be considered written approval from FCT.

VI. OBLIGATIONS OF THE FCT RECIPIENT RELATING TO THE USE OF BOND PROCEEDS

1. FCT is authorized by Sections 375.045(4) and 380.510(7)(a) and (b), F.S., to impose conditions for funding on FCT Recipient in order to ensure that the project complies with the requirements for the use of Preservation 2000 Bond proceeds including without limitation the provisions of the Internal Revenue Code and the regulations promulgated thereunder as the same pertain to tax exempt bonds.

2. If the Project Site is to remain subject, after its acquisition by the FCT Recipient and/or the Trustees, to any of the below listed transactions, events, and circumstances, the FCT Recipient shall provide at least 60 days advance written notice of any such transactions, events, and circumstances to FCT, and shall provide to FCT such information with respect thereto as FCT reasonably requests in order to evaluate the legal and tax consequences of such activity or interest. FCT Recipient agrees and acknowledges that the following transactions, events, and circumstances may be disallowed on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law. The FCT Recipient further agrees and acknowledges that the following transactions, events, and circumstances may be allowed up to a certain extent based on guidelines or tests outlined in the Federal Private Activity regulations of the Internal Revenue Service:

a. any sale or lease of any interest in the Project Site to any person or organization;

b. the operation of any concession on the Project Site by any person or organization;

c. any sales contract or option to buy things attached to the Project Site to be severed from the Project Site, with any person or organization;

d. any use of the Project Site by any person other than in such person's capacity as a member of the general public;

e. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of bonds from which the disbursement is to be made;

f. a management contract of the Project Site with any person or organization; or

g. such other activity or interest as may be specified from time to time in writing by FCT to the FCT Recipient.

The foregoing are collectively referred to as the "Disallowable Activities."

VII. DISALLOWABLE ACTIVITIES/REMEDIES

In the event that FCT determines at any time or from time to time that the FCT Recipient is engaging or allowing others to engage in Disallowable Activities on the Project Site, the FCT Recipient agrees to immediately cease or cause the cessation of the Disallowable Activity upon receipt of written notice from the FCT. To the extent allowed by law, FCT Recipient hereby indemnifies and agrees to hold FCT harmless from all claims, causes of action or damages of any nature whatsoever arising from or with respect to Disallowable Activities on the Project Site. Nothing herein shall be deemed a waiver of the FCT Recipient's sovereign immunity. In addition to all other rights and remedies at law or in equity, FCT shall have the right to temporary and permanent injunctions against FCT Recipient for any Disallowable Activity on the Project Site.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE FCT RECIPIENT AND OTHER GOVERNMENTAL BODIES, NOT FOR PROFIT ENTITIES, OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE FCT RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

VIII. CONDITIONS PARTICULAR TO THE PROJECT SITE THAT MUST BE ADDRESSED IN THE MANAGEMENT PLAN

The management plan for the Project Site is mentioned throughout this Agreement, and is particularly described in Paragraph 1.b. of Section III above. In addition to the various conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the management plan shall address the following conditions that are particular to the Project Site and result from either representations made in the application that received scoring points or observations made by the FCT staff during the site visit described in Rule 9K-4.010(2)(f), F.A.C.:

1. Outdoor recreational facilities including nature trails, boardwalks, an observation deck and interpretive displays shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the Project Site without causing harm to those resources.

2. A permanent recognition sign shall be maintained in the entrance area of the Project Site. The sign shall acknowledge that the Project Site is open to the public and was purchased with funds from the Florida Communities Trust Preservation 2000 Program and the Recipient. Such recognition shall also be included in all printed literature and advertising associated with the Project Site.

3. Regularly scheduled and ongoing educational programs that promote the protection of natural resources shall be provided at the Project Site. The programs shall include guided walks and programs for school groups.

4. A survey of vegetative communities and plant species shall be conducted on the Project Site. The FCT Recipient shall detail how the survey shall be used during development of the site to ensure the protection, restoration, and preservation of the natural resources on the Project Site.

5. The slash pine, sand pine scrub, hardwood swamp and wetland communities that occur on the Project Site shall be preserved and appropriately managed to ensure the long-term viability of these vegetative communities.

6. The Project Site shall be managed in a manner that protects and enhances habitat for listed wildlife species that utilize or could potentially utilize the Project Site, including the gopher tortoise, scrub jay and wading birds. The FCT Recipient shall coordinate with the Game and Freshwater Fish Commission on the management of the Project Site for the protection of listed species and listed species habitat. The FCT Recipient shall also conduct periodic surveys of listed species using the Project Site and develop informational signs relating to the protection of listed animal species and their habitat.

7. Management of the Project Site shall be coordinated with the Department of Environmental Protection's Aquatic Preserve Management Plan and the Indian River Lagoon SWIM Plan.

8. Adjacent development activities shall be monitored through the development review and approval process to ensure that such activities do not negatively effect the resources on the Project Site. Vegetated buffers shall be used as necessary to ensure that resources and planned outdoor recreation activities on the project site are sufficiently protected from the adverse impacts of adjacent land uses.

9. Approximately 7 acres of disturbed upland and wetland vegetation on the Project Site shall be restored in terms of biological composition and ecological function by removing exotics and planting native vegetative species.

10. An ongoing monitoring and control program for invasive exotic vegetation shall be implemented at the Project Site. The Exotic Pest Plant Council's List of Florida's Most Invasive Species shall be used to identify invasive exotic vegetation on the Project Site.

11. A stormwater management program shall be developed and implemented on the Project Site to improve the quality of water entering Haney Creek and the St. Lucie River. The FCT Recipient shall coordinate with the South Florida Water Management District on the development of a stormwater management program for the Project Site.

12. A vegetation analysis of the Project Site shall be performed to determine which areas of the Project Site need a prescribed burning regime implemented to maintain natural fire-dependent vegetative communities. The development of a prescribed burn plan shall be coordinate with Division of Forestry and Game and Fresh Water Fish Commission.

13. Management of the Project Site shall be coordinated with the land managers of other conservation and preservation lands in the project area.

14. Pedestrian and bicycle access to the Project Site shall be promoted as an alternative to automobile transportation by providing pedestrian walkways and/or bicycle parking stands.

15. The Project Site shall be incorporated into the City's overall management program for the protection and enhancement of natural and recreational resources within the greenway corridor that extends from the St. Lucie River to the Savannahs State Preserve.

16. The requirements imposed by other grant program funds that may be sought by the FCT Recipient for activities associated with the Project Site shall not conflict with the terms and conditions of the FCT award.

This Agreement including Exhibits "A", "B" and "C" embodies the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

CITY OF STUART

By: _____
Print Name: Jeffrey A. Krauskopf

Its: Mayor

Date: 11/24/98
ATTEST: _____
Print Name: Dianne O'Donnell
City Clerk

Approved as to Form and Legality:

By: _____
Print Name: CARL V.M. COFFIN

FLORIDA COMMUNITIES TRUST

By: _____
James F. Murley, Chair

Date: 1/5/99

Approved as to Form and Legality:

By: _____
Ann J. Wild, Trust Counsel

STATE OF FLORIDA
COUNTY OF MARTIN

I, the undersigned, duly appointed City Clerk of the City of Stuart, Florida, HEREBY CERTIFY that this is a true and correct copy of the original.

Signature: _____
CITY CLERK

DATE: 3/17/99

ORIGINAL

Contract No: 99-CT-8D-98-8A-H1-045
FCT Project No: 98-045-P8A
FCT Project Name: HANEY CREEK WATERSHED PRESERVATION AND GREENWAYS

CONFIDENTIALITY AGREEMENT

This is a Confidentiality Agreement ("Agreement") pursuant to Rule 9K-6.010(5), Florida Administrative Code (F.A.C.).

Parties to the Confidentiality Agreement: CITY OF STUART ("FCT Recipient"), a municipality within the State of Florida, and the Florida Communities Trust ("FCT"), a nonregulatory agency within the Department of Community Affairs.

Parcels Covered by this Agreement: This Agreement covers all parcels identified as part of the Project Site in FCT application 98-045-P8A That was selected for funding and is governed by a Conceptual Approval Agreement for FCT Project Number 98-045-P8A_("Project Site").

Confidentiality:

a) Pursuant to Rule 9K-6.002(17), F.A.C., the term "Confidential" refers to information that shall not be available for public disclosure or inspection and is exempt from the provisions of Section 119.07(1), Florida Statutes (F.S.).

b) The FCT Recipient and its agents shall maintain the confidentiality of all appraisals, offers, and counteroffers as required by Section 125.355(1)(a), F.S., for counties, or Section 166.045(1)(a), F.S., for municipalities, and Rule Chapter 9K-6, F.A.C. The FCT Recipient may disclose such confidential information only to the individuals listed herein below.

c) Requests to add persons to the disclosure list must be made in writing and the FCT Recipient must receive the written consent of the FCT Executive Director and execute an Addendum to the Agreement. All confidentiality requirements outlined above shall apply to individuals added to the list.

d) The undersigned board members and staff of the FCT Recipient ("FCT Recipient") and its agents, if any, agree to maintain the confidentiality of appraisal information, offers and counter-offers concerning FCT Project Number 98-045-P8A as required by Section 125.355 (1)(a), F.S., for counties, or Section 166.045 (1)(A), F.S., for municipalities, and Rule Chapter 9K-6, F.A.C., and by this Confidentiality Agreement between the FCT Recipient and FCT.

e) The undersigned certify that they have no legal or beneficial interest in the Project Site.

Date	FCT Recipient Board Member, Staff or Agent name	Signature
	Karl J. Krueger, Jr., Mayor	
	Gene C. Rifkin, Vice Mayor	
	Charles S. Foster, Commissioner	
	Jeffrey A. Krauskopf, Commissioner	
	Robert W. Walker, Commissioner	
	David Collier, City Manager	
	Carl V.M. Coffin, City Attorney	
	Dianne M. O'Donnell, City Clerk	
	Wm. F. Underwood, Administrative Services Director	

CITY OF STUART

By: _____

Print Name: Karl J. Krueger

Its: Mayor

Date: 3/8/99

ATTEST: _____
Dianne M. O"Donnell, City Clerk

Approved as to Form and Legality:

By: _____

Print Name: Carl V.M. Coffin
City Attorney

FLORIDA COMMUNITIES TRUST

By: _____
Anne Peery, Executive Director

Date: 3/11/99

Approved as to Form and Legality:

By: _____
Ann J. Wild, Trust Counsel

Contract No: 99-CT-8D-98-8A-H1-045
FCT Project No: 98-045-P8A
FCT Project Name: Haney Creek Watershed Preservation and Greenways

ADDENDUM 1 TO CONCEPTUAL APPROVAL AGREEMENT

This ADDENDUM 1 to Conceptual Approval Agreement is entered into by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and CITY OF STUART ("FCT Recipient"), this 15th day of July 1999.

WHEREAS, the parties hereto entered into a Conceptual Approval Agreement setting forth the conditions of conceptual approval that must be satisfied by FCT Recipient prior to the disbursement of the FCT Preservation 2000 award and the restrictions that are imposed on the Project Site subsequent to its acquisition;

WHEREAS, the term of the Conceptual Approval Agreement expires July 27, 1999 ;

WHEREAS, the FCT Recipient in accordance with GENERAL CONDITIONS paragraph 3 of the Conceptual Approval Agreement and in compliance with Rule 9K-4.010(2)(j), F.A.C., has timely submitted to FCT a written request for extension of the July 27, 1999 expiration date;

WHEREAS, GENERAL CONDITIONS paragraph 14 of the Conceptual Approval Agreement states that the agreement may be amended at any time prior to FCT giving final project plan approval to the FCT Recipient. Any agreement must be set forth in a written instrument and agreed to by both the FCT Recipient and FCT;

WHEREAS, the parties hereto desire to extend the term of the Conceptual Approval Agreement as provided by Rule 9K-4.010(2)(j), F.A.C.;

NOW THEREFORE, the FCT and FCT RECIPIENT mutually agree as follows:

1. Notwithstanding the language of Section I. GENERAL CONDITIONS, paragraph 3. and paragraph 4., the parties hereby agree to revive it nunc pro tunc as though it had not lapsed in accordance with paragraph 3.

2. In every respect, this amendment is to be construed and applied as though the parties had both signed it before July 27, 1999

3. The Conceptual Approval Agreement by and between FCT and FCT Recipient is hereby extended until January 27, 2000

The date of execution of this addendum shall be the date that the last party signs this addendum.

IN WITNESS WHEREOF, the parties hereto have duly executed this ADDENDUM 1 TO CONCEPTUAL APPROVAL AGREEMENT.

CITY OF STUART

By:_____
Print Name: Karl J. Krueger, Jr.
Mayor
ATTEST: Dianne M. O'Donnell
Dianne M. O'Donnell
City Clerk
Date: 7/2/99

FLORIDA COMMUNITIES TRUST

By:_____
Steven M. Seibert, Chair
Date: 7/19/99

Approved as to Form and Legality:

By:_____
Print Name:
CARL V.N. COFFIN

Approved as to Form and Legality:

By:_____
Ann J. Wild, Trust Counsel

City of Stuart

121 S. W. Flagler Avenue • Stuart • Florida 34994

Dianne M. O'Donnell
City Clerk

PHONE (561) 288-5306
FAX (561) 288-5305

July 2, 1999

Florida Communities Trust
Anne Peery, Executive Director
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

ATTENTION: Anne Perry, Executive Director

REFERENCE: Haney Creek Watershed Preservation & Greenways Grant
Addendum I - PROJECT #98-045-P8A / City of Stuart

MESSAGE: Enclosed are two original addendums executed by city officials. Please complete with required signatures and return one fully executed original to the Office of the City Clerk at the address indicated above.

If you have any questions please do not hesitate to call.

Sincerely,

Dianne M. O'Donnell
City Clerk

Enc.

rec'd 7/27

Florida Communities Trust

June 14, 1999

David Collier
City Manager
City Development Department
121 SW Flagler Avenue
Stuart, FL 34994-2192

RE: City of Stuart
Haney Creek Watershed Preservation and Greenways
Project Number: 98-045-P8A

Mr. Collier:

Enclosed find Addendum I to the Conceptual Approval Agreement for the referenced project. The Addendum reflects an extension of time granted by the governing board of the Florida Communities Trust at its June 11, 1999, meeting. Your agreement has been extended according to the terms set forth in the addendum. Any questions about the addendum can be directed to Ann Wild, Trust Attorney at (850) 488-0410. Please execute the addendum and return it to the Trust **as soon as possible.**

Please expedite your FCT project so that we can conclude it as soon as possible. This expediting includes promptly returning documents, phone calls or any other step needed to achieve success in your project. I encourage you to rely on the Trust staff for any assistance you need to bring the project to a successful conclusion.

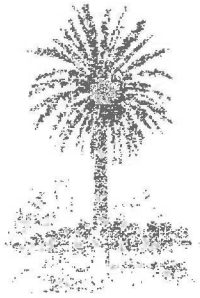
Sincerely,

Anne Peery
Executive Director

Enclosure: Conceptual Approval Agreement Addendum I

DEPARTMENT OF COMMUNITY AFFAIRS • 2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-2100
850/922-2207 • SUNCOM 292-2207 • FAX 850/921-1747

FLORIDA COMMUNITIES TRUST RECYCLES



RECEIVED
AUG - 6 1999

Florida Communities Trust

August 4, 1999

Mr. David Collier
City Manager
121 S.W. Flagler Ave.
Stuart, Florida 34994

RE: FCT Project Number: 98-045-P8A
City of Stuart
Haney Creek Watershed Preservation and Greenways

Dear Mr. Collier:

Enclosed please find a fully executed original of the Addendum I to Confidentiality Agreement for the above- referenced Florida Communities Trust Project.

If you have any questions, please contact me at (850) 922-2207 (SunCom 292-2207).

Sincerely,

For

Lee H. Slaton
Operations & Management Consultant I

LHS\bw

Enclosures

Contract No: 99-CT-8D-98-8A-H1-045
FCT Project No: 98-045-P8A
FCT Project Name: HANEY CREEK WATERSHED PRESERVATION AND GREENWAYS

ADDENDUM TO CONFIDENTIALITY AGREEMENT

This is an Addendum to the Confidentiality Agreement ("Agreement") pursuant to Rule 9K-6.010(5), Florida Administrative Code (F.A.C.), and is entered into by the parties to add the undersigned persons to the list contained in the Agreement between the parties.

Parties to the Confidentiality Agreement: CITY OF STUART ("FCT Recipient"), a municipality State of Florida, and the Florida Communities Trust ("FCT"), a nonregulatory agency within the Department of Community Affairs.

Parcels Covered by this Agreement: This Agreement covers all parcels identified as part of the Project Site in FCT application 98-045-P8A That was selected for funding and is governed by a Conceptual Approval Agreement for FCT Project Number 98-045-P8A ("Project Site").

Confidentiality:

a) Pursuant to Rule 9K-6.002(17), F.A.C., the term "Confidential" refers to information that shall not be available for public disclosure or inspection and is exempt from the provisions of Section 119.07(1), Florida Statutes (F.S.).

b) The FCT Recipient and its agents shall maintain the confidentiality of all appraisals, offers, and counteroffers as required by Section 125.355(1)(a), F.S., for counties, or Section 166.045(1)(a), F.S., for municipalities, and Rule Chapter 9K-6, F.A.C. The FCT Recipient may disclose such confidential information only to the individuals listed herein below.

c) The undersigned board members and staff of the FCT Recipient ("FCT Recipient") and its agents, if any, agree to maintain the confidentiality of appraisal information, offers and counter-offers concerning FCT Project Number 98-045-P8A as required by Section 125.355 (1)(a), F.S., for counties, or Section 166.045 (1)(A), F.S., for municipalities, and Rule Chapter 9K-6, F.A.C., and by this Confidentiality Agreement between the FCT Recipient and FCT.

d) The undersigned certify that they have no legal or beneficial interest in the Project Site.

Date	FCT Recipient Board Member, Staff or Agent name	Signature
7-22-99	Kim DeLaney, City Planner, City of Stuart	Kim DeLaney
7-23-99	Matthew Sexton, Florida Representative, The Conservation Fund	

CITY OF STUART

By: David Collier

Print Name: DAVID COLLIER

Its: CITY MANAGER

Date: JULY 19, 1999

Approved as to Form and Legality:

By: Carl V.M. Coffin

Print Name: CARL V.M. COFFIN

FLORIDA COMMUNITIES TRUST

By: Anne Peery

Anne Peery, Executive Director

Date: 8/3/99

Approved as to Form and Legality:

By: Ann J. Wild

Ann J. Wild, Trust Counsel

CONF/AG/ADD
5/25/99
98-045-P8A

ORIGINAL

Contract No: 99-CT-8D-98-8A-A1-045
FCT Project No: 98-045-P8A
FCT Project Name: Haney Creek Watershed Preservation and Greenways

ADDENDUM 2 TO CONCEPTUAL APPROVAL AGREEMENT

This ADDENDUM 2 to the Conceptual Approval Agreement is entered into by and between the FLORIDA COMMUNITIES TRUST (FCT), a nonregulatory agency within the State of Florida Department of Community Affairs, and CITY OF STUART(Recipient), this 7th day of MARCH, 2000.

WHEREAS, the parties hereto entered into a Conceptual Approval Agreement setting forth the conditions of conceptual approval that must be satisfied by Recipient prior to the disbursement of the FCT Preservation 2000 award and the restrictions that are imposed on the project site subsequent to its acquisition;

WHEREAS, the term of the Conceptual Approval Agreement expires January 27, 2000;

WHEREAS, the Recipient in accordance with GENERAL CONDITIONS paragraph 3 of the Conceptual Approval Agreement and in compliance with Rule 9K-4.010(2)(j), F.A.C., has timely submitted to FCT a written request for extension of the January 27, 2000 expiration date;

WHEREAS, GENERAL CONDITIONS paragraph 14 of the Conceptual Approval Agreement states that the agreement may be amended at any time prior to FCT giving final project plan approval to the Recipient. Any agreement must be set forth in a written instrument and agreed to by both the Recipient and FCT;

WHEREAS, the parties hereto desire to extend the term of the Conceptual Approval Agreement as provided by Rule 9K-4.010(2)(j), F.A.C.;

NOW THEREFORE, the FCT and RECIPIENT mutually agree as follows:

1. Notwithstanding the language of Section I. GENERAL CONDITIONS, paragraph 3. and paragraph 4., the parties hereby agree to revive it nunc pro tunc as though it had not lapsed in accordance with paragraph 3.

2. In every respect, this amendment is to be construed and applied as though the parties had both signed it before January 27, 2000.

3. The Conceptual Approval Agreement by and between FCT and Recipient is hereby extended until July 27, 2000.

The date of execution of this addendum shall be the date that the last party signs this addendum.

IN WITNESS WHEREOF, the parties hereto have duly executed this ADDENDUM 2 TO CONCEPTUAL APPROVAL AGREEMENT.

CITY OF STUART

By: _____
Print Name: Karl J. Krueger Jr.

Its: Mayor

Date: _____

ATTEST
City Clerk
Dianne M. O'Donnell, City Clerk

Approved as to Form and Legality:

By: _____
Print Name: CARL V.M. COFFIN

FLORIDA COMMUNITIES TRUST

By: _____
for Steven M. Seibert, Chair

Date: 3/3/00

Approved as to Form and Legality:

By: _____
Ann J. Wild, Trust Counsel

ADD 2/98-045-P8A
01/26/2000

Florida Communities Trust

RECEIVED
MAR - 9 2000
CITY OF STUART-CITY MGR.

March 6, 2000

Mr. David Collier
City Manager
121 S.W. Flagler Ave.
Stuart, Florida 34994

RE: FCT Project Number: 98-045-P8A
City of Stuart
Haney Creek Watershed Preservation and Greenways

Dear Mr. Collier:

Enclosed please find a fully executed original of the Addendum II to Conceptual Approval Agreement for the above- referenced Florida Communities Trust Project.

If you have any questions, please contact me at (850) 922-2207 (SunCom 292-2207).

Sincerely,

For

Lee H. Slaton
Operations & Management Consultant I

LHS\bw

Enclosures

RECEIVED
MAR 9 2000
CITY OF STUART
CITY CLERKS OFFICE

DEPARTMENT OF COMMUNITY AFFAIRS • 2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-2100
850/922-2207 • SUNCOM 292-2207 • FAX 850/921-1747
FLORIDA COMMUNITIES TRUST RECYCLES

City of Stuart

121 S. W. Flagler Avenue • Stuart • Florida 34994

Dianne M. O'Donnell
City Clerk

PHONE (561) 288-5306
FAX (561) 288-5305

February 21, 2000

Ralph Cantral, Acting Executive Director
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Fl 32399-2100

Dear Ralph Cantral, Acting Executive Director:

SUBJECT:FCT PROJECT # 98-045-P8A Honey Creek

Enclosed are two original Conceptual Approval Agreements for your execution. Please sign and date both and mail one fully executed original back in the self-stamped addressed envelope provided.

Respectfully,

COPY

Cherie White
Office Assistant II

Enclosures (2)

cw

Florida Communities Trust

January 27, 2000

RECEIVED
JAN 31 2000
CITY OF STUART CITY MGR.

Mr. David Collier
City Manager
City Development Department
121 SW Flagler Avenue
Stuart, FL 34994-2192

RE: FCT Project Number 98-045-P8A
Haney Creek Watershed Preservation and Greenways
City of Stuart

Dear Mr. Collier:

Enclosed are two originals of Addendum 2 to the Conceptual Approval Agreement for the project. The Addendum includes an extension of time as approved by the governing board of the Florida Communities Trust at its January 26, 2000, meeting. Any questions about the addendum can be directed to Ann Wild, Trust Attorney at (850) 488-0410. Please execute the addendum and return it to the Trust **as soon as possible.**

Please expedite your FCT project so that we can conclude it as soon as possible. This expediting includes promptly returning documents, phone calls or any other step needed to achieve success in your project. I encourage you to rely on the Trust staff for any assistance you need to bring the project to a successful conclusion.

Sincerely,

Ann Wild for

Ralph Cantral
Acting Executive Director

RC:lhs

Enclosure: Conceptual Approval Agreement Addendum 2

DEPARTMENT OF COMMUNITY AFFAIRS • 2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-2100
850/922-2207 • SUNCOM 292-2207 • FAX 850/921-1747

FLORIDA COMMUNITIES TRUST RECYCLES

Contract No: 99-CT-8D-98-8A-A1-045
FCT Project No: 98-045-P8A
FCT Project Name: Haney Creek Watershed Preservation and Greenways

ADDENDUM 3 TO CONCEPTUAL APPROVAL AGREEMENT

This ADDENDUM 3 to the Conceptual Approval Agreement is entered into by and between the FLORIDA COMMUNITIES TRUST (FCT), a nonregulatory agency within the State of Florida Department of Community Affairs, and CITY OF STUART (Recipient), this 7th day of SEPTEMBER, 2000.

WHEREAS, the parties hereto entered into a Conceptual Approval Agreement setting forth the conditions of conceptual approval that must be satisfied by Recipient prior to the disbursement of the FCT Preservation 2000 award and the restrictions that are imposed on the project site subsequent to its acquisition;

WHEREAS, the term of the Conceptual Approval Agreement expires July 27, 2000;

WHEREAS, the Recipient in accordance with GENERAL CONDITIONS paragraph 3 of the Conceptual Approval Agreement and in compliance with Rule 9K-4.010(2)(j), F.A.C., has timely submitted to FCT a written request for extension of the July 27, 2000 expiration date;

WHEREAS, the parties hereto desire to extend the term of the Conceptual Approval Agreement as provided by Rule 9K-4.010(2)(j), F.A.C.; and

WHEREAS, Section 215.97, Florida Statutes, the Florida Single Audit Act, provides uniform state audit requirements for state financial assistance provided by state agencies over the audit threshold as defined in that Section;

WHEREAS, the parties hereto desire to make these requirements a part of the Conceptual Approval Agreement as provided by Rule 9K-4.010(2)(j), F.A.C.;

WHEREAS, the Recipient has requested the expansion of the boundary of the Project Site to add two adjacent parcels and this request was approved on August 3, 2000, by the Acting Executive Director pursuant to the authority delegated to him by the governing board ;

WHEREAS, the parties hereto desire to make these two parcels a part of the Conceptual Approval Agreement; and

WHEREAS, the Recipient has requested a modification to the Acquisition Plan included in the application, and incorporated by reference and attached as Exhibit "B" to the Conceptual Approval Agreement, to include these two parcels;

WHEREAS, the parties hereto desire to amend the Conceptual Approval Agreement to modify the Acquisition Plan;

WHEREAS, GENERAL CONDITIONS paragraph 14 of the Conceptual Approval Agreement states that the agreement may be amended at any time prior to FCT giving final project plan approval to the Recipient. Any agreement must be set forth in a written instrument and agreed to by both the Recipient and FCT;

NOW THEREFORE, the FCT and RECIPIENT mutually agree as follows:

1. Notwithstanding the language of Section I. GENERAL CONDITIONS, paragraph 3. and paragraph 4., the parties hereby agree to revive it nunc pro tunc as though it had not lapsed in accordance with paragraph 3.

2. In every respect, this amendment is to be construed and applied as though the parties had both signed it before July 27, 2000.

3. The Conceptual Approval Agreement by and between FCT and Recipient is hereby extended until January 27, 2001.

4. The Conceptual Approval Agreement by and between FCT and Recipient is hereby amended to add Section IX as follows:

IX. AUDIT REQUIREMENTS

1. The Recipient agrees to maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement.

2. These records shall be available at all reasonable times for inspection, review, or audit by state personnel and other personnel duly authorized by FCT. "Reasonable" shall be construed according to circumstances, but ordinarily shall mean normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

3. The Recipient shall also provide FCT with the records, reports or financial statements upon request for the purposes of auditing and monitoring the funds awarded under this Agreement.

4. In the event that the Recipient expends a total amount of State financial assistance from all state sources equal to or in excess of $300,000 in any fiscal year of such Recipient, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Executive Office of the Governor and the Comptroller, and Chapter 10.600, Rules of the Auditor General.

Section I.7. above below indicates State financial assistance through FCT by this Agreement. In determining the State financial assistance expended in its fiscal year, the Recipient shall consider all sources of State financial assistance, including State funds received from FCT, except that State financial assistance received by a nonstate entity for Federal program matching requirements shall be excluded from consideration. The funding for this Agreement was received by FCT as a grant appropriation.

a. The annual financial audit report shall include all management letters and
the Recipient's response to all findings, including corrective actions to be taken.

b. The annual financial audit report shall include a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and Agreement number.

c. The complete financial audit report, including all items specified in (12)(d) 1 and 2 above, shall be sent directly to:

Department of Community Affairs
Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

and

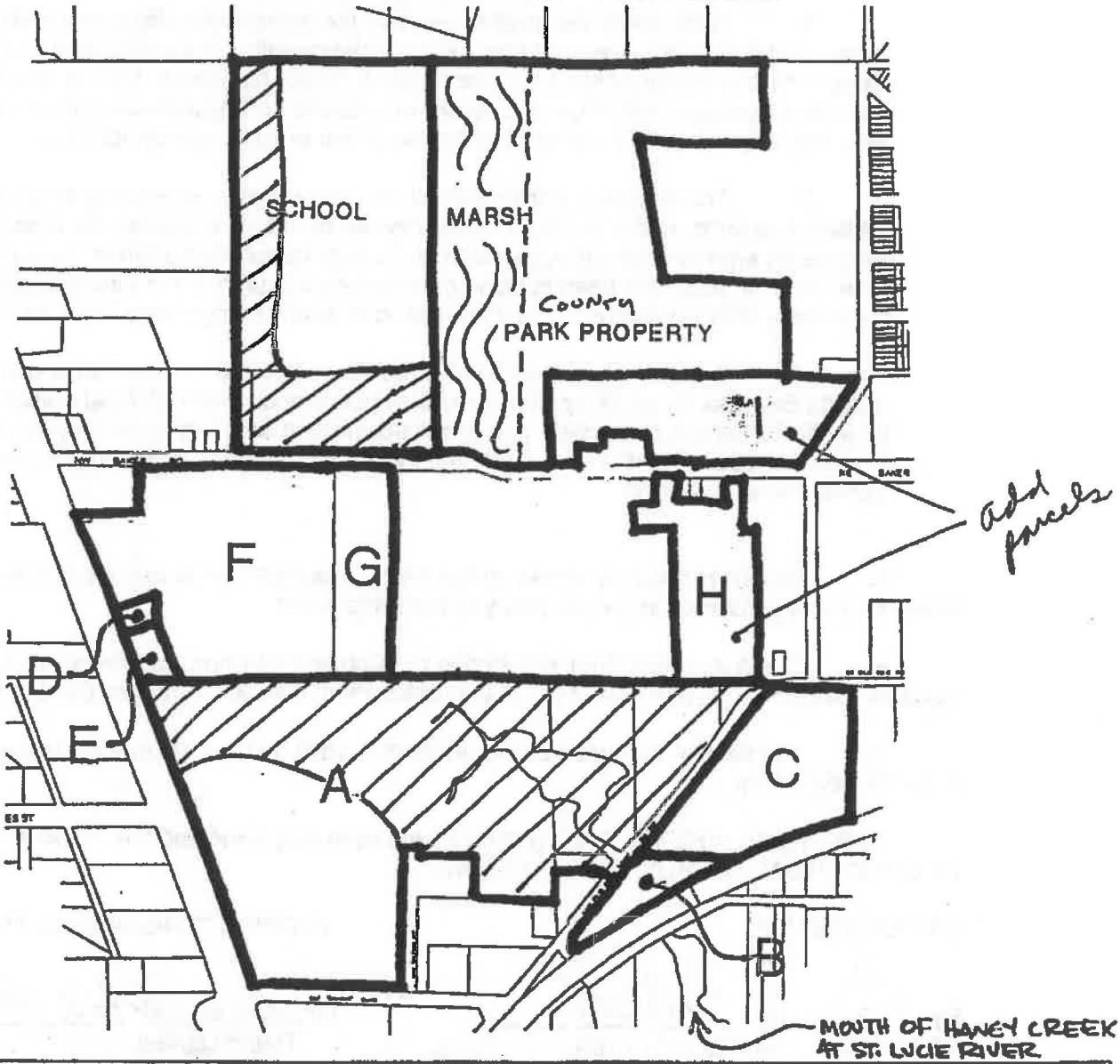
State of Florida Auditor General
Attn: Ted J Sauerbeck
Room 574, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32302-1450

d. In connection with the audit requirements addressed above, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a reporting package as defined by Section 215.97(2)(d), Florida Statutes, and Chapter 10.600, Rules of the Auditor General.

e. If the Recipient expends less than $300,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the Recipient expends less than $300,000 in State financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from recipient funds obtained from other than State entities).

HANEY CREEK WATERSHED PRESERVATION & GREENWAYS PROJECT

MAP OF PURCHASE AREA & SUBJECT PROPERTIES



LEGEND	
A	Kremser property (mostly upland; may be developed)
A	Kremser property (location of Arant's Swamp and slough; cannot be developed or mitigated. City to acquire through PUD negotiations)
B	Bussell property (option contract pending)
C	Boll property (counter-offer pending from owner)
D	Sommer property
E	Conway property
F	Bridgeton property (option contract approved; closing TBA)
G	Bridgeton property (option contract approved; closing TBA)
H	Dragseth property (to be added via boundary modification)
I	Tilton property (to be added via boundary modification)
SCHOOL	Felix Williams Elementary School (area of school improvements)
SCHOOL	Felix Williams Elementary School (area of preserve to be dedicated to City)
MARSH	Flow-through freshwater marsh (included within County-owned park property; permits to be approved by SFWMD in July 2000)
PARK PROPERTY	County-owned surplus park property (to be preserved with limited passive recreational improvements)

EXHIBIT "A"

5. In the event the audit shows that the entire funds disbursed hereunder, or any portion thereof, were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to FCT of all funds not spent in accordance with these applicable regulations and Agreement provisions within thirty (30) days after FCT has notified the Recipient of such non-compliance.

6. The Recipient shall retain all financial records, supporting documents, statistical records, and any other documents pertinent to this contract for a period of three years after the date of submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the three-year period, the records shall be retained until the litigation or audit findings have been resolved.

7. The Recipient shall have all audits completed in accordance with 215,97, Florida Statutes, by an independent certified public accountant (IPA) who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Florida Statutes. The IPA shall state that the audit complied with the applicable provisions noted above.

5. Parcels H and I as shown on Exhibit "A" attached hereto and made a part hereof are hereby included in the boundary of the Project Site.

6. The Acquisition Plan attached to the Conceptual Approval Agreement is hereby replaced, revised and superseded by the Acquisition Plan attached hereto as Exhibit "B".

7. The date of execution of this addendum shall be the date that the last party signs this addendum

IN WITNESS WHEREOF, the parties hereto have duly executed this ADDENDUM 3 TO CONCEPTUAL APPROVAL AGREEMENT.

CITY OF STUART

By: David Collier.
Print Name: DAVID COLLIER
Its: City Manager

ATTEST:
Dianne M. O'Donnell
City Clerk

Date: August 28, 2000

Approved as to Form and Legality:

By: Carl V. M. Coffin
Print Name: CARL V. M. COFFIN

FLORIDA COMMUNITIES TRUST

By: Ann Wild for
Ralph Cantral,
Acting Executive Director
Date: 9-7-00

Approved as to Form and Legality:

By: Ann J. Wild
Ann J. Wild, Trust Counsel

Acquisition Plan

Project Name: Haney Creek Watershed Preservation and Greenways Project

Applicant: City of Stuart

Rule 9K-4.004(5)(g), Florida Administrative Code, reads in part as follows:

> If the project site consists of more than one parcel or owner, an Acquisition Plan, as defined in Rule 9K-4.002(2), is required.

Rule 9K-4.002(2), Florida Administrative Code, reads as follows:

> Acquisition Plan applies to Project Sites with multiple parcels or multiple owners and means a written description of the priority parcels and the general order in which the parcels will be acquired to assure that, in the event that all parcels cannot be acquired, the purposes of the project can be achieved.

Florida Communities Trust (FCT) staff will review the acquisition plan to assure that the purposes of the project can be achieved in the event all parcels cannot be acquired.

Provide tax identification number for all parcels within the project boundary

See attached summary ownership data sheet (Exhibit D).

Provide the name, address and phone number, if available, for all the owners of parcels within the project boundary.

See attached summary ownership data sheet (Exhibit D).

Identify the priority parcels needed to achieve the purposes of the project.

The key parcels required are reference parcels F, G and B (please see Exhibit D). Ownership of these parcels will enable the flow-through marsh construction on parcels F and G (23.5 acres) and control of the tributary flood plain via parcel B. These parcels abut and surround wetlands in the largest parcel, parcel A which is a key feature in the Haney Creek project.

Purchase of parcel A is highly desirable due to its size and diversity of habitats and is a key link of the overall greenways/flowways project if the surrounding parcels are in public ownership. If not purchased in this program, the combination of the City's upland preserve requirements and state and federal wetlands protection will likely protect a large portion of this parcel under conservation easements with any development proposal. However, the protection of parcel A in public ownership will allow both the connection to the greenway/flowway from the drainage basin to the north as well as provide protection of key environmental areas and habitats present on the

site.

Parcel C is next most desirable, being comprised of sand pine uplands and seepage slope wetlands tributary to parcel B.

Parcels H and I will allow a greenway/flowway connecting into the eastern portion of the Swamp, which will improve stormwater quality and preservation of a native corridor for wildlife. In addition, Parcel I contains an old borrow pit which will allow for the preservation of a deepwater habitat, thereby expanding the habitat functions of the entire project.

Finally, parcels D and E are included to preclude development adjacent to the main freshwater swamp along Federal Highway. These are also desirable but not essential to overall success.

Identify the general order in which the parcels should be acquired, parcels can be grouped in categories.

FIRST PRIORITY
Parcel A
Parcel B
Parcel C
Parcel F
Parcel G
Parcel H
Parcel I

SECOND PRIORITY
Parcel E
Parcel D

INSTR # 1452314
OR BK 01502 PG 0951
RECORDED 08/29/2000 11:39 AM
MARSHA EWING
MARTIN COUNTYFlorida
DEPUTY CLERK S Johnson

This document prepared by:
Ann J. Wild
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

After Recording Return To:
Robert D. Schwartz, Esq.
Law offices of Robert D. Schwartz, P.A.
555 South Federal Hwy.--Suite 430
Boca Raton, FL 33432

FLORIDA COMMUNITIES TRUST
P8A AWARD# 98-045-P8A
FCT Contract# 00-CT-P8-98-P8A-J1-045

GRANT AWARD AGREEMENT

THIS AGREEMENT is entered into this 29th day of June, 2000, by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and the CITY OF STUART, a political subdivision of the State of Florida ("FCT Recipient"), in order to impose terms, conditions, and restrictions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds and as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), as shall be necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Chapters 253, 259, and 380, Florida Statutes.

WHEREAS, Part III Chapter 380, Florida Statutes, the Florida Communities Trust Act, creates a nonregulatory agency within the Department of Community Affairs, which will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans and in otherwise conserving natural resources and resolving land use conflicts by providing financial assistance to local governments to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, Section 1 of the Florida Preservation 2000 Act provides for the distribution of ten percent (10%) of the net Preservation 2000 Revenue Bond proceeds to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the FCT;

WHEREAS, the Governor and Cabinet authorized the sale and issuance of State of Florida Department of Natural Resources Preservation 2000 Revenue Bonds ("Bonds");

WHEREAS, the Bonds were issued as tax-exempt bonds, meaning that the interest on the Bonds is excluded from the gross income of Bondholders for federal income tax purposes;

WHEREAS, Rule 9K-4.010(2)(f), F.A.C., authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding in accordance with Rule Chapter 9K-4, F.A.C.;

WHEREAS, the FCT has approved the terms under which the Project Site is acquired and the deed whereby the FCT Recipient acquires title to the Project Site shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund upon the failure of the FCT Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, such covenants and restrictions shall be imposed by an agreement which shall describe with particularity the real property which is subject to the agreement and shall be recorded in the county in which the real property is located; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Preservation 2000 Bond award.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and FCT Recipient do hereby contract and agree as follows:

I. GENERAL CONDITIONS.

1. Upon execution and delivery by the parties hereto, the FCT Recipient shall cause this Agreement to be recorded and filed in the official public records of Martin County, Florida, as referenced in the warranty deed vesting fee simple title to the Project Site in the FCT Recipient, and in such manner and in such other places as FCT may reasonably request, and shall pay all fees and charges incurred in connection therewith.

2. The FCT Recipient and FCT agree that the State of Florida Department of Environmental Protection will forward this Agreement to Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax exempt status of the Preservation

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2000 Bonds is not jeopardized, FCT and FCT Recipient shall amend the Agreement accordingly.

3. This Agreement may be amended at any time. Any amendment must be set forth in a written instrument and agreed to by both the FCT Recipient and FCT.

4. This Agreement and the covenants and restrictions contained herein shall run with the Property herein described and shall bind, and the benefits shall inure to, respectively, the FCT and the FCT Recipient and their respective successors and assigns.

5. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, with respect to both substantive rights and with respect to procedures and remedies.

6. Any notice required to be given hereunder shall be given by personal delivery, by registered mail or by registered expedited service at the addresses specified below or at such other addresses as may be specified in writing by the parties hereto, and any such notice shall be deemed received on the date of delivery if by personal delivery or expedited delivery service, or upon actual receipt if sent by registered mail.

FCT:

Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
ATTN: Executive Director

FCT Recipient:

City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

ATTN: Kim Delaney, City Planner

7. If any provision of the Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

II. PROJECT SITE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375, AND CHAPTER 380, PART III, FLORIDA STATUTES.

1. If any essential term or condition of this grant agreement is violated by the FCT Recipient or by some third party with the knowledge of the FCT Recipient and the FCT Recipient does not correct the violation within 30 days of notice of the violation, fee simple title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal

Improvement Trust Fund. The FCT shall treat such property in accordance with Section 380.508(4)(e), Florida Statutes.

2. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee, containing such covenants, clauses, or other restrictions as are sufficient to protect the interest of the people of Florida.

3. The interest, if any, acquired by the FCT Recipient in the Project Site will not serve as security for any debt of the FCT Recipient unless FCT approves the transaction.

4. If the existence of the FCT Recipient terminates for any reason, title to all interest in real property it has acquired with the FCT award shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund, unless FCT negotiates an agreement with another local government or nonprofit organization which agrees to accept title to all interest in and to manage the Project Site.

5. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the FCT Recipient shall deposit with the FCT any insurance proceeds or any condemnation award, and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. The FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the FCT Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from the FCT, the FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT will have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

III. PROJECT SITE OBLIGATIONS IMPOSED BY FCT ON THE FCT RECIPIENT.

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of the Project Site, along with other related uses necessary for the accomplishment of this purpose. The proposed

uses for the Project Site are specifically designated in the Project Plan as approved by FCT.

2. The FCT Recipient shall prepare and submit to FCT an annual report as required by Rule 9K-4.013, F.A.C.

3. The FCT Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation, or outdoor recreation uses as appropriate. If an amendment to the FCT Recipient's comprehensive plan is required to comply with this paragraph, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the FCT Recipient.

4. FCT Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

5. The FCT Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the FCT approved project plan.

6. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the FCT Recipient at the Project Site.

7. All buildings, structures, improvements, and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and/or major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably with-held by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. The approval by FCT of the FCT Recipient's management plan addressing the items mentioned herein shall be considered written approval from FCT.

8. If archaeological and historic sites are located on the Project Site, the FCT Recipient shall comply with Chapter 267, Florida Statutes. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site will be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

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9. The FCT Recipient shall ensure that the Project Site is identified as being publicly owned and operated as a passive, natural resource-based public outdoor recreational site in all signs, literature and advertising regarding the Project Site. The FCT Recipient shall erect a sign(s) identifying the Project Site as being open to the public and as having been purchased with funds from FCT and FCT Recipient.

IV. OBLIGATIONS INCURRED BY FCT RECIPIENT AS A RESULT OF BOND PROCEEDS BEING UTILIZED TO PURCHASE THE PROJECT SITE.

1. If the Project Site is to remain subject, after its acquisition by the State and the FCT Recipient, to any of the below listed activities or interests, the FCT Recipient shall provide at least 60 days written notice of any such activity or interest to FCT prior to the activity taking place, and shall provide to FCT such information with respect thereto as FCT reasonably requests in order to evaluate the legal and tax con-sequences of such activity or interest:

a. any lease of any interest in the Project Site to a non-governmental person or organization;

b. the operation of any concession on the Project Site to a non-governmental person or organization;

c. any sales contract or option to buy things attached to the Project Site to be severed from the Project Site, with a non-governmental person or organization;

d. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;

e. a management contract of the Project Site with a non-governmental person or organization; and

f. such other activity or interest as may be specified from time to time in writing by FCT to the FCT Recipient.

2. FCT Recipient agrees and acknowledges that the following transaction, events, and circumstances may not be permitted on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law:

a. a sale of the Project Site or a lease of the Project Site to a non-governmental person or organization;

b. the operation of a concession on the Project Site by a non-governmental person or organization;

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c. a sale of things attached to the Project Site to be severed from the Project Site to a non-governmental person or organization;

d. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of bonds from which the disbursement is to be made;

e. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;

f. a management contract of the Project Site with a non-governmental person or organization; and

g. such other activity or interest as may be specified from time to time in writing by FCT to the FCT Recipient.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE FCT RECIPIENT AND OTHER GOVERNMENTAL BODIES, NOT FOR PROFIT ENTITIES, OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE FCT RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

V. CONDITIONS THAT ARE PARTICULAR TO THE PROJECT SITE AS A RESULT OF THE FCT APPROVED MANAGEMENT PLAN.

1. Outdoor recreational facilities including nature trails, boardwalks, an observation deck and interpretive displays shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the Project Site without causing harm to those resources.

2. A permanent recognition sign shall be maintained in the entrance area of the Project Site. The sign shall acknowledge that the Project Site is open to the public and was purchased with funds from the Florida Communities Trust Preservation 2000 Program and the Recipient. Such recognition shall also be included in all printed literature and advertising associated with the Project Site.

3. Regularly scheduled and ongoing educational programs that promote the protection of natural resources shall be provided at the Project Site. The programs shall include guided walks and programs for school groups.

4. A survey of vegetative communities and plant species shall be conducted on the Project Site. The FCT Recipient shall detail how

the survey shall be used during development of the site to ensure the protection, restoration, and preservation of the natural resources on the Project Site.

5. The slash pine, sand pine scrub, hardwood swamp and wetland communities that occur on the Project Site shall be preserved and appropriately managed to ensure the long-term viability of these vegetative communities.

6. The Project Site shall be managed in a manner that protects and enhances habitat for listed wildlife species that utilize or could potentially utilize the Project Site, including the gopher tortoise, scrub jay and wading birds. The FCT Recipient shall coordinate with the Game and Freshwater Fish Commission on the management of the Project Site for the protection of listed species and listed species habitat. The FCT Recipient shall also conduct periodic surveys of listed species using the Project Site and develop informational signs relating to the protection of listed animal species and their habitat.

7. Management of the Project Site shall be coordinated with the Department of Environmental Protection's Aquatic Preserve Management Plan and the Indian River Lagoon SWIM Plan.

8. Adjacent development activities shall be monitored through the development review and approval process to ensure that such activities do not negatively effect the resources on the Project Site. Vegetated buffers shall be used as necessary to ensure that resources and planned outdoor recreation activities on the project site are sufficiently protected from the adverse impacts of adjacent land uses.

9. Approximately 7 acres of disturbed upland and wetland vegetation on the Project Site shall be restored in terms of biological composition and ecological function by removing exotics and planting native vegetative species.

10. An ongoing monitoring and control program for invasive exotic vegetation shall be implemented at the Project Site. The Exotic Pest Plant Council's List of Florida's Most Invasive Species shall be used to identify invasive exotic vegetation on the Project Site.

11. A stormwater management program shall be developed and implemented on the ProjectSite to improve the quality of water entering Haney Creek and the St. Lucie River. The FCT Recipient shall coordinate with the South Florida Water Management District on the development of a stormwater management program for the Project Site.

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12. A vegetation analysis of the Project Site shall be performed to determine which areas of the Project Site need a prescribed burning regime implemented to maintain natural fire-dependent vegetative communities. The development of a prescribed burn plan shall be coordinate with Division of Forestry and Game and Fresh Water Fish Commission.

13. Management of the Project Site shall be coordinated with the land managers of other conservation and preservation lands in the project area.

14. Pedestrian and bicycle access to the Project Site shall be promoted as an alternative to automobile transportation by providing pedestrian walkways and/or bicycle parking stands.

15. The Project Site shall be incorporated into the City's overall management program for the protection and enhancement of natural and recreational resources within the greenway corridor that extends from the St. Lucie River to the Savannahs State Preserve.

16. The requirements imposed by other grant program funds that may be sought by the FCT Recipient for activities associated with the Project Site shall not conflict with the terms and conditions of the FCT award.

THIS GRANT AWARD AGREEMENT embodies the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

Mary F. Whisenant
Witness Name:

N. Pat Perron
Witness Name:

CITY OF STUART

BY: _____
Its: Mayor, Karl J. Kreuder

Date: 6/12/00

Attest: _____
City Clerk, Dianne O'Donnell

Accepted as to Legal Form and Sufficiency:

Carl V.M. Coffin
Date: 6/15/00
Carl V.M. Coffin, City Attorney

GAA\98-045-P8A
5-15-00

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STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2000, by _____, as _____. He\She is personally known to me.

_____
Notary Public
Print Name:_____
Commission No._____
My Commission Expires:_____

FLORIDA COMMUNITIES TRUST

L. Christine McCay
Witness Name: L. Christine McCay

_____
Ralph Cantral,
Acting Executive Director

Teresa Divers
Witness Name: Teresa Divers

Date: 6/28/00

Accepted as to Legal Form and Sufficiency:

_____
Ann J. Wild, Trust Counsel

Date: 6/22/00

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STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 28 day of June, 2000, by Ralph Cantral, as Acting Executive Director of the Florida Communities Trust. He is personally known to me.

DARRAH L. BAGLEY
COMMISSION # CC 716067
EXPIRES FEB 12, 2002
BONDED THRU
ATLANTIC BONDING CO., INC

_____
Notary Public
Print Name: Darrah L. Bagley
Commission No. CC716067
My Commission Expires: 02.12.2002

GAA\98-045-P8A
5-15-00

10

EXHIBIT "A"

A TRACT OF LAND LYING IN SECTION 29, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 29, COMMENCE NORTH 89 DEGREES, 38 MINUTES, 22 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 249.64 FEET; THENCE NORTH 18 DEGREES, 41 MINUTES, 32 SECONDS WEST, A DISTANCE OF 257.58 FEET; THENCE NORTH 00 DEGREES, 32 MINUTES, 08 SECONDS EAST, A DISTANCE OF 105.91 FEET; THENCE SOUTH 71 DEGREES, 18 MINUTES, 28 SECONDS WEST, A DISTANCE OF 201.63 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO.1 (STATE ROAD NO. 5) AS SHOWN ON THE PLAT OF "PALM LAKE PARK" AS RECORDED IN PLAT BOOK 3, PAGE 41, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE NORTH 18 DEGREES, 41 MINUTES, 32 SECONDS WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 451.16 FEET; THENCE SOUTH 89 DEGREES, 38 MINUTES, 22 SECONDS EAST, PARALLEL WITH AND 710 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 273.05 FEET; THENCE NORTH 00 DEGREES, 30 MINUTES, 17 SECONDS EAST, PARALLEL TO AND 400 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 205.45 FEET TO THE SOUTH RIGHT OF WAY LINE OF BAKER ROAD, A 60 FOOT RIGHT OF WAY AS NOW LAID OUT AND IN USE; THENCE SOUTH 89 DEGREES, 11 MINUTES, 13 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF BAKER ROAD, A DISTANCE OF 825.00 FEET; THENCE SOUTH 00 DEGREES, 30 MINUTES, 17 SECONDS WEST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89 DEGREES, 32 MINUTES, 08 SECONDS WEST, A DISTANCE OF 814.32 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE NORTH 88 DEGREES, 53 MINUTES, 13 SECONDS WEST, ALONG SAID SOUTH LINE A DISTANCE OF 424.58 FEET TO THE POINT OF BEGINNING.

A tract of Land lying in Section 29, Township 37 South, Range 41 East, Martin County, Florida, being more particularly described as follows: The East 240.97 feet (as measured at right angles to) The East line of the following described parcel: Beginning at the South One-Quarter corner of said Section 29, commence North 89°38'22" West, along the South line of the Southwest quarter of said Section 29, a distance of 249.64 feet; Thence North 18°41'32" West, a distance of 257.58 feet; Thence North 00°32'08" East, a distance of 105.91 feet; Thence South 71°18'28" West, a distance of 201.63 feet to the Easterly right of way line of U.S. Highway No 1 (State Road No 5) As shown on the Plat of "Palm Lake Park" as recorded in Plat Book 3, Page 41 of the Public Records of Martin County, Florida; Thence North 18°41'32" West along said Easterly Right of Way line a distance of 451.16 feet; Thence South 89°38'22" East parallel with and 710 feet North of, as measured at right angles to, the South line of the Southwest quarter of said Section 29, a distance of 273.05 feet; Thence North 00°30'17" East parallel to and 400 feet West of, as measured at right angles to, the East line of the Southwest quarter of said section 29, a distance of 205.45 feet to the South right of way line of Baker Road, a 60 foot right of way as now laid out and in use;

Thence South 89°11'13" East along the South Right of Way line of Baker Road, A distance of 25.00 feet; thence South 00°30'17" West, a distance of 100.00 feet; Thence South 89°11'13" East, a distance of 200.00 feet; Thence North 00°30'17" East a distance of 100.00 feet to the South Right of Way line of said Baker Road; Thence South 89°11'13" East along said South Right of Way line a distance of 175.00 feet to the East line of the Southwest quarter of said Section 29; Thence continue South 89°11'13" East along said South Right of Way line a distance of 250.00 feet; Thence South 00°30'17" West parallel to and 250.00 feet East of, as measured at right angles to, the West line of the Southeast quarter of said Section 29 A distance of 100.00 feet; Thence South 89°11'13" East, a distance of 175.00 feet; Thence North 00°30'17" East a distance of 100.00 feet to the South Right of Way line of said Baker Road; Thence South 89°11'13" East, along said South Right of Way line a distance of 241.03 feet; Thence South 00°32'00" West, a distance of 915.77 feet to the South line of the Southeast quarter of said Section 29; Thence NOrth 88°53'13" West along aforesaid South line a distance of 663.57 feet to the Point of Beginning.

CITY OF STUART

OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: KEV FREEMAN, DEVELOPMENT DIRECTOR

SUBJECT: ANNEXATION OF FOUR PARCELS ON BAKER ROAD ADJACENT TO HANEY CREEK WATERSHED

CC: DAVID DYESS, CITY MANAGER

DATE: October 1, 2020

I have reviewed the agenda item prepared by the Development Director pertaining to the City's annexation of 42.46 acres of conservation land located on or near Baker Road and Green River ParkwayS.E. Federal Highway bearing parcel control nos.: 29-37-41-000-000-00111-1 (6.12 acres); 9-37-41-000-000-00260-0 (13.0 acres); 29-37-41-000-000-00010-3 (16.9 acres); and 29-37-41-000-000-00501-9 (6.44 acres) as depicted in the location maps attached as Exhibit A1-A4 to the Ordinance.

The City is the owner of the property at issue. As a result, the City is seeking a voluntary annexation to place City owned conservation land into the City boundaries. Voluntary annexations are governed by the standards of Section 171.044 Florida Statutes. The basic requirement is stated as follows:

> "(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality."

Because these parcels are being submitted as one annexation the review will be based upon all parcels being annexed contemporaneously.

The state statute contains four (4) general requirements. First, a petition for voluntary annexation

must be unanimously signed by all property owners in the area to be annexed. Second, the property proposed to be annexed must be contiguous and reasonably compact. Third, the proposed annexation cannot produce an enclave. Finally, county charters which provide for an exclusive method of municipal annexation override the Florida Statute. Martin County is not a Charter county and therefore, the fourth criteria does not apply to an annexation in the City of Stuart, Florida.

1. **Signed by all property owners in the geographic area being annexed.** Because the City is the sole owner of all properties, the first requirement has been met.

2. **Contiguous to the Municipality:** Pursuant to Section 171.044(1), F.S., "the owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality." Property is deemed to be "Contiguous" under Section 171.031 (11), F.S., where a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous (sharing a common boundary) with a part of the boundary of the municipality. "Contiguous" has also been defined as "touching or adjoining in a reasonably substantial … sense." See City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989); May v. Lee County, 483 So. 2d 481 (Fla. 2d DCA 1986). The Sanford Court found that Section 171.031(11) F.S. only requires "that a substantial part of a boundary" touch municipal property as opposed to the entire perimeter of the property.

   Section 171.031(11) provides that:

   > Separation of the territory sought to be annexed from the annexing municipality by a publicly owned right-of-way for a highway, road, railroad, canal or utility or a body of water, watercourse of other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such division does not, as a practical matter, present the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent inhabitants from fully associating and trading with each other socially and economically.

In the current application, a review of the location map indicates that a substantial part of the boundary is coterminous with the City of Stuart. The entire frontage of the property of all four properties abuts and is bordered by the City of Stuart. Therefore, the property meets condition two and deemed is contiguous to the City of Stuart.

3. Reasonably Compact

"Compactness is defined under subsection (12) of 171.031, F.S., to mean a concentration of a piece of property in a single area. The requirement for compactness precludes any action which would create enclaves, pockets, or ginger areas in serpentine patterns. The purpose of the compact and contiguous requirement is to assure creation of geographically unified and compact municipalities, City of Sunrise v. Broward County, 473 So. 2d 1387 (Fla. 4th DCA 1985).

A review of the map and the application determines that this property is reasonably compact and meets Florida Statute 171.031(12). Given the configuration of the City, as well as the property requesting annexation, the annexation will not *create* pockets of unincorporated areas or serpentine finger areas.

No Enclaves

Subsection 5 of 171.044, F.S. Provides that "[l] and shall not be annexed through voluntary annexation when such annexation *results in the creation of enclaves*". The term "enclave" is defined under Section 171.031(13), F.S., as "any unincorporated improved or developed area that is bounded on all sides by a single municipality or any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

A review of the map, appears to indicate that property that remains dedicated to the Haney Creek Water Shed will be in an enclave. In addition, there is property on the South Side of Baker Road which will also become an enclave.

Conclusion

Based upon the foregoing facts and analysis it is my opinion that the voluntary annexation of this parcel into the municipal boundaries of the City of Stuart complies with three of the four conditions set forth in Florida Statute §171.044. If the County challenges this annexation application, it is unlikely that the City will meet the burden of proof to comply with the state statute.

This opinion is prepared solely at the request of and for the use of, the City of Stuart, and no other person or entity may rely on it for any purpose without the express written permission of the City of Stuart.

January 28, 2021

Department of Economic Opportunity
Attention: Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

RE: CITY OF STUART ORDINANCE NO. 2452-2021 –TRANSMITTAL OF PROPOSED LARGE-SCALE COMPREHENSIVE PLAN MAP AMENDMENT – HANEY CREEK

The City of Stuart Comprehensive Plan Amendment (Ordinance No. 2452-2021) is hereby transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirements of Section 163.3184 F.S. The proposed large-scale map amendment is submitted for expedited state review process. The City anticipates adoption of the proposed amendment in early March 2021.

The City held a public hearing with the Local Planning Agency on December 14, 2020 (after continuance), to review the proposed Large-Scale Comprehensive Plan Map Amendment. The City Commission conducted a public hearing on January 11, 2021 (after continuance), to review the amendment and approved (5-0) to transmit the amendment package to the DEO.

This transmittal includes three copies (one paper copy and two electronic copies in Portable Document Format (PDF) on a CD ROM, with each reviewing agency receiving a copy via email of the proposed amendment. The transmittal package includes the following items:

1. Cover Letter
2. Exhibit A: Staff Report, Transmitted Ordinance and Attachments -2452-2021 (Annexation, Future Land Use Map and Zoning change)
3. Exhibit B: Minutes from City Commission Meeting – 1.11.2021

By this letter, I hereby certify that the required number of copies of the amendment have been sent as of this date to the identified reviewing agencies as required by Section 163.3184(1)(c), F.S. For purposes of complying with Section 163.3184(2), F.S. please be advised that the proposed amendment is not applicable to an area of critical state concern.

If you require further information, please contact me by telephone at (772) 288-5328; by fax at (772) 288-5388 or by email at kfreeman@ci.stuart.fl.us

Respectfully,

Kev Freeman
City of Stuart Development Department

Enclosures:

Cc: (full packet on disc):

Stephanie Heidt, AICP, Treasure Coast Regional Planning Council.
Terry Manning, AICP, South Florida Water Management District.
Paul Schilling, Martin County Board of County Commissioners.
John Krane, P.E., Florida Dept. of Transportation, District 4.
Florida Dept. of Environmental Protection Plan Review.
Jason Aldridge, Florida Dept. of State, Bureau of Historic Preservation.

Cc (letter only):
Stuart City Commission
David Dyess, City Manager
Michael Mortell, City Attorney
Kev Freeman, City Development Director
Mary Kindel, City Clerk

Ron DeSantis
GOVERNOR

FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

Dane Eagle
EXECUTIVE DIRECTOR

March 3, 2021

The Honorable Eula R. Clarke
Mayor, City of Stuart
121 SW Flagler Avenue
Stuart, Florida 34994

Dear Mayor Clarke:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Stuart (Amendment No. 21-01ESR) received on February 1, 2021. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**

- **The second public hearing,** which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.

- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Melissa Corbett, Planning Analyst, by telephone at 850-717-8505 or by email at Melissa.Corbett@deo.myflorida.com.

Sincerely,

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/mc

Enclosure(s): Procedures for Adoption

cc: Kev Freeman, Development Director, City of Stuart
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format,** clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

> "The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

From: Oblaczynski, Deborah <doblaczy@sfwmd.gov>
Sent: Wednesday, February 3, 2021 3:34 PM
To: Freeman, Kevin <kfreeman@ci.stuart.fl.us>
Cc: 'kelly.corvin@deo.myflorida.com' <kelly.corvin@deo.myflorida.com>; Ray Eubanks (ray.eubanks@deo.myflorida.com) <ray.eubanks@deo.myflorida.com>; Stephanie Heidt (sheidt@tcrpc.org) <sheidt@tcrpc.org>; tlanahan@tcrpc.org; DEO Planning Group Email (DCPexternalagencycomments@deo.myflorida.com) <DCPexternalagencycomments@deo.myflorida.com>
Subject: City of Stuart, DEO #21-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Freeman:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the City of Stuart (City). The amendment changes the land use designation on four City owned properties totaling 42.46 acres from Martin County Mobile Home, Low Density, and Medium Density to City of Stuart Conservation due to a concurrent annexation. The proposed changes do not appear to adversely impact the water resources within the District; therefore, the District has no comments on the proposed amendment package.

The District requests that the City forward a copy of the adopted amendments to the District. Please contact me if you have any questions or need additional information.

Sincerely,

Deb Oblaczynski
Policy & Planning Analyst
Water Supply Implementation Unit

Please be advised I am working from home until further notice. I can be contacted at:
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
Email: doblaczy@sfwmd.gov or
Cell Phone: 561-315-1474

TREASURE COAST REGIONAL PLANNING COUNCIL

M E M O R A N D U M

To: Council Members AGENDA ITEM 4B6

From: Staff

Date: February 10, 2021

Subject: Local Government Comprehensive Plan Review
Draft Amendment to the City of Stuart Comprehensive Plan
Amendment No. 21-01ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, authorizes the regional planning council to review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the City of Stuart was received on January 28, 2021 and contains one amendment to the Future Land Use Map (FLUM). This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

The proposed amendment is to revise the future land use designation on 4 parcels totaling 42.46 acres of land from Martin County Mobile Home, Low Density Residential, and Medium Density Residential to City Conservation. The City is annexing the parcels concurrently with this proposed FLUM amendment. The subject properties are located adjacent to Green River Parkway and NW Baker Road, just east of S.E. Federal Highway. Adjacent land use designations are: City Conservation to the north; City Conservation and County Medium Density Residential to the south; County Low Density Residential to the northwest; City Industrial and County Medium Density Residential to the southwest; City Neighborhood/Special to the southeast; and County Mobile Home to the east.

The Conservation land use designation is being proposed to: conserve and protect natural resources including wetlands, floodplains, unique native vegetation, and habitat of listed species; provide flood control; and provide a general open space amenity. Uses that are allowed under

this designation include: passive recreation support facilities and other public facilities and utilities that do not conflict with the purpose of the land use category.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

Council requested comments from local governments and organizations expressing an interest in reviewing the proposed amendment on February 1, 2021. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Recommendation

Council should approve this report and authorize its transmittal to the City of Stuart and the Florida Department of Economic Opportunity.

Council Action – February 19, 2021

Commissioner Smith moved approval of the staff report. Mayor Foley seconded the motion, which carried unanimously.

Attachments

List of Exhibits

Exhibit

1	General Location Map
2	Existing County Future Land Use Map
3	Proposed City Future Land Use Map

Exhibit 1
General Location Map

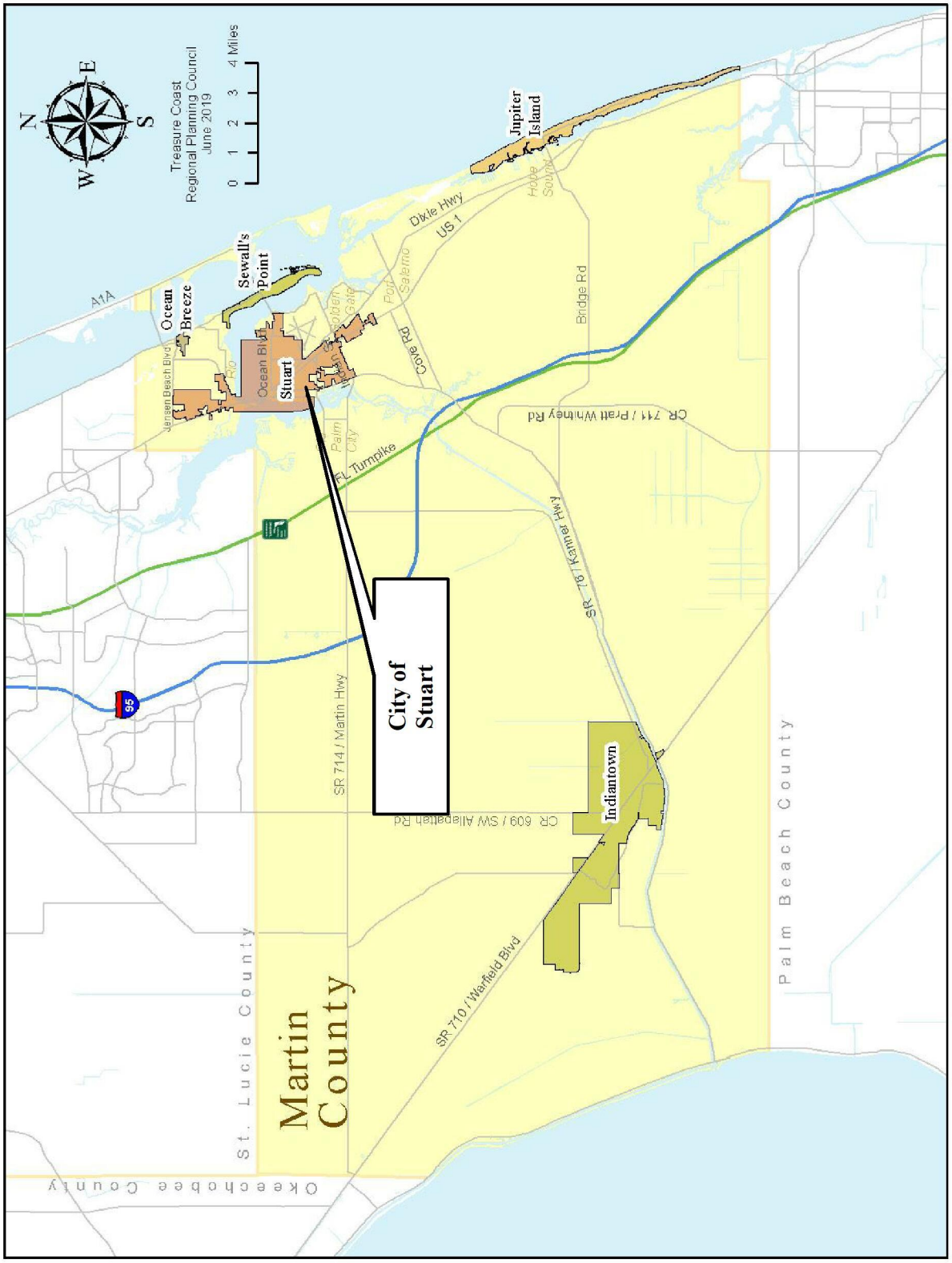


Exhibit 2
Existing County Future Land Use Map

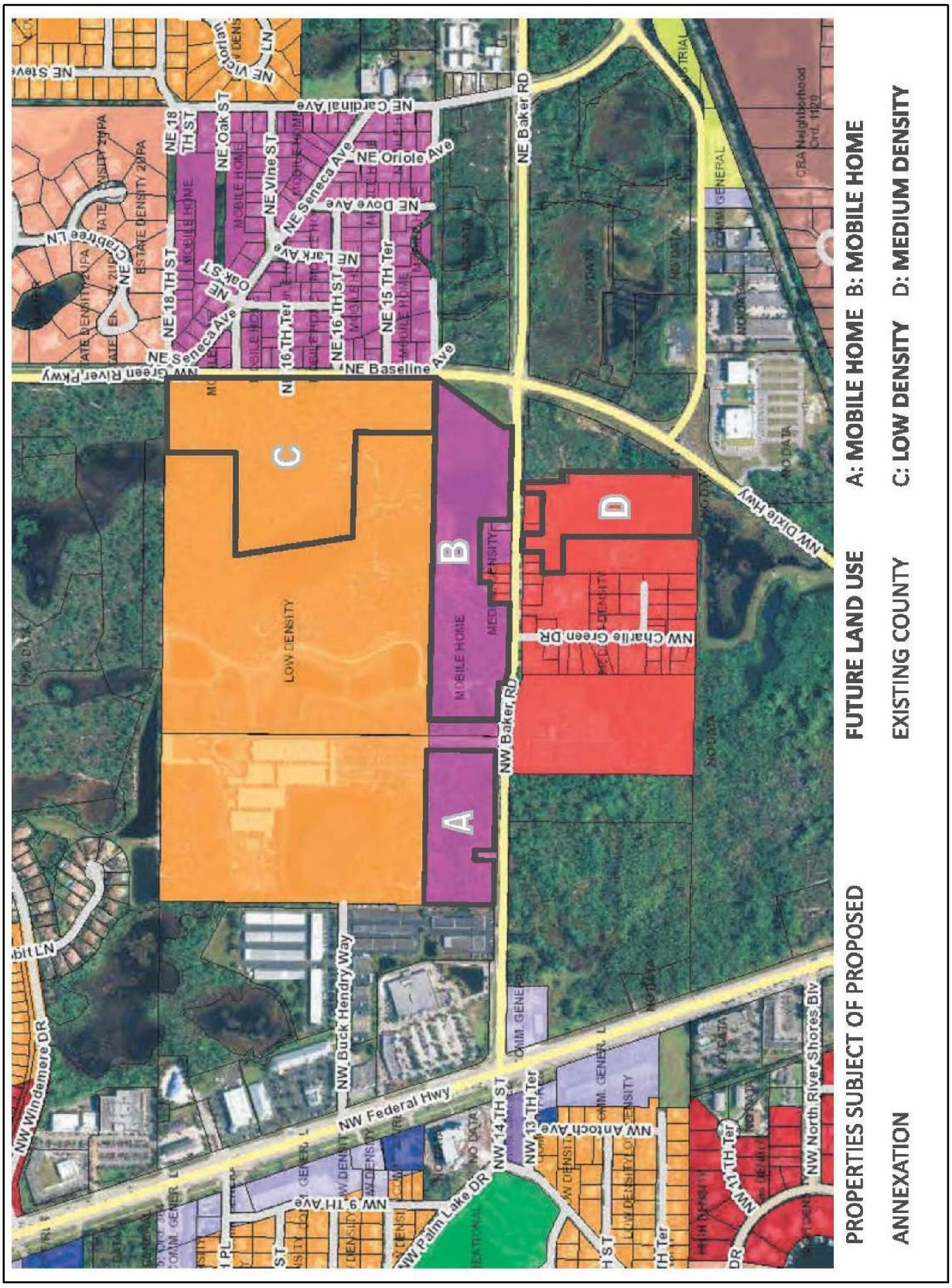
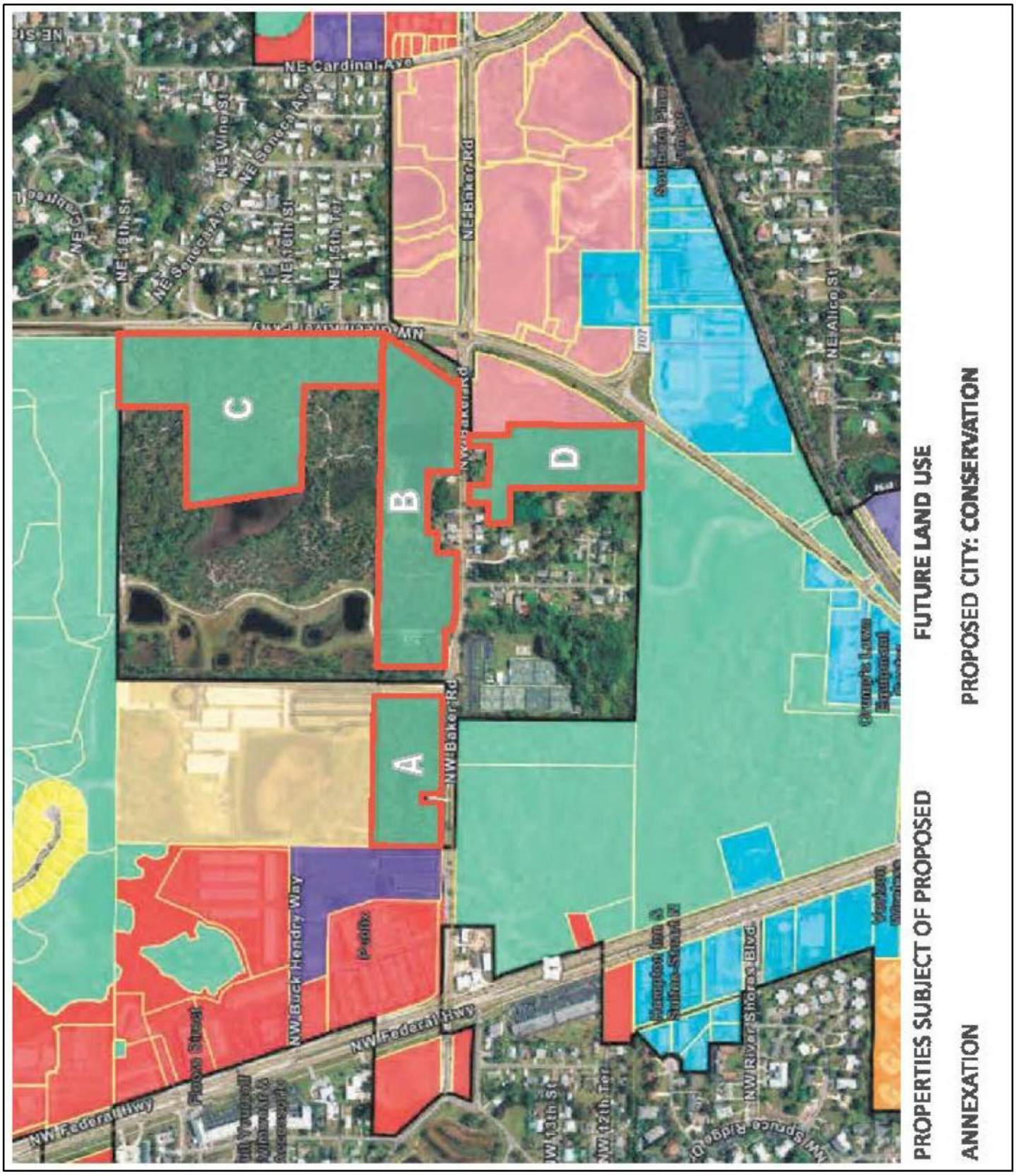


Exhibit 3
Proposed City Future Land Use Map



Freeman, Kevin

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Friday, February 26, 2021 4:37 PM
To: Freeman, Kevin; dcpexternalagencycomments@deo.myflorida.com
Cc: Plan_Review
Subject: Stuart 21-01ESR Proposed

Follow Up Flag: Follow up
Flag Status: Flagged

This message has originated from an **[EXTERNAL EMAIL ADDRESS]**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email. If it shows as being from someone within the City, please contact the City's Technology Services personnel.

To: Kev Freeman, City of Stuart Development Department

Re: Stuart 21-01ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.





CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 3/22/2021 **Prepared by:** Tom Reetz

Title of Item:

FOURWINDS AT ST LUCIE; REZONING (RC):

ORDINANCE No. 2460-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING FROM (R-1) SINGLE FAMILY TO (R-2) DUPLEX ON THE CITY'S OFFICIAL ZONING MAP FOR PROPERTY TOTALING 0.75 ACRES, OWNED BY 245 ST LUCIE, LLC AND 257 4WINDS, LLC, LOCATED ON THE NORTHEAST CORNER OF ST LUCIE BOULEVARD AND SE FOURWINDS DRIVE; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On March 8, the City Commission unanimously approved Ordinance 2460-2021 Fourwinds @ St. Lucie Rezoning at First Reading. There have been no changes to the approval since then.

On February 11, the Local Planning Agency recommended approval (4-1) for the rezoning of two existing parcels from R-1 to R-2 for the Fourwinds @ St. Lucie property.

Mr. Thornberry, 265 S.E. St. Lucie Blvd. (neighbor) has appeared as an intervenor at first reading. The City sent Mr. Thornberry an email confirming the procedure for second reading. Mr. Thornberry responded by stating that he did not intend to submit any additional documents and further stated that he will not be attending the Second Reading.

The subject property is located south on the northeast corner of SE St. Lucie Boulevard and SE Fourwinds Drive. The property consists of two (2) parcels (.298) and (.448) acres with an existing single family home on each in the R-1 Single-Family General zoning district.

The applicant, is requesting a change to the Zoning Map designation from R-1 to R-2. The R-2 zoning district allows single family criteria and two family criteria. The (Single-family option) will allow five (5) single-family homes to be built on 50 foot wide lots. The (Two-family option) will allow three (3) two-family homes to be built on 75 foot wide lots upon application, review and final approval of building permits by the City's Development Department.

It is important to note the subject property (lots 14, 15, 16, 17 and 18) was originally platted as 50 foot wide lots. Also, Ordinance No. 2454-2020 provides minimum width for R-2 lots of 50 feet for the (Single-family option) only, which matches the underlying platted lots.

Funding Source:

N/A

Recommended Action:

Motion to adopt Ordinance No. 2460-2021 at Second Reading.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	A.1 Ord 2460-2021 Fourwinds @ St Lucie	3/12/2021	Ordinance add to Y drive
🗋	B.1 Staff/Review/Report	3/12/2021	Staff Report
🗋	C.1 Application	2/3/2021	Backup Material
🗋	D.1 Applicant's Submittal	2/3/2021	Backup Material
🗋	D.2 Ord 2454-2020 R2 & R3	2/3/2021	Ordinance add to Y drive
🗋	E.1 Public Notice	2/3/2021	Ordinance add to Y drive
🗋	F1 - Email to intervenor	3/16/2021	Exhibit

BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2460-2021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING FROM (R-1) SINGLE FAMILY TO (R-2) DUPLEX ON THE CITY'S OFFICIAL ZONING MAP FOR PROPERTY TOTALING 0.75 ACRES, OWNED BY 245 ST LUCIE, LLC AND 257 4WINDS, LLC, LOCATED ON THE NORTHEAST CORNER OF ST LUCIE BOULEVARD AND SE FOURWINDS DRIVE; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by 245 St. Lucie LLC & 257 4Winds LLC, (owner) of 2 parcels of developed land totaling .75 acres and located on the northeast corner of SE St. Lucie Boulevard and SE Fourwinds Drive.

WHEREAS, the City of Stuart has determined the need to change the zoning district from (R-1) Single-Family General to (R-2) – Duplex for said lands; and

WHEREAS, the City Commission has considered the Petitioner's voluntary request for zoning designations and has also considered the recommendation of City staff.

WHEREAS, the owner has committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon this ordinance; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application is consistent with the Stuart Comprehensive Plan, and the Land Development Code of the City, and with the procedural requirements of law; and

WHEREAS, this residential development will be in harmony with surrounding properties and their anticipated development; and

WHEREAS, the foregoing recitals are true and adopted as findings of fact and conclusions of law; and

WHEREAS, the property is legally described in **"Exhibit A"** of this ordinance. A Boundary Survey depicting the property is attached hereto as **Exhibit "B"** and made a part hereof by reference**.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:

SECTION 1: The Zoning designation of the subject property shall be established as "R-2" on the City of Stuart's Official Zoning Map.

SECTION 2: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code.

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 4: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5: Following the adoption and acceptance of this ordinance by the Owners, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission, and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing before the City Commission the developer may appear and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.

b. Direct the City Development Director to initiate the process to rezone the property or any portion of the property.

c. Impose an administrative penalty of up to $1,000.00 for each violation, and up to $5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the City.

Any breach of any provision or condition of this PUD ordinance by the developer shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation found continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 6: This ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owners.

SECTION 7: The complete execution and recording of this Ordinance by the City Clerk shall occur no later than 60 days from the date of this approval, failing which this ordinance shall be void.

SECTION 8: Passed on first reading the ____ day of _____, 2021.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
EULA R. CLARKE, MAYOR				
MERRITT MATHESON, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2021.

ATTEST:

MARY R. KINDEL	EULA R. CLARKE
CITY CLERK	MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A REZONING ORDINANCE AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS PROPERTY IN ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

_____ 245 St. Lucie LLC & 257 4Winds LLC,

By: _____ _____

Print Name: _____ Douette Pryce, MGMR

By: _____

Print Name: _____

OWNER'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐physical presence or ☐online notarization, this _____ day of _____, 2021, by _____

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

CITY'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐physical presence or ☐online notarization, this _____day of _____, 2021, by EULA R. CLARKE, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Personally Known OR Produced Identification
Type of ID Produced _____

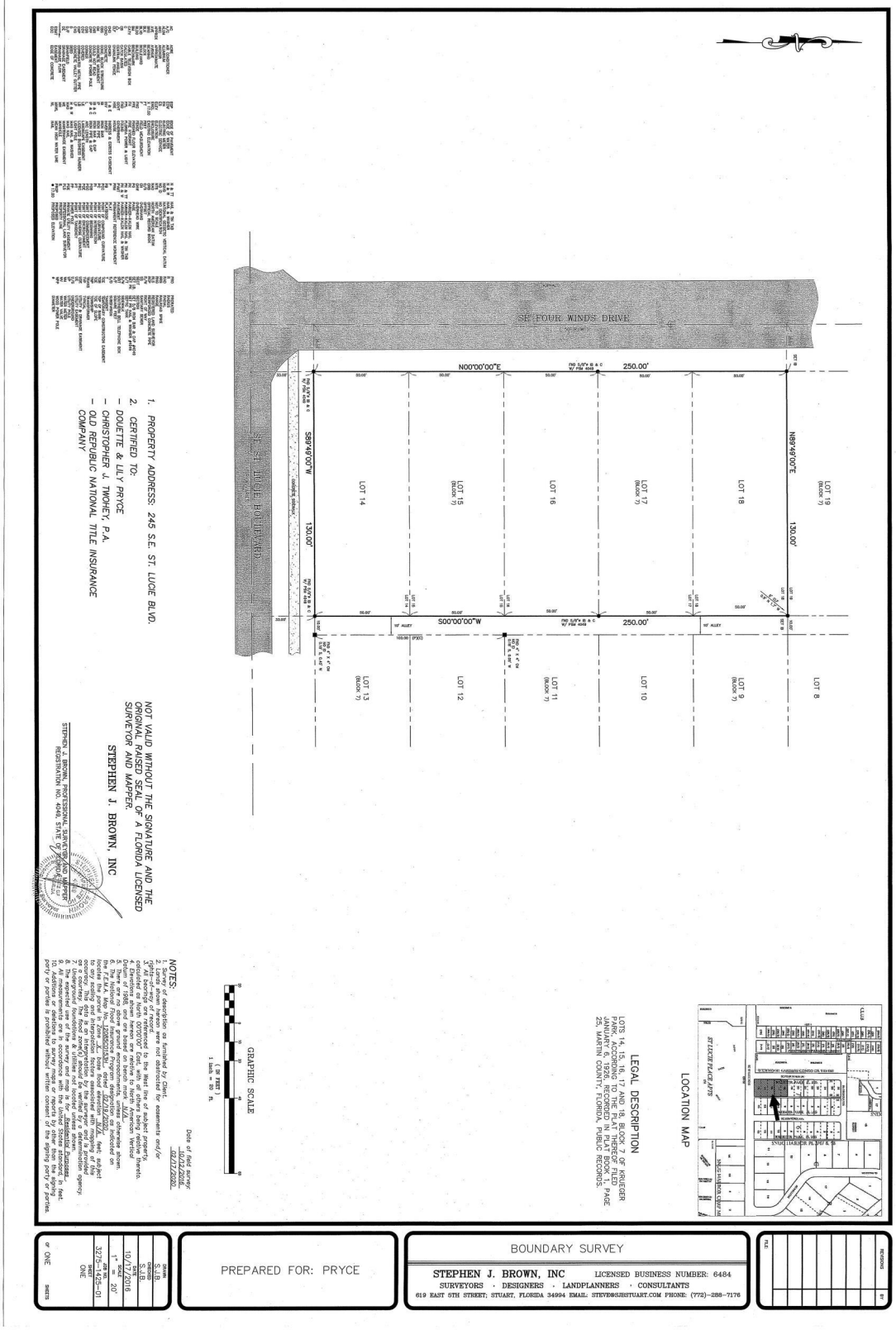
Signature of Notary Public: _____
Commission Expires:

Notary Seal:

EXHIBIT "A"

LOTS 14, 15, 16, 17 AND 18, BLOCK 7 OF KRUEGER PARK, ACCORDING TO THE PLAT THEREOF FILED JANUARY 6, 1926, RECORDED IN PLAT BOOK 1, PAGE 25, MARTIN COUNTY, FLORIDA, PUBLIC RECORDS.

EXHIBIT "B"


SE FOUR WINDS DRIVE
S.E. ST. LUCIE BOULEVARD
N00°00'00"E
250.00'
S89°49'00"W
130.00'
S00°00'00"W
N89°49'00"E
LOT 14
LOT 15 (BLOCK 7)
LOT 16
LOT 17 (BLOCK 7)
LOT 18
LOT 19 (BLOCK 7)
LOT 13 (BLOCK 7)
LOT 12
LOT 11 (BLOCK 7)
LOT 10
LOT 9 (BLOCK 7)
LOT 8
10' ALLEY
1. PROPERTY ADDRESS: 245 S.E. ST. LUCIE BLVD.
2. CERTIFIED TO:
– DOUETTE & LILY PRYCE
– CHRISTOPHER J. TWOHEY, P.A.
– OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
STEPHEN J. BROWN, INC
STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4946 STATE OF FLORIDA
GRAPHIC SCALE
1 inch = 20 ft.
NOTES:
LEGAL DESCRIPTION
LOTS 14, 15, 16, 17 AND 18, BLOCK 7, OF KRUEGER PARK, ACCORDING TO THE PLAT THEREOF FILED JANUARY 6, 1925, RECORDED IN PLAT BOOK 1, PAGE 25, MARTIN COUNTY, FLORIDA, PUBLIC RECORDS.
LOCATION MAP
BOUNDARY SURVEY
PREPARED FOR: PRYCE
STEPHEN J. BROWN, INC
LICENSED BUSINESS NUMBER: 6484
SURVEYORS · DESIGNERS · LANDPLANNERS · CONSULTANTS
619 EAST 5TH STREET; STUART, FLORIDA 34994 EMAIL: STEVE@SJBSTUART.COM PHONE: (772)-288-7176
10/17/2016
1" = 20'
3227-245-01
SHEET ONE
OF ONE SHEETS

Staff Review

A. Application

Fourwinds @ St Lucie

Applicant	Douette Pryce, MGRM (Applicant) 257 4Winds LLC and 245 St Lucie LLC
Property Owner	257 4Winds LLC and 245 St Lucie LLC (Property Owner)
Agent for Applicant	Douette Pryce
Project Manager	Tom Reetz
Date of Report	3/12/2021

B. Project Description

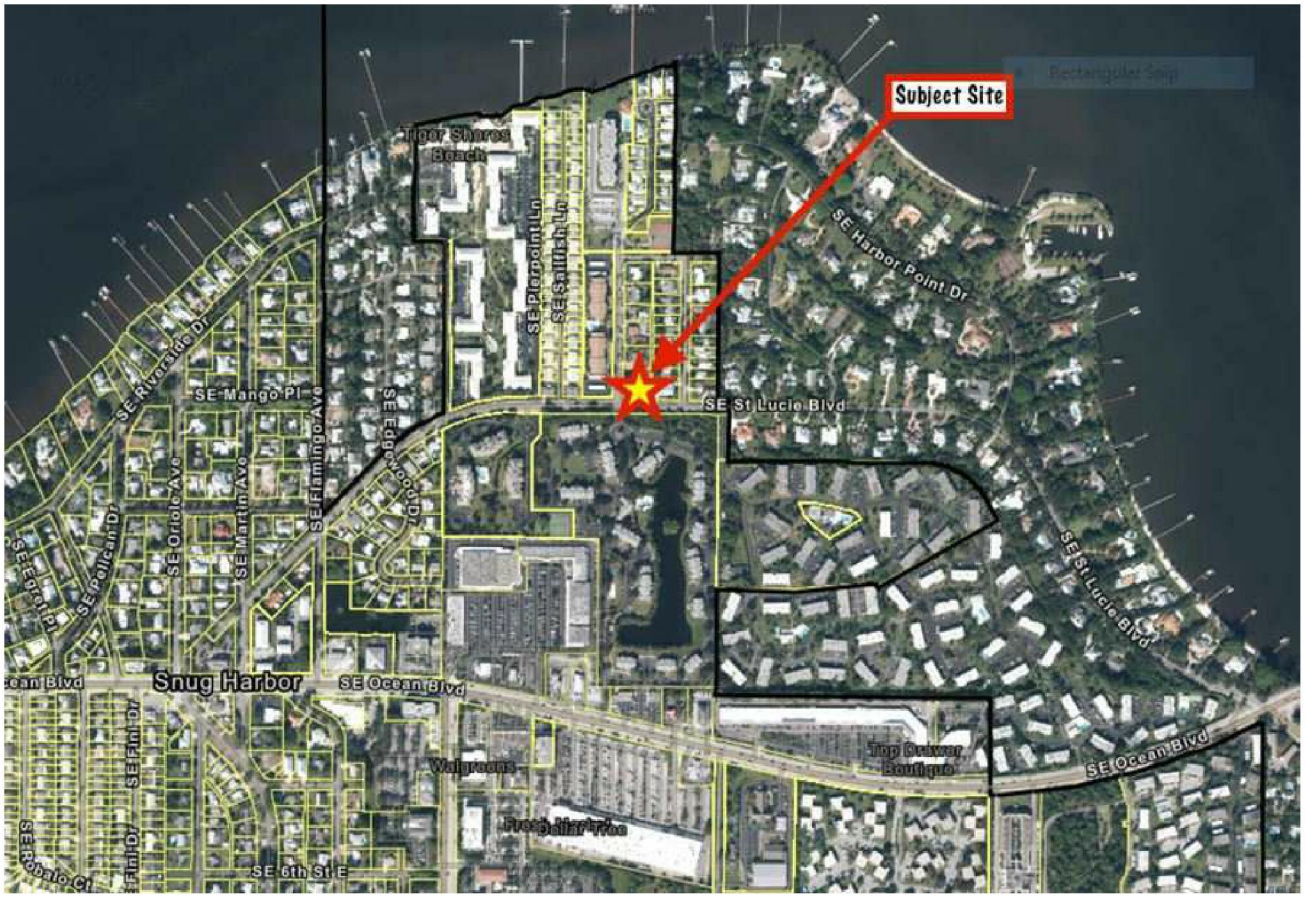
The intent of this application is to request a rezoning of the property from the current zoning designation of R-1 Residential to R-2 Residential.

C. Location and site information

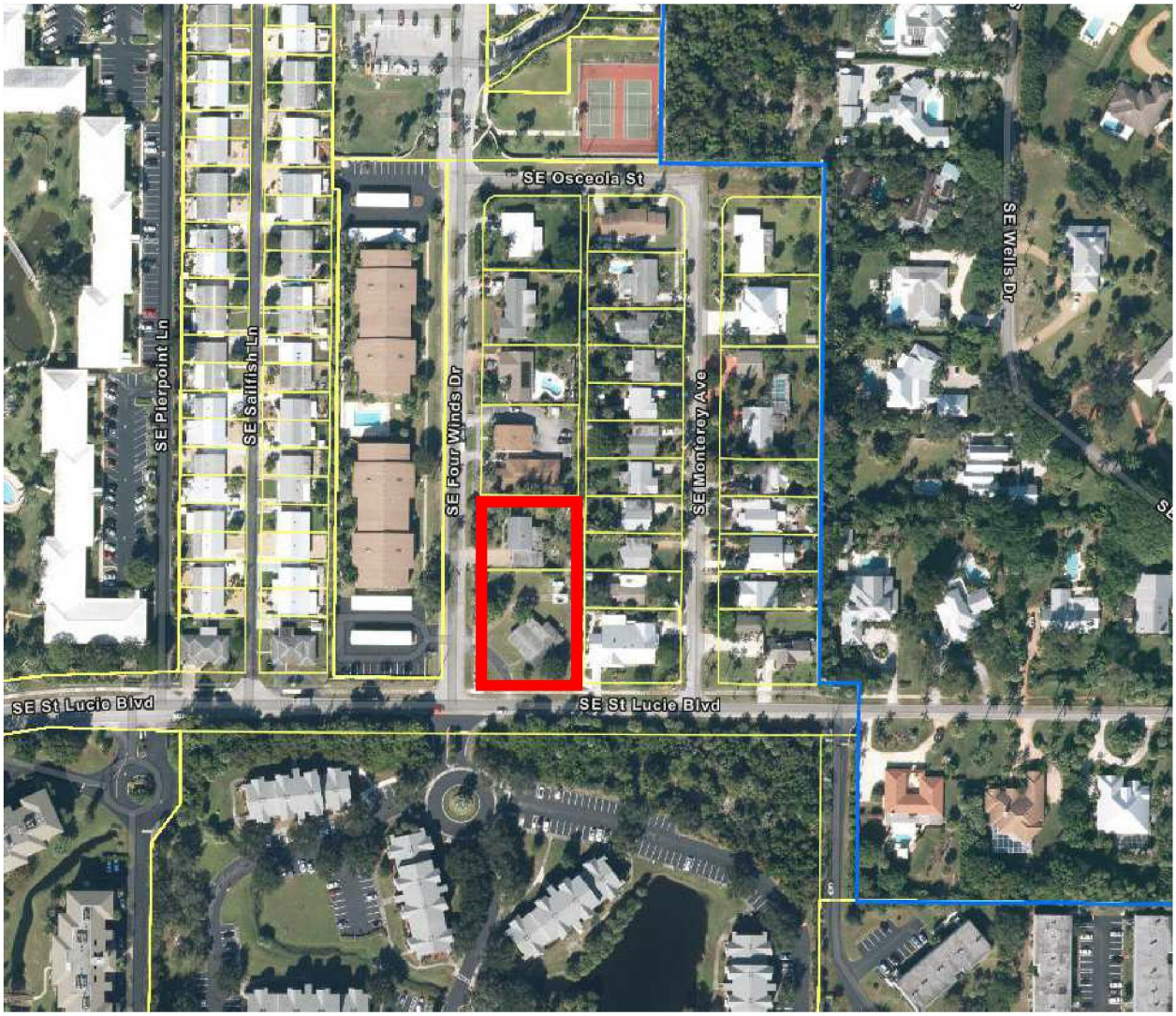
Address	257 SE Four Winds Drive & 245 SE St Lucie Blvd.
Parcel Number(s)	033841006007001505 & 033841006007001701
Existing Zoning	R-1
Future Land Use	Low Density Residential
Site Area (acres)	.298 & .448
Present Use	2 Single Family Residential Units
Subject Property Land Use	Low Density Residential
Proposed Land Use Designation	Low Density Residential – NO CHANGE
Subject Property Zoning	R-1
Proposed Zoning District	R-2
Proposed Use	Residential
City Approvals	Building Department – No comments at this time. Fire Department – No comments at this time. Public Works – No comments at this time. Police Department – No comments at this time

Brief Explanation	The intent of this application is to request a rezoning of the property from the current zoning designation of R-1 to R-2
Staff Recommendation: Staff recommends approval for the zoning district designation change from R-1 to R-2.	

Aerial Map

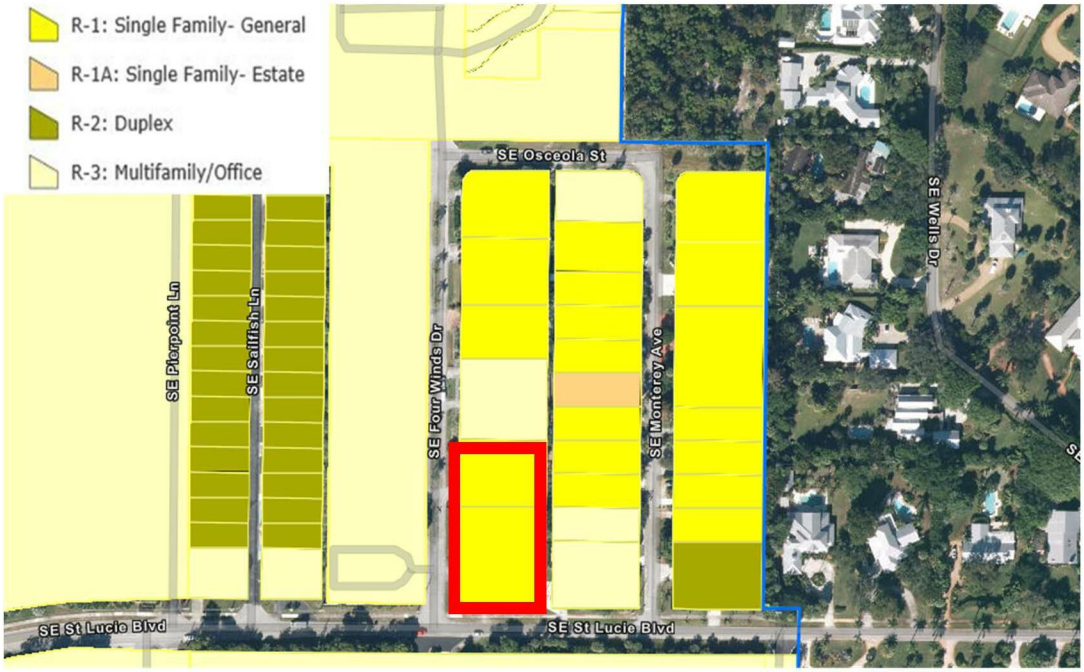


Location/Aerial



Existing Zoning

R-1: Single Family-General



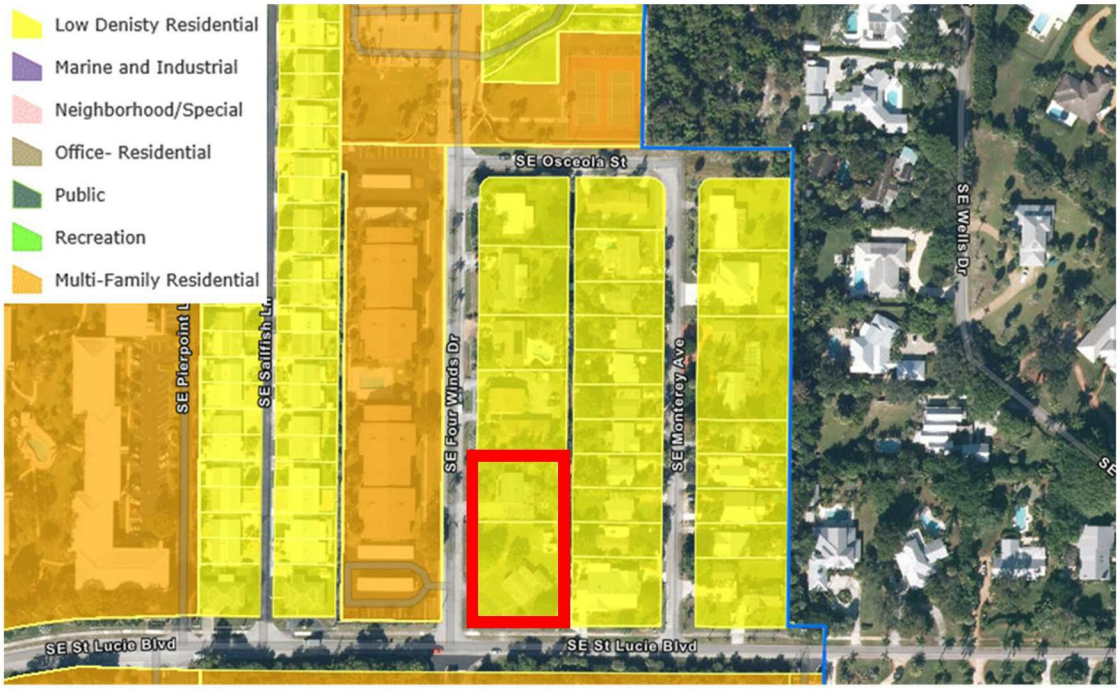
Proposed Zoning

R-2: Single Family/Duplex



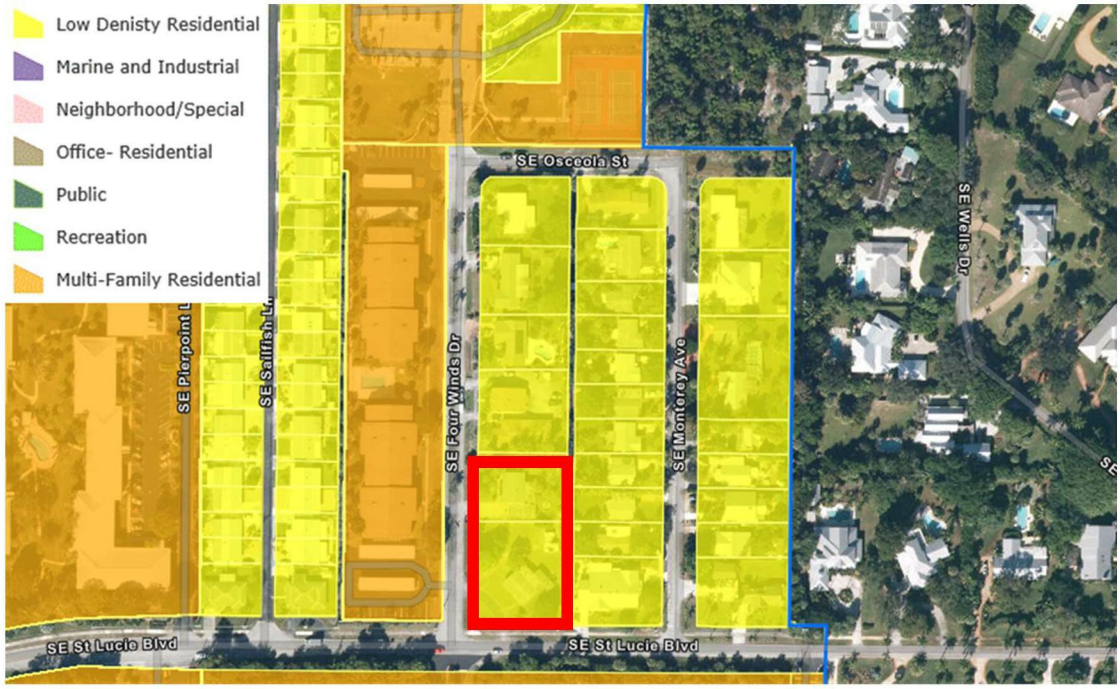
Existing Future Land Use

Low Density Residential



Proposed Future Land Use

Low Density Residential



D. Determination of compliance with Comp Plan

The proposed rezoning to R-2 is in compliance with the underlying future land use of **Low Density Residential**.

Policy A7.1. The City of Stuart has designated the following land use categories and allowed uses for all land within the City of Stuart:

A. Low Density Residential: One or two dwelling units per building. Includes single family detached, duplex, townhomes, patio homes, garden homes, foster homes, adult congregate living facilities of four or fewer unrelated residents, and zero-lot-line residences. Also, public facilities, churches, day care centers, schools and electric distribution substations are allowed.

Policy B3.2. All development shall be compatible with and complementary to surrounding land uses and shall not unduly affect existing approved activities.

E. Review Comments

1. Zoning and Site Design

The proposal to rezone from the R-1 district to the R-2 district, is in compliance with the existing future land use of Low Density Residential. The underlying plat and lots dimensions will allow the individual lots to be developed within the lot area, lot width and setback requirements of the R-2 zoning district.

2. Architectural Design

The applicant has supplied conceptual architectural designs and site layout dimensions that are in compliance with the R-2 zoning district.

3. Engineering – Drainage/Stormwater

The development of the individual single-family lots or two-family lots will be subject to the City's Land Development Code relating to stormwater design and treatment relating to infill residential.

4. Environmental and Landscaping

The future development of the individual single-family lots or two-family lots will be subject to the City's Land Development Code site planning requirements relating to environmental and landscaping in respect of development within the R-2 zoning district.

5. Traffic and Transportation

The traffic impact from the proposed re-zoning to facilitate five R-2 single-family or three two-family lots has been analyzed and has a de-minimis impact.

6. Public Works

N/A

7. School District

Rezoning to allow the development of five single-family residential lots or three two-family lots is determined to be de-minimis. The development of each lot will be subject to School District impact fee.

CITY OF STUART, FLORIDA
DEVELOPMENT DEPARTMENT
REZONE REAL PROPERTY APPLICATION
(including Planned Unit Developments)

Reviewed By:

RECEIVED
JAN 04 2021
DEVELOPMENT

Application must be legible with all relevant fields completed.

Project ID# 2210100001
(Staff Entry)

Received By:

Pre-App Conference Date:	November 23, 2020	Application Date:	
Project Name:	Fourwinds @ St Lucie		
Parcel ID#	03-38-41-006-007-00170-1. & 03-38-41-006-007-00150-5	Project Address:	257 SE Fourwinds Dr & 245 St Lucie Blvd
Current Zoning:	R-1A - Single Family Residential Estate	Current Land Use:	Low Density Residential
Proposed Zoning:	R-2 - Single Family Residential	Proposed Land Use:	Low Density Residential
Present Use:	Single Family Residential	Site Area/Acreage:	32,500 sq ft / .75 Acres

Fees *(check box)*: *This does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees.*

Rezoning to CPUD	$3,584.00	☐	Site space must be greater than 20,000 sq. ft.
Rezoning to RPUD	$3,584.00	☐	Site area must be greater than .5 acre
Rezoning to MXPUD	$3,584.00	☐	Site area must be greater than .5 acre
Rezoning to Industrial IPUD	$3,584.00	☐	Site area must be greater than 1 acre
Rezoning to Public Service PSPUD	$3,584.00	☐	Site area must be greater than 2.5 acres
Non-PUD District Rezoning	$1,433.00	X	

Submittal Requirements: A completed application form, the payment of fees, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and a site plan. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan. However, in doing so the applicant acknowledges that a site plan will need to be submitted for City Commission approval prior to making application for a development permit.) The data requirements for a site plan and a concept plan are available at the Development Department.

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. The Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. The City Commission is also required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.

Written justification supporting the application and demonstrating how the application:

- Is consistent with the relevant components of the City of Stuart Comprehensive Plan including concurrency with adopted levels-of-service for utilities/facilities and compatibility with existing/planned uses and
- Complies with the relevant development standards of the City of Stuart Land Development Code *(include additional pages if needed).*

**See attached Justification Statement

(over)

General Information
(Please Print or Type)

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name: Douette Pryce	City/State/Zip Code: Stuart, FL 34996
Title: MGRM	Telephone Number: (772)324-9220
Company: 245 ST Lucie LLC & 257 4Winds LLC	Facsimile Number:
Company Address: 22 NE Fieldway Drive	Email Address (optional): dpryce@pryceresources.com

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

Name:	City/State/Zip Code:
Title:	Telephone Number:
Company:	Facsimile Number:
Company Address:	Email Address (optional):

3. The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will be made prior to the receipt of the consultant comments.

Name: Douette Pryce	City/State/Zip Code: Stuart, FL 34996
Title: MGRM	Telephone Number: (772)324-9220
Company: 245 ST Lucie LLC & 257 4Winds LLC	Facsimile Number:
Company Address: 22 NE Fieldway Drive	Email Address (optional):

I hereby certify that all information contained herein is true and correct.

4. Signed this 28 day of December, 2020.

Lisa Broom
State of Florida
My Commission Expires 04/01/2024
Commission No. GG 972869

Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 28th day of December 2020 by Douette H. Pryce who is personally known to me, or who has produced Florida Driver's License as identification and who did/did not take an oath.

Lisa Broom
Notary Signature

Commission expires:



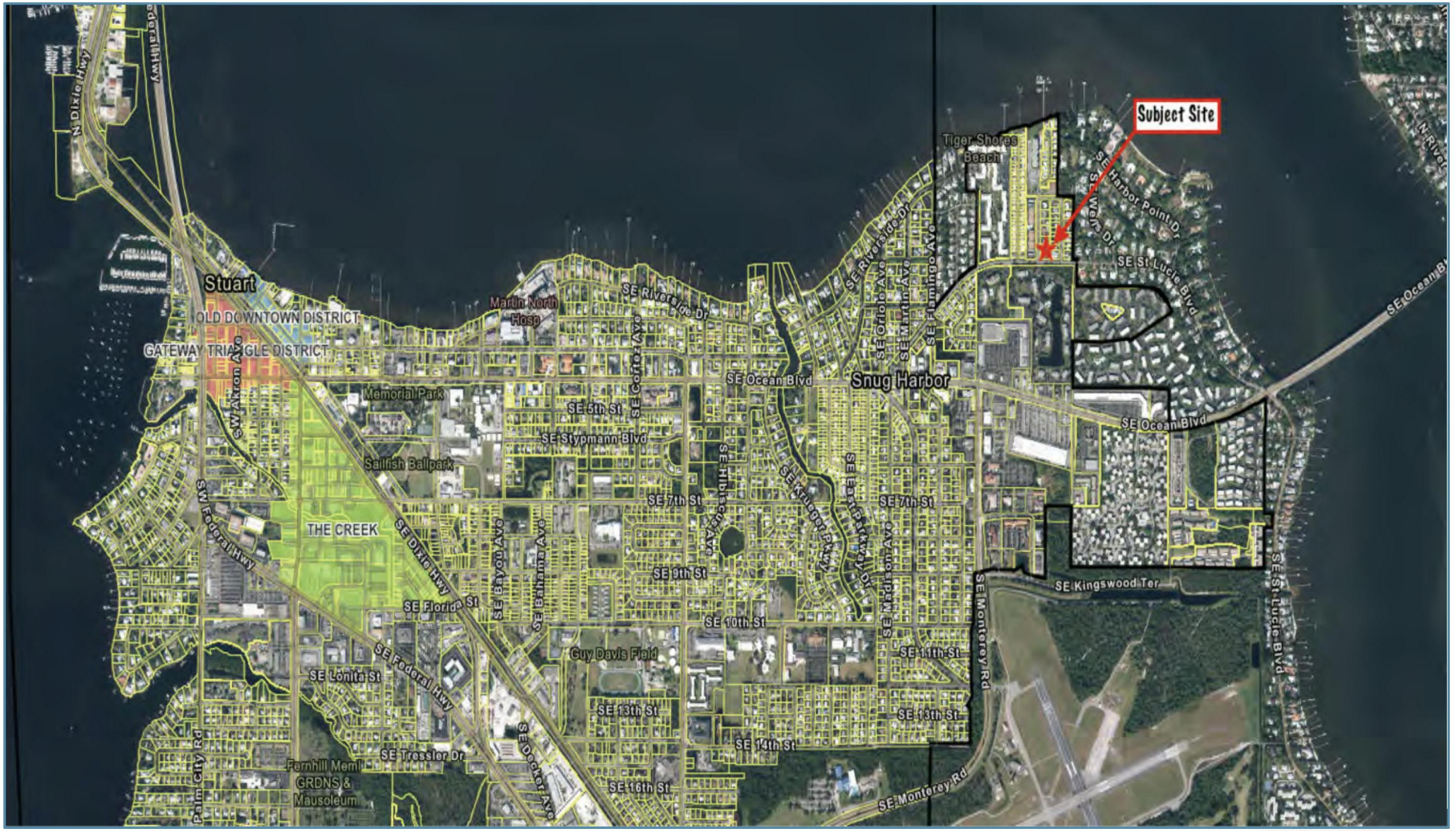
"A PLACE FOR PARTICULAR PEOPLE"
THE MISSING MIDDLE

FOUR WINDS AT ST LUCIE

PRYCE RESOURCES

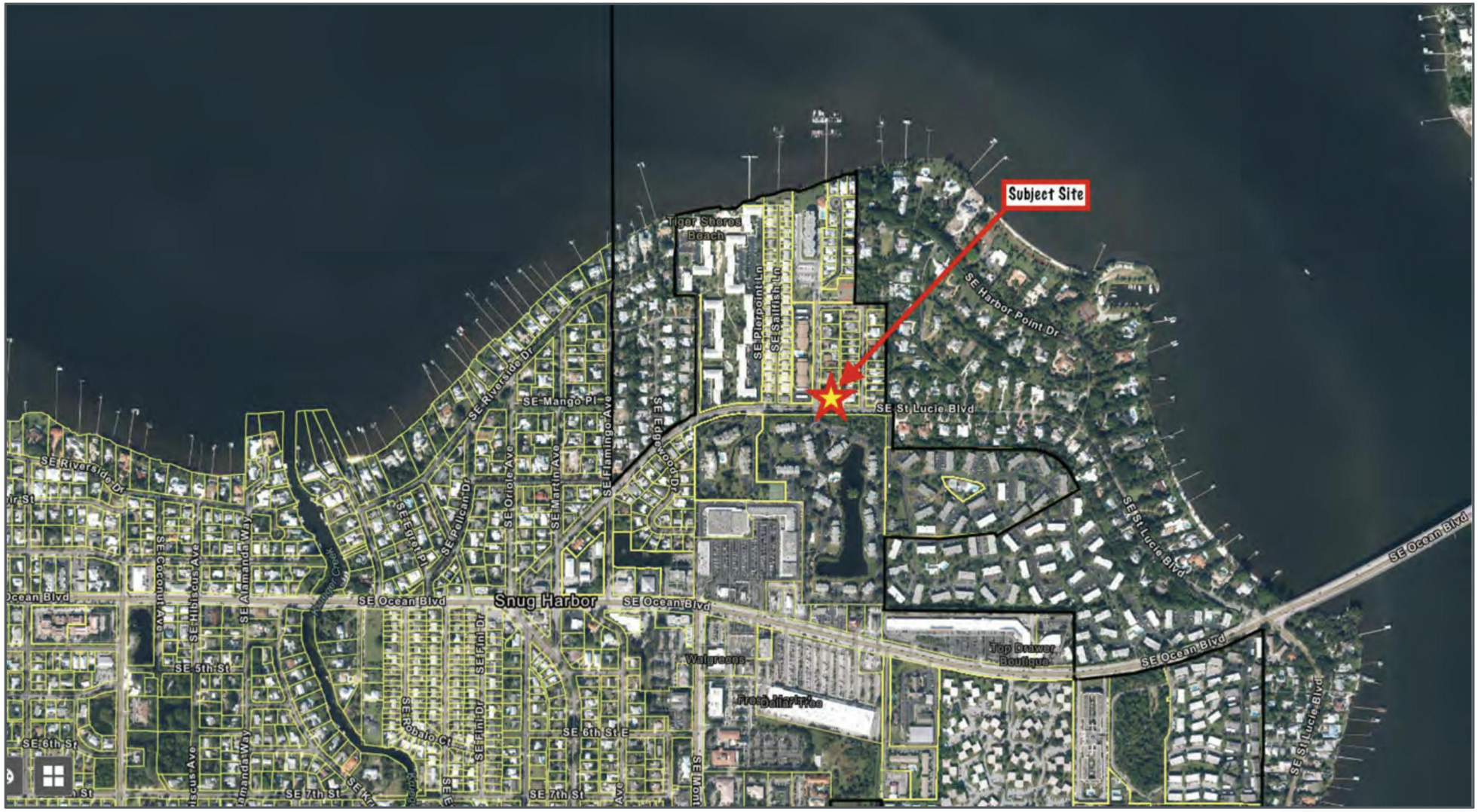
LOCATION MAPS

SUBJECT SITE *(245 ST LUCIE BLVD/257 SE FOURWINDS DR.)*



APPROVED
By Douette Pryce at 2:51 pm, Dec 29, 2020

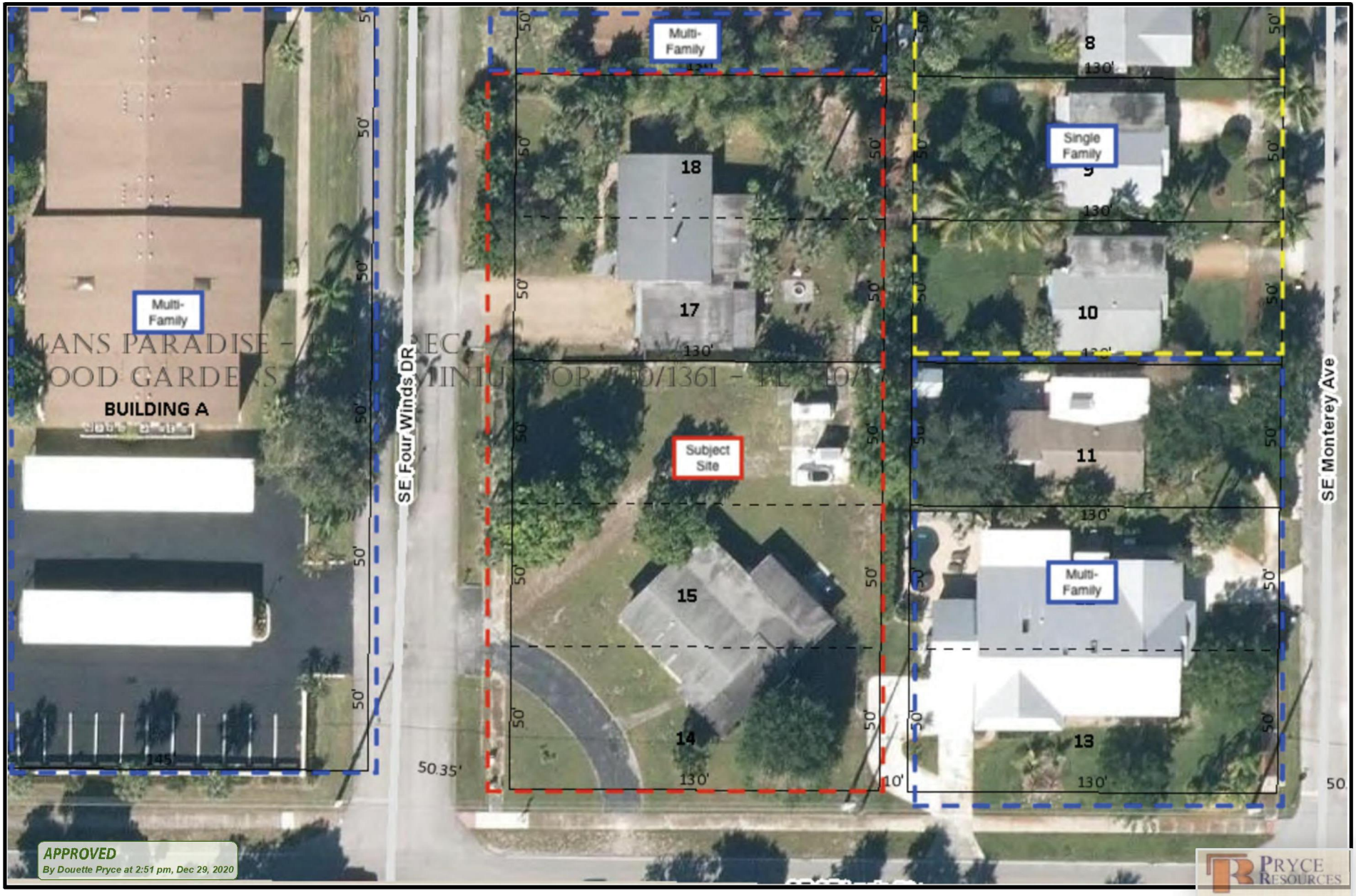
SUBJECT SITE *(245 ST LUCIE BLVD/257 SE FOURWINDS DR.)*



APPROVED
By Douette Pryce at 2:51 pm, Dec 29, 2020

PRYCE RESOURCES

SUBJECT SITE *(245 ST LUCIE BLVD/257 SE FOURWINDS DR.)*



VICINITY MAPS

VICINITY MAP- 300' SITE RADIUS

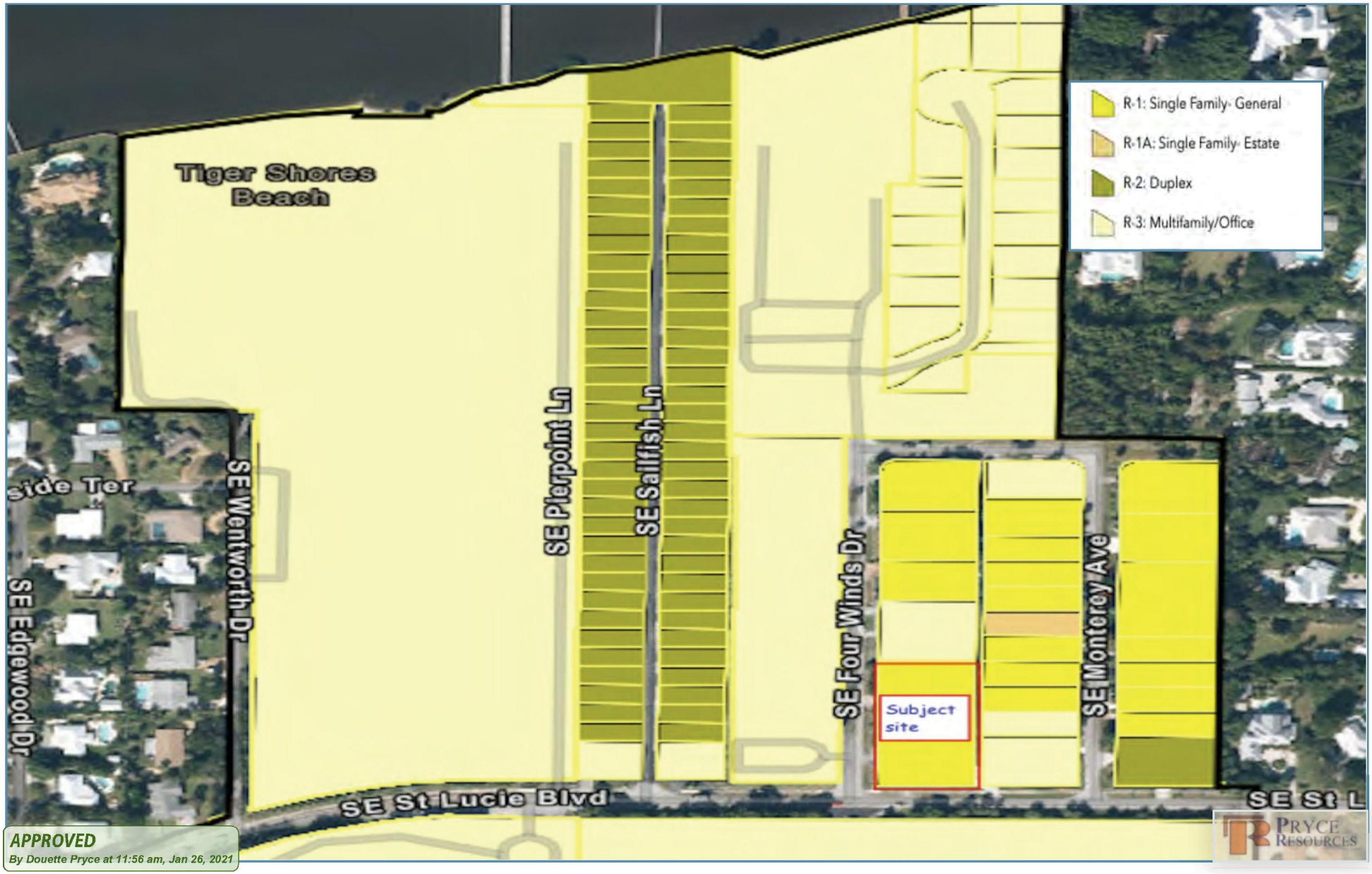


VICINITY MAP- SURROUNDING ZONED USES



ZONING/FLU MAPS

ZONING



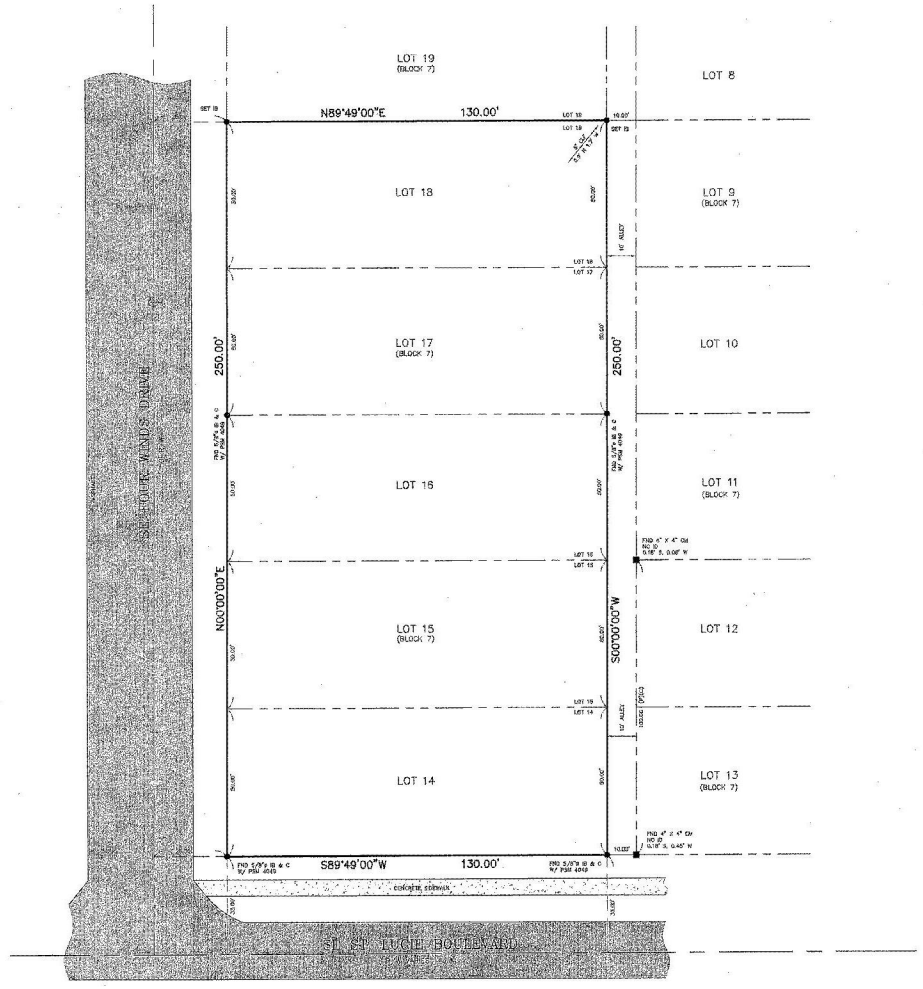
APPROVED
By Douette Pryce at 11:56 am, Jan 26, 2021

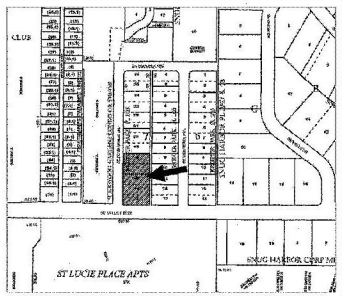
PRYCE RESOURCES

Future Land Use



COMBINED SITE SURVEYS





LOCATION MAP

LEGAL DESCRIPTION

LOTS 14, 15, 16, 17 AND 18, BLOCK 7 OF KRUEGER PARK, ACCORDING TO THE PLAT THEREOF FILED JANUARY 6, 1926, RECORDED IN PLAT BOOK 1, PAGE 25, MARTIN COUNTY, FLORIDA, PUBLIC RECORDS.

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

AC.	ACRE	EOP	EDGE OF PAVEMENT	N & T	NAIL & TIN TAB	PRO	PRORATED
A/C	AIR CONDITIONER	EOW	EDGE OF WATER	R & W	NAIL & WASHER	R	RADIUS
ALUM	ALUMINUM	EM	ELECTRIC METER	NGVD	NATIONAL GEODETIC VERTICAL DATUM	RAD	RADIAL
ANC	ANCHOR	EV	ELECTRIC VERVICE	NO ID	NO IDENTIFICATION	RNG	RANGE
APPROX	APPROXIMATE	ELEV	ELEVATION	NR	NON RADIAL	RR	RAILROAD SPIKE
ASPH	ASPHALT	ENCL	ENCLOSURE	NAD	NORTH AMERICAN DATUM	RLS	REGISTERED LAND SURVEYOR
BFG	BEARING	X 17.00	EXISTING ELEVATION	ORB	OFFICIAL RECORD BOOK	RCP	REINFORCED CONCRETE PIPE
BLK	BLOCK	FT	FEET	O/S	OFFSET	R/W	RIGHT OF WAY
BLVD	BOULEVARD	F	FIELD MEASUREMENT	OH	OVERHANG	SS	SANITARY SEWER
BLDG	BUILDING	FNC	FENCE	OHW	OVERHEAD WIRE	SECTN	SECTION
BM	BENCHMARK	FFE	FINISHED FLOOR ELEVATION	PG	PAGE	SET	SET 5/8 IRON BAR & CAP ANDW
C.A.T.V	CABLE TV BOX/PEDESTAL BOX	FH	FIRE HYDRANT	PK	PARKER-KALON NAIL	SET PK	SET PK NAIL & WASHER #4049
CB	CHORD BEARING	FPL	FLORIDA POWER & LIGHT	PK & TT	PARKER-KALON NAIL & TIN TAB	S/T	SET TIN TAB
CP	CLOUD PEDESTAL	FND	FOUND	PK & W	PARKER-KALON NAIL & WASHER	S/W	SIDEWALK
Δ	CENTRAL ANGLE	CCW	COUNTERCLOCKWISE	PVMT	PAVEMENT	SBT	SOUTHERN BELL TELEPHONE BOX
CBW	CHAINLINK FENCE	HSE	HOUSE	PRM	PERMANENT REFERENCE MONUMENT	S/F	SQUARE FEET
CHD	CHORD	I & E	INGRESS & EGRESS EASEMENT	P	PLAT	S/D	SUBDIVISION
CONC	CONCRETE	INV	INVERT	PB,	PLATBOOK	T	TANGENT
CBS	CONC. BLOCK STRUCTURE	IB	IRON BAR	PC	POINT OF COMPOUND CURVATURE	TOE	TOE OF BANK
CM	CONCRETE MONUMENT	IP	IRON PIPE	PC	POINT OF CURVATURE	TOE	TOP OF BANK
CR	COUNTY ROAD	IR & C	IRON BAR & CAP	PI	POINT OF INTERSECTION	TOE	TOE OF SLOPE
CPP	CONCRETE POWER POLE	IR & C	IRON PIPE & CAP	POB	POINT OF BEGINNING	TWP	TURNPIKE
CCR	CORNER	L	ARC LENGTH	POC	POINT OF COMMENCEMENT	TRANS	TRANSFORMER
CRV	CURVE	LE	LANDSCAPE EASEMENT	POE	POINT OF ENCROACHMENT	TYP	TYPICAL
CMP	CORRUGATED METAL PIPE	LB	LICENSED BUSINESS NUMBER	PRC	POINT OF REVERSE CURVATURE	UE	UTILITY & DRAINAGE EASEMENT
CMU	CONCRETE MASONRY UNITS	LS	LICENSED SURVEYOR	PT	POINT OF TANGENCY	UE	UTILITY EASEMENT
D	DELTA	M	METER	PP	POWER POLE	UOE	UNDERGROUND
D/F	DRAINFIELD	M & P	MAG NAIL & WASHER	PRM	PERMANENT REFERENCE MONUMENT	UP	UTILITY POLE
DE	DRAINAGE EASEMENT	MAG	MAG NAIL	PUE	PRIVATE UTILITY EASEMENT	VIN	VINYL
DIB	DRAINAGE FLOW	ME	MAINTENANCE EASEMENT	PLS	PROFESSIONAL LAND SURVEYOR	WM	WATER METER
	EASEMENT	MH	MANHOLE	R	PROPERTY LINE	WV	WATER VALVE
EOAT	EDGE OF ASPHALT	MHW	MEAN HIGH WATER LINE	PROP	PROPOSED	WPP	WOOD POWER POLE
EOC	EDGE OF CONCRETE	NL	NAIL	● 17.00	PROPOSED ELEVATION	P	(PARKER)

1. PROPERTY ADDRESS: 245 S.E. ST. LUCIE BLVD.
2. CERTIFIED TO:
   - DOUETTE & LILY PRYCE
   - CHRISTOPHER J. TWOHEY, P.A.
   - OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

Date of field survey: 10/12/2016 - 02/17/2020

NOTES:
1. Survey of description as furnished by Client.
2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
3. All bearings are referenced to the West line of subject property, calculated as North 00°00'00" East, with all others being relative thereto.
4. Elevations shown hereon are relative to North American Vertical Datum of 1988, and are based on bench mark N/A.
5. There are no above ground encroachments, unless otherwise shown.
6. The National Flood Insurance Program designation as indicated on the F.E.M.A. Map No. 12085C0153H, dated 02/19/2020, locates the parcel in Zone X, base flood elevation N/A feet; subject to any scaling and interpolation factors associated with mapping of this accuracy. This data is an interpretation by the surveyor and is provided as a courtesy. The flood zone(s) should be verified by a determination agency.
7. Underground foundations & utilities not located unless shown.
8. The expected use of the survey and map is for Residential Purposes.
9. All measurements are in accordance with the United States standard, in feet.
10. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

REVISIONS	BY
FILED	

BOUNDARY SURVEY

STEPHEN J. BROWN, INC
LICENSED BUSINESS NUMBER: 6484
SURVEYORS · DESIGNERS · LANDPLANNERS · CONSULTANTS
619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: STEVE@SJBSTUART.COM PHONE: (772)-288-7176

PREPARED FOR: PRYCE

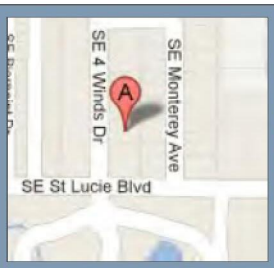
DRAWN	S.J.B.
CHECKED	S.J.B.
DATE	10/17/2016
SCALE	1" = 20'
JOB NO.	3275-1425-01
SHEET	ONE
OF ONE	SHEETS

257 SE Four Winds Survey

Prepared By:

EXACTA
Land Surveyors, Inc.

www.exactaland.com
Toll Free 866-735-1916 • F 866-744-2882



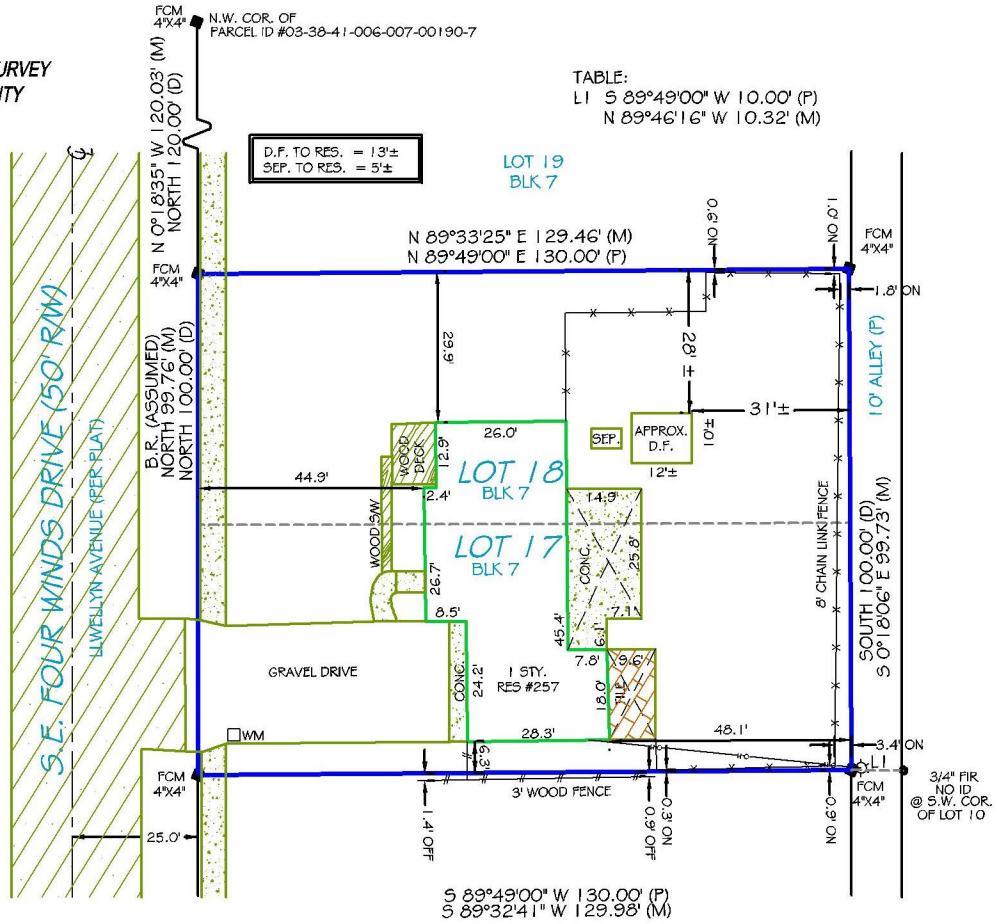


PROPERTY ADDRESS: 257 SE FOUR WINDS DRIVE Stuart , Florida 34996

SURVEY NUMBER: 1204.0682

FIELD WORK DATE: 4/19/2012 **REVISION DATE(S):** (rev.2 4/19/2012) (rev.2 4/12/2012) (rev.1 4/10/2012)

FL 1204.0682
BOUNDARY SURVEY
MARTIN COUNTY



I hereby certify that this Sketch of Survey of the hereon described property has been made under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the minimum technical standards set forth by the Florida Board Of Professional Land Surveyors as described in Chapter 5J-17 of the Florida Administrative Code.

MARK A. JOHNSON LICENSE NUMBER 6572 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

Mark A. Johnson
State of Florida Professional Surveyor and Mapper
License No. 6572

NOTES:
FENCE OWNERSHIP NOT DETERMINED
LOT APPEARS TO BE SERVICED BY CITY WATER

30 0 15 30
GRAPHIC SCALE (In Feet)
1 inch = 30' ft.

Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

FLOOD INFORMATION:
By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone X. This Property was found in THE CITY OF STUART, community number 120165, dated 10/4/02.

POINTS OF INTEREST
NONE VISIBLE

CLIENT NUMBER:

DATE: 4/19/2012

BUYER: Douette Pryce

SELLER: Douette Pryce

CERTIFIED TO: DOUETTE PRYCE

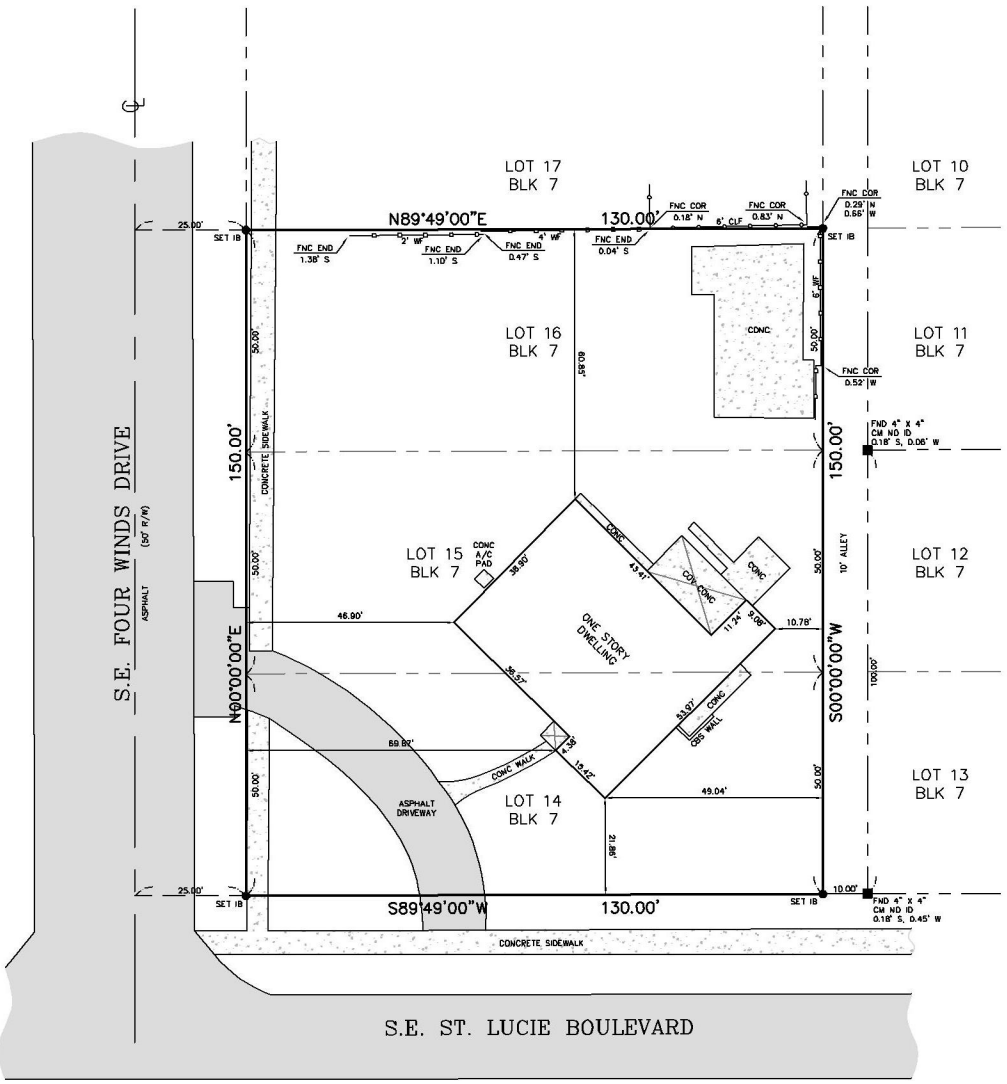
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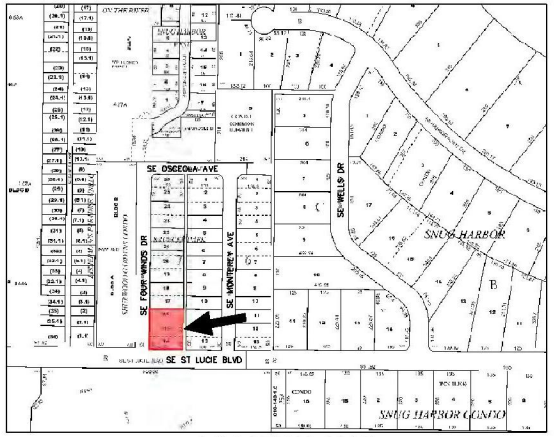
Florida Land Title Association
AFFILIATE MEMBERS

EXACTA
Land Surveyors, Inc.
LB# 7337
www.exactaland.com
P (305)668-6169 • F (305)668.6325
12220 Towne Lake Drive, Suite 55 • Ft. Myers, FL 33913

245 SE St Lucie Blvd Survey

AC	ACRE
A/C	AIR CONDITIONER
ALUM	ALUMINUM
ANC	ANCHOR
APPROX	APPROXIMATE
AVE	AVENUE
BRG	BEARING
BLK	BLOCK
BLVD	BOULEVARD
BLDG	BUILDING
BM	BENCHMARK
CATV	CABLE TELEVISION BOX
C	CALCULATED
CB	CATCH BASIN
Δ	CENTRAL ANGLE
CLF	CHAINLINK FENCE
CHD	CHORD
CONC	CONCRETE
CBS	CONC. BLOCK STRUCTURE
CM	CONCRETE MONUMENT
CNR	COULD NOT READ
CPP	CONCRETE POWER POLE
COR	CORNER
COV	COVERED
CMP	CORRUGATED METAL PIPE
CVG	CONCRETE VALLEY GUTTER
D	DEED
D/F	DRAINFIELD
DE	DRAINAGE EASEMENT
	DRAINAGE FLOW
ESMT	EASEMENT
EOC	EDGE OF CONCRETE
EOP	EDGE OF PAVEMENT
EOW	EDGE OF WATER
EM	ELECTRIC METER
ES	ELECTRIC SERVICE
ELEV	ELEVATION
ENCL	ENCLOSURE
X 17.00	EXISTING ELEVATION
FT	FEET
F	FIELD MEASUREMENT
FNC	FENCE
FFE	FINISHED FLOOR ELEVATION
FH	FIRE HYDRANT
FPL	FLORIDA POWER & LIGHT
FND	FOUND
GOVT	GOVERNMENT
HSE	HOUSE
I & E	INGRESS & EGRESS EASEMENT
INV	INVERT
IB	IRON BAR
IP	IRON PIPE
IB & C	IRON BAR & CAP
IP & C	IRON PIPE & CAP
L	ARC LENGTH
LE	LANDSCAPE EASEMENT
LB	LICENSED BUSINESS NUMBER
LP	LIGHT POLE
M & W	MAG NAIL & WASHER
MAG	MAG NAIL
ME	MAINTENANCE EASEMENT
MH	MANHOLE
MHWL	MEAN HIGH WATER LINE
MF	METAL FENCE
N & TT	NAIL & TIN TAB
N & W	NAIL & WASHER
NAVD	NORTH AMERICAN VERTICAL DATUM
NGVD	NATIONAL GEODETIC VERTICAL DATUM
NO ID	NO IDENTIFICATION
NTS	NOT TO SCALE
NAD	NORTH AMERICAN DATUM
ORB	OFFICIAL RECORD BOOK
O/S	OFFSET
OHW	OVERHEAD WIRE
PG	PAGE
PK	PARKER-KALON NAIL
PK & TT	PARKER-KALON NAIL & TIN TAB
PK & W	PARKER-KALON NAIL & WASHER
PVMT	PAVEMENT
PRM	PERMANENT REFERENCE MONUMENT
P	PLAT
PB	PLATBOOK
PCC	POINT OF COMPOUND CURVATURE
PC	POINT OF CURVATURE
PI	POINT OF INTERSECTION
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
POE	POINT OF ENCROACHMENT
PRC	POINT OF REVERSE CURVATURE
PT	POINT OF TANGENCY
PP	POWER POLE
PUE	PRIVATE UTILITY EASEMENT
PLS	PROFESSIONAL LAND SURVEYOR
R	PROPERTY LINE
PROP	PROPOSED
+ 17.00	PROPOSED ELEVATION
PRO	PRORATED
R	RADIUS
RAD	RADIAL
RRS	RAILROAD SPIKE
RNG	RANGE
RLS	REGISTERED LAND SURVEYOR
RCP	REINFORCED CONCRETE PIPE
R/W	RIGHT OF WAY
SS	SANITARY SEWER
SECT	SECTION
SET I.B.	SET 5/8 IRON BAR & CAP #4049
SET PK	SET PK NAIL & WASHER #4049
S/T	SEPTIC TANK
S/W	SIDEWALK
SBT	SOUTHERN BELL TELEPHONE BOX
S/F	SQUARE FEET
S/D	SUBDIVISION
T	TANGENT
TCE	TEMPORARY CONSTRUCTION EASEMENT
TOB	TOP OF BANK
TOE	TOE OF SLOPE
TWP	TOWNSHIP
TRANS	TRANSFORMER
TYP	TYPICAL
UDE	UTILITY & DRAINAGE EASEMENT
UE	UTILITY EASEMENT
U/G	UNDERGROUND
WF	WOOD FENCE
WM	WATER METER
WV	WATER VALVE
WPP	WOOD POWER POLE
⌀	DIAMETER





LOCATION MAP

LEGAL DESCRIPTION

LOTS 14, 15, AND 16, BLOCK 7 OF KRUEGER PARK, ACCORDING TO THE PLAT THEREOF FILED JANUARY 6, 1926, RECORDED IN PLAT BOOK 1, PAGE 25, MARTIN COUNTY, FLORIDA, PUBLIC RECORDS.

GRAPHIC SCALE

20 0 10 20

(IN FEET)
1 inch = 20 ft.

1. PROPERTY ADDRESS: 245 S.E. ST. LUCIE BLVD
2. CERTIFIED TO:
- DOUETTE & LILY PRYCE
- CHRISTOPHER J. TWOHEY, P.A.
- OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

Date of field survey: 10/12/2016

NOTES:
1. Survey of description as furnished by Client.
2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
3. All bearings are referenced to the West line of subject property, calculated as N00°00'00"E, all others relative thereto.
4. Elevations shown hereon are relative to North American Vertical Datum of 1988, and are based on bench mark N/A.
5. There are no above ground encroachments, unless otherwise shown.
6. The National Flood Insurance Program designation as indicated on the F.E.M.A. Map No. 12085C0153G, dated 03/16/2015, locates the parcel in Zone X, base flood elevation N/A feet; subject to any scaling and interpolation factors associated with mapping of this accuracy. This data is an interpretation by the surveyor and is provided as a courtesy. The flood zone(s) should be verified by a determination agency.
7. Underground foundations & utilities not located unless shown.

REVISIONS	BY

BOUNDARY SURVEY PREPARED FOR: PRYCE

STEPHEN J. BROWN, INC
LICENSED BUSINESS NUMBER: 6484
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 5TH STREET; STUART, FLORIDA 34994 EMAIL: sjbinc@bellsouth.net PHONE: (772)-288-7176

DRAWN	R.F.C.
CHECKED	S.J.B.
DATE	10/17/2016
SCALE	1" = 20'
JOB NO.	3275-1425-01
SHEET	ONE

OF ONE SHEETS

PLAT MAP

KRUEGER PARK

STUART, FLORIDA

MARTIN COUNTY



STATE OF FLORIDA } SS
COUNTY OF MARTIN }
This Instrument was filed for Record at 2:30 P.M. this 6th day of Jan. 1926 and duly recorded on the 6th day of January 1926 in Book 1 of Plats on Page 25. Record Verified.

J.R. Emery
CLERK CIRCUIT COURT
BY:
DEPUTY CLERK

EXAMINED AND CHECKED AND RECOMMENDED FOR APPROVAL

R. F. Ensey
STUART FLA. Dec 30 1925 CITY ENGINEER

APPROVED AS RECOMMENDED

J. E. Taylor
CHAIRMAN STUART CITY COMMISSION

ATTEST
Florida H. Spiers
CITY CLERK

APPROVED Wm H. Root
STUART FLA. January 6th 1926 COUNTY SURVEYOR MARTIN CO.

RECOMMENDED TO CITY COMMISION FOR APPROVAL
STUART FLA. Jan. 4th 1926 CITY PLAN BOARD
W. Haspenwall
CHAIRMAN
W. J. Farley
SECRETARY

LOCATION

Being the Subdivision of the E½ of the West Government Lot #1, Section 3, Township 38 South, Range 41 East.

This is a true Copy of the Original Plat of Record of "KRUEGER PARK" Plat Book 1, Page 25, Martin County, Florida.

Leopold Fenske
Registered Land Surveyor
Florida Certificate No. 665

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:- That Albert P. Krueger and Karl Krueger, both single the fee simple owners of the above described land have, caused said land to be surveyed and platted as shown hereon, according to the Engineers Certificate attached and does hereby dedicate to the perpetual use of the Public, the Roads and Streets shown hereon reserving unto themselves the reversions of same wherever discontinued by law.

In Witness Whereof the said Albert P. Krueger, and Karl Krueger have signed these presents and affixed their Seal this 13th day of June, A.D. 1925.

Witness: L. E. Mirlank
J. P. Ward

Albert P. Krueger L.S.
Karl Krueger L.S.

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF MARTIN

Before me a Notary public for the state of Fla. personally appeared Albert P. Krueger and Karl Krueger to me well known and known to be the persons who signed the foregoing dedication.

In witness whereof I have set my hand and affixed my official Seal this 13th day of June, A.D. 1925.

A. J. Williams
Notary Public.
My Commission Expires April 5th 1929

ENGINEERS CERTICATE

We certify that the location, measurements and angles of the boundary lines of the Plat shown hereon are taken from actual data found on the ground by Survey under our direction, that the Subdivision into lots of the Plat shown, and as located by the above mentioned survey was made under our direction and that the information shown hereon is true and accurate to the best of our knowledge and belief.

C. A. Barnett
Florida State Certificate No. 1A

Subscribed and Sworn to before me this 13th day of June, A.D. 1925.

A. J. Williams
Notary Public.
My Commission Expires April 5th, 1929.

PRYCE RESOURCES

REZONE REQUEST

PROPOSED ZONING – R2(DUPLEX/SINGLE-FAMILY)

Proposed Standards (Single Family Residential)				
R-2 Zoning Requirements (per OR# 2454-2020)			Subject Site Standards (R-2)	
Minimum Zoning Lot	*5,000 Sq Ft*		Proposed Zoning Lot	*6,499 Sq Ft*
Minimum Lot Width	*50'*		Proposed Lot Width **	*50'*
Maximum Impervious Surface Coverage	*50%*		Maximum Impervious Surface Coverage	*50%*
Front Setback *(No Front Porch)*	*25'*		Front Setback *(No Front Porch)*	*25'*
Front Setback *(w/ Porch over 50% frontage)*	*15'*		Front Setback *(w/ Porch over 50% frontage)*	*15'*
Side Setbacks *(1-2 Story)*	*5'*		Side Setbacks *(1-2 Story)*	*5'*
Rear Setbacks	*15'*		Rear Setback	*15'*
Height	*35'*		Height	*35'*
Maximum Number of Stories	*3*		Maximum Number of Stories	*3*

APPROVED
By Douette Pryce at 2:51 pm, Dec 29, 2020

PRYCE RESOURCES

JUSTIFICATION STATEMENT



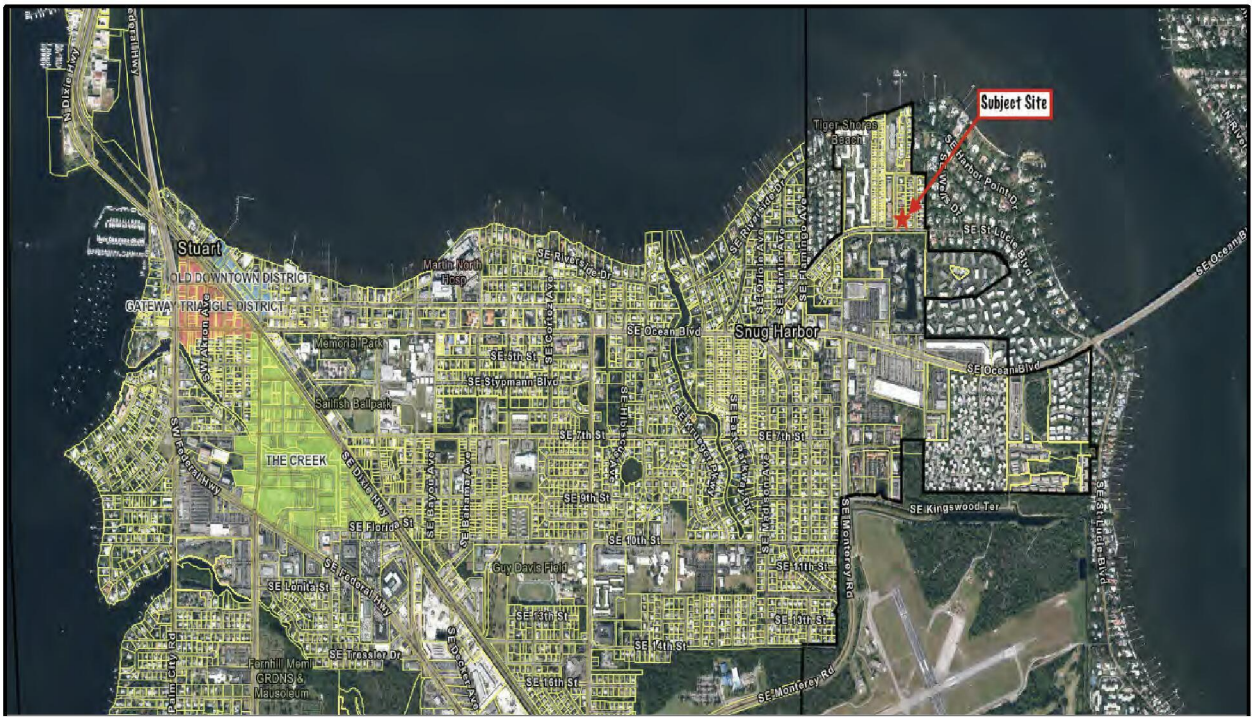
FOURWINDS AT ST LUCIE

JUSTIFICATION STATEMENT

PRYCE RESOURCES

PROJECT LOCATION

245 St Lucie Blvd and 257 SE Fourwinds Drive, Stuart Florida



REQUEST

Rezone the subject properties from Residential Single-Family (R-1) to Residential Single Family (RS-2). The request is to allow for single family residential development with replacement of the 2 existing residences to 5 residences which is line with a density of 8.72(SF)/11.62(DUP)dwelling units per acre (Sec2.03.09).

APPROVED 2021 CCM
By Douette Pryce at 11:56 am, Jan 26, 2021

PRYCE RESOURCES

THE SITE

The property is located on the corner of St Lucie Boulevard and Fourwinds Drive. It is a combination of a 1 platted corner lot and 4 interior platted lots, 50'x130' each, with a total of ±.75 Acres combined. It could be considered as being located in a "Middle Neighborhood" which is defined as an area with working class and or retiree households with a housing stock that is older and maintained which is neither healthy and thriving, nor overtly distressed. Also known as the "Missing Middle" which refers to a range of housing types that can at times provide more than one housing unit per lot in a way that is compatible in scale with single-family homes.







SUBJECT SITE		
	#1	#2
ADDRESS	257 Fourwinds Drive	245 SE St Lucie Blvd
PCN	03-38-41-006-007-00170-1	03-38-41-006-007-00150-5
OWNER	257 4Winds LLC	245 ST LUCIE LLC
ZONING	R1	R1
ACRE	0.298	0.448
SQ FT PER LOT	12,981	19,515



Martin County Property Information Lookup

General Information

Parcel #	033841006007001701
Owner Name:	257 4WINDS LLC
Owner Address:	22 FIELDWAY DR STUART, FL 34996
Site Address:	257 SE FOUR WINDS DR STUART, FL 34996-1303
Storm Surge Evacuation Zone:	E
Flood Zone - BFE:	X - N/A NAVD
FIRM Panel:	12085C0153H
Urban Service District:	Primary
Municipality:	City of Stuart
Taxing District:	Municipality
ISO-PPC Rating:	Contact City of Stuart Fire Rescue
Subdivision infill applicability:	Yes
Development Imposed Conditions:	Residential Fire Sprinklers Not Required
Building Design Wind Speed	
Occupancy Category I,II,III/IV:	150, 160, 170

Land Use

Land Use information can change frequently, please verify with the Martin County Growth Management Department at 772-288-5495

Zoning:	STUART
Zoning Details:	N/A
Future Landuse	NO DATA
Landuse Details:	N/A

Community Redevelopment

CRA:	N/A
Zoning Overlay Zone:	N/A
Mixed Use Areas:	N/A

Schools

School information obtained from the Martin County School District system, 772-219-1200

Elementary School:	J D Parker Elementary
Middle School:	Stuart Middle School
High School:	Jensen Beach High School

Property Location Map

Election Information

Voter Precinct:	7	
Commission District:	1	
Commissioner:	Doug Smith	772-288-5400
Clerk of Circuit Court:	Carolyn Timmann	772-288-5576
County Sheriff:	William Snyder	772-220-7000
Property Appraiser:	Laurel Kelly	772-288-5608
School Superintendent:	Laurie J. Gaylord	772-219-1200
Supervisor of Elections:	Vicki Davis	772-288-5637
Tax Collector:	Ruth Pietruszewski	772-288-5600

Utilities & Solid Waste

Service:	Utility:	Availability:	Phone:
Water:	City of Stuart Utilities	Call	772-288-5317
Sewer:	City of Stuart Utilities	Call	772-288-5317
Recycle Collection:	Monday		
Trash Collection:	Monday and Thursday		



Martin County Property Information Lookup

General Information

Parcel #	033841006007001505
Owner Name:	245 ST LUCIE LLC
Owner Address:	22 NE FELDWAY DR STUART, FL 34996
Site Address:	245 SE ST LUCIE BLVD STUART, FL 34996-1358
Storm Surge Evacuation Zone:	E
Flood Zone - BFE:	X - N/A NAVD
FIRM Panel:	12085C0153H
Urban Service District:	Primary
Municipality:	City of Stuart
Taxing District:	Municipality
ISO-PPC Rating:	Contact City of Stuart Fire Rescue
Subdivision infill applicability:	Yes
Development Imposed Conditions:	Residential Fire Sprinklers Not Required
Building Design Wind Speed	
Occupancy Category I,II,III/IV:	150, 160, 170

Land Use

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Zoning Details:	N/A
Future Landuse	NO DATA
Landuse Details:	N/A

Community Redevelopment

CRA:	N/A
Zoning Overlay Zone:	N/A
Mixed Use Areas:	N/A

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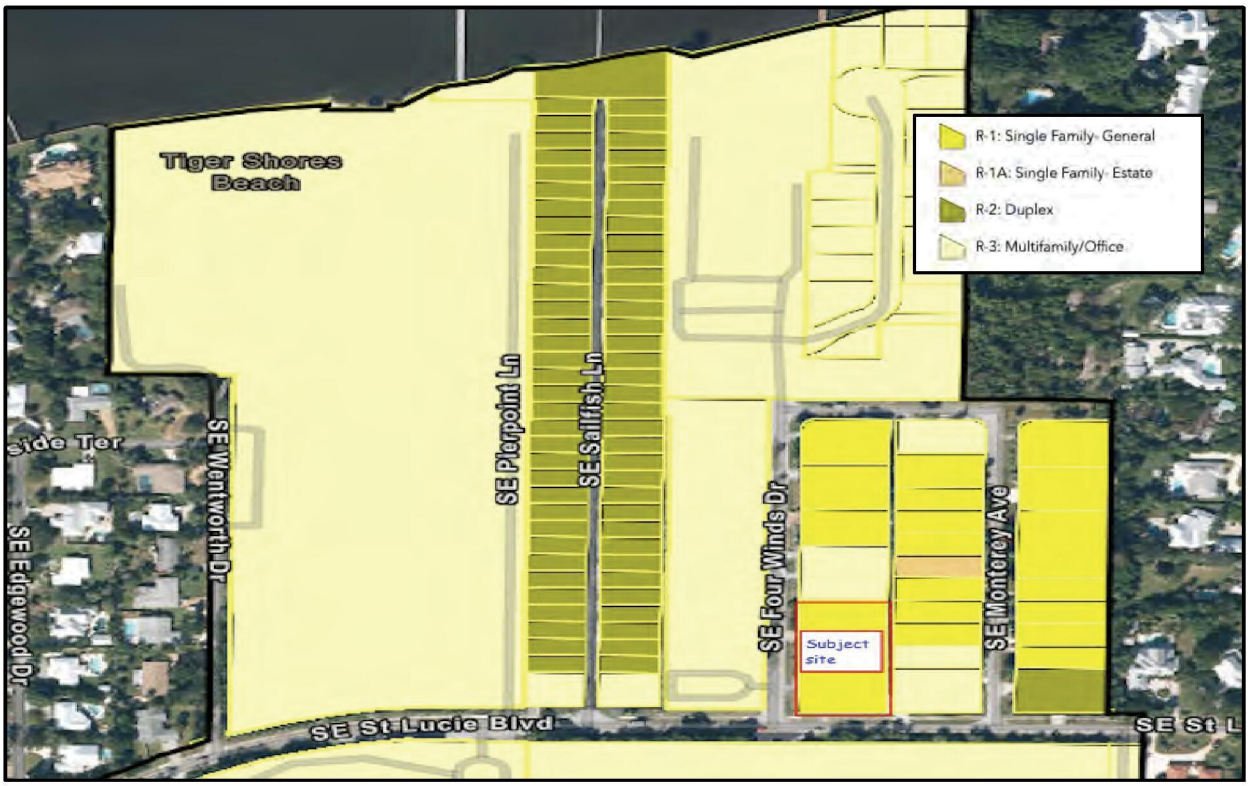
PRYCE RESOURCES

FLOOD ZONE



ZONING

The subject site is zoned R-1 (Residential Single-Family) however it is surrounded with Multifamily zoned properties to its immediate North, South, East and West. This zoning of the existing property, as it is, in essence created an isolated zoned district as it is not compatible with its proximity grouping to non-complementary zoning use activities.



APPROVED 2021 CCM
By Douette Pryce at 11:56 am, Jan 26, 2021

PRYCE RESOURCES

STREETS

SE Four Winds Drive (City of Stuart): Borders the western boundary of the property and is a two-way neighborhood street running North/South from SE St Lucie Blvd to SE Osceola St that includes a majority of Multifamily residential units with minimal Single-family residential units.

SE St Lucie Blvd (Martin County): Is also a two-way street that runs East/West to Ocean Blvd and classified as a Minor Collector. It traverses through Snug Harbor neighborhood to the East and North East Stuart to the West.

UTILITIES

Water, Sewer and Garbage is provided by City of Stuart. Electric by Florida Power Light. Cable by ATT and or Xfinity.

SURROUNDING PROPERTIES

The existing site is in a legally platted condition of five 50'x130' lots of record. This request is a natural evolution to R-2. As noted in Exhibits A&B below you will see that in the immediate neighborhood the request to R-2 which allows for 50'x130' lots are in keeping with some existing conditions of the community.



EXHIBIT A

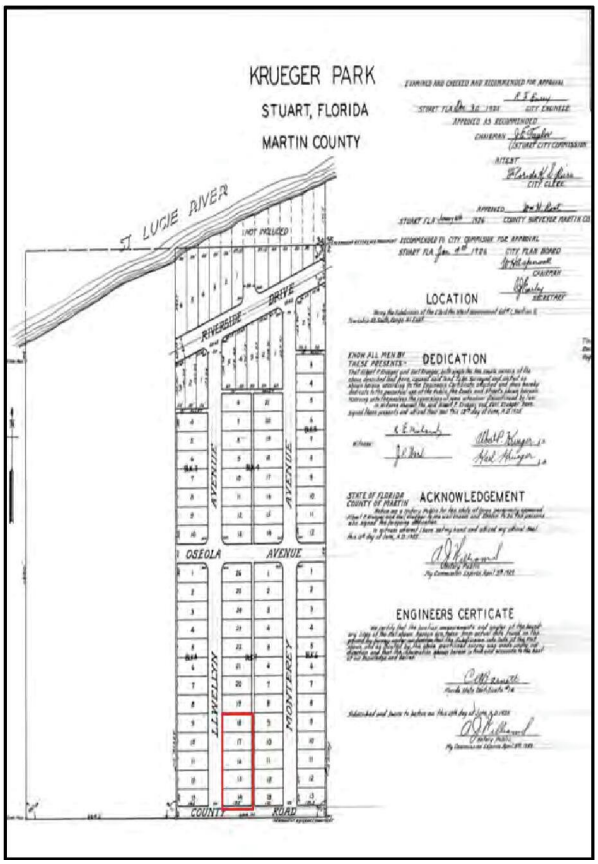


EXHIBIT B *(RECORDED PLAT MAP)*

WEST (MULTI-FAMILY)

Shurwood Gardens: This condo complex was built in 1982 and consists of two, two story buildings with 8 units per floor for a total of 32 condos.





SOUTH (MULTI-FAMILY)

Ocean Pointe Apartments: An apartment complex built in 1995 consists of two-three story buildings for a total of 200 units. The community is participant in a subsidized rental housing program.



NORTH (MULTIFAMILY/SINGLE FAMILY)

241 Se Fourwinds: An Apartment complex built in 1979 consisting of two one story buildings with 5 rental units.







147, 177 & 207 Se Fourwinds (Single Family Homes) 50'x130' lots





Snug Harbor West: A blended gated community with single family homes of varying elevations in an Anglo Caribbean/Key West blend.





Four Winds on the River: A gated condo community built in 1981 consists of a four-story building with a total of 39 units and 2 guest suites.



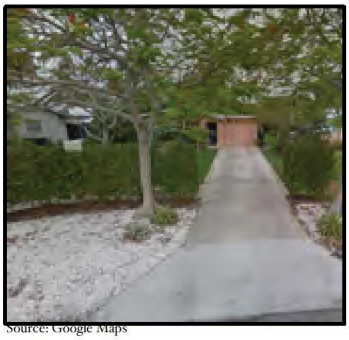
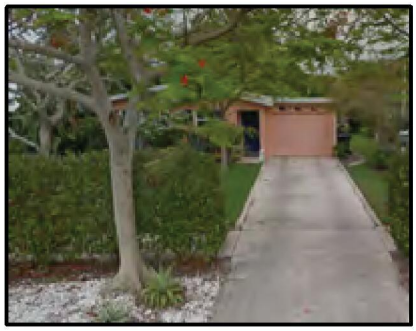
Source: Google Maps

EAST (MULTIFAMILY/SINGLE FAMILY)
To the immediate East boundary of the subject site there is a 10' alley that is now utilized as a Utility Easement.

262 & 272 SE Monterey (Single Family) 50'x130' lots

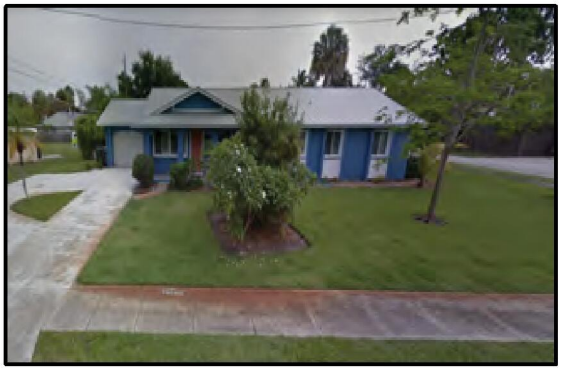



282 SE Monterey (Multifamily) 50'x130' lot
This property is zoned multi-family but has a single-family home on the lot.


Source: Google Maps

292 SE Monterey (Multifamily) 50'x130 lots -property is zoned multi-family but has a Duplex on the lot.



Source: Google Maps

RESIDENTIAL DENSITY CALCULATION

The proposed zoning if kept in existing legal platted lots configuration will consists of 5 single family lots on a combined acreage of .75 acres. The property is an existing platted five lot property with 50' width lots as shown on Survey.

The proposed density is in accordance with policy A7.2 of the City of Stuart Comprehensive Plan relating to gross densities. Sec 2.03.08-Table 3A. has been used for the purpose of calculating residential density within the proposed R-2.

Comprehensive Plan Land Use Classification	Zoning Districts			
	R 1-A	R-1	R-2	R-3
Low density residential	8.72	8.72	8.72 to 11.62 [2]	
Multi-family residential [1]				10 to 11.62 [3]

COMPREHENSIVE PLAN COMPONENTS

OBJECTIVE A5. – RESIDENTIAL DEVELOPMENT

The proposed rezone ensures land use compatibility by grouping complementary land use activities, building location, and architectural design into a cohesive development pattern along an established neighborhood street. Low Residential.

The subject site is set in a mixture of zonings which does not group complementary zoning in a cohesive manner. The subject property is Single Family (R-1) however it is surrounded on its immediate North, South, East and West by Multi-Family (R-3) zoning uses, some more dense than others.

Policy A5.1. The Future Land Use Element of the City's adopted Comprehensive Plan shall provide land for future residential use to promote a more compact development pattern.

The site is presently legally platted as five 50' lots which is inline with the allowed density and is the perfect example of a compact development pattern which allows for a proper transition between the 2 story Multifamily product to the West, Northwest and South of the subject property. The proposed rezoning request of R-2 is of a lower density to the neighboring R-3 zoning surrounding the sites and which is allowed in Low Density Land Use.

Policy A5.3. Wherever possible, medium density residential and recreation/open space areas should serve as buffers between higher and lower intensity residential uses to achieve an orderly land use transition.

The site is presently legally platted as five 50' lots which is inline with the allowed density and is the perfect example of a compact development pattern which allows for a proper transition between the 2 story Multifamily product to the West, Northwest and South of the subject property. The proposed rezoning request of R-2 is of a lower density to the neighboring R-3 zoning surrounding the sites and which is allowed in Low Density Land Use.

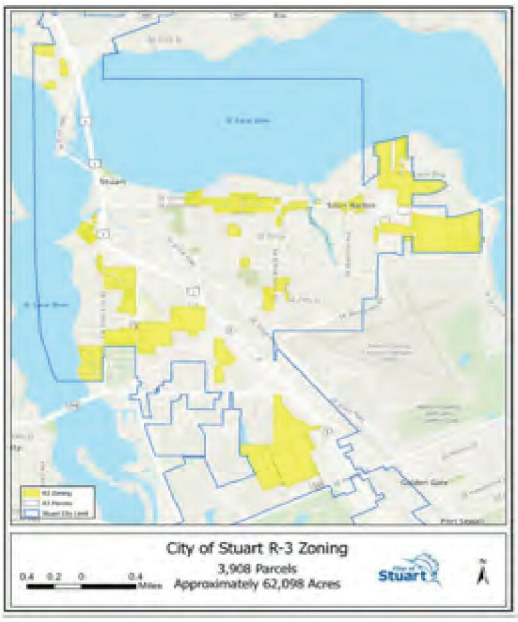
Policy A5.5. The City shall market itself as a community for families.

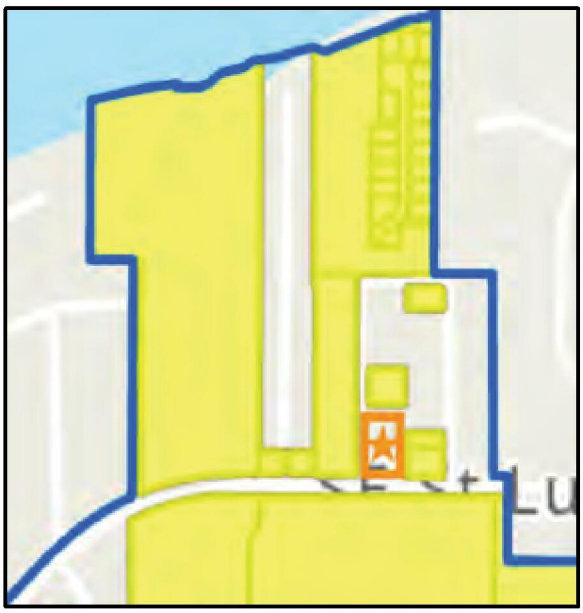
The proposed zoning forms part of an existing community and allows for the opportunity to widen housing options for existing and new residents of the City.

SITE CONCURRENCY

1. The existing land use pattern - ***Low Density Residential:*** *One or two dwelling units per building. Includes single family detached, duplex, townhomes, patio homes, garden homes, foster homes, adult congregate living facilities of four or fewer unrelated residents, and zero-lot-line residences.*

The proposed project is in keeping to the existing future land use pattern though it is a variation in relation to the existing irregular zoning pattern within the subject site area as is reflected in the City of Stuart R-3 Zoning Chart.





APPROVED 21 CCM
By Douette Pryce at 11:56 am, Jan 26, 2021

2. *The possible creation of an isolated district unrelated to adjacent and nearby districts;*

   The proposed rezoning to R-2 (Duplex/Residential Single Family) would not create an isolated zoning classification in regard to nearby classifications of zoning. The request is to provide an alternative to allow for development to accommodate its density as allowed by the R-2 zoning. And create a resolution to the existing isolated zoning district created over time.

3. *The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;*

   A possible density of 6 single family dwelling units and or 4 duplex units would be allowed per the R-2 zoning criteria which on the subject property meets the intent of providing additional housing within the City as an infill development within proximity to established development patterns of residential, commercial, restaurant office, municipal and public amenities. This in essence would not increase and or overtax the load of the public facilities such as schools, utilities and streets.

4. *The possible overloading of the City's sewage collection, treatment and disposal facilities:*

   The type and intensity of development is not anticipated to overload the City's utility services.

5. *The possible overloading of the City's drainage system;*

   The type and intensity of development that is feasible is not anticipated to overload the City's utility services. The development of the subject property will require approval of the conceptual reports prepared by the applicant's engineer after rezoning, to be reviewed and approved by Public Works staff, and followed up with detailed civil drawings and design details required at the building permit stage in the process. These steps will ensure the project provides sufficient drainage and storm-water quality on the property.

6. *The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;*

   The subject property is an underutilized lot surrounded by a multitude of uses and development patterns within the City of Stuart's. Approving the subject property with a rezone to R-2(Residential Single Family) provides an opportunity to remove the existing blight and inconsequential isolated zoning. The provision of additional residential units is appropriate in meeting the City of Stuart's existing and project population growth to support the use of existing commercial, restaurant, office and public amenity use and expanding the tax base.

7. *The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;*

   The type and intensity of development that is feasible and would not create an adverse impact to nearby neighborhoods and is consistent with the goals of development, future land use category and the design principles of the area that will continue to surround the site.

8. *The impact of the rezoning upon the flow of light and air to adjacent areas;*

   The type and intensity of development that would be feasible on the subject property would not create an adverse impact upon the flow of light and air to adjacent areas. It will not significantly reduce light or air to adjacent properties and areas.

9. *The impact of the proposed rezoning upon property values in the adjacent area;*

   The rezoning to R2(Residential Single Family) would likely result in an increase in property values in the adjacent area by allowing for future development of new housing stock nearby, rather than an underutilized lot with older homes past there life cycle.

APPROVED
By Douette Pryce at 2:51 pm, Dec 29, 2020

10. *The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations;*

The rezoning to R-2 (Residential Single Family) would not impact adjacent properties to improve or develop in accordance with existing regulations. The proposed project would be a boone in creating a guidance of redevelopment of existing MF zoned sites to the immediate North and West boundary to proposed FLUM.

11. *The existence of other adequate sites in the City for the proposed use in districts already permitting such use.*

The subject location is ideal for single family/duplex residences due to the proximity to surrounding residential and family. Population projections applicable to the City of Stuart anticipate a growth from 16,906 in 2020 to 19,465 by 2045 according to Florida Office of Demographic Research data and the Growth and Development Trends, February 2019. Consistent with the City of Stuart Comprehensive Plan Housing Element Goal Statement A, approval of the rezoning to R-2 is consistent with ensuring the provision of adequate residential sites and housing opportunities to accommodate the housing needs of current and future residents of Stuart.

2. **Municipalities (2017)**

Municipalities City/County	2010	2016	2020	2025	2030	2035	2040	2045
Total County	**146,318**	**150,870**	**157,481**	**164,293**	**169,749**	**174,300**	**178,077**	**181,312**
Jupiter Island	817	810	810	810	810	810	810	810
Ocean Breeze Park	355	343	1,030	1,030	1,030	1,030	1,030	1,030
Sewalls Point	1,996	2,002	2,099	2,109	2,119	2,121	2,123	2,125
Stuart	15,593	16,197	16,906	17,638	18,224	18,712	19,118	19,465
Unincorporated	127,557	131,518	136,636	142,706	147,567	151,627	154,997	157,882

Source: Florida Office of Demographic Research, adjusted locally

OBJECTIVE B3. - DESIRABLE PATTERN OF LAND USES.

The proposed rezone promotes and enhances a pattern of land use that is compatible; convenient to City residents; avoids the inappropriate or wasteful use of land; and encourages efficient use of land, resources and facilities.

The proposed zoning of R-2 (Residential Single Family) has been designated to support the existing community character. Reduces the blighted area which is a key entry point to key neighborhoods (Four Winds, Snug Harbor West, Snug Harbor) through redevelopment. The proposed zoning of R-2 ensures consistency with the City's Comprehensive Plan.

Policy B3.2. All development shall be compatible with and complementary to surrounding land uses and shall not unduly affect existing approved activities.

The proposed rezoning of subject site is compatible with and compliments the existing uses and does not affect existing approved activities.

SEC. 6.00.04. - SITE DESIGN QUALITATIVE DEVELOPMENT STANDARDS.

B. Standards.

1. *Harmonious and efficient organization. All elements of a development plan shall be organized harmoniously and efficiently in relation to topography, the size and type of the subject property, the character and development of nearby property, and the type and size of buildings. Site improvements shall be arranged to have minimal effects on nearby property and in a manner that will not impede the development of nearby property for uses permitted by the Stuart Comprehensive Plan and this Code.*

The proposed rezoning of the site as existing historic platted lots organized harmoniously and efficient in relation to existing topography and neighboring properties. The implementation of single

A0822021 CCM
By Douette Pryce at 2:51 pm, Dec 29, 2020

family/duplex uses allows for open space and less impact to neighboring existing multi-family, duplex and single-family home sites.

2. *Preservation of natural conditions. The landscape shall be preserved in its natural state to the maximum degree practical by minimizing tree and soil removal and by other appropriate site planning techniques. Terrain and vegetation shall not be disturbed in a manner likely to increase soil erosion in or near the site or to harm endangered or threatened plant or animal populations.*

   Efforts will be made to preserve as much of the natural condition and landscape as possible.

3. *Screening and buffering. Fences, walls, or vegetative screening shall be provided where needed to protect the occupants of the site from undesirable views, lighting, noise or other adverse effects of nearby property, and to protect the occupants of nearby property from like adverse effects produced by the development of the site.*

   Noted.

4. *Drainage. Storm-water drainage shall be accommodated on the site or shall be removed from the site in a manner which does not adversely affect nearby property or the public storm drainage system. The necessary facilities, including grading, gutters, piping and the treatment of soil, shall be provided to accommodate storm-water retention, percolation and drainage, and to prevent erosion and the formation of silt.*

The lot sites will be deigned to allow for Storm-water drainage to be accommodated on the site or shall be removed from the site in a manner which does not adversely affect nearby property or the public storm drainage system. Each lot redevelopment will require approval of the conceptual reports prepared by the applicant's engineer after rezoning, to be reviewed and approved by Public Works staff, and followed up with detailed civil drawings and design details required at the building permit stage in the process. These steps will ensure the project provides sufficient drainage and storm-water quality on the property.

Any proposed lot development intends to review options that will allow for sufficient drainage and storm-water retention on the proposed lot sites as required.

PROCEDURAL REQUIREMENTS

A pre-application meeting was held November 23, 2020 with City staff ahead of the submittal of the request to rezone to R-2. Site plan, architectural elevations/conceptual options and renderings dependent on option selected were discussed.

It is understood the project will be reviewed by City staff, considered by the LPA Board for recommendations and then by the City Commission with a first and second reading.

03/22/2021 CCM
By Douette Pryce at 2:51 pm, Dec 29, 2020

TRAFFIC STATEMENT

Kimley»Horn

December 29, 2020

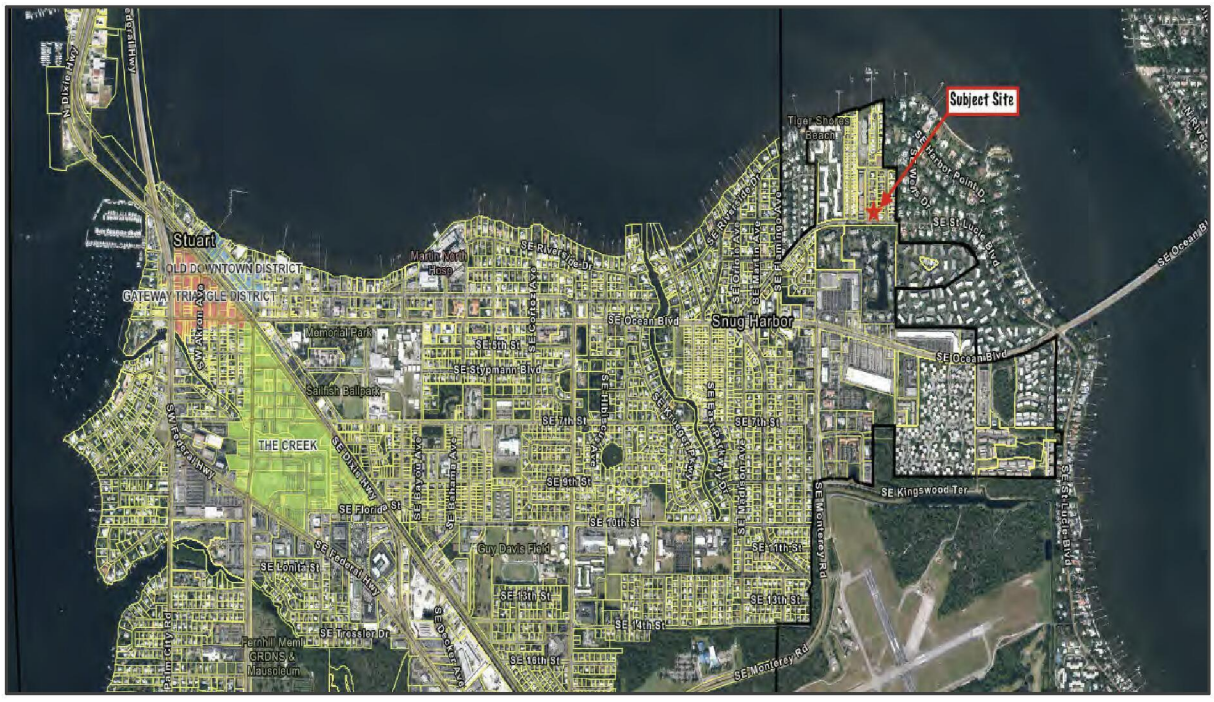
Mr. Kevin Freeman
Development Director, City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994

Re: Fourwinds at St. Lucie Single Family Residential Project
Parcel ID's 03-38-41-006-007-00170-1, and 03-38-41-006-007-00150-5

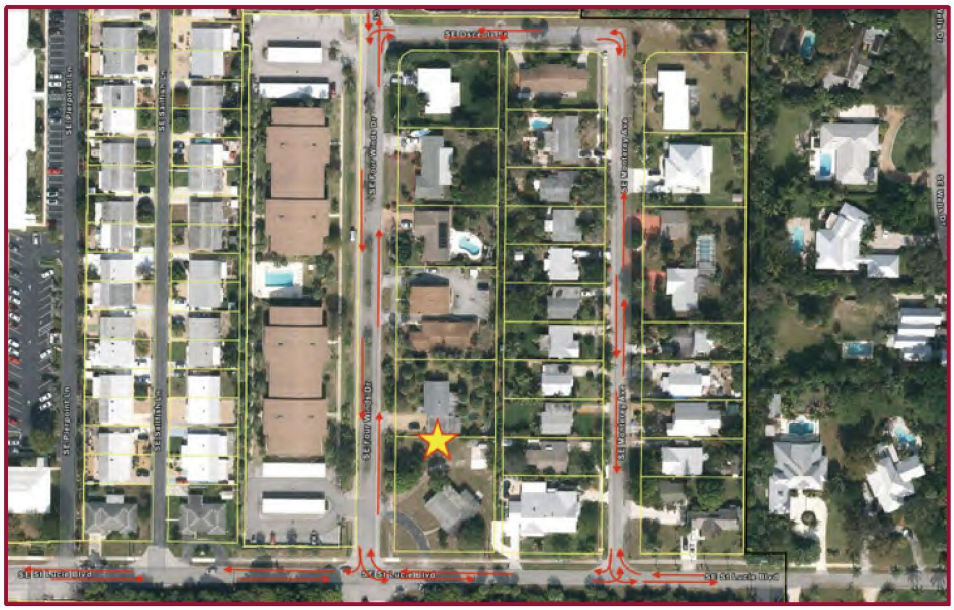
Dear Mr. Freeman,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") has been retained to prepare a traffic impact statement that evaluates and determines compliance with the City of Stuart Land Development Code. The traffic statement is associated with the rezoning application for the referenced site from R-1A to R-2.

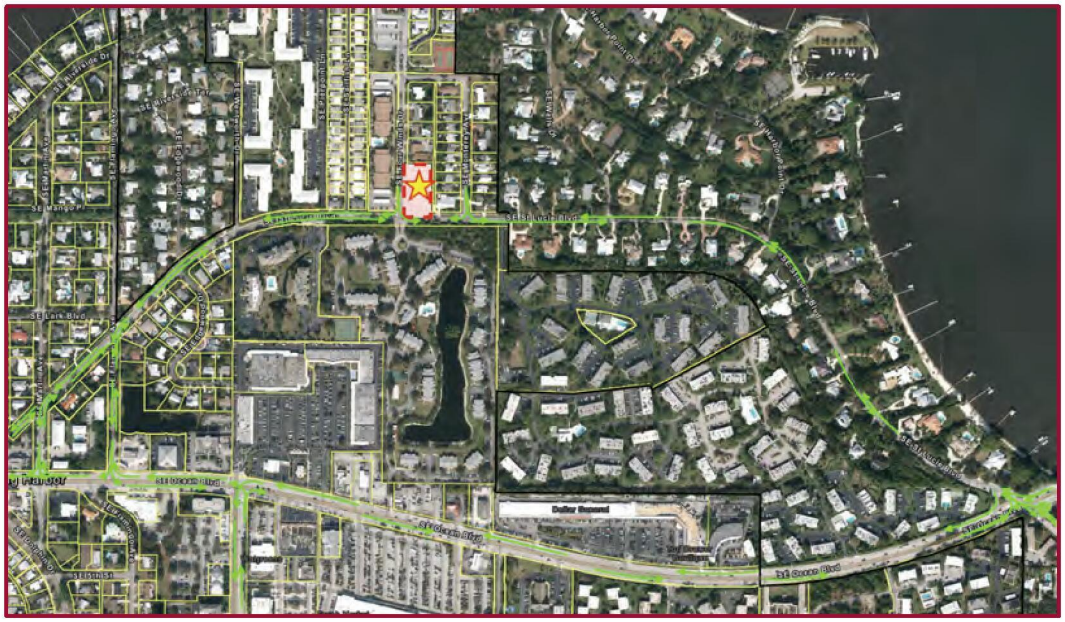
The Four Winds at St. Lucie project is located on SE Fourwinds Drive and St Lucie Blvd, located North of Ocean Boulevard (SR-A1A), about 0.60 miles East of Monterey Road (SR-714) in the City of Stuart.



SE Four Winds Drive (City of Stuart): Borders the western boundary of the property and is a two-way neighborhood street running North/South from SE St Lucie Blvd to SE Osceola St that includes a majority of Multifamily residential units along with Single-family residential units.



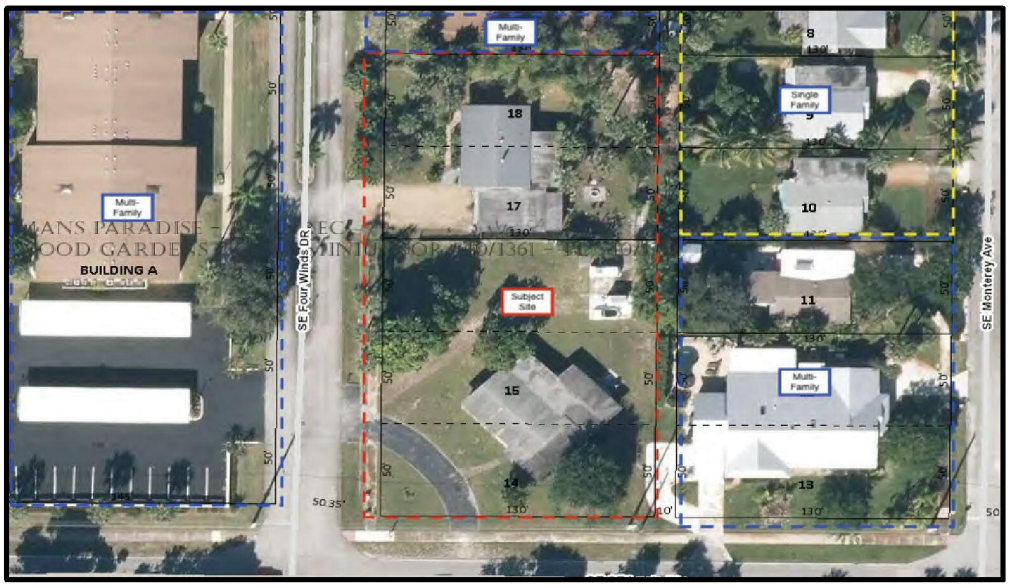
SE St Lucie Blvd (Martin County): Is also a two-way street that runs East/West to Ocean Blvd and classified as a Minor Collector. It traverses through Snug Harbor neighborhood to the East and North East Stuart to the West.



SITE DATA

The request is to rezone to R-2, Residential Single Family, with a density of five(5), 50'x130', single family residential homesites. The existing site has two single family residential homes situated on the existing 5 platted lots.

SUBJECT SITE		
	#1	#2
ADDRESS	257 Fourwinds Drive	245 Se St Lucie Blvd
PCN	03-38-41-006-007-00170-1	03-38-41-006-007-00150-5
OWNER	257 4Winds LLC	245 ST LUCIE LLC
ZONING	R-1A	R-1A



TRIP GENERATION

• Single Family Detached Housing Land Use #210 Daily Weekday

**The daily, AM peak-hour and PM peak hour trips for this site were derived from the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition*

Table 1: Trip Generation Rates								
		Daily Trip	AM Peak Hour			PM Peak Hour		
Land Use	ITE Code	Gen	In	Out	Total	In	Out	Total
Single Family	210	9.44	25%	75%	0.74	63%	37%	0.99

Table 2: Trip Generation									
			Daily	AM Peak Hour			PM Peak Hour		
	Land Use	Intensity	Traffic	In	Out	Total	In	Out	Total
Existing Platted Property	Single Family	5	47	1	3	4	3	2	5
Proposed Property	Single Family	5	47	1	3	4	3	2	5
Differential		0	0	0	0	0	0	0	0

RESULTS

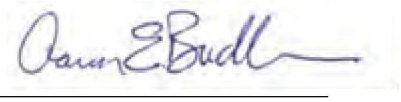
In keeping the existing platted option of 5 single family lot sites with ability to develop 5 single family home sites will result in 0 change.

CONCLUSION

Based upon the above calculations the traffic impact of Fourwinds at St Lucie to be de-minimis and concurrency is requested with this traffic statement per the City of Stuart Land Development Code (Section 4.00.00).

Sincerely:

Kimley-Horn and Associates, Inc.

By: 

Name: Aaron E. Buchler, P.E. Lic. # 54606

Title: Senior Vice President

PUBLIC SCHOOL CONCURRENCY

From: **Everman, Kimberly** evermak@martinschools.org
Subject: RE: Stuart RPUD Application School Capacity analysis
Date: November 19, 2020 at 2:31 PM
To: Douette Pryce dpryce@pryceresources.com

KE

Hi Douette, and thanks for sending this over:

In review, seeing this project already has 2 existing units and adding 4, the calculation would be on the 4 new units only. This would be considered a de minimis impact to the School District as it generates only 1 student on our current student generation (SGR) yield per unit.

I submit this to you as a notice of 'No Objection' from the district for this small development as planned. If the number of units should increase, we may need to look at it again.

Thank you,
Kimberly Everman
Capital Projects/Planning Specialist
Martin County Schools - Facilities Dept.
1939 SE Federal Hwy., Stuart FL 34994
evermak@martin.k12.fl.us
phone: 772-219-1200 x30220

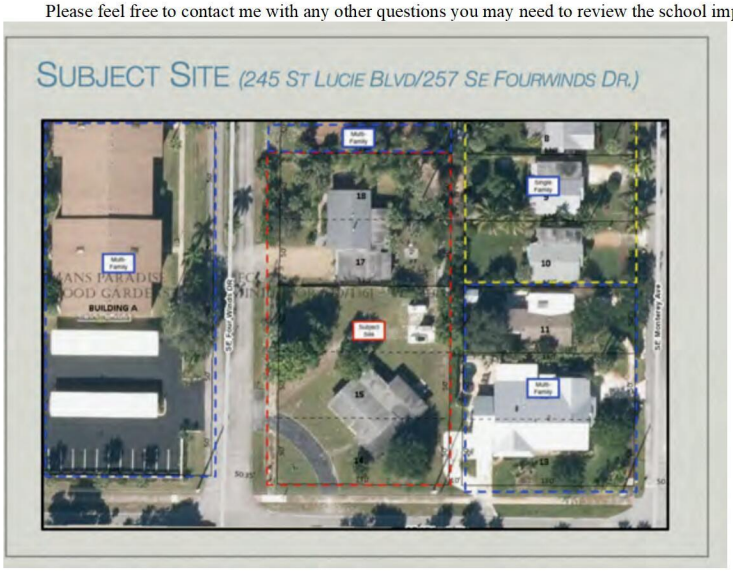
From: Douette Pryce [mailto:dpryce@pryceresources.com]
Sent: Thursday, November 19, 2020 9:48 AM
To: Everman, Kimberly <evermak@martinschools.org>
Subject: Re: Stuart RPUD Application School Capacity analysis

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good day Miss Everman,
Thank you for your call yesterday as promised find attached the Site location from Property Appraiser showing the 5 platted lots that a this time has 2 single family homes on the lots.

As I pointed out previously the proposed development plan is to attain approval to build 6 homes in its stead basically bringing the total homes in that location up 4 additional homes from 2 to 6.

Please feel free to contact me with any other questions you may need to review the school impact.



Regards
Douette Pryce

"Business Focused Real Estate Minded" ©
(O) 772-324-9220
(C) 954-258-2727
www.pryceresources.com

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On Nov 18, 2020, at 6:57 AM, Everman, Kimberly <evermak@martinschools.org> wrote:

Good Morning:

APPROVED
By Douette Pryce at 2:51 pm, Dec 29, 2020

Conceptual Lot Plan Options (R-2 – zoning)

**Plans are strictly conceptual in nature. All lots will be designed and developed per City of Stuart Land development code standards at time of permit submittal per lot.



APPROVED
By Douette Pryce at 11:56 am, Jan 26, 2021

03222021 CCM

PRYCE RESOURCES

CONCEPTUAL VISION

- Single family homes

- 1 or 2 story elevations

- Modern Florida Vernacular/Anglo Caribbean

- A front porch,
- Two different roof bearing heights on primary buildings or porches.
- Two different wall planes on the front elevation.
- Trim color accenting the main wall color.
- Contrasting materials on front elevation for architectural effect.
- Façade differentials. No elevation same next to each other.
- No color the same next to each other



**Plans and pictures are strictly conceptual ideas. All lots will be designed and developed per City of Stuart Land development code standards at time of permit submittal per lot.

APPROVED
By Douette Pryce at 2:51 pm, Dec 29, 2020

PRYCE RESOURCES

CONCEPTUAL ELEVATION *(NE STREET VIEW)*





BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2454-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 2.04.00, OF THE LAND DEVELOPMENT CODE ENTITLED "AREA, IMPERVIOUS SURFACE, SETBACK, AND HEIGHT REQUIREMENTS" OF CHAPTER II, TABLE 5 ENTITLED "RESIDENTIAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACKS, AND HEIGHT REQUIREMENTS" AND SECTION 2.04.02 OF THE LAND DEVELOPMENT CODE ENTITLED "SUPPLEMENTAL AREA REQUIREMENTS", IN RESPECT OF STANDARDS FOR LOT SIZE, LOT WIDTH AND BUILDING SETBACKS FOR THE R-2 AND R-3 ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES..

* * * * *

WHEREAS, the purpose of this Land Development Code amendment is to support the objectives of the City's Comprehensive Plan; and

WHEREAS, the purpose of this Land Development Code amendment is to establish minimum criteria for provision of single-family lot sizes, lot widths, and building setbacks in the Residential Single Family/Duplex (R-2) and the Residential Multi-Family (R-3) zoning districts; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on October 8, 2020; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on October 26, 2020, to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

Chapter 2 – Zoning Districts Uses Allowed, Density, Intensity

2.04.00 Area, Impervious Surface, Setback and Height Requirements

2.04.01 Generally

Table 5 – Residential Area, Impervious Surface Coverage, Setback and Height Requirements

Standard	R-1A	R-1	R-2 (Single-family)	R-2 (Two-Family)	R-3 (Single-family)	R-3 (Two-family)	R-3 (Multi-family)	R-3 (Professional Bldg.)	R-3 (Residential units with business)
Minimum zoning lot size:									
Minimum lot area (sq. feet)	10,000	7,500	5,000	7,500	4,356	7,500	10,000	10,000	10,000
Minimum lot width (feet)	100'	75'	50'	75' *	50'	75' *	100'	100'	100'
Maximum Impervious Surface Coverage	50%	50%	50%	50%	50%	50%	40%	40%	40%
Building Setback (Minimum Yards):									
Minimum front	25'	25'	25'	30'	20'	30'	25'	25'	25'
Minimum side	10'	7.5'	5' for one and two story 7.5' for three story	10' **	5' for one and two story 8' for three story	10' **	15' **	15'	25'
Minimum rear	15'	15'	15'	20'	15'	20'	20'	20'	20'
Maximum Building Height	35'	35'	35'	35'	35'	35'	35'	45'	45'
Maximum Number of Stories	3	3	3	3	3	3	3	4	4

Note: The above table does not apply to the CRA except for footnotes 1 and 2 noted below. Refer to chapter III, Special Zoning Codes for the development standards for the CRA.

* Total width for both duplex units

** A zero-foot setback allowed for common wall of duplex dwelling units and fee-simple townhome devising walls

Sec. 2.04.02. - Supplemental area requirements

A. Minimum width and area of lots.

1. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced so that the lot width or depth, front, side or rear yard, minimum lot area or other requirements of this Code are not maintained. This section shall not apply when a portion of a lot is subsequently acquired for public purposes.

2. No residential lot shall be less than 50 feet in width. In the case of irregularly shaped lots, the average lot width shall be measured and determined in accordance with the definition of average lot width set forth in chapter XII.

3. No platted lot shall contain less than 4,356 square feet.

B. Adjoining lots of record.

1. If two or more adjoining lots with continuous frontage are in a single ownership at any time and such lots individually are less than the lot width requirements for the zone in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the resulting lot or lots shall be subject to the dimensional requirements of this chapter.

*****

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the 26th day of October, 2020.

Commissioner MCDONALD offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
TROY MACDONALD, COMMISSIONER				

ADOPTED on second and final reading this 9th day of November, 2020.

ATTEST:

_____

MARY R. KINDEL
CITY CLERK

_____

MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____

MICHAEL J. MORTELL
CITY ATTORNEY

City of Stuart
Development Department
121 SW Flagler Avenue
Stuart, FL 34994
Ph. 772-288-5300
Fax 772-288-5388

AFFIDAVIT ATTESTING TO NOTIFICATION

(NAME OF PROPERTY OWNER), 257 4WINDS LLC AND 245 ST LUCIE LLC, BY DOUETTE PRYCE, MGRM being first duly sworn, depose(s) and say(s):

That we the owners of the following described property which constitutes the location for which notification is required:

Address: 257 SE FOURWINDS DRIVE AND 245 ST LUCIE BLVD

That a copy of the notice was sent by U.S. Mail on DATE 22 January 2021 to the property owners within 300 feet of the subject property.

That a list of the property owners and their addresses is on file with the City of Stuart; and

That a photograph showing the placement of the notification sign(s) shall be made a part of this Affidavit.

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SWORN TO AND SUBSCRIBED before me this 25 day of Jan, 2021

NOTARY PUBLIC, STATE OF FLORIDA:

My Commission Expires:

Gina C. Jordan
Notary Public
State of Florida
My Commission Expires 09/12/2022
Commission No. GG 258002

Notice to Surrounding Property Owners

Subject:	**Notice of Public Hearings Before:** **The City of Stuart Local Planning Agency and City Commission**
Petitioner:	**Douette Pryce, MGRM (Applicant)** **257 4Winds LLC and 245 St Lucie LLC (Property Owner)**
Parcel ID #:	**03-38-41-006-007-00170-1 & 03-38-41-006-007-00150-5**
Address of Property:	**257 SE Fourwinds Dr & 245 St Lucie Blvd, Stuart** **(see enclosed location map)**
Proposed Request:	**The applicant is requesting to rezone the property from the current zoning designation of R-1 Residential - Single Family General to R-2 Single Family Residential - Duplex.**

Dear Property Owner:

Please be advised that the City of Stuart will conduct public hearings before the Local Planning Agency and the First Reading before the City Commission on the dates and time as listed below:

City of Stuart Local Planning Agency on **Thursday February 11, 2021 at 5:30 P.M.** and the City Commission on **Monday, March 8, 2021 at 4:00 P.M.** to consider the above request.

The public hearing will take place in the Stuart City Hall Commission Chambers, located at 121 S. W. Flagler Avenue in Stuart.

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Office of the City Development Department located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please feel free to call the City's Senior Planner, Tom Reetz at (772) 600-1284, M-F 8:30 A.M. – 5:00 P.M.

Tom Reetz

Thomas J. Reetz
Senior Planner
Treetz@ci.stuart.fl.us
Development Department, City of Stuart

Martin County Property Appraiser
Laurel Kelly, CFA

Main Office
1111 SE Federal Highway
Suite 330
Stuart, Florida 34994
Phone: (772) 288-5608
Fax: (772) 221-1346

Hobe Sound Annex
11726 SE Federal Hwy
Island Crossings Center
Hobe Sound, Florida 33455
Phone: (772) 546-1309
Fax: (772) 546-3287

Notice

Rev. 06/2020

Public information data is furnished by the Martin County Property Appraiser's office, and must be accepted and used by the recipient with the understanding that this office makes no warranties, expressed or implied, as to the correctness, accuracy, reliability, completeness, usefulness, suitability and/or timeliness of information or links herein.

This data is not certified. This data does not include any owners who qualify for confidentiality pursuant to FS 119.071 & 493.6122. This office assumes no liability associated with the use or misuse of such data.

Note that search results may not be complete due to public records exemptions. If compiling a results for legal notice, a complete list is required. For assistance with missing parcel owner information, please contact the Martin County Property Appraiser's Office at 772-288-5608.

The address labels are formatted for 1" x 2 5/8" labels. 3 across by 10 down. Compatible with Avery 5160.

The Property Appraiser's Office is YOUR office. Feel free at all times to visit and look over our records.

JOHANSEN ROBERT P
283 SE SAILFISH LN
STUART FL 34996

JOHNSON LYNN MARIE L/E
200 SE FOUR WINDS DR #113
STUART FL 34996

JOHNSON, WILLIAM T
261 SE MONTEREY AVE
STUART FL 34996

JOHNSTON MARIE E
200 SE FOUR WINDS DR #112
STUART FL 34996

KALLAS ALAN DKALLAS DIANE
209 SE SAILFISH LN
STUART FL 34996

KELLER GAIL
200 SE FOUR WINDS DR #115
STUART FL 34996

LEBEAU NICOLE C
200 SE FOUR WINDS DR #212
STUART FL 34996

LEDON SONIA
200 SE FOUR WINDS DR #213
STUART FL 34996

LEE DARLENE MARIE
4083 SE FAIRWAY EAST
STUART FL 34997

LOWE CHARLOTTELOWE RONALD R
177 SE FOUR WINDS DR
STUART FL 34996

MASEMER HAROLD DMASEMER ALICE B
4303 SE MULFORD LN
STUART FL 34997

MCCARTY JOSEPH P & JENNIFER
251 SE MONTEREY AVE
STUART FL 34996-1306

MCDONALD, THOMAS FMCDONALD DEBORAH ANN
207 SE FOURWINDS DR
STUART FL 34996

MILLER JANE T
272 SE MONTEREY AVE
STUART FL 34996

NORMAN KEITH C
215 SE ST LUCIE BLVD
STUART FL 34996

OATES DEBRA S
PO BOX 283
YANKEETOWN FL 34498

PAPPALARDO DEBORAH L/E
250 SE FOUR WINDS DR #208
STUART FL 34996

PETER R & JUDITH S BURGHARDT REVOCAB
233 SE SAILFISH LN
STUART FL 34996

PETER R & JUDITH S BURGHARDT REVOCAB
233 SE SAILFISH LN
STUART FL 34996

PLOTNICK NATINE H L/E
250 SE FOUR WINDS DR #108
STUART FL 34996

REDDINGTON MARIANN
250 SE FOUR WINDS DR #105
STUART FL 34996

REGAN, PETER J
8321 SE KETCH CT
HOBE SOUND FL 33455

REMPT VIRGINIA MACKIE L/E
ADELHEIDSTRAAT 10
2595 ED DEN HAAG

RIZZOTTO JEAN L/E
231 SE MONTEREY AVE
STUART FL 34996

ROBERTS KIMBERLY K
250 SE FOUR WINDS DR #102
STUART FL 34996

SASSLER MARVIN L
56 PALMER DR
WAYNE NJ 07470

SERI ALBANO
250 SE FOUR WINDS DR #205
STUART FL 34996

SHARFI LILA L/E
669 NE PLANTATION RD #206
STUART FL 34996

SHURWOOD GARDENS CONDOMINIUM ASSOCI
PO BOX 111
JENSEN BEACH FL 34958

SLOANE RICHARD J & SALLY A
203 SE SAILFISH LN
STUART FL 34996


SE Osceola ST EA
SE Pierpoint LN
SE Sailfish LN
SE Four Winds DR
SE Monterey Ave
SE Wells DR
SE ST Lucie Blv
BUILDING A
(27.1)
(28)
(28.1)
(29)
(29.1)
(30)
(30.1)
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(35)
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(7.1)
(3.1)
(2)
(2.1)
(1.1)

PRYCE RESOURCES
Business Focused. Real Estate Minded. ©

FOURWINDS @ ST LUCIE
PICTURE EVIDENCE SIGN NOTICE


Fourwinds Drive SE view

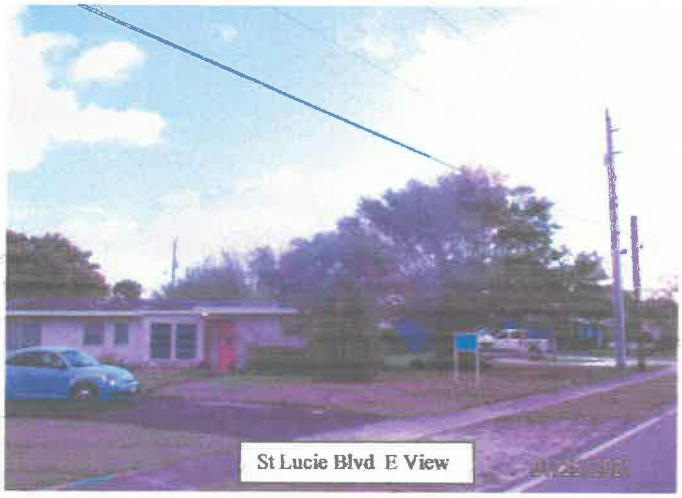


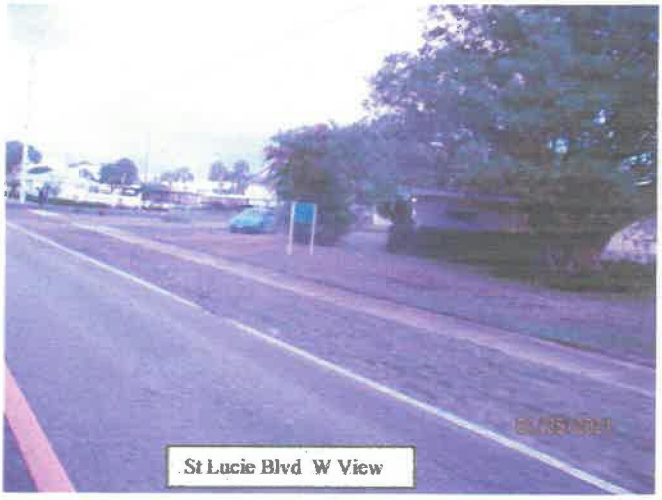
Fourwinds Drive NE view


Fourwinds Drive NE view



St Lucie Blvd E view


St Lucie Blvd E View


St Lucie Blvd W View

From: Reetz, Thomas
To: Dale Thornberry
Cc: Freeman, Kevin (kfreeman@ci.stuart.fl.us)
Subject: Fourwinds @ St. Lucie Intervenor - Second Reading
Date: Tuesday, March 16, 2021 3:18:00 PM

Mr. Thornberry,
This is a follow-up email to our phone conversation this afternoon confirming that you do not have any intervenor information to include for the 2nd reading agenda for the above named project.

Regards,

Tom Reetz | Senior Planner | Development
City of Stuart | 121 SW Flagler Ave. Stuart Fl. 34994
772-600-1284

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 3/22/2021 **Prepared by:** S. Mayer

Title of Item:

FLORIDA FRIENDLY LANDSCAPING CODE OF ORDINANCE TEXT AMENDMENT (RC):

ORDINANCE No. 2462-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING CHAPTER 42, ARTICLE II, DIVISION 4 OF THE CODE OF ORDINANCES ENTITLED "CONSERVATION" IN RESPECT OF STANDARDS FOR THE PROVISION OF REGULATING FLORIDA FRIENDLY LANDSCAPING AND THE USE OF RAIN SENSOR DEVICES ON AUTOMATIC SPRINKLER SYSTEMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

History
The item was approved at First Reading at the March 8, 2021 Commission meeting. Following that hearing South Florida Water Management District provided comments, which staff have included, together with other minor amendments, in the revised Ordinance.

The minor corrections, include breaking the proposed new definitions into parts, clarifying that Neighborhood Services will enforce the code section, and added the updated reference for the Florida Friendly plant list.

Summary
The purpose of this Code of Ordinance amendment is to support the objectives of the City's Comprehensive Plan and meet the conditions of the City's Water Use Permit application which necessitate updating codes or adopting ordinances for landscaping and irrigation systems consistent with the Florida-friendly landscaping provisions of s. 373.185.

Funding Source:

N/A

Recommended Action:

Move to approve Ordinance 2462-2021 on Second Reading

ATTACHMENTS:

	Description	Upload Date	Type
🗋	A1. Ordinance 2462-2021	3/12/2021	Cover Memo

D1.Florida Friendly Landscape Guidelines	2/26/2021	Attachment
D2. Florida Friendly Plant Guide	2/26/2021	Attachment

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2462-2021

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING CHAPTER 42, ARTICLE II, DIVISION 4 OF THE CODE OF ORDINANCES ENTITLED "CONSERVATION" IN RESPECT OF STANDARDS FOR THE PROVISION OF REGULATING FLORIDA FRIENDLY LANDSCAPING AND THE USE OF RAIN SENSOR DEVICES ON AUTOMATIC SPRINKLER SYSTEMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the purpose of this Code of Ordinance amendment is to support the objectives of the City's Comprehensive Plan; and

WHEREAS, the City Commission of the City of Stuart has determined that the amendments set forth in this Ordinance promote the public health, safety, and general welfare of the residents of the City of Stuart by regulating the general landscaping and water conservation regulations by requiring Florida-Friendly landscape practices and irrigation systems; and

WHEREAS, pursuant to Sections 125.568, 166.048, 373.185 F.S. and 373.228, local governments should consider the adoption of Florida-Friendly landscape standards and further Section 373.62 F.S., regulates the installation of rain sensor devices on automatic lawn sprinkler systems; and

WHEREAS, Section 373.228 F.S. requires that ordinances or rules addressing landscaping or irrigation shall follow the standards in Landscape Irrigation and Florida-Friendly Design Standards, December 2006; and

WHEREAS, the City of Stuart recognizes the need for the protection of water as a natural resource through the application of Florida-Friendly Landscape practices; and

WHEREAS, a Florida-Friendly Landscape promotes the conservation of water by the use of site adapted plants and efficient watering methods which generally result in a long-term reduction of irrigation, fertilizer, and pesticide requirements, costs, energy, and maintenance; and

WHEREAS, Florida-Friendly Landscaping™ practices and designs may save significant amounts of water to preserve local water supplies such that cumulative benefits may reduce or postpone the need for community potable water supply expansion; and

WHEREAS, The Florida Legislature enacted Florida Statutes, Chapter 481, Part II and the Board of Landscape Architecture adopted Rule 61-G-10 Florida Administrative Code, which defines and regulates the practice of landscape architecture to protect the public health, safety, and welfare

WHEREAS, it is the further intent of the City to exercise its authority to adopt reasonable and nondiscriminatory rules and regulations to the fullest extent allowed by Federal and State law; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on March 8, 2021, to consider this ordinance and provide for full public participation in the Code of Ordinance amendment process.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: The Stuart Code of Ordinances is hereby amended as follows:

DIVISION 4 - CONSERVATION

Section 42-123 – Definitions

****

"Evapotranspiration-based (ET) controller" means a controller that calculates soil moisture from known weather and related inputs. An ET-based controller:

a. Receives and monitors weather data or on-site environmental conditions including, but not limited to, solar radiation, wind speed, temperature, relative humidity, rainfall, and soil moisture; and

b. Calculates or determines the amount of moisture input to and moisture lost from the soil and plants; and

c. Automatically creates or adjusts the irrigation schedule to apply only the amount of water that is necessary to maintain adequate soil moisture

"Florida-Friendly Landscape" means a quality landscape that conserves water, protects the environment, is adaptable to local conditions, and is 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 stormwater 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. [Ref. s373.185 (1) Fla. Stat.]

"Florida-Friendly Landscaping™ " means the service-marked educational program of the University of Florida Institute of Food and Agricultural Sciences Extension Service, created and delivered in partnership with the Florida Department of Environmental Protection to promote and train people in the principles of designing, installing, and maintaining a Florida-Friendly Landscape as defined in Florida law, especially as it concerns protection of natural resources and water conservation.

"Licensed Contractor" shall mean any person licensed or registered under chapter 489, Florida Statutes, or authorized under any county or municipal license or tax certificate to design, install, repair, maintain, or adjust a landscape irrigation system within the jurisdiction of the City of Stuart).

"Moisture Sensing Device" means a device to estimate or measure soil moisture in the root zone for the purpose of controlling an irrigation system based on the actual needs of the plant. By law (373.62 F.S.) any person who purchases and installs an automatic landscape irrigation system must properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture. See: Rain Sensor, Soil Moisture Sensor, ET controller.

"Rain Sensor" means a low voltage electrical or mechanical component placed in the circuitry of an automatic landscape irrigation system that is designed to restrict the operation of a sprinkler controller when precipitation has reached a pre-set quantity.

"Soil Moisture Sensor" means a soil-based device that assesses the available plant soil moisture to minimize the unnecessary use of water and optimize the effectiveness of an irrigation system.

****

Section 42-128 – Year-round landscape irrigation conservation measures

The following requirements or exceptions shall apply to all users unless specified otherwise herein:

(1) Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

(2) Landscape irrigation systems may be operated during restricted days and/or times for cleaning, maintenance, and repair purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed ten minutes per zone.

(3) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the manufacturer, or by federal, state or local law, or best management practices, shall be allowed under the following conditions:

a. Such watering-in shall be limited to one application unless the need for more than one application is stated in the directions for application specified by the manufacturer: and

b. Such watering-in shall be accomplished during normally allowable watering days and times set forth in subsections (5) and (6) of this section, unless a professional licensed applicator has posted a temporary sign containing the date of application and the date of needed watering-in activity.

(4) Any plant material may be watered using low volume irrigation, micro irrigation, low volume hand watering methods, and rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this section.

(5) Irrigation of new landscaping shall comply with the following provisions:

a. On the day the new landscaping is installed, the new landscaping may be irrigated once without regard to the normally allowable watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is also allowable without regard to the normal allowable watering days and times.

b. The 90-day period begins the day the new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.

c. Irrigation of new landscaping which has been in place for 30 days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and Sunday.

d. Irrigation of new landscaping which has been in place for 31 to 90 days may be accomplished on Monday, Wednesday, Thursday, and Saturday.

e. Irrigation of the new landscaping is limited to areas containing the new landscaping only. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this subsection if the zone in question is for an area that contains at least 50 percent new landscaping. If a zone contains less than 50 percent new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation under this subsection. Targeted watering may be accomplished by low volume hand watering or any appropriate method which isolates and waters only the new landscaping.

(6) Irrigation of existing landscaping shall comply with the following provisions:

a. Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multifamily units and homeowners' associations, and rights-of-way or other locations with no address shall have the opportunity to accomplish necessary landscape irrigation only on Thursday and Sunday.

b. Odd addresses as defined in F.A.C. 40E-24.101(12) shall have the opportunity to accomplish necessary landscape irrigation only on Wednesday and Saturday.

(7) In accordance with section 373.62(1), Florida Statutes, devices, such as soil moisture sensors, evapotranspiration-based controllers or rain sensors, shall be required on automatic irrigation systems to prevent irrigation during periods of sufficient moisture. Any person who purchases, installs or operates an automatic landscape irrigation system on their property must properly install, maintain, and operate, in accordance with manufacturer specifications, technology that inhibits or interrupts operation of the system during periods of sufficient moisture.

a. In accordance with section 373.62(2), Florida Statutes, a licensed contractor who installs or performs work on an automatic landscape irrigation system must test for the correct operation of each inhibiting or interrupting device or switch on the system. If such devices are not installed, or are not functioning properly, the contractor must install new devices or repair the existing ones and ensure that each is operating properly before completing other work on the system.

b. In accordance with section 373.62(3)(a) and (b), Florida Statutes, a licensed contractor performing work on an automatic landscape irrigation system shall report systems that are not in compliance with section 373.62, Florida Statutes, to the Neighborhood Services Division. Failure of a contractor to report non-compliant systems within five business days is punishable by fines as specified in the Penalties section of this ordinance, Section 42-130. A system that is repaired by the contractor is brought into compliance and need not be reported.

c. In accordance with section 373.62(3)(b), Florida Statutes, regular maintenance and replacement of worn or broken moisture sensing equipment, such as soil moisture or rain sensors, is not a violation

of section 373.62, Florida Statutes, or this ordinance if such repairs are made within thirty days from the time non-compliance is noted.

(Code 1995, § 82-91; Ord. No. 2050, § 1, 11-14-2005; Ord. No. 2202-10, § 1(82-86), 5-10-2010)

Sec. 42-130. - Penalties.

(a) Violation of any provision of this division shall be subject to the following penalties:

(1) First violation, $25.00;

(2) Second violation, $50.00;

(3) Third and subsequent violations, $100.00 for each violation.

(b) Each day in violation of this division shall constitute a separate offense. Law enforcement and code enforcement officers and others delegated by the city manager shall provide violators with no more than one written warning. In addition to the civil penalties provided herein, the city may seek any other appropriate legal action, including but not limited to injunctive relief to enforce the provisions of this division.

(c) Licensing of Contractors Performing Work on Irrigation Systems

All contractors performing work on irrigation systems within the City of Stuart, shall be licensed or registered under chapter 489, Florida Statutes, or hold a county or municipally issued license or business tax certificate that permits work on irrigation systems. Failure of a licensed contractor to report to City of Stuart Neighborhood Services Division automatic landscape irrigation systems that are not in compliance with this ordinance and section 373.62, Florida Statutes, which requires properly operating devices to inhibit or interrupt the operation of the irrigation system during periods of sufficient moisture, shall be subject to a fine of not less than $50.00 for a first offense, $100.00 for a second offense, and $250.00 for a third or subsequent offense. Funds generated by penalties imposed under this section shall be used by City of Stuart for the administration and enforcement of section 373.62, Florida Statutes, and the corresponding sections of this ordinance, and to further water conservation activities

(Ord. No. 2202-10, § 1(82-88), 5-10-2010)

Section 42-133 Florida Friendly Landscaping

A. All new development for which landscaping is required by the City Commission shall comply with the Florida Friendly Landscaping requirements set forth below prior to issuance of a certificate of occupancy. For a development for which a landscape plan is required prior to issuance of a building permit, the selected design options and the accompanying points necessary to meet the following Florida Friendly Landscaping requirements shall be clearly tabulated on the landscape plan.

B. To obtain a development permit, an applicant shall attain a minimum of 50 points from the following table of design options. As used in the table, "list" means the list of drought tolerant species set forth in the most current Florida-Friendly Waterwise Plant database. http://floridayards.org/fyplants/ A copy of the guide is available for public inspection and copying at the office of the city development department.

C. Design options:

Option		Points
1	Utilization of moisture sensing controller other than rain switch	5
2	Plan submitted with low, moderate and high water usage zones indicated on the landscape plan	5
3	Grass:	
	25%—50% of the grass areas are made up of drought tolerant grass species from the list	5
	51% or more of the grass areas are made up of drought tolerant grass species from the list	10
4	Shrubs:	
	25%—50% of the required shrubs are made up of drought tolerant species from the list	5
	51% or more of the required shrubs are made up of drought tolerant species from the list	10
5	Trees:	
	25%—50% of the required trees are made up of drought tolerant species from the list	5
	51% or more of the required trees are made up of drought tolerant species from the list	10
6	Extra shade trees in vehicular use areas:	
	25% more than the required shade trees planted in the vehicular use area	5
	50% more than the required shade trees planted in the vehicular use area	10
7	Sod area less than 50% of landscape area	10
8	Utilization of compacted mulched (use of cypress mulch not recommended in order to protect natural cypress wetlands) planting beds at least three inches deep in all planted areas except ground cover	10

This Code supersedes Section 6.04.05 of the City's Land Development Regulations.

(Ord. No. 1284-93, § 6.06.03.E., 4-26-93; Ord. No. 1417-95, 7-1-95)

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2021.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
EULA R. CLARKE, MAYOR				
MERRITT MATHESON, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2021.

ATTEST:

_____ _____

MARY R. KINDEL EULA R. CLARKE

CITY CLERK MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

_____

MICHAEL J. MORTELL, ESQ.

CITY ATTORNEY

Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION and UNIVERSITY OF FLORIDA

JANUARY 2009

A Florida–Friendly Landscape Publication

Excessive nutrient loading to Florida's surface and ground waters is one of the biggest water quality issues facing our state. It is far easier and much less expensive to minimize the amount of nutrients that get into our waters than it is to treat stormwater and other nonpoint sources of pollution to remove nutrients. A major source of nutrient loading is from fertilizers applied to urban landscaping. To minimize the impacts of such fertilizers, the State of Florida has undertaken several initiatives to promote Florida-Friendly Landscaping and fertilizers.

This book is a compilation of two guidelines for model ordinances to promote Florida-Friendly Landscape principles in local government Land Development Regulations and model restrictive covenants for developments that require Florida-Friendly Landscaping. The first model ordinance guideline is a revision of a 2003 FDEP-led effort to create model ordinance language for use by communities in Florida. It represents FDEP's preference for addressing nonpoint sources of pollution from lawns and landscapes in a comprehensive manner with a strong focus on source controls and education; that is, to prevent stormwater from being polluted in the first place, or to treat it on the site where it is first generated, using low-impact development principles and Best Management Practices.

The second model ordinance is a stand-alone subset of the fertilization sections of the first ordinance. It is a much more limited, addressing only the application of lawn and landscape fertilization, which only addresses one component of the issues associated with fertilization of urban landscapes. This model has been adapted from a draft model ordinance written by the legislatively appointed Consumer Fertilizer Task Force in 2007. The main focus is on the training and professionalism of professional applicators.

Finally, the last section of the booklet addresses the private contract provisions typically found in deed restrictions, subdivision covenants, and other restrictions used by developers and homeowners associations. This document was produced by the University of Florida Levin College of Law.

Copyright January 2009, Florida Department of Environmental Protection

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Florida Department of Environmental Protection

FLORIDA-FRIENDLY LANDSCAPE GUIDELINES FOR MODEL ORDINANCE LANGUAGE FOR PROTECTION OF WATER QUALITY AND QUANTITY

January 2009

This document is educational in nature and not meant to be adopted without full and public discussion of its provisions. It was developed by a partnership of industries, agencies, local and regional representatives, and other organizations to provide a sound model for the implementation of local control of water use and nonpoint source pollution issues associated with urban landscapes.

As of the date of publication, the implementation of this language is not mandated by any state or federal law. Communities have been encouraged, however, by Sections 125.568, 166.048, 373.185, 373.228, 373.4595, and 403.067 Florida Statutes, to consider adopting Florida-Friendly ordinances. In addition, the growing number of nutrient- impaired water bodies and the costs of treating nonpoint sources of pollution provide another incentive to adopt these ordinances. This document is an educational tool for those communities seeking advice on preparing this type of ordinance. It also addresses issues of nonpoint source pollution not addressed by many water conservation ordinances. Other model ordinances exist and should be consulted, and a full evaluation of how various provisions might mesh with existing codes is necessary. Most communities will find some features apply to land development codes, others under occupational licensing, nuisance ordinances, etc. It is not nor does it purport to be a comprehensive landscape ordinance.

The following organizations, and individuals too numerous to mention, were involved in the original creation of this product, first issued in September, 2003.

Florida Nursery, Growers and Landscapers Association

1000 Friends of Florida

Green Industry Alliance

Florida Turfgrass Association

Florida Irrigation Society

Landscape Maintenance Association

Florida Pest Management Association

Certified Pest Control Operators

Florida League of Cities

Florida Association of Counties

Florida Chapter, American Society of Landscape Architects

FDOT

FDCA

FDACS

FDEP

UF-IFAS

Northwest Florida WMD

Suwannee River WMD

St. Johns River WMD

Southwest Florida WMD

South Florida WMD

Florida-Friendly Landscape Guidelines for Model Ordinance Language for Protection of Water Quality and Quantity

JANUARY 2009

1. TITLE

AN ORDINANCE OF THE (CITY/COUNTY OF) AMENDING OR REPLACING ORDINANCE NO.(S)_ _ OF THE GENERAL LANDSCAPE REGULATIONS BY REQUIRING FLORIDA-FRIENDLY LANDSCAPE PRACTICES AND IRRIGATION SYSTEMS; BY PROVIDING FOR CONSISTENCY WITH STATE LAW AND THE (CITY/COUNTY OF) COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AMENDMENT OF EXISTING REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR ENFORCEMENT AND PROVIDING AN EFFECTIVE DATE.

2. FINDINGS OF FACT

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, (F.S.), provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, pursuant to Sections 125.568, 166.048, 373.185, F.S. and 373.228, local governments should consider the adoption of Florida-Friendly Landscape Standards and further Section 376.62, F.S., regulates the installation of rain sensor devices on automatic lawn sprinkler systems; and

WHEREAS, Section 373.228 F.S. requires that ordinances or rules addressing landscaping or irrigation shall follow the standards in *Landscape Irrigation and Florida-Friendly Design Standards*, December 2006; and

WHEREAS, the Florida Watershed Restoration Act (403.067 F.S.) and the NPDES municipal stormwater permitting program require local governments to reduce pollutant loads discharged from their stormwater management systems to better protect and restore surface and ground waters; and

WHEREAS, the (City/County of ___) recognizes the need for the protection of water as a natural resource through the application of Florida-Friendly Landscape practices; and

WHEREAS, a Florida-Friendly Landscape promotes the conservation of water by the use of site adapted plants and efficient watering methods which generally results in a long-term reduction of irrigation, fertilizer, and pesticide requirements, costs, energy, and maintenance; and

WHEREAS, a Florida-Friendly Landscape encourages a reduction of total energy expenditures such as water pumping and treatment, manufacture and shipping of fertilizers, insecticide, and other gardening chemicals, operation and maintenance of mowers, edgers, blowers and other combustion based yard equipment, as well as labor; and

WHEREAS, community-wide Florida-Friendly Landscape efforts are designed to save significant amounts of water to preserve local water supplies such that cumulative benefits may reduce or postpone the need for community potable water supply expansion; and

WHEREAS, The Florida Legislature enacted Florida Statutes, Chapter 481, Part II and the Board of Landscape Architecture adopted Rule 61-G-10 Florida Administrative Code, which defines and regulates the practice of landscape architecture to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/COUNTY OF _____), FLORIDA, as follows:

3. SHORT TITLE

This ordinance shall be known and may be referred to as the (City/County of _____) Ordinance for Protection of Water Quality and Quantity Using Florida-Friendly Landscapes.

4. AUTHORITY

This ordinance is adopted by the (City/County of __) under its home rule powers, its police powers to protect the public health, safety, and welfare, and under powers pursuant to the authority granted by Sections 125.568 (Counties) and 166.048 (Cities), Florida Statutes, in order to implement and enforce the standards, rules and regulations as set forth herein.

5. ADMINISTRATIVE STANDARDS

Whenever, in the course of administration and enforcement of this ordinance, it is necessary and desirable to make any administrative decision, then,

unless other standards are in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this ordinance or injurious to the surrounding neighborhood or the community at large.

6. PURPOSE AND INTENT

The purpose of these regulations is to establish minimum standards for the development, installation, and maintenance of Florida-Friendly Landscape areas without inhibiting creative landscape design, construction and management

Specific Best Management Practices (BMPs) have been developed that include water conservation measures, the preservation of natural vegetation where applicable, and appropriate plant selection and location. Best Management Practices have also been developed for the use of fertilizers, pesticides and appropriate maintenance practices such as proper pruning techniques, mowing, mulching and composting. Implementation of BMPs will aid in improving environmental quality and the aesthetic appearance of public, commercial, industrial, and residential areas.

These guidelines and landscape practices are established to help communities, developers, builders, contractors, businesses and homeowners be partners in improving and protecting Florida's environment.

These practices are also based on the premise that the quality of Florida's surface and ground water is affected by stormwater runoff and leachate. Improper landscape design, construction and management may contribute to nonpoint source pollution that affects ground and surface water quality. Use of BMPs in proper landscape design and maintenance can reduce pollution and save water, as well as save labor, resources, and money. Application of BMPs will also help to enhance property values, improve Florida's quality of life and protect natural resources for Florida residents well into the future.

This ordinance is based on concepts of Florida-Friendly Landscaping and the use of BMPs. The Florida-Friendly Landscape concept is based on the principles of the *Florida Yards and Neighborhoods (FYN) and Environmental Landscape Management* (ELM) programs operated by the University of Florida Cooperative Extension Service, along with the various water conservation programs of the State's Water Management Districts, and BMPs identified in the *Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries* (2008).

The *Florida Yards & Neighborhoods Handbook,* the Water Management Districts' *Waterwise Florida Landscape Guide, Xeric Landscaping with Florida Native Plants* by the Association of Florida Native Nurseries, FDEP's *Waterfront Property Owners Guide,* the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries*, and *Water Right: Conserving our Water, Preserving our Environment* published by the International Turf Producers Foundation should be referred to before making landscape and other site decisions. In general, all landscapes shall be designed to minimize adverse effects on Florida's natural systems.

No part of these guidelines shall be interpreted to restrict creative designs or the inclusion of landscape elements such as vegetable gardens, fruit trees, arbors, water gardens, or furnishings.

This ordinance incorporates several accepted principles of a Florida-Friendly Landscape. These principles, listed below, are included within the general provisions section for the purpose of giving guidance and direction for the administration and enforcement of the regulations contained herein. Detailed explanations of the following principles are included in the previously cited documents.

- Site Planning and Design
- Soils
- Land Clearing Standards and Preservation of Native Vegetation
- Appropriate Plant Selection, Location, and Arrangement
- Practical Use of Turf
- Efficient Irrigation
- Yard Waste Management, Composting and Use of Mulches
- Fertilizer Management
- Pesticide Management
- Landscape Maintenance
- Shoreline Considerations

This Ordinance regulates the proper use of fertilizers by any applicator and establishes training and licensing requirements for Commercial and Institutional Fertilizer Applicators. It also establishes a prohibited application period when fertilizer can not be applied

and specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The Ordinance requires the use of Best Management Practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on (MUNICIPALITY / COUNTY)'s natural and constructed stormwater and drainage conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. [*Guidance: as appropriate*] Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of (MUNICIPALITY / COUNTY) residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater and drainage conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

*[**Guidance:** Florida Statues 125.568(3), 166.048(3), and 373.185(3) provide that a deed restriction or covenant entered after October 1, 2001, or local government ordinance, may not prohibit any property owner from implementing Xeriscape or Florida-Friendly Landscape practices on his or her land. Any restrictions created after this date are void.]*

7. APPLICABILITY

The provisions of this ordinance shall apply to the development, redevelopment, rehabilitation, and maintenance of all property within present or future incorporated areas of the (City/County of _____) which are subject to the provisions of Chapter _____ _____, Site Plan Review; Chapter _____, Planned Unit Developments; or Chapter_____ _____, Subdivisions and Plats of the (City/County of _____ _____), Land Development Code. *[**Guidance:** If adopted by a county, unincorporated areas should also be included where they are subject to development.]*

No permit shall be issued for building, paving, or tree removal unless the landscape construction documents comply with the provisions hereof; and no Certificate of Occupancy shall be issued until the requirements herein are met. *[**Guidance:** Provided that such documents are required to be submitted.]*

All City/County facilities will be managed in accordance with these practices within one year of the approval of this Regulation. All City/County landscape service contractors will adhere to these practices. All new bid specifications and contracts will reflect this requirement beginning one year after the approval of this regulation. *[**Guidance:** Existing facilities/sites may not have been designed to maximize Florida-friendly practices, but should be managed insofar as is practicable using these principles.]*

All new and renovated City/County facility landscapes will be designed in accordance with these principles and be constructed and installed using Florida-Friendly Landscape materials.

This Ordinance shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of (MUNICIPALITY / COUNTY), unless such applicator is specifically exempted by the terms of this Ordinance from the regulatory provisions of this Ordinance. This Ordinance shall be prospective only, and shall not impair any existing contracts. *[**Guidance:** Local government may adopt additional or more stringent provisions to the model ordinance, but to avoid allegations of restraint of trade or arbitrary and capricious actions, should clearly document that the provisions are reasonable and necessary, as determined by scientific study, to comply with state or federal environmental rules or to prevent future violations, and to deviate as little as possible from standard provisions promulgated by this Model Ordinance, so as to avoid a confused regulatory tangle of adjoining jurisdictions which unduly favors local service only businesses over those with a multijurisdictional service area.]*

If the provisions of this ordinance conflict with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

Specific application of the provisions shall include, but not be limited to:

- All new, redeveloped, or rehabilitated landscapes for public agency projects and private development projects including but not limited to industrial, commercial, residential, and recreation projects, including new single-family and two-family homes; *[**Guidance:** Florida Statues 125.568(3), 166.048(3), and 373.185(3) provided that a deed restriction or covenant entered after October 1, 2001, or local government ordinance, may not prohibit any property owner from implementing Xeriscape or Florida-Friendly Landscape practices on his or her land. Any restrictions created after this date are void.]*

- Developer-installed landscapes at entrances into and common areas of single-family and multi-family projects;

- Any development approved prior to the effective date of this ordinance if the governing site development plan is amended;

Exempted from the provisions of this ordinance are the following as applicable:

- Bona-fide agricultural activities as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes~~, 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.~~

- Other properties not subject to or covered under the Florida Right to Farm Act that have Pastures used for grazing livestock~~, 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.~~

- Any development that is governed by an approved, final site development plan or a valid building permit issued prior to the effective date of this ordinance is exempted from retrofitting or meeting the specific provisions of Sections 9 A-F. However, existing development is not exempted from those provisions affecting management, maintenance, or the education of maintenance personnel.

- Rights-of-way for public utilities, including electrical transmission and distribution lines, and natural gas pipelines.

- Conditional exemption may be granted by (to be inserted by local government) for individual projects if the applicant can demonstrate acceptable reasons for the requested exemption.

8. DEFINITIONS

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly indicates otherwise.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and the word "person" includes a firm, corporation, county, municipal corporation, or natural person. The term "council" or "commission" shall mean Council or Commission of the (City/County of _____ _____ _____), and the word "city" or "county" shall mean the (City/County of _____ _____) of the State of Florida. The word "used" shall be deemed to include the words "arranged", "designed", or "intended to be used", and the word "occupied" shall be deemed to include the words "arranged", "designed", or "intended to be occupied". Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

1. "**Administrator**" means the (MUNICIPALITY / COUNTY) Administrator, or an administrative official of (MUNICIPALITY / COUNTY) government designated by the City/County Administrator to administer and enforce the provisions of this Article.

2. "**Application**" or "**Apply**" means the actual physical deposit of Fertilizer to Turf or Landscape Plants.

3. "**Applicator**" means any Person who applies Fertilizer on Turf and/or Landscape Plants in (MUNICIPALITY / COUNTY).

4. **Aquascape**. The planting of aquatic and wetland plants in the enhancement, restoration, or creation of freshwater, estuarine, or marine systems.

5. **Automatic Controller**. A mechanical or electronic device, capable of automated operation of valve stations to set the time, duration and frequency of a water application.

6. "**Board or Governing Board**" means the Board of City/County Commissioners of (MUNICIPALITY / COUNTY), Florida.

7. "**Best Management Practices**" means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

8. "**Code Enforcement Officer, Official, or Inspector**" means any designated employee or agent of (MUNICIPALITY / COUNTY) whose duty it is to enforce codes and ordinances enacted by (MUNICIPALITY / COUNTY).

9. "**Commercial Fertilizer Applicator**" means any Person who applies Fertilizer on Turf and/or Landscape Plants in (MUNICIPALITY /COUNTY)

in exchange for money, goods, services or other valuable consideration.

10. **Constant Pressure/Flow Control.** A device that maintains a constant flow, or pressure, or both.

11. **Developed landscape area.** That portion of the property where pre-development vegetation is to be removed.

12. **Emitter.** This term primarily refers to devices used in microirrigation systems.

13. "**Fertilize**," "**Fertilizing**," **or** "**Fertilization**" means the act of applying Fertilizer to Turf, specialized Turf, or Landscape Plant.

14. "**Fertilizer**" means any substance or mixture of substances, except pesticide/fertilizer mixtures such as "weed and feed" products, that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil. *[**Guidance:** Regulation of pest control businesses and applicators, and of pesticide use, is preempted to the Florida Department of Agriculture and Consumer Services (FDACS) by Chapters 482.242, and 487.051 (2), F.S. and suspected pesticide misuse should be reported to FDACS. Weed and feed products are registered pesticides. The Limited Commercial Landscape Maintenance Certification Program does not allow landscape maintenance workers to make any kind of pesticide applications (including weed control and/or weed and feed products) to any turf areas. Per 482.165(3) F.S., a civil penalty for unlicensed application of pesticides, including weed and feed products, may not be less than $500 or more than $5,000 for each offense.]*

15. **Filter.** A device in irrigation distribution systems that separates sediment or other foreign matter.

16. **Florida-Friendly Landscape.** The principles of Florida-Friendly 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 stormwater runoff, and waterfront protection. Additional components of Florida-Friendly Landscape include planning and design, soil analysis, the use of solid waste compost, practical use of turf, and proper maintenance.

17. **Ground Cover.** Low growing plants, other than turfgrass, used to cover the soil and form a continuous, low mass of foliage.

18. "**Guaranteed Analysis**" means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a Fertilizer.

19. **Hardscape.** Areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation.

20. **High Water Use Plants.** Plants that require irrigation to provide supplemental water on a regular basis throughout the year, or are so identified by a regulatory agency having jurisdiction. When placed in a naturally high water table area appropriate to the plant such that irrigation is not required, such plants shall not be considered high water use for the purposes of this ordinance.

21. **Hydrozone.** A distinct grouping of plants with similar water needs and climatic requirements.

22. **Infiltration Rate.** The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour)

23. "**Institutional Applicator**" means any Person, other than a non-commercial or commercial Applicator (unless such definitions also apply under the circumstances), that applies Fertilizer for the purpose of maintaining Turf and/or Landscape Plants. Institutional Applicators shall include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

24. **Irrigated landscape area.** All outdoor areas that require a permanent irrigation system.

25. **Irrigation System.** A constructed watering system designed to transport and distribute water to plants.

26. **Irrigation Zone.** A grouping of sprinkler heads or microirrigation emitters operated simultaneously by the control of one valve.

27. **Landscape.** Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

28. **Landscape Construction Documents.** Landscape construction documents may include a planting plan, a landscape layout plan, an irrigation plan, a grading and drainage plan, detail sheets and

written specifications. Plans shall be numbered, dated, North arrow indicated, scaled, and sealed by an appropriately licensed professional where required by Florida Statutes Chapter 481, Part II.

29. **Landscape Design.** Means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for placement of tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

30. **Landscape Layout Plan.** Plans and drawings showing the location of buildings, structures, pedestrian, transportation, or environmental systems, and the detail for placement of site amenities, accessibility components, plantings and other tangible objects. Plans shall be numbered, dated, North arrow indicated, scaled, and sealed by an appropriately licensed professional where required by Florida Statutes Chapter 481, Part II.

31. "**Landscape Plant**" means any native or exotic tree, shrub, or groundcover (excluding Turf).

32. **Landscaped Area.** The entire parcel; less the building footprint, driveways, hardscapes such as decks and patios, and non-porous areas. Water features are included in the calculation of the landscaped area. This landscaped area includes Xeriscape™ as defined in Chapter 373.185(1)(b), F.S.

33. **Low-flow Point Applicators.** Irrigation applicators with output less than 60 gallons per hour (gph).

34. "**Low Maintenance Zone**" means an area a minimum of six (6) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

35. **Low Water Use Plants.** Plants that do not need supplemental water beyond natural rainfall, or are so identified by a regulatory agency having jurisdiction.

36. **Microclimate.** The climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind, than surrounding areas or the area as a whole.

37. **Microirrigation (low volume).** The application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation.

38. **Moderate Water Use Plants.** Plants that need supplemental water during seasonal dry periods.

39. **Moisture Sensing Device or Soil Moisture Sensor.** A device to indicate soil moisture in the root zone for the purpose of controlling an irrigation system based on the actual needs of the plant.

40. **Mulch.** Non-living, organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.

41. "**(MUNICIPALITY / COUNTY) Approved Best Management Practices Training Program**" means a training program approved by the (MUNICIPALITY / COUNTY) Administrator that includes at a minimum, the most current version of the Florida Department of Environmental Protection's *"Florida-Friendly Best Management Practices for Protection of Water Resources by the Florida Green Industries, December 2008"* as revised and any more stringent requirements set forth in this Article. *[**Guidance:** Adopting entity must define levels of training for this program. Some may wish a certificate of completion, implying passing a test, others only attendance at the training, such as for laborers that may be illiterate and do not handle fertilizers or other agrichemicals.]*

42. **Native Vegetation.** Any plant species with a geographic distribution indigenous to all, or part, of the State of Florida as identified in: Wunderlin, R. P. 1998. Guide to the Vascular Plants of Florida. University Press of Florida, Gainesville.

43. "**Pasture**" means land used for livestock grazing that is managed to provide feed value.

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

45. **Pervious Paving Materials.** A porous asphaltic, concrete or other surface and a high-void aggre-

gate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

46. **Plant Bed.** A grouping of trees, shrubs, ground covers, perennials or annuals growing together in a defined area devoid of turfgrass, normally using mulch around the plants.

47. **Plant Communities.** An association of native plants that are dominated by one or more prominent species, or a characteristic physical attribute.

48. **Planting Plan.** Specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials.

49. **Point of Connection (POC).** The location where an irrigation system is connected to a water supply.

50. **Pop-up Sprays.** Spray heads that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.

51. **Pressure Tank.** A pressurized holding tank for irrigation water coming from wells to minimize cycling of the water pump.

52. "**Prohibited Application Period**" means the time period during which a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of (CITY/COUNTY), issued by the National Weather Service, or if heavy rain[1] is likely.

53. **Pump Cycling.** Irrigation pump coming on and shutting off frequently during operation of irrigation systems.

54. **Rain Sensor Device.** A low voltage electrical or mechanical component placed in the circuitry of an automatic irrigation system that is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity. Required by law (373.62 F.S.) on all automatic irrigation systems since 1991.

55. **Runoff.** The water that results from and occurs following a rain event, or following an irrigation event, because the water is not absorbed by the soil or landscape and flows from the area.

56. **Site Appropriate Plant.** A plant that after establishment, will thrive within the environmental conditions that are normal for a specific location without artificial supplements such as irrigation.

57. "**Slow Release,**" "**Controlled Release,**" "**Timed Release,**" "**Slowly Available,**" **or** "**Water Insoluble Nitrogen**" means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

58. "**Sod,**" **or** "**Lawn**" means a piece of turf-covered soil held together by the roots of the turf.

59. **Soil Moisture Sensor.** See Moisture Sensing Device.

60. **Soil Texture.** The classification of soil based on the percentage of sand, silt, and clay in the soil.

61. **Turf and/or Turfgrass.** A mat layer of monocotyledonous plants such as, but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia.

62. **Valve.** A device used to control the flow of water in the irrigation system.

63. **Water Use Zone.** See "Hydrozone".

9. GENERAL PROVISIONS AND DESIGN STANDARDS

In 2004, the Florida legislature created section 373.228 Florida Statutes directing the Department of Environmental Protection, the Water Management Districts, and several stakeholder groups to devise standards for Landscape Irrigation and Florida-Friendly Landscape design. The *Landscape Irrigation and Florida-Friendly Design Standards, December 2006*, were published by the Department of Environmental Protection. **Local governments must use these standards** when adopting local ordinances after that date.

Landscape and Xeriscape (Florida-Friendly) Design Standards:

1. Low impact site design practices, such as preserving existing native trees and vegetation, shall be used if feasible. Where established natural vegetation is incorporated into the landscape design, irrigation of those areas shall not be required.

[1] World Meteorological Organization definition of heavy rain: Rainfall greater than or equal to 50 mm (2 inches) in a 24 hour period. http://severe.worldweather.org/rain/, http://www.wrh.noaa.gov/sew/MediaGuide/TermsOutlooks_Watches_Warnings.pdf.

2. The plant palette and irrigation system shall be appropriate for site conditions, taking into account that, in some cases, soil improvement can enhance water use efficiency.

3. Plants shall be grouped together by irrigation demand.

4. The percentage of landscaped area in irrigated high water use hydrozones should be minimized. Local government ordinances shall address the percentage of irrigated landscaped area that may be included in high water use hydro¬zones. These high water use limits should not apply to land¬scaped areas requiring large amounts of turf for their primary functions, e.g., ballfields and playgrounds.

When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, expansion or change in use of a previously developed site is such that site plan review by the (to be inserted by the Local Government) is required prior to the issuance of a building permit, the provisions of 9A-F of this ordinance shall be applied to newly disturbed areas of such site. *[**Guidance:** It is intended that for expansion or remodeling of existing sites, only new or modified areas would be subject to these provisions.]*

A. Site Planning and Design

1. Site designs and landscape construction documents shall be prepared in accordance with the requirements of all applicable Florida Statutes. All landscape and irrigation system designs shall be consistent with the standards required under 373.228 Florida Statutes.

2. Site Plans for new development shall include riparian buffers adjoining all waters of the state. Such buffers should be native, or if previously disturbed, constructed, to be at least 25 feet, and preferably 50-150 feet wide, to protect water bodies from nonpoint source pollution generated by up gradient development. Riparian buffers shall be designed and managed in accordance with USDA-NRCS conservation practices for riparian buffers and filter strips (codes 390, 391, and 393). Such riparian areas may be included in the gross development area for purposes of determining zoning density.

3. The site plan shall consider natural drainage features to minimize runoff. The use of pervious surfaces and areas is preferred, therefore impervious surfaces and materials within the landscaped area shall be limited to borders, sidewalks, step stones, and other similar materials, and shall not exceed (To be inserted by the local government) % of the landscaped area. Use of pervious paving materials is strongly encouraged, and relative imperviousness will be considered.

*[**Guidance:** Site planning and design can affect the management and maintenance of lawns and landscapes. Some communities may wish to have detailed landscape construction documents submitted to and reviewed by the local building department. Due to the variation in local government organization, staff, and existing codes, it is not possible to develop specific language in these guidelines. As guidance, the word "should" is used in several areas below where "shall" may be more appropriate in an actual ordinance; Specific choices need to be made by the local government involved. If such plan reviews are desired, the following topics should be considered.*

- *Site plans should identify all vegetated areas to be preserved.*

- *All invasive exotic plant species should be removed from each site prior to the beginning of construction. For purposes of determining plant species to remove, refer to Department of Agriculture and Consumer Services "Noxious Weeds" rule Chapter 5B- 57, F.A.C.*

- *Gravel, river rock, shell and similar materials should not be used as a major landscape ground cover or mulch. In no case may these materials occupy over (To be inserted by the local government) % of the landscape surface area as they increase the need for herbicide use, have no habitat value, reflect rather than absorb heat, and do not produce oxygen like plants.*

- *The solar orientation of the property and its relationship to other properties should be considered as this may produce different microclimate exposures (e.g., sun vs. shade, southern vs. northern exposure, surrounded by heat-reflective surfaces, etc).*

If landscape construction documents are required, they should include, but not be limited to the following:

- *Location of all underground and overhead utilities;*

- *Existing and proposed trees, shrubs, ground covers and turf areas within the developed landscape area;*

- *Plants by botanical and common name, and where applicable, cultivar name; spacing, and quantities of each type of plant by container size and by mature height and spread;*

- *Existing and proposed property lines, streets, street names and public utilities;*

- *Existing and proposed hardscape features such as driveway(s) and sidewalk(s) as necessary;*

- *Existing and proposed structures such as pool(s), fountain(s), fence(s) and retaining wall(s);*

- *Existing and proposed buildings;*

- *Indicate in a table the total square footage(s) of the various landscape hydrozones on the plan. If more than one water meter serves the site, the total hydrozone square footages of the various hydrozones must be identified with each Point of Connection (POC) and meter providing water service.*

Irrigation plans must be designed to recognize differential irrigation requirements of the landscape as described in Section F. It is suggested that "Record" or "As-Built" construction documents be submitted prior to issuance of the Certificate of Occupancy, with a copy delivered to the homeowner. This will help to prevent later damage from digging by utility workers or the homeowner and assist the owner with understanding the system design. The irrigation plan should show the following:

- *Irrigation point(s) of connection and design capacity;*

- *Water service pressure at irrigation POCs;*

- *Water meter size;*

- *Reduced-pressure-principle backflow-prevention devices for each irrigation POC on potable water systems;*

- *Major components of the irrigation system, including all pumps, filters, valves, and pipe sizes and lengths.*

- *Precipitation rate expressed in inches per hour for each valve circuit. The preparer must attach to the Project Data Sheet the calculations for deriving precipitation rates for each irrigation valve circuit;*

- *Total flow rate (flow velocity not to exceed 5 feet per second) in gallons per minute (gpm) and operating pressure (psi) for each individual overhead and bubbler circuit, and gallons per hour (gph) and operating pressure for low-flow point irrigation circuit;*

- *Irrigation legend will have the following elements: Separate symbols for all irrigation equipment with different spray patterns and precipitation rates and pressure compensating devices; general description of equipment; manufacturer's name and model number for all specified equipment; recommended operating pressure per nozzle and bubbler and low-flow emitter; manufacturer's recommended overhead and bubbler irrigation nozzle rating in gallons per minute (gpm), or gallons per hour (gph) for low flow point applicators; minimum (no less than 75% of maximum spray radius) and maximum spray radius per nozzle; and manufacturer's rated precipitation rate per nozzle at specified psi;*

- *Recycled-water piping and guidelines as required; Reclaimed or non-potable water should be used for irrigation if an acceptable source is determined to be available by the (City/County) Engineer.*

- *Identify location of rain shut-off devices or soil moisture sensors.*

- *The irrigation system must take any existing slopes over 10% into account.*

If a grading plan is desired, it shall indicate all finish grades, spot elevations as necessary, drainage, and existing and new contours within the developed landscape area.]

B. Soils

1. Soils vary from site to site and even within a given site. Soil analysis information is needed for proper selection of plants and, if needed, soil amendments. A soil analysis based on random sampling is required and shall be performed by a reputable soil testing lab or University of Florida/IFAS Cooperative Extension facility.

*[**Guidance:** If a landscape design is required, a soil analysis satisfying the following conditions shall be submitted:*

- *Determination of soil texture, indicating the percentage of organic matter.*

- *Measurement of pH, and total soluble salts.*

- *Estimated soil infiltration rate.]*

2. Existing horticulturally suitable topsoil shall be stockpiled and re-spread during final site grading.

3. Any new soil required shall be similar to the existing soil in pH, texture, permeability, and other characteristics, unless convincing evidence is provided that a different type of soil amendment approach is justified.

4. The use of solid waste compost as a soil amendment is encouraged where it is appropriate.

C. Standards for land clearing and preservation of native vegetation

1. This section shall apply to all development permitted upon approval of this regulation. Parcels or lots independent of larger developments that are less than X acres (to be determined by local govt.) in size shall not be subject to these set-aside requirements. Individual single-family lots are exempt from this requirement; however, single family and planned unit developments are not exempt. Tree preservation ordinances and all other landscape requirements shall remain applicable to all development as described in the tree preservation and landscape ordinances.

2. This ordinance mandates a total of X% percent of a site planned for development be set aside for preservation. When clearing, X% (to be determined by local govt.) of the native vegetation on the site shall be preserved. If vegetation is not present on site, established open space zoning and landscape ordinance criteria shall be followed.

3. Vegetation that is set aside for preservation shall be protected from all on-site construction. Protective barriers shall be installed along the perimeter of all preserve areas. Protective barriers shall be constructed at such intervals to prevent machinery from passing between them. No equipment or materials shall be permitted to be stored within the set-aside areas, and dumping of excess soil, liquids, or any other construction debris within the preservation areas is prohibited. Removal or re-grading of soils within preservation areas is prohibited. Any damaged vegetation within the set-aside areas shall be replaced with vegetation equivalent to the vegetation destroyed before any certificates of occupancy or other approvals may be issued

4. Areas that are considered to be of *high ecological importance* should be given highest priority for protection. These areas include, but are not limited to, areas that have occurrences of federal and state listed species of flora and fauna, areas of high biological diversity, and areas that are in aquifer recharge zones.

5. If more than one native terrestrial plant community is present on the site, areas representing all existing plant communities shall be preserved onsite unless preserving more of one particular community is more ecologically beneficial.

6. Utilities, stormwater easements and right-of-ways are exempt from provisions 1-5 above, but should avoid preserved areas. Although not specifically required, creative alternatives to common practice in these areas may be eligible for incentives.

7. High-quality areas placed in preservation shall be retained in entirety, in their current or improved natural state, and protected into perpetuity regardless of ownership. This requirement may be negotiated to create contiguous preservation among plant communities. The developer shall prove to the reviewer, through exhibits provided during the site approval process, that the highest ecologically valued land is being retained first in order to satisfy the set-aside requirement. If the preservation of the highest ecologically valued land produces undue burden on the development of the property, it is also the developer's responsibility to prove such hardship and provide an acceptable alternative for approval.

8. Areas set aside for preservation should be contiguous parcels of land that are inter-connected and considered viable habitat for wildlife to the extent practical. Small fragmented areas of preservation should be avoided when possible.

9. Rights-of-way and areas determined to be future rights-of-way in the comprehensive plan, and utility or drainage easements shall not be allowed as designated set-aside areas.

D. Appropriate Plant Selection, Location, and Arrangement

1. Plant selection should be based on the plant's adaptability to the existing conditions present at the landscaped area and native plant communities, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color and texture. Plant species that are drought and freeze tolerant are preferred. For purposes of determining prohibited and controlled plant species refer to the Department of Agriculture and Consumer Services rule, Chapter 5B-57 Florida Administrative Code. Plants named in this rule may not be used except as allowed in Chapter 5B-57.

2. Plants shall be grouped in accordance with their respective water and maintenance needs. Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together. The water use zones (hydrozones)

shall be shown on the irrigation, layout, and planting plans (where required). Where natural conditions are such that irrigation is not required, the presence of site appropriate plants shall not be considered a high water use hydrozone.

3. The combined size of all high water use hydrozones shall be limited to X% (to be determined by local govt.) of the total landscaped area. In landscapes irrigated with recycled water, the allowable size of all high water-use zones shall be increased to not more than X% (To be determined by local government.) of the total landscaped area. These high water-use limits do not apply to landscaped areas requiring large amounts of turf for their primary functions, e.g., ballfields and playgrounds.

E. Turf Areas

1. The type and location of turf areas shall be selected in the same manner as with all the other plantings. Irrigated turf areas, as opposed to non-irrigated turf areas, are considered to be a high water use hydrozone. Irrigated turf shall not be treated as a fill-in material but rather as a planned element of the landscape. Turf shall be placed so that it can be irrigated using separate zones. While turf areas provide many practical benefits in a landscape, how and where it is used can result in a significant reduction in water use.

2. Irrigated turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for septic tank drainfields and required drainfield reserve areas, or provide soil erosion control such as on slopes or in swales; and where turfgrass is used as a design unifier, or other similar practical use. As a matter of public safety, no turfgrass that requires mowing shall be allowed on slopes greater than 4:1 or within 6 feet of the waters edge, except where adjacent to seawalls and bulkheads or needed to control erosion. Turf areas shall be identified on the landscape plan (where plan is required).

3. One of the most common reasons for turf failure is over-irrigation. Irrigation systems shall be designed and operated in accordance with section F.

F. Efficient Irrigation

*[**Guidance:** In 2004, the Florida legislature created section 373.228 Florida Statutes directing the Department of Environmental Protection, the Water Management Districts, and several stakeholder groups to devise standards for Landscape Irrigation and Florida-Friendly Landscape design. These standards were adopted in December 2006. Local governments must use these standards when adopting local ordinances after that date. The irrigation standards are based on Appendix F of the Florida Building code.]*

1. All irrigation installations after the effective date of this ordinance shall meet the irrigation standards identified per 373.228 F.S. These include:

   a. Irrigation systems shall be designed to meet the needs of the plants in the landscape (not the other way around).

   b. When feasible, irrigation systems shall be designed to separately serve turf and non-turf areas.

   c. The irrigation system plans and specifications shall identify the materials to be used and the construction methods.

   d. The design shall consider soil, slope, and other site characteristics in order to minimize water waste, including overspray, the watering of impervious surfaces and other non-vegetated areas, and off-site runoff.

   e. The system shall be designed to minimize free flow conditions in case of damage or other mechanical failure.

   f. The system shall be designed to use the lowest quality water feasible.

   g. Rain switches or other approved devices, such as soil moisture sensors, to prevent unnecessary irrigation, shall be incorporated. (Section 373.62, F.S.)

   h. A recommended seasonal operating schedule and average precipitation rates for each irrigation zone for both establishment and maintenance conditions shall be provided.

   i. Control systems shall provide the following minimum capabilities:

      i. Ability to be programmed in minutes, by day of week, season and time of day,

      ii. Ability to accommodate multiple start times and programs,

      iii. Automatic shut off after adequate rainfall,

iv. Ability to maintain time during power outages for a minimum of three days, and

v. Operational flexibility to meet applicable year-round water conservation requirements and temporary water shortage restrictions.

j. Recommended maintenance activities and schedules shall be included.

k. Precipitation rates for sprinklers and all other emitters in the same zone shall be matched, except that microirrigation emitters may be specified to meet the requirements of individual plants.

l. Irrigation systems shall be designed to maximize uniformity, considering factors such as:

i. Emitter types.

ii. Head spacing.

iii. Sprinkler pattern.

iv. Water pressure at the emitter.

m. Irrigation systems with main lines larger than two inches or designed to supply more than seventy gallons per minute shall incorporate a means to measure irrigation water use, at a minimum of ninety-five percent accuracy across the flow range.

n. Irrigation system plans and specifications shall require the system installer to conduct final testing and adjustments to achieve design specifications prior to completion of the system and acceptance by the owner or owner's representative.

o. Irrigation system plans and specifications shall require that the installer provide property owners and users with the following post-construction documentation, including as-constructed drawings, recommended maintenance activities and schedules, operational schedule, design precipitation rates, instructions on adjusting the system to apply less water after the landscape is established, maintenance schedule, water source, water shut-off method, and the manufacturer's operational guide for their irrigation controller. To the extent feasible, similar information should be made available for subsequent property transfers.

*[**Guidance:** Other irrigation construction or design not addressed in the standards should be per the BMPs].*

2. To assist the end user to operate the system properly, in addition to the minimum requirements of 373.228 F.S., the following shall be provided to the owner at the time of installation. The map shall be attached inside each irrigation controller or be kept in another readily available location if it is not practical to insert it in a small controller.

a. Irrigation scheduling information, with instructions for seasonal timer and sensor changes,

b. An irrigation valve site map detailing

i. valve locations,

ii. gallons per minute demands,

iii. precipitation rates,

iv. plant types within valve circuits, and

v. operating pressure requirements for each valve

3. The irrigation system shall be designed to correlate to the organization of plants into zones as described in (C) above. The water use zones shall be shown on the Irrigation Plan (where plan is required). All plants (including turf) require watering during establishment. Temporary facilities may be installed to facilitate establishment. Irrigation must be conducted in accordance with WMD restrictions.

4. Rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient soil moisture, in accordance with Florida Law (373.62 F.S.). Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. *[**Guidance:** As of 2008, Water Management Districts, or others, may require conventional rain sensor switches even on soil moisture sensing systems, although this may change in the future as the long-term reliability of such systems is better documented.]*

5. The installation of tracer wire along main lines and laterals is strongly encouraged to permit easy location and prevent inadvertent cutting of pipes.

6. If the water supply for the irrigation system is from a well, a constant pressure flow control device or pressure tank with adequate capacity shall be required to minimize pump "cycling".

7. Check valves must be installed at irrigation heads as needed to prevent low head drainage and puddling.

8. Nozzle precipitation rates for all heads within each valve circuit must be matched to within 20% of one another.

9. No water spray from irrigation systems shall be applied under roof overhangs.

10. Irrigated areas shall not be less than 4 feet wide, except when next to contiguous property or using micro or drip irrigation.

11. A pressure-regulating valve shall be installed and maintained if static service pressure exceeds 80 pounds per square inch. The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and set at not more than 50 pounds per square inch when measured at the most elevated fixture in the structure served. This requirement may be waived if satisfactory evidence is provided that high pressure is necessary in the design and that no water will be wasted as a result of high-pressure operation. *[**Guidance:** The purpose of this requirement is twofold, to protect against system failure during pressure surges, and to avoid wasted water due to operation of the system significantly above commonly used design values.]*

G. Yard Waste Management, Composting and Use of Mulches

1. Yard wastes shall not be disposed of or stored by shorelines, in ditches or swales, or near storm drains. *[**Guidance:** Yard wastes release nutrients as they decompose which may pollute the receiving water. Improper disposal of yard wastes can also contribute to flooding by causing stormwater runoff to backup in drainage systems. In addition, improper disposal may lead to spreading of invasive plants to new areas.]*

2. Shredded yard clippings and leaves should be used for mulch or be composted for use as fertilizer. However, diseased material should not be mulched and should be properly disposed of to avoid spreading disease.

3. Composting of yard wastes provides many benefits and is strongly encouraged. The resulting materials are excellent soil amendments and conditioners. Other recycled solid waste products are also available and should be used when appropriate. *[**Guidance:** Most Florida communities have these programs at their landfill. Incentives may be created to encourage their use, such as a tonnage credit for dumping based on use of composted material.]*

4. Grass clippings are a benefit to lawns, replacing nutrients drawn from the soil and as mulch that helps retain moisture, lessening the need to irrigate. Grass clippings should be left on your lawn. Mulching mowers are recommended, because the grass clippings are chopped very finely by special blade and shroud configurations. If a conventional mower equipped with a side discharge chute is used, the following practices should be employed. When mowing near the shoreline, direct the chute away from the water body. When mowing upland areas, direct the chute back onto the yard, not onto the road or driveway.

5. Mulches applied and maintained at appropriate depths in planting beds assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch can also be used in places where conditions aren't adequate for or conducive to growing quality turf or ground covers. Mulches are typically wood bark chips, wood grindings, pine straws, nut shells, small gravel, and shredded landscape clippings.

6. A layer of organic mulch 3" deep shall be specified on the landscape plans in plant beds and around individual trees in turfgrass areas. Use of byproduct or recycled mulch is recommended. Mulch is not required in annual beds. Mulch rings should extend to at least 3 feet around freestanding trees and shrubs. All mulch should be renewed periodically. Mulches should be kept at least 6 inches away from any portion of a building or structure, or the trunks of trees. Plastic sheeting and other impervious materials shall not be used under mulched areas.

H. Fertilizer Management

*[**Guidance:** RULE 5E-1.003(2)(d), F.A.C. contains the following provisions for golf courses, parks and athletic fields. As such, no additional specific requirements are included for these types of urban turf. The appropriate Best Management Practices listed below must be followed on such sites for nutrient management activities:*

(d) Fertilizers labeled for sports turf at golf courses, parks and athletic fields shall:

1. *Have directions for use not to exceed rates recommended in the document titled SL191 "Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant", dated March 2007, which is hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Soil and Water Science Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL 32611 or the following website: http://edis.ifas.ufl.edu/SS404.*

2. *Have directions for use in accordance with the recommendations in "BMP's for the Enhancement of Environmental Quality on Florida Golf Courses", published by the Florida Department of Environmental Protection, dated January 2007. Copies may be downloaded from http://www.dep.state.fl.us/water/nonpoint/pubs.htm.*

   Note that this does not exempt applicators at these sites from the required basic Green Industry BMP training. If other provisions of the ordinance are not appropriate for these sites, such exceptions should be noted.]

1. Fertilizer content and application rates

   a. Fertilizers Applied to Turf and/or Landscape Plants within (MUNICIPALITY / COUNTY) shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers.

   b. Nitrogen or phosphorus Fertilizer shall not be applied to turf or landscape plants except as provided in (a) above unless a soil or tissue deficiency has been verified by an approved test. *[**Guidance:** Soil and tissue tests for phosphorus are normally done by UF/IFAS or another accredited laboratory. FDEP has sponsored research (ca. 2007-2008) to compare several retail home test kits to IFAS extension lab results for a wide variety of Florida soils. This may allow more convenient testing by homeowners, although enforcement may be more difficult without written test results.]*

2. Timing of fertilizer application

   No Applicator shall apply Fertilizers containing nitrogen and/or phosphorus to Turf and/or Landscape Plants during the Prohibited Application Period. *[**Guidance:** One of the most controversial issues associated with recent fertilizer ordinances enacted by local governments is the Prohibited Application Period. Some ordinances have prohibited the application of fertilizer, even slow release formulations, during the summer rainy season, typically June 1 to September 30. The reasoning is that rain occurs frequently, saturating the soil, leading to more runoff. Fertilizer management is largely about keeping the nitrogen and/or phosphorus in the root zone where it can be used by the turf. While periods of heavy rainfall contribute to washing fertilizer out of the root zone, the health of the turf grass is an equally important factor. Healthy turf grass with healthy roots and leaves is important to minimizing fertilizer movement. Because turf grass requires nitrogen throughout its growing period, its health can be negatively affected if nitrogen is deficient. Care should be taken with regards to the Prohibited Application Period until the science is better defined. Accordingly, sound science, common sense, and carefully reasoned judgment are recommended in determining how to define the Prohibited Application Period.]*

3. Application practices

   a. Spreader deflector shields are required when Fertilizing via rotary spreaders. Deflectors must be positioned such that Fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.

   b. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.

   c. Any Fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

   d. Fertilizer released on an impervious surface must be immediately contained and either legally applied to Turf or any other legal site, or returned to the original or other appropriate container.

   e. In no case shall Fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

4. Fertilizer free zones

   a. Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector

shield or drop spreader is used, of any pond, stream, water course, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall.

b. If more stringent (MUNICIPALITY / COUNTY) Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations.

c. Newly planted Turf and/or Landscape Plants may be fertilized in this Zone only for the first sixty (60) day establishment period, but caution shall be used to prevent direct deposition of nutrients into the water.

I. Pesticide Management

1. All landscape applications of pesticides, including Weed and Feed products, for hire should be made in accordance with State and Federal Law and with the most current version of the Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries. *[**Guidance:** The use of **"should" in the preceding sentence is required**, because "shall" would create a violation of 487.051(2), Florida Statutes. Regulation of Pesticides is Pre-empted to the Florida Dept. of Agriculture and Consumer Services (FDACS) by state law.]*

2. Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the University of Florida Cooperative Extension Service publications.

3. When using pesticides, all label instructions are state and federal law and must be adhered to. **The Florida Department of Agriculture and Consumer Services is responsible for enforcement of pesticide laws**.

J. Landscape and Irrigation Maintenance

*[**Guidance:** Proper landscape and irrigation maintenance will preserve and enhance a quality landscape and help to ensure water-efficiency.]*

1. In no case shall grass clippings, vegetative material, and/or vegetative debris either intentionally or accidentally, be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways.

2. Landscape maintenance for hire shall be performed in accordance with recommendations in the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries.*

3. Landscape maintenance by homeowners should be performed in accordance with recommendations of the University of Florida Cooperative Extension Service and Florida Yards & Neighborhoods publications.

4. A regular irrigation maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the season.

5. To maintain the original performance and design integrity of the irrigation system, repair of the equipment shall be done with the originally specified materials or their equivalents.

K. Shoreline Considerations

*[**Guidance:** Ideally, shorelines should remain completely natural to most effectively use or absorb nutrients. Unfortunately, many waterfront property owners have removed beneficial vegetation and formed sandy beaches along their shorelines. This loss of a natural buffer may contribute to shock loads of nutrients and other pollutants affecting the waterbody and may lead to erosion. Florida Fish and Wildlife Conservation Commission Rule 68F-20.002 (1) states "No person shall attempt to control, eradicate, remove, or otherwise alter any aquatic plants in waters of the state, including those listed in s. 369.251, F.S., except as provided in a permit issued by the department unless the waters in which aquatic plant management activities are to take place are expressly exempted in Rule 68F-20.0035, F.A.C."*

Shoreline vegetation can often be restored through aquascaping. Advice regarding appropriate plants for aquascaping and locating sources for these plants in your area may be obtained by contacting the Department of Environmental Protection's Bureau of Invasive Plant Management, the UF Cooperative Extension Service in each county and/or the UF Center for Aquatics and Invasive Plants. A simple, free of charge permit may be required from DEP's Bureau of Invasive Plant Management for activities involving aquatic plants along freshwater shorelines.

Florida Fish and Wildlife Conservation Commission Rule 68F-52.003 (4) states "Only native aquatic

plants cultured in a nursery regulated by the Department of Agriculture and Consumer Services or collected from an approved wild collection site shall be used for the re-vegetation, restoration, or mitigation of wetlands in sovereignty lands. No prohibited or non-native aquatic plant shall be placed in, or knowingly be distributed for use in natural waters, or waters connected to natural waters. Non-native plants not on the prohibited plant list may be used in artificially created ponds and water gardens that are not connected to natural waters."

Vegetation height should extend well above the water level. There is a direct correlation between height and a plant's ability to absorb nutrients. Shoreline plants should not be fertilized or treated with herbicides, except in special cases.

Some developers, water management districts and local governments are designing and building stormwater wet detention systems that closely resemble natural waterbodies. In some cases, developers are offering adjacent property as premium waterfront real estate. While this is generally a very good practice that promotes sophisticated designs, it may cause some problems if people are not aware that the stormwater pond's purpose is to capture and accumulate pollutants. Consequently, it may appear contaminated if it is simply doing its job. This may prompt misdirected requests for action to clean it up or even protect it. It should also be noted that stormwater ponds that connect to waters of the state may be regulated as waters of the state.

Education is important so people understand that the rules and expectations for natural and man-made waterbodies are different.]

1. Grading and design of property adjacent to bodies of water shall conform to Federal, State and Local regulations which may include but is not limited to the use of berms and/or swales to intercept surface runoff of water and debris that may contain fertilizers or pesticides.

2. A voluntary six (6) foot low maintenance zone is recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent (MUNICIPALITY /COUNTY) Code regulations apply, *[**Guidance:** Such as 9A.2, above, for new developments.]* this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material should be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone. *[**Guidance:** Care must be taken to ensure erosion of the surface soil does not occur. Excessive erosion may be a greater pollution hazard than occasional proper applications of fertilizer.]*

3. When mowing near the shoreline, direct the chute away from the water body. Riparian or littoral zone plants that do not require mowing or fertilization should be planted in these areas. See the *Florida Waterfront Property Owners Guide* or the Florida Fish and Wildlife Conservation Commission's Invasive Plant Management Section for more information. Where water levels vary considerably, care must be taken in the selection of these plants.

4. Decks along the waters edge and into the water shall meet all local and state government regulations and any other lawful requirements. The maximum distance any structure may protrude into the water is X feet (To be inserted by local government) from the normal high water mark on the bank. The maximum total width of a deck structure along the shoreline of any lot is 20% of the waterfront footage of that lot. The remainder of the shoreline should remain as natural as possible. Lot owners located on ditches may add 20' to their front footage for calculation purposes. Special permits may be required. No structures are permitted that obstruct the flow of water.

5. Mangrove trimming shall be performed in accordance with Sections 403.9321 - 403.9334, Florida Statutes. The *Florida Waterfront Property Owners Guide* published by the Florida Department of Environmental Protection should be referred to for additional information about Florida-friendly shoreline practices.

10. EDUCATION

*[**Guidance:** To assist in public information, the education of its citizens, and the effective implementation of this ordinance, the (City/County) should coordinate its efforts with those of the Water Management District and the (_____ County) Agricultural Extension Service and*

other agencies. These entities should jointly sponsor workshops on the design principles and standards of Florida-Friendly Landscapes. Informational signs should be displayed and brochures made available for public use. Government facilities should serve as educational examples and demonstration sites of building, landscape, and/or design principles related to natural resource conservation including water, energy, and landscapes.]

A. All persons providing landscape maintenance services for hire (including appropriate City/County Maintenance Operations staff, and institutional landscape workers) shall be trained in the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries*

   a. within one year of the effective date of this ordinance if fertilizer is applied, or

   b. within 2 years if the business is not involved in the application of fertilizer.

   c. Any person that applies fertilizer for hire or in the course of their employment shall hold a current Certificate of Completion in the *Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries*.

   d. At least one person holding a current Certificate of Completion in the *Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries* shall be present at all times on any job site while work is in progress.

*[**Guidance:** Due to literacy and language difficulties, some employees may not be able to pass the test to obtain the certificate of completion. However, this does not relieve the business owner from the obligation to train these employees in the BMPs, at least in all modules that apply to their duties.]*

B. New employees shall be trained within 180 days of starting a new position.

11. INCENTIVES

*[**Guidance:** Local governments have a full range of options to offer incentives for development/landscape designs to exceed the design principles and standards set forth and established by this ordinance. Local governments may wish to consider any or all of the following examples, and are free to consider other alternatives.]*

A. Any development that exceeds the water-efficient design principles and standards established by this ordinance shall receive a reduction in the (City/County) permit application fee. *[or stormwater utility rate, etc.]*

B. Individual home owners or residents who are not required to but voluntarily submit a development/landscape design which meets or exceeds the Florida-friendly design principles and standards established by this ordinance shall receive *[**Guidance:** Expedited permitting, a reduction of their stormwater utility water charges; a x% reduction in their building permit fee, property tax reduction, or other incentive within the purview of local government].* This reduction will remain in effect provided that the landscaped areas are consistently maintained in accordance with Florida-Friendly Landscape principles and the total monthly water consumption does not exceed X gallons (To be inserted by local government).

C. Businesses that use the recommended practices may be recognized as a Green Business through the FDEP Green Business Program and may use this in their advertising and promotion.. (Comment: FDEP, in cooperation with the University of Central Florida Stomwater Management Academy, has established "Green Business" pilot programs in Cocoa Beach and Orlando. Additionally, Sarasota County, Lakeland, and Jacksonville have established Green Business Programs. For more information, please visit: http://www.cityofcocoabeach.com/greenbusiness.htm)

*[**Guidance:** These incentives are meant only to be examples. Local governments should consider what incentives are appropriate and meaningful to their constituents.]*

12. ENFORCEMENT AND MONITORING

Implementation and enforcement of these regulations shall consist of:

A. Licensing

*[**Guidance:** Some care may need to be taken to modify occupational license ordinances to make this section work, depending on grouping of license classes. Known statewide providers of such training are: the University of Florida Cooperative Extension Service, The Florida Department of Environmental Protection, and the Florida Nursery, Growers and Landscape Association (FNGLA). Some companies may provide such training in-house and some industry suppliers or associations may offer training to their customers.]*

1. All Commercial Applicators of Fertilizer within the unincorporated area of (MUNICIPALITY/COUNTY), shall abide by and successfully complete training and continuing education requirements in minimizing nitrogen leaching and phosphorus runoff from fertilizer applications prior to obtaining a (MUNICIPALITY/COUNTY) Local Business Tax Certificate for any category of occupation which may apply any Fertilizer to Turf and/or Landscape Plants. Commercial Fertilizer Applicators shall provide proof of completion of an approved training program to the (MUNICIPALITY/COUNTY) Tax Collector's office within one year of the effective date of this ordinance.

2. All businesses applying fertilizer to Turf and/or Landscape Plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has an appropriate certification (i.e., the Florida Department of Environmental Protection's Green Industries Best Management Practices certification), prior to the business owner obtaining a Local Business Tax Certificate. Owners for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of certification to the (Municipality/County) Tax Collector's Office.

3. Non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

4. Within 2 years of the effective date of this ordinance, all businesses performing design, installation, or maintenance services involving Turf and/or Landscape Plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that all supervisory employees have an appropriate certification (i.e., the Florida Department of Environmental Protection's Green Industries Best Management Practices certification), prior to the business owner obtaining a Local Business Tax Certificate. Non-supervisory employees that do not apply fertilizer must be trained but do not require certification. Owners for any category of occupation which may perform design, installation, or maintenance services involving Turf and/or Landscape Plants shall provide proof of certification and training to the (Municipality/ County) Tax Collector's Office. This provision does not apply to the licensed professional practice of Landscape Architecture, Architecture, or Engineering.

*[**Guidance:** Some landscape workers may be illiterate or otherwise unable to achieve certification. Evidence of attending the training, coupled with certified supervision, is considered adequate for nonsupervisory personnel that do not handle fertilizers.]*

B. Inspections

1. The (City/County) Code Enforcement Officer or designated inspectors shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this ordinance, in order to determine if applicable provisions of the Code of Ordinances and regulations relating to Florida-friendly landscaping are being followed.

2. Inspections may be made without notice, and refusal to allow such an inspection shall be deemed a violation of this ordinance. Such failure to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant for the purpose of inspecting, surveying or examining said premises.

3. In the event a building, structure, or land appears to be vacant or abandoned, and the property owner cannot be readily contacted in order to obtain consent for an inspection, the Code Enforcement Officer or inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection thereof.

4. The Code Enforcement Officer or inspector shall be provided with official identification and exhibit such identification when making any inspection.

5. It shall be the duty of all law enforcement officers to assist in making inspections when such assistance is requested by the Code Enforcement Officer or inspector.

C. Notice of Violation, Notice of Hearing and Hearing Procedure

1. Whenever the Code Enforcement Officer or an inspector determines that there is a violation of this ordinance, the officer or inspector shall follow the procedures established for bringing a case before the Code Enforcement Board or any alternative code enforcement body or shall seek injunctive relief as provided below.

2. A notice to cease a land use activity or permit issued under this ordinance shall not relieve the owner or operator of the obligation to comply with any other applicable state, regional or local code, regulation, rule ordinance, or requirement. Nor shall said notice or permit relieve any owner or operator of any liability of violation of such codes, regulations, rules, ordinances, or requirements.

D. Injunctive Relief

If any person engages in activities regulated by this ordinance without having obtained an approved permit as provided within this ordinance or continues in violation of the provisions of this ordinance or the regulations promulgated pursuant thereto, then the (City/County) may file an action for injunctive relief in a court of competent jurisdiction.

13. FEES

Permit Fees

Prior to the issuance of a permit, the applicant shall pay a fee as set forth by the Resolution No. _____, 20__. Such fee shall be used to defray the cost of monitoring the compliance of this ordinance. *[**Guidance:** or may be included in building permit fee]*

14. VARIANCES

As provided in Chapter ___ of these Land Development Regulations, the Board of Adjustment is hereby authorized to grant variances in accordance with stated provisions and can attach conditions to variances granted.

15. VIOLATIONS AND PENALTIES

A. For any violation which does not constitute a threat to life or property, the (City/County) shall have the authority to issue a citation and/or to withhold a certificate of occupancy. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his agent, or to the person doing the work. The receipt of a citation shall require that corrective action be taken within thirty (30) calendar days, unless otherwise extended at the discretion of the (City/County). If the required corrective action is not taken within the time allowed, the (City/County) may use any available civil or criminal remedies to secure compliance, including revoking a permit.

B. The (City/County) shall have resource to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this section of this ordinance, including injunctive relief to rejoin and restrain any person from violating the provisions of this section of this ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.

C. A conviction for violation of the provisions of this section shall be punishable by a fine or imprisonment, or both such fine and imprisonment as provided in Section 125.69, Florida Statues.

16. CONFLICTS AND RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by this ordinance conflict with other ordinances or regulations, or are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

17. SEVERABILITY

This ordinance and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause be adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such

portion of the ordinance to other property, buildings, or structures shall not be affected thereby.

18. INCLUSION IN CODE, CODIFICATION, SCRIVENERS ERRORS

The provisions of this ordinance shall become and be made a part of or replace the existing landscape regulations of the (City/County of _____). Sections of the ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "chapter", "article", or such other appropriate word or phrase in order to accomplish such intentions. Sections of this ordinance may require the correction of typographical errors which do not affect the intent. Such corrections may be authorized without need of a Public Hearing, by filing a corrected or recodified copy of same with the clerk of the (City/County of _____).

19. REPEAL

The existing regulations of the (City/County of _____), being Chapter _____ of the City/County Code as amended, are hereby repealed. The adoption of this ordinance; however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Chapter , as amended, if the violation is also a violation of the provisions of this ordinance.

*[**Guidance:** Repeal is only necessary if existing ordinances conflict with the new ordinances.]*

20. EFFECTIVE DATE

This ordinance shall take effect _____, 20___.

PASSED ON FIRST READING _____(Date)

PASSED ON SECOND AND
FINAL READING AND ADOPTED _____(Date)

_____(Signature)(Name)
Mayor-Commissioner or Chairman

Attest: _____(Signature)(Name)
City Clerk or Clerk of Circuit Court

Approved as to form and correctness:

_____(Signature)(Name)
City or County Attorney

JANUARY 2009

INTRODUCTION

This attached Model Fertilizer Use Ordinance is another tool to reduce sources of nutrients coming from urban landscapes to reduce the impact of nutrients on Florida's surface and ground waters. However, restricting fertilizer use by itself will not eliminate the impacts of nutrients from urban landscapes. Rather, a comprehensive approach is needed that includes site plan design, landscape design, irrigation system design, and fertilizer application. To assist local governments in improving their existing land development regulations, several "model" ordinances have been developed. These include:

- "Low Impact Design" ordinances which seek to reduce the impact of urbanization on our natural resources by stressing "source controls" that either minimize the generation of stormwater or minimize the pollutants that can get into stormwater.. For example, promoting development designs that minimizes clearing of natural vegetation and the compaction of urban soils. A Model Springs Protection Code is being developed by DCA, DEP, and other stakeholders that will include specific Land Development Regulation recommendations that promote Low Impact Design. This Model Code will be available in 2009.

- "Landscape Design Ordinances" since this is a major determinant in the amount of fertilizer and irrigation that is needed to maintain healthy urban landscapes and minimize adverse impacts on water resources. A model Landscape Ordinance entitled "Guidelines for Model Ordinance Language for Protection of Water Quality and Quantity Using Florida-friendly Lawns and Landscapes" was developed by a group of agencies, industries, and interest groups over a two year period and published in 2003. It was fundamentally an adaptation of earlier water conservation ordinances revised to include water quality protections for compliance with Total Maximum Daily Load (TMDL) or stormwater NPDES permit requirements. The language focuses on continuing education of lawn care and landscape professionals, proper planning and supervision during development and construction, and the use of best management practices, including the Florida-Friendly Landscape Program. This model ordinance has been renamed "Florida-Friendly Landscapes Model Guidelines for Ordinance Language for Protection of Water Quality and Quantity" updated for 2008 and may be downloaded from: http://www.dep.state.fl.us/water/nonpoint/pubs.htm.

- Finally, the 2004 Florida Legislature directed Florida's water management districts to work with interested parties to develop landscape irrigation and Florida-Friendly design standards for new construction (section 373.228, F.S.). Local governments are to use the standards and guidelines when developing landscape irrigation and Florida-Friendly ordinances. The Committee on Landscape Irrigation and Florida-Friendly Design Standards convened and developed the standards. They are published in a booklet called *Landscape Irrigation and Florida-Friendly Design Standards (December 2006)*. This document can be downloaded from: http://www.dep.state.fl.us/water/waterpolicy/land_irr.htm.

1. FINDINGS

As a result of impairment to (MUNICIPALITY / COUNTY)'S surface waters caused by excessive nutrients, or, as a result of increasing levels of nitrogen in the surface and/or ground water within the aquifers or springs within the boundaries of (municipality/county), the governing body of (municipality / county) has determined that the use of fertilizers on lands within (municipality / county) creates a risk to contributing to adverse effects on surface and/or ground water. Accordingly, the governing board of (municipality/county) finds that management measures *[**Guidance:** Optional "additional management measures than are otherwise"]* contained in the most recent edition of the *"Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008,"*, may be required by this ordinance.

2. PURPOSE AND INTENT

This Ordinance regulates the proper use of fertilizers by any applicator; requires proper training of Commercial and Institutional Fertilizer Applicators; establishes training and licensing requirements; establishes a Prohibited Application Period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The Ordinance requires the use of Best Management Practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on

(MUNICIPALITY / COUNTY)'s natural and constructed stormwater conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. *[Guidance: as appropriate]* Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of (MUNICIPALITY / COUNTY) residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

3. DEFINITIONS

For this Article, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

1. "**Administrator**" means the (MUNICIPALITY / COUNTY) Administrator, or an administrative official of (MUNICIPALITY / COUNTY) government designated by the City/County Administrator to administer and enforce the provisions of this Article.

2. "**Application**" **or** "**Apply**" means the actual physical deposit of fertilizer to turf or landscape plants.

3. "**Applicator**" means any Person who applies fertilizer on turf and/or landscape plants in (MUNICIPALITY / COUNTY).

4. "**Board or Governing Board**" means the Board of City/County Commissioners of (MUNICIPALITY /COUNTY), Florida.

5. "**Best Management Practices**" means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

6. "**Code Enforcement Officer, Official, or Inspector**" means any designated employee or agent of (MUNICIPALITY / COUNTY) whose duty it is to enforce codes and ordinances enacted by (MUNICIPALITY / COUNTY).

7. "**Commercial Fertilizer Applicator**" means any Person who applies fertilizer on turf and/or landscape plants in (MUNICIPALITY / COUNTY) in exchange for money, goods, services or other valuable consideration.

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

9. "**Fertilizer**" means any substance or mixture of substances, except pesticide/fertilizer mixtures such as "weed and feed" products, that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil. *[Guidance: Regulation of pest control businesses and applicators, and of pesticide use, is preempted to the Florida Department of Agriculture and Consumer Services (FDACS) by Chapters 482.242, and 487.051 (2), F.S. and suspected pesticide misuse should be reported to FDACS. Weed and feed products are registered pesticides. The Limited Commercial Landscape Maintenance Certification Program does not allow landscape maintenance workers to make any kind of pesticide applications (including weed control and/or weed and feed products) to any turf areas. Per 482.165(3) F.S., a civil penalty for unlicensed application of pesticides, including weed and feed products, may not be less than $500 or more than $5,000 for each offense.]*

10. "**Guaranteed Analysis**" means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

11. "**Institutional Applicator**" means any Person, other than a non-commercial or commercial Applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Applicators shall include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

12. "**Landscape Plant**" means any native or exotic tree, shrub, or groundcover (excluding turf).

13. "**Low Maintenance Zone**" means an area a minimum of six (6) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

14. "**Pasture**" means land used for livestock grazing that is managed to provide feed value.

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

16. "**Prohibited Application Period**" means the time period during which a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of (CITY/COUNTY), issued by the National Weather Service, or if heavy rain[2] is likely.

17. "**(MUNICIPALITY /COUNTY) Approved Best Management Practices Training Program**" means a training program approved by the (MUNICIPALITY /COUNTY) Administrator that includes at a minimum, the most current version of the Florida Department of Environmental Protection's "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008," as revised and any more stringent requirements set forth in this Article.

18. "**Slow Release**," "**Controlled Release**," "**Timed Release**," "**Slowly Available**," **or** "**Water Insoluble Nitrogen**" means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

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

4. APPLICABILITY

This Ordinance shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of (MUNICIPALITY/COUNTY), unless such applicator is specifically exempted by the terms of this Ordinance from the regulatory provisions of this Ordinance. This Ordinance shall be prospective only, and shall not impair any existing contracts.

*[**Guidance:** Local government may adopt additional or more stringent provisions to the model ordinance. However, the local government should consider the disadvantages of confusing jurisdictional differences and should clearly demonstrate they meet at least one of the following criteria:*

- *They have verified impaired waters and are facing existing or possible TMDL requirements (under state and federal laws); or*
- *They have verified harm to human health or harm to the environment that warrants additional fertilizer requirements; or*
- *That they will improve water quality or prevent future impacts of fertilizers on the environment; and that the additional regulation is the most reasonable and cost-effective method of attaining these goals.]*

*[**Guidance:** Florida Statues 125.568(3), 166.048(3), and 373.185(3) provided that a deed restriction or covenant entered after October 1, 2001, or local government ordinance, may not prohibit any property owner from implementing Xeriscape or Florida-Friendly Landscape practices on his or her land. Any restrictions created after this date are void.]*

5. TIMING OF FERTILIZER APPLICATION

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period.

*[**Guidance:** One of the most controversial issues associated with recent fertilizer ordinances enacted by local governments is the Prohibited Application Period. Some ordinances have prohibited the application of fertilizer, even slow release formulations, during the summer rainy season, typically June 1 to September 30. The reasoning is that rain occurs frequently, saturating the soil, leading to more runoff. Fertilizer management is largely about keeping the nitrogen and/or phosphorus in the root zone where it can be used by the turf. While periods of heavy rainfall contribute to washing fertilizer out of the root zone, the health of the turf grass is an equally important factor. Healthy turf grass with healthy roots and leaves is important to minimizing fertilizer movement. Because turf grass requires nitrogen throughout its growing period, its health can be negatively affected if nitrogen is deficient. Care should be taken with regards to the Prohibited Application Period until the science is better defined. Accordingly, sound science, common sense, and carefully reasoned judgment are recommended in determining how to define the Prohibited Application Period.]*

6. FERTILIZER FREE ZONES

Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector shield or drop

[2] World Meteorological Organization definition of heavy rain: Rainfall greater than or equal to 50 mm (2 inches) in a 24 hour period. http://severe.worldweather.org/rain/, http://www.wrh.noaa.gov/sew/MediaGuide/TermsOutlooks_Watches_Warnings.pdf.

spreader is used, of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall. If more stringent (MUNICIPALITY / COUNTY) Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants may be fertilized in this Zone only for the first sixty (60) day establishment period, but caution shall be used to prevent direct deposition of nutrients into the water.

7. LOW MAINTENANCE ZONES

A voluntary six (6) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent (MUNICIPALITY / COUNTY) Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material should be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone. *[**Guidance:** Care must be taken to ensure erosion of the surface soil does not occur. Excessive erosion may be a greater pollution hazard than occasional proper applications of fertilizer.]*

8. FERTILIZER CONTENT AND APPLICATION RATES

[Guidance: RULE 5E-1.003(2)(d), F.A.C. contains the following provisions for golf courses, parks and athletic fields. As such, no additional specific requirements are included for these types of urban turf. The appropriate Best Management Practices listed below must be followed on such sites for nutrient management activities:

(d) Fertilizers labeled for sports turf at golf courses, parks and athletic fields shall:

1. Have directions for use not to exceed rates recommended in the document titled SL191 "Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant", dated March 2007, which is hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Soil and Water Science Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL 32611 or the following website: http://edis.ifas.ufl.edu/SS404.

2. Have directions for use in accordance with the recommendations in "BMP's for the Enhancement of Environmental Quality on Florida Golf Courses", published by the Florida Department of Environmental Protection, dated January 2007. Copies may be downloaded from http://www.dep.state.fl.us/water/nonpoint/pubs.htm.

Note that this does not exempt applicators at these sites from the required basic Green Industry BMP training. If other provisions of the ordinance are not appropriate for these sites, such exceptions should be noted.]

(a) Fertilizers applied to turf and/or landscape plants within (MUNICIPALITY / COUNTY) shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, *Labeling Requirements For Urban Turf Fertilizers*.

(b) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above unless a soil or tissue deficiency has been verified by an approved test. *[Guidance: Soil and tissue tests for phosphorus are normally done by UF/IFAS or another accredited laboratory. FDEP has sponsored research (ca. 2007-2008) to compare several retail home test kits to IFAS extension lab results for a wide variety of Florida soils. This may allow more convenient testing by homeowners, although enforcement may be more difficult without written test results.]*

9. APPLICATION PRACTICES

a. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.

b. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.

c. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

d. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

e. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

10. MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER

In no case shall grass clippings, vegetative material, and/or vegetative debris either intentionally or accidentally, be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways.

11. EXEMPTIONS

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

(a) bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes, ~~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.~~

(b) other properties not subject to or covered under the Florida Right to Farm Act that have Pastures used for grazing livestock ~~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.~~

12. TRAINING

(a) All commercial and institutional applicators of fertilizer within the (un)incorporated area of (MUNICIPALITY / COUNTY), shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida Extension "Florida-Friendly Landscapes" program.

(b) Non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

[Guidance: A local government may establish a certification/education program for the application of fertilizers indicating the completion of an education program for special local requirements not covered in the above programs. Persons with only statewide certification may be required to review a local publication and sign an affidavit attesting to their reading and understanding the special local requirements.]

13. LICENSING OF COMMERCIAL APPLICATORS

(a) All commercial applicators of fertilizer within the (un)incorporated area of (MUNICIPALITY / COUNTY), shall abide by and successfully complete training and continuing education requirements in the *"Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries"*, offered by the Florida Department of Environmental Protection through the University of Florida IFAS "Florida-Friendly Landscapes" program, prior to obtaining a (MUNICIPALITY / COUNTY) Local Business Tax Certificate for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial Fertilizer Applicators shall provide proof of completion of the program to the (MUNICIPALITY / COUNTY) Tax Collector's office within 180 days of the effective date of this ordinance. *[**Guidance:** The ordinance is prospective only. Occasions may exist for a finite time where pre-existing contract terms mandate practices not in accordance with the BMPs. Such terms should be voided at contract expiration.]*

(b) All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has an appropriate *"Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries"* training certificate prior to the business owner obtaining a Local Business Tax Certificate. Owners for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the program to the (Municipality/ County) Tax Collector's Office.

Florida-Friendly Landscaping Covenants, Conditions and Restrictions



Prepared for
FLORIDA YARDS & NEIGHBORHOODS
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I. OVERVIEW

As more people move to Florida each day, continued land development is inevitable. It is imperative that Floridians find a way to coexist with their natural environment or face the possibility of forever losing valuable resources such as pristine waters and native species. To protect Florida's fragile environment, developers, homeowners, and homeowner associations must understand and address the environmental impact of their land use decisions. By minimizing their adverse impacts on the environment, these individuals and organizations can make a positive difference in preserving Florida's natural resources.[1] Accordingly, to encourage the implementation of low impact land use strategies at the homeowner level, this document recommends that developers, homeowners, and homeowner associations place Florida-Friendly Landscaping restrictive covenants on their properties.

A Florida-Friendly Landscape is one where the right plants are in the right place, watering is done efficiently, fertilizing is done appropriately, mulch is used, wildlife is attracted, yard pests are managed responsibly, yard waste is recycled, stormwater runoff is significantly reduced, and the waterfront is protected from pollutants.[2] Currently, developers interested in incorporating these practices into their community's documents and plans have no concise guidelines or certainty as to their enforcement throughout the lifetime of the project. Adding these provisions into the community's declaration of covenants gives them the force of law. Therefore, a developer acquires a fair amount of certainty that a project intended to be marketed and sold as "Florida-Friendly" will retain many of the environmental characteristics that attracted buyers in the first place.[3]

This document is a result of a joint project between Florida Yards & Neighborhoods and the Conservation Clinic at the University of Florida's Levin College of Law. It contains a practical framework of model conservation restrictive covenants, which developers or associations may selectively insert in the governing documents of their community associations. The model language offered is intended to be used by developers as guiding principles in the writing process of their own restrictive covenants or, as they are commonly known, the Declaration of Covenants, Conditions and Restrictions "CCRs."

This document provides sample language for landscaping provisions and language for other provisions that establish a system to effectively enforce these standards. By no means is it to be considered a complete CCR or a substitute for formal legal advice. A lawyer should always be consulted in the drafting of this important document and changes are encouraged to accommodate specific site conditions. Drafters should also consult relevant municipal and state laws which prevail over any language set forth herein. Any language included in a CCR which goes against law or public policy is immediately held to be invalid.[4]

The annotations and footnotes serve to guide the reader by giving background information or explanations that clarify certain provisions. The goal of achieving environmental impact reductions by using best practices will be achieved as more communities incorporate provisions such as the ones provided in this document into their own CCRs. Also, a key aspect to achieving this goal is homeowner education by the developer or by the community's association.

Given the complexity of the subject and the possibility of new technical data and government regulation in the field of water conservation, Florida-Friendly Landscaping and pollution prevention, the language in this document might quickly become outdated. The Florida Yards and Neighborhoods extension office at the University of Florida works diligently to keep up with the latest trends in these fields and can be contacted for more information. The Florida Yards & Neighborhoods also has offices in counties around the state which can be located on the web at http://fyn.ifas.ufl.edu or http://FloridaYards.org or http://www.SolutionsForYourLife.org/fyn or contacted at (352) 392-1831 Ext.243 Also, homeowners wishing to obtain additional recommendations for a specific region in Florida may check updated versions of other University of Florida's IFAS publications at http://edis.ifas.ufl.edu/ or http://SolutionsForYourLife.com.

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[1] FL Yards & Neighborhoods Handbook, *A Guide to Environmentally Friendly Landscaping*, 2 (2nd ed. 2003).

[2] FL Yards & Neighborhoods Handbook 3rd Edition, *A Guide to Florida-Friendly Landscaping* (3rd ed. 2006).

[3] *But see* Patrick A. Randolph, Jr., *Symposium: Common Interest Development Communities: Part II: Changing the Rules: Should Courts Limit the Power of Common Interest Communities to Alter Unit Owners' Privileges in the Face of Vested Expectations?*, 38 Santa Clara L. Rev. 1081, 1105 (1998) (noting that courts do not protect an expectation that a development within a subdivision will remain unchanged, but rather only assure that the changes will be uniform in application).

[4] A Patrick Rohan, *Real Estate Transactions: Home Owner Associations and PUDs* – Law and Practice, §8.00-8.28, (1977).

II. ENFORCEABILITY AND AMENDABILITY OF CCRS

According to newly enacted legislation, homeowners' association documents may not prohibit the inclusion of "Xeriscaping" or "Florida-Friendly Landscaping" provisions.[5] The main concern for developers or homeowners who are interested in conserving water and protecting the environment would be the ability to enforce and amend these provisions in their community's declarations of covenants. The reality of the matter is that since this topic is fairly new, not much case law can be found on the subject. Therefore, inferences have to be made from cases that deal with amending or enforcing restrictive covenants in subjects unrelated to water conservation or landscaping.

First, rules included in the declaration of covenants are presumed to be valid since each purchaser had adequate notice of these before buying a lot and voluntarily chose to purchase lots encumbered by restrictions.[6] Therefore, some provisions included in the declarations do not necessarily have to be deemed reasonable since the court will uphold them as long as they are not "clearly 'ambiguous,' applied arbitrarily, or violative of public policy or a fundamental constitutional right.[7] To be legally enforceable, rules regulating the use of property must be reasonable.[8]

The reasonableness standard comes into play where a court is asked to review the appropriateness of amendments to restrictive covenants. Generally, courts are more generous when reviewing amendments voted on by property owners rather than unilateral amendments done by the homeowners association or an equivalent representative group.[9] The only discernible limitation placed on any covenant amendment seems to be that it must preserve the "basic expectations created in the original scheme" of development.[10] Also, developers may retain a limited amount of power to amend the restrictions before turnover, but it must be exercised in a reasonable manner and must preserve the original scheme of development.[11] Some states have an additional judicial limitation on amendments to the restrictive covenants which provides that all property owners have to be affected equally by any modification.[12]

Two areas deserve special attention from people concerned about enforcing and maintaining a "Florida-Friendly" community. First is the possibility of some restrictions to be judicially nullified due to changes that occur outside the restricted community. This occurred in Shalimar Park Subdivision in Florida where the court held that the changes in zoning and uses of the immediate neighboring properties were so drastic that they nullified the protections of the restrictive covenants within this community since there was no detrimental effect on other property owners.[13] Second, failure of a community to diligently enforce violations to the provisions in its CCRs may result in the future inability of the community to enforce on the specific violation.[14]

III. PURPOSE

The construction of community developments is still on the rise. In 2005, the number of new residential building permits issued in Florida was 280,463—a 9% increase from the previous year and almost double the number issued in 2000.[15] This document is aimed at reducing the environmental impact of these

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[5] Fla. Stat. §720.3075(4) (2005).

[6] *Hidden Harbour Estates v. Basso*, 393 So. 2d 637, 639 (Fla. Dist. Ct App. 1981).

[7] Zelica M. Grieve, *Note and Comment: Latera v. Isle at Mission Bay Homeowners Ass'n: The Homeowner's First Amendment Right to Receive Information*, 20 Nova L. Rev. 531, 542 (1995) (quoting in part from *Constellation Condominium Ass'n v. Harrington*, 467 So. 2d 378, 381 (Fla. Dist. Ct. App. 1985) and citing to Hidden Harbour Estates v. Basso, 393 So. 2d 637 at 640).

[8] *Fla. Stat. Ann.* 718.123(1) (West 1988 & Supp. 1998).

[9] See *Hidden Harbour Estates*, 393 So. 2d 637 (board adopted lawn watering and well building restriction to control water salinity problem in community); *Nelle v. Loch Haven Homeowners'Ass'n, Inc.*, 413 So. 2d 28 (Fla. 1982)

[10] *See* Randolph, *supra* note 3 at 1119.

[11] *Nelle*, 413 So. 2d at 29.

[12] See Randolph, supra note 3 at 1103.

[13] *Crissman v. Dedakis*, 330 So. 2d 103, 104 (Fla. Dist. Ct. App. 1976).

[14] *See, e.g. Siering v. Bronson*, 564 So. 2d 247 (Fla. Dist. Ct. App. 1990). *But also see Mizell v. Deal* 654 So.2d 659 (Fla. Dist. Ct. App.1995) (finding that failure to complain of a restriction on mobile home placement in a community for one and half years *did not* amount to a waiver of the right to enforce the restrictions).

[15] Florida Research & Economic Database, Annual Building Permits data in Florida, *at* http://fred.labormarketinfo.com/analyzer/locpermitsdata.asp?geo=1201000000&cat=ECO&session=LOCPERMITS&subsession=99&areaname=Florida&tableused=BLDING&defaultcode=&roll=&rollgeo=04&time=20050100:20040100:20030100:20020100:20010100:20000100&currsubsessavail=&sgltime=0&siclevel=3&naicslvl=6 (last visited March 31, 2006).

new communities. Our goal is to inform the community associations of simple conservation methods and to increase the number of associations who follow these methods.

The University of Florida Levin College of Law's Conservation Clinic (Clinic) researched the legal process of including these CCRs in association documents. Since the governing documents—the articles of incorporation, the bylaws, and the declaration of covenants—of community associations establish the rights of owners, the state regulates the amendment of these documents. Once a developer has turned over control to the community association, changes to the governance structure become very difficult. The developer may no longer make unilateral amendments[16] and the association may only amend the governing documents if: (1) a certain percentage of Owners are present at a noticed meeting, and (2) a certain percentage of these Owners present vote in favor of the amendment at a noticed meeting.[17] However, prior to turnover, a developer may reserve the right to reasonably amend the documents without the consent of the association.[18] Thus, a developer may easily influence communities to comply with manageable conservation practices from their inception by asking their lawyer to include these model conservation CCRs in the community's governing documents at the beginning stages of the project.

The Clinic also researched the most appropriate conservation methods available within the parameters of Florida Yards and Neighborhoods. In researching water conservation methods and Florida-Friendly Landscaping, the Clinic reviewed the CCRs of other communities, spoke with conservation professionals, and examined applicable Florida laws. Even though there are different, effective conservation methods for the various regions of Florida, the Clinic decided upon a state-wide approach when choosing what type of CCRs to include. After drafting the first version, the Clinic sought the advice of various developers and conservationists across the state concerning the practical application of these CCRs. The final document offered here reflects the points and concerns of these professionals.

However, by providing this document, the Clinic offers only a practical guide to creating conservation CCRs. It is not our purpose to give developers or associations an extensive set of CCRs for community associations. These CCRs are based on current Florida law and current scientific data.[19] As the law changes and new scientific data emerge, this document will also need to be revised. A lawyer should review any clauses to be inserted into an association's formal documents and amend them as necessary to account for conflicting law or any unique constraints within the association.

Developers and associations should also bear in mind that the model CCRs in this document are only one approach to increasing conservation in Florida. There are many effective conservation methods available and should be considered. Florida Yards and Neighborhoods brochures may be requested for additional information on the latest conservation methods and ideas.

IV. SAMPLE EXHIBIT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR A FLORIDA-FRIENDLY DEVELOPMENT

DECLARATION EXHIBIT
FLORIDA-FRIENDLY DEVELOPMENT
COVENANTS, CONDITIONS
AND RESTRICTIONS

1. PURPOSE.

The Florida-Friendly provisions in this Exhibit provide a framework to establish minimum standards for the development, installation, and maintenance of low-impact yards for communities who wish to reduce their ecological footprint in Florida. The wildlife provisions, address measures that communities can take to positively coexist with animals that will be attracted to the community by the Florida-Friendly Landscape.

2. DEFINITIONS.

2.1 "A Guide to Florida-Friendly Landscaping Handbook" means the most current version of the handbook produced by the Florida Yards & Neighborhoods of the University of Florida's IFAS Cooperative Extension Service.

2.2 "Certified Professional" means a person who possesses a certificate under Section

[16] Fla. Stat. §720.3075(1)(a) (2005).

[17] Fla. Stat. §720.306(1) (2005).

[18] *Nelle*, 413 So. 2d at 29.

[19] The data in this document is based on 2005 Florida law and information in the 2006 edition of the Florida Green Industries Best Management Practices handbook and the Florida Green Industries BMPs handbook.

3.3 below in Florida Green Industries Best Management Practices.

2.3 "Environmental Landscaping Review Committee" means a duly appointed committee made up of Certified Professionals with delegated authority from the Association to enforce certain parts of this Declaration and who advise the Association on overall environmental protection policy and enforcement issues.

2.4 "Florida-Friendly Landscaping" or "Xeriscape" means quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance. (Ref. §373.185 F.S.).

2.5 "Florida Green Industries Best Management Practices" include those practices defined in the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries.

2.6 "Managed Areas" includes any areas managed but not owned by the Home Owner Association.[20]

3. FLORIDA-FRIENDLY LANDSCAPING

3.1 Areas Managed by the Association[21]

3.1.1 Association Services. In addition to the powers granted under its governing documents, the Association shall provide the following services:

(a) Maintenance of all Common and Managed Areas and all County, Water Management District or other governmental properties located within the Property to the extent permitted by governmental authority.

(i) The Association's maintenance of the Common Area and Managed Area shall specifically include, but shall not be limited to, the ponds, and the stormwater management system, to the extent permitted by the Water Management District and other governmental authorities.

(ii) Insect, pest and aquatic control to the extent that it is necessary or desirable in the judgment of the Association to supplement the service provided by the state and local governments, which shall include without limitation the Association's maintenance of a contract for continued inspection, maintenance, and treatment for subterranean termites.

(b) Maintenance. The Environmental Landscaping Review Committee (the "Committee") shall carefully monitor all pesticide applications, lawn and landscaping services, and fertilizer applications performed in the Common Areas and in the Managed Areas to ensure that Florida Green Industries' BMPs are followed.

(c) General Use of Common Areas. Homeowners shall refrain from any acts that negatively impact the environment and wildlife in Common and Managed Areas.

3.2 Environmental Landscaping Review Committee.

3.2.1 General Duties. The Committee shall design, manage, and maintain the environmental landscape for the development. The Committee shall make all environmental landscaping

[20] In some communities, privately owned areas are managed by the Homeowners Association. This definition lets the reader know that there is a distinction between common areas and areas not owned but managed by the Home Owner Association.

[21] In a situation where there is a Community Development District in addition to, or rather than, a Homeowner's Association, the definition of Association may be amended to include the Community Development District.

decisions within the development in accordance with the guidelines set forth in the most current edition of the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries ("Florida Green Industries BMPs handbook"). Environmental landscaping decisions includes, but is not limited to, decisions connected to landscaping, irrigation, pesticide application, fertilization, water conservation, and wildlife conservation. If a Homeowner desires to make an environmental design change to their property including changes to their landscape or irrigation system, the Homeowner shall, prior to making any change, seek approval for such design change by submitting a design change application to the Committee. No later than 30 days after the date on which the Homeowner submits a design change application to the Committee, the Committee shall provide written notice to the Homeowner approving or denying the proposed design change. The Committee shall not approve any proposed design change that fails to conform to the development's design concept. No approval shall be required for design changes involving the planting of annuals, planting of pre-approved plants or trees, or for the removal of deceased or diseased trees. The Committee shall keep, account, and maintain records for all environmental landscaping management and maintenance decisions made by the Committee. If a Homeowner submits a written request for documents relating to the management and maintenance of the development's environmental landscaping, the Committee shall, within a reasonable time after the date on which it received the request, submit such documents to the Homeowner. The Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries is attached and incorporated by this reference as attachment "A"

3.2.2 Irrigation Plan & Operation Manual. The Committee shall develop an irrigation plan for the Development that includes, but is not limited to, an irrigation system layout identifying the location of the irrigation system components, irrigation times and maximum irrigation application rate per lawn, area, or zone.[22] The irrigation plan shall meet or exceed state and local water regulations. Subject to the limitations under Section 3.2.1, the Homeowners may request and the Committee shall provide a copy of materials including, but not limited to, the irrigation plan and the operation manual for all irrigation systems.

3.2.3 Irrigation Scheduling ***(Local governments cannot require this section, but HOAs can adopt voluntarily.)*** The Committee shall create an irrigation schedule. If the Committee does not employ innovative technology including, but not limited to, soil moisture sensors or ET Controllers, the Committee shall, for all Managed Areas and Common Areas managed by the Association, create an irrigation schedule consistent with the UF/IFAS Extension irrigation scheduling recommendations to the extent that they meet or exceed state and local law. In developing an irrigation schedule, the Committee shall take into account seasonal plant water requirements, recent rainfall, recent temperature extremes, and soil moisture. The Committee shall, in accordance with the Irrigation Schedule, manage the irrigation systems used in the Common Areas and Managed Areas. The Committee shall account for and exempt newly installed landscaping in the irrigation schedule.

3.2.4 Irrigation Preventative Maintenance Program. For Common Areas and Managed Areas, the Committee shall implement a preventative maintenance program that includes but is not limited to the following:

(a) replacing worn or broken components,

[22] Other requirements may be added depending on how broad the developer or association wishes the irrigation plan to be but the drafter should always be cautious and aware of local irrigation laws or rules. The plan should include exceptions for newly installed landscaping which usually requires longer irrigation timing.

(b) identifying and repairing leaks,

(c) identifying and repairing broken or faulty sprinkler heads,

(d) identifying and repairing system malfunctions,

(e) periodically calibrating irrigation system to determine proper watering time,

(f) periodically monitor water bodies to detect sudden increase in algae growth, and

(g) performing weekly visual inspections to identify excessive runoff including standing water.

3.2.5 Pesticide Records for Common Areas. The Committee shall obtain from the certified pesticide application company or from the Association, accurate pesticide application records including records for any restricted use pesticides used in the Common Areas and Managed Areas as may be required by Florida law.[23] The Committee shall maintain these pesticide records for 2 years from the application date or as may be required for pesticide applicators by Florida law.[24]

3.2.6 Solar Power. The Association may not prohibit any Homeowner from installing solar power or water heating systems on the Homeowners' private property. The Association may regulate the aesthetics and construction of such systems.

3.2.7 Environmental Landscaping Violations. If the Committee has knowledge that a Property is not complying with the water conservation, landscaping, fertilizing, or pesticide application parts of this Declaration the Committee shall notify the Homeowner and give _____ days to cure the problem. If the Homeowner does not cure the problem within the allotted time frame, the Committee may take reasonable measures to correct this problem, bill the Homeowner for the work performed on the Homeowner's Property to cure such problem and take any other enforcement actions as provided by this Declaration.

3.3 Certification Requirements. Only those employees of landscaping, fertilizing, or pesticide application companies who have a current certificate of completion of training in Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries from the UF/IFAS Extension Service and who demonstrate that the company's principles follow these Best Management Practices shall be allowed to service Homeowners' properties, Common Areas and Managed Areas in the Development. The Committee shall maintain an updated list of Certified Professionals who may perform landscaping, pesticide or fertilizing services within the Development and shall update this list every 6 months. Homeowners not using the for-hire contractors included in the Committee's Certified Professionals list shall obtain written permission from the Committee before any services are performed in a Homeowners property.

3.4 Florida-Friendly Landscaping. The Association may not prohibit any Homeowner from implementing Florida-Friendly Landscape or Xeriscape on the Homeowner's private property.[25]

3.4.1 Pre-landscape Installation. Before landscape installation starts and for every lot where the Developer intends to install landscaping, the Developer shall, after final grade, obtain soil analysis information from a reputable soil testing lab or the University of Florida/IFAS Cooperative Extension facility to assess soil conditions such as soil type and texture, and pH.[26]

[23] Florida pesticide law requires certified applicators to keep records for 2 years of all restricted use pesticides applied. *See* Fla. Stat. §487.160 (2005).

[24] The Florida Yards & Neighborhoods program recommends that pesticide records should be kept longer than 2 years for the successful implementation of an Integrated Pest Management program.

[25] Fla. Stat. §720.3075(4).

[26] An analysis of soil infiltration rate is also recommended but implies extra costs. For soil testing recommendations and information see the Soil and Water Science Department, Florida Cooperative Extension Service, University of Florida/IFAS at http://edis.ifas.ufl.edu/SS156 (last visited 4/10/2006).

The Developer shall make this information available to the Association and to all purchasing Homeowners. If after turnover of control to the Association, the Association intends to install new landscaping in the Common or Managed Areas it may only do so if the soil testing information on file for that lot is less than _____ years old. If the soil tests on file for the lot where new landscape will be installed are more than _____ years old, the Association shall obtain soil analysis information from a reputable soil testing lab or the University of Florida/IFAS Cooperative Extension facility. Homeowner's are strongly encouraged to follow the recommendations of a soil analysis from a reputable soil testing lab or the University of Florida/IFAS Cooperative Extension facility when installing new landscape on the Homeowner's Property.

3.4.2 Plant/Turf Selection and Design. In accordance with the most current version of the UF IFAS Florida Yards & Neighborhoods Plant List, the Developer shall select turfgrass and landscape plants suited to the soil and other site characteristics described under Section 3.4.1 above. The Developer shall design the landscape so that plants serve environmentally friendly functions including, but not limited to, cooling, privacy screening, shade, aesthetics, wildlife habitat, runoff pollution prevention, and directing traffic flow onto and within the Development. The Association and the Homeowners shall use plants listed in a plant palette approved by the Committee or refer to the most current version of the UF IFAS Florida Yards & Neighborhoods Plant List.

3.4.3 Plant Installation. All plant installations shall be conducted in accordance with the most current version of the Florida Green Industries BMPs handbook guidelines.

3.4.4 Mulching. All mulching shall be conducted in accordance with the most current version of the Florida Green Industries BMPs handbook guidelines. Mulch shall be placed at least 3-4" from the trunks of trees or the stems of landscape plants and shall be maintained at a depth of 2 - 3." Organic mulch may require weeding and replenishment once or twice a year to maintain a total depth of 2 – 3." Mulch shall be applied to a tree's drip line or beyond at least an 8' diameter around the tree. Organic mulch and recycled mulch including leaves, pine needles, grass, and shrub clippings are recommended. Cypress mulch is often made from waste wood generated in manufacture of these products, but it may also be produced from whole trees cut from wetlands. The use of cypress mulch may not be recommended.

3.4.5 Fertilizer Use.

(a) Selection and Application. Homeowners are strongly encouraged to follow the fertilizing recommendations of the most current version of the Florida Yards & Neighborhoods Guide to Florida-Friendly Landscaping when fertilizing on their own. All fertilizing companies hired to service a Homeowners lawn shall follow Florida Green Industries BMPs and have a valid certification as prescribed in Section 3.2. Fertilizers and pesticides may not be applied within a minimum of 10 feet from the edge of any water body.[27] For the purposes of this section, water body includes, but is not limited to, creeks, lakes, ponds, rivers, streams, lagoons or stormwater retention areas not under the Water Management District jurisdiction, or those delegated to the Association by the Water Management District.

3.4.6 Mowing. Mowing in Common Areas and Managed Areas shall be done in accordance with the most current version of the Florida Green Industries

[27] Community Associations may wish to establish a buffer zone or low impact zone at a greater distance. Some local governments may have more restrictive ordinances. *See* TAMPA, FLA., CODE § 13-163 (2006).

BMPs handbook and by certified landscaping contractors as prescribed in Section 3.2. Homeowners are strongly encouraged to follow the suggested mowing recommendations in the most current version of the Florida Yards & Neighborhoods Guide to Florida-Friendly Landscaping. All landscaping contractors performing environmental landscaping services on a Homeowners property shall act in accordance with the most current version of the Florida Green Industries BMPs handbook and have a valid certification as prescribed in Section 3.2. Mowing adjacent to swales or water bodies shall be performed such that no clippings are deposited into any swales or water bodies.

3.4.7 Disposal of Landscape Material.

(a) Turf Clippings. Unless the turf is diseased, turf clippings shall be left on turf areas or composted on-site to recycle nutrients. Any clippings or landscape material that fall on impervious surfaces such as sidewalks, driveways, or roads shall be swept onto turf areas or composted. Turf clippings or landscape material shall not be deposited in any swales or water bodies.

(b) Composting. The Committee shall not prohibit any Homeowner from installing compost bins on the Homeowner's private property. The Committee may regulate the aesthetics and siting of composting activities. Any person discarding any plant material shall follow all applicable state and local ordinances.

3.5 Water Conservation.

3.5.1 Irrigation Systems.

(a) Installation & Design. All irrigation systems in the Development shall be installed according to the state Standards for Landscape Irrigation in Florida and shall meet or exceed all state and local regulations. The irrigation systems of any areas that do not have local irrigation regulations shall, at a minimum, meet the state Standards for Landscape Irrigation in Florida. The irrigation system shall be designed so as to not overlap with water coverage zones, not to water impervious areas, and not to irrigate within three (3) feet of the building foundation. The irrigation design shall separate turf irrigation areas from landscape bed irrigation areas. All irrigation systems shall meet current Best Management Practices as established by the most current version of the Florida Green Industries BMPs handbook, including the uniform distribution of water throughout all zones.[28] Before and during construction, the designer of the Irrigation System shall approve in writing any changes to the irrigation design. A copy of the state Standards for Landscape Irrigation in Florida is attached and incorporated by this reference as attachment "B."

(b) Maintenance. Irrigation systems shall be continuously maintained in working order so that the application rate of water to landscape and grass does not exceed the ability of the soil to absorb and retain water applied during one application. Homeowners shall comply with the requirements of this Article and shall maintain the irrigation systems within their Property boundaries. The Association shall within the Common Areas and Managed Areas, make monthly inspection of all automatic irrigation systems for operating defects, periodically calibrate all automatic irrigation systems, and seasonally reset the irrigation controllers or

[28] This sentence should refer to the most current version of the Florida Green Industries BMPs manual and not to a specific set of guidelines since new editions of the BMPs manual will eventually come out.

timers to account for changes in plant growth and local weather conditions. The irrigation system shall meet or exceed the rules of the State, the controlling Water Management District and the local government. If a Homeowner's irrigation system does not function properly, the Committee may correct this problem as provided under Section 3.1.5 above.

3.5.2 Rain Shut-off Devices or Soil Moisture Sensors.

(a) Installation. Rain shut-off devices or soil moisture sensors shall be installed and operational for all in-ground irrigation systems. Rain shut-off devices shall be placed in open areas to prevent incorrect readings. Flow meters, tensiometers, and other irrigation tools may be used to help make good irrigation management decisions.[29]

(b) Maintenance. The Association shall maintain rain shut-off devices or soil moisture sensors in all the Common Areas and Managed Areas. The Homeowners shall maintain the shut-off devices or soil moisture sensors within their property boundaries if such devices are not managed by the Association.

3.5.3 Homeowner Education. The Association shall create a Florida-Friendly educational package that includes, but is not limited to, a copy of the Association's CCRs as well as any other relevant water conservation and Florida-Friendly Landscaping information. The Association shall provide a copy of this educational package to all subsequent purchasers. The Association shall recommend that Homeowners consult with local, county, or state FYN extension offices when appropriate.

3.5.4 The Association shall ensure that all subsequent purchasers receive a copy of the Irrigation Plan and Schedule and operating manuals, including any warranties, for the following:

(a) irrigation systems,

(b) rain shut-off devices,

(c) soil moisture sensors, and

(d) any other mechanical or electronic device implemented in the Irrigation Plan.

When a Homeowner sells their home, the Homeowner shall notify the Association of the transfer and the Association shall provide the new Homeowner with a copy of the operating manuals and any applicable warranties as stated above in this Exhibit. The Association may conduct an educational program on Florida-Friendly Landscaping to educate all Homeowners and Association members at least once a year.[30]

3.6 Pest Control

3.6.1 Pesticide Application. Preventive[31] blanket applications of pesticides are prohibited, except those performed as part of an IPM program in accordance with the most current version of the Florida Green Industries BMPs handbook or for termite prevention. All pesticide applications in Common Areas shall be done by a Certified Professional and in accordance with the most current version of the Florida Green Industries BMPs handbook. Homeowners are strongly encouraged to use alternative methods for controlling pest problems and to

[29] Pursuant to Fla. Stat. §373.62, any person who purchases and installs an automatic lawn sprinkler system after May 1, 1991, shall install, and must maintain and operate, a rain shut-off device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

[30] This is strongly suggested to ensure Homeowner compliance with these Florida-Friendly CCRs and may be also done through an informational community website or bulletin board.

[31] Preventative applications are those which are done regardless of whether there are pest problems or not. Blanket applications may be used when necessary to cure an existing pest problem.

follow the most current version of the Florida Yards & Neighborhoods Guide to Florida-Friendly Landscaping. However, all pest control companies servicing a Homeowner's property shall have valid state and county licenses, follow Integrated Pest Management as prescribed in the Florida Green Industries BMPs handbook, and have a valid certification as prescribed in Section 3.2.

3.7 Stormwater

3.7.1 Reserve Funds for the Stormwater Management System. _____ % of the initial working capital fund shall be set aside for maintenance and any future repair of the stormwater management system. The amount shall only be used to address issues relating to the stormwater management system.

3.7.2 Runoff. The Developer shall not divert roof or structure runoff to drain onto impervious surfaces.[32] Homeowners shall not alter roof or structure drainage in any manner that channels runoff onto impervious surfaces[33] and shall comply with the local government, FDEP, and Water Management District requirements for stormwater management including proper erosion and sediment control.

3.7.3 Construction and Renovations. During the construction or renovation of a dwelling, the Homeowner or the Homeowner's builder shall control erosion and sedimentation during and after construction, stabilize cleared areas, limit stockpiles, protect stormwater inlets during construction, remove temporary control systems after construction, and limit the placement of gutters and drains.[34] The Homeowner's builder shall comply with the local government, FDEP, and Water Management District requirements for erosion and sediment control.[35] The Association shall not prohibit the following structures and activities including, but not limited to, cisterns, rain barrels, rain gardens, washing cars on lawns and other pervious surfaces, and the use of low-impact development (LID) designs including, but not limited to, curb cuts and swales. Where possible, all construction and renovation shall use LID designs and practices that reduce stormwater runoff. LID designs and practices that reduce stormwater runoff includes, but is not limited to, designs and practices creating curb cuts that direct the flow of runoff to depressional areas and designs and practices adding depressional areas such as rain gardens and swales, including pervious surfaces.

3.7.4 Stormwater Management Areas. Any stormwater systems managed by the Association shall follow all regulations or recommendations stipulated by local government, the local Water Management District, and any other applicable agency.[36]

3.7.5 General Stormwater Pollution Prevention. The Association shall not prohibit the following structures and activities including, but not limited to, cisterns, rain barrels, rain gardens, washing cars on lawns and other pervious surfaces, and the use of LID designs including, but not limited to, curb cuts and swales. Where possible, the Association and the

[32] Gainesville's current storm water management ordinance states impervious surfaces include but are not limited to driveways, parking lots, patios, decks, walkways, athletic courts, and other similar surfaces: See Ch. 27, Art. V, §27-237—Definitions.

[33] Allowing stormwater to drain onto the adjacent landscape reduces the amount of irrigation that is needed to sustain that landscape.

[34] Gainesville's development code ordinance on design standards lists precautions to control erosion and sedimentation problems: See Ch. 30, Art II, Subdivision II, 9 §30-27.

[35] See Gainesville Ordinance Ch. 30, Article VIII.

[36] In general, Water Management Districts do not allow homeowner associations to manage or maintain stormwater ponds unless the association applies for, and meets certain permit criteria. Water Management Districts prefer that local government stormwater utilities manage and maintain stormwater systems if the local government body is willing to take on the monitoring and maintenance of the stormwater pond: See F.A.C. Ch 40C-42.027(1)(2)(4). If an Association does take on the monitoring and maintenance of a stormwater system, then the Water Management District dictates guidelines for permit qualification and maintenance: See F.A.C Ch40C-42.027 and .029. Moreover, many Water management Districts set forth recommended language for covenants and restrictions concerning stormwater maintenance. See Appendix "A" "Recommended Language For Declaration of Covenants and Restrictions" available at http://www.sjrwmd.com/programs/regulation/rules/pdfs/oprmaint.pdf.

Homeowner shall use low-impact development (LID) designs and practices that reduce stormwater runoff. The Association and the Homeowners shall not sweep organic debris, such as leaves or grass, into storm drains or curbs. LID designs and practices that reduce stormwater runoff includes, but is not limited to, designs and practices creating curb cuts that direct the flow of runoff to depressional areas and designs and practices adding depressional areas such as rain gardens and swales, including pervious surfaces.

3.8 Pets and Wildlife [Optional]. This section applies to pets and to human treatment of all wild animals anywhere within the Development on both private and common property.[37]

3.8.1 Pets. All pets shall be confined on a leash, held by and under the physical control of a responsible person at all times when they are outside a Property in the Development. Pets may not harass wildlife attracted to the Development. Pet owners shall pick up after their pets in the Development and appropriately dispose of such wastes in a trash receptacle. All local pet ordinances shall apply.

3.8.2 Hunting and Trapping. Hunting or trapping of any animal is prohibited.

3.8.3 Attracting and Taming Wildlife. Homeowners may not tame, acquire, keep, or confine any form of wildlife. Young or injured wild animals found or acquired cannot be kept or reared, and must be surrendered to a professional rehabilitative care center. Homeowners may attract wildlife by providing habitat that offers cover, water, and food for wildlife. Subject to limitations by the Association, Homeowners may provide the following habitats including native vegetation, bird feeders, nesting boxes, sheltering boxes, garden ponds, and bird baths. Artificial shelters and nesting boxes shall be maintained in good repair and not placed or distributed so as to create conflicts by harboring non-native species or attracting wildlife in such numbers as to be in conflict with humans. Nest boxes shall be constructed so that they can be cleaned and disinfected at least annually. Garden ponds and birdbaths shall be maintained in good order to prevent the proliferation of noxious insects (such as mosquitoes), toxigenic blue-green algae, bacterial pathogens, or wildlife that could present a problem for people if present in such numbers or places where conflict would occur. Garden ponds and birdbaths shall also be designed child safe in order to prevent accidental drowning by children. For more information on these topics, Homeowners are encouraged to visit the University of Florida's Wildlife Extension Web site at http://www.wec.ufl.edu/extension.

3.8.4 Killing or Harming Wildlife. Wild animals shall not be purposefully injured. Under some conditions, aversive conditioning (training animals to avoid a conflict situation through the use of unpleasant stimuli) may be used as part of a nuisance control program but never in such a way as to cause or sustain suffering of the animal. Wild animals may be humanely killed to relieve their suffering due to critical injury or illness. The recommended means by which this should be accomplished is euthanasia administered according to veterinary medical standards as established by the American Veterinary Medical Association (AVMA) in their most current guidelines, or other guidelines that have been sanctioned by The Humane Society of the United States (HSUS). Situations of extreme emergency in which human safety or the immediate relief of animal suffering is at issue could warrant exceptions to this requirement. Control of commensal rodents (rats and mice) where federal, state, or local regulation and standards rule; where human health and safety concerns are threatened; and to limit the growth and spread of a population due to human

[37] Wildlife portions of this section have been taken from the Draft Community Covenants for Harmony, FL. HSUS/Wildlife.- © Harmony Institute 2001.

causes could also warrant exceptions to this requirement. Lethal control of commensal rodents may be conducted by homeowners or registered pesticide applicators, but must be done in strict accordance to Association guidelines and state laws. The use of glueboard traps under any circumstances is expressly prohibited.

3.8.5 Feeding Wildlife. Except as provided by Section 3.8.3 above, feeding wildlife is prohibited. Homeowners recognize that wildlife may be placed at risk by feeding that habituates animals to humans resulting in diminution of an animals' fear or normal caution around humans; by abnormally concentrating animals; by increasing risk of contact between wild animals, humans or pets, and other similar situations. Wildlife may not be indirectly fed by leaving food out for companion animals. Feeding must not lead to conflicts between animals and humans. The Association may recommend proper foods and feeding schedules. The Association may also suspend all bird feeding during any period of increased nuisance wildlife activity. Bird feeders should be limited in type and number. Feeders and human-supplied water sources, including birdbaths, shall be kept clean so that disease is not transmitted. Feeders should be protected from raiding by mammals such as raccoons.

3.8.6 Wildlife Conflicts. Resolutions to conflict between humans and wild animals shall first be attempted using non-lethal means, except under extreme and immediate circumstances where human safety or the safety of a companion animal is imminently threatened. Wildlife control, including non-lethal actions, shall not be conducted simply because a homeowner considers the mere presence of a wild animal to be a "pest" or "nuisance." The approach to wildlife conflict resolution shall follow a series of steps.

(a) The conflict is identified,

(b) The species causing it is determined and, if possible, the individual animal is identified,

(c) Methods to resolve the conflict ranging from least to most invasive and injurious are identified, and

(d) An action plan that ensures the least injurious and invasive approach suitable is evaluated and undertaken before other measures are considered.

Preferably, human-wildlife conflicts should be resolved by changing human practices (such as trash management and securing stored food), modifying habitats (changing plantings or managing landscapes), and/or structural modifications (fencing or other methods to exclude animals). Whenever practicable, the cause of human-wildlife conflict shall be sought and the conditions or circumstances that led to the conflict shall be removed.

3.8.7 Wildlife Management Plan for Controlling Wildlife Populations. Circumstances may arise where the community has evaluated a conflict situation and agreed to the need to intervene in and control a local population of wild animals (not merely an individual wild animal or small number of wild animals). Substantial and significant need must be demonstrated for human intervention to be considered, and regulations and guidelines established by the Florida Fish and Wildlife Conservation Commission shall be consulted. Alternatives to control including altering human practices (such as waste handling and landscaping) and methods to exclude or repel animals should be undertaken before control measures are considered. Control measures must be undertaken through a wildlife management plan that carefully evaluates the best methods for controlling the specific species of concern and seeks the most humane long-term solution. Plans that require multiple control measures should also include long-term strategies to prevent the recurrence of the need for control measures. Control measures may include humane animal capture and relocation to other natural habitats on the

property or as allowed by state permitting authorities, reproductive intervention (such as immunocontraception for mammals or egg addling for birds), and other measures reviewed and agreed to be humane by the Association.

3.8.8 Nests and Dens. Nests of native or migratory birds shall not be taken, moved or interfered with in any manner as stipulated under applicable state and federal law. No wild animal den or nest of unprotected bird species may be disturbed, moved, or altered except as part of a planned conflict abatement program (described under Wildlife Conflict or Controlling Wildlife Populations), or under compelling circumstances of human health, safety, or security needs. Young shall not be taken or moved from dens or nests but allowed to mature until they naturally disperse, except where the conditions listed above merit more urgent response. In these circumstances, the family integrity should be maintained by methods to prevent orphaning.

3.9 Wildfire Prevention [Optional].[38]

3.9.1 Wildfire Prevention Committee. The Environmental Landscape Review Committee shall either act as a Wildfire Prevention Committee or shall appoint a separate Committee to carry out the wildfire prevention duties set forth in this Section.

3.9.2 General Duties of the Wildfire Prevention Committee.

(a) Application to Become a FireWise Community.[39] Upon initial appointment by the Association, the Wildfire Prevention Committee shall contact a FireWise representative and apply to become a FireWise Community. If recognized, the Committee shall renew their status annually. If not recognized, the Committee shall address the recognized problems and shall submit a new application annually.

(b) Wildfire Hazard Assessment of the Community. The Wildfire Prevention Committee shall employ a wildland/urban interface specialist, or a comparative professional, to complete a wildfire hazard assessment and use the assessment to create a Wildfire Hazard Plan that identifies locally agreed-upon solutions that the community can implement.

(c) List of Recommended Trees and Shrubs. The Wildfire Prevention Committee shall maintain a list of recommended plants resistant to wildfires. Homeowners are strongly encouraged to select plants from this list when installing new flora within 30 feet of a structure.[40]

(d) Public Workshops. The Wildfire Prevention Committee shall hold a public workshop at least once a year to educate Homeowners about wildfires and preventative maintenance.

(e) Educational Information. The Association shall provide wildfire prevention information to new and future Homeowners.

3.9.3 Fire-Wise Landscaping.

(a) Landscaping by the Developer. The Developer shall install

[38] This Article is not necessary for communities in areas of Florida that are not prone to wildfires. The Division of Forestry (FDOF) maps areas prone to wildfires, see http://www.fl-dof.com/wildfire/wf_fras.html.

[39] Administered by the FDOF, Firewise Communities/USA is program in which communities help prevent losses due to wildland/urban interface fire though community education and preventative practices. To become a FireWise Community, a community or neighborhood must submit an application, available at http://www.firewise.org/usa/.

[40] A plant list is available from IFAS at hort.ufl.edu/fyn/list.pdf. or at http://www.firewise.org/usa/

landscaping that mitigates the chance of wildfires and shall avoid the use of fire-prone flora.

(b) Replacement Landscaping. Any Homeowner replacing landscaping or installing new landscaping on private property shall consider the wildfire implications. Any new or replacement landscaping done in Common Areas and Managed Areas should be in accordance with the Wildfire Hazard Plan maintained by the Wildfire Prevention Committee.

3.9.4 Prescribed Burning. Before any prescribed burning, the Homeowner shall notify the Wildfire Prevention Committee and the Homeowner's neighbors. The Homeowner shall comply with federal, state, and local regulations, including obtaining a permit from the Florida Division of Forestry.

3.9.5 Preventative Maintenance by Homeowners. In addition to other preventive measures, Homeowners are encouraged to:

(a) Keep trees and shrubs properly pruned,

(b) Remove leaf clutter and dead branches if not used for mulching

(c) Dispose or compost cuttings and debris properly and promptly, according to Association and government restrictions,

(d) Store firewood away 30 feet away from the house,

(e) Maintain the irrigation system,

(f) Store and use flammable materials in a proper manner, and

(g) Keep gutters clean of debris build-up.

4. ASSESSMENTS

4.1 Florida-Friendly Landscaping Capital Fund. The Declarant shall establish a Florida-Friendly Landscaping capital fund for the initial operation of the Committee by collecting a _____% of _____or $ _____ assessment from each Unit/Lot purchaser at the time of conveyance. Amounts paid into such fund shall not be refundable nor considered as advance payment of regular, special or individual assessments.

4.2 Resale Florida-Friendly Landscaping Capital Contribution. Subsequent to the initial sale of a Unit/Lot, upon the conveyance of a Unit/Lot from one person to another, the purchaser of the Unit/Lot shall pay to the Association a "Resale Florida-Friendly Landscaping Capital Contribution." This sum shall be used and applied as a working capital fund, and shall not be refundable or applied as a credit against the Unit Owner's payment of Assessments. The Board shall set the amount of the Resale Florida-Friendly Landscaping Capital Contribution from time to time, but the amount of the Resale Florida-Friendly Landscaping Capital Contribution shall be consistent for the Units/Lots in the Development.

5. AMENDMENT PROCEDURES.

The Association may amend the Florida-Friendly Landscaping Declaration at any time provided that changes are duly announced and posted _____ days in advance of the meeting, and two-thirds (2/3) of the Homeowners present at a duly-called meeting vote in favor of the proposed amendment. [Any amendment affecting the Stormwater Management System must have the prior approval of the _____ Water Management District or any applicable governmental entity.]

6. FINES FOR VIOLATION OF THE FLORIDA-FRIENDLY LANDSCAPING DECLARATION.

In the event of a violation of any covenant in this Declaration, the Declarant or Association may suspend the rights of the Homeowner to use Common Areas for a reasonable time. Upon giving a seven (7) day notice to the Homeowner, the Declarant or Association may also levy a rea-

sonable fine, not to exceed $100 per day per violation (not to exceed $1000 in the aggregate), against the Homeowner.

7. RIGHT OF ENTRY.

The Declarant or Association shall have the right to enter any portion of the Property, including the Homeowner's private property, for the purposes of determining whether any maintenance is necessary or to ascertain Homeowner's compliance with this Declaration, so long as the entry is made at reasonable times and the Homeowner is given seven (7) days notice. In case of emergency, the Association shall have the right of entry for performing any maintenance or repair so long as a reasonable notice is given.

NOTES:

NOTES:

NOTES:


DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA


UNIVERSITY OF
FLORIDA
IFAS EXTENSION

The Florida-Friendly Landscaping™ Guide to Plant Selection & Landscape Design



WHAT ARE FLORIDA-FRIENDLY LANDSCAPES?

Florida-Friendly Landscapes protect Florida's unique natural resources by conserving water, reducing waste and pollution, creating wildlife habitat, and preventing erosion. Any landscape can be Florida-Friendly if it is designed and cared for according to the nine Florida-Friendly Landscaping™ principles, which encourage individual expression of landscape beauty. In 2009, the Florida Legislature found that the use of Florida-Friendly Landscaping™ and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration. Make your landscape a Florida-Friendly Landscape — do your part to create a more sustainable Florida!

SERVICES

Florida Yards & Neighborhoods is brought to Floridians by the University of Florida/IFAS Extension Service and the Florida Department of Environmental Protection, in cooperation with the five Water Management Districts. UF/IFAS Extension offers the public the following services in every county in the state at either no charge or for a minimal fee:

- Workshops and classes
- Plant and landscape advice based on current University of Florida research
- Official yard recognition program

The program also offers online resources, including numerous publications, a tutorial for custom landscape design, and a plant database.

FLORIDA-FRIENDLY LANDSCAPING™ PROGRAM OFFICE

Phone: (352) 273-4518
Web site: http://fyn.ifas.ufl.edu
Please visit our Web site to find your county Extension office.

ACKNOWLEDGEMENTS

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Introduction

WHAT IS A FLORIDA-FRIENDLY LANDSCAPE?

A Florida-Friendly Landscape is a quality landscape that is designed, installed, and maintained according to the nine Florida-Friendly Landscaping™ principles. The nine principles seek to reduce environmental impact from landscaping by properly applying water, fertilizer, and pesticides, creating wildlife habitat, preventing erosion, recycling yard waste, and employing other practices based on University of Florida research.

Not all Florida-Friendly Landscapes look alike. A wide variety of forms, styles, and types are available to the designer. Florida-Friendly Landscapes may incorporate both native and non-native plants. One Florida-Friendly yard may use a rain garden to filter stormwater runoff, while another may attract pollinators with specific nectar plants. But if cared for according to the nine principles, a Florida-Friendly Landscape can produce aesthetically pleasing, low-maintenance results that may add value to your property while helping to protect the state's natural resources.

THE FLORIDA-FRIENDLY LANDSCAPING™ PROGRAM

Preserving and protecting Florida's water resources is the focus of the Florida-Friendly Landscaping™ (FFL) Program, which promotes the nine principles with public outreach and education statewide. The FFL Program is a joint venture of the Florida Department of Environmental Protection (FDEP) and the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS). The FFL Program works in cooperation with the state's five water management districts and other agencies and organizations to achieve the common goals of water conservation and water quality protection.

LANDSCAPE DESIGN & PLANT SELECTION

So, how do plant selection and landscape design contribute to saving water and preventing pollution? The first Florida-Friendly Landscaping™ principle—"Right Plant, Right Place"—involves designing a landscape efficiently and choosing plants that fit the site. This helps reduce maintenance inputs, including irrigation, fertilization, mowing, and application of pesticides, which in turn lowers the risk of pollutants finding their way into ground or surface waters. Keeping excess nitrogen and phosphorous out of the water improves the health of water bodies and by extension the whole ecosystem. This guide will help you to create a landscape that works with the natural environment, rather than against it. Such a landscape, if maintained correctly, will require less money, time, and effort on your part, while still looking healthy and beautiful.

HOW TO USE THIS BOOK

The Florida-Friendly Landscaping™ Guide to Plant Selection and Landscape Design is intended as a companion to *The Florida Yards & Neighborhoods Handbook* (4th ed., 2009). The Handbook is available through your county Extension office or online at http://fyn.ifas.ufl.edu/. The Handbook describes in detail the nine Florida-Friendly Landscaping™ (FFL) principles that are the bedrock of the FFL Program. This guide is intended for homeowners who want to take the next step and design their own Florida-Friendly Landscapes. Included in this book is information on landscape design strategies, a landscape planning worksheet, and the FFL Plant List containing many of the UF/IFAS-recommended Florida-Friendly plants for each region of the state.

The Nine Florida-Friendly Landscaping™ Principles

The nine Florida-Friendly Landscaping™ principles are the cornerstone of the Florida-Friendly Landscaping™ Program. Based on UF/IFAS science, the principles teach homeowners, builders and developers, landscape maintenance professionals, and other Florida citizens how to implement environmentally sound design and maintenance techniques in their landscapes. The principles are outlined briefly here. For more detailed information, please refer to the FFL state office Web site (http://fyn.ifas.ufl.edu) or to *The Florida Yards & Neighborhoods Handbook*.

PRINCIPLE #1: RIGHT PLANT, RIGHT PLACE

Plants well-suited to their site need less irrigation and fertilizer and are more resistant to pest infestation. Florida-Friendly Landscaping™ principles encourage the selection of the right plant for the right place, helping you create a healthy, attractive landscape that works with the natural ecosystem rather than against it. Match plants with site conditions based on USDA zone, water and light requirements, soil conditions, salt and wind tolerance, and other factors. The FFL Plant List can help you make the right plant selections for your landscape.

PRINCIPLE #2: WATER EFFICIENTLY

Overwatering not only depletes water supplies, it raises your water bill and makes landscapes more prone to pest infestation. If needed, irrigate plants according to UF/IFAS-recommended rates and application schedules, taking into account local restrictions issued by your water management district. Water only when plants show signs of wilt, preferably in the early morning. Check your irrigation system regularly for leaks and clogs. Do not water if it has rained in the past 24 hours, or if rain is forecast in the next 24 hours. By law you must install, maintain, and operate a device such as a rain sensor that prevents operation of your automatic irrigation system during periods of sufficient moisture.

PRINCIPLE #3: FERTILIZE APPROPRIATELY

If fertilization is needed, use UF/IFAS-recommended rates and application schedules to get a healthier lawn and garden. Fertilizing at the correct times and in the correct amounts not only supplies plants with the nutrients they need, it helps prevent fertilizer runoff and leaching that can get into our water supplies and interfere with ecosystem and human health. Fertilizing at the rates recommended by UF scientists helps avoid the excessive growth, pest problems, and higher water requirements that over-fertilization causes.

PRINCIPLE #4: MULCH

Florida-Friendly Landscaping™ methods recommend using mulch to protect against soil erosion, maintain soil moisture, inhibit weed growth, improve soil structure and aeration, and reduce pesticide use. A Florida-Friendly Landscape will feature one of the types of mulch recommended in *The Florida Yards & Neighborhoods Handbook* in its planting beds.

PRINCIPLE #5: ATTRACT WILDLIFE

Florida-Friendly Landscaping™ encourages Floridians to make their yards attractive to birds, bees, bats, and other creatures displaced by rapid urban development. Supply berry bushes, a bird bath, or a bat house; increase vertical layering to provide habitat; manage household pets and reduce insecticide use—all these tricks can welcome wild visitors in need of refuge. Many of these will return the favor by eating pest insects and helping to pollinate your garden!

PRINCIPLE #6: MANAGE YARD PESTS RESPONSIBLY

The Florida-Friendly Landscaping™ Program advocates a more holistic approach to pest control than merely spraying chemicals. Integrated Pest Management (IPM) creates an effective defense against yard pests while minimizing environmental impact. IPM emphasizes smart planning, proper maintenance, and natural or low-toxicity controls to ensure that plants stay healthy and resist disease and insect infestation. Chemical treatments may still be necessary in some cases, but use of toxic materials will be minimized by this approach.

PRINCIPLE #7: RECYCLE

A Florida-Friendly Landscape recycles yard waste generated by activities like mowing, pruning, and raking. Use these leftovers as mulch or compost, returning valuable nutrients to your landscape. Save money and enrich your soil by composting grass clippings, weeds, and plant trimmings and using the compost as an amendment.

PRINCIPLE #8: MANAGE STORMWATER RUNOFF

A Florida-Friendly Landscape uses porous pavers, rain barrels or cisterns, rain gardens, and swales and berms to keep rainwater on site and allow it to percolate into the ground or be captured for later use. Reducing the amount of runoff and the chance for rainwater to wash quickly into storm drains—carrying yard clippings, fertilizer, pesticide, dirt, oil, and other toxins—is the goal of managing stormwater runoff.

PRINCIPLE #9: PROTECT THE WATERFRONT

Implementing Florida-Friendly Landscaping™ design and maintenance methods helps protect water bodies from pollution. If you live on a lake, bay, river, or other water body, keep fertilizers, pesticides, and other toxins away from the water by preserving a 10-foot maintenance-free zone between your landscape and the water. Do not mow, fertilize, or apply pesticides in that area. Even if you do not live immediately on the waterfront, the pesticides and fertilizers you apply in your landscape affect the health of local water bodies through a drainage system called the watershed. The choices you make at home have much farther-reaching consequences than you might imagine.

Florida-Friendly Landscapes are all based on the same nine principles. But Florida-Friendly Landscaping™ encourages individual expression of beauty. As long as you apply the principles described in *The Florida Yards & Neighborhoods Handbook*, your landscape can be Florida-Friendly and as individual as you want.

WHAT IF I LIVE IN A PLANNED COMMUNITY?

Check with your homeowner association before you make changes to your landscape. HOAs, usually have a landscape review board and can regulate the appearance and types of plantings in your yard, as long as they do not prohibit you from installing and maintaining Florida-Friendly Landscapes.

If you live in a community with codes, covenants and restrictions that could be more Florida-Friendly, encourage your association to adopt all or part of the model Florida-Friendly Landscaping™ restrictions, found at http://fyn.ifas.ufl.edu/.

The Florida-Friendly Landscaping™ Program has a number of "success stories" which highlight water and costs savings for communities that adopt Florida-Friendly Landscaping™ and maintenance practices. Visit the Web site at http://fyn.ifas.ufl.edu/.

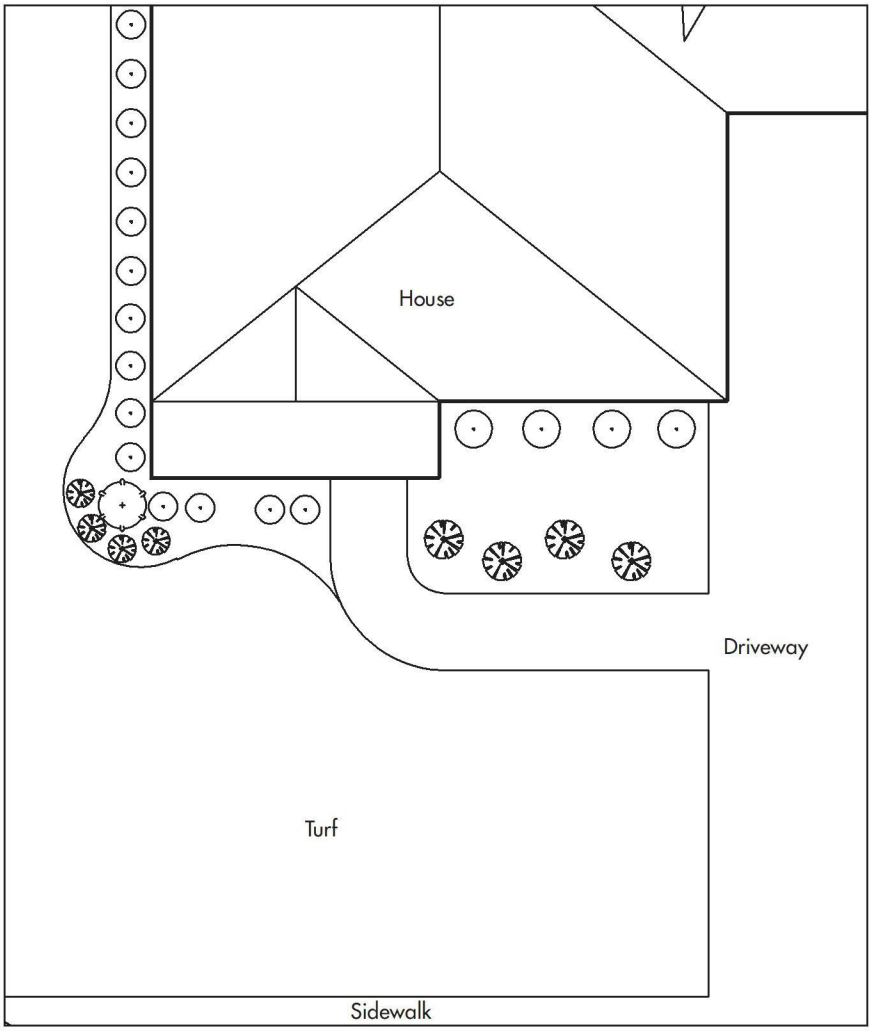
DESIGN SCENARIOS

The following eight design scenarios represent select areas of your home landscape—front entry, under windows, utility boxes, etc. Each of these scenarios was chosen because of common landscape design issues that confront a homeowner in these areas.

In each scenario, you will be shown a challenging landscape situation and learn what could be done to design a solution in a more Florida-Friendly manner. Be aware that the graphics show the improved landscapes at an early stage after plant installation. The plants will grow and eventually fill in more of the mulched area.

SCENARIO A: FRONT ENTRY
Two design options (With trees, Without trees)





Existing Landscape

CHALLENGES:

- Not enough plant material in beds
- Plants are not in scale with front of house

GOAL:

To create a visually welcoming front entry through the use of color, texture, or fragrance. Be sure to choose plants that are in scale with the size of your lot and house.

Plant Characteristics to Look For:

- Low-growing, compact plants
- Colorful
- Medium or coarse texture
- Bold forms
- Simple growth habit

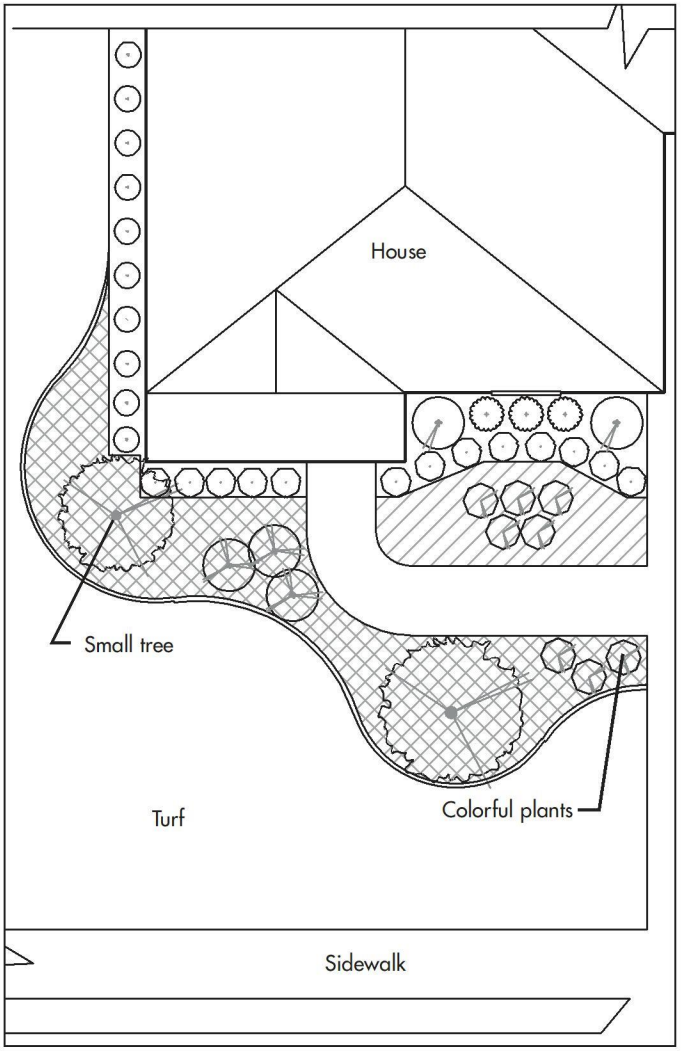
Design Solutions:

- Place low/small plants next to the walkway to reduce trimming needs
- Place interesting plants at natural view points
- Use small trees to provide a sense of scale and visual interest
- Use colorful or fragrant plants to engage the senses
- Use curved planting beds to draw the viewer's eye through the landscape

SOLUTION 1

With Trees

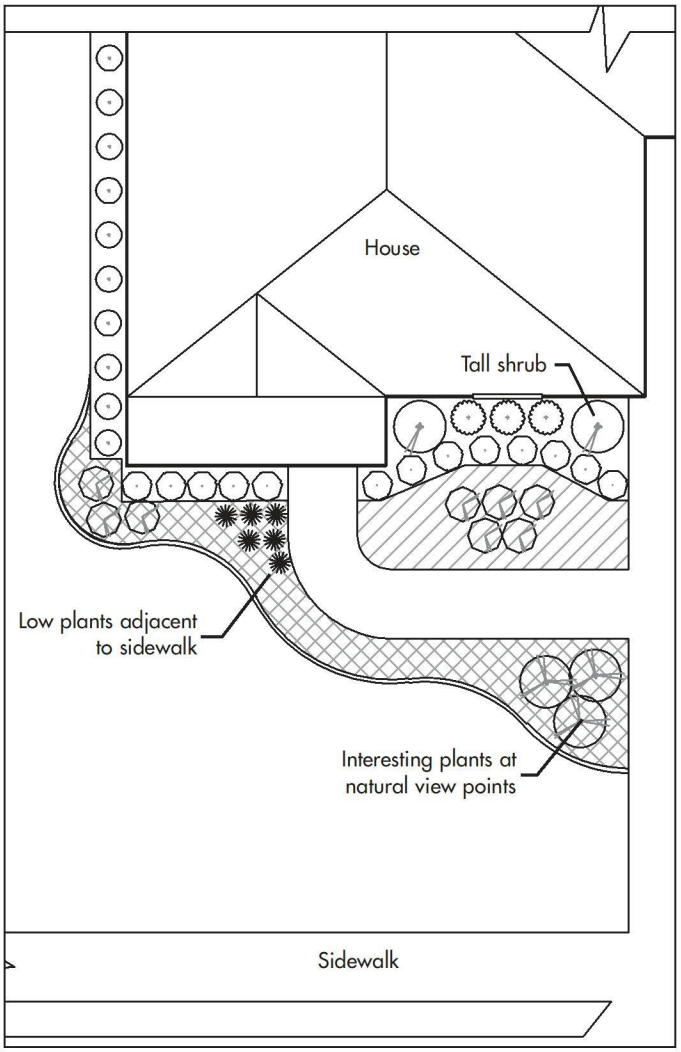




SOLUTION 2

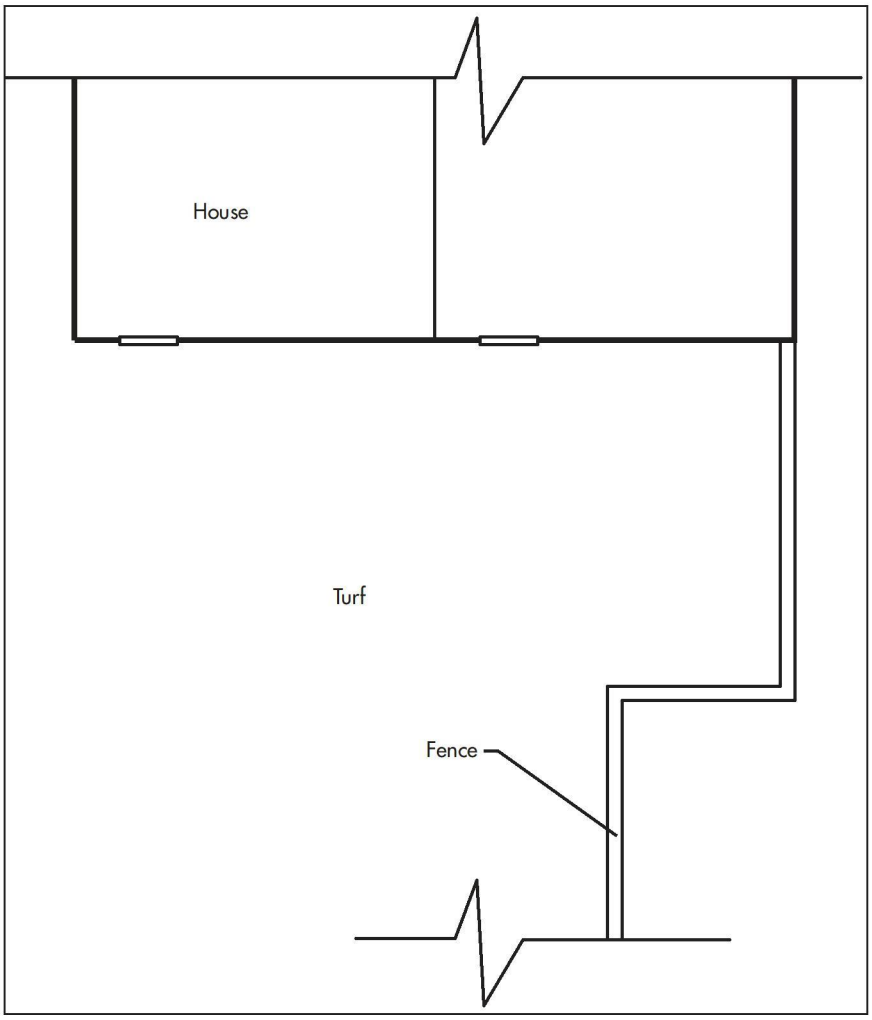
Without Trees





SCENARIO B: ALONG WALLS
Two design options (With trees, Without trees)





Existing Landscape

CHALLENGES:

- Blank wall is not visually pleasing
- Bare walls act as a heat sink during the summer

GOAL:

To break the monotony of blank walls through the use of properly sized foundation plantings. Small trees can be used to provide cooling benefits as well.

Plant Characteristics to Look For:

- Low- or medium-height shrubs
- Soft/fine texture
- Loose foliage
- Flexible branches

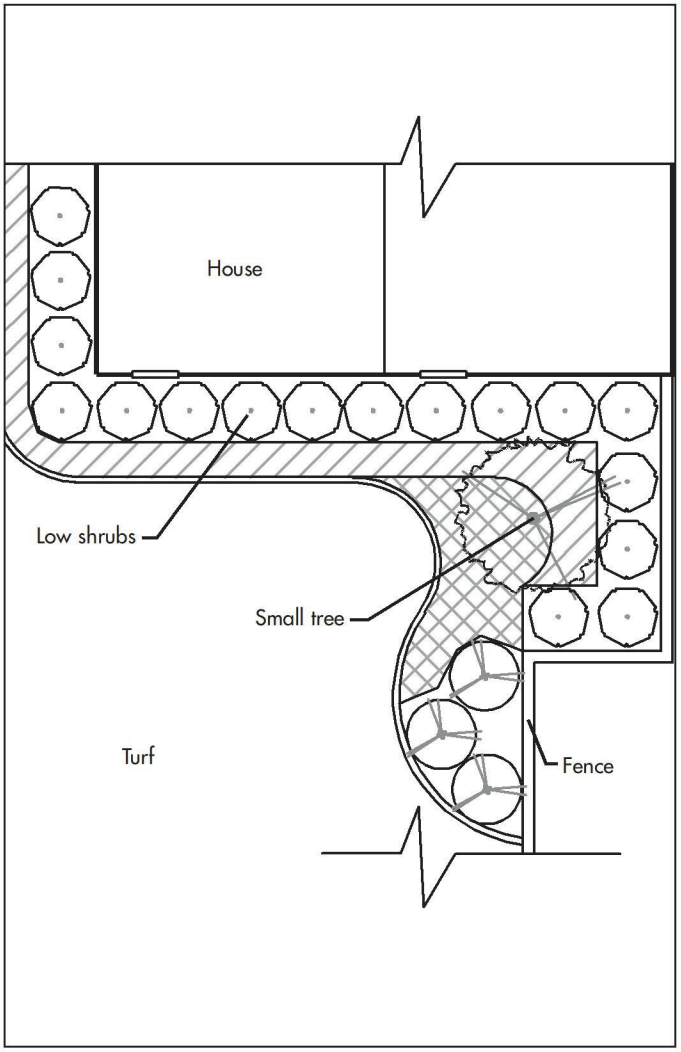
Design Solutions:

- Place root ball at least 3′ from wall to allow for air flow and maintenance access
- Choose plants with a tidy growth habit and be aware of their mature size to reduce trimming needs
- Choose plants that are color-compatible with the wall
- Consider planting small trees to provide shade and cooling benefits
- Use slightly taller plants between windows to break the monotony of a uniform hedge
- Use shrubs with soft/fine texture and flexible branches for easy pruning and to reduce injury when accessing the wall for maintenance

SOLUTION 1

With Trees

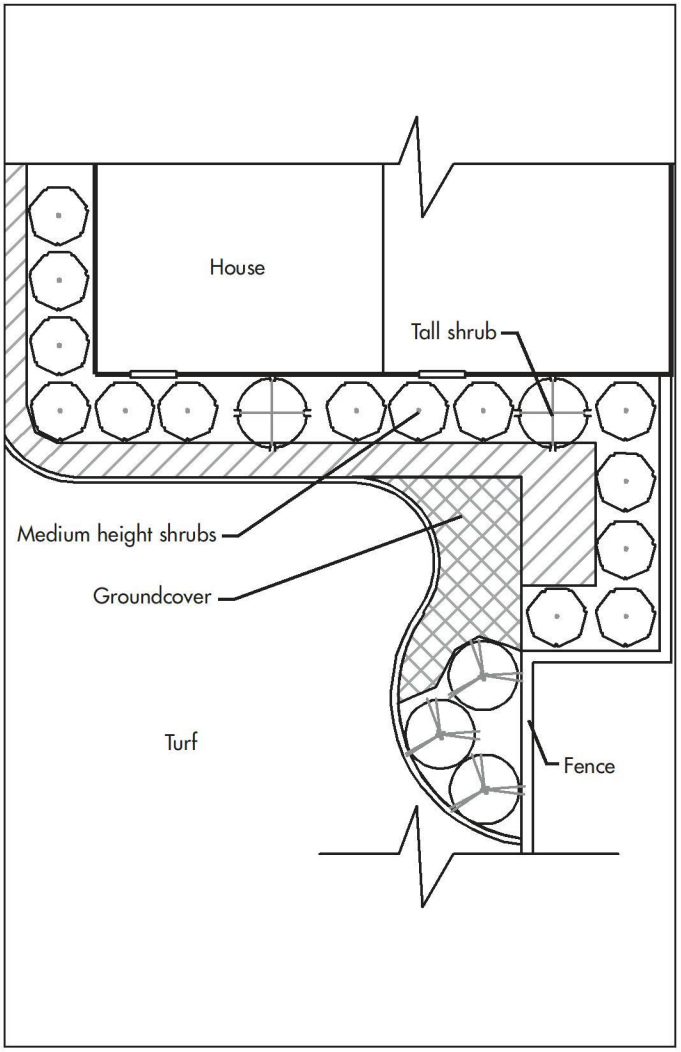




SOLUTION 2

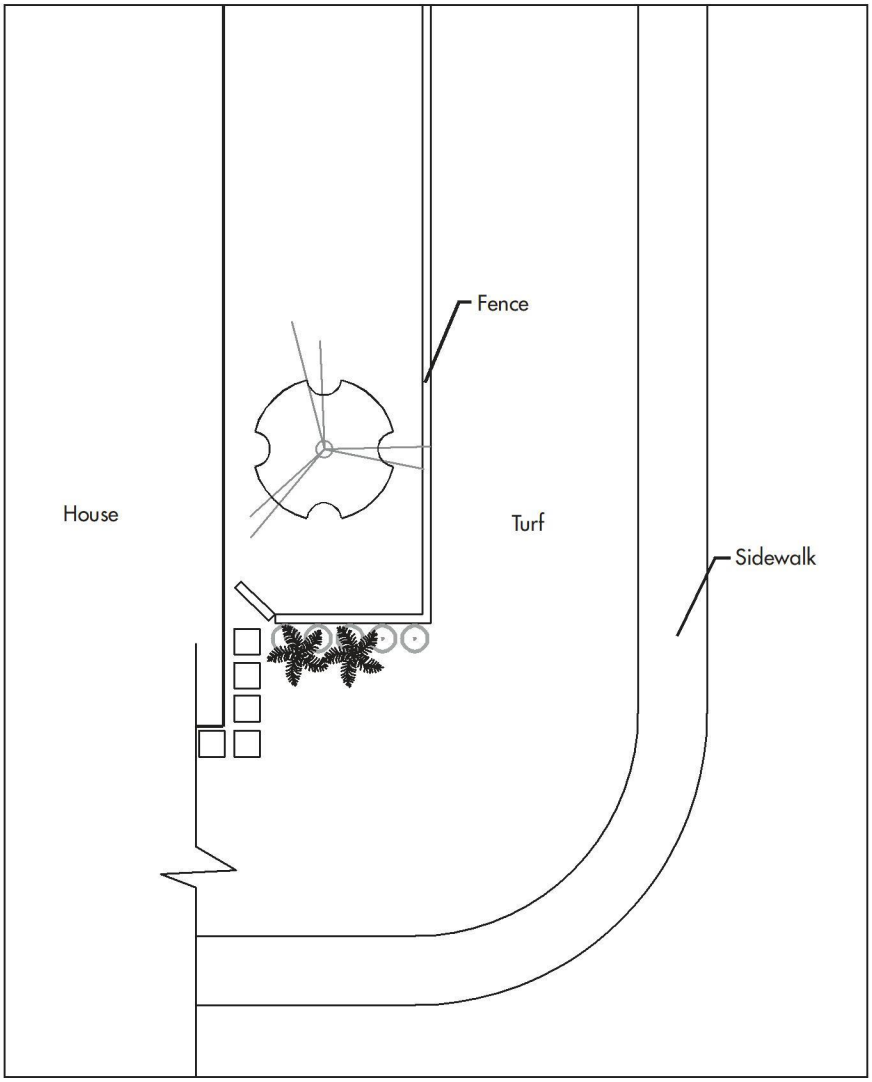
Without Trees





SCENARIO C: ALONG SIDEWALKS
Two design options (Turf buffer, Raised edging)





Existing Landscape

CHALLENGE:

- Turf is in poor condition

GOAL:

To reduce trimming and maintenance needs adjacent to the sidewalk. A 4′ turf strip or raised edging can be used to keep mulch from washing onto the sidewalk.

Plant Characteristics to Look For:

- Low growing
- Compact growth habit
- Does not attract biting or stinging insects

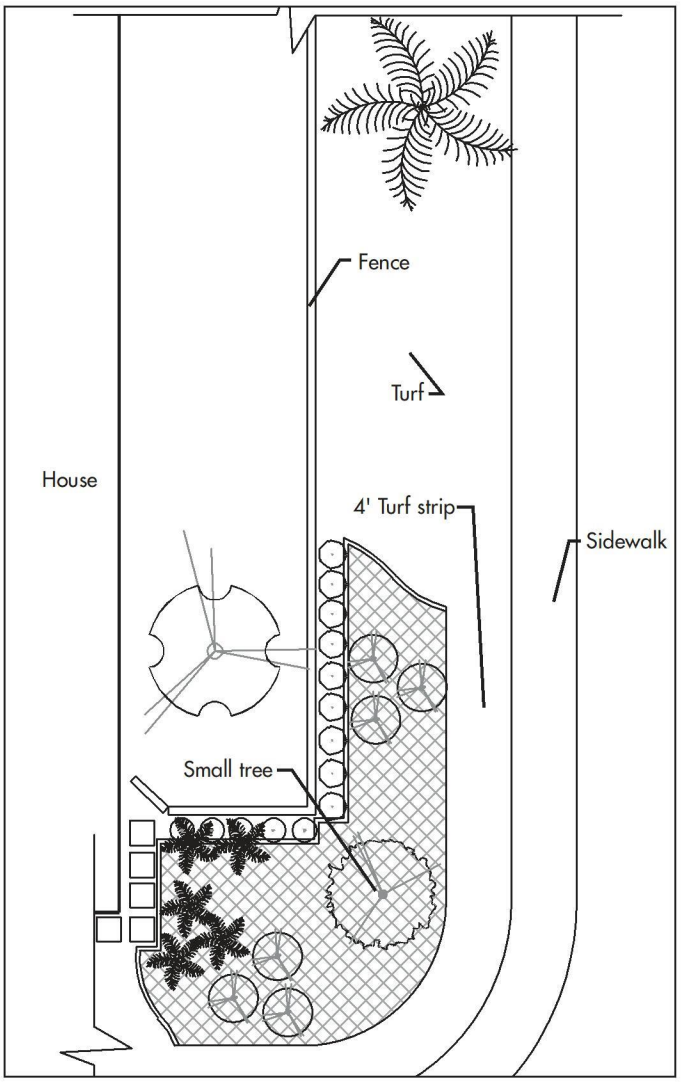
Design Solutions:

- Reduce trimming and edging needs by placing plants with clean, compact growth habits closest to walkways or by using a turf strip of at least 4′ adjacent to the sidewalk
- If a turf strip is not used, consider a raised edging to keep mulch off sidewalks
- Avoid plants that attract biting or stinging insects
- Use plants with interesting textures and colors for close viewing

SOLUTION 1

Turf Buffer Strip

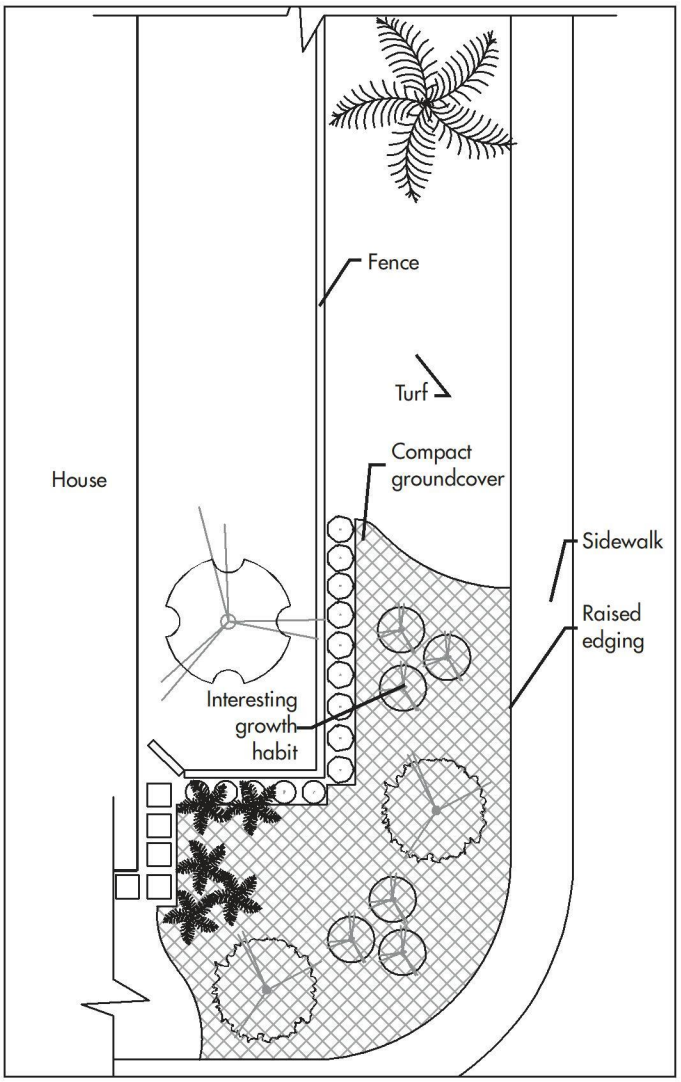




SOLUTION 2

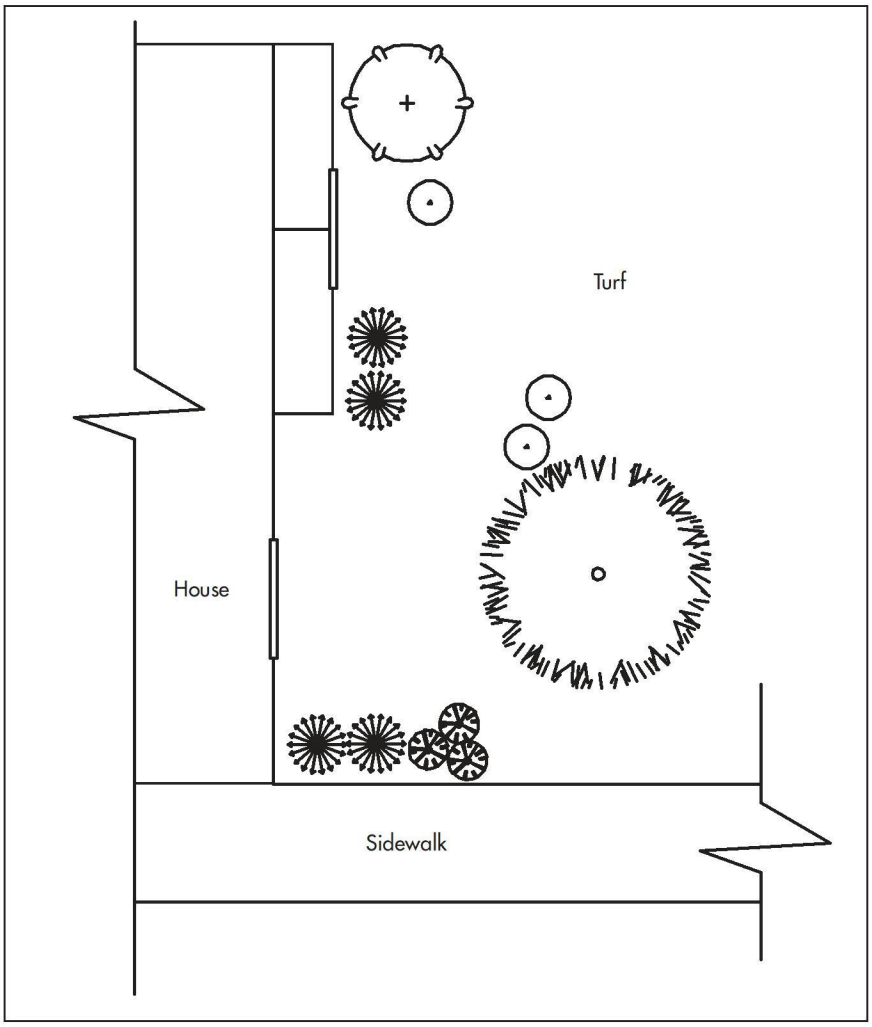
Raised Edging





SCENARIO D: UNDER WINDOWS
Two design options (No screening, Light screening)





Existing Landscape

CHALLENGES:

- Dense plant blocks rear window
- No plant material around front window

GOAL:

To frame windows with plant material to add visual interest and curb appeal. Alternately, plant material can be used to provide light screening of windows to prevent passersby from seeing in through the windows.

Plant Characteristics to Look For:

- Medium height
- No thorns or stiff leaves
- Loose foliage
- Flexible branches

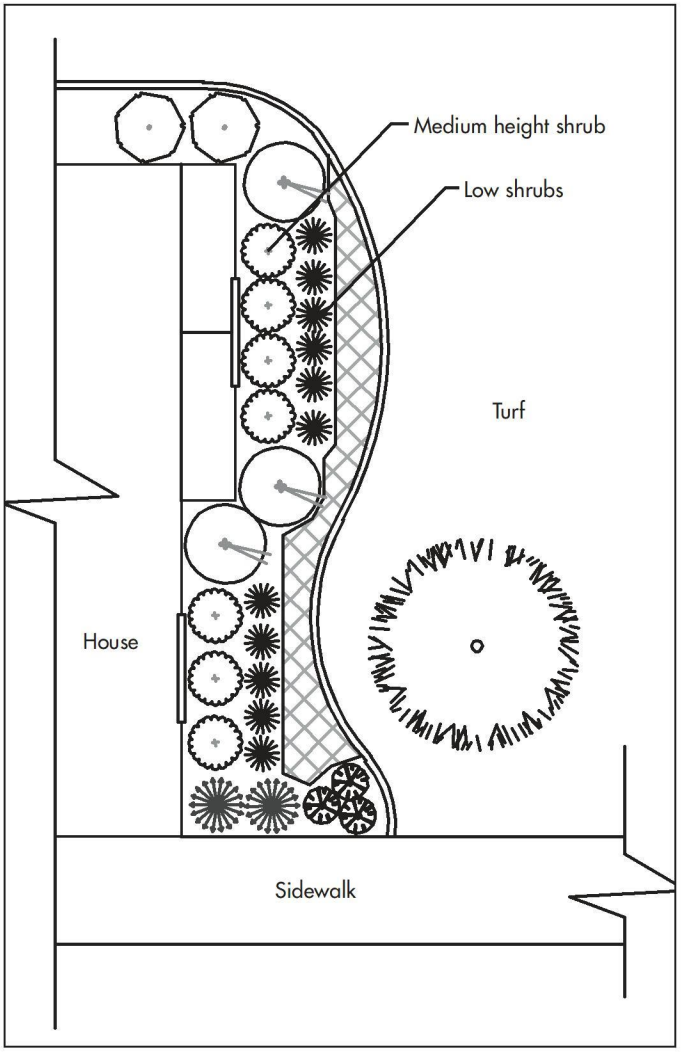
Design Solutions:

- Avoid blocking views by choosing plants with medium height and compact growth habits
- Choose shrubs with a tidy growth habit and allow enough room to access windows for cleaning and hanging storm shutters
- Avoid stiff, thorny plants that would prevent exiting from windows in an emergency situation
- Be aware of the mature size of plants and choose appropriately
- Use small trees with low canopies if shade or screening is desired

SOLUTION 1

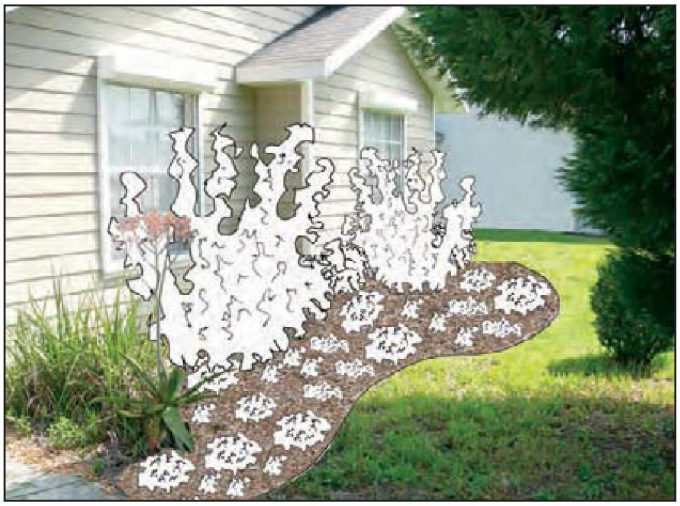
No Screening

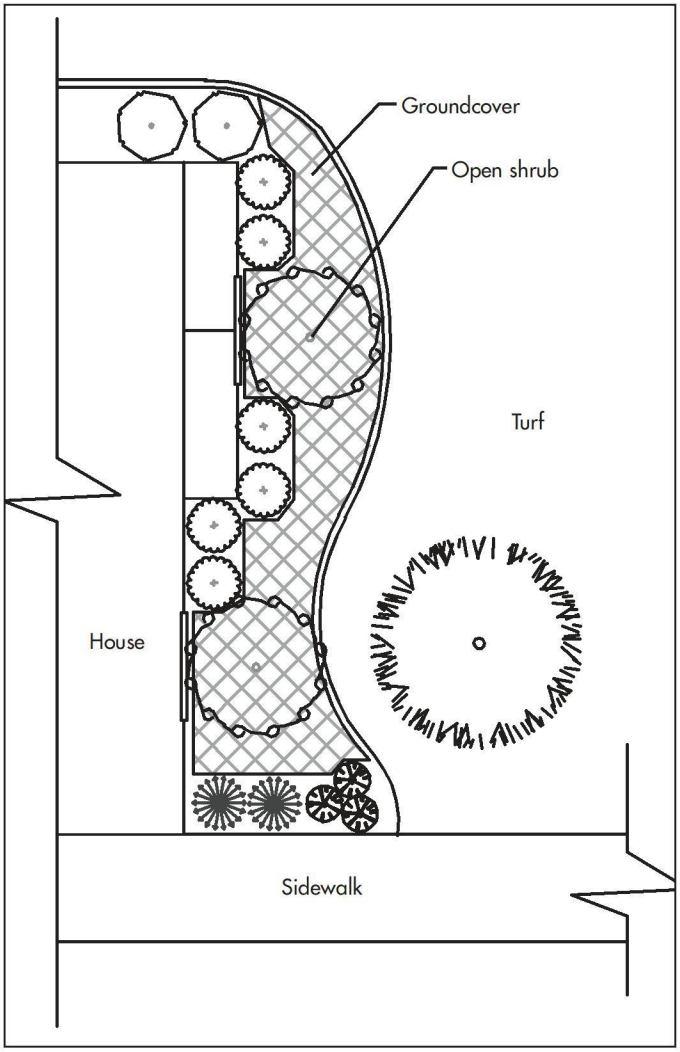




SOLUTION 2

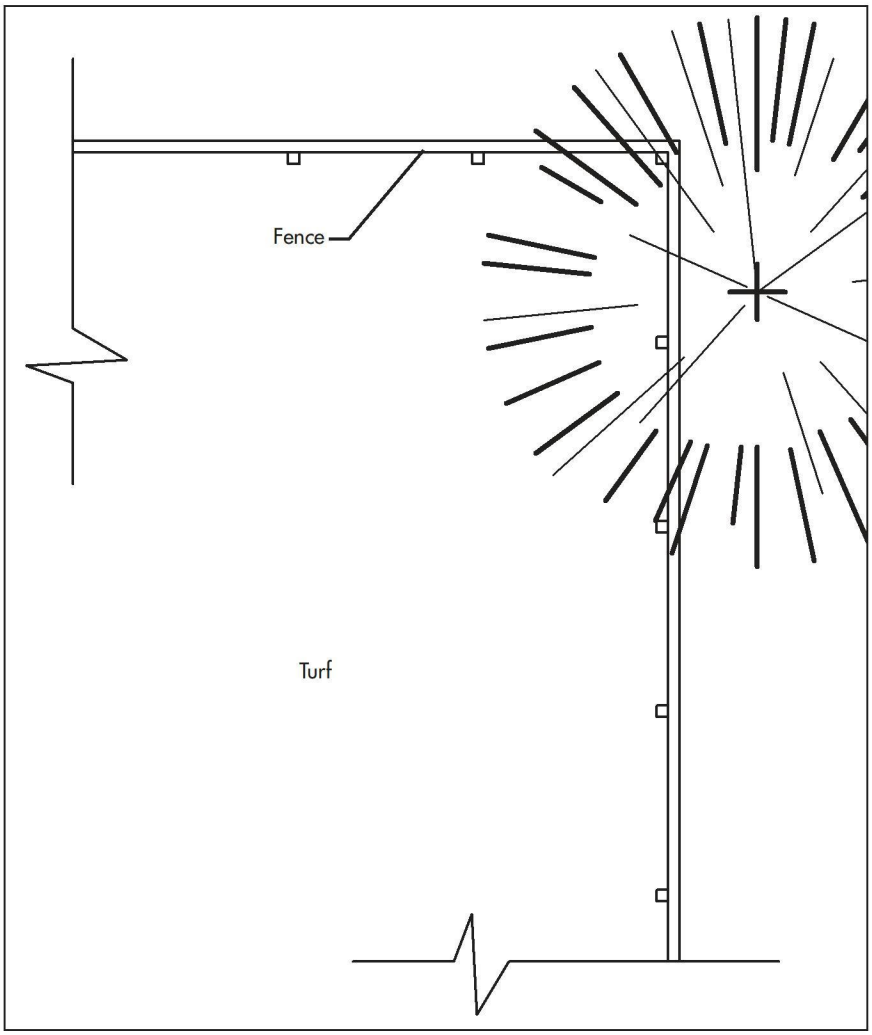
Light Screening





SCENARIO E: ALONG FENCES
Three design options (Vines, Partial screening, Full screening)





Existing Landscape

CHALLENGES:

- Bare fence is not visually pleasing
- View from yard needs screening (ex: neighbor's unsightly yard, road, etc.)

GOAL:

To turn an unsightly view into a visually pleasing one through the use of colorful vines and evergreen plants. Be sure to choose appropriately sized plants for your design intent.

Plant Characteristics to Look For:

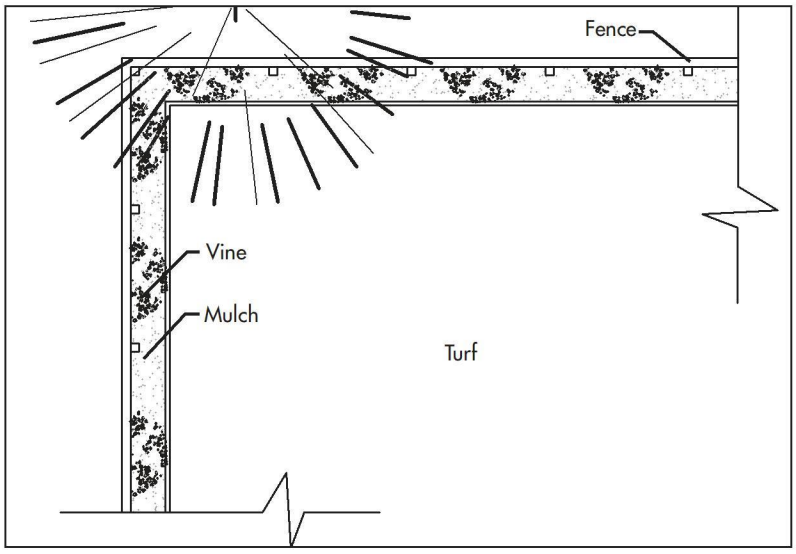
- Dense foliage
- Upright form
- Evergreen
- Fast growing
- Vining

Design Solutions:

- Choose hardy vines with colorful blooms or pleasant fragrance to hide the fence
- Choose fast-growing plants with dense growth habits for screening and privacy
- Select evergreen plants for year-round privacy and color
- Use plants with appropriate height to block unwanted views

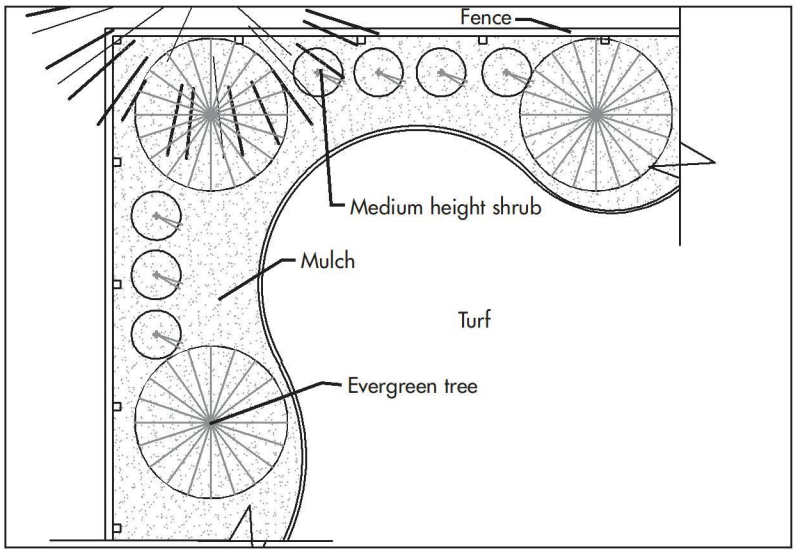
SOLUTION 1
With Vines



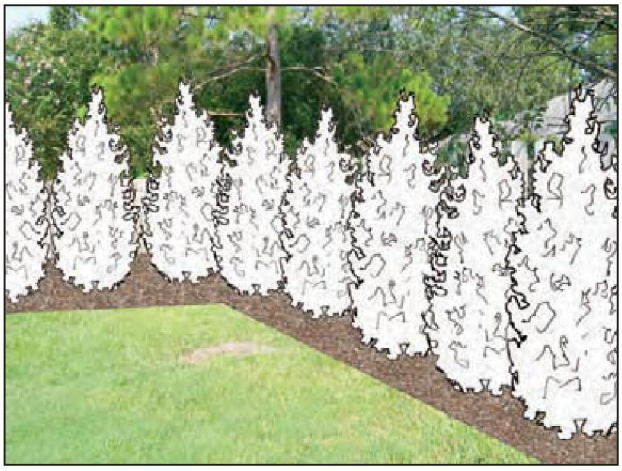


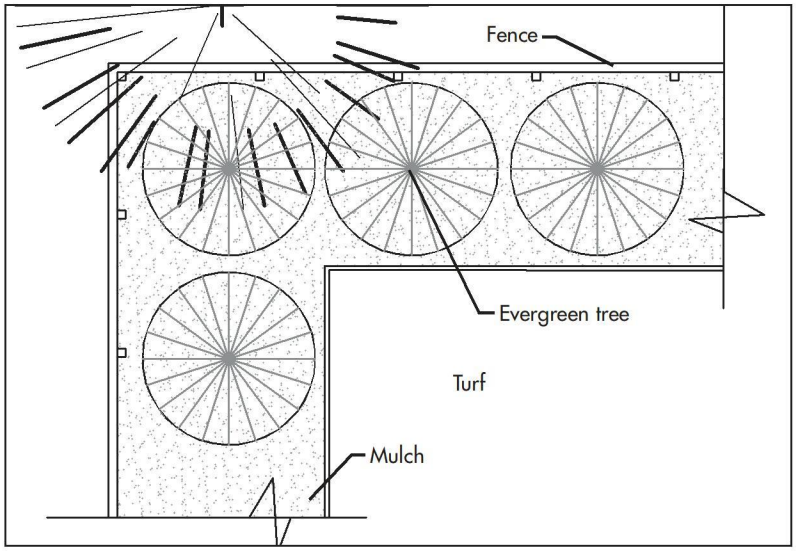
SOLUTION 2
With Partial Screening





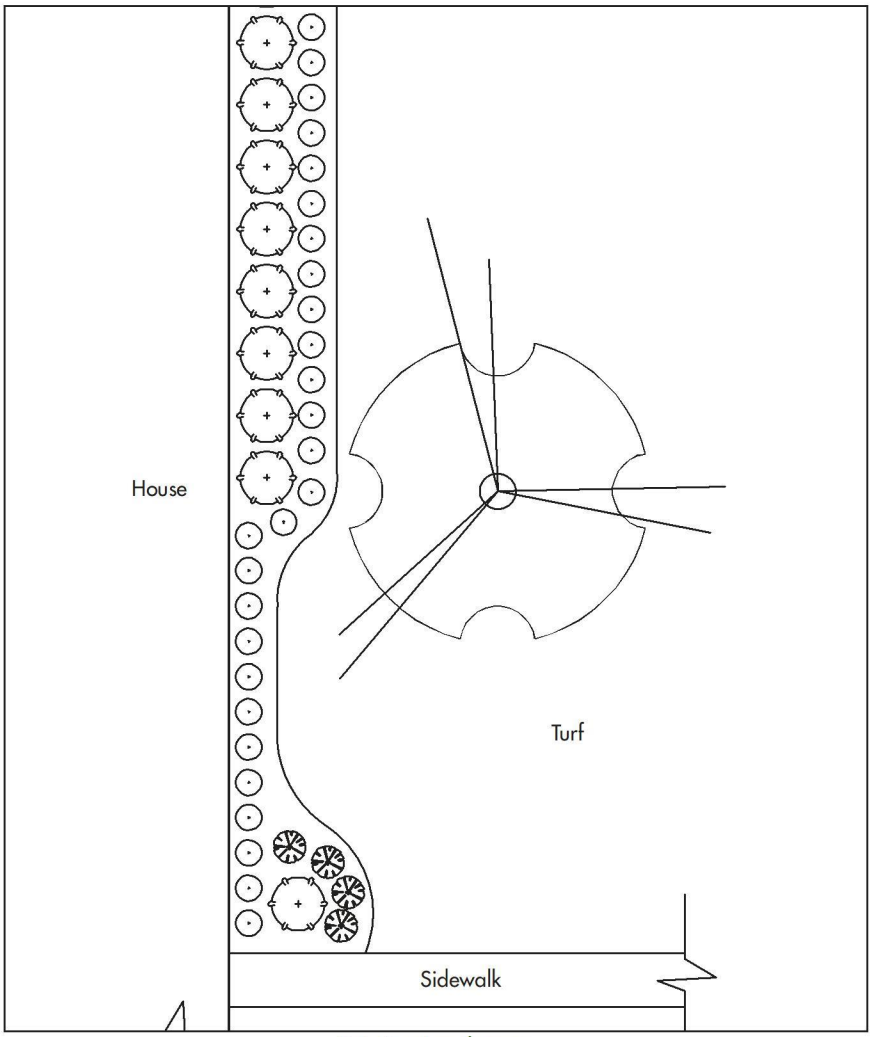
SOLUTION 3
With Full Screening





SCENARIO F: UNDER TREES
Two design options (Open canopy, Dense shade)





Existing Landscape

CHALLENGES:

- Turf is in poor condition
- Plants are too close to trunk
- Mulch area is too small

GOAL:

To create a plant bed that will thrive in shady conditions where turfgrass will not. Allowing an area to be self-mulched by falling leaves is an excellent low-maintenance solution.

Plant Characteristics to Look For:

- Shade tolerant
- Shallow roots
- Groundcover with spreading growth habit

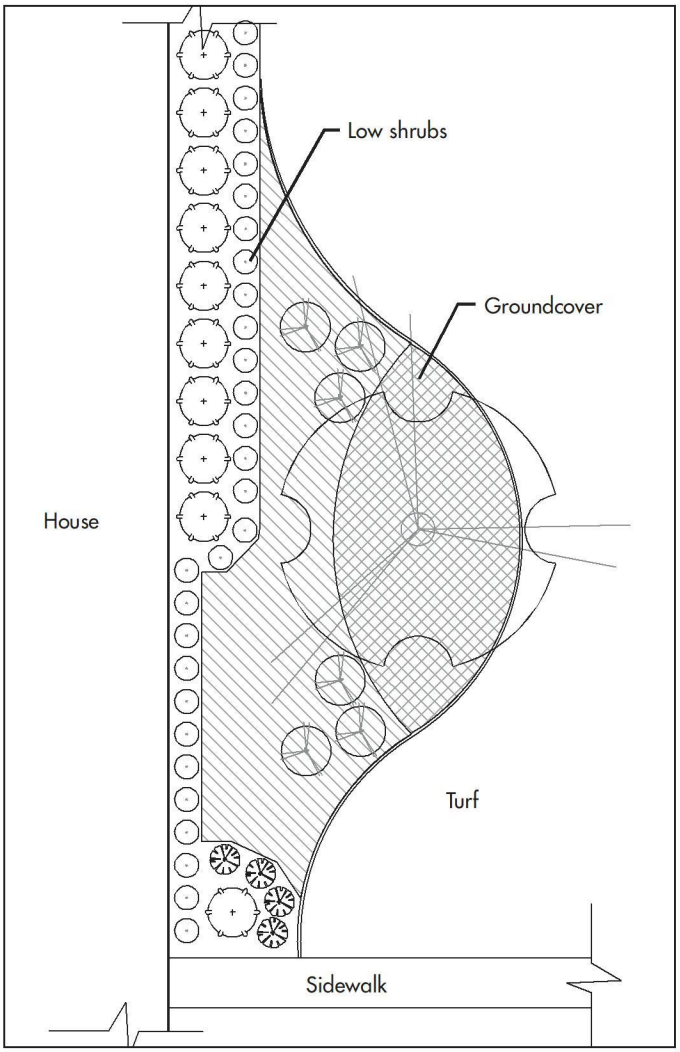
Design Solutions:

- Use plants that look good alongside fallen leaves
- Install small plants to avoid root damage to the tree
- In dense shade where plant options are limited, consider allowing fallen leaves to create a self-mulching bed

SOLUTION 1

Open Canopy

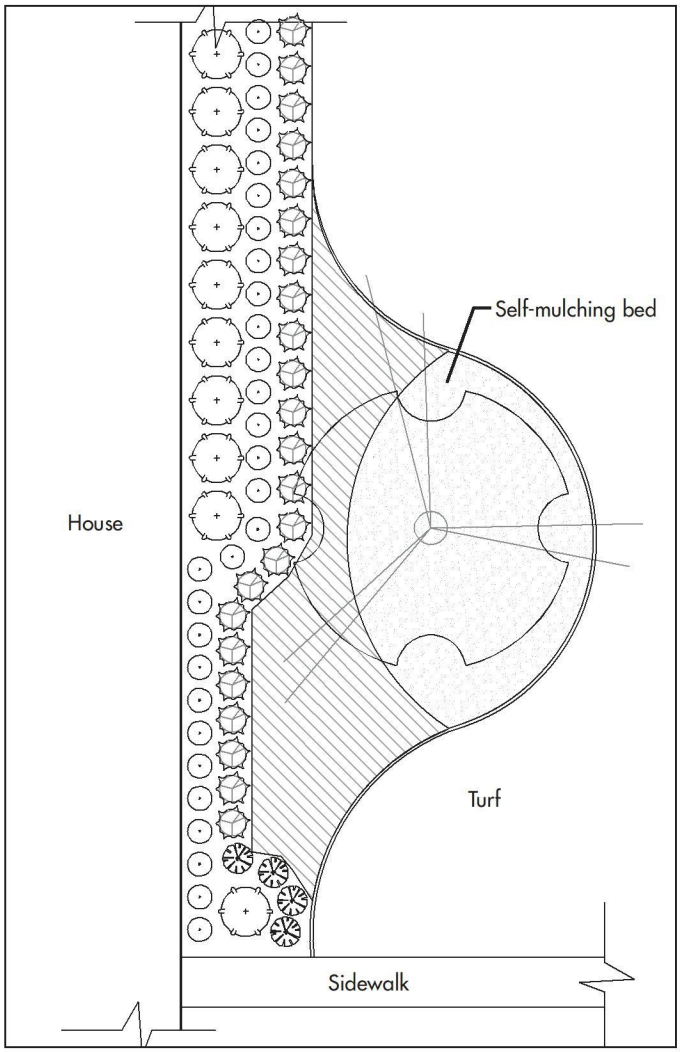




SOLUTION 2

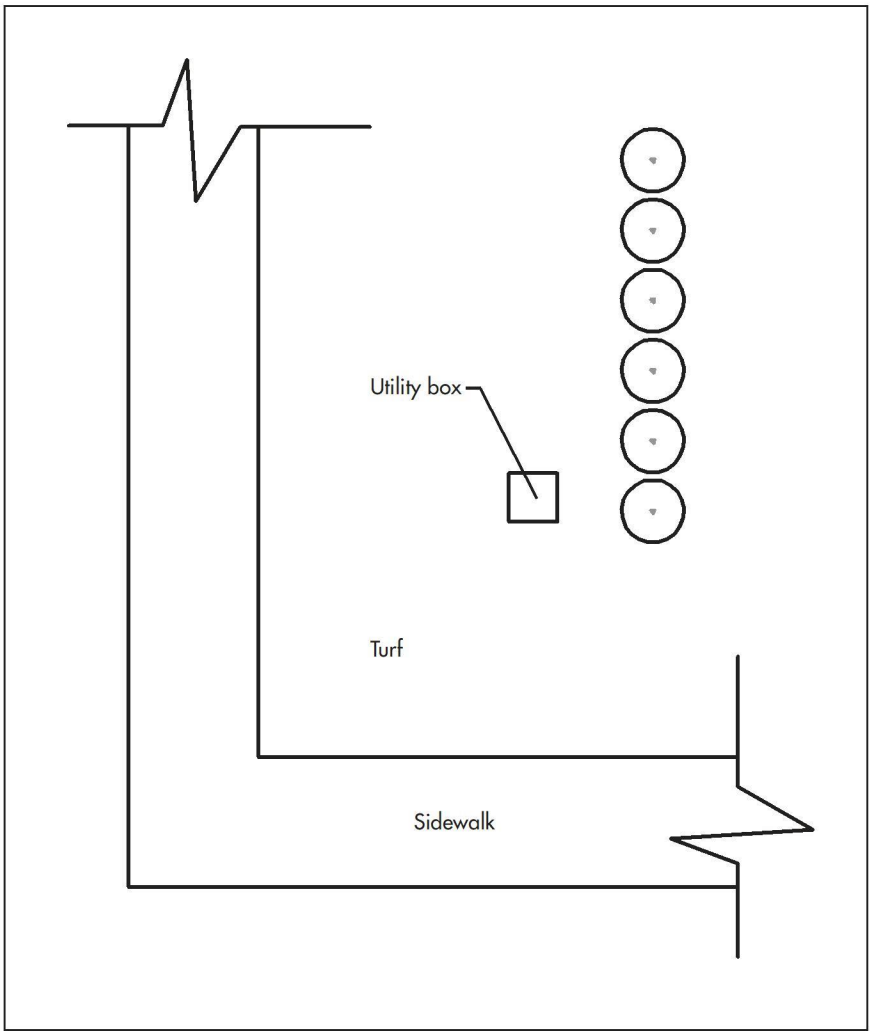
Dense Shade





SCENARIO G: UTILITIES
Two design options (Full blend, Partial blend)





Existing Landscape

CHALLENGES:

- Utility box is not visually pleasing

GOAL:

To create a plant bed around an unsightly utility to make it blend into the landscape. Be sure to allow room to access the utility when the need arises.

Plant Characteristics to Look For:

- Low/medium shrubs
- Simple growth habit
- Soft foliage
- No flowers/bees
- No thorns

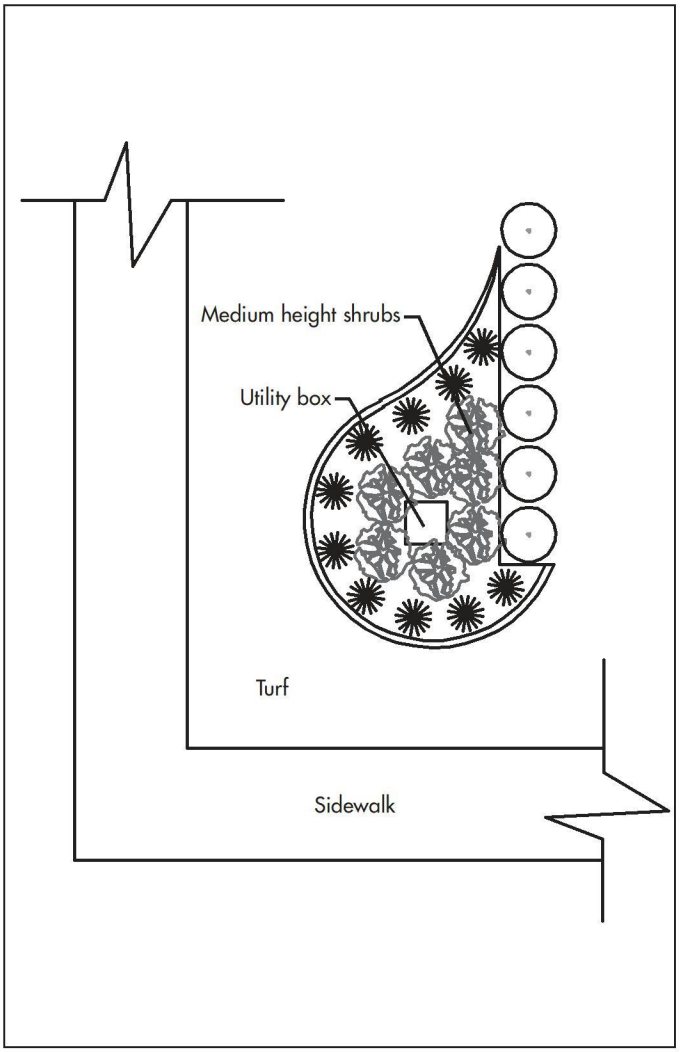
Design Solutions:

- Consult with your local utility company for planting regulations around utilities
- Use plants with soft foliage so the branches can be bent back to allow for access
- Don't try to hide the utility but rather try to make it blend in with the plant bed
- Consider the mail carrier and meter reader when selecting plants, avoid plants that attract stinging insects and plants with thorns

SOLUTION 1

Full Blend

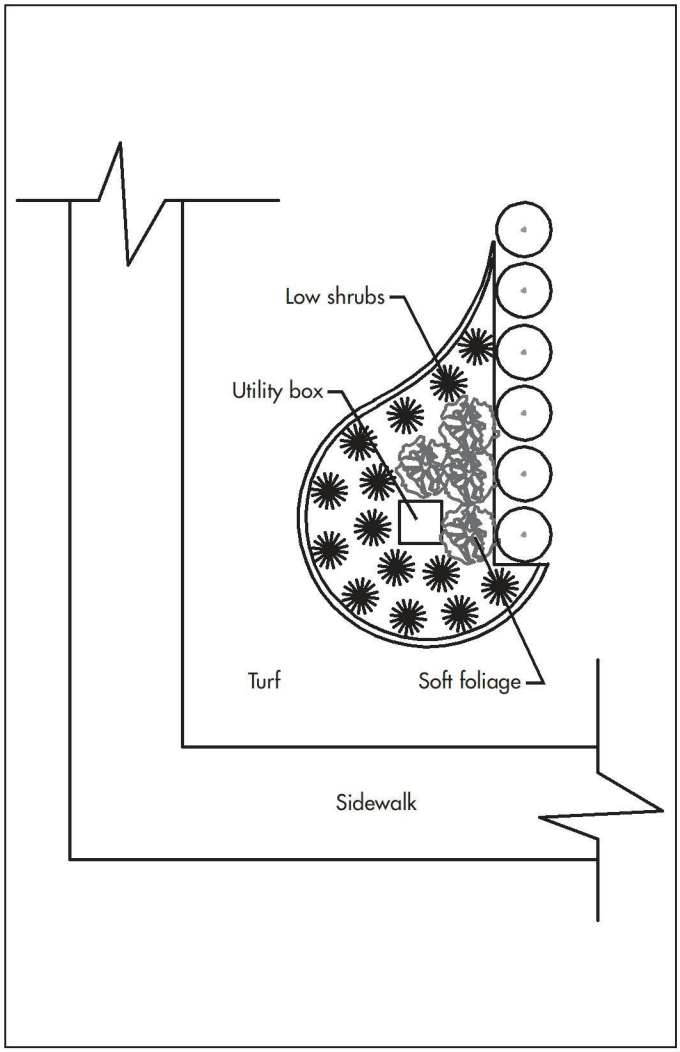




SOLUTION 2

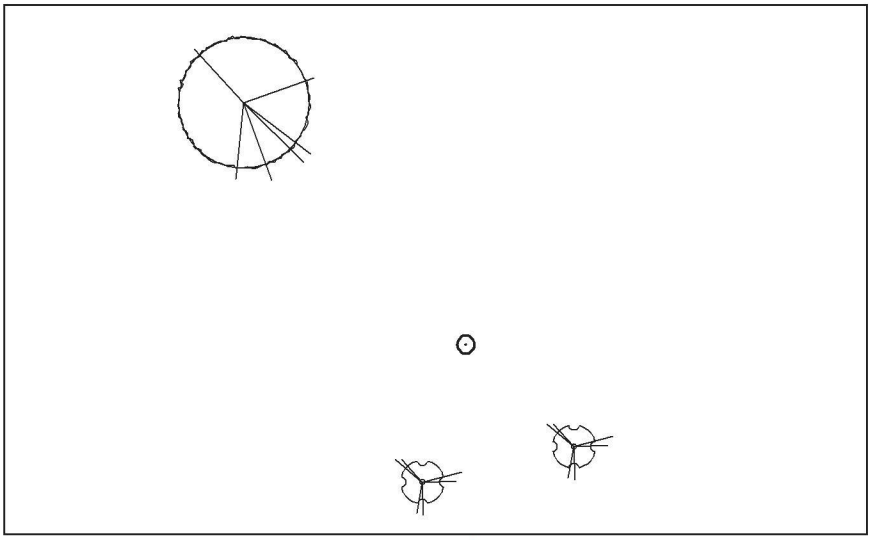
Partial Blend





SCENARIO H: STANDING WATER
One design option (Rain garden)





Existing Landscape

CHALLENGES:

- Water is slow to drain and collects in low areas
- Compacted soil

GOAL:

To turn low wet areas into rain gardens that will collect and filter rain water. Rain gardens can be attractive features in dry times as well if appropriate plant and material selections are made.

Plant Characteristics to Look For:

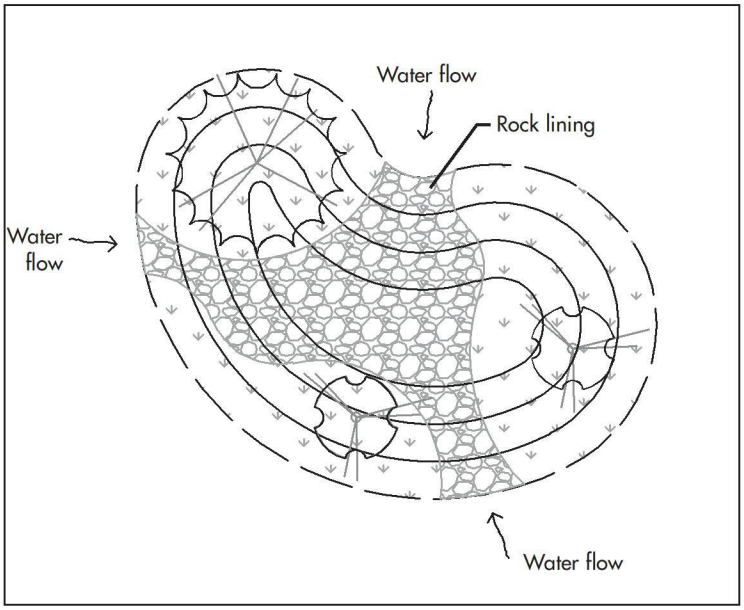
- Ability to survive prolonged wet conditions
- Also able to tolerate dry conditions (when water is absent)

Design Solutions:

- Consider having the low area(s) excavated by a professional and use the excess soil to create berms around the rain garden
- Use plants that will survive wet (or dry) conditions for long periods of time
- Line the bottom of the rain garden with rocks and boulders to provide visual interest during dry periods

SOLUTION 1
Rain Garden





A Florida-Friendly Landscape is ecologically sound and cost effective. If you get the chance to design a landscape from scratch, you can go Florida-Friendly all at once. But sometimes it is not practical for a homeowner with an established landscape to make the changeover to a Florida-Friendly design immediately. Converting an established yard to a Florida-Friendly Landscape can be done most effectively in about three years and seven steps.

OVERVIEW OF THE STEP-BY-STEP PROCESS

First, develop a master plan on paper. Second, install any patios, walkways, or decks (hardscapes). Heavy equipment and materials used in the construction of hardscapes should be used before planting to avoid crushing the plants. Third, prepare areas to plant trees. Trees should be planted before other plants because they require more time to reach a size that will provide shade and mulch (leaf litter). The final steps in the conversion involve working in small sections and installing plant beds and mulch in phases.

THE FLORIDA-FRIENDLY MASTER PLAN

Whether you are designing a landscape from scratch or converting to a Florida-Friendly Landscape, create a Florida-Friendly Master Landscape Plan. This is a complete plan for your yard that includes all elements in precise locations and takes into account the nine Florida-Friendly Landscaping ™ principles.

To create the master plan, you may find it helpful to use the Landscape Planning Worksheet provided in this guide or a similar form. Conduct a site inventory and analysis to determine the opportunities and constraints of your yard. Pay attention to soil type, existing vegetation, shade patterns, drainage patterns, views, and utility locations. Homeowners should also consider their needs and wants.

Draw the master plan to scale, including property boundaries from a certified survey, the location of the house and any existing hardscape, and the location of any trees or plants to remain on site. Complete the master plan by adding all proposed plants, hardscapes, and specified construction materials. If applicable, check with your HOA before beginning the design process, and be sure to obtain final approval from the responsible committee.

Use the nine FFL principles, design elements, and fundamentals of design described in this guide to create outdoor "rooms" by using pathways, hardscapes, and plants to divide and organize spaces. Also consider the following:

- **Proportion:** Keep the size of the plants proportional to the house and yard.
- **Variety:** Make the yard interesting by having variation in plant sizes (especially heights), color, texture, and shape.
- **Composition:** Group and arrange plants in overlapping masses based on the size, form, color, and growing requirements.
- **Emphasis:** Use dramatically different plants as focal points to attract attention.

THE SEVEN STEPS

The seven-steps described below illustrate the phased process of converting a landscape, including the addition of new hardscape, trees, and Florida-Friendly plant material to a typical development landscape. If all steps are followed, the final product will be a Florida-Friendly Landscape created over a three-year period.

STEP 1: DEVELOP A MASTER PLAN

Include some of the following elements in your Florida-Friendly Master Landscape Plan:

- Turf areas, plant beds, and mulch areas
- Entertainment and circulation areas such as pathways, decks, and patios
- Trees and shrubs (placed for energy efficiency and as screens/buffers for views)
- Plantings to screen A/C units & utilities
- Concealed work/trash area
- Wildlife habitat plantings
- Garden shed/compost bin
- Cisterns/rain barrels (located by downspouts)
- Rainwater collection areas (low spots or rain gardens)

STEP 2: INSTALL HARDSCAPES (PATIOS, WALKWAYS, DECKS, POOLS, ETC.)

- Call before you dig. State law requires that you call the free Utility Locator Service at 811 at least two full business days before you dig. http://www.callsunshine.com/
- Install all new hardscapes at the same time to save money by not destroying plants later.
- Use porous pavers, concrete or gravel, to allow stormwater drainage.
- Use durable materials and, whenever possible, use reclaimed, reprocessed, or recycled-content materials (EDIS pub 1110/EP374).

- Minimize the movement of trucks and equipment in the yard to avoid soil compaction.

- If using underground irrigation, install the system before installing plants.

STEP 3: CREATE NEW TREE BEDS

- Mark the edge of the new tree bed with a rope.

- Remove sod or other plant material and till to aerate soil in tree bed area.

- Put down a 2-3"-thick layer of Florida-Friendly mulch to protect the soil.

STEP 4: INSTALL TREES

- Choose healthy trees appropriate for your climate and conditions (wind, moisture, soil, etc.), and use proper installation techniques (EDIS pub ENH856/EP112).

- Wind proof by grouping trees together and locate to provide selective shade.

- Call to locate underground utility lines before digging.

- Install any new trees located near proposed hardscape after the hardscape is installed (Step 2).

STEP 5: PREPARE (PHASE I) PLANT BEDS

- Consult the master plan to decide where to install the first planted area. Your choice will be determined by your needs.

- Remember to leave clear access to the backyard if you do the front yard first.

- Use boundaries such as walkways, fences, or house corners to determine the extent of the planted area.

STEP 6: INSTALL (PHASE I) PLANT BEDS

- Relocate existing plants as indicated on the master plan and space relocated and new plants accordingly.

- Use proper installation practices for planting (EDIS pub ENH856/EP112).

- If you are not installing the plants, hire landscape contractors certified in Florida-Friendly Green Industry Best Management Practices (GI-BMPs).

- Mulch newly installed plants to control weeds and reduce runoff (EDIS pub ENH103/MG251).

- Follow a UF/IFAS-recommended irrigation schedule until plants are established (EDIS pub ENH857/EP113) and then reduce irrigation as needed.

STEP 7: REPEAT STEPS 5 & 6 FOR ADDITIONAL PHASES OF PLANT BEDS

- Additional phases of Plant Beds are determined by your needs. For Phase II , you may choose to plant the area that is contiguous to the Phase I plants, or you may decide to plant another area of the garden that is used often or for a different purpose.

- Follow the procedures used in Phase I to prepare beds and install the Phase II plants. If a temporary irrigation system was used in Phase I, the system can be relocated to use in Phase II.

- Remember the plants in Phase II will initially be smaller than the plants in Phase I, but they will quickly catch up and fill in the space.

- You may want to choose less visible areas for the last phase(s).

- Again, follow the procedure used in previous phases I and II to prepare and install additional beds.

- Remember the plants in later phases will be smaller than the plants in the earlier phases, but they will also quickly catch up.

- Maintain the yard with Florida-Friendly Landscaping™ principles described in *The Florida Yards & Neighborhoods Handbook* and in this publication. If you are not maintaining the landscape, hire a landscape contractor who is certified in the GI-BMPs.

Florida-Friendly Landscape design combines art and science to create functional, attractive, and ecologically sound surroundings that complement a home or other structure. But Florida-Friendly Landscaping™ guidelines need not restrict your choices of color, texture, and style. Here are some tips to bear in mind when planning your landscape.

FORM FOLLOWS FUNCTION

Landscape designers often recommend grouping plants into masses to unify the design of plant beds. Groups of plants are visually pleasing, and this technique also provides environmental benefits. Trees planted in groups provide more atmospheric cooling than the same number of evenly spaced, isolated trees and are much better protected in high winds. In addition, trees planted in combination with appropriate shrubs and groundcovers form effective windbreaks and wildlife habitat.

PLANT MATCHMAKING

Turfgrasses and landscape plants have different water, fertilizer, and maintenance needs. Group plants in beds according to water requirements to conserve water and make maintenance easier.

WET VERSUS DRY

Many drought-tolerant plants thrive in elevated dry spots or in windy areas but can quickly succumb to root diseases and pest problems if planted in areas that tend to stay wet. Drought-tolerant plants do well in exposed areas and along the unshaded southern or western walls of buildings, but you should place plants adapted to wet soils in low spots, along waterways, and in areas with poor drainage.

WIND-WISE PLANTINGS

Florida winter winds tend to blow from the north or northwest. A solid fence or a row of evergreens on the north side of a house forms a barrier against cold winter winds, which can dry and damage plants. In the summer, winds typically originate in the south, so allow cooling breezes in your outdoor living spaces by keeping tall barriers away from the southern edge of your landscape. Since Florida is frequently in the path of hurricanes, choose trees that are known for sturdiness in high winds.

MADE IN THE SHADE

Position trees and shrubs strategically to help cool or heat your home. Plant deciduous shade trees on the south, east, and west sides of a house to cast shade in summer and allow warming in winter. Tree shade can significantly reduce air conditioning costs. An air-conditioning system's outdoor compressor/condenser unit uses less energy when it is shaded from direct sun during the day, but be careful not to block the unit's airflow. If the warm discharge air cannot escape, the intake air temperature rises, causing the unit to operate less efficiently.

THE LOWDOWN ON TURFGRASS

Healthy lawns cool and clean the air by absorbing carbon dioxide, releasing oxygen, and collecting dust and dirt. They filter stormwater runoff and reduce erosion, glare, and noise. But the many benefits of grass are only realized when it's cared for and used properly. Grass thrives in sunny areas, but most types do not grow well in dense shade. In shady spots, plant shade-tolerant groundcovers instead of turf.

NATIVES VERSUS NON-NATIVES

A common misconception is that Florida-Friendly Landscaping™ principles dictate the use of only plant species native to Florida. In fact, the FFL Program encourages a mix of natives and non-natives, depending on what plants are right for that particular location. "Right Plant, Right Place" governs the selection of plants, bearing in mind the soil, light, water, wind, and other conditions at that site. Do not forget to consider plant colors, textures, and bloom times. See the IFAS Assessment of Non-native Plants in Florida's Natural Areas (http://plants.ifas.ufl.edu/assessment/conclusions.html) for a list of invasive species that should be removed where possible and never planted.

SOIL CONDITIONS

It is important to know your soil type before selecting plants for the site. Your landscape may have different soil types in different areas. A soil test can tell you the pH of your soil and what amendments may be used, such as compost or manure, to improve or alter your soil conditions. If your soil is compacted, as is frequently the case on new home sites, you should loosen and amend your soil as you add planting beds for optimum root health.

PLANT SELECTION

The choice of plants determines how much maintenance a landscape requires and also how long it lasts. Use these steps as a guide to selecting the right plants for the right places in your Florida-Friendly yard.

- Choose low-maintenance plants suited to your site.
- Welcome wildlife.
- Group high-maintenance plants together for greater visual impact and easier care.
- Eliminate invasive plants.
- Buy quality plants.
- Consider the mature size of the plant.

- Avoid monocultures and aim for a mosaic of trees, shrubs, grasses, and groundcovers.
- Plan turf areas to be functional and low-maintenance.
- Use groundcovers on slopes where grass is difficult to maintain.
- Choose slow-growing plants that will last longer and create less work.
- Consider wind tolerance.
- Think of maintenance requirements.

PLANT SORTING

If you are renovating your landscape, it is wise to keep some of the plants you already have. Follow these simple guidelines to sift through your botanical choices.

- Keep healthy plants.
- Discard tightly spaced plants.
- Retain trees with long life spans.
- Save clusters of trees and the plants growing beneath them.
- Remove unsuitable plants.
- Relocate plantings out from under eaves.

CHOOSING A LANDSCAPE MAINTENANCE SERVICE

If you lack the desire or ability to do your own landscape work, you may decide to hire a professional maintenance company. Look for companies whose employees have obtained a certificate of completion in the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries (GI-BMPs). These professionals will know how to care for your landscape in a Florida-Friendly manner. In many areas of Florida this training is already mandatory; by January 1, 2014, all commercial fertilizer applicators must have this certificate of completion and the accompanying license from the Department of Agriculture and Consumer Services (FDACS).

Landscape Planning Worksheet

This worksheet can be used for both new and established landscapes. By following these steps, you will be on your way to a thriving, low-maintenance landscape suited to your climate and needs.

1. Decide why you want to landscape.

Most homeowners think of landscaping as a way to add beauty to their home or to improve their property's resale value. Other reasons to landscape are more specific, such as enhancing or screening a view, creating a microclimate, or attracting wildlife. You may need a play area for your children, or perhaps you would like to entertain family and friends outdoors. Your passion may be raising vegetables or simply savoring a lovely view.

Before you begin, think about how you will use your landscape. Write down as many ideas as possible. It is much easier to remove elements from your plan than it is to add them down the line.

_____

_____

_____

2. Obtain a soil analysis.

Soil plays a big part in any landscape project, influencing what plants will thrive in your yard. Determine your soil's texture (sandy to clay), and have it tested to determine the pH—the level of acidity or alkalinity. This information will help you decide which plants are best suited to the conditions of your yard.

Soil texture: _____

pH: _____

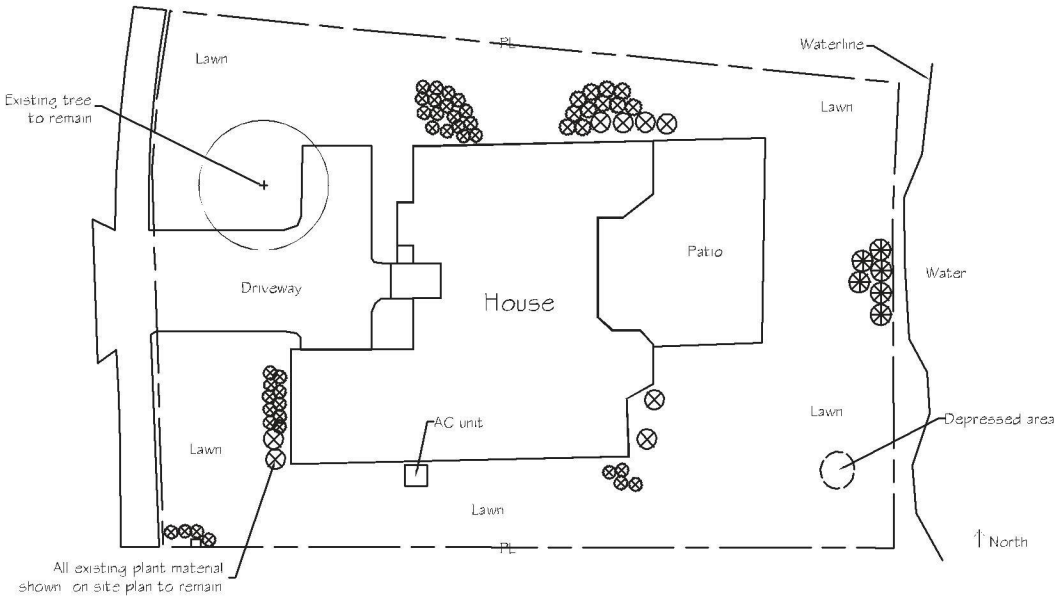
Any exceptions? (For example, the place where you want to put a planting bed may have more acidic soil than other areas in the landscape.)

_____

3. Draw a site plan.

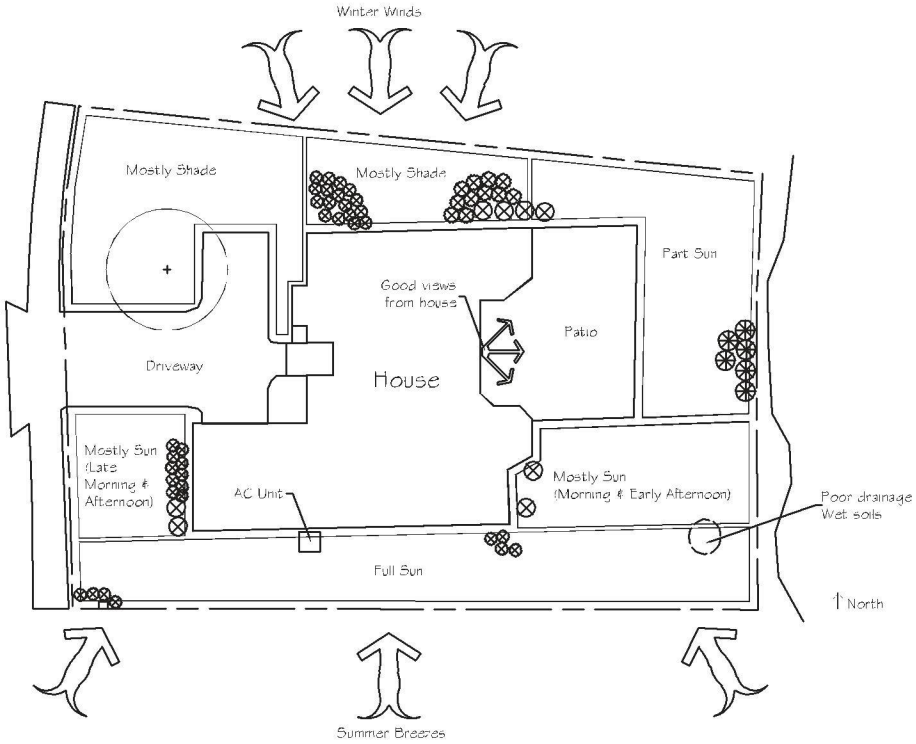
You can use a pencil, ruler and graph paper, or computer software to draw your site plan. Do not worry about getting the scale just right. If you have a survey of your property, you can copy it and draw on the copies.

Draw your house and existing trees, shrubs, and other plants you want to keep. If you already have an irrigation system, be sure to note its location and various zones. Include permanent features such as utilities, hardscapes like the driveway, and water sources like spigots. *See the sample site plan provided for guidance.*



4. Inventory your landscape.

Walk around your property with your site plan, noting conditions and features that make your yard unique. Does your site call for plants that are tolerant of cold, wind, full sun, shade, drought, occasional flooding, or salt spray? Be sure to make note of any particularly good views that could be enhanced or bad views that need to be screened. *See the sample site inventory & analysis provided for guidance.*



What kinds of conditions does your landscape have? _____

_____

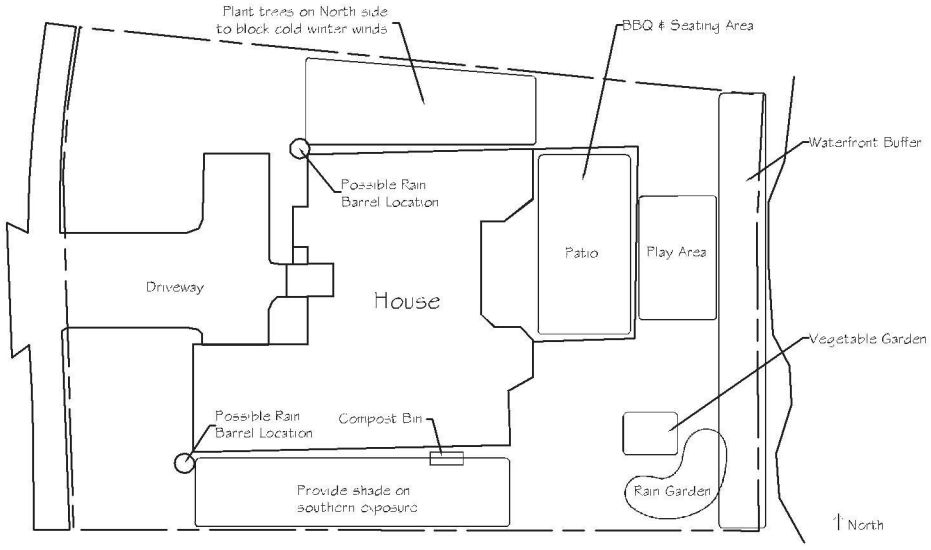
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_____

5. Draw an activity diagram.

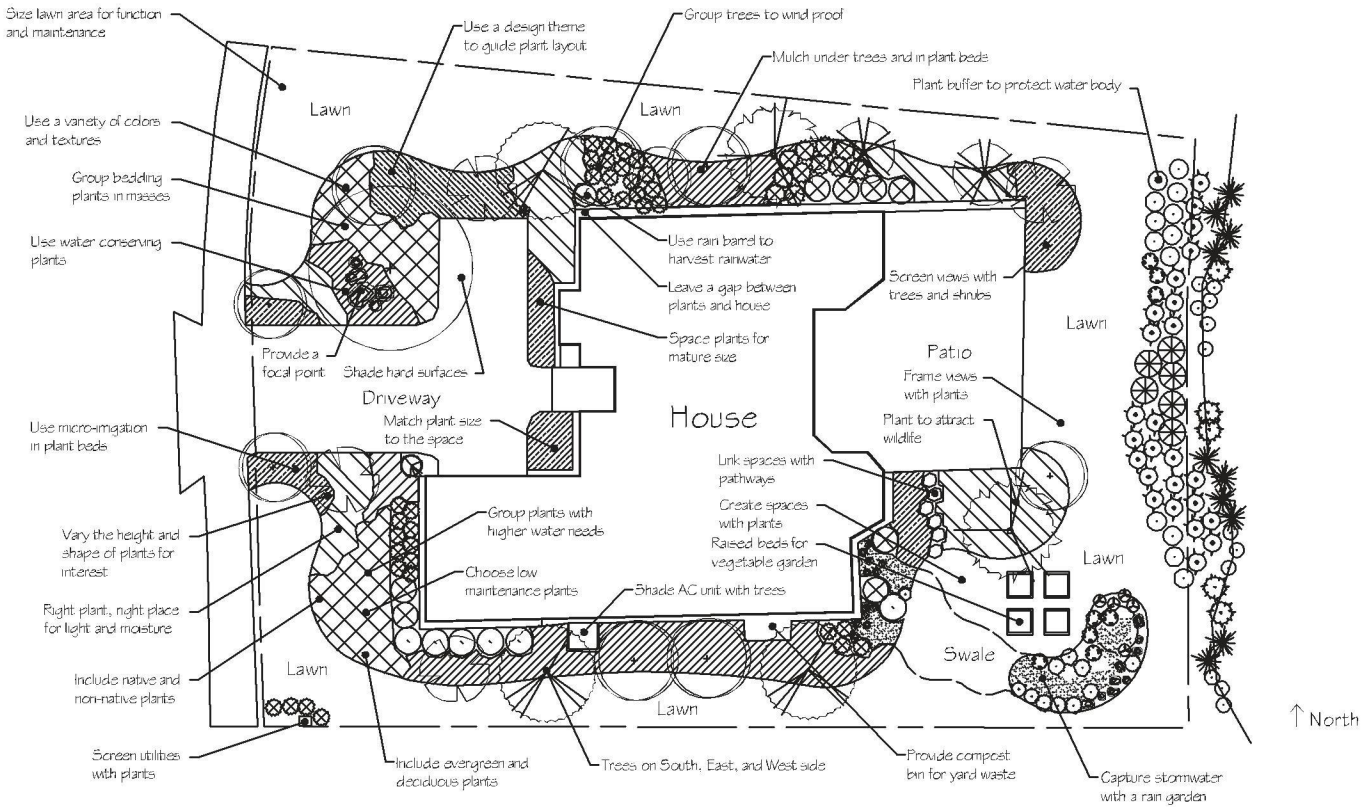
On a clean copy of your site plan, sketch the locations where activities will take place (refer to your answers for step 1). Make sure to consider views. Is there a spot you regularly look at that you want to enhance with plants that attract birds or butterflies? Are there structures or equipment, such as a utility box or shed, which you would like to hide? *See the sample activity diagram provided for guidance.*



6. Create a landscape plan.

Your landscape plan will be guided by the site inventory and analysis and activity maps discussed in steps 4 and 5. Based on these other two diagrams, determine the types of plants you want in different locations. Do not worry about choosing specific plants yet—just identify where you want trees, shrubs, groundcovers, flowering plants, and grass areas. *See the sample landscape plan provided in the next section for guidance.*

THE FLORIDA-FRIENDLY LANDSCAPE MASTER PLAN



Now that you have a plan, you can choose plants suited for the conditions in your landscape using the Florida-Friendly Landscaping™ Plant List beginning on page 29.

Five Common Gardening Mistakes

Avoid these five common mistakes for a more Florida-Friendly Landscape.

1. OVERWATERING: WATERING TO THE POINT OF RUNOFF OR LEACHING

Problem:
Creates pest and disease problems, wastes water, and can wash pollutants into water bodies.

Solution:
Do not water if it has rained in the past 24 hours, or if rain is forecast in the next 24 hours. Check your irrigation system regularly, make sure you apply only moderate amounts of water, and ensure that your rainfall shutoff device is working.

2. OVERPLANTING: DESIGNING A LANDSCAPE WITH MORE PLANTS THAN CAN BE ADEQUATELY SUSTAINED

Problem:
Can result in cramped plants more prone to disease. Crowded plantings can also interfere with sidewalk and driveway access and block views from windows.

Solution:
Design landscapes with the plants' mature sizes in mind. If landscapes must look "full" quickly, use plants that are already at mature or nearly mature size.

3. OVERPRUNING: REMOVING MORE FOLIAGE OR BRANCHES FROM A PLANT THAN IS HEALTHY FOR IT

Problem:
Can weaken trees and shrubs, making them more susceptible to insect or disease problems.

Solution:
Never remove more than 30 percent of the foliage from an ornamental plant or shrub at one time. Know the right time of year to prune your plant, and use plants that are the right size for the location.

4. FERTILIZING INAPPROPRIATELY: APPLYING MORE FERTILIZER THAN NECESSARY, APPLYING THE WRONG KIND OF FERTILIZER, OR APPLYING IT AT THE WRONG TIME OF YEAR

Problem:
Can cause pollution if washed into ground or surface water, causing fish kills and unhealthy algal blooms. Can also burn plant roots.

Solution:
Fertilize only when needed, using a fertilizer containing slow-release nitrogen. For turf, do not exceed the rate of 1 lb. total N per 1,000 sq. ft. of lawn at each application. Use compost and other soil amendments to supply plant nutrients instead of fertilizing. "Weed and feed" products are not recommended.

5. USING PESTICIDES INCORRECTLY: APPLYING MORE THAN THE RECOMMENDED AMOUNT OF PESTICIDES, APPLYING THE WRONG PESTICIDES, OR APPLYING THEM TOO OFTEN

Problem:
Can cause insects to develop resistance to the chemicals and may harm beneficial garden insects.

Solution:
Use Integrated Pest Management (IPM) for an environmentally friendly approach to pest management. Avoid overwatering and fertilizing inappropriately to help keep pests from becoming a problem.

The plants on this Florida-Friendly Plant List are considered by UF/IFAS horticulture specialists to be well adapted to growing in Florida landscapes. The plants on this list are not the only plants that can be used in Florida. Contact your county's UF/IFAS Extension office to determine if a plant not on the list is suitable for your region.

When planted under appropriate soil, light, and climatic conditions, most plants on the list generally require little maintenance compared with other plants. Each plant's preferred growing conditions (soil pH, soil texture, relative drought tolerance, soil drainage/moisture, light range, light optimum, and salt tolerance) are included here as a guide to choosing plants for your specific site conditions. Additional information is given on growth rate, mature height and spread, flowering color and season, value to wildlife, wind resistance and other characteristics helpful for plant selection and maintenance.

Many plants listed as Annuals are considered Perennials in some areas of the state and vice versa. The microclimate and the amount of care given to the plants will ultimately determine their staying power in the landscape.

See the key to symbols and abbreviations used in the tables for details. Remember to always put the right plant in the right place by matching each plant's needs with the environmental conditions found at the site. There may be variation in some characteristics, especially in the region (north, central or south) of Florida in which plants will grow. Check with your county's UF/IFAS Extension office to confirm the appropriateness of specific plants (look in the government pages of your phone book or see http://solutionsforyourlife.ufl.edu/map for your county's contact information).

USE THE LIST TO CHOOSE PLANTS BASED ON YOUR SITE CONDITIONS, FOLLOWING THESE STEPS:

1. Find out and write down the conditions of the bed or other area you want to plant:
   - The region of the state you live in. (Check the map on page 2 and remember that if you live close to the border of a region, all of the plants listed for that region may not do well in your area and some of the plants that do well in the next region may do well in your area.)
   - The amount of light the site receives. (Check at various times throughout the day and through the seasons.)
   - Soil pH and texture. The pH ranges given in the legend are not absolute, but rather for guidance as to the optimum pH conditions. Some plants may do well if the pH is slightly higher or lower than those listed. (Take samples and obtain a soil test through your county's Extension office.)
   - Soil moisture (Is it in a high, dry area or a low area where water frequently accumulates? To check drainage, dig a small hole, add water and see how quickly the water drains – if water stands for more than 24 hours, consider it a wet site.)
   - Exposure to salt spray or salty irrigation water.
   - Size of area for plants. (Are there height restrictions such as a window nearby or power lines above? Is the width of the area limited?)
2. Determine the type of plant you want (tree, shrub, etc.) and go to that category on the list.
3. Narrow down the list by choosing plants that match the region, light, soil conditions and moisture at the site.

4. Further narrow your list to those plants that will fit the site based on mature height and spread.

5. Consider the need for salt tolerant plants, if applicable, and any additional factors you are interested in, such as wildlife value or flower color and season.

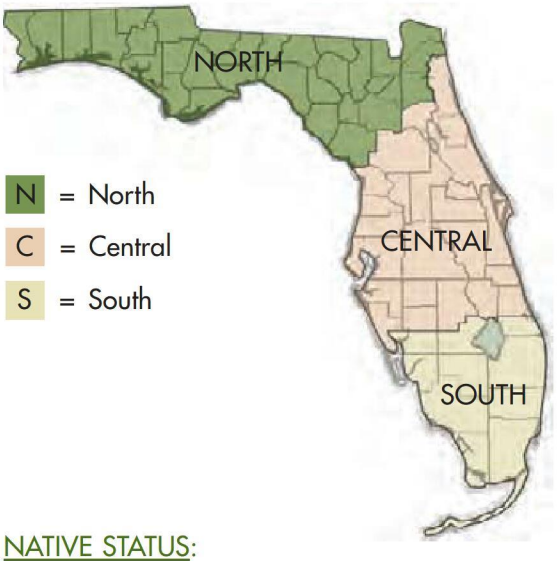
For further assistance, contact the Florida Yards & Neighborhoods or horticulture program at your county's UF/IFAS Extension office.

This list is meant as a guide to start choosing plants appropriate for your conditions. The absence of a plant from this list does not imply that it is not well adapted to Florida landscape conditions. This list will be updated periodically. Please check with your county's UF/IFAS Extension office for future updates.

For additional information and fact sheets on many of the plants on this list, see also http://hort.ifas.ufl.edu/woody/.

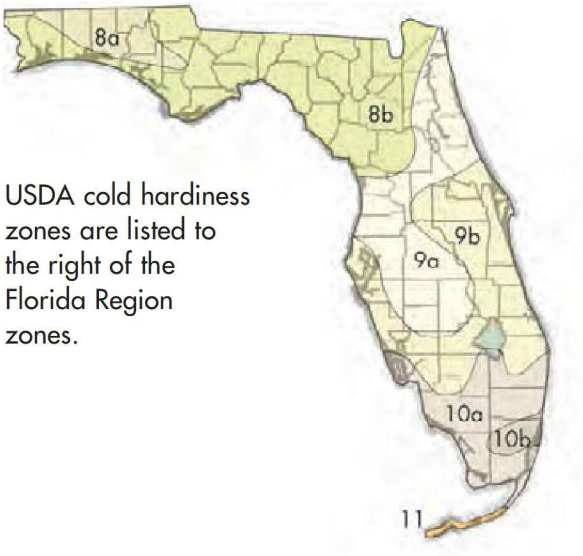
KEY TO SYMBOLS AND ABBREVIATIONS

FLORIDA REGION ZONES:
Region (includes Florida regions in which plant will grow):



N = North
C = Central
S = South

USDA COLD HARDINESS ZONES:
Includes Florida zones only.



USDA cold hardiness zones are listed to the right of the Florida Region zones.

NATIVE STATUS:
Yes = Florida native No = Not a Florida native Var. = Native status depends on species selection

GROWTH RATE, HEIGHT AND SPREAD:
Growth rate = Slow or Fast *(if no rate is given the plant does not grow exceptionally fast or slow.)*
⇧ = mature height in feet ⇨ = mature spread in feet

SOIL pH (GIVES THE RANGE TOLERATED BY THE PLANT):
● ○ ○ ○ = Acid 4.5-5.5
● ● ○ ○ = Acid to slightly acid 4.5-6.5
● ● ● ○ = Acid to slightly alkaline 4.5-7.2
○ ● ○ ○ = Slightly acid 6.0-6.8
○ ● ● ○ = Slightly acid to slightly alkaline 6.0-7.2
○ ● ● ● = Slightly acid to alkaline 6.0-8.0
● ● ● ● = Tolerates any soil pH 4.5-8.0

SOIL TEXTURE:
C/L = clay loam S/L = sandy loam S = sandy S/C = sandy clay any = any texture

SOIL MOISTURE:
= well drained = wet = medium drained to wet
= medium drained = well drained to medium drained = well drained to wet

DROUGHT TOLERANCE:
High, Medium, Low, or None
(Note: Both drought tolerance and soil moisture tolerance should be considered, and they are not the same. For example, a plant may tolerate wet soils and also have high drought tolerance, and another plant may prefer well drained soils but have low drought tolerance.)

LIGHT RANGE AND LIGHT OPTIMUM:
= Full Sun = Partial Shade = Shade = Optimum light conditions

SALT TOLERANCE:
H = High M = Medium L-N = Low to None U = Unknown

WILDLIFE:
= Attracts butterflies = Attracts hummingbirds = Attracts other birds

Scientific / Common	*Acer barbatum* Florida Maple, Southern Sugar Maple	*Acer rubrum* Red Maple	*Betula nigra* River Birch	*Bucida buceras* Black Olive, Oxhorn Bucida, Gregorywood
Reg/Native	N 8b-9a Yes	N C S 8-10 Yes	N C 8-9a Yes	S 10b-11 No
G, H, S	25-60⇧ 25-40⇨	Fast 35-80⇧ 25-35⇨	40-50⇧ 25-35⇨	Fast 45-60⇧ 35-50⇨
Soil pH, Txt	●○○○ Any	●●○○ Any	○●●○ Any	○○●● Any
Soil Mst, Drgt	High	Medium	Low	High
Light/Best Salt	L-N	L-N	L-N	H
Wildlife				
	also known as *Acer saccharum* ssp. floridanum; green, spring flowers; susceptible to aphids and cottony maple scale	red, winter through spring flowers; red fall foliage; susceptible to aphids, cottony maple scale, and gall mites; shallow-rooted; does best in rich, organic soils; good for wet sites; medium to low wind resistance	needs soil space for root expansion; grows best with high soil moisture; chlorosis develops in alkaline soil; tolerates periodic flooding but not long periods of drought; medium to high wind resistance	white, spring flowers; messy fruit and leaves; medium-low wind resistance; susceptible to pests; caution - may be invasive in South Florida

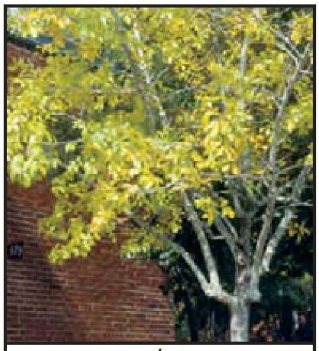
Scientific / Common	*Carya* spp. Hickories, Pecan	*Chorisia speciosa* Floss-silk Tree	*Conocarpus erectus* Buttonwood, Silver Buttonwood	*Ficus aurea* Strangler Fig
Reg/Native	N C 8b-9a Yes	C S 9b-11 No	S 10b-11 Yes	S 10b-11 Yes
G, H, S	50-100⇧ 25-70⇨	Fast 35-50⇧ 40-55⇨	5-50⇧ 15-20⇨	Fast 40-60⇧ 30-50⇨
Soil pH, Txt	●●○○ Any	●●●● Any	○●●● Any	●●●● Any
Soil Mst, Drgt	High	High	High	High
Light/Best Salt	L-N	L-N	H	M
Wildlife				
	edible fruit (C. illinoinensis); white/yellow, spring flowers; high wind resistance for *C. floridana*, medium to high for *C. glabra* and *C. tomentosa*, low for *C. illinoinensis*; susceptible to pests	rapid grower first few years; deciduous, pink/white, five-petaled fall through winter flowers; large roots form at base just beneath soil	white/cream, spring flowers; susceptible to pests; high wind resistance; provides cover and nesting for wildlife	not for small areas; spreading canopy shades parks, large yards; may start as epiphyte, killing host tree (often encircling cabbage palm); fallen fruits may be messy; medium-low wind resistance, can be difficult to distinguish from invasive species; susceptible to pests



Fraxinus americana
White Ash

N	8	Yes
	50-80⇧	50-80⇨
●●○○		Any
		Medium
		L-N

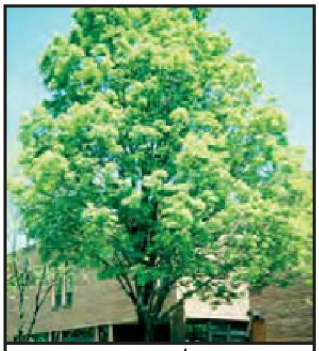
tolerates occasionally wet soil; does not tolerate compacted soil; susceptible to ash borer, cankers, and leaf spots; medium-high wind resistance



Fraxinus caroliniana
Pop Ash, Carolina Ash, Water Ash

N C	8-9	Yes
	30-50⇧	20-35⇨
●●○○		Any
		Medium
		L-N

good plant for retention ponds, swales and canal banks; does best in rich, organic soils



Fraxinus pennsylvanica
Green Ash

N C	8-9	Yes
	50-100⇧	30-70⇨
●●○○		Any
		Medium
		L-N

good for shaded areas; medium to low wind resistance; susceptible to pests; does best in rich, organic soils



Gordonia lasianthus
Loblolly Bay

N C	8-9	Yes
Slow	30-60⇧	20-30⇨
●●○○		C/L
		Low
		L-N

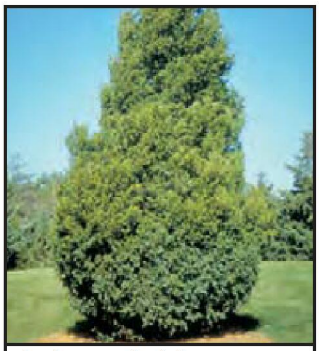
white, spring through summer flowers; good for retention pond edges; can tolerate full sun only with sufficient moisture; does best in rich, organic soils; susceptible to nematodes



Halesia carolina
Carolina Silverbell

N	8	Yes
	20-40⇧	15-30⇨
●●●○		Any
		Medium
		L-N

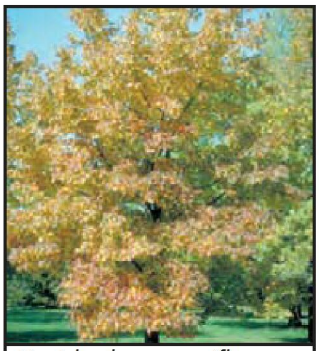
showy, white, spring flowers; yellow fall foliage with attractive yellow fruit; understory tree that does best in rich, organic soil; water during drought and avoid compacted soils



Juniperus virginiana
Red Cedar

N C	8-9	Yes
Fast	40-50⇧	10-25⇨
●●●○		Any
		High
		H

very similar to *Juniperus silicicola* but branches straighter; provides food for wildlife



Liquidambar styraciflua
Sweetgum

N C	8-9	Yes
	40-100⇧	40-60⇨
●●●●		Any
		Medium
		M

many cultivars; provides food for wildlife; medium to high wind resistance



Liriodendron tulipifera
Tulip Poplar, Tulip Tree, Yellow Poplar

N	8-9a	Yes
	80-100⇧	40-80⇨
●●●○		Any
		Medium
		L-N

yellow/orange, spring through summer flowers; susceptible pests and diseases; newly transplanted trees susceptible to leaf yellowing and drop w/o enough moisture; low wind resistance

Scientific / Common	*Litchi chinensis* Lychee	*Lysiloma latisiliquum* Wild Tamarind, Bahama Lysiloma	*Magnolia grandiflora* and cvs. Southern Magnolia	*Magnolia virginiana* and cvs. Sweet Bay Magnolia
Reg/Native	S 10a-11 No	S 10b-11 Yes	N C 8-9 Yes	N C 8-9 Yes
G, H, S	Fast 20-30⇧ 20-30⇨	Fast 40-60⇧ 30-45⇨	40-80⇧ 15-40⇨	40-60⇧ 20-50⇨
Soil pH, Txt	●●●○ Any	○●●● Any	●●●○ Any	●●○○ Any
Soil Mst, Drgt	Medium	High	Medium	None
Light/Best Salt	L-N	H	H	L-N
Wildlife				
	small, yellow, early spring flowers; edible fruit in June and July; susceptible to scales	small, white/pink, spring through summer flowers; medium to high wind resistance	white/cream, fragrant, summer flowers; attractive red seeds provide food for wildlife; tolerates occasionally wet soil; high wind resistance; leaves and fruit require frequent cleanup; attractive pyramidal growth habit; susceptible to scale	white, spring flowers; small red seeds provide food for wildlife; medium-high wind resistance

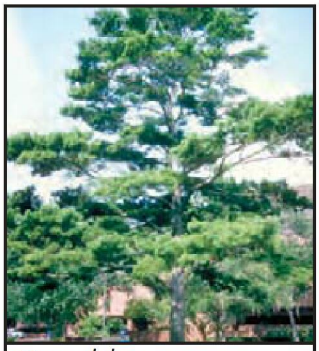
Scientific / Common	*Nyssa sylvatica* Tupelo, Black Gum	*Persea americana* Avocado	*Pinus clausa* Sand Pine	*Pinus elliottii* var. *densa* Southern Slash Pine
Reg/Native	N 8b-9a Yes	C S 9b-11 No	N C S 8-10b Yes	C S 9-11 Yes
G, H, S	Slow 65-75⇧ 25-35⇨	Fast 35-40⇧ 25-35⇨	Slow 25-40⇧ 15-25⇨	Fast 75-100⇧ 35-50⇨
Soil pH, Txt	●●○○ Any	●●●○ Any	●●●○ Any	●●○○ Any
Soil Mst, Drgt	High	Medium	High	High
Light/Best Salt	M	L-N	H	H
Wildlife				
	showy fall color; white, inconspicuous spring flowers; medium to high wind resistance	many cultivars for edible fruit; low wind resistance; susceptible to pests	flammable - in wildfire prone areas, plant minimum 30' from buildings; trunk is rarely straight; makes a nice accent in a large scale landscape; seeds provide food for wildlife	flammable - in wildfire prone areas, plant minimum 30' from buildings; medium to low wind resistance; seeds provide food for wildlife; tolerates occasionally wet soil; declines if roots and surrounding areas are compacted or disturbed; susceptible to pests



Pinus elliottii var. *elliottii*
Northern Slash Pine

N C	8-9		Yes
Fast	75-100⇧	35-50⇨	
●●○○			Any
			High
			H

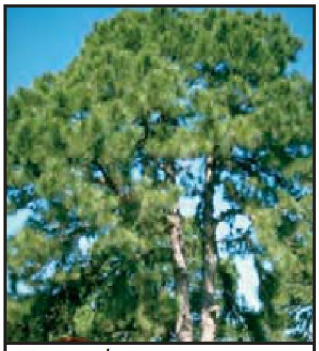
flammable – in wildfire prone areas, plant minimum 30' from buildings; medium to low wind resistance; seeds provide food for wildlife; tolerates occasionally wet soil; declines if roots and surrounding areas are compacted or disturbed; susceptible to pests



Pinus glabra
Spruce Pine

N	8-9a		Yes
Slow	30-60⇧	25-40⇨	
●●○○			Any
			Medium
			L-N

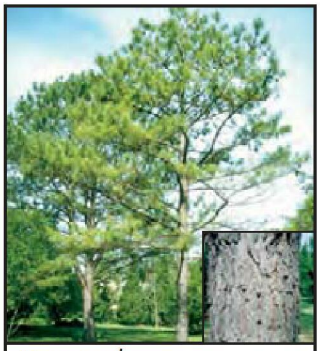
flammable - in wildfire prone areas, plant minimum 30' from buildings; low wind resistance; declines if roots and surrounding areas are compacted or disturbed



Pinus palustris
Longleaf Pine

N C	8-9		Yes
	60-80⇧	30-40⇨	
●●●○			Any
			High
			L-N

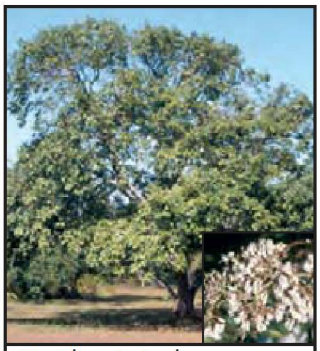
flammable - in wildfire prone areas, plant minimum 30' from buildings; medium to low wind resistance; susceptible to pests; resistant to fusiform rust; tolerates occasionally wet soil



Pinus taeda
Loblolly Pine

N C	8-9b		Yes
Fast	50-80⇧	30-35⇨	
●●○○			Any
			Medium
			M

flammable - in wildfire prone areas, plant minimum 30' from buildings; fast growing; 3-6" cones; susceptible to pests and diseases



Piscidia piscipula
Jamaican Dogwood,
Fish Poison Tree

S	11		Yes
Fast	30-50⇧	30-50⇨	
●●●●			Any
			High
			H

deciduous; lavender/white flowers; all parts are poisonous; provides food for wildlife



Platanus occidentalis
Sycamore,
American Planetree

N C	8b-9a		Yes
Fast	75-90⇧	50-70⇨	
●●○○			Any
			Medium
			M

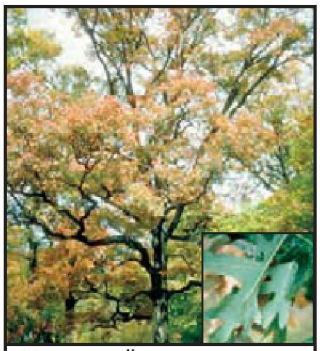
needs space; sheds continually; leaves scorch if insufficient water; susceptible to mites, lace bugs, and anthracnose; good for erosion control on stream banks; medium to low wind resistance



Quercus acutissima
Sawtooth Oak

N	8-9a		No
	40-50⇧	50-70⇨	
●●○○			Any
			High
			M

provides food for wildlife; tolerates occasionally wet soil



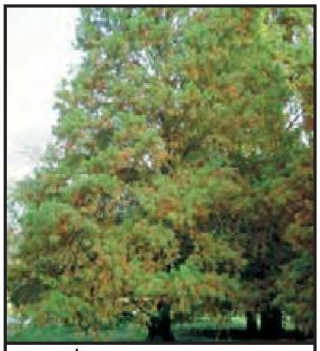
Quercus alba
White Oak

N C	8-9		Yes
Slow	60-100⇧	60-80⇨	
●●○○			Any
			Medium
			H

provides food for wildlife; not adapted to dry areas; does best in rich, organic soil; medium to high wind resistance

Scientific / Common	*Quercus austrina* Bluff Oak	*Quercus falcata* Southern Red Oak, Spanish Oak, Turkey Oak	*Quercus michauxii* Swamp Chestnut Oak	*Quercus nuttallii* Nuttall Oak
Reg/Native	N C 8-9 No	N C 8-9a Yes	N C 8-9 Yes	N 8 No
G, H, S	40-60⇧ 35-50⇨	60-80⇧ 60-70⇨	50-60⇧ 40-60⇨	60-80⇧ 35-50⇨
Soil pH, Txt	●●●○ Any	●●●○ Any	●●○○ C/L	●●○○ Any
Soil Mst, Drgt	High	High	Low	Medium
Light/Best Salt	L-N	M	L-N	L-N
Wildlife				
	provides food for wildlife; underused tree that is well adapted to Florida	low wind resistance; provides food for wildlife	provides food for wildlife; tolerates occasionally wet soils; in wet soils rot may be a problem; best in full sun but tolerates shade when young; tolerant of urban conditions; medium to high wind resistance; may slow growth of understory plants	provides food for wildlife; tolerates occasionally wet soil

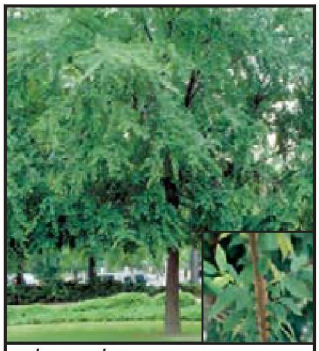
Scientific / Common	*Quercus shumardii* Shumard Oak	*Quercus virginiana* Live Oak	*Simarouba glauca* Paradise Tree	*Swietenia mahagoni* West Indian Mahogany
Reg/Native	N 8-9a Yes	N C S 8b-10b Yes	S 10b-11 Yes	S 10b-11 Yes
G, H, S	55-80⇧ 40-50⇨	40-80⇧ 60-120⇨	30-50⇧ 25-30⇨	Fast 40-75⇧ 40-60⇨
Soil pH, Txt	●●●○ Any	●●●○ Any	●●●● Any	●●●● Any
Soil Mst, Drgt	High	High	Medium	High
Light/Best Salt	M	H	H	H
Wildlife				
	provides food for wildlife; tolerates occasionally wet soil; medium to high wind resistance	provides food for wildlife; not for small lots; susceptible to caterpillars, root rot and insect galls; tolerates occasionally wet soil; high wind resistance	yellow, summer flowers; medium to high wind resistance; don't plant near sidewalks and driveways (surface roots)	medium to high wind resistance; tolerates occasionally wet soil; susceptible to webworms



Taxodium spp.
Pond Cypress,
Bald Cypress

N C S	8-10	Yes
	50-80⇧ 10-35⇨	
●●●●		Any
💧💧💧		High
☀ ⛅		M
🐦		

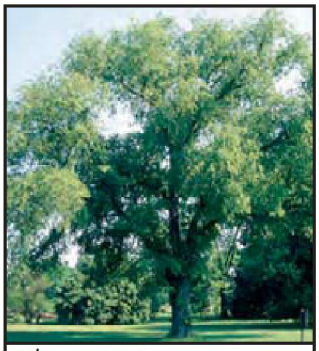
flammable plant - in wildfire prone areas, plant minimum 30' from buildings; wetland plant & adapts to dry sites; deciduous; yellow-brown fall color; small seeds provide food for wildlife; high wind resistance



Ulmus alata
Winged Elm

N C	8-9	Yes
Fast	45-70⇧ 30-40⇨	
●●●●		Any
💧💧💧		High
☀ ⛅		M
🦋		🐦

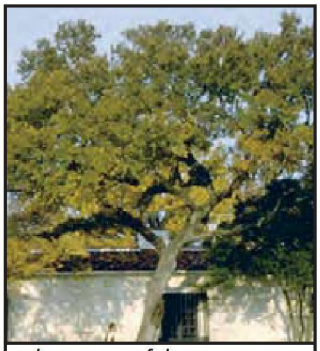
susceptible to Dutch elm disease; medium to high wind resistance



Ulmus americana
American Elm

N C	8-9	Yes
Fast	70-90⇧ 50-70⇨	
●●●●		Any
💧💧💧		High
☀ ⛅		M
🦋		

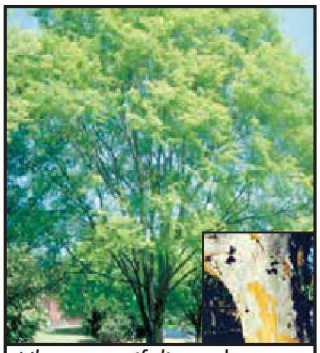
long-lived; susceptible to Dutch elm disease; medium to low wind resistance



Ulmus crassifolia
Cedar Elm

N C	8-9	Yes
	50-70⇧ 40-60⇨	
●●●●		Any
💧💧💧		High
☀ ⛅		M

susceptible to Dutch elm disease and powdery mildew



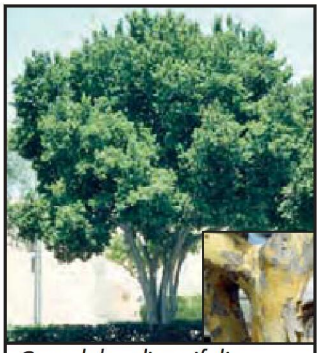
Ulmus parvifolia and cvs.
Chinese Elm,
Lacebark Elm

N C	8-9	No
	40-50⇧ 35-50⇨	
●●●●		Any
💧💧		High
☀ ⛅		M

low wind resistance; susceptible to pests and freeze damage in North Florida; tolerates occasionally wet soil; form varies with cultivar

Scientific / Common	*Avicennia germinans* Black Mangrove	*Bursera simaruba* Gumbo Limbo	*Caesalpinia* spp. and cvs. Poinciana	*Carpentaria acuminata* Carpentaria Palm
Reg/Native	C S 9a-11 Yes	S 10b-11 Yes	C S 9-11 No	S 10b-11 No
G, H, S	20-30⇧ 10-20⇨	20-50⇧ 25-40⇨	8-35⇧ 10-35⇨	Fast 35-40⇧ 8-10⇨
Soil pH, Txt	●●●● S	○●●● Any	○●●○ S/L	○●●○ Any
Soil Mst, Drgt	None	High	Medium	Medium
Light/Best Salt	H	M	M	L-N
Wildlife				
	white, year-round flowers attract bees; very good for salty shorelines with full sun; produces pneumatophores (breathing roots) that protrude around base of tree	susceptible to pests if stressed; high wind resistance	choose species adapted to region; do not confuse with *Delonix regia*; flowers vary	white/cream, spring through fall flowers; tolerates occasionally wet soil; can cause skin irritation

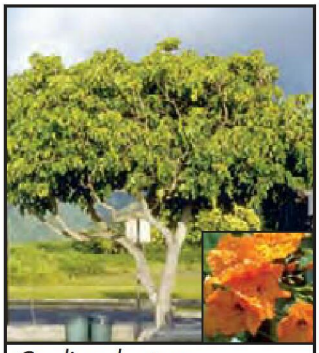
Scientific / Common	*Carpinus caroliniana* American Hornbeam, Musclewood, Ironwood	*Cassia fistula* Golden Shower	*Cercis canadensis* Eastern Redbud	*Chrysophyllum oliviforme* Satinleaf
Reg/Native	N C 8-9a Yes	S 10b-11 No	N C 8b-9a Yes	S 10b-11 Yes
G, H, S	20-30⇧ 20-30⇨	Fast 30-40⇧ 25-40⇨	20-30⇧ 15-35⇨	Slow 30-45⇧ 18-25⇨
Soil pH, Txt	●●●○ Any	○●●○ Any	●●●○ Any	●●○○ Any
Soil Mst, Drgt	Medium	Medium	High	High
Light/Best Salt	L-N	L-N	L-N	H
Wildlife				
	orange/yellow, spring flowers; small enough to plant under powerlines; seeds and catkins provide food for wildlife; excellent understory tree; medium to high wind resistance	yellow, summer flowers; showy blooms; low wind resistance	cultivars provide variety of foliage and flower color; spring flowers; susceptible to pests; beans provide food for wildlife; medium to high wind resistance	fragrant flowers; provides food for wildlife; edible fruit; medium to high wind resistance



Coccoloba diversifolia
Pigeonplum

S	10a-11	Yes
Fast	30-40⇧	10-20⇨
●●●○		S
		High
		H

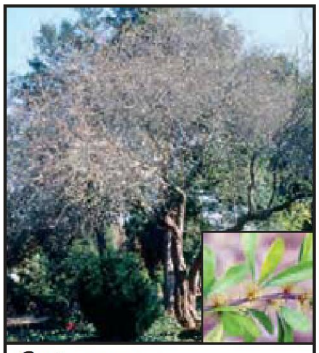
white, summer flowers; edible fruit; susceptible to weevils; provides food for wildlife; compact crown makes it good for small areas; medium to high wind resistance; bark peels and becomes showy with age



Cordia sebestena
Geiger Tree

S	10b-11	No
Slow	25-30⇧	20-25⇨
○●●●		Any
		High
		H

tolerant of salt or brackish water; orange, year-round flowers; foliage may be damaged by geiger beetles; damaged by severe freezes; high wind resistance



Crataegus spp.
Hawthorn

N C	8-9	Var.
	20-35⇧	15-40⇨
●●●●		Any
		High
		L-N

provides food and cover for wildlife; flowers vary; best for North Florida; many species and cultivars



Cupressus arizonica var. arizonica
Arizona Cypress

N C	8-9	Yes
	30-40⇧	15-25⇨
●●●●		S/L
		High
		U

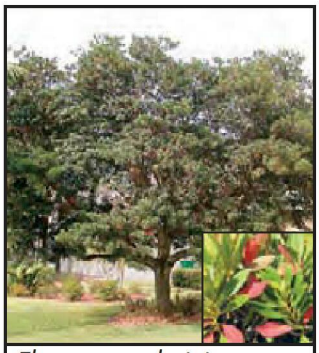
evergreen; green foliage with silver/gray shimmer; good as specimen or windbreak



Delonix regia
Royal poinciana

S	10b-11	No
Fast	35-40⇧	40-60⇨
●●●●		Any
		High
		M

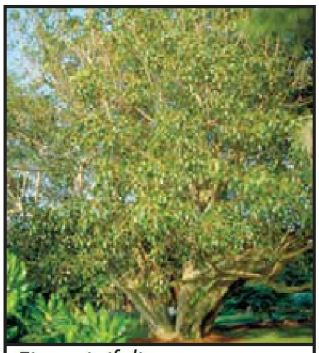
orange/red, summer flowers; medium to low wind resistance; needs large area; caution - may be invasive in South Florida



Elaeocarpus decipiens
Japanese Blueberry

N C S	8b-10b	No
	30-40⇧	30-40⇨
○●●○		Any
		High
		U

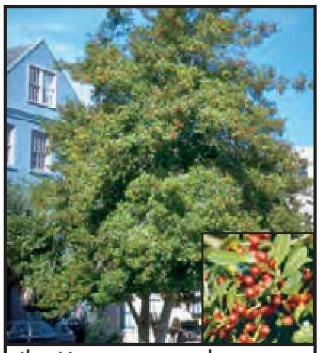
evergreen; pink/white, spring through summer flowers; provides food for wildlife



Ficus citrifolia
Shortleaf Fig,
Wild Banyan Tree

S	10b-11	Yes
Fast	25-50⇧	30-40⇨
●●●●		Any
		High
		M

edible fruit; lacks aerial roots, but still requires adequate room for root development; don't plant in drainfields due to aggressive roots; can be difficult to distinguish from invasive species



Ilex Xattenuata and cvs.
East Palatka Holly

N C S	8-10	Yes
	30-45⇧	10-15⇨
●●●○		Any
		Medium
		M

may have severe disease problems in central parts of the state; provides pollen for bees

Scientific / Common	*Ilex cassine* and cvs. Dahoon Holly	*Ilex opaca* American Holly	*Ilex rotunda* Round Holly, Roundleaf Holly, Rotund Holly	*Jacaranda mimosifolia* Jacaranda
Reg/Native	N C S 8-10 Yes	N C 8-9b Yes	N C S 8-11 No	C S 9b-11 No
G, H, S	20-30⇧ 15-20⇨	35-50⇧ 15-25⇨	Slow 20-30⇧ 20-30⇨	Fast 25-40⇧ 45-60⇨
Soil pH, Txt	●●○○ Any	●●●○ Any	●●○○ Any	○●●○ Any
Soil Mst, Drgt	Medium	High	Medium	High
Light/Best Salt	M	M	L-N	L-N
Wildlife				
	white, spring flowers; provides pollen for bees and berries for variety of wildlife; does best in rich, organic soils; high wind resistance	male and female flowers appear on separate trees, both sexes must be in same neighborhood for production of berries on female plants	white, spring flowers provide pollen for bees; provides food for wildlife	lavender/blue, spring through summer flowers; messy when leaves and flowers drop; soft wood, breaks easily; low wind resistance

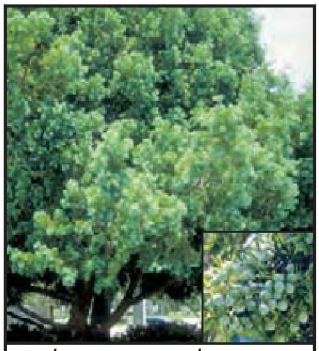
Scientific / Common	*Juniperus silicicola* Southern Red Cedar	*Lagerstroemia indica, Lagerstroemia indica Xfauriei, Lagerstroemia fauriei* Crapemyrtle	*Ostrya virginiana* American Hophornbeam, American Hornbeam	*Persea borbonia* Red Bay, Bay Oak
Reg/Native	N C S 8a-10b Yes	N C S 8-10b No	N C 8-9a Yes	N C S 8b-11 Yes
G, H, S	Fast 30-45⇧ 20-30⇨	Fast 10-30⇧ 15-30⇨	Slow 30-40⇧ 25-30⇨	30-50⇧ 30-50⇨
Soil pH, Txt	●●●● Any	●●●● Any	●●●○ Any	●●●○ Any
Soil Mst, Drgt	High	High	High	High
Light/Best Salt	H	L-N	L-N	H
Wildlife				
	branches drooping; low wind resistance; provides food, cover, and nesting for birds; good for dunes; susceptible to pests such as juniper blight and mites	form, size, disease resistance, bloom season, flower and bark color vary with cultivar; plant for good air circulation; high wind resistance; susceptible to aphids and sooty mold; bark peels and becomes showy with age	fall color; nuts provide food for wildlife; medium to high wind resistance	larval food plant for swallowtail butterflies; insect galls can distort leaves; medium to low wind resistance



Persea palustris
Swamp Bay

N C S	8-10	Yes	
	20-30⇧	20-30⇨	
●●○○		Any	
		Medium	
		L-N	

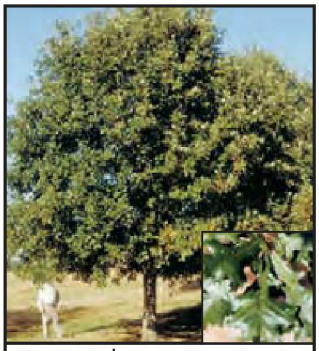
purple fruit; good wetland plant



Podocarpus gracilior
Weeping Fern Pine,
Weeping Podocarpus

C S	9b-11	No	
Slow	30-50⇧	25-35⇨	
●●●○		Any	
		Medium	
		L-N	

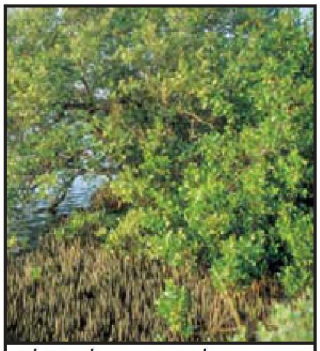
grows slower in full shade; high wind resistance



Quercus lyrata
Overcup Oak

N C	8-9a	Yes	
	30-40⇧	30-40⇨	
●●●○		Any	
		Medium	
		L-N	

tolerates occasionally wet soil; provides food for wildlife



Rhizophora mangle
Red Mangrove

S	10-11	Yes	
	20-40⇧	30-40⇨	
●●●●		Any	
		Medium	
		H	

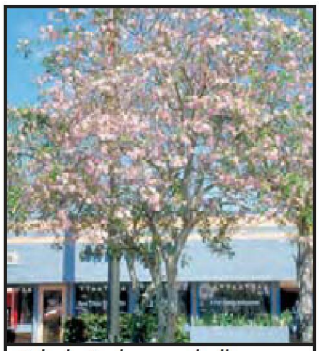
yellow, year-round flowers



Tabebuia chrysotricha
Yellow Trumpet Tree,
Golden Trumpet Tree

C S	9B-11	No	
	25-35⇧	25-35⇨	
●●●●		Any	
		Medium	
		M	

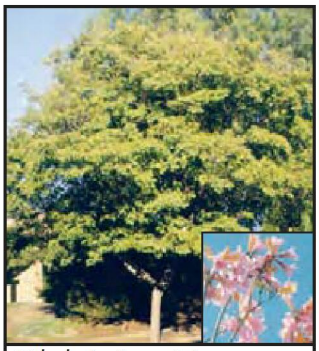
yellow, spring flowers; medium to low wind resistance



Tabebuia heterophylla
Pink Trumpet Tree

C S	9B-11	No	
	20-30⇧	15-25⇨	
●●●●		Any	
		High	
		M-H	

pink/white, spring through summer flowers; medium to low wind resistance; susceptible to holopothrips



Tabebuia impetiginosa
Purple Trumpet Tree

C S	9b-11	No	
	12-18⇧	10-15⇨	
●●●●		Any	
		High	
		M	

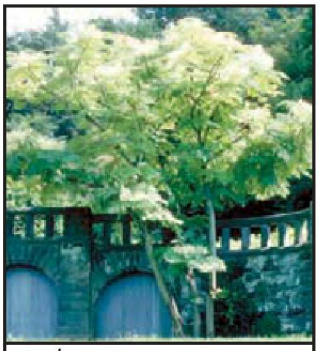
showy, pinkish-purple, spring flowers; medium to low wind resistance

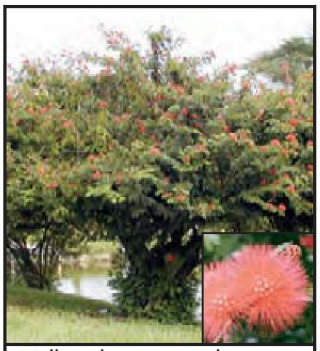


Zanthoxylum clava-herculis
Hercules' Club

N C	8-9b	Yes	
	15-30⇧	10-20⇨	
○●●○		C/L	
		Low	
		U	

deciduous; spines; host plant for Giant Swallowtail butterfly; white, spring flowers

				
Scientific **Common**	*Acacia farnesiana* Sweet Acacia	*Aesculus pavia* Red Buckeye, Florida Buckeye	*Aralia spinosa* Devil's Walkingstick	*Ardisia escallonioides* Marlberry, Marbleberry
Reg/Native	C S 9-11 Yes	N 8-9a Yes	N C 8-9a Yes	C S 9-11 Yes
G, H, S	Slow 10-25⇧ 15-25⇨	15-20⇧ 15-25⇨	10-25⇧ 6-10⇨	10-20⇧ 3-12⇨
Soil pH, Txt	○ ● ● ○ S/C	○ ● ● ○ Any	○ ● ● ○ Any	○ ● ● ● S/L
Soil Mst, Drgt	High	Medium	Medium	High
Light/Best Salt	M	M	L-N	H
Wildlife				
	also known as *Acacia smallii*; yellow, year-round flowers; thorny; tolerates occasionally wet soil; provides food and cover for birds and insects; don't plant next to sidewalk	attractive bark; red, spring flowers; tolerates occasionally wet soil; poisonous seeds	also known as *Angelica spinosa*; small, white, spring through summer flowers; purplish berries provide food for wildlife; sharp thorns; tolerates occasionally wet soil; can sucker to produce a thicket	fragrant, white, year-round flowers; attractive foliage; round purple fruit provide food for wildlife mostly in fall and winter; good for screens and hedges

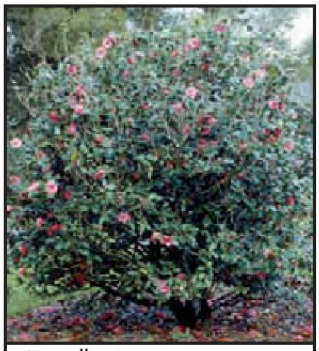
				
Scientific **Common**	*Arenga engleri* Formosa Palm, Dwarf Sugar Palm	*Baccharis halimifolia* Groundsel Bush, Sea Myrtle, Salt-bush	*Butia capitata* Pindo Palm, Jelly Palm	*Calliandra* spp. and cvs. Powderpuff
Reg/Native	C S 9a-11 No	N C S 8-10 Yes	N C S 8b-11 No	C S 9b-11 No
G, H, S	Slow 6-10⇧ 10-16⇨	8-12⇧ 6-12⇨	Slow 15-25⇧ 15-25⇨	Fast 10-15⇧ 8-15⇨
Soil pH, Txt	○ ● ● ○ Any	● ● ● ● Any	○ ● ● ○ Any	○ ● ● ○ Any
Soil Mst, Drgt	None	Medium	High	High
Light/Best Salt	L-N	M	M	L-N
Wildlife				
	red/orange/green, spring flowers; grows in clusters	feathery, white, fall flowers; poisonous seeds; useful for wet sites such as retention ponds and ditches; can spread from seed	edible fruit used for jelly; provides food for wildlife; looks best in full sun; white flowers; susceptible to pests; high wind resistance	pink/white, fall through spring flowers; only *Calliandra haematocephala* assessed as not a problem



Callistemon spp.
Bottlebrush

N C S	8b-11	No
	6-30⇧ 6-15⇨	
○ ● ● ○		S/L
		High
		M

red, spring through summer flowers; medium to low wind resistance; attracts beneficial insects; only *C. citrinus, C. rigidus, C. viminalis* assessed as not a problem



Camellia japonica
Camellia

N C	8-9	No
Slow	10-20⇧ 10-20⇨	
● ● ○ ○		Any
		Medium
		L-N

many cvs. with a variety of flower colors; up to 6 inches, in winter through spring; susceptible to scales, aphids, chewing insects and fungus; requires acid soil and has problems if pH is too high



Camellia sasanqua
Sasanqua,
Sasanqua Camellia

N C	8-9	No
Slow	3-15⇧ 5-10⇨	
● ● ○ ○		Any
		Medium
		L-N

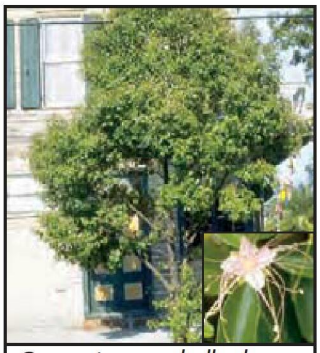
some groundcover cvs. available; fall through winter flowers, colors vary; susceptible to scales, mites, aphids and chewing insects; requires acid soil and has problems if pH is too high



Canella winterana
Wild Cinnamon,
Cinnamon Bark

S	10b-11	Yes
Slow	10-30⇧ 10-30⇨	
○ ● ● ●		S/L
		High
		H

purple, summer flowers



Capparis cynophallophora
Jamaica Caper Tree,
Mustard Tree

S	10-11	Yes
Slow	6-20⇧ 6-15⇨	
○ ● ● ●		Any
		High
		H

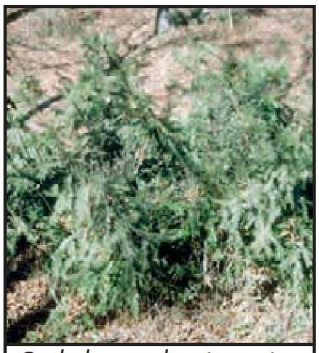
purple/white, spring flowers



Cephalanthus occidentalis
Buttonbush

N C S	8-11	Yes
	6-20⇧ 6-8 ⇨	
● ● ● ○		Any
		None
		L-N

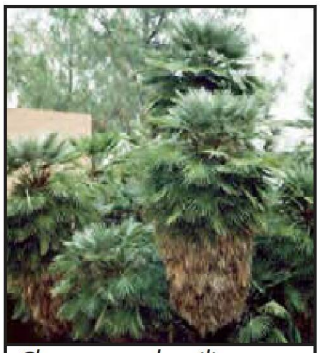
flammable plant - in wildfire prone areas, plant minimum 30' from buildings; attracts insects; white, spring flowers; good for retention ponds/swales/canal banks; well adapted to disturbed soils



Cephalotaxus harringtonia
Japanese Plum Yew,
Harrington Plum Yew

N C	8-9	No
Slow	3-10⇧ 5-10⇨	
● ● ○ ○		S
		Medium
		L-N

dark green foliage; suitable for use as a hedge or specimen plant



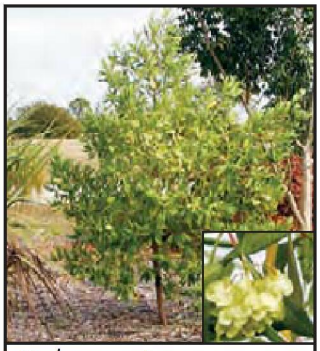
Chamaerops humilis
European Fan Palm

N C S	8-11	No
Fast	5-15⇧ 6-15⇨	
○ ● ● ○		Any
		High
		M

clumping palm; yellow, summer flowers; pest sensitive; very cold hardy; low maintenance compared to other palms; petioles with sharp teeth

Scientific / Common	*Chionanthus retusus* Chinese Fringetree	*Chionanthus virginicus* Fringetree	*Citharexylum spinosum* Fiddlewood	*Coccoloba uvifera* Seagrape
Reg/Native	N 8 No	N C 8-9 Yes	S 10-11 Yes	C S 9-11 Yes
G, H, S	Slow 15-30⇧ 10-12⇨	Slow 12-20⇧ 10-15⇨	15-25⇧ 8-15⇨	3-35⇧ 10-50⇨
Soil pH, Txt	●●○○ S	●●●○ Any	●●●○ Any	●●●○ S
Soil Mst, Drgt	Medium	Medium	High	High
Light/Best Salt	L-N	L-N	H	H
Wildlife				
	white, spring through summer flowers; grows very slowly, usually 4 to 10 inches per year, but can grow a foot per year if given rich, moist soil and appropriate fertilization	showy, white, spring flowers; flowers best in sun; pest sensitive; tolerates occasionally wet soil; medium to high wind resistance	also known as *Citharexylum fruticosum*; white, fragrant flowers all year; provides food for wildlife; useful as a tall hedge	deciduous with continual leaf drop; fragrant, white, spring flowers; provides food for large wildlife; susceptible to weevils; grows as shrub on coastal dunes and as tree inland; medium to high wind resistance

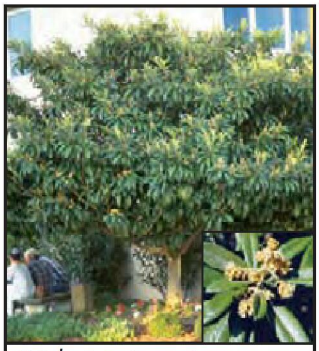
Scientific / Common	*Cordia boissieri* White Geiger, Texas Olive	*Cornus foemina* Swamp Dogwood, Stiff Dogwood, Stiff Cornel	*Cornus florida* Flowering Dogwood	*Cyrilla racemiflora* Titi, Swamp Cyrilla, Leatherwood
Reg/Native	C S 9a-11 No	N C S 8-10 Yes	N 8-9a Yes	N C 8b-10a Yes
G, H, S	Slow 15-20⇧ 10-15⇨	10-16⇧ 10-16⇨	25-30⇧ 25-30⇨	Fast 10-30⇧ 6-15 ⇨
Soil pH, Txt	○●●● Any	○●●○ Any	●●●○ Any	●●○○ Any
Soil Mst, Drgt	High	Low	Medium	Medium
Light/Best Salt	M	L-N	L-N	L-N
Wildlife				
	white, year-round flowers	white, spring flowers; blue berries provide food for wildlife; larval food plant for spring azure butterfly; susceptible to borers	prefers deep, rich, well–drained sandy or clay soils and has a moderately long life; roots rot in soils without adequate drainage; susceptible to pests and disease	white, spring through summer flowers; wetland plant; good for edges of retention ponds; attractive to bees



Dodonaea viscosa
Hopbush,
Varnish Leaf

C S 9-11	Yes
10-18⇧ 6-15⇨	
●●●●	S/L
	High
	H

yellow, summer through fall flowers; showy, colorful fruit



Eriobotrya japonica
Loquat

N C S 8-11	No
20-30⇧ 30-35⇨	
●●●●	Any
	Medium
	M

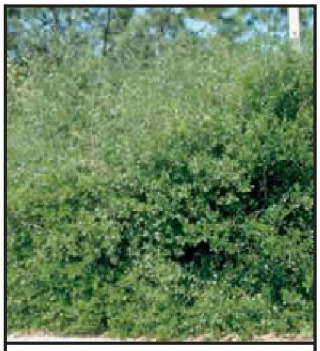
white, fall through winter flowers; medium to low wind resistance; susceptible to pests; caution - may be invasive in Central and South Florida



Eugenia spp. (natives only)
Stoppers

C S 9-11	Yes
10-30⇧ 5-20⇨	
●●●●	Any
	High
	H

flowers vary; needs little attention once established; natives are *E. axillaris, E. foetida, E. rhombea,* and *E. confusa; E. axiliaris, E. confusa, E. foetida* have high wind resistance



Forestiera segregata
Florida Privet

N C S 8b-11	Yes
4-15⇧ 3-12⇨	
○●●●	S/L
	High
	H

semi-evergreen to evergreen; yellow, early spring flowers; great hedge plant; provides food for wildlife; flowers attract insects



Ilex X'Mary Nell'
Mary Nell Holly

N C 8-9	Yes
10-20⇧ 10-15⇨	
●●●○	S/C
	Medium
	M

white; spring flowers; important source of pollen for bees



Ilex X'Nellie R. Stevens'
Nellie R. Stevens Holly

N C 8-9	Yes
15-25⇧ 10-12⇨	
●●●○	S/C
	Medium
	M

white, spring flowers; important source of pollen for bees; provides food for wildlife



Ilex cornuta and cvs.
Chinese Holly,
Horned Holly

N C 8-9	No
8-25⇧ 8-25⇨	
●●○○	Any
	High
	M

susceptible to tea scale, especially in cool, shady areas; provides food for wildlife; many cultivars available; important source of pollen for bees



Ilex decidua
Possumhaw

N 8-9a	Yes
Slow 10-15⇧ 10-15⇨	
●●●●	Any
	High
	U

small, white, spring flowers; small orange/red fruit provide food for wildlife; be sure to purchase female trees for fruit production

Scientific / Common	*Ilex glabra* Gallberry	*Ilex vomitoria* and cvs. Yaupon Holly	*Illicium* spp. Star Anise	*Jatropha integerrima* Peregrina
Reg/Native	N C S 8-10a Yes	N C S 8-10 Yes	N C 8-9 Var.	C S 9b-11 No
G, H, S	Slow 6-8⇧ 8-10⇨	15-30⇧ 6-20⇨	10-15⇧ 6-15⇨	8-15⇧ 5-10⇨
Soil pH, Txt	●●○○ Any	●●●○ Any	●●○○ Any	●●●● Any
Soil Mst, Drgt	Medium	High	Medium	High
Light/Best Salt	M	H	L-N	L-N
Wildlife				
	flammable plant - in wildfire prone areas, plant minimum 30' from buildings; white, spring flowers; black fruit provides food for wildlife in late fall and winter; good for wetland/pine areas; high wind	flammable, in wildfire prone areas, plant minimum 30' from buildings; white, spring through summer flowers; red fruit on female plants provides food for wildlife in late fall and winter; 'Pendula' - FNGLA Plant of the Year, 2005; high wind resistance; can sucker to produce a thicket	evergreen, yellowish–white or greenish–white flowers	scarlet, year-round flowers; poisonous; susceptible to pests and disease; sensitive to frost

Scientific / Common	*Ligustrum japonicum* and cvs. Ligustrum, Japanese Privet	*Magnolia Xsoulangiana* and cvs. Saucer Magnolia	*Magnolia figo* Banana Shrub	*Musa* spp. Banana
Reg/Native	N C S 8-10b No	N C 8-9a No	N C 8-10 Yes	C S 9b-11 No
G, H, S	8-12⇧ 15-25⇨	20-25⇧ 15-25⇨	10-20⇧ 6-15⇨	Fast 7-30⇧ 10-15⇨
Soil pH, Txt	○●●○ Any	●●○○ Any	●●○○ Any	●●●● Any
Soil Mst, Drgt	Medium	Low	Medium	Low
Light/Best Salt	H	L-N	U	L-N
Wildlife				
	white, summer flowers; susceptible to pests and diseases; used as hedge; thins at bottom unless in full sun	many cultivars; pink/white/lavender, fragrant, winter through spring flowers; susceptible to pests; medium to high wind resistance	also known as *Michelia figo*; light-yellow, spring through early summer flowers; fragrance similar to ripening cantaloupes or bananas; generally used as specimen plant; susceptible to scale and mushroom root rot	edible fruit; showy purple or orange flowers; needs regular watering; susceptible to disease, pests, and frost



Myrcianthes fragrans
Simpson's Stopper, Twinberry

C	S	9b-11	Yes
		6-30⇧ 15-20⇨	
○ ● ● ○			Any
			High
			H

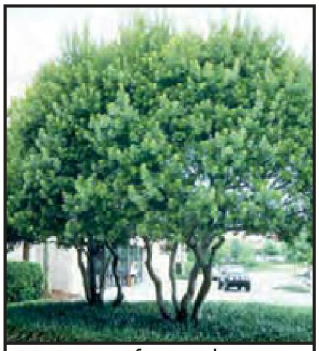
edible fruit; white, fragrant, year-round flowers; red berries provide food for wildlife; tolerates occasionally wet soil; needs little attention once established



Myrciaria cauliflora
Jaboticaba, Brazilian Grape Tree, Brazilian Grape

	S	10b-11	No
Slow		15-40⇧ 15-40⇨	
● ● ● ●			Any
			Medium
			L-N

edible, black fruit; white flowers, time of flowering depends on cultivar



Myrica cerifera and cvs.
Wax Myrtle

N	C	S 8-10	Yes
Fast		10-40⇧ 20-25⇨	
● ● ● ●			Any
			Medium
			H

flammable, in wildfire prone areas, plant minimum 30' from buildings; silver berries found on female plants only; susceptible to disease; good hedge plant; provides food and cover for wildlife; medium to low wind resistance, can sucker to produce a thicket



Olea europaea
Olive

N	C	S 8-11	No
Slow		25-50⇧ 35-50⇨	
● ● ● ●			S/L
			Medium
			M

makes a great landscape plant; requires a pollinator to fruit



Osmanthus americanus
Wild Olive, Devilwood

N	C	8-9	Yes
		15-25⇧ 10-15⇨	
○ ● ● ○			Any
			Medium
			H

white, fragrant, spring flowers; provides food for wildlife



Plumeria rubra
Frangipani, Nosegay, Templetree

	S	10b-11	No
Slow		20-25⇧ 20-25⇨	
● ● ● ●			Any
			High
			H

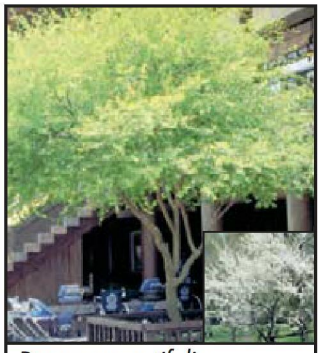
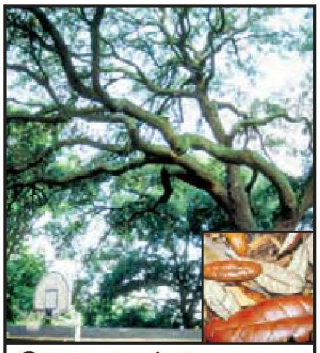
fragrant, showy, spring through fall flowers; susceptible to frangipani caterpillar; needs cold-protected spot if grown in central Florida

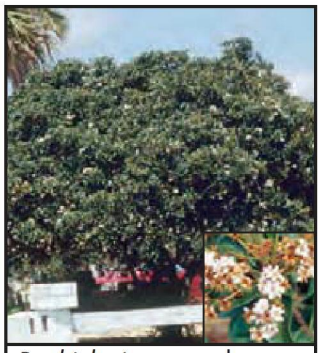


Podocarpus macrophyllus and cvs.
Podocarpus

N	C	S 8b-11	No
Slow		30-40⇧ 20-25⇨	
● ● ● ○			S/C
			High
			H

dark green, evergreen leaves; small, purple, fruit on females provide food for wildlife; high wind resistance; mildly susceptible to pests and diseases; some magnesium deficiency on sandy soils

			
Scientific / **Common**	*Prunus angustifolia* Chickasaw Plum	*Prunus campanulata* Taiwan Cherry	*Prunus umbellata* Flatwoods Plum	*Quercus geminata* Sand Live Oak, Small Sand Live Oak
Reg/Native	N C 8-9 Yes	N 8-9a No	N C 8-9 Yes	N C S 8-10a Yes
G, H, S	12-20⇧ 15-20⇨	12-20⇧ 15-25⇨	12-20⇧ 12-20⇨	35-50⇧ 45-60⇨
Soil pH, Txt	●●●○ Any	●●○○ Any	●●●○ Any	○●●○ S/L
Soil Mst, Drgt	High	Medium	Medium	High
Light/Best Salt	M	U	L-N	H
Wildlife				
	white, winter flowers; reddish plums provide food for wildlife; medium to high wind resistance; can sucker to produce a thicket	small pink, late winter flowers; small fruit provides food for wildlife; susceptible to tent caterpillar	white, spring flowers; purple plums provide food for wildlife; edible fruits, ranging from very tart to sweet; susceptible to tent caterpillars; can sucker to produce a thicket	high wind resistance; good in dune areas; provides food for wildlife; FNGLA Plant of the Year 2008

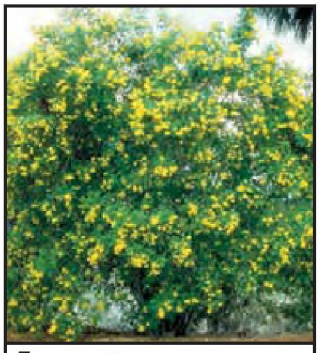
			
Scientific / **Common**	*Raphiolepis* spp. and cvs. Indian Hawthorn	*Senna polyphylla* Desert Cassia	*Sideroxylon* spp. (natives only) Buckthorn	*Sophora tomentosa* Necklace Pod
Reg/Native	N C 8-9 No	S 10a-11 No	N C S 8-11 Yes	S 10-11 Yes
G, H, S	2-10⇧ 2-6⇨	Fast 6-10⇧ 6-8⇨	50-75⇧ 35-50⇨	6-10⇧ 8-12⇨
Soil pH, Txt	○●●○ Any	○●●● S/L	●●●● Any	●●●● S/L
Soil Mst, Drgt	High	Medium	High	High
Light/Best Salt	M	H	H	H
Wildlife				
	flowers vary; provides food for wildlife; use disease-resistant cvs., plant in full sun; susceptible to disease	yellow, summer flowers; should not be confused with *Senna pendula*	good coastal or dune plant; select species based on region, soil texture, and drainage; flowers vary	evergreen shrub; weeping shape; yellow, year-round flowers; seeds are poisonous; provides food for wildlife



Tabebuia aurea
Silver Trumpet Tree,
Yellow Tab

S	10-11	No
	15-25⇧ 10-15⇨	
●●●●		Any
		High
		M

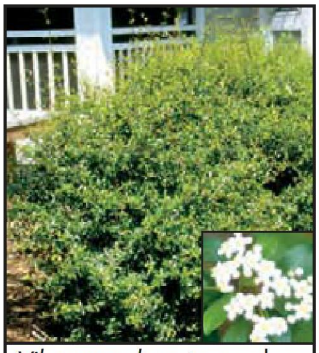
yellow, winter through spring flowers; flowers emerge after leaves drop; not wind resistant



Tecoma stans
Yellow Elder,
Yellow Trumpetbush

C S	9b-11	No
Fast	10-20⇧ 8-15⇨	
●●●●		Any
		Medium
		L-N

evergreen; bell-shaped, fragrant, yellow summer through winter flowers; produces non-edible brown fruit; FNGLA Plant of the Year, 2005



Viburnum obovatum and cvs.
Walter's Viburnum

N C S	8-10	Yes
	8-25⇧ 6-10⇨	
●●●●		Any
		High
		L-N

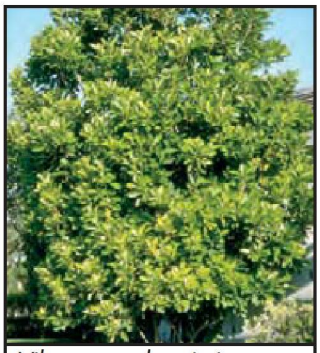
white, winter through spring flowers; small black fruit provides food for wildlife; provides nesting cover for wildlife; can sucker to produce a thicket; dwarf cvs. are 2' to 4' tall



Viburnum odoratissimum
Sweet Viburnum

N C S	8b-10a	No
Fast	15-30⇧ 15-25⇨	
●●●●		Any
		Medium
		L-N

white, spring flowers; susceptible pests and disease; often grown as a hedge; thins in shaded sites



Viburnum odoratissimum
var. *awabuki*
Awabuki Viburnum

N C S	8-10b	No
Slow	15-20⇧ 15-20⇨	
●●●○		Any
		Medium
		L-N

also known as *Viburnum awabuki*; fragrant, small white, spring flowers; red/black fruit provides food for wildlife; takes well to pruning; used for hedges; susceptible to pests and disease



Viburnum rufidulum
Rusty Blackhaw,
Southern Blackhaw

N	8b-9a	Yes
Slow	20-25⇧ 20-25⇨	
●●●●		Any
		High
		H

scarlet to purple fall foliage; clusters of small, white, spring flowers; small black fruit provides food for wildlife; tolerates occasionally wet soil; will not tolerate compacted soils

Scientific / Common	*Abelia Xgrandiflora* Glossy Abelia	*Acacia farnesiana* Sweet Acacia	*Acalypha wilkesiana* Copper Leaf	*Acca sellowiana* Pineapple Guava, Feijoa
Reg/Native	N C 8-9 No	C S 9-11 Yes	S 10b-11 No	N C S 8-11 No
G, H, S	6-10⇧ 6-10⇨	Slow 10-25⇧ 15-25⇨	Fast 8-12⇧ 6-8⇨	8-15⇧ 8-15⇨
Soil pH, Txt	○ ● ● ○ S/C	○ ● ● ○ S/C	● ● ● ○ Any	○ ● ● ○ S/C
Soil Mst, Drgt	Medium	High	Medium	High
Light/Best Salt	L-N	M	U	L-N
Wildlife				
	fine textured, semi-evergreen; red-tinged leaves; pink/white, spring through fall flowers; doesn't flower in the shade	also known as *Acacia smallii*; yellow, year-round flowers; thorny; tolerates occasionally wet soil; provides food and cover for birds and insects; don't plant next to sidewalk	provides continuous color in the landscape; heart-shaped leaves in varying mottled combinations of colors; susceptible to pests	also known as *Feijoa sellowiana*; red/white, spring flowers; often used as a hedge; provides food/cover/nesting for wildlife

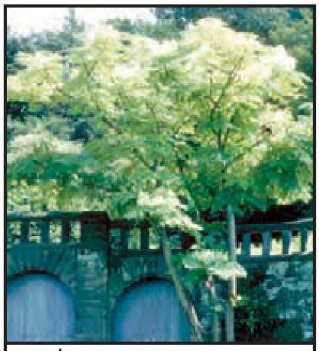
Scientific / Common	*Acrostichum danaeifolium* Leather Fern	*Agarista populifolia* Pipestem, Fetterbush, Doghobble	*Agave* spp. Century plant, Agave	*Allamanda neriifolia* Bush Allamanda, Bush Trumpet
Reg/Native	C S 9-11 Yes	N C 8-9 Yes	N C S var. Var.	C S 9-11 No
G, H, S	4-8⇧ 3-5 ⇨	8-12⇧ 5-10⇨	Slow 3-6⇧ 3-10⇨	Fast 5-15⇧ 4-10⇨
Soil pH, Txt	● ● ● ○ Any	● ● ○ ○ S/C	○ ● ● ○ S	○ ● ● ○ Any
Soil Mst, Drgt	Low	Medium	High	Medium
Light/Best Salt	M	L-N	H	L-N
Wildlife				
	large fern; good for wet sites in shaded landscape; prolonged sunlight, especially in the summer, can burn foliage	evergreen, creamy white, fragrant spring flowers	dramatic foliage and form; evergreen, silver/gray to blue-green foliage; showy, green-brown fruit; sharp spines; choose species adapted to climate	bright yellow, trumpet-shaped, year-round flowers; bleeds white milky sap if stems are broken; makes an open hedge; attractive to birds and butterflies



Aloysia virgata
Sweet Almond Bush

N C S	8-11	No
	6-12⇧ 6-12⇨	
●●●●		Any
		High
		U

evergreen; white, fragrant, summer through fall flowers



Aralia spinosa
Devil's Walkingstick

N C	8-9a	Yes
	10-25⇧ 6-10⇨	
○●●○		Any
		Medium
		L-N

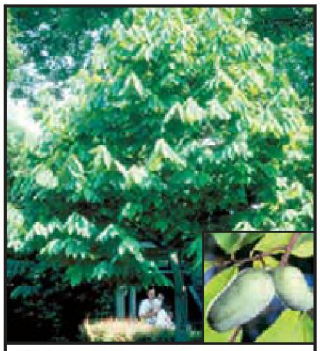
also known as *Angelica spinosa*; small white, spring through summer flowers; purplish berries provide food for wildlife; spiny stems; tolerates occasionally wet soil



Ardisia escallonioides
Marlberry,
Marbleberry

C S	9-11	Yes
	10-20⇧ 3-12⇨	
○●●●		S/L
		High
		H

fragrant, white, year-round flowers; attractive foliage; round, purple fruits provide food for wildlife, mostly in fall and winter; good for screens and hedges



Asimina spp.
Pawpaw

N C S	8-10	Var.
	15-20⇧ 15-20⇨	
○●○○		S
		Medium
		L-N

deciduous; species needs vary, choose based on conditions; flowers vary; larval food plant for zebra swallowtail butterfly; does not transplant well



Baccharis halimifolia
Groundsel Bush,
Sea Myrtle, Salt-bush

N C S	8-10	Yes
	8-12⇧ 6-12⇨	
●●●●		Any
		Medium
		M

feathery, white, fall flowers; poisonous seeds; useful for wet sites such as retention ponds and ditches; can spread by suckers from roots



Bambusa spp. (clumping types only)
Bamboo

N C S	8-11	No
	3-100⇧ 2-20⇨	
○●●○		Any
		Medium
		M

choose species adapted to conditions; bamboo grows aggressively; should not be planted near lakefronts or streams



Barleria micans
Yellow Shrimp Plant

S	10-11	No
Fast	4-5⇧ 4-5⇨	
○●●○		Any
		Medium
		U

evergreen shrub with upright growth that terminates in flattish spikes that produce lobed, bright, yellow flowers; provides food for wildlife



Berberis julianae
Wintergreen Barberry,
Julian's berberis

N	8-9a	No
Slow	4-6⇧ 2-5⇨	
○●●○		Any
		Medium
		M

evergreen; yellow, winter through spring flowers; red fruit; adaptable to a wide range of soil conditions but does best in rich, organic soil; requires pruning to maintain best form; spiny; good hedge or barrier plant

Scientific / Common	*Berberis thunbergii* Japanese Barberry, Crimson Pygmy	*Brugmansia Xcandida* Angel's Trumpet	*Brunfelsia grandiflora* Yesterday-Today-and-Tomorrow	*Buddleia lindleyana* Butterfly Bush, Lindley's Butterfly Bush
Reg/Native	N 8-9a No	S 10b-11 No	N C S 8b-11 No	N C 8-9 No
G, H, S	2-8⇧ 4-6⇨	8-14⇧ 10-15⇨	7-10⇧ 5-8⇨	Fast 4-6⇧ 4-6⇨
Soil pH, Txt	○ ● ● ○ Any	● ● ● ○ Any	○ ● ● ○ Any	○ ● ● ○ Any
Soil Mst, Drgt	Medium	Low	Medium	Medium
Light/Best Salt	L-N	L-N	L-N	M
Wildlife				
	fall color; white, spring flowers; good hedge or barrier plant; persistent red fruit; susceptible to disease	flowers hang from stems and branches and drape the plant with color; good specimen tree; susceptible to pests and diseases	white/purple, spring through fall flowers	deciduous, non-fragrant, purple/violet flowers; excellent for butterflies; aggressive suckering and spreads through runners

Scientific / Common	*Calliandra haematocephala* Red Powderpuff	*Callicarpa americana* Beautyberry	*Callistemon* spp. Bottlebrush	*Calycanthus floridus* Carolina Allspice, Eastern Sweetshrub
Reg/Native	C S 9-11 No	N C S 8-10 Yes	N C S 8b-11 No	N C S 8-10a Yes
G, H, S	6-8⇧ 8-12⇨	6-8⇧ 6-8⇨	6-30⇧ 6-15⇨	Slow 6-9⇧ 6-12⇨
Soil pH, Txt	● ● ● ○ Any	● ● ● ○ Any	○ ● ● ○ S/L	● ● ● ● Any
Soil Mst, Drgt	High	High	High	Medium
Light/Best Salt	L-N	L-N	M	L-N
Wildlife				
	possible cold damage from freezing temperatures; large fragrant flower blooms during warm months; susceptible to pests	deciduous; purple/light purple spring through fall flowers; attracts wildlife; small purplish fruits provide food for wildlife in late winter; need to prune old wood since flowers and fruit are produced on new growth	red spring though summer flowers; medium to low wind resistance; attracts beneficial insects; check with your local Extension office before final species selection	good screen; red, spring through summer flowers with strawberry-like fragrance; does best in rich, organic soil



Camellia japonica
Camellia

N C	8-9	No
Slow	10-20⇧ 10-20⇨	
●●○○		Any
		Medium
		L-N

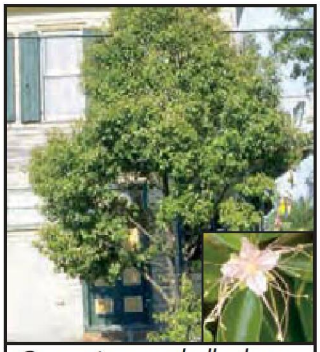
many cultivars; flowers up to 6 inches, in winter through spring, color variable; susceptible to pests and diseases; requires acidic soil and has problems if pH is too high



Camellia sasanqua
Sasanqua,
Sasanqua Camellia

N C	8-9	No
Slow	3-15⇧ 5-10⇨	
●●○○		Any
		Medium
		L-N

some groundcover cultivars available; fall through winter flowers, color variable; susceptible to pests; requires acidic soil and has problems if pH is too high



Capparis cynophallophora
Jamaica Caper Tree,
Mustard Tree

S	10-11	Yes
Slow	6-20⇧ 6-15⇨	
○●●●		Any
		High
		H

purple/white, spring flowers



Carissa macrocarpa
Natal Plum

C S	9-11	No
	2-20⇧ 2-20⇨	
○●●●		S
		High
		H

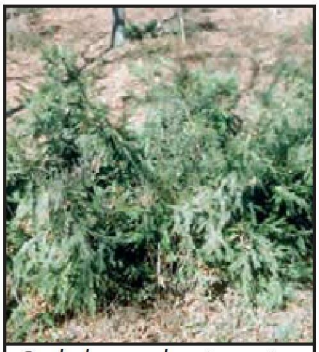
also known as *Carissa grandiflora*; edible fruit; white, fragrant year-round flowers



Cephalanthus occidentalis
Buttonbush

N C	8-9	Yes
	6-20⇧ 6-8 ⇨	
●●●○		Any
		None
		L-N

flammable, in wildfire prone areas, plant minimum 30' from buildings; attracts insects; white, spring through summer flowers; grows well in wet areas such as detention ponds or drainage ditches; well adapted to disturbed soils



Cephalotaxus harringtonia
Japanese Plum Yew,
Harrington Plum Yew

N C	8-9	No
Slow	3-10⇧ 5-10⇨	
●●○○		S
		Medium
		L-N

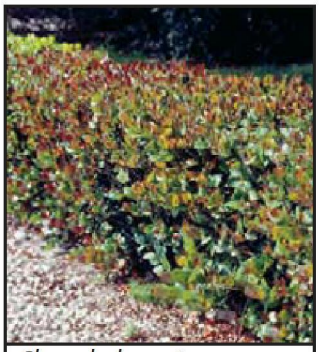
dark green foliage; suitable for use as a hedge or specimen plant



Cestrum aurantiacum
Orange Jessamine

C S	9-11	No
Fast	4-10⇧ 6-8⇨	
○●●○		Any
		Medium
		M

yellow/orange, spring through summer flowers



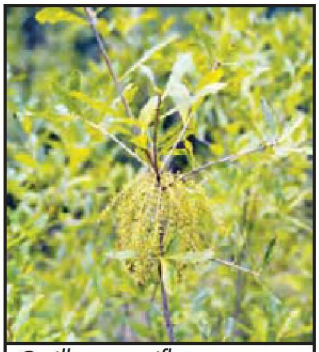
Chrysobalanus icaco
Cocoplum

S	10-11	Yes
	3-30⇧ 10-20⇨	
○●●○		Any
		Medium
		H

white, year-round flowers; edible fruit; good hedge or screen plant; purple "plums" provide food for wildlife; high wind resistance

Scientific / Common	*Citharexylum spinosum* Fiddlewood	*Clethra alnifolia* Sweet Pepperbush	*Coccoloba uvifera* Seagrape	*Cocculus laurifolius* Laurelleaf Snailseed, Carolina Coralbead, Cocculus
Reg/Native	S 10-11 Yes	N C 8-9 Yes	C S 9-11 Yes	C S 9a-11 No
G, H, S	15-25⇧ 8-12⇨	4-8⇧ 4-8⇨	3-35⇧ 10-50⇨	12-18⇧ 18-20⇨
Soil pH, Txt	●●●○ Any	●●○○ Any	●●●○ S	○●●○ Any
Soil Mst, Drgt	High	Medium	High	High
Light/Best Salt	M	M	H	M
Wildlife				
	also known as Citharexylum fruticosum; white, fragrant, year-round flowers; provides food for wildlife; useful as a tall hedge	white, fragrant, summer flowers; attracts bees and other wildlife; grows well in wet areas	deciduous with continual leaf drop; fragrant, white, spring flowers; provides food for large wildlife; susceptible to weevils; grows as shrub on coastal dunes and as tree inland; medium to high wind resistance	spreading growth habit; yellow flowers

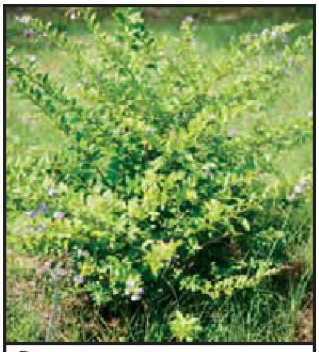
Scientific / Common	*Codiaeum variegatum* Croton	*Conocarpus erectus* Buttonwood, Silver Buttonwood	*Cordyline* spp. & cvs. except *Cordyline guineensis* Ti plant	*Crataegus* spp. Hawthorn
Reg/Native	S 10b-11 No	S 10b-11 Yes	S 10-11 No	N C 8-9 Var.
G, H, S	3-8⇧ 3-6⇨	5-50⇧ 15-20⇨	Fast 3-10⇧ 2-4⇨	20-35⇧ 15-40⇨
Soil pH, Txt	●●●● Any	○●●● Any	○●●○ Any	●●●● Any
Soil Mst, Drgt	Low	High	Varies	High
Light/Best Salt	L-N	H	V	L-N
Wildlife				
	wide variety of leaf color and shape; white/yellow, summer flowers; susceptible to pests	white/cream, spring flowers; silver leaved form more susceptible to sooty mold and insect problems; do not plant in marl soil; high wind resistance; provides cover for wildlife	growing conditions vary by species; flowers vary; cold sensitive; check with your local Extension office before final species selection	provides food and cover for wildlife; flowers vary; best for north Florida; many species and cultivars



Cyrilla racemiflora
Titi, Swamp Cyrilla, Leatherwood

N C	8b-9	Yes
Fast	10-30⇧ 6-15⇨	
●●○○		Any
		Medium
		L-N

white, late spring through summer flowers; wetland plant; good for edges of retention ponds; attractive to bees



Duranta erecta
Golden Dewdrop, Pigeonberry; Skyflower

C S	9b-11	No
	4-18⇧ 10-15⇨	
○●●○		Any
		High
		L-N

also known as *Duranta repens*; showy, lavender/blue/white, summer through fall flowers; poisonous fruit; susceptible to pests; irritating sap; thorns; may spread aggressively



Erythrina herbacea
Coral Bean, Cherokee Bean

N C S	8-11	Yes
	5-10⇧ 8-12⇨	
●●●○		S/L
		High
		M

scarlet, tubular, spring flowers; flowers attractive to hummingbirds; showy, pod-shaped fruit



Eugenia spp. (natives only)
Stoppers

C S	9-11	Yes
	10-30⇧ 5-20⇨	
●●●●		Any
		High
		H

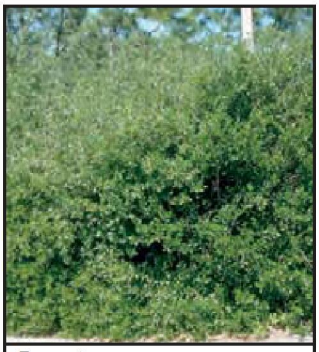
flowers vary; needs little attention once established; natives are *E. axillaris, E. foetida, E. rhombea,* and *E. confusa; E. axiliaris, E. confusa, E. foetida* have high wind resistance



Fatsia japonica
Japanese Aralia, Paperplant

N C S	8-11	No
	5-8⇧ 3-10⇨	
○●●○		Any
		Medium
		L-N

creamy, white, winter flowers; too much sun eventually kills the plant



Forestiera segregata
Florida Privet

N C S	8b-11	Yes
	4-15⇧ 3-12⇨	
○●●●		S/L
		High
		H

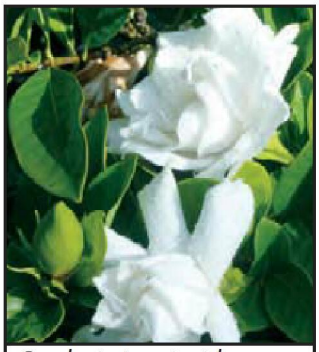
yellow, early spring flowers attract insects; great hedge; fruit provides food for wildlife



Galphimia glauca
Thryallis, Rain-of-Gold

C S	9b-11	No
	5-9⇧ 4-6⇨	
○●●○		Any
		Medium
		L-N

evergreen shrub; yellow, year-round flowers; susceptible to caterpillars and mites



Gardenia jasminoides
Gardenia, Cape Jasmine

N C S	8-10	No
	4-8⇧ 4-8⇨	
●●○○		Any
		Medium
		L-N

also known as *Gardenia augusta*; white, fragrant spring through summer flowers; use only grafted varieties due to nematode susceptibility; susceptible to scales; use iron fertilizer to keep green

Scientific / Common	*Halesia diptera* Two-wing Silverbell	*Hamamelis virginiana* Common Witchhazel	*Hamelia patens* Firebush, Scarletbush	*Heptapleurum arboricola* Dwarf Schefflera
Reg/Native	N 8 Yes	N 8 Yes	C S 9-11 Yes	C S 9-11 No
G, H, S	20-30⇧ 20-30⇨	20-30⇧ 15-25⇨	Fast 5-20⇧ 5-8⇨	10-15⇧ 6-15⇨
Soil pH, Txt	●●●○ S/L	●●●● Any	●●●● Any	○●●○ S/L
Soil Mst, Drgt	Medium	Medium	Medium	High
Light/Best Salt	U	L-N	L-N	M
Wildlife				
	deciduous tree; showy, bell-shaped, white, spring flowers	cream/yellow, fall flowers; galls form on leaves; plant suckers freely from the base	orange/red, year-round flowers; susceptible to pests; foliage usually more attractive in shade but flowers best in sun; tolerates occasionally wet soil; dies back in freezes but returns	evergreen; dark green foliage; orange/yellow winter fruit; susceptible to scale

Scientific / Common	*Hibiscus* spp. Hibiscus, Mallows	*Hydrangea arborescens* Wild Hydrangea	*Hydrangea macrophylla* Hydrangea, Bigleaf Hydrangea, French Hydrangea	*Hydrangea quercifolia* Oakleaf Hydrangea
Reg/Native	N C S 8-11 Yes	N C 8-9 Yes	N C 8-9a No	N C 8b-9 Yes
G, H, S	4-12⇧ 3-10⇨	6-10⇧ 6-10⇨	6-10⇧ 6-10⇨	6-10⇧ 6-8⇨
Soil pH, Txt	●●○○ S/L	○●●○ Any	●●●● Any	●●●○ Any
Soil Mst, Drgt	Medium	None	Medium	Medium
Light/Best Salt	V	U	L-N	L-N
Wildlife				
	select species based on site conditions; spring through fall flowers, color varies; some hibiscus injured by freezes in North Florida; susceptible to pests	deciduous; white, summer flowers; oval, serrate, dark green leaves; blooms on new season's growth; susceptible to disease	white/pink/purple, spring through summer flowers; susceptible to pests; tolerates occasionally wet soil	pink, summer flowers; good flowering shrub for shade; tolerates occasionally wet soil



Ilex X'Mary Nell'
Mary Nell Holly

N C	8-9	Yes	
	10-20⇧	10-15⇨	
●●●○		S/C	
		Medium	
		M	

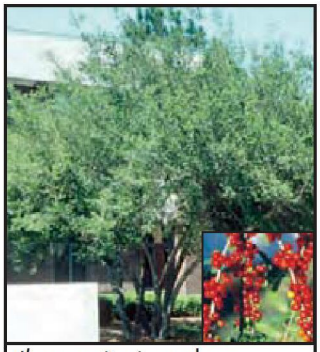
white, spring flowers; important source of pollen for bees



Ilex cornuta and cvs.
Chinese Holly,
Horned Holly

N C	8-9	No	
	15-25⇧	15-25⇨	
●●○○		Any	
		High	
		M	

susceptible to tea scale, especially in cool, shady areas; fruit provides food for wildlife; important source of pollen for bees



Ilex vomitoria and cvs.
Yaupon Holly

N C S	8-10	Yes	
	15-30⇧	6-20⇨	
●●●○		Any	
		High	
		H	

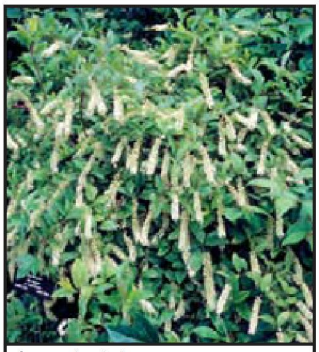
flammable, in wildfire prone areas, plant minimum 30' from buildings; white, spring through summer flowers; red fruit provides food for wildlife in late fall-winter; 'Pendula' was FNGLA Plant of the Year, 2005; high wind resistance; can sucker to produce a thicket



Illicium spp.
Star Anise

N C	8-9	Var.	
	10-15⇧	6-15⇨	
●●○○		Any	
		Medium	
		L-N	

evergreen, yellowish–white or greenish–white flowers



Itea virginica
Virginia Willow,
Virginia Sweetspire

N C	8-9	Yes	
Slow	3-8⇧	2-4⇨	
●●●○		S/L	
		Medium	
		L-N	

white, spring through summer flowers; grows well in wet areas such as detention ponds, swales and canals



Jasminum mesnyi
Primrose Jasmine,
Japanese Yellow Jasmine

N C S	8-10	No	
Fast	5-10⇧	2-5⇨	
●●●●		Any	
		Medium	
		L-N	

rambling, evergreen; will climb like vine if given support; fragrant, yellow flowers; dies back in freeze, may come back



Jasminum multiflorum
Downy Jasmine

C S	9b-11	No	
Fast	5-10⇧	5-10⇨	
●●●●		Any	
		Medium	
		L-N	

white, fragrant, year-round flowers; dies back in freeze, may come back; susceptible to pests; sprawling form



Jasminum nitidum
Star Jasmine,
Shining Jasmine

C S	9-11	No	
Fast	10-20⇧	5-10⇨	
●●●○		S/L	
		Medium	
		L-N	

evergreen to semi-evergreen vine or shrub; white, fragrant, spring through summer flowers

Scientific / Common	*Jatropha integerrima* Peregrina	*Juniperus chinensis* and cvs. Chinese Juniper, Japanese Juniper	*Ligustrum japonicum* and cvs. Ligustrum, Japanese Privet	*Loropetalum chinense* and cvs Loropetalum, Chinese Fringe Bush
Reg/Native	C S 9b-11 No	N C 8-9 No	N C S 8-10b No	N C 8-9 No
G, H, S	8-15⇧ 5-10⇨	2-60⇧ 2-25⇨	8-12⇧ 15-25⇨	6-15⇧ 8-10⇨
Soil pH, Txt	●●●● Any	●●●● S	○●●○ Any	●●●○ Any
Soil Mst, Drgt	High	High	High	Medium
Light/Best Salt	L-N	M	H	L-N
Wildlife				
	scarlet, year-round flowers; poisonous; susceptible to pests and disease; sensitive to frost	flammable, in wildfire prone area, plant minimum 30' from buildings; does not tolerate wet feet; good pollution tolerance; susceptible to pests and disease; size and form vary with cultivar	white, summer flowers; susceptible to pests and diseases; used as hedge; thins at bottom unless in full sun	white/pink, spring flowers; size varies; susceptible to pests and diseases; in high pH soils may have minor element deficiencies

Scientific / Common	*Lyonia ferruginea* Rusty Lyonia	*Mahonia bealei* Oregon Hollygrape	*Malvaviscus arboreus* Turk's cap	*Murraya paniculata* Orange Jessamine, Orange Jasmine, Chalcas
Reg/Native	N C S 8-10 Yes	N 8-9a No	N C S 8b-11 No	C S 9b-11 No
G, H, S	Slow 10-20⇧ 4-10⇨	Slow 5-10⇧ 3-4⇨	Fast 6-12⇧ 3-5⇨	Slow 8-12⇧ 8-15⇨
Soil pH, Txt	●●●○ S	●●●○ Any	●●●● Any	●●●● Any
Soil Mst, Drgt	High	Medium	Medium	High
Light/Best Salt	L-N	M	L-N	L-N
Wildlife				
	evergreen, white/pink, spring flowers; rusty pubescence present on all parts of the plant	also known as *Berberis bealei*; yellow, fragrant, winter through spring flowers; glossy grey/green leaves, holly-like appearance; purplish-blue berries provide food for wildlife	red/white, warm season flowers; possible cold damage in North Florida	white, fragrant, year-round flowers; good container plant; often used as a hedge; provides food for wildlife; susceptible to pests



Musa spp.
Banana

C	S	9b-11	No
Fast		7-30⇧	10-15⇨
●●●●			Any
			Low
			L-N

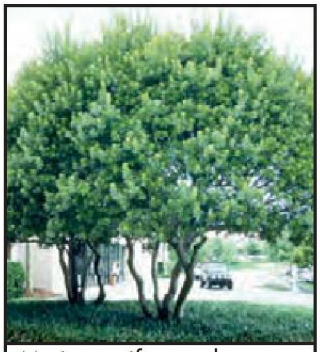
edible fruit; showy purple or orange flowers; needs regular watering; susceptible to disease, pests, and frost



Myrcianthes fragrans
Simpson's Stopper, Twinberry

C	S	9b-11	Yes
		6-30⇧	15-20⇨
○●●●			Any
			High
			H

edible fruit; white, fragrant, year-round flowers; red berries provide food for wildlife; tolerates occasionally wet soil; needs little attention once established



Myrica cerifera and cvs.
Wax Myrtle

N	C	S	8-10	Yes
Fast			10-40⇧	20-25⇨
●●●●				Any
				Medium
				H

flammable, in wildfire prone areas, plant minimum 30' from buildings; susceptible to disease; good hedge plant; provides food and cover for wildlife; medium to low wind resistance, can sucker to produce a thicket



Nerium oleander
Oleander

N	C	S	9-11	No
Fast			4-18⇧	3-15⇨
●●●○				Any
				High
				M

good, low maintenance plant for coastal areas; susceptible to oleander caterpillar; poisonous



Osmanthus americanus
Wild Olive, Devilwood

N	C	8b-9	Yes
		15-25⇧	10-15⇨
○●●○			Any
			Medium
			H

white, fragrant, spring flowers; provides food for wildlife



Osmanthus fragrans
Tea Olive, Fragrant Olive, Sweet Osmanthus

N	C	8b-9	No
Slow		15-30⇧	15-20⇨
○●●○			Any
			Medium
			L-N

white, fragrant, fall through spring flowers; susceptible to pests



Philadelphus inodorus
English Dogwood

N	C	8-9a	Yes
Fast		10-12⇧	6-10⇨
○●●○			Any
			High
			U

deciduous; white, spring flowers



Philodendron bipinnatifidum
Selloum
Tree Philodendron

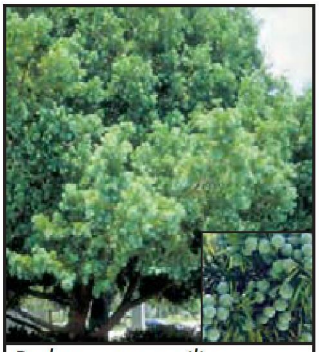
N	C	S	8b-11	No
Fast			6-12⇧	10-15⇨
○●●○				Any
				Medium
				L-N

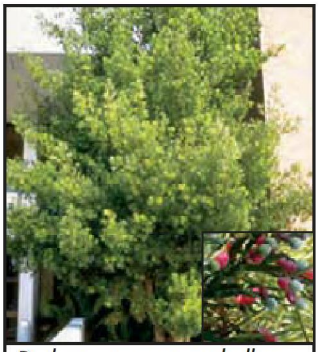
large, deeply divided, drooping leaves; green, year-round flowers; susceptible to freeze damage; tolerates occasionally wet soil

Scientific / Common	*Philodendron* cvs. Philodendron	*Pittosporum tobira* cvs. Pittosporum	*Podocarpus gracilior* Weeping Fern Pine, Weeping Podocarpus, Weeping Yew	*Podocarpus macrophyllus* and cvs. Podocarpus
Reg/Native	N C S 8b-11 No	N C S 8-11 No	C S 9b-11 No	N C S 8b-11 No
G, H, S	Fast 1-12⇧ 2-15⇨	8-12⇧ 12-18⇨	30-50⇧ 25-35⇨	Slow 30-40⇧ 20-25⇨
Soil pH, Txt	○ ● ● ○ Any	● ● ● ○ S/L	● ● ● ○ Any	● ● ● ○ S/C
Soil Mst, Drgt	Medium	High	Medium	High
Light/Best Salt	L-N	H	L-N	H
Wildlife				
	select species based on site conditions; check with your local Extension office before final species selection	dark, glossy leaves; white, fragrant, spring flowers	grows slowly in full shade; high wind resistance	dark green, evergreen leaves; small, purple, fruit on females provide food for wildlife; high wind resistance; mildly susceptible to pests and diseases; some magnesium deficiency on sandy soils



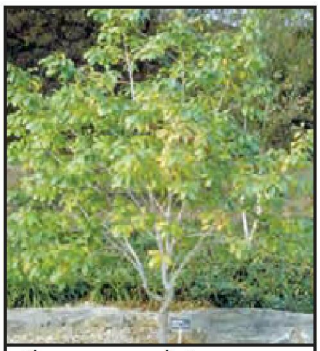






Scientific / Common	*Psychotria nervosa* Wild Coffee	*Rhamnus caroliniana* Carolina Buckthorn	*Rhododendron austrinum* Florida Flame Azalea	*Rhododendron canescens* Pinxter Azalea
Reg/Native	S 10b-11 Yes	N C 8-9b Yes	N C 8-9 Yes	N C S 8-10a Yes
G, H, S	4-10⇧ 4-10⇨	12-15⇧ 10-15⇨	Slow 6-10⇧ 4-8⇨	Slow 8-12⇧ 6-10⇨
Soil pH, Txt	○ ● ● ○ Any	● ● ● ● Any	● ● ○ ○ Any	● ● ○ ○ Any
Soil Mst, Drgt	Medium	High	Medium	Medium
Light/Best Salt	M	U	L-N	L-N
Wildlife				
	shiny, dark green foliage; white, spring through summer flowers; susceptible to pests; red fruit provides food for wildlife	bright green, deciduous leaves, turn orange/red before dropping; inconspicuous, green/white, summer flowers; black fruits provide food for wildlife	yellow/orange, clustered spring flowers	pink/white, spring flowers; prefers well drained soil that retains moisture











Rhododendron cvs.
Azalea

N C	8-10	Var.
Slow	3-12⇧ 3-10⇨	
●●○○		Any
💧		Medium
☀ ⛅		L-N
🦋 🐦		

choose species based on site conditions; flowers vary



Sabal minor
Dwarf Palmetto,
Blue-stem Palmetto

N C S	8-11	Yes
Slow	4-9⇧ 4-8⇨	
●●●●		Any
💧 ◢		High
☀ ⛅ ☁		M
🦋 🐦		

blueish green, fan shaped leaves; small, white flowers; black berries provide food for wildlife in fall; difficult to transplant; good understory plant; prefers moist soils but tolerates drier conditions after establishment



Senna bicapsularis
Christmas Senna,
Butterfly Bush

N C S	8-11	No
Fast	6-12⇧ 6-12⇨	
●●●●		Any
💧 ◢		Medium
☀		L-N

susceptible to freeze damage and pests; susceptible to caterpillar damage; larval food plant for various sulphur butterflies; should not be confused with *Senna pendula*



Senna polyphylla
Desert Cassia

S	10a-11	No
	6-10⇧ 6-8⇨	
○●●●		S/L
◢		Medium
☀ ⛅		H

yellow, summer flowers; should not be confused with *Senna pendula*



Severinia buxifolia
Boxthorn

N C S	8b-10	Yes
Slow	5-12⇧ 3-6⇨	
●●●○		Any
💧		High
☀ ⛅		L-N

dense, low-branching, compact, evergreen; small, oval, glossy, dark green leaves; slender, thorny branches; small, fragrant, white, spring through summer flowers; susceptible to freeze damage



Strelitzia nicolai
Giant Bird of Paradise,
White Bird of Paradise

C S	9-11	No
Fast	20-30⇧ 15-20⇨	
○●●○		Any
◢		Low
☀ ⛅		L-N

large, banana-like leaves, blue/white, year-round flowers; susceptible to scales when air circulation is inadequate; foliage may tear in the wind



Suriana maritima
Bay Cedar

S	10b-11	Yes
	5-20⇧ 5-8⇨	
●●●●		S/L
💧		High
☀ ⛅		H
🦋		

evergreen, tiny, gray/green leaves; yellow, year-round flowers; commonly found growing in thickets, on sand dunes, and rocky shores



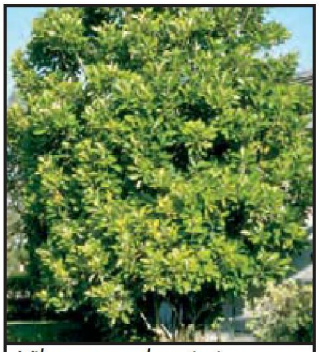
Tabernaemontana divaricata
Crape Jasmine,
Pinwheel Flower

C S	9b-11	No
Fast	6-10⇧ 3-6⇨	
●●●●		Any
💧		Low
☀ ⛅		L-N

evergreen, white, ruffle-edged, summer flowers that are fragrant at night; susceptible to pests and diseases

Scientific / Common	*Tecoma stans* Yellow Elder, Yellow Trumpetbush	*Ternstroemia gymnanthera* Cleyera, Ternstroemia	*Thunbergia erecta* King's Mantle, Bush Clock Vine	*Tibouchina urvilleana* Princess Flower, Glory Bush, Lasiandra
Reg/Native	C S 9b-11 No	N C 8-9 No	C S 9-11 No	C S 9b-11 No
G, H, S	Fast 10-20⇧ 8-15⇨	12-20⇧ 5-10⇨	Fast 4-6⇧ 5-8⇨	Fast 10-15⇧ 10-15⇨
Soil pH, Txt	●●●● Any	○●●○ Any	●●●● Any	○●●○ S/L
Soil Mst, Drgt	Medium	Medium	Medium	High
Light/Best Salt	L-N	L-N	L-N	L-N
Wildlife				
	yellow, summer through winter flowers; FNGLA Plant of the Year, 2005; susceptible to freeze damage	dense, unusually dark green foliage; yellow to dark red fruit; white, fragrant, spring flowers; good as a hedge	purple, year-round flowers; good as a hedge	evergreen; dark green, velvety, leaves; purple, year-round flowers; FNGLA Plant of the Year in 2005

Scientific / Common	*Tibouchina granulosa* Purple Glory Tree	*Vaccinium arboreum* Sparkleberry	*Viburnum obovatum* and cvs. Walter's Viburnum	*Viburnum odoratissimum* Sweet Viburnum
Reg/Native	S 10b-11 No	N C 8-10b Yes	N C S 8-10 Yes	N C S 8b-10a No
G, H, S	Fast 15-20⇧ 15-20⇨	12-18⇧ 10-15⇨	8-25⇧ 6-10⇨	15-30⇧ 15-25⇨
Soil pH, Txt	●●○○ S/L	●●○○ Any	●●●● Any	●●●● Any
Soil Mst, Drgt	Medium	Medium	High	Medium
Light/Best Salt	U	L-N	L-N	L-N
Wildlife				
	evergreen; dark green, velvety leaves; purple, year-round flowers	deciduous; white, spring flowers; showy fall color; tolerates occasionally wet soil; provides food and cover for wildlife; attracts pollinating insects	white, winter through spring flowers; small black fruit provides food for wildlife; provides nesting cover for wildlife; can sucker to produce a thicket; dwarf cvs. are 2' to 4' tall	white, spring flowers; susceptible to pests and disease; often grown as a hedge; thins in shaded sites



Viburnum odoratissimum var. *awabuki*
Awabuki Viburnum

N C S	8-10b	No
Slow	15-20⇧ 15-20⇨	
●●●○		Any
		Medium
		L-N

also known as *Viburnum awabuki*; fragrant, small white, spring flowers; red/black fruit provides food for wildlife; takes well to pruning; used for hedges; susceptible to pests and disease



Viburnum rufidulum
Rusty Blackhaw,
Southern Blackhaw

N C	8b-9	Yes
Slow	20-25⇧ 20-25⇨	
●●●●		Any
		High
		H

scarlet to purple fall foliage; clusters of small, white, spring flowers; small black fruit provides food for wildlife; tolerates occasionally wet soil; does not tolerate compacted soils



Viburnum suspensum
Sandankwa Viburnum

N C S	8-10	No
	6-12⇧ 6-12⇨	
●●●●		Any
		Low
		M

pink/white, winter through spring flowers



Vitex agnus-castus
Chaste Tree

N C S	8-11	No
Fast	10-20⇧ 15-20⇨	
○●●○		Any
		High
		M

deciduous; multi-stemmed shrub; purple, summer flowers provides food for wildlife



Yucca spp.
Yucca

N C S	8-11	Var.
	3-30⇧ 3-15⇨	
●●●○		Any
		High
		Var

choose species based on site conditions; white, spring through summer flowers

Scientific / Common	*Aloe* spp. Aloe	*Acalypha hispida* Chenille Plant, Red-hot Cattail	*Breynia disticha* Snowbush	*Brunfelsia americana* Lady of the Night
Reg/Native	N C S 8-11 No	C S 10-11 No	C S 10-11 Yes	S 9b-11 No
G, H, S	1-3⇧ 1-3⇨	Fast 4-6⇧ 6-8⇨	5-8⇧ 4-7⇨	4-6⇧ 3-4⇨
Soil pH, Txt	○ ● ● ● Any	● ● ● ○ Any	● ● ● ○ S/L	○ ● ● ○ Any
Soil Mst, Drgt	High	Medium	Medium	High
Light/Best Salt	H	L-N	L-N	L-N
Wildlife				
	choose species based on site conditions; flowers vary; susceptible to freeze damage	upright, course-textured shrub; red, showy flowers during warm months droop in cattail-like, pendant clusters up to 18 inches in length; susceptible to pests especially in partial shade	slender, red branches with variegated foliage; good specimen or accent shrub; red berries; susceptible to pests	evergreen; fragrant, white flowers

Scientific / Common	*Caesalpinia* spp. and cvs. Poinciana	*Calliandra emarginata* Pink Powderpuff	*Carissa macrocarpa* Natal Plum	*Gamolepis* spp. Bush Daisy
Reg/Native	C S 9-11 No	C S 10-11 No	C S 9-11 No	N C S 8b-11 No
G, H, S	8-35⇧ 10-35⇨	6-10⇧ 10-15⇨	2-20⇧ 2-20⇨	2-4⇧ 3-4⇨
Soil pH, Txt	○ ● ● ○ S/L	○ ● ● ○ Any	○ ● ● ● Any	○ ● ● ○ Any
Soil Mst, Drgt	Medium	High	High	Medium
Light/Best Salt	M	L-N	H	L-N
Wildlife				
	choose species adapted to region; do not confuse with *Delonix regia*; flowers vary	red/pink, spring through fall flowers	also known as *Carissa grandiflora*; edible fruit; white, fragrant year-round flowers	finely-divided leaves with fern-like appearance; yellow, year-round flowers



Ixora coccinea
Ixora

C	S	9b-11	No
		10-15⇧ 4-10⇨	
● ○ ○ ○			Any
			Medium
			L-N

dark green, glossy leaves; colorful year-round flowers



Lantana depressa
Weeping Lantana, Pineland Lantana

N	C	S	8-11	Yes
Fast		3-6⇧ 3-6⇨	
○ ● ● ○			S/L
			Medium
			H

small, yellow, year-round flowers; susceptible to pests; berries are poisonous



Leucophyllum frutescens
Texas Sage, Texas Ranger, Silverleaf, Barometer Bush

N	C	8b-10a	No
		3-5⇧ 3-5⇨	
○ ● ● ○			S
			High
			M

semi-evergreen shrub; white/pink/lavender/blue flowers after summer rains; prefers dry, hot sites; doesn't like fertilizer or compost



Lyonia lucida
Fetterbush, Shiny Lyonia

N	C	8-9	Yes
		3-15⇧ 2-5⇨	
● ● ○ ○			S/L
			High
			L-N

evergreen; white/pink spring flowers; leaf spotting may occur



Mahonia fortunei
Fortune's Mahonia, Chinese Mahonia, Holly Grape

N		8b-9	No
Slow		3-5⇧ 3-5⇨	
● ● ● ○			Any
			Medium
			M

also known as *Berberis fortunei*; yellow year-round flowers; well suited as foundation plant on north or east side of a building



Malpighia coccigera
Miniature Holly

	S	10b-11	No
Slow		2-5⇧ 4-6⇨	
● ● ● ●			Any
			Medium
			M

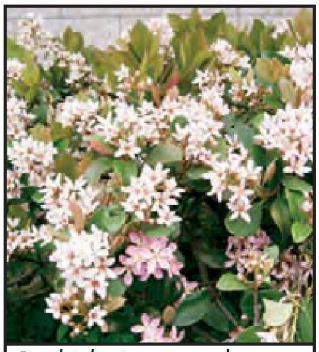
pink, spring through summer flowers; red berries; sensitive to pests



Pyracantha coccinea
Firethorn

N	C	8-9	No
		10-15⇧ 8-12⇨	
● ● ● ○			Any
			Medium
			L-N

white, showy flowers; red/orange fall and winter fruit; works well as freestanding specimen plant; can be espaliered or trained onto a trellis; susceptible to pests and diseases



Raphiolepis spp. and cvs.
Indian Hawthorn

N	C	8-9	No
		2-10⇧ 2-6⇨	
○ ● ● ○			Any
			High
			M

flowers vary; provides food for wildlife; use disease-resistant cvs., plant in full sun; susceptible to disease

Scientific / Common	*Rosa* spp. Rose	*Rosmarinus* spp. Rosemary	*Russelia equisetiformis* Firecracker Plant, Coral Plant	*Russelia sarmentosa* Firecracker Plant
Reg/Native	N C S 8-11 Var.	N C S 8-11 No	C S 9b-11 No	N C S 8b-11 No
G, H, S	Fast 1-20⇧ 2-8⇨	3-6⇧ 4-5⇨	3-5⇧ 6-12⇨	Fast 3-4⇧ 2-4⇨
Soil pH, Txt	●●●● Any	○●●○ S/L	○●●○ Any	○●●○ S/L
Soil Mst, Drgt	Medium	High	High	Medium
Light/Best Salt	M	M	M	U
Wildlife				
	flowers vary; susceptible to pests and diseases	evergreen herb with aromatic needle-like leaves; flowers vary	multi-branched shrub; rush-like stems; red year-round flowers; susceptible to pests	red, summer flowers; provides food for wildlife

Scientific / Common	*Sabal etonia* Scrub Palmetto	*Spiraea* spp. Reeve's Spirea, Bridal Wreath	*Strelitzia reginae* Bird of Paradise
Reg/Native	C S 9-11 Yes	N C 8-9 No	S 10-11 No
G, H, S	Slow 4-6⇧ 4-6⇨	3-5⇧ 3-4⇨	3-5⇧ 2-4⇨
Soil pH, Txt	●●●● S/L	○●●○ Any	●●●○ Any
Soil Mst, Drgt	High	Medium	High
Light/Best Salt	M	L-N	L-N
Wildlife			
	small, white, spring through summer flowers; small, black berries in summer through fall provide food for wildlife; long-lived; difficult to transplant	deciduous; white, spring flowers; check with your local Extension office before final species selection	large leathery leaves are held upright on stiff stalks; orange/blue striking flowers; susceptible to pests; tolerates occasionally wet soil



Allamanda cathartica
Yellow Allamanda

C S	9-11	No
Fast	1-20⇧ 1-20⇨	
○ ● ● ○		Any
		Medium
		L-N

evergreen; yellow, trumpet-shaped, year-round flowers; all plant parts are poisonous



Aristolochia spp.
Dutchman's Pipe,
Pipevine

C S	9-10	Var.
Fast	10-15⇧ 10-15⇨	
○ ● ● ○		S
		Medium
		L-N

tender evergreen vine; white/purple, summer through winter flowers; larval food plant for several swallowtail butterflies



Aster carolinianus
Climbing Aster

N C S	8-10b	Yes
	1-12⇧ 2-4⇨	
○ ● ● ○		Any
		Medium
		L-N

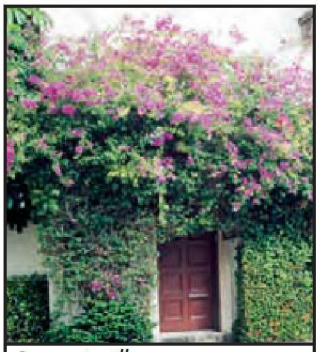
also known as *Ampelaster carolinianus, Symphyotricum carolinianum;* lavender, fall flowers



Bignonia capreolata
Cross Vine,
Trumpet Flower

N C S	8-10	Yes
Fast	1-50⇧ 1-50⇨	
● ● ● ○		Any
		High
		M

fast-growing, high-climbing vine; orange/red, trumpet-shaped, spring flowers



Bougainvillea cvs.
Bougainvillea

C S	9b-11	No
Fast	4-40⇧ 15-40⇨	
● ● ● ○		S/L
		High
		M

evergreen, shrubby vine; pink/yellow/orange, year-round flowers; large spines; susceptible to freeze damage



Campsis radicans
Trumpet Creeper,
Trumpet Vine

N C S	8-10a	Yes
Fast	1-40⇧ 1-40⇨	
● ● ● ●		Any
		Medium
		L-N

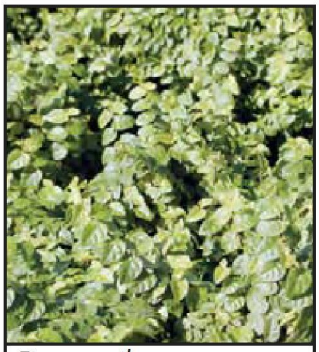
brilliant orange, summer flowers



Decumaria barbara
Climbing Hydrangea,
Wood Vamp, Cow Itch Vine

N C	8-9a	Yes
	1-60⇧ 1-60⇨	
● ● ○ ○		S/L
		Medium
		L-N

white, spring flowers

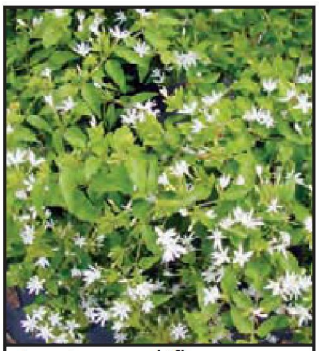


Ficus pumila
Creeping fig

N C S	8-11	No
	1-40⇧ 1-40⇨	
● ● ● ○		Any
		High
		L-N

dense grower; needs no support to adhere to walls, which may cause maintenance problems; well suited for groundcover, and hanging basket use

Scientific / Common	*Gelsemium sempervirens* Carolina Jessamine, Yellow Jasmine	*Hedera canariensis* Algerian Ivy, Canary Ivy	*Hedera helix* English Ivy	*Ipomoea* spp. (natives only) Morning Glory
				
Reg/Native	N C 8-9 Yes	N C S 8b-10 No	N C 8-9 No	N C S 8-11 Yes
G, H, S	Fast 20-40⇧ 20-30⇨	Fast ½ -1⇧ 1-6⇨	Fast 1-2⇧ 2-5⇨	Fast 10-20⇧ 10-40⇨
Soil pH, Txt	●●●○ Any	●●●○ Any	●●●○ Any	○●●○ Any
Soil Mst, Drgt	Low	Medium	Medium	High
Light/Best Salt	L-N	M	L-N	M
Wildlife				
	evergreen; yellow, tubular, winter through spring flowers; rapid growth when established; poisonous	distinctive, red leaf stems; beautiful, thick, leathery foliage; rapid growth rate, watch for aggressive spread; rich groundcover in the shade	bold leaves provide dark green mat of foliage; tenacious aerial roots guide the plant up tree trunks, walls, or trellises; rapid growth rate; watch for aggressive spread	flower color varies; can spread easily; provides food for wildlife

Scientific / Common	*Jasminum multiflorum* Downy Jasmine	*Lonicera sempervirens* Honeysuckle, Coral Honeysuckle	*Mandevilla* cvs. Pink Allamanda, Mandevilla	*Millettia reticulata* Evergreen Wisteria
				
Reg/Native	C S 9b-11 No	N C 8-9 Yes	C S 9b-11 No	C S 9-11 No
G, H, S	Fast 5-10⇧ 5-10⇨	Fast 10-15⇧ 10-15⇨	1-10⇧ 1-10⇨	Fast 12-15⇧ 10-12⇨
Soil pH, Txt	●●●● Any	●●●○ Any	○●●○ Any	○●●○ S/L
Soil Mst, Drgt	Medium	Medium	Medium	Low
Light/Best Salt	L-N	M	L-N	M
Wildlife				
	white, fragrant, year-round flowers; dies back in freeze, may come back; susceptible to pests; sprawling form	dark green, smooth leaves; red, spring through summer flowers; fruit provides food for wildlife; susceptible to freeze damage	twining evergreen vine; many cultivars; pink/white, year-round flowers	deciduous in North Florida; glossy, leathery textured leaves; purple, summer through fall flowers



Pandorea jasminoides
Bower Vine

C S	9b-11	No
Fast	1-20⇧ 1-20⇨	
●●●○		Any
		Medium
		L-N

evergreen; maintains an open, fine-textured effect; 2 inch wide, white, pink-throated, summer through winter flowers



Passiflora incarnata
Maypop,
Passion Vine

N C S	8b-11	Yes
Fast	5-10⇧ 5-10⇨	
●●●●		Any
		High
		M

evergreen; pink/purple, summer through fall flowers; larval food plant of zebra longwing, gulf fritillary, and variegated fritillary butterflies; tolerates occasionally wet soil



Petrea volubilis
Queen's Wreath

S	10b-11	No
Fast	30-40⇧ 30-40⇨	
○●●●		Any
		Medium
		L-N

evergreen; purple, spring flowers



Quisqualis indica
Rangoon Creeper

S	10a-11	No
Fast	1-40⇧ 1-40⇨	
●●●○		Any
		Medium
		L-N

1" flowers turn from white to pink or pink to deep red, blooms in spring through fall; good for fences, pergolas, and small buildings; susceptible to pests



Thunbergia alata
Black-Eyed Susan Vine

N C S	8-11	No
Fast	5-10⇧ 5-10⇨	
○●●○		S/L
		Low
		L-N

perennial; yellow, summer flowers



Trachelospermum jasminoides
Confederate Jasmine,
Star Jasmine

N C S	8-10	No
Fast	1-40⇧ 1-40⇨	
●●●●		Any
		Medium
		L-N

white, fragrant, showy, spring flowers; susceptible to diseases



Wisteria frutescens
American Wisteria

N C	8-9	Yes
Fast	10-20⇧ 6-12⇨	
○●●○		Any
		Medium
		L-N

lavender, fragrant, spring through summer flowers; poisonous parts

Scientific / Common	*Ajuga reptans* Bugleweed, Carpet Bugleweed	*Anthericum sanderi* St. Bernard's Lily	*Arachis glabrata* Perennial Peanut	*Ardisia japonica* Japanese Ardisia
Reg/Native	N C 8-9a No	N C S 8-11 No	N C S 8-11 No	N C 8-9 No
G, H, S	Fast ½ -1⇧ 1-2⇨	Fast 1-1½⇧ ½-1⇨	Slow ½-1⇧ 1-8⇨	½-1⇧ 1-3⇨
Soil pH, Txt	○ ● ● ○ Any	○ ● ● ○ Any	○ ● ● ○ S	○ ● ● ○ Any
Soil Mst, Drgt	Medium	Medium	High	Low
Light/Best Salt	L-N	U	H	U
Wildlife				
	purple/blue, spring through summer flowers; spreads quickly; many cultivars; susceptible to disease	white, spring flowers	yellow/orange, summer through fall flowers; no nitrogen fertilizer needed; may spread aggressively; withstands foot traffic; damaged by frost in North and Central Florida	shiny, leathery, dark green leaves; pink/white, 5-petaled, spring flowers; small, red, winter fruit

Scientific / Common	*Aspidistra elatior* Cast Iron Plant, Barroom Plant	*Cyrtomium falcatum* Holly Fern	*Dryopteris* spp. Autumn Fern	*Dyschoriste oblongifolia* Twin Flower, Oblongleaf Snakeherb
Reg/Native	N C S 8b-11 No	N C S 8b-11 No	N C S 8-11 Var.	N C S 8-11 Yes
G, H, S	Slow 1-3⇧ 1-3⇨	2-3⇧ 3-4⇨	Slow 1-4⇧ 1-4⇨	Fast ½-1⇧ 1-1½⇨
Soil pH, Txt	○ ● ● ○ Any	○ ● ● ○ Any	● ● ○ ○ Any	○ ● ● ○ Any
Soil Mst, Drgt	Medium	Medium	Medium	High
Light/Best Salt	L-N	L-N	L-N	L-N
Wildlife				
	dark, green, glossy foliage; brown flowers periodically throughout the year; tolerates deep shade better than most plants	evergreen fern; good low-maintenance groundcover; susceptible to pests	dark green fern with delicate appearance; fronds appear reddish when young; choose species based on growing conditions	lavender, year-round flowers; commonly used as groundcover; larval food plant for common Buckeye



Ernodea littoralis
Golden creeper

S	10-11	Yes
	1-3⇧ 1-3⇨	
●●●○		S/C
		High
		H

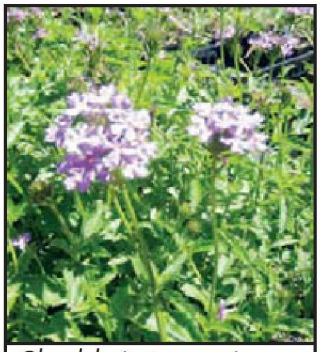
small, light green, succulent leaves on bright red stems; inconspicuous, pinkish, tubular flowers; golden berries; will die if overwatered



Evolvulus glomeratus
Blue Daze

C S	9-11	No
	1/2-1⇧ 1-2⇨	
○●●○		Any
		Medium
		H

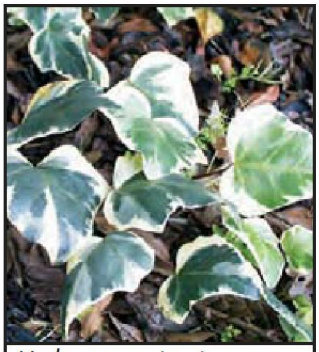
creates grey/green carpet-like cover accented with sky blue, spring through summer flowers



Glandularia tampensis
Tampa Vervain,
Tampa Mock Vervain

C S	9-11	Yes
	1 1/2-2⇧ 1-1 1/2⇨	
○●●○		S
		High
		L-N

also known as *Verbena tampensi*; purplish-pink/white, summer flowers



Hedera canariensis
Algerian Ivy,
Canary Ivy

N C S	8b-10	No
Fast	1/2-1⇧ 1-6⇨	
●●●○		Any
		Medium
		M

distinctive, red leaf stems; beautiful, thick, leathery foliage; rapid growth rate, watch for aggressive spread; rich groundcover in the shade



Hedera helix
English Ivy

N C	8-9	No
Fast	1-2⇧ 2-5⇨	
●●●○		Any
		Medium
		L-N

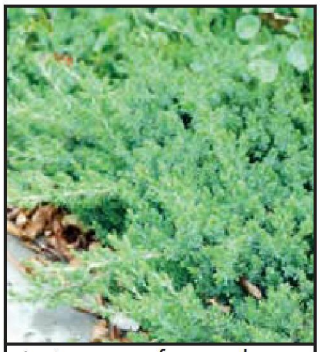
bold leaves provide dark green mat of foliage; tenacious aerial roots guide the plant up tree trunks, walls, or trellises; rapid growth rate; watch for aggressive spread



Ipomoea spp. (natives only)
Sweet Potato Vine,
Railroad Vine, Varies

N C S	8-11	Yes
Fast	10-20⇧ 10-40⇨	
○●●○		Any
		High
		M

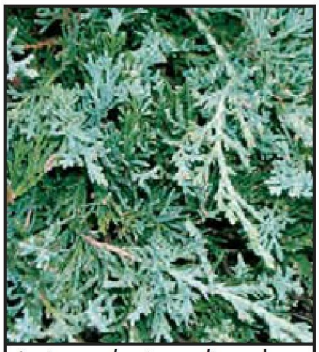
flower color varies; can spread easily; provides food for wildlife



Juniperus conferta and cvs.
Shore Juniper

N C	8-9	No
Slow	1-2⇧ 6-10⇨	
●●●●		S
		High
		H

flammable - in wildfire prone areas, plant minimum 30' from buildings; must be in full sun and well drained soils; used for dune stabilization; susceptible to diseases



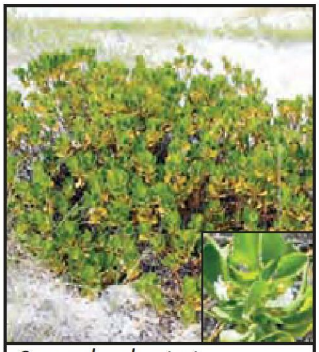
Juniperus horizontalis and cvs.
Creeping Juniper,
Horizontal Juniper

N C	8a-9a	No
	1/2-1⇧ 8-10⇨	
●●●●		Any
		High
		M

plants become thin in partial shade; does not tolerate water-logged conditions; susceptible to pests and diseases

Scientific / Common	*Lantana montevidensis* Trailing Lantana	*Liriope muscari* and cvs. Liriope, Monkey Grass, Lily Turf, Border Grass	*Mimosa strigillosa* Powderpuff, Sunshine Mimosa	*Nephrolepis biserrata* Giant Sword Fern
Reg/Native	C S 9-11 No	N C 8-9 No	N C S 8-11 Yes	C S 9-11 Yes
G, H, S	Fast 1-3⇧ 4-8⇨	1-2⇧ 1-2⇨	Fast 1/2-3/4⇧ 8-10⇨	1-4⇧ 1-4⇨
Soil pH, Txt	●●●● Any	●●●● Any	●●●○ Any	○●○○ C/L
Soil Mst, Drgt	Medium	Medium	Medium	Medium
Light/Best Salt	H	M	M	L-N
Wildlife				
	white/pink/lavender, summer through fall flowers; susceptible to pests and diseases	purple, summer flowers; forms a solid groundcover in a few years; variegated cultivar is damaged by frost; susceptible to pests	perennial; pink powderpuff flowers; FNGLA Plant of the Year	should not be confused with the exotic invasive fern *Nephrolepis cordifolia*; may spread beyond small gardens and become difficult to control; looks best in full shade

Scientific / Common	*Nephrolepis exaltata* Sword Fern	*Ophiopogon japonicus* and cvs. Mondo Grass, Dwarf Lilyturf, Dwarf Liriopoe	*Phyla nodiflora* Turkey Tangle Fogfruit, Capeweed	*Rumohra adiantiformis* Leatherleaf Fern, Seven Weeks Fern
Reg/Native	C S 9-11 Yes	N C S 8-11 No	N C S 8-11 Yes	C S 9b-11 No
G, H, S	1-4⇧ 1-4⇨	Slow 1/2-1⇧ 1/2-2⇨	1/2-1⇧ 8-10⇨	1-3⇧ 4-5⇨
Soil pH, Txt	○●○○ Any	○●●○ Any	●●●● Any	○●●○ Any
Soil Mst, Drgt	Medium	Medium	Medium	Medium
Light/Best Salt	L-N	M	L-N	L-N
Wildlife				
	should not be confused with the exotic invasive fern *Nephrolepis cordifolia*; may spread beyond small gardens and become difficult to control; looks best in full shade	white, summer flowers; dark green, grass-like mounds; tolerates some foot traffic	small, purplish-white flowers; may appear dormant in drought but comes back; occasional mowing improves appearance; excellent butterfly attractor; can become weedy; larval food plant	evergreen fern with triangular-shaped, dark glossy green leaflets



Scaevola plumieri
Inkberry

S	10-11	Yes
Slow	2-4⇧ 3-8⇨	
●●●●		S/L
💧		High
☀		H

small, pink/white, summer flowers; spreads by underground rhizomes; suited for coastal areas



Thelypteris kunthii
Southern Shield Fern

N C S	8-11	Yes
Fast	2-3⇧ 2-4⇨	
○●●●		Any
💧 💧		Medium
☀ ⛅ ☁		L-N

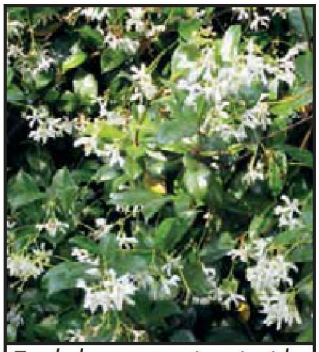
robust fern with graceful light green foliage; may spread beyond small gardens and become difficult to control



Trachelospermum asiaticum
Small-Leaf Confederate Jasmine, Asiatic Jasmine

N C S	8b-10	No
Fast	1-3⇧ 1-30⇨	
●●●●		Any
💧 💧		Medium
☀ ⛅		M

small, dark green glossy leaves, prominent light green veins; tolerates foot traffic; spreads aggressively; susceptible to pests, diseases and cold damage in low 20's



Trachelospermum jasminoides
Confederate Jasmine, Star Jasmine

N C S	8b-10	No
Fast	1-3⇧ 1-30⇨	
●●●●		Any
💧 💧		Medium
☀ ⛅ ☁		L-N
🐦		

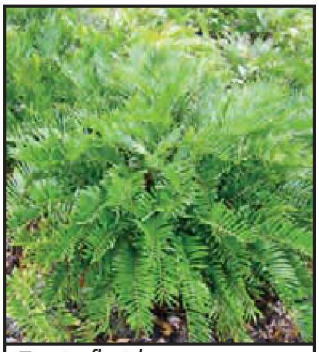
white, fragrant, showy, spring flowers; susceptible to diseases



Vinca major
Periwinkle

N C	8a-9	No
	1-2⇧ 1-5⇨	
○●●○		Any
💧 💧		Medium
☀ ⛅ ☁		L-N

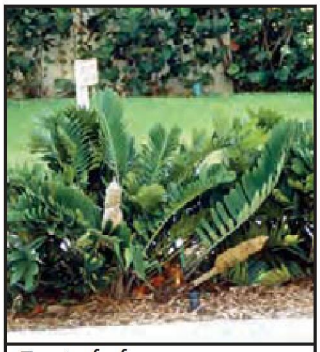
oval or heart-shaped dark green leaves; blue/purple/lavender, summer flowers; good for shaded, small gardens; does not tolerate hot, dry conditions



Zamia floridana
Coontie, Florida Arrowroot, Florida Zamia

N C S	8b-11	Yes
Slow	1-5⇧ 3-5⇨	
●●●●		Any
💧		High
☀ ⛅ ☁		H
🦋		

small palm-like perennial plant; Florida's only native cycad; sole larval food plant for atala butterfly; susceptible to pests and cold damage in the 20's



Zamia furfuracea
Cardboard Plant

C S	9b-11	No
Slow	2-5⇧ 5-8⇨	
●●●●		Any
💧		High
☀ ⛅ ☁		H

seeds and caudex poisonous; freezes in central Florida and can come back

Scientific / Common	*Andropogon* spp. Bluestem Grass	*Aristida stricta* var. *beyrichiana* Wiregrass	*Cymbopogon citratus* Lemongrass	*Chasmanthium latifolium* River Oats, Northern Sea Oats, Indian Wood-oats
Reg/Native	N C 8-9 Var.	N C S 8-11 Yes	S 10-11 No	N 8-9a Yes
G, H, S	Fast 3-10⇧ 3-7⇨	Fast 2-4⇧ 2-3⇨	Fast 4-6⇧ 4-6⇨	Fast 2-5⇧ 2-4⇨
Soil pH, Txt	●●●● Any	●●○○ S	●●●○ Any	●●○○ Any
Soil Mst, Drgt	💧💧 High	💧💧💧 High	💧💧 Medium	💧 Medium
Light/Best Salt	☀ H	☀⛅ L-N	☀⛅ U	☀⛅ L-N
Wildlife				🦋
	perennial bunch grass; species need vary; check with Extension office before making final selection; silver/white/pink, fall flowers	also known as *Aristida beyrichiana*; tan, year-round flowers; provides food and cover for wildlife; depends on regular summer burning to stimulate flowering and seed production	scented leaves remain green most of the year, turning dark red in fall and winter; dies to the ground in winter in North Florida	fall color; tan/bronze, summer through fall flowers; larval food plant for Gemmed Satyr butterfly

Scientific / Common	*Distichlis spicata* Salt Grass	*Eragrostis elliottii* Elliott's Lovegrass	*Eragrostis spectabilis* Purple Lovegrass	*Miscanthus sinensis* Zebra Grass, Eulalia Grass
Reg/Native	N C S 8-11 Yes	N C S 8-10 Yes	N C S 8-10 Yes	N C S 8-11 No
G, H, S	Slow 1-2⇧ 2-4⇨	Fast 1-3⇧ 1-3⇨	Fast 1-3⇧ 1-3⇨	1-9⇧ 3-5⇨
Soil pH, Txt	○●●● Any	●●●○ S/L	●●●○ S/L	●●●○ Any
Soil Mst, Drgt	💧 Low	💧💧 High	💧💧 High	💧💧 Medium
Light/Best Salt	☀ H	☀⛅ L-N	☀⛅ L-N	☀⛅ H
Wildlife				
	tough, scaly rhizomes and rigid stems; few seeds are produced; reproduction is mostly from rhizomes	tan, year-round flowers, especially in fall	small, red/purple, year-round flowers, especially in fall; grows best in hot, dry sites	dies to the ground in winter in North Florida; excellent specimen plant; susceptible to pests and disease



Muhlenbergia capillaris
Muhly Grass

N	C	S	8-11	Yes
			2-5⇧ 2-3⇨	
○	●	●	●	S
				High
				H

pink, fall flowers; tolerates extreme drought and flooding



Panicum virgatum and cvs.
Panic Grass

N	C	S	8-10	Yes
Fast			1-5⇧ 1-5⇨	
●	●	●	○	Any
				High
				H

tan, summer flowers



Paspalum quadrifarium
Evergreen Paspalum,
Crown Grass

N	C	S	8-10	No
Fast			3-4⇧ 3-4⇨	
●	●	●	●	S/L
				High
				H

tan, summer flowers; FNGLA Plant of the Year



Schizachyrium scoparium
Little Blue Stem Grass

N	C		8-9	Yes
			1-3⇧ 1-3⇨	
○	●	○	○	Any
				High
				U

medium-sized bunchgrass; lavender/blue stem; good for restoring damaged wildland recreation areas; provides food and cover for wildlife



Spartina spp.
Cordgrass

N	C		8-9	Var.
Fast			3-4⇧ 3-5⇨	
●	●	●	○	S
				High
				H

marsh grass; fine-textured, wire leaves form a fountain pattern; tan, summer flowers; species needs vary, choose based on site conditions; check with your local Extension office prior to species selection



Thysanolaena maxima
Tiger Grass

N	C	S	8-11	No
Fast			6-10⇧ 6-10⇨	
●	●	●	○	Any
				Medium
				M

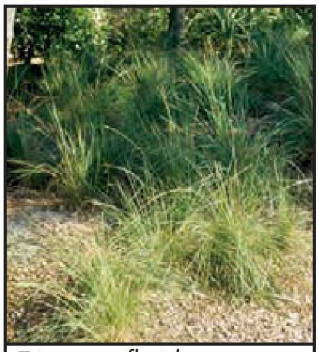
bamboo-like appearance; large, linear leaves



Tripsacum dactyloides and cvs.
Fakahatchee Grass,
Gamma Grass

N	C	S	8-11	Yes
			4-6⇧ 4-6⇨	
●	●	●	○	Any
				Medium
				M

cream/orange/red/yellow, spring through summer flowers; tolerates flooding and standing water; larval food plant for Byssus Skipper butterfly



Tripsacum floridana
Florida Gama Grass

N	C	S	8-11	Yes
			2-4⇧ 4-6⇨	
●	●	●	○	Any
				Medium
				M

yellow, spring through summer flowers; used to control erosion; good plant for detention ponds, swales and canal banks

Scientific / Common	*Acoelorrhaphe wrightii* Paurotis Palm, Saw Cabbage Palm	*Arenga engleri* Formosa Palm, Dwarf Sugar Palm	*Bismarckia nobilis* Bismarck Palm	*Butia capitata* Pindo Palm, Jelly Palm
Reg/Native	S 10-11 Yes	C S 9a-11 No	S 10a-11 No	N C S 8b-11 No
G, H, S	Slow 15-30⇧ 10-15⇨	Slow 8-10⇧ 12-16⇨	40-70⇧ 15-20⇨	Slow 15-25⇧ 10-15⇨
Soil pH, Txt	○ ● ● ○ Any	○ ● ● ○ Any	○ ● ● ○ Any	○ ● ● ○ Any
Soil Mst, Drgt	Medium	None	High	High
Light/Best Salt	M	L-N	M	M
Wildlife				
	yellow/white, spring flowers; forms dense clump so provide plenty of space; susceptible to manganese deficiency; tolerates occasionally wet soil	dark, olive-green leaves often twist, giving a slight spiraling appearance; red/orange/ green, spring flowers; red to deep purple fruit	stiff, waxy, blue- green fronds; white/cream flowers	edible fruit used for jelly; provides food for wildlife; looks best in full sun; white flowers; susceptible to pests; high wind resistance

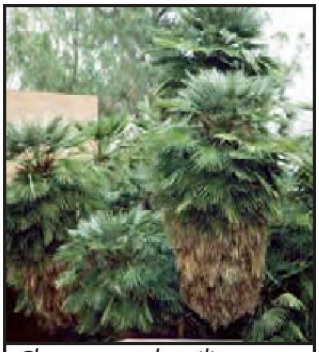
Scientific / Common	*Carpentaria acuminata* Carpentaria Palm	*Caryota mitis* Fishtail Palm	*Ceratozamia hildae* Bamboo Cycad	*Ceratozamia kuesteriana*
Reg/Native	S 10b-11 No	S 10b-11 No	N C S 8-11 No	N C S 8-11 No
G, H, S	Slow 35-40⇧ 8-10⇨	15-25⇧ 10-15⇨	Slow 5-7⇧ 3-5⇨	Slow 4-5⇧ 3-4⇨
Soil pH, Txt	○ ● ● ○ Any	● ● ● ● Any	○ ● ○ ○ Any	○ ● ○ ○ Any
Soil Mst, Drgt	Medium	Medium	High	High
Light/Best Salt	L-N	U	L-N	L-N
Wildlife				
	white/cream, spring through fall flowers; tolerates occasionally wet soil; can cause skin irritation	multi-stemmed clumps; light green leaflets shaped like fish's tail fin; caution - may be invasive in South Florida	sharp thorns, plant away from sidewalks	emergent growth on some forms has a reddish color



Chamaedorea spp.
Chamaedorea, Bamboo Palm, Miniature Fishtail Palm

N C S	variable	No
Fast	1-20⇧ 2-8⇨	
○ ● ● ○		Any
		Medium
		L-N

species needs vary, choose based on conditions; cream, spring through summer flowers; good container plant; potential skin irritant



Chamaerops humilis
European Fan Palm

N C S	8-11	No
Slow	5-15⇧ 6-15⇨	
○ ● ● ○		Any
		High
		M

clumping palm; yellow, summer flowers; susceptible to pests; very cold-hardy; petioles with sharp teeth



Chrysalidocarpus lutescens
Yellow Butterfly Palm

S	10a-11	No
	15-25⇧ 6-10⇨	
○ ● ● ○		Any
		High
		M

also known as *Dypsis lutescens*; tolerates occasionally wet soil; high wind resistance; susceptible to pest and K deficiency



Coccothrinax argentata
Silver Palm

S	10b-11	Yes
Fast	3-15⇧ 6-7⇨	
● ● ● ●		Any
		High
		H

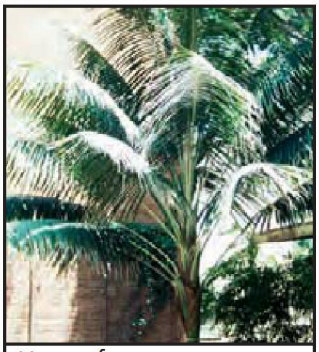
distinctive, dark, blue-green, drooping, deeply divided palmate leaves; white, summer flowers; Key Deer food source; high wind resistance



Dioon edule
Dioon, Chamal, Mexican Sago

N C S	8-11	No
Slow	1-8⇧ 4-6⇨	
● ● ● ●		Any
		High
		M

leaflets very sharp; can tolerate adverse conditions for periods; susceptible to pests



Howea forsterana
Kentia Palm, Sentry Palm

S	10-11	No
	15-25⇧ 6-10⇨	
○ ● ● ○		S/L
		Medium
		L-N

white, summer flowers; susceptible to diseases



Licuala grandis
Ruffled Fan Palm, Vanuatu Fan Palm, Licuala Palm

S	10b-11	No
Slow	6-12⇧ 3-6⇨	
○ ● ● ○		S/L
		Medium
		L-N

white, year-round flowers



Livistona spp.
Chinese Fan Palm

C S	9-11	No
	20-50⇧ 8-15⇨	
○ ● ● ○		S/L
		High
		M

flowers vary; stately palm with single trunk; susceptible to scales; caution - *L. chinensis* may be invasive in Central and South Florida

Scientific / Common	*Nolina recurvata* Ponytail Palm	*Phoenix* spp. except *Phoenix reclinata* Date Palms	*Pseudophoenix sargentii* Buccaneer Palm, Sargent's Palm	*Ptychosperma elegans* Alexander Palm, Solitary Palm, Solitaire Palm
Reg/Native	S 10a-11 No	N C S 8-11 No	S 10a-11 Yes	S 10a-11 No
G, H, S	Slow 10-15⇧ 12-18⇨	Slow 6-80⇧ 6-25⇨	Slow 10-40⇧ 10-20⇨	Slow 15-25⇧ 6-10⇨
Soil pH, Txt	●●●● Any	○●●○ S/L	●●●● Any	○●●○ S/L
Soil Mst, Drgt	High	High	High	High
Light/Best Salt	M	M	M	L-N
Wildlife				
	unique plume of long leaves atop a single trunk with a bulb-like base; susceptible to pests and diseases	yellow, summer flowers; *Phoenix canariensis*, *Phoenix dactylifera* and *Phoenix roebelinii* have high wind resistance; provides food for wildlife	yellow, summer flowers; produces grape-sized red fruit; endangered in Florida	white, summer flowers; resistant to lethal yellowing; high wind resistance; caution - may be invasive in South and Central Florida

Scientific / Common	*Ptychosperma macarthuri* Macarthur Palm	*Ravenea rivularis* Majesty Palm	*Rhapidophyllum hystrix* Needle Palm	*Rhapis excelsa* Lady Palm
Reg/Native	S 10b-11 No	S 10a-11 No	N C S 8-11 Yes	C S 9-11 No
G, H, S	15-25⇧ 6-10⇨	50-80⇧ 10-15⇨	Fast 6-8⇧ 5-10⇨	Slow 7-14⇧ 10-15⇨
Soil pH, Txt	○●●○ S/L	○●●○ C/L	○●●○ S/L	○●●○ S/L
Soil Mst, Drgt	None	High	Medium	Medium
Light/Best Salt	L-N	M	L-N	L-N
Wildlife				
	noted for multiple, slim, ringed grey trunks; soft green, feathery, flat, broad leaves; branched flower stalks with white, summer flowers; bright red, showy sprays of fruit	feather-leafed with symmetrical, smooth, flared trunk; creamy white, summer flowers	red, summer flowers; yellowish fruit provides food for wildlife	forms clumps of bamboo-like stalks topped with very dark green fan-shaped leaves; susceptible to pests and disease



Rhapis humilis
Slender Lady Palm

C S	9b-11	No
	5-7⇧ 6-10⇨	
○ ● ● ○		S/L
		Medium
		M

slender stems; drooping leaf segments; forms densely packed clumps; susceptible to pests



Roystonea regia
Royal Palm

S	10a-11	Yes
	50-80⇧ 15-25⇨	
● ● ● ○		Any
		Medium
		M

tall, smooth, cement gray trunk; beautiful, broad, dense crown of soft, gently drooping, feathery fronds; fragrant, yellow, summer flowers; high wind resistance



Sabal etonia
Scrub Palmetto

C S	9-11	Yes
Slow	4-6⇧ 4-6⇨	
● ● ● ●		S/L
		High
		M

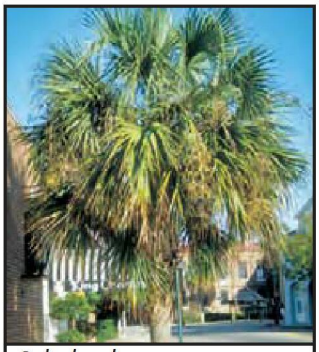
small, white, spring through summer flowers; small, black berries in summer through fall provide food for wildlife; long-lived; difficult to transplant



Sabal minor
Dwarf Palmetto,
Blue-stem Palmetto

N C S	8-10	Yes
Slow	4-9⇧ 4-8⇨	
● ● ● ●		Any
		High
		M

blueish green, fan shaped leaves; small, white flowers; black berries provides food for wildlife in fall; difficult to transplant; good understory plant; prefers moist soils but tolerates drier conditions after establishment



Sabal palmetto
Cabbage Palm, Sabal Palm,
Cabbage Palmetto

N C S	8b-11	Yes
Slow	25-60⇧ 10-15⇨	
● ● ● ●		Any
		High
		H

Florida state tree; white, summer flowers; susceptible to some pests and disease; high wind resistance; older palms transplant easily; provides food and cover for wildlife



Serenoa repens
Saw Palmetto

N C S	8-11	Yes
Slow	3-10⇧ 4-10⇨	
● ● ● ●		Any
		High
		H

flammable - in wildfire prone areas, plant minimum 30' from buildings; yellow/white, spring flowers; difficult to transplant; grows on first dune; round black fruits provide food for wildlife



Thrinax morrisii
Brittle Thatch Palm,
Key Thatch Palm

S	10b-11	Yes
Slow	15-20⇧ 6-10⇨	
● ● ● ●		Any
		High
		H

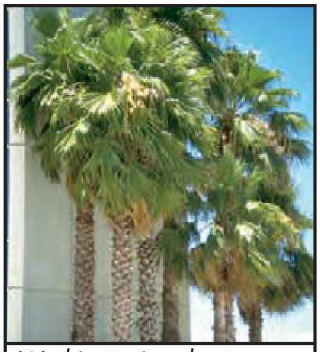
green and silver fronds; small, white, summer flowers; tolerates occasionally wet soil; high wind resistance

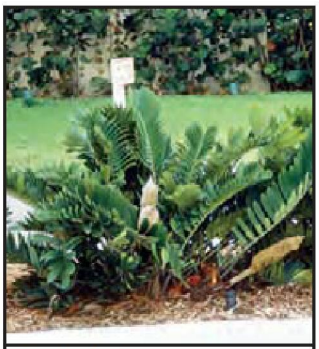


Thrinax radiata
Florida Thatch Palm

S	10b-11	Yes
Slow	15-25⇧ 6-10⇨	
● ● ● ●		S
		High
		H

white; summer flowers; good palm for many landscapes due to small size; high wind resistance

				
Scientific **Common**	*Trachycarpus fortunei* Windmill Palm	*Washingtonia robusta* Washington Palm	*Wodyetia bifurcata* Foxtail Palm	*Zamia floridana* Coontie, Florida Arrowroot, Florida Zamia
Reg/Native	N C S 8-11 No	N C 9a-11 No	S 10-11 No	N C S 8b-11 Yes
G, H, S	10-25⇧ 6-10⇨	60-90⇧ 10-15⇨	Slow 20-30⇧ 8-20⇨	Fast 1-5⇧ 3-5⇨
Soil pH, Txt	●●●● Any	●●●● Any	○●●○ Any	●●●● Any
Soil Mst, Drgt	Medium	High	Medium	High
Light/Best Salt	M	M	M	H
Wildlife				
	dense, brown, hair-like fibers that resemble burlap wrapping; 3-foot wide, fan-shaped fronds; inconspicuous, fragrant, summer flowers; good palm for shaded landscapes; tolerates occasional sun; susceptible to pests and disease	too tall for most home landscapes; caution – may be invasive in South Florida	pale green, arching fronds with leaflets radiating from leaf stem, giving appearance of bottlebrush or foxtail; white, spring flowers; colorful clusters of red to orange/red fruit	small palm-like perennial plant; Florida's only native cycad; sole larval food plant for atala hairstreak butterfly; susceptible to pests and cold damage in the 20's

	
Scientific **Common**	*Zamia furfuracea* Cardboard Plant
Reg/Native	C S 9b-11 No
G, H, S	Slow 2-5⇧ 5-8⇨
Soil pH, Txt	●●●● Any
Soil Mst, Drgt	High
Light/Best Salt	H
Wildlife	
	seeds and caudex poisonous; freezes in central Florida and can come back



Acrostichum danaeifolium
Leather Fern

C S	9-11	Yes
	8-10⇧ 8-10⇨	
●●●○		Any
💧 💧		Low
☀ ⛅ ☁		M

large fern; good for wet sites in shaded landscape; prolonged sunlight, especially in the summer, can burn foliage



Adiantum capillus-veneris
Southern Maidenhair Fern, Venus' Hair Fern

S	10-11	Yes
Slow	2-3⇧ 2-3⇨	
○●○○		Any
💧 💧		Low
⛅ ☁		L-N

fine-textured, delicate, fern with light grey-green, soft foliage; tolerates occasionally wet soil



Blechnum serrulatum
Swamp Fern, Toothed Midsorus Fern, Saw Fern

N C S	8-11	Yes
	1-6⇧ 2-6⇨	
●●○○		Any
💧		Low
☀ ⛅		L-N

hardy fern; forms underground stems, persisting for many years, and spreads widely (forms dense clumps); grows in full sun if in moist conditions



Cyrtomium falcatum
Holly Fern

N C S	8b-11	No
	2-3⇧ 3-4⇨	
○●●○		Any
💧 💧		Medium
☀ ⛅ ☁		L-N

evergreen fern; good low-maintenance groundcover; susceptible to pests



Dicksonia antarctica
Tasmanian Tree Fern, Australian Tree Fern

C S	9-11	No
Slow	20-50⇧ 6-20⇨	
●●○○		S/L
💧		Low
⛅		L-N

does not tolerate prolonged freezing or direct sun



Didymochlaena truncatula
Mahogany Fern, Tree Maidenhair Fern

S	10	No
Slow	3-4⇧ 4-6⇨	
●●○○		Loam
💧 💧		Low
⛅ ☁		U

requires moist soil; do not let dry out between waterings



Dryopteris spp.
Autumn Fern

N C S	8-11	Var.
Slow	1-4⇧ 1-4⇨	
●●○○		Any
💧		Medium
⛅ ☁		L-N

dark green fern with delicate appearance; fronds appear reddish when young; choose species based on growing conditions



Nephrolepis biserrata
Giant Sword Fern

C S	9-11	Yes
	1-4⇧ 1-4⇨	
○●○○		C/L
💧		Medium
⛅ ☁		L-N

should not be confused with the exotic invasive fern *Nephrolepis cordifolia*; may spread beyond small gardens and become difficult to control; looks best in full shade

Scientific / Common	*Nephrolepis exaltata* Sword Fern	*Osmunda cinnamomea* Cinnamon Fern	*Osmunda regalis* Royal Fern	*Pteridium aquilinum* Bracken Fern
Reg/Native	C S 9-11 Yes	N C S 8-10 Yes	N C S 8-10 Yes	N C S 8-11 Yes
G, H, S	1-4⇧ 1-4⇨	Slow 2-5⇧ 3-4⇨	6-7⇧ 6-7⇨	3-6⇧ 2-3⇨
Soil pH, Txt	○ ● ○ ○ C/L	● ● ○ ○ C/L	● ● ○ ○ Loam	● ● ● ○ S/L
Soil Mst, Drgt	Medium	Low	Low	Medium
Light/Best Salt	L-N	L-N	L-N	L-N
Wildlife				
	should not be confused with the exotic invasive fern *Nephrolepis cordifolia*; may spread beyond small gardens and become difficult to control; looks best in full shade	deciduous, shrub-like fern; good plant for detention ponds, swales and canal banks	requires night temperature of 45° F to stay green; susceptible to pests; may be less attractive during winter dormancy	fronds triangular in outline

Scientific / Common	*Rumohra adiantiformis* Leatherleaf Fern, Seven Weeks Fern	*Sphaeropteris cooperi* Australian Tree Fern	*Thelypteris kunthii* Southern Shield Fern
Reg/Native	C S 9b-11 No	S 10b-11 No	N C S 8-11 Yes
G, H, S	1-3⇧ 4-5⇨	Slow 12-18⇧ 8-15⇨	Fast 2-3⇧ 2-4⇨
Soil pH, Txt	○ ● ● ○ Any	○ ● ● ○ S/L	○ ● ● ● Any
Soil Mst, Drgt	Medium	Low	Medium
Light/Best Salt	L-N	L-N	L-N
Wildlife			
	evergreen fern with triangular-shaped, dark glossy green leaflets	also known as *Alsophila cooperi*; single-trunked, giant fern	robust fern with graceful light green foliage; may spread beyond small gardens and become difficult to control



Acalypha reptans
Dwarf Chenille Plant

S	10-11	No
Slow	to 1⇧	varies⇨
●●●○		C/L
💧		Medium
☀ ⛅		U

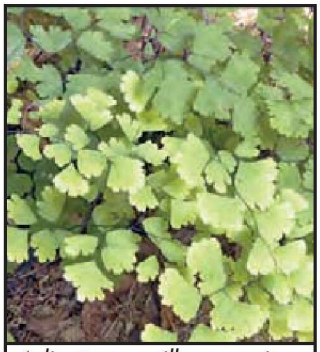
fine-textured, ground-hugging; forms a thick canopy of tiny, serrated leaves with bright red flowers



Acrostichum danaeifolium
Leather Fern

C S	9-11	Yes
	8-10⇧	8-10⇨
●●●○		Any
💧💧		Low
☀ ⛅ ☁		M

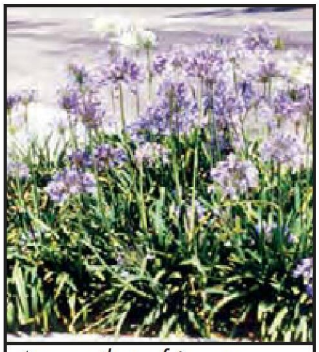
large fern; good for wet sites in shaded landscape; prolonged sunlight, especially in the summer, can burn foliage



Adiantum capillus-veneris
Southern Maidenhair Fern,
Venus' Hair Fern

S	10-11	Yes
Slow	2-3⇧	2-3⇨
○●○○		Any
💧💧		Low
⛅ ☁		L-N

fine-textured, delicate, fern with light grey-green, soft foliage; tolerates occasionally wet soil



Agapanthus africanus
Lily of the Nile,
African Lily

N C S	8-10	No
Fast	2⇧	2⇨
○●●○		S
💧		Medium
☀ ⛅		M

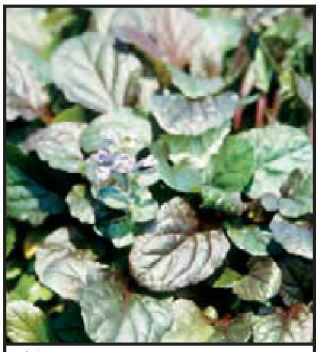
purple/white, summer flowers; deciduous



Agave spp.
Century Plant,
Agave

N C S	8-11	Var.
Slow	6⇧	4-6⇨
○●●○		S
💧		High
☀		H

dramatic foliage and form; evergreen, silver/gray to blue-green foliage; showy, green-brown fruit; sharp spines; choose species adapted to climate



Ajuga reptans
Bugleweed,
Carpet Bugleweed

N C	8-9a	No
Fast	1/2-1⇧	1-2⇨
○●●○		Any
💧		Medium
☀ ⛅ ☁		L-N

purple/blue, spring through summer flowers; spreads quickly; many cultivars; susceptible to disease



Aloe spp.
Aloe

N C S	variable	No
	varies⇧	varies⇨
○●●●		Any
💧		High
☀ ⛅		H

species needs vary, choose based on conditions; flowers vary; injured by frost in extreme North Florida; susceptible to caterpillars; size of plant depends on species selection



Alpinia spp.
Shell Ginger,
Shell Flower

N C S	8-11	No
Fast	6-12⇧	3-5⇨
○●●○		S/C
💧💧		Low
☀ ⛅		M

green and yellow variegated leaves; white, fragrant flowers borne in drooping clusters; will not flower if freezes back

Scientific / Common	*Amorphophallus* spp. Voodoo Lily, Snake Lily	*Angelonia angustifolia* Angelonia	*Asclepias* spp. Milkweed, Butterfly Weed	*Asimina* spp. Pawpaw
Reg/Native	N C S 9-11 No	N C S 9-11 No	N C S 8-10 Var.	N C S 8-10 Var.
G, H, S	6⇧ varies⇨	Fast 1-3⇧ 1-3⇨	Fast 2-5⇧ 1-4⇨	15-20⇧ 15-20⇨
Soil pH, Txt	○ ● ● ○ Any	○ ● ● ○ Any	○ ● ● ○ Any	○ ● ○ ○ S
Soil Mst, Drgt	Medium	Medium	Medium	Medium
Light/Best Salt	L-N	U	L-N	L-N
Wildlife				
	grows very slowly in North Florida; flowers vary, have a foul odor; size of plant depends on species selection	white and/or blue, summer flowers; can be grown as an annual but survives winters in zones 9 and 10	species needs vary, choose based on conditions; red/yellow flowers; self-seeds each year; sap may irritate; susceptible to pests and diseases; provides food for butterflies	deciduous; species needs vary, choose based on conditions; oval, edible fruits with a sweet, rich taste, ripen to a brown/black, wrinkled texture; flowers vary; provides food for zebra swallowtail butterfly

Scientific / Common	*Aspidistra elatior* Cast Iron Plant, Barroom Plant	*Begonia Xsemperflorens-cultorum* Wax Begonia	*Belamcanda chinensis* Blackberry Lily	*Blechnum serrulatum* Swamp Fern, Toothed Midsorus Fern, Saw Fern
Reg/Native	N C S 8b-11 No	N C S 8-11 No	N C S 8-10a No	N C S 8-11 Yes
G, H, S	Slow 1-3⇧ 1-3⇨	Slow ½-1⇧ ½-1⇨	Fast 1-2⇧ 2-4⇨	1-6⇧ 2-6⇨
Soil pH, Txt	○ ● ● ○ Any	○ ● ● ○ Any	○ ● ● ○ Any	● ● ○ ○ Any
Soil Mst, Drgt	Medium	Low	Medium	Low
Light/Best Salt	L-N	L-N	M	L-N
Wildlife				
	dark, green foliage with glossy, coarse-texture; brown flowers; tolerates deep shade better than most plants	flowers vary; annual in North and Central regions; susceptible to pests and diseases	yellow, spring through fall flowers	hardy fern; forms underground stems, persisting for many years, and spreads widely (forms dense clumps); grows in full sun if in moist conditions



Bromeliaceae genera
Bromeliads, Airplants

N C S	8-11	Var.
Slow	1-2⇧ 1-2⇨	
○ ● ● ○		S
		High
		L-N

flowers, light, region vary; choose species for climate; don't exchange bromeliads from areas with Mexican bromeliad weevil; air circulation prevents scale/mealybugs; cold/ overwatering causes crown rot



Bulbine frutescens
Bulbine

C S	9-11	No
	1-2⇧ 1-2⇨	
● ● ● ●		Any
		Medium
		U

orange/yellow, spring through summer flowers; clumping; best used as groundcover or container plant



Caladium Xhortulanum
Caladium

N C S	8-11	No
Fast	1-2⇧ 1-2⇨	
○ ● ● ○		Any
		Medium
		L-N

good container plant; attractive foliage (red/rose/pink/white/ silver/bronze/green); leaves die back in the fall; goes dormant; susceptible to pests and diseases



Canna spp.
Canna Lily

N C S	8-11	Var.
Fast	2-6⇧ 1-3⇨	
● ● ● ○		Any
		Medium
		L-N

many cultivars; attractive foliage; summer flowers vary



Catharanthus roseus
Periwinkle, Madagascar Periwinkle, Vinca

C S	9b-11	No
	1-2⇧ 1-2⇨	
○ ● ● ○		Any
		High
		M

white/pink/purple, year-round flowers; watch for micronutrient deficiencies/disease with too much moisture; caution - may be invasive in South Florida



Conradina spp.
False Rosemary, Scrub Mints, Beach Rosemary

N C	8-9	Yes
Fast	1-3⇧ 1-3⇨	
○ ● ● ○		Any
		High
		H

blue, year-round flowers; used in beach landscaping



Coreopsis spp.
Tickseed, Coreopsis

N C S	8a-10b	Var.
Fast	1-4⇧ 1-3⇨	
● ● ○ ○		Any
		High
		M

Florida's state wildflower; orange/yellow, summer flowers; may be annual or short-lived perennial, depending on species



Costus spp.
Spiral Ginger

N C S	8-11	No
Fast	6-10⇧ 4-8⇨	
○ ● ● ○		Any
		Low
		L-N

white, fragrant, summer through fall flowers





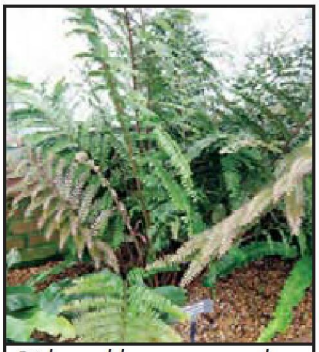




Scientific / Common	*Crinum* spp. Crinum Lily	*Crossandra* spp. Firecracker Flower	*Cuphea hyssopifolia* Mexican Heather, False Heather	*Curcuma* spp. Curcuma, Hidden Lily
Reg/Native	N C S 8b-11 Var.	S 10 No	N C S 8b-11 No	N C S 8b-11 No
G, H, S	3-6⇧ 3-6⇨	Fast 1/2-4⇧ 1-3⇨	1-2⇧ 2-3⇨	Fast 1-6⇧ 1-4⇨
Soil pH, Txt	○ ● ● ○ Any	○ ● ● ○ S/L	○ ● ● ○ Any	○ ● ● ○ Any
Soil Mst, Drgt	Medium	Medium	High	Medium
Light/Best Salt	M	L-N	M	L-N
Wildlife				
	many cultivars; fragrant, spidery, year-round flowers vary; poisonous; susceptible to pests and diseases	species needs vary, choose based on conditions; flowers vary; can be used as annual in North and Central region	purple/white/pink, year-round flowers; susceptible to pests, diseases, and freezes	pink/yellow, spring flowers









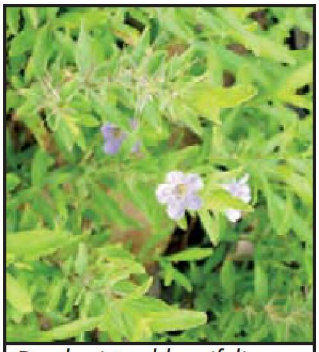
Scientific / Common	*Dianella* spp. Flax Lily	*Dicksonia antarctica* Tasmanian Tree Fern, Australian Tree Fern	*Didymochlaena truncatula* Mahogany Fern, Tree Maidenhair Fern	*Dietes iridoides* African Iris, Butterfly Iris
Reg/Native	N C S 8-11 Var.	C S 9-11 No	S 10 No	N C S 8b-11 No
G, H, S	Fast 1-2⇧ 1-2⇨	Slow to 50⇧ 6-20⇨	Slow 3-4⇧ 4-6⇨	Slow 2-6⇧ 1-2⇨
Soil pH, Txt	● ● ● ○ Any	● ● ○ ○ S/L	● ● ○ ○ Loam	○ ● ● ○ Any
Soil Mst, Drgt	High	Low	Low	Medium
Light/Best Salt	U	L-N	U	L-N
Wildlife				
	blue/yellow flowers; strappy leaves	does not tolerate prolonged freezing or direct sun	requires moist soil; do not let dry out between waterings	also known as *Moraea iridoides* and *Moraea vegeta*, previously *Dietes vegata*; 1-2" white/yellow/blue, spring through summer flowers



Dryopteris spp.
Autumn Fern

N C S	8-11	Var.
Slow	1-4⇧ 1-4⇨	
● ● ○ ○		Any
		Medium
		L-N

dark green fern with delicate appearance; fronds appear reddish when young; choose species based on growing conditions



Dyschoriste oblongifolia
Twin Flower,
Oblongleaf Snakeherb

N C S	8-11	Yes
Fast	1/2-1⇧ 1-1 1/2⇨	
○ ● ● ○		Any
		High
		L-N

lavender, year-round flowers; commonly used as groundcover



Echinacea purpurea
Purple Coneflower

N C S	8-10	Yes
	1-3⇧ 2-3⇨	
○ ● ● ●		C/L
		High
		L-N

purple, spring through summer flowers; tolerates occasionally wet soil



Euryops spp.
Bush Daisy

N C S	variable	No
	3-6⇧ 3-6⇨	
○ ● ● ○		Any
		High
		M

species needs vary, choose based on conditions; reseeds readily; resprouts from base in spring; flowers vary



Evolvulus glomeratus
Blue Daze

C S	9-11	No
	1/2-1⇧ 1-2⇨	
○ ● ● ○		Any
		Medium
		H

creates grey/green carpet-like cover accented with sky blue, spring through summer flowers



Flaveria linearis
Yellowtop

S	10a-11	Yes
Fast	2-4⇧ 2-4⇨	
● ● ● ●		Any
		High
		M

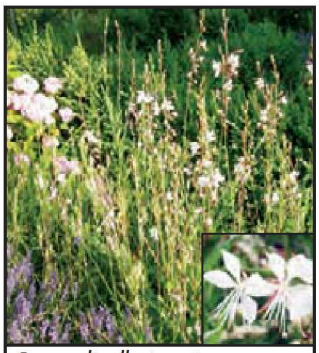
showy clusters of yellow disk shaped, year-round flowers; grows in soils with poor nutrient content; provides food for butterflies



Gaillardia pulchella
Blanket Flower

N C S	8a-11	Yes
Fast	1-2⇧ 2-3⇨	
○ ● ● ○		S/L
		High
		M

yellow/orange/red, summer flowers; rounded clumps of soft, hairy, divided leaves



Gaura lindheimeri
White Gaura, Whirling Butterflies, Lindheimer's Beeblossom

N C	8-9	No
	1-3⇧ 2-3⇨	
○ ● ● ○		Any
		High
		L-N

fine-textured, vase-shaped; pink/white, spring through fall flowers on wand-like stalks

Scientific / Common	*Gazania* spp. Gazania, Treasure Flower	*Gloriosa* spp. Gloriosa Lily	*Haemanthus multiflorus* Blood Lily	*Hedychium* spp., hybrids and cvs. Butterfly Lily, Butterfly Ginger
Reg/Native	N C S 8b-11 No	N C S 8-10 No	N C S 8-11 No	N C S 8b-11 No
G, H, S	1/2-1⇧ 1-2⇨	Fast 2-8⇧ 2-8⇨	Slow 1 1/2⇧ 1⇨	Fast 4-8⇧ 2-4⇨
Soil pH, Txt	○ ● ● ○ Any	○ ● ● ○ S/C	○ ● ● ○ S/L	○ ● ● ○ S/L
Soil Mst, Drgt	High	Medium	Medium	Low
Light/Best Salt	M	U	U	M
Wildlife				
	yellow/orange/red, summer flowers; roots may rot from overwatering	crimson/yellow-orange, spring through summer flowers; grows well on trellises	also known as *Scadoxus multiflorus*; red, summer flowers	white/yellow/red, spring flowers; thrives in boggy soils

Scientific / Common	*Helianthus angustifolius* Swamp Sunflower, Narrowleaf Sunflower	*Helianthus debilis* Beach Sunflower	*Heliconia* spp. Heliconia	*Heliotropium angiospermum* Scorpion Tail
Reg/Native	N C S 8b-10 Yes	N C S 8b-11 Yes	S 10b-11 No	N C S 8-11 Yes
G, H, S	Fast 2-4⇧ 2-4⇨	Fast 1-4⇧ 2-4⇨	Fast 2-15⇧ 3-6⇨	1-2⇧ 1-2⇨
Soil pH, Txt	● ● ● ○ Any	● ● ● ○ S/L	● ● ● ● Any	● ● ● ● Any
Soil Mst, Drgt	Medium	High	None	High
Light/Best Salt	H	H	L-N	L-N
Wildlife				
	perennial, yellow/brown, fall flowers	perennial; yellow/purple, year-round flowers; good groundcover for beaches and dune stabilization; develops fungus if planted in wet areas	year-round flowers vary	evergreen; white, year-round flowers; seedlings volunteer readily



Hemerocallis spp.
Daylily

N C S	8-10	No
Fast	1-3⇧ 1-2⇨	
● ● ● ○		Any
		Medium
		H

many cultivars; summer flowers vary; susceptible to diseases



Hippeastrum spp.
and hybrids
Amaryllis

N C S	8-10	No
	1-3⇧ 1-3⇨	
○ ● ● ○		Any
		Medium
		L-N

large red/white, spring flowers in clusters of two to five; semi-evergreen



Hymenocallis spp.
Spider Lily

N C S	8-11	Var.
Fast	1-3⇧ 3-5⇨	
● ● ● ○		Any
		High
		H

region depends on species - choose species adapted to your area; white/yellow, spring through fall flowers



Impatiens spp.
Impatiens

N C S	8-11	No
	½-1⇧ 1⇨	
○ ● ● ○		Any
		High
		L-N

annual with brilliantly marked foliage and ability to tolerate great amounts of sun; flowers vary



Iris hexagona
Louisiana Iris,
Blue Flag Iris

N C S	8-10	No
	2-5⇧ ½⇨	
● ● ○ ○		S/L
		Low
		L-N

purple, spring flowers; flowers best in full sun; good for rain gardens



Iris virginica
Virginia Iris,
Blue Flag Iris

N C S	8b-11	Yes
	4-7⇧ 1-3⇨	
● ● ○ ○		Any
		Medium
		L-N

textured, light-green foliage emerging in dense clumps; lavender, spring flowers; good for rain gardens



Justicia brandegeana
Shrimp Plant

N C S	8b-11	No
Fast	2-6⇧ 2-4⇨	
● ● ● ○		Any
		Medium
		L-N

white, summer flowers; susceptible to pests and freezes



Justicia carnea
Jacobinia,
Flamingo Plant

N C S	8b-11	No
Slow	3-6⇧ 2-3⇨	
● ● ● ○		Any
		Low
		L-N

evergreen; summer through fall flowers vary; susceptible to pests, diseases, and freezes

Scientific / Common	Reg/Native	G, H, S	Soil pH, Txt	Soil Mst, Drgt	Light/Best Salt	Wildlife	
 *Justicia spicigera* Orange Plum	S 10b-11 No	Fast 5⇧ 3-5⇨	●●●● Any	Low	L-N		orange; summer flowers
 *Kaempferia* spp. Peacock Ginger	N C S 8-10 No	Fast 2⇧ 1-4⇨	○●●○ C/L	Medium	L-N		intricate foliage patterns in colors of burgundy and bronze; small, four-petaled, violet to purple flowers
 *Kalanchoe blossfeldiana* Kalanchoe, Madagascar Widow's Thrill	S 10-11 No	Slow ½-1⇧ ½-1⇨	○●●○ S/L	High	M		succulent; dark green with scallop edged leaves; pink/red/yellow, winter through spring flowers
 *Lantana involucrata* Wild Sage, Buttonsage	C S 9-11 Yes	Fast 2-5⇧ 1-5⇨	●●●○ S/L	Medium	H		white, year-round flowers
 *Leonotis leonurus* Lion's Ear	C S 9-11 No	Fast 4-5⇧ 2-3⇨	○●●○ Any	High	H		orange/red, summer through winter flowers
 *Liatris* spp. Blazing Star	N C S 8-10b Var.	3⇧ ½-1⇨	○●●○ Any	Medium	L-N		lavender/pink/white, summer through fall flowers
 *Liriope muscari* and cvs. Liriope, Monkey Grass, Lily Turf, Border Grass	N C 8-9 No	½-1⇧ 1-2⇨	●●●● Any	Medium	M		purple, summer flowers; forms a solid groundcover in a few years; variegated cultivar is damaged by frost; susceptible to pests
 *Lycoris* spp. Hurricane Lily	N C 8-9 No	1½⇧ 1⇨	○●●○ Any	Medium	L-N		flower after heavy summer rains; yellow/red/pink, early fall flowers



Musa spp.
Banana

C S	9b-11	No
Fast	7-30⇧ 10-15⇨	
●●●●	Any	
	Low	
	L-N	

edible fruit; showy purple or orange flowers; needs regular watering; susceptible to disease, pests, and frost



Neomarica gracilis
Walking Iris

N C S	8b-11	No
	2-3⇧ 2-3⇨	
○●●○	Any	
	Low	
	L-N	

clumping herbaceous perennial; white/blue, spring through fall flowers



Odontonema strictum
Firespike

N C S	8b-11	No
	2-6⇧ 2-3⇨	
○●●○	S/L	
	Medium	
	L-N	

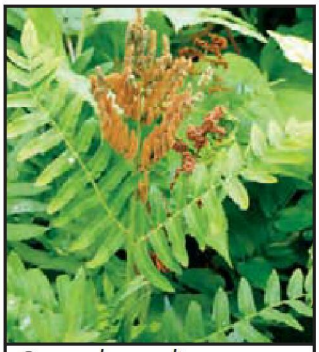
herbaceous perennial; red, fall through winter flowers



Osmunda cinnamomea
Cinnamon Fern

N C S	8-10	Yes
Slow	2-5⇧ 3-4⇨	
●●○○	C/L	
	Low	
	L-N	

deciduous, shrub-like fern; good plant for retention ponds, swales and canal banks



Osmunda regalis
Royal Fern

N C S	8-10	Yes
	6-7⇧ 6-7⇨	
●●○○	Loam	
	Low	
	L-N	

requires night temperature of 45° F to stay green; susceptible to pests; may be less attractive during winter dormancy



Pachystachys lutea
Golden Shrimp Plant

C S	9b-11	No
	2-3⇧ 2-3⇨	
○●●○	Any	
	Low	
	L-N	

yellow, spring through fall flowers



Pentas lanceolata
Pentas, Starflower

N C S	8b-11	No
Fast	2-4⇧ 2-3⇨	
○●●○	Any	
	Medium	
	M	

many cultivars; red/pink/white/lilac, summer flowers; susceptible to freeze damage



Philodendron spp. and cvs.
Philodendron

C S	8b-11	No
Fast	1-12⇧ 2-15⇨	
○●●○	Any	
	Medium	
	L-N	

select species based on site conditions; check with your local Extension office before final species selection

Scientific / Common	*Phlox divaricata* Blue Phlox	*Plectranthus* spp. Plectranthus	*Plumbago auriculata* cvs. Plumbago	*Pteridium aquilinum* Bracken Fern
Reg/Native	N C S 8-11 No	N C S 8-11 No	C S 9-11 No	N C S 8-11 Yes
G, H, S	Fast 1-3⇧ 1-3⇨	Fast 1-5⇧ 1-4⇨	Fast 6-10⇧ 8-10⇨	3-6⇧ 2-3⇨
Soil pH, Txt	●●●○ Any	○●●○ S/L	●●●○ Any	●●●○ S/L
Soil Mst, Drgt	Medium	Medium	Medium	Medium
Light/Best Salt	L-N	L-N	L-N	L-N
Wildlife				
	purple, summer flowers	flowers vary; 'Mona Lavender' was FNGLA Plant of the Year in 2004	blue/white, year-round flowers; susceptible to pests and freezes	fronds triangular in outline

Scientific / Common	*Rudbeckia fulgida* Rudbeckia	*Rudbeckia hirta* Black-Eyed Susan	*Salvia* spp. Salvia, Sage	*Sisyrinchium angustifolium* Blue-eyed Grass
Reg/Native	N C 8-9 Yes	N C 8-9 Yes	N C S 8a-11 Var.	N C S 8-11 Yes
G, H, S	Fast 3⇧ 3⇨	2-3⇧ 1-2⇨	Fast 1-8⇧ 1-10⇨	Fast ½-1½⇧ ½-1½⇨
Soil pH, Txt	○●●○ S/L	○●●○ Any	○●●○ S	●●●○ Any
Soil Mst, Drgt	Low	Medium	Medium	Medium
Light/Best Salt	L-N	L-N	L-N	L-N
Wildlife				
	showy, daisy-like flower; produces masses of golden color all summer	large, yellow-orange to red-dish-orange, summer flowers; does not tolerate prolonged, wet weather	flowers vary	blue, spring flowers



Solenostemon scuttellarioides
Coleus

N C S	8-11	No
Fast	1-3⇧ 1-3⇨	
○ ● ● ○		Any
		Low
		L-N

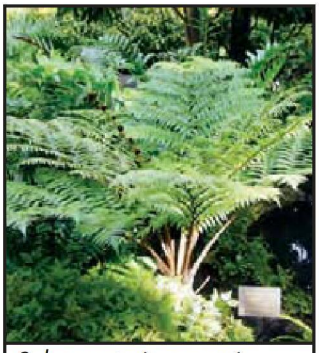
purple, summer flowers; many cultivars; 'Hurricane Louise' was FNGLA Plant of the Year in 2005; susceptible to pests and diseases



Solidago spp.
Goldenrod

N C S	8-10	Var.
	2-6⇧ ½-2⇨	
● ● ● ○		S
		High
		H

yellow, summer through fall flowers; some species form large colonies; *Solidago oduro* is the Florida native



Sphaeropteris cooperi
Australian Tree Fern

S	10b-11	No
Slow	12-18⇧ 8-15⇨	
○ ● ● ○		S/L
		Low
		L-N

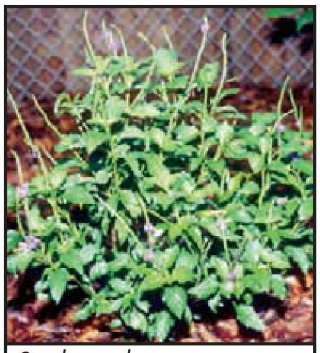
also known as *Alsophila cooperi*; single-trunked, giant fern



Sprekelia formosissima
Aztec Lily, Jacobean Lily, St. James Lily

N C S	8-10b	No
Fast	1-2⇧ 1-2⇨	
○ ● ● ○		S/L
		Low
		M

red, spring through summer flowers



Stachytarpheta spp.
Porterweed

N C S	8-11	Var.
Fast	2-8⇧ 3-4⇨	
○ ● ● ○		Any
		Medium
		M

flowers vary



Stokesia laevis
Stokes' Aster

N C	8-9	Yes
Fast	1-2⇧ 1-2⇨	
● ● ○ ○		S/L
		High
		L-N

blue/white, summer flowers; many cultivars



Tulbaghia violacea
Society Garlic

N C S	8a-11	No
	1-2⇧ 1-2⇨	
○ ● ● ○		S/L
		High
		L-N

lavender, spring through fall flowers; plant has strong garlic scent



Zephyranthes spp.
Rain Lily,
Zephyr Lily

N C S	8-11	Var.
Fast	½-1⇧ ½-1⇨	
● ● ● ○		Any
		Medium
		M

white/yellow/pink/red, spring through fall flowers; susceptible to pests



Scientific	*Zingiber zerumbet*
Common	Pine Cone Ginger
Reg/Native	N C S 8-11 — No
G, H, S	4-7⇧ 4-6⇨
Soil pH, Txt	●●●○ — Any
Soil Mst, Drgt	Medium
Light/Best Salt	M
Wildlife	

red, fragrant, fall flowers; tolerates occasionally wet soil



Ageratum spp.
Ageratum

N	C	S	8-11	No
			½-1⇧ ½-1⇨	
○ ● ● ○				Any
				Low
				L-N

many cultivars; purple/white, year-round flowers



Amaranthus spp.
Amaranth

N	C	S	8-11	Var.
Fast			1-2⇧ 1-2⇨	
○ ● ● ○				Any
				Medium
				M

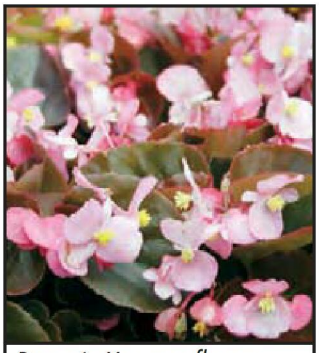
many cultivars; attractive foliage; inconspicuous flowers



Angelonia angustifolia
Angelonia

N	C	S	9-11	No
Fast			1-3⇧ 1-3⇨	
○ ● ● ○				Any
				Medium
				U

white and/or blue, summer flowers



Begonia Xsemperflorens-cultorum
Wax Begonia

N	C	S	8-11	No
Slow			½-1⇧ ½-1⇨	
○ ● ● ○				Any
				Low
				L-N

flowers vary; annual in North and Central regions; susceptible to pests and diseases



Caladium Xhortulanum
Caladium

N	C	S	8-11	No
Fast			1-2⇧ 1-2⇨	
○ ● ● ○				Any
				Medium
				L-N

good container plant; attractive foliage (red/rose/pink/white/silver/bronze/green); leaves die back in the fall; goes dormant; susceptible to pests and diseases



Calendula spp.
Pot Marigold

N	C	S	8-11	No
Fast			1-1½⇧ 1-1½⇨	
○ ● ● ○				Any
				Low
				M

yellow/orange, winter through spring flowers



Catharanthus roseus
Periwinkle, Madagascar
Periwinkle, Vinca

	C	S	9b-11	No
			1-2⇧ 1-2⇨	
○ ● ● ○				Any
				High
				M

white/pink/purple, year-round flowers; susceptible to micronutrient deficiencies/disease with too much moisture; caution - may be invasive in South Florida

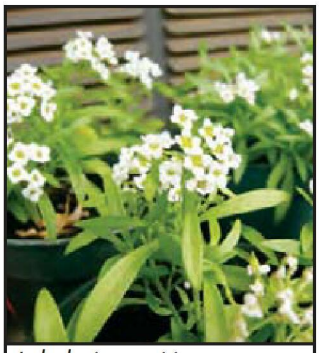


Celosia spp.
Celosia

N	C	S	8-11	No
Fast			½-2⇧ ½-1⇨	
○ ● ● ○				Any
				Low
				L-N

many cultivars; summer flowers vary

Scientific / Common	*Coreopsis* spp. Tickseed, Coreopsis	*Gazania* spp. Gazania, Treasure Flower	*Impatiens* spp. Impatiens	*Justicia brandegeana* Shrimp Plant
				
Reg/Native	N C S 8a-10b Var.	N C S 8b-11 No	N C S 8-11 No	N C S 8b-11 No
G, H, S	Fast 1-4⇧ 1-3⇨	½-1⇧ 1-2⇨	½-1⇧ 1⇨	Fast 2-6⇧ 2-4⇨
Soil pH, Txt	●●○○ Any	○●●○ Any	○●●○ Any	●●●○ Any
Soil Mst, Drgt	High	High	None	Medium
Light/Best Salt	M	M	L-N	L-N
Wildlife				
	Florida's state wildflower; orange/yellow, summer flowers; may be annual or short-lived perennial, depending on species	yellow/orange/red, summer flowers; roots may rot from overwatering	annual with brilliantly marked foliage and ability to tolerate great amounts of sun; flowers vary	white, summer flowers; susceptible to pests and freezes

Scientific / Common	*Justicia carnea* Jacobinia, Flamingo Plant	*Justicia spicigera* Orange Plum	*Lobularia maritima* Sweet Alyssum	*Monarda punctata* Spotted Horsemint, Dotted Horsemint, Spotted Beebalm
				
Reg/Native	N C S 8b-11 No	S 10b-11 No	N C S 8-11 No	N C 8b-9 Yes
G, H, S	Slow 3-6⇧ 2-3⇨	Fast 5⇧ 3-5⇨	½-1⇧ ½-1⇨	Fast 1-3⇧ 2-4⇨
Soil pH, Txt	●●●○ Any	●●●● Any	●●●○ Any	○●●○ Any
Soil Mst, Drgt	Low	Low	Medium	Medium
Light/Best Salt	L-N	L-N	L-N	H
Wildlife				
	evergreen; summer through fall flowers vary; susceptible to pests, diseases, and freezes	orange; summer flowers	purple/white/pink, winter flowers; tolerates light frost	pink, summer through fall flowers



Pachystachys lutea
Golden Shrimp Plant

C	S	9b-11	No
		2-3⇧ 2-3⇨	
○ ● ● ○			Any
			Low
			L-N

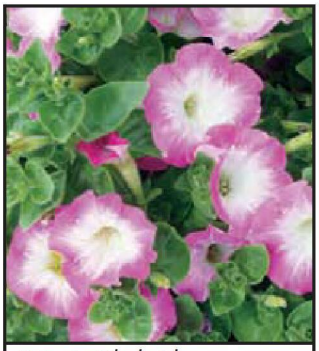
yellow, spring through fall flowers



Pentas lanceolata
Pentas, Starflower

N	C	S	8b-11	No
Fast		2-4⇧ 2-3⇨	
○ ● ● ○			Any
			Medium
			M

many cultivars; red/pink/white/lilac, summer flowers; susceptible to freeze damage



Petunia Xhybrida
Petunia

N	C	S	8-11	No
Fast		½-1½⇧ 1⇨	
○ ● ● ○			Any
			Low
			M

many flower colors, in fall through spring; can be grown as perennial in South Florida; susceptible to pests and diseases



Rudbeckia fulgida
Rudbeckia

N	C	8-9	Yes
Fast		3⇧ 3⇨	
○ ● ● ○			S/L
			Low
			L-N

showy, daisy-like flower; produces masses of golden color all summer



Rudbeckia hirta
Black-Eyed Susan

N	C	8-9	Yes
		2-3⇧ 1-2⇨	
○ ● ● ○			Any
			Medium
			L-N

large, yellow-orange to red-dish-orange, summer flowers; does not tolerate prolonged, wet weather



Solenostemon scuttellarioides
Coleus

N	C	S	8-11	No
Fast		1-3⇧ 1-3⇨	
○ ● ● ○			Any
			Low
			L-N

purple, summer flowers; many cultivars; 'Hurricane Louise' was FNGLA Plant of the Year in 2005; susceptible to pests and diseases



Tagetes spp.
Marigold

N	C	S	8-11	No
Fast		1-3⇧ 1⇨	
○ ● ● ○			S/L
			Medium
			L-N

flowers vary



Tithonia rotundiflora
Mexican Sunflower

N	C	S	8-10	No
Fast		5-6⇧ 3-4⇨	
○ ● ● ○			Any
			High
			U

red/orange, summer flowers

Scientific / Common	*Torenia fournieri* Wishbone Flower	*Viola* spp. Violet, Johnny-jump-up	*Viola* Xwittrockiana Pansy	*Zinnia* hybrids Zinnia
				
Reg/Native	N C S 8-11 No	N C 8-9 Var.	N C S 8-11 No	N C S 8-11 No
G, H, S	1/2-1 1/2⇧ 1-1 1/2⇨	Fast 1/2-1⇧ 1/2-1⇨	Slow 1/2-1⇧ 1/2-1⇨	Fast 1/2-3⇧ 1⇨
Soil pH, Txt	○ ● ● ○ S/L	○ ● ● ○ S/L	○ ● ● ○ Any	○ ● ● ○ Any
Soil Mst, Drgt	Low	Low	Low	High
Light/Best Salt	L-N	L-N	L-N	L-N
Wildlife				
	lavender/pink/blue/white, spring through fall flowers; susceptible to pests	cold hardy annual	many cultivars; year-round flowers vary; needs regular watering in warm weather	many varieties with wide range of flower colors and sizes, year-round flowering; susceptible to pests and diseases

LEGEND FOR TURFGRASS

MOWING HT: Mowing turf below the recommended height can stress the grass and subject it to invasion by weeds.

LEAF: Fine, Medium, Coarse, Fine-Medium, Coarse-Medium (Relative measure of leaf blade width. Texture is merely a visual preference.)

MAINT. LEVEL: Low, Medium, High, Medium-High (Amount of fertilization, irrigation, and mowing required.)

SOIL pH: Any, Acid (Ideal soil pH and texture for healthy turf.)

DROUGHT TOLERANCE: Low, Medium, High (Measure of how well the turf will survive extended dry periods without irrigation or rainfall after it has been properly established.)

SALT: Low, Medium, High, None (Ability to thrive when subjected to salt stress from irrigation water, saltwater intrusion, or salt spray from the ocean.)

SHADE: Low, Medium, High (Ability to thrive when exposed to shade.)

ESTABLISHMENT METHODS: Sod, Sprigs, Plugs, Seed (A quality lawn can be established by any method listed if the site is properly prepared and maintained.)

			
Scientific **Common**	*Cynodon dactylon* Bermudagrass	*Eremochloa ophiuroides* Centipedegrass	*Paspalum notatum* Bahiagrass
Mw Ht/Leaf/Mnt Lv	1-2 in. / F-M / M-H	1.5-2 in. / M / Low	3-4 in. / C-M / Low
Soil pH/Drgt/Slt/Sh	Any / Medium / M / L	Acid / Medium / L / M	Acid / High / N / L
Estab. Methods	Sod, sprigs, plugs, some seed	Sod, sprigs, plugs, seed	Sod, seed
	adapted to entire state; medium wear tolerance; low nematode tolerance	adapted to North Florida and the Panhandle; low wear tolerance; low nematode tolerance	adapted to entire state; low wear tolerance; high nematode tolerance

			
Scientific **Common**	*Stenotaphrum secundatum* St. Augustinegrass 'Semi-dwarf cvs.'	*Stenotaphrum secundatum* St. Augustinegrass 'Standard height cvs.'	*Zoysia japonica* Zoysiagrass
Mw Ht/Leaf/Mnt Lv	2-2.5 in. / C-M / Medium	3.5-4 in. / C-M / Medium	2-2.5in. / F-M / High
Soil pH/Drgt/Slt/Sh	Any / Low / M / V	Any / Low / M / V	Any / Medium / M / V
Estab. Methods	Sod, sprigs, plugs	Sod, sprigs, plugs	Sod, sprigs, plugs
	adapted to entire state; low wear tolerance; medium nematode tolerance; shade tolerance varies depending on cultivar selection	adapted to entire state; low wear tolerance; medium nematode tolerance; shade tolerance varies depending on cultivar selection	adapted to entire state; medium wear tolerance; low nematode tolerance; shade tolerance varies depending on cultivar selection

PLANT INDEX

COMMON NAME	SCIENTIFIC NAME	PAGE	PLANT TYPE
African Iris	*Dietes iridoides*	86	Perennial
Ageratum	*Ageratum* spp.	95	Annuals
Alexander Palm	*Ptychosperma elegans*	78	Palm or Palm-Like
Algerian Ivy	*Hedera canariensis*	68	Vine
Algerian Ivy	*Hedera canariensis*	71	Groundcover
Aloe	*Aloe* spp.	64	Small Shrub
Aloe	*Aloe* spp.	83	Perennial
Amaranth	*Amaranthus* spp.	95	Annuals
Amaryllis	*Hippeastrum* spp.	89	Perennial
American Elm	*Ulmus americana*	37	Large Tree
American Holly	*Ilex opaca*	40	Medium Tree
American Hophornbeam	*Ostrya virginiana*	40	Medium Tree
American Hornbeam	*Carpinus caroliniana*	38	Medium Tree
American Wisteria	*Wisteria frutescens*	69	Vine
Angelonia	*Angelonia angustifolia*	84	Perennial
Angelonia	*Angelonia angustifolia*	95	Annuals
Angel's Trumpet	*Brugmansia Xcandida*	52	Large Shrub
Arizona Cypress	*Cupressus arizonica* var.	39	Medium Tree
Asiatic Jasmine	*Trachelospermum asiaticum*	73	Groundcover
Australian Tree Fern	*Sphaeropteris cooperi*	82	Fern
Australian Tree Fern	*Sphaeropteris cooperi*	93	Perennial
Autumn Fern	*Dryopteris* spp.	70	Groundcover
Autumn Fern	*Dryopteris* spp.	81	Fern
Autumn Fern	*Dryopteris* spp.	87	Perennial
Avocado	*Persea americana*	34	Large Tree
Awabuki Viburnum	*Viburnum odoratissimum*	49	Small Tree
Awabuki Viburnum	*Viburnum odoratissimum* var. *awabuki*	63	Large Shrub
Azalea	*Rhododendron* cvs.	61	Large Shrub
Aztec Lily	*Sprekelia formosissima*	93	Perennial
Bahiagrass	*Paspalum notatum*	99	Turfgrass
Bamboo	*Bambusa* spp.	51	Large Shrub
Bamboo Cycad	*Ceratozamia hildae*	76	Palm or Palm-Like
Banana	*Musa* spp.	46	Small Tree
Banana	*Musa* spp.	59	Large Shrub
Banana	*Musa* spp.	91	Perennial
Banana Shrub	*Magnolia figo*	46	Small Tree
Bay Cedar	*Suriana maritima*	61	Large Shrub
Beach Sunflower	*Helianthus debilis*	88	Perennial
Beautyberry	*Callicarpa americana*	52	Large Shrub
Bermudagrass	*Cynodon dactylon*	99	Turfgrass
Bird of Paradise	*Strelitzia reginae*	66	Small Shrub
Bismarck Palm	*Bismarckia nobilis*	76	Palm or Palm-Like
Black Mangrove	*Avicennia germinans*	38	Medium Tree
Black Olive	*Bucida buceras*	32	Large Tree
Blackberry Lily	*Belamcanda chinensis*	84	Perennial
Black-Eyed Susan	*Rudbeckia hirta*	97	Annuals
Black-Eyed Susan	*Rudbeckia hirta*	92	Perennial
Black-Eyed Susan Vine	*Thunbergia alata*	69	Vine
Blanket Flower	*Gaillardia pulchella*	87	Perennial
Blazing Star	*Liatris* spp.	90	Perennial

COMMON NAME	SCIENTIFIC NAME	PAGE	PLANT TYPE
Blood Lily	*Haemanthus multiflorus*	88	Perennial
Blue Daze	*Evolvulus glomeratus*	71	Groundcover
Blue Daze	*Evolvulus glomeratus*	87	Perennial
Blue Phlox	*Phlox divaricata*	92	Perennial
Blue-Eyed Grass	*Sisyrinchium angustifolium*	92	Perennial
Bluestem Grass	*Andropogon* spp.	74	Grass
Bluff Oak	*Quercus austrina*	36	Large Tree
Bottlebrush	*Callistemon* spp.	43	Small Tree
Bottlebrush	*Callistemon* spp.	52	Large Shrub
Bougainvillea	*Bougainvillea* cvs.	67	Vine
Bower Vine	*Pandorea jasminoides*	69	Vine
Boxthorn	*Severinia buxifolia*	61	Large Shrub
Bracken Fern	*Pteridium aquilinum*	82	Fern
Bracken Fern	*Pteridium aquilinum*	92	Perennial
Brittle Thatch Palm	*Thrinax morrisii*	79	Palm or Palm-Like
Bromeliads	*Bromeliaceae genera*	85	Perennial
Buccaneer Palm	*Pseudophoenix sargentii*	78	Palm or Palm-Like
Buckthorn	*Sideroxylon* spp.	48	Small Tree
Bugleweed	*Ajuga reptans*	70	Groundcover
Bugleweed	*Ajuga reptans*	83	Perennial
Bulbine	*Bulbine frutescens*	85	Perennial
Bush Allamanda	*Allamanda neriifolia*	50	Large Shrub
Bush Daisy	*Gamolepis* spp.	64	Small Shrub
Bush Daisy	*Euryops* spp.	87	Perennial
Butterfly Bush	*Buddleia lindleyana*	52	Large Shrub
Butterfly Lily	*Hedychium* spp.	88	Perennial
Buttonbush	*Cephalanthus occidentalis*	43	Small Tree
Buttonbush	*Cephalanthus occidentalis*	53	Large Shrub
Buttonwood	*Conocarpus erectus*	32	Large Tree
Buttonwood	*Conocarpus erectus*	54	Large Shrub
Cabbage Palm	*Sabal palmetto*	79	Palm or Palm-Like
Caladium	*Caladium Xhortulanum*	85	Perennial
Caladium	*Caladium Xhortulanum*	95	Annuals
Camellia	*Camellia japonica*	43	Small Tree
Camellia	*Camellia japonica*	53	Large Shrub
Canna Lily	*Canna* spp.	85	Perennial
Cardboard Plant	*Zamia furfuracea*	73	Groundcover
Cardboard Plant	*Zamia furfuracea*	80	Palm or Palm-Like
Carolina Allspice	*Calycanthus floridus*	52	Large Shrub
Carolina Buckthorn	*Rhamnus caroliniana*	60	Large Shrub
Carolina Jessamine	*Gelsemium sempervirens*	68	Vine
Carolina Silverbell	*Halesia carolina*	33	Large Tree
Carpentaria Palm	*Carpentaria acuminata*	38	Medium Tree
Carpentaria Palm	*Carpentaria acuminata*	76	Palm or Palm-Like
Cast Iron Plant	*Aspidistra elatior*	70	Groundcover
Cast Iron Plant	*Aspidistra elatior*	84	Perennial
Cedar Elm	*Ulmus crassifolia*	37	Large Tree
Celosia	*Celosia* spp.	95	Annuals
Centipedegrass	*Eremochloa ophiuroides*	99	Turfgrass
Century Plant	*Agave* spp.	50	Large Shrub
Century Plant	*Agave* spp.	83	Perennial
Chaste Tree	*Vitex agnus-castus*	63	Large Shrub

COMMON NAME	SCIENTIFIC NAME	PAGE	PLANT TYPE
Chenille Plant	*Acalypha hispida*	64	Small Shrub
Chickasaw Plum	*Prunus angustifolia*	48	Small Tree
Chinese Elm	*Ulmus parvifolia* and cvs.	37	Large Tree
Chinese Fan Palm	*Livistona* spp.	77	Palm or Palm-Like
Chinese Fringetree	*Chionanthus retusus*	44	Small Tree
Chinese Holly	*Ilex cornuta* and cvs.	45	Small Tree
Chinese Holly	*Ilex cornuta* and cvs.	57	Large Shrub
Chinese Juniper	*Juniperus chinensis* and cvs.	58	Large Shrub
Christmas Senna	*Senna bicapsularis*	61	Large Shrub
Cinnamon Fern	*Osmunda cinnamomea*	82	Fern
Cinnamon Fern	*Osmunda cinnamomea*	91	Perennial
Cleyera	*Ternstroemia gymnanthera*	62	Large Shrub
Climbing Aster	*Aster carolinianus*	67	Vine
Climbing Hydrangea	*Decumaria barbara*	67	Vine
Cocoplum	*Chrysobalanus icaco*	53	Large Shrub
Coleus	*Solenostemon scuttellarioides*	93	Perennial
Coleus	*Solenostemon scuttellarioides*	97	Annuals
Common Witchhazel	*Hamamelis virginiana*	56	Large Shrub
Confederate Jasmine	*Trachelospermum jasminoides*	69	Vine
Coontie	*Zamia floridana*	73	Groundcover
Coontie	*Zamia floridana*	80	Palm or Palm-Like
Copper Leaf	*Acalypha wilkesiana*	50	Large Shrub
Coral Bean	*Erythrina herbacea*	55	Large Shrub
Cordgrass	*Spartina* spp.	75	Grasses
Crape Jasmine	*Tabernaemontana divaricata*	61	Large Shrub
Crapemyrtle	*Lagerstroemia indica*	40	Medium Tree
Creeping Fig	*Ficus pumila*	67	Vine
Creeping Juniper	*Juniperus horizontalis* and cvs.	71	Groundcover
Crinum Lily	*Crinum* spp.	86	Perennial
Cross Vine	*Bignonia capreolata*	67	Vine
Croton	*Codiaeum variegatum*	54	Large Shrub
Curcuma	*Curcuma* spp.	86	Perennial
Dahoon Holly	*Ilex cassine* and cvs.	40	Medium Tree
Date Palms	*Phoenix* spp.	78	Palm or Palm-Like
Daylily	*Hemerocallis* spp.	89	Perennial
Desert Cassia	*Senna polyphylla*	48	Small Tree
Desert Cassia	*Senna polyphylla*	61	Large Shrub
Devil's Walkingstick	*Aralia spinosa*	42	Small Tree
Devil's Walkingstick	*Aralia spinosa*	51	Large Shrub
Downy Jasmine	*Jasminum multiflorum*	57	Large Shrub
Downy Jasmine	*Jasminum multiflorum*	68	Vine
Dutchman's Pipe	*Aristolochia* spp.	67	Vine
Dwarf Chenille Plant	*Acalypha reptans*	83	Perennial
Dwarf Palmetto	*Sabal minor*	61	Large Shrub
Dwarf Palmetto	*Sabal minor*	79	Palm or Palm-Like
Dwarf Schefflera	*Heptapleurum arboricola*	56	Large Shrub
East Palatka Holly	*Ilex Xattenuata* and cvs.	39	Medium Tree
Eastern Redbud	*Cercis canadensis*	38	Medium Tree
Elliott's Lovegrass	*Eragrostis elliottii*	74	Grass
English Dogwood	*Philadelphus inodorus*	59	Large Shrub
English Ivy	*Hedera helix*	68	Vine
English Ivy	*Hedera helix*	71	Groundcover

COMMON NAME	SCIENTIFIC NAME	PAGE	PLANT TYPE
European Fan Palm	*Chamaerops humilis*	43	Small Tree
European Fan Palm	*Chamaerops humilis*	77	Palm or Palm-Like
Evergreen Paspalum	*Paspalum quadrifarium*	75	Grass
Evergreen Wisteria	*Millettia reticulata*	68	Vine
Fakahatchee Grass	*Tripsacum dactyloides*	75	Grass
False Rosemary	*Conradina* spp.	85	Perennial
Fetterbush	*Lyonia lucida*	65	Small Shrub
Fiddlewood	*Citharexylum spinosum*	44	Small Tree
Fiddlewood	*Citharexylum spinosum*	54	Large Shrub
Firebush	*Hamelia patens*	56	Large Shrub
Firecracker Flower	*Crossandra* spp.	86	Perennial
Firecracker Plant	*Russelia equisetiformis*	66	Small Shrub
Firecracker Plant	*Russelia sarmentosa*	66	Small Shrub
Firespike	*Odontonema strictum*	91	Perennial
Firethorn	*Pyracantha coccinea*	65	Small Shrub
Fishtail Palm	*Caryota mitis*	76	Palm or Palm-Like
Flamingo Plant	*Justicia carnea*	96	Annuals
Flatwoods Plum	*Prunus umbellata*	48	Small Tree
Flax Lily	*Dianella* spp.	86	Perennial
Florida Flame Azalea	*Rhododendron austrinum*	60	Large Shrub
Florida Gama Grass	*Tripsacum floridana*	75	Grass
Florida Privet	*Forestiera segregata*	45	Small Tree
Florida Privet	*Forestiera segregata*	55	Large Shrub
Florida Thatch Palm	*Thrinax radiata*	79	Palm or Palm-Like
Floss-Silk Tree	*Chorisia speciosa*	32	Large Tree
Flowering Dogwood	*Cornus florida*	44	Small Tree
Formosa Palm	*Arenga engleri*	42	Small Tree
Formosa Palm	*Arenga engleri*	76	Palm or Palm-Like
Fortune's Mahonia	*Mahonia fortunei*	65	Small Shrub
Foxtail Palm	*Wodyetia bifurcata*	80	Palm or Palm-Like
Frangipani	*Plumeria rubra*	47	Small Tree
Fringetree	*Chionanthus virginicus*	44	Small Tree
Gallberry	*Ilex glabra*	46	Small Tree
Gardenia	*Gardenia jasminoides*	55	Large Shrub
Gazania	*Gazania* spp.	88	Perennial
Gazania	*Gazania* spp.	96	Annuals
Geiger Tree	*Cordia sebestena*	39	Medium Tree
Giant Bird of Paradise	*Strelitzia nicolai*	61	Large Shrub
Giant Sword Fern	*Nephrolepis biserrata*	72	Groundcover
Giant Sword Fern	*Nephrolepis biserrata*	81	Fern
Gloriosa Lily	*Gloriosa* spp.	88	Perennial
Glossy Abelia	*Abelia Xgrandiflora*	50	Large Shrub
Golden Creeper	*Ernodea littoralis*	71	Groundcover
Golden Dewdrop	*Duranta erecta*	55	Large Shrub
Golden Shower	*Cassia fistula*	38	Medium Tree
Golden Shrimp Plant	*Pachystachys lutea*	91	Perennial
Golden Shrimp Plant	*Pachystachys lutea*	97	Annuals
Goldenrod	*Solidago* spp.	93	Perennial
Green Ash	*Fraxinus pennsylvanica*	33	Large Tree
Groundsel Bush	*Baccharis halimifolia*	42	Small Tree
Groundsel Bush	*Baccharis halimifolia*	51	Large Shrub
Gumbo Limbo	*Bursera simaruba*	38	Medium Tree

COMMON NAME	SCIENTIFIC NAME	PAGE	PLANT TYPE
Hawthorn	*Crataegus* spp.	39	Medium Tree
Hawthorn	*Crataegus* spp.	54	Large Shrub
Heliconia	*Heliconia* spp.	88	Perennial
Hercules' Club	*Zanthoxylum clava-herculis*	41	Medium Tree
Hibiscus	*Hibiscus* spp.	56	Large Shrub
Hickories	*Carya* spp.	32	Large Tree
Holly Fern	*Cyrtomium falcatum*	70	Groundcover
Holly Fern	*Cyrtomium falcatum*	81	Fern
Honeysuckle	*Lonicera sempervirens*	68	Vine
Hopbush	*Dodonaea viscosa*	45	Small Tree
Hurricane Lily	*Lycoris* spp.	90	Perennial
Hydrangea	*Hydrangea macrophylla*	56	Large Shrub
Impatiens	*Impatiens* spp.	89	Perennial
Impatiens	*Impatiens* spp.	96	Annuals
Indian Hawthorn	*Raphiolepis* spp. and cvs.	48	Small Tree
Indian Hawthorn	*Raphiolepis* spp. and cvs.	65	Small Shrub
Inkberry	*Scaevola plumieri*	73	Groundcover
Ixora	*Ixora coccinea*	65	Small Shrub
Jaboticaba	*Myrciaria cauliflora*	47	Small Tree
Jacaranda	*Jacaranda mimosifolia*	40	Medium Tree
Jacobinia	*Justicia carnea*	89	Perennial
Jamaica Caper Tree	*Capparis cynophallophora*	43	Small Tree
Jamaica Caper Tree	*Capparis cynophallophora*	53	Large Shrub
Jamaican Dogwood	*Piscidia piscipula*	35	Large Tree
Japanese Aralia	*Fatsia japonica*	55	Large Shrub
Japanese Ardisia	*Ardisia japonica*	70	Groundcover
Japanese Barberry	*Berberis thunbergii*	52	Large Shrub
Japanese Blueberry	*Elaeocarpus decipiens*	39	Medium Tree
Japanese Plum Yew	*Cephalotaxus harringtonia*	43	Small Tree
Japanese Plum Yew	*Cephalotaxus harringtonia*	53	Large Shrub
Kalanchoe	*Kalanchoe blossfeldiana*	90	Perennial
Kentia Palm	*Howea forsterana*	77	Palm or Palm-Like
King's Mantle	*Thunbergia erecta*	62	Large Shrub
Lady of the Night	*Brunfelsia americana*	64	Small Shrub
Lady Palm	*Rhapis excelsa*	78	Palm or Palm-Like
Laurelleaf Snailseed	*Cocculus laurifolius*	54	Large Shrub
Leather Fern	*Acrostichum danaeifolium*	50	Large Shrub
Leather Fern	*Acrostichum danaeifolium*	81	Fern
Leather Fern	*Acrostichum danaeifolium*	83	Perennial
Leatherleaf Fern	*Rumohra adiantiformis*	72	Groundcover
Leatherleaf Fern	*Rumohra adiantiformis*	82	Fern
Lemongrass	*Cymbopogon citratus*	74	Grass
Ligustrum	*Ligustrum japonicum* and cvs.	46	Small Tree
Ligustrum	*Ligustrum japonicum* and cvs.	58	Large Shrub
Lily of the Nile	*Agapanthus africanus*	83	Perennial
Lion's Ear	*Leonotis leonurus*	90	Perennial
Liriope	*Liriope muscari* and cvs.	72	Groundcover
Liriope	*Liriope muscari* and cvs.	90	Perennial
Little Blue Stem Grass	*Schizachyrium scoparium*	75	Grass
Live Oak	*Quercus virginiana*	36	Large Tree
Loblolly Bay	*Gordonia lasianthus*	33	Large Tree
Loblolly Pine	*Pinus taeda*	35	Large Tree

COMMON NAME	SCIENTIFIC NAME	PAGE	PLANT TYPE
Longleaf Pine	*Pinus palustris*	35	Large Tree
Loquat	*Eriobotrya japonica*	45	Small Tree
Loropetalum	*Loropetalum chinense* and cvs.	58	Large Shrub
Louisiana Iris	*Iris hexagona*	89	Perennial
Lychee	*Litchi chinensis*	34	Large Tree
Macarthur Palm	*Ptychosperma macarthuri*	78	Palm or Palm-Like
Mahogany Fern	*Didymochlaena truncatula*	81	Fern
Mahogany Fern	*Didymochlaena truncatula*	86	Perennial
Majesty Palm	*Ravenea rivularis*	78	Palm or Palm-Like
Marigold	*Tagetes* spp.	97	Annuals
Marlberry	*Ardisia escallonioides*	42	Small Tree
Marlberry	*Ardisia escallonioides*	51	Large Shrub
Mary Nell Holly	*Ilex* X'Mary Nell'	45	Small Tree
Mary Nell Holly	*Ilex* X'Mary Nell'	57	Large Shrub
Maypop	*Passiflora incarnata*	69	Vine
Mexican Heather	*Cuphea hyssopifolia*	86	Perennial
Mexican Sago	*Dioon edule*	77	Palm or Palm-Like
Mexican Sunflower	*Tithonia rotundiflora*	97	Annuals
Milkweed	*Asclepias* spp.	84	Perennial
Miniature Fishtail Palm	*Chamaedorea* spp.	77	Palm or Palm-Like
Miniature Holly	*Malpighia coccigera*	65	Small Shrub
Mondo Grass	*Ophiopogon japonicus* and cvs.	72	Groundcover
Morning Glory	*Ipomoea* spp.	68	Vine
Muhly Grass	*Muhlenbergia capillaris*	75	Grass
Natal Plum	*Carissa macrocarpa*	53	Large Shrub
Natal Plum	*Carissa macrocarpa*	64	Small Shrub
Necklace Pod	*Sophora tomentosa*	48	Small Tree
Needle Palm	*Rhapidophyllum hystrix*	78	Palm or Palm-Like
Nellie R. Stevens Holly	*Ilex* X'Nellie R. Stevens'	45	Small Tree
Northern Slash Pine	*Pinus elliottii* var. *elliottii*	35	Large Tree
Nuttall Oak	*Quercus nuttallii*	36	Large Tree
Oakleaf Hydrangea	*Hydrangea quercifolia*	56	Large Shrub
Oleander	*Nerium oleander*	59	Large Shrub
Olive	*Olea europaea*	47	Small Tree
Orange Jessamine	*Cestrum aurantiacum*	53	Large Shrub
Orange Jessamine	*Murraya paniculata*	58	Large Shrub
Orange Plum	*Justicia spicigera*	90	Perennial
Orange Plum	*Justicia spicigera*	96	Annuals
Oregon Hollygrape	*Mahonia bealei*	58	Large Shrub
Overcup Oak	*Quercus lyrata*	41	Medium Tree
Panic Grass	*Panicum virgatum* and cvs.	75	Grass
Pansy	*Viola* Xwittrockiana	98	Annuals
Paradise Tree	*Simarouba glauca*	36	Large Tree
Paurotis Palm	*Acoelorrhaphe wrightii*	76	Palm or Palm-Like
Pawpaw	*Asimina* spp.	51	Large Shrub
Pawpaw	*Asimina* spp.	84	Perennial
Peacock Ginger	*Kaempferia* spp.	90	Perennial
Pentas	*Pentas lanceolata*	91	Perennial
Pentas	*Pentas lanceolata*	97	Annuals
Peregrina	*Jatropha integerrima*	46	Small Tree
Peregrina	*Jatropha integerrima*	58	Large Shrub
Perennial Peanut	*Arachis glabrata*	70	Groundcover

COMMON NAME	SCIENTIFIC NAME	PAGE	PLANT TYPE
Periwinkle	*Vinca major*	73	Groundcover
Periwinkle	*Catharanthus roseus*	85	Perennial
Periwinkle	*Catharanthus roseus*	95	Annuals
Petunia	*Petunia Xhybrida*	97	Annuals
Philodendron	*Philodendron* cvs.	60	Large Shrub
Philodendron	*Philodendron* spp. and cvs.	91	Perennial
Pigeonplum	*Coccoloba diversifolia*	39	Medium Tree
Pindo Palm	*Butia capitata*	42	Small Tree
Pindo Palm	*Butia capitata*	76	Palm or Palm-Like
Pine Cone Ginger	*Zingiber zerumbet*	94	Perennial
Pineapple Guava	*Acca sellowiana*	50	Large Shrub
Pink Allamanda	*Mandevilla* cvs.	68	Vine
Pink Powderpuff	*Calliandra emarginata*	64	Small Shrub
Pink Trumpet Tree	*Tabebuia heterophylla*	41	Medium Tree
Pinxter Azalea	*Rhododendron canescens*	60	Large Shrub
Pipestem	*Agarista populifolia*	50	Large Shrub
Pittosporum	*Pittosporum tobira* cvs.	60	Large Shrub
Plectranthus	*Plectranthus* spp.	92	Perennial
Plumbago	*Plumbago auriculata* cvs.	92	Perennial
Podocarpus	*Podocarpus macrophyllus* and cvs.	47	Small Tree
Podocarpus	*Podocarpus macrophyllus* and cvs.	60	Large Shrub
Poinciana	*Caesalpinia* spp. and cvs.	38	Medium Tree
Poinciana	*Caesalpinia* spp. and cvs.	64	Small Shrub
Pond Cypress	*Taxodium* spp.	37	Large Tree
Ponytail Palm	*Nolina recurvata*	78	Palm or Palm-Like
Pop Ash	*Fraxinus caroliniana*	33	Large Tree
Porterweed	*Stachytarpheta* spp.	93	Perennial
Possumhaw	*Ilex decidua*	45	Small Tree
Pot Marigold	*Calendula* spp.	95	Annuals
Powderpuff	*Calliandra* spp. and cvs.	42	Small Tree
Powderpuff	*Mimosa strigillosa*	72	Groundcover
Primrose Jasmine	*Jasminum mesnyi*	57	Large Shrub
Princess Flower	*Tibouchina urvilleana*	62	Large Shrub
Purple Coneflower	*Echinacea purpurea*	87	Perennial
Purple Glory Tree	*Tibouchina granulosa*	62	Large Shrub
Purple Lovegrass	*Eragrostis spectabilis*	74	Grass
Purple Trumpet Tree	*Tabebuia impetiginosa*	41	Medium Tree
Queen's Wreath	*Petrea volubilis*	69	Vine
Railroad Vine	*Ipomoea* spp.	71	Groundcover
Rain Lily	*Zephyranthes* spp.	93	Perennial
Rangoon Creeper	*Quisqualis indica*	69	Vine
Red Bay	*Persea borbonia*	40	Medium Tree
Red Buckeye	*Aesculus pavia*	42	Small Tree
Red Cedar	*Juniperus virginiana*	33	Large Tree
Red Mangrove	*Rhizophora mangle*	41	Medium Tree
Red Maple	*Acer rubrum*	32	Large Tree
Red Powderpuff	*Calliandra haematocephala*	52	Large Shrub
Reeve's Spirea	*Spiraea* spp.	66	Small Shrub
River Birch	*Betula nigra*	32	Large Tree
River Oats	*Chasmanthium latifolium*	74	Grass
Rose	*Rosa* spp.	66	Small Shrub
Rosemary	*Rosmarinus* spp.	66	Small Shrub

COMMON NAME	SCIENTIFIC NAME	PAGE	PLANT TYPE
Round Holly	*Ilex rotunda*	40	Medium Tree
Royal Fern	*Osmunda regalis*	82	Fern
Royal Fern	*Osmunda regalis*	91	Perennial
Royal Palm	*Roystonea regia*	79	Palm or Palm-Like
Royal Poinciana	*Delonix regia*	39	Medium Tree
Rudbeckia	*Rudbeckia fulgida*	92	Perennial
Rudbeckia	*Rudbeckia fulgida*	97	Annuals
Ruffled Fan Palm	*Licuala grandis*	77	Palm or Palm-Like
Rusty Blackhaw	*Viburnum rufidulum*	49	Small Tree
Rusty Blackhaw	*Viburnum rufidulum*	63	Large Shrub
Rusty Lyonia	*Lyonia ferruginea*	58	Large Shrub
Salt Grass	*Distichlis spicata*	74	Grass
Salvia	*Salvia* spp.	92	Perennial
Sand Live Oak	*Quercus geminata*	48	Small Tree
Sand Pine	*Pinus clausa*	34	Large Tree
Sandankwa Viburnum	*Vibernum suspensum*	63	Large Shrub
Sasanqua	*Camellia sasanqua*	43	Small Tree
Sasanqua	*Camellia sasanqua*	53	Large Shrub
Satinleaf	*Chrysophyllum oliviforme*	38	Medium Tree
Saucer Magnolia	*Magnolia Xsoulangiana*	46	Small Tree
Saw Palmetto	*Serenoa repens*	79	Palm or Palm-Like
Sawtooth Oak	*Quercus acutissima*	35	Large Tree
Scorpion Tail	*Heliotropium angiospermum*	88	Perennial
Scrub Palmetto	*Sabal etonia*	66	Small Shrub
Scrub Palmetto	*Sabal etonia*	79	Palm or Palm-Like
Seagrape	*Coccoloba uvifera*	44	Small Tree
Seagrape	*Coccoloba uvifera*	54	Large Shrub
Selloum	*Philodendron bipinnatifidum*	59	Large Shrub
Shell Ginger	*Alpinia* spp.	83	Perennial
Shore Juniper	*Juniperus conferta* and cvs.	71	Groundcover
Shortleaf Fig	*Ficus citrifolia*	39	Medium Tree
Shrimp Plant	*Justicia brandegeana*	89	Perennial
Shrimp Plant	*Justicia brandegeana*	96	Annuals
Shumard Oak	*Quercus shumardii*	36	Large Tree
Silver Palm	*Coccothrinax argentata*	77	Palm or Palm-Like
Silver Trumpet Tree	*Tabebuia aurea*	49	Small Tree
Simpson's Stopper	*Myrcianthes fragrans*	47	Small Tree
Simpson's Stopper	*Myrcianthes fragrans*	59	Large Shrub
Slender Lady Palm	*Rhapis humilis*	79	Palm or Palm-Like
Small-Leaf Confederate	*Trachelospermum asiaticum*	73	Groundcover
Snowbush	*Breynia disticha*	64	Small Shrub
Society Garlic	*Tulbaghia violacea*	93	Perennial
Southern Magnolia	*Magnolia grandiflora* and cvs.	34	Large Tree
Southern Maidenhair Fern	*Adiantum capillus-veneris*	81	Fern
Southern Maidenhair Fern	*Adiantum capillus-veneris*	83	Perennial
Southern Red Cedar	*Juniperus silicicola*	40	Medium Tree
Southern Red Oak	*Quercus falcata*	36	Large Tree
Southern Shield Fern	*Thelypteris kunthii*	73	Groundcover
Southern Shield Fern	*Thelypteris kunthii*	82	Fern
Southern Slash Pine	*Pinus elliottii* var. *densa*	34	Large Tree
Southern Sugar Maple	*Acer barbatum*	32	Large Tree
Sparkleberry	*Vaccinium arboreum*	62	Large Shrub

COMMON NAME	SCIENTIFIC NAME	PAGE	PLANT TYPE
Spider Lily	*Hymenocallis* spp.	89	Perennial
Spiral Ginger	*Costus* spp.	85	Perennial
Spotted Horsemint	*Monarda punctata*	96	Annuals
Spruce Pine	*Pinus glabra*	35	Large Tree
St. Augustinegrass	*Stenotaphrum secundatum*	99	Turfgrass
St. Bernard's Lily	*Anthericum sanderi*	70	Groundcover
Star Anise	*Illicium* spp.	46	Small Tree
Star Anise	*Illicium* spp.	57	Large Shrub
Star Jasmine	*Jasminum nitidum*	57	Large Shrub
Stokes' Aster	*Stokesia laevis*	93	Perennial
Stoppers	*Eugenia* spp.	45	Small Tree
Stoppers	*Eugenia* spp.	55	Large Shrub
Strangler Fig	*Ficus aurea*	32	Large Tree
Swamp Bay	*Persea palustris*	41	Medium Tree
Swamp Chestnut Oak	*Quercus michauxii*	36	Large Tree
Swamp Dogwood	*Cornus foemina*	44	Small Tree
Swamp Fern	*Blechnum serrulatum*	81	Fern
Swamp Fern	*Blechnum serrulatum*	84	Perennial
Swamp Sunflower	*Helianthus angustifolius*	88	Perennial
Sweet Acacia	*Acacia farnesiana*	42	Small Tree
Sweet Acacia	*Acacia farnesiana*	50	Large Shrub
Sweet Almond Bush	*Aloysia virgata*	51	Large Shrub
Sweet Alyssum	*Lobularia maritima*	96	Annuals
Sweet Bay Magnolia	*Magnolia virginiana* and cvs.	34	Large Tree
Sweet Pepperbush	*Clethra alnifolia*	54	Large Shrub
Sweet Viburnum	*Viburnum odoratissimum*	49	Small Tree
Sweet Viburnum	*Viburnum odoratissimum*	62	Large Shrub
Sweetgum	*Liquidambar styraciflua*	33	Large Tree
Sword Fern	*Nephrolepis exaltata*	72	Groundcover
Sword Fern	*Nephrolepis exaltata*	82	Fern
Sycamore	*Platanus occidentalis*	35	Large Tree
Taiwan Cherry	*Prunus campanulata*	48	Small Tree
Tampa Vervain	*Glandularia tampensis*	71	Groundcover
Tasmanian Tree Fern	*Dicksonia antarctica*	81	Fern
Tasmanian Tree Fern	*Dicksonia antarctica*	86	Perennial
Tea Olive	*Osmanthus fragrans*	59	Large Shrub
Texas Sage	*Leucophyllum frutescens*	65	Small Shrub
Thryallis	*Galphimia glauca*	55	Large Shrub
Ti Plant	*Cordyline* spp. and cvs.	54	Large Shrub
Tickseed	*Coreopsis* spp.	85	Perennial
Tickseed	*Coreopsis* spp.	96	Annuals
Tiger Grass	*Thysanolaena maxima*	75	Grass
Titi	*Cyrilla racemiflora*	44	Small Tree
Titi	*Cyrilla racemiflora*	55	Large Shrub
Trailing Lantana	*Lantana montevidensis*	72	Groundcover
Trumpet Creeper	*Campsis radicans*	67	Vine
Tulip Poplar	*Liriodendron tulipifera*	33	Large Tree
Tupelo	*Nyssa sylvatica*	34	Large Tree
Turkey Tangle Fogfruit	*Phyla nodiflora*	72	Groundcover
Turk's Cap	*Malvaviscus arboreus*	58	Large Shrub
Twin Flower	*Dyschoriste oblongifolia*	70	Groundcover
Twin Flower	*Dyschoriste oblongifolia*	87	Perennial

COMMON NAME	SCIENTIFIC NAME	PAGE	PLANT TYPE
Two-Wing Silverbell	*Halesia diptera*	56	Large Shrub
Violet	*Viola* spp.	98	Annuals
Virginia Iris	*Iris virginica*	89	Perennial
Virginia Willow	*Itea virginica*	57	Large Shrub
Voodoo Lily	*Amorphophallus* spp.	84	Perennial
Walking Iris	*Neomarica gracilis*	91	Perennial
Walter's Viburnum	*Viburnum obovatum* and cvs.	49	Small Tree
Walter's Viburnum	*Viburnum obovatum* and cvs.	62	Large Shrub
Washington Palm	*Washingtonia robusta*	80	Palm or Palm-Like
Wax Begonia	*Begonia Xsemperflorens-cultorum*	84	Perennial
Wax Begonia	*Begonia Xsemperflorens-cultorum*	95	Annuals
Wax Myrtle	*Myrica cerifera* and cvs.	47	Small Tree
Wax Myrtle	*Myrica cerifera* and cvs.	59	Large Shrub
Weeping Fern Pine	*Podocarpus gracilior*	41	Medium Tree
Weeping Fern Pine	*Podocarpus gracilior*	60	Large Shrub
Weeping Lantana	*Lantana depressa*	65	Small Shrub
West Indian Mahogany	*Swietenia mahagoni*	36	Large Tree
White Ash	*Fraxinus americana*	33	Large Tree
White Gaura	*Gaura lindheimeri*	87	Perennial
White Geiger	*Cordia boissieri*	44	Small Tree
White Oak	*Quercus alba*	35	Large Tree
Wild Cinnamon	*Canella winterana*	43	Small Tree
Wild Coffee	*Psychotria nervosa*	60	Large Shrub
Wild Hydrangea	*Hydrangea arborescens*	56	Large Shrub
Wild Olive	*Osmanthus americanus*	47	Small Tree
Wild Olive	*Osmanthus americanus*	59	Large Shrub
Wild Sage	*Lantana involucrata*	90	Perennial
Wild Tamarind	*Lysiloma latisiliquum*	34	Large Tree
Windmill Palm	*Trachycarpus fortunei*	80	Palm or Palm-Like
Winged Elm	*Ulmus alata*	37	Large Tree
Wintergreen Barberry	*Berberis julianae*	51	Large Shrub
Wiregrass	*Aristida stricta* var. *beyrichiana*	74	Grass
Wishbone Flower	*Torenia fournieri*	98	Annuals
Yaupon Holly	*Ilex vomitoria* and cvs.	46	Small Tree
Yaupon Holly	*Ilex vomitoria* and cvs.	57	Large Shrub
Yellow Allamanda	*Allamanda cathartica*	67	Vine
Yellow Butterfly Palm	*Chrysalidocarpus lutescens*	77	Palm or Palm-Like
Yellow Elder	*Tecoma stans*	49	Small Tree
Yellow Elder	*Tecoma stans*	62	Large Shrub
Yellow Shrimp Plant	*Barleria micans*	51	Large Shrub
Yellow Trumpet Tree	*Tabebuia chrysotricha*	41	Medium Tree
Yellowtop	*Flaveria linearis*	87	Perennial
Yesterday-Today-and-Tomorrow	*Brunfelsia grandiflora*	52	Large Shrub
Yucca	*Yucca* spp.	63	Large Shrub
Zebra Grass	*Miscanthus sinensis*	74	Grass
Zinnia	*Zinnia hybrids*	98	Annuals
Zoysiagrass	*Zoysia japonica*	99	Turfgrass
	Ceratozamia kuesteriana	76	Palm or Palm-Like

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PHOTO CREDITS

Bowden, Robert.
Small Trees: *Arenga engleri, Magnolia figo, Prunus campanulata, Tabebuia aurea.*
Large Shrubs: *Agarista populifolia, Agave* spp., *Aloysia virgata, Barleria micans, Callicarpa americana, Cestrum aurantiacum, Erythrina herbacea, Galphimia glauca, Gardenia jasminoides, Malvaviscus arboreus, Philodendron selloum, Psychotria nervosa, Rhododendron* cvs., *Sabal minor, Severinia buxifolia, Tabernaemontana divaricata, Thunbergia erecta, Viburnum suspensum.*
Small Shrubs: *Aloe* spp., *Malpighia coccigera, Pyracantha coccinea, Sabal etonia, Spiraea* spp.
Vines: *Aster carolinianus, Aristolochia* spp., *Bignonia capreolata, Hedera canariensis, Hedera helix, Petraea volubilis, Trachelospermum jasminoides, Wisteria frutescens.*
Groundcovers: *Anthericum sanderii, Arachis glabrata, Evolvulus glomeratus, Hedera canariensis, Hedera helix, Juniperus conferta, Trachelospermum asiaticum, Trachelospermum jasminoides, Zamia pumila.*
Grasses: *Chasmanthium latifolium, Panicum virgatum, Paspalum quadrifarium, Thysenolanea maxima, Tripsacum dactyloides.*
Palms and Palm-Like Plants: *Arenga engleri, Chamaedorea* spp., *Licuala grandis, Ptychosperma macarthurii, Rhapis excelsa, Rhapis humilis, Sabal etonia, Sabal minor, Zamia pumila.*
Perennials: *Agave* spp., *Aloe* spp., *Alpinia* spp., *Angelonia angustifolia, Belamcanda chinensis, Bromeliaceae genera, Bulbine frutescens, Crossandra* spp., *Curcuma* spp., *Dianella* spp., *Dietes iridoides, Echinacea purpurea, Evolvulus glomeratus, Gaura lindheimeri, Gloriosa* spp., *Hedychium* spp., *Helianthus debilis, Hippeastrum* spp., *Iris hexagona, Justicia spicigera, Kaempferia* spp., *Leonotis leonurus, Pachystachys lutea, Plectranthus* spp., *Rudbeckia hirta, Solenostemon scuttellaroides, Stokesia laevis, Zephyranthes* spp.
Annuals: *Amaranthus* spp., *Angelonia angustifolia, Calendula* spp., *Justicia spicigera, Pachystachys lutea, Petunia* Xhybrida, *Rudbeckia hirta, Solenostemon scuttellaroides, Torenia fournieri, Viola* spp., *Zinnia* hybrids.

Brown, Stephen.
Small Trees: *Baccharis halimifolia, Sophora tomentosa.*
Large Shrubs: *Acrostichum danaeifolium, Allamanda nerifolia, Baccharis halmifolia, Jasminum nitidum.*
Groundcovers: *Ernodea littoralis, Scaevola plumieri*
Grasses: *Cymbopogon citratus.*
Ferns: *Acrostichum danaeifolium, Blechnum serrulatum.*
Perennials: *Acrostichum danaeifolium, Blechnum serrulatum, Heliotropium angiospermum, Hymenocallis* spp.

Caldwell, Doug.
Medium Trees: *Elaeocarpus decipens.*

Davis, Jim.
Perennials: *Euryops* spp.

Delvalle, Terry.
Grasses: *Schizachyrium scoparium.*

Durr, Audrey.
Medium Trees: *Avicennia germinans.*
Ferns: *Sphaeropteris cooperi.*

Friday, Theresa.
Perennials: *Neomarica gracilis.*

Gelmis, Georgia.
Large Trees: *Quercus virginiana.*
Palms and Palm-Like Plants: *Trachycarpus fortunei.*
Perennials: *Sphaeropteris cooperi*

Gillman, Ed.
Large Trees: *Acer barbatum, Acer rubrum, Betula nigra, Bucida buceras, Carya* spp., *Chorisia speciosa, Conocarpus erectus, Ficus aurea, Fraxinus americana, Fraxinus caroliniana, Fraxinus pennsylvanica, Gordonia lasianthus, Halesia carolina, Juniperus virginiana, Liquidambar styraciflua, Liriodendron tulipifera, Litchi chinensis, Lysiloma latisiliquum, Magnolia grandiflora, Magnolia virginiana, Nyssa sylvatica, Persea americana, Pinus clausa, Pinus elliottii var densa, Pinus glabra, Pinus palustris, Pinus taeda, Piscidia piscipula, Platanus occidentalis, Quercus acutissima, Quercus alba, Quercus austrina, Quercus falcata, Quercus michauxii, Quercus nuttallii, Quercus shumardii, Simarouba glauca, Swietenia mahagoni, Taxodium* spp., *Ulmus alata, Ulmus americana, Ulmus crassifolia, Ulmus parvifolia.*
Medium Trees: *Bursera simaruba, Caesalpinia* spp, *Carpentaria acuminata, Carpinus caroliniana, Cassia fistula, Cercis canadensis, Chrysophyllum oliviforme, Cocoloba diversifolia, Cordia sebestena, Crataegus* spp., *Cypressus arizonica* var. *arizonica, Ficus citrifolia, Illex Xattenuata, Ilex cassine, Ilex opaca, Ilex rotunda, Jacaranda mimosifolia, Juniperus silicicola, Lagerstroemia indica, Ostrya virginiana, Persea borbonia, Podocarpus gracilior, Quercus lyrata, Rhizophora mangle, Tabebuia chrysotricha, Tabebuia heterophylla, Tabebuia impetiginosa.*
Small Trees: *Acacia farnesiana, Aesculus pavia, Aralia spinosa, Ardisia escallonoides, Butia capitata, Callistemon* spp., *Camellia japonica, Camellia sasanqua, Canella winterana, Capparis cynophallophora, Cephalanthus occidentalis, Cornus florida, Eriobotrya japonica, Eugenia* spp., *Forestiera segregata, Ilex* X'Nellie R. Stevens', *Ilex cornuta, Ilex decidua, Ilex vomitoria, Jatropha integerrima, Ligustrum japonicum, Magnolia* Xsoulangiana, *Musa* spp., *Myrcianthes fragrans, Myrica cerifera, Olea europa, Osmanthus americanus, Parkinsonia aculeata, Plumeria rubra, Podocarpus macrophyllus, Prunus angustifolia, Prunus umbellata, Quercus geminata, Raphiolepis* spp., *Senna polyphylla, Sideroxylon* spp., *Tecoma stans, Viburnum obovatum, Viburnum odoratissimum, Viburnum odoratissiumu var awabuki, Viburnum rufidulum.*
Large Shrubs: *Abelia* Xgrandiflora, *Acacia farnesia, Acca sellowiana, Aralia spinosa, Ardisia escallonioides, Asimina* spp., *Brugmansia* Xcandida, *Brunfelsia grandiflora, Buddleia lindleyana, Calliandra haematocephala, Camellia japonica, Camellia sasanqua,*

Capparis cynophallophora, Carissa macrocarpa, Cephalanthus occidentalis, Cephalotaxus harringtonia, Chrysobalanus icaco, Citharexylum spinosum, Coccoloba uvifera, Cocculus laurifolius, Codiaeum variegatum, Conocarpus erectus, Cordyline spp., *Crataegus* spp., *Duranta erecta, Eugenia* spp., *Fatsia japonica, Forestiera segregata, Halesia diptera, Hamamelis virginiana, Hydrangea macrophylla, Hydrangea quercifolia, Ilex cornuta, Ilex vomitoria, Itea virginica, Jatropha integerrima, Juniperus chinensis, Ligustrum japonicum, Loropetalum chinense, Mahonia bealei, Murrya paniculata, Musa* spp., *Myrcianthes fragrans, Myrica cerifera, Nerium oleander, Osmanthus americanus, Philodendron* cvs., *Podocarpus gracilior, Podocarpus macrophyllus, Rhamnus caroliniana, Senna polyphylla, Strelitzia nicolai, Tecoma stans, Tibouchina urvilleana, Tibouchina granulosa, Vaccinium arboreum, Viburnum obovatum, Viburnum odoratissimum, Viburnum odoratissimum var awabuki, Yucca* spp.
Small Shrubs: *Breynia disticha, Caesalpinia* spp., *Ixora coccinea, Mahonia fortunei, Strelitzia reginae.*
Vines: *Allamanda cathartica, Bougainvillea* cvs., *Campsis radicans, Gelsemium sempervirens, Lonicera sempervirens.*
Groundcovers: *Ajuga reptans, Aspidistra elatior, Dryopteris* spp., *Liriope muscari, Zamia furfuracea.*
Grasses: *Miscanthus sinensis, Spartina* spp., *Tripsacum floridana.*
Palms and Palm-Like Plants: *Acoelorrhaphe wrightii, Bismarckia nobilis, Butia capitata, Carpentaria acuminata, Caryota mitis, Chamaerops humilis, Chrysalidocarpus lutescens, Coccothrinax argentata, Howea forsterana, Livistona* spp., *Nolina recurvata, Phoenix* spp., *Pseudophoenix sargentii, Ravenea rivularis, Rhapidophyllum hystrix, Roystonea regia, Sabal palmetto, Serenoa repens, Thrinax morrisii, Thrinax radiata, Washingtonia robusta, Wodyetia bifurcata, Zamia furfuracea.*
Ferns: *Dryopteris* spp.
Perennials: *Agapanthus africanus, Ajuga reptans, Asimina* spp., *Aspidistra elatior, Caladium* X*hortulanum, Cuphea hyssopifolia, Dryopteris* spp., *Heliconia* spp., *Impatiens* spp., *Justicia brandegeana, Justicia carnea, Liriope muscari, Musa* spp., *Philodendron* cvs., *Stachytarpheta* spp.
Annuals: *Ageratum* spp., *Caladium* X*hortulanum, Celosia* spp., *Impatiens* spp., *Justicia brandegeana, Justicia carnea.*

Gasper, Joaquim.
Large Shrubs: *Nerium oleander*-inset.

Girin, Bruno.
Annuals: *Viola* X*wittrockiana.*

Granson, Sandy.
Small Trees: *Calliandra* spp., *Dodonaea viscosa, Myrciaria cauliflora.*
Large Shrubs: *Lyonia ferruginea, Suriana maritima.*
Small Shrubs: *Acalypha hispida, Brunfelsia americana, Carissa macrocarpa, Gamolepis* spp., *Lantana depressa, Leucophyllum frutescens, Rosmarinus* spp.
Vines: *Ficus pumila, Thunbergia alata.*
Grasses: *Andropogon spp.*
Ferns: *Pteridium aquilinum.*
Perennials: *Begonia semperflorens, Hemerocallis* spp., *Lantana involucrata, Pteridium aquilinum.*
Annuals: *Begonia semperflorens, Monarda punctata.*

Green, Tim.
Ferns: *Dicksonia antarctica.*
Perennials: *Dicksonia antarctica.*

Jacinto, Valter.
Large Shrubs: *Jasminum mesnyi.*

Karekar, Kapil.
Perennials: *Haemanthus multiflorus.*

Keisotyo.
Small Trees: *Podocarpus macrophyllus* (inset).
Large Shrubs: *Podocarpus macrophyllus* (inset).

Kenpei.
Large Shrubs: *Heptapleurum arboricolum, Hydrangea arborescens, Ternstroemia gymnanthera.*
Small Shrubs: *Raphiolepis* spp.
Groundcovers: *Juniperus horizontalis, Ophiopogon japonicus.*

Kern, Bill.
Medium Trees: *Persea palustris.*
Small Trees: *Cyrilla racemiflora, Sophora tomentosa* (inset).
Large Shrubs: *Cyrilla racemiflora, Senna bicapsularis.*
Small Shrubs: *Lyonia lucida.*

Larsen, Claudia.
Large Shrubs: *Calycanthus floridus, Rhododendron canescens.*
Groundcovers: *Glandularia tampensis, Lantana montevidensis.*
Grasses: *Eragrostis elliottii.*
Perennials: *Conradina* spp., *Coreopsis* spp., *Flaveria linearis, Gaillardia pulchella, Helianthus angustifolius, Sisyrinchium angustifolium, Solidago* spp.
Annuals: *Coreopsis* spp.

Murray, Ann. University of Florida/IFAS Center for Aquatic and Invasive Plants
Ferns: *Osmunda cinnamomea.*
Perennials: *Iris virginica, Osmunda cinnamomea.*

Niemann, Brian.
Small Trees: *Ilex* X'Mary Nell'.
Large Shrubs: *Berberis julianae, Clethra alnifolia, Ilex* X'Mary Nell', *Osmanthus fragrans, Pittosporum tobira.*
Vines: *Decumaria barbara.*
Groundcovers: *Mimosa strigillosa.*

Pagnier, Veronique.
Vines: *Mandevilla* cvs.

Pellegrini, Mark.
Groundcovers: *Ardisia japonica.*

Quillia, Oliver.
Vines: *Passiflora incarnata* (inset).

Ramey, Vic. University of Florida/IFAS Center for Aquatic and Invasive Plants
Small Trees: *Cornus foemina.*
Large Shrubs: *Rhododendron austrinum.*
Groundcovers: *Nephrolepis biserrata.*
Ferns: *Nephrolepis biserrata.*

Richard, Amy. University of Florida/IFAS Center for Aquatic and Invasive Plants
Groundcovers: *Nephrolepis exaltata.*
Ferns: *Nephrolepis exaltata.*

Schumaker, Paul.
Groundcovers: *Ipomoea* spp.

Shebs, Stan.
Groundcovers: *Rumohra adiantiformis.*
Grasses: *Aristida stricta* var. *beyrichiana.*
Ferns: *Rumohra adiantiformis.*

Storch, Hedwig.
Perennials: *Kalanchoe blossfeldiana.*

Sullivan, Jessica.
Medium Trees: *Elaeocarpus decipens, Zanthoxylum clava-herculis.*

Tau'olunga.
Vines: *Quisqualis indica.*

Taylor, Kim.
Large Shrubs: *Hamelia patens.*

Wasowski, Sally and Andy. Lady Bird Johnson Wildflower Center
Groundcovers: *Thelypteris kunthii.*
Ferns: *Thelypteris kunthii.*

Wichman, Tom.
Large Shrubs: *Bambusa* spp., *Hibiscus* spp.
Vines: *Millettia reticulata.*
Groundcovers: *Vinca major.*
Palms and Palm-Like Plants: *Ceratozamia hildae, Ceratozamia kuesteriana, Dioon edule.*
Perennials: *Amorphophallus* spp., *Asclepias* spp., *Lycoris* spp.

Wilber, Wendy.
Annuals: *Tithonia rotundiflora.*

Wildes, Carolyn.
Small Shrubs: *Russelia sarmentosa.*

Yasalonis, Anne.
Small Trees: *Illicium* spp.
Large Shrubs: *Illicium* spp., *Jasminum multiflorum.*
Small Shrubs: *Russelia equisetiformis.*
Vines: *Jasminum multiflorum.*
Groundcovers: *Dyschoriste oblongifolia.*
Perennials: *Conradina* spp. (inset), *Dyschoriste oblongifolia.*

CREATE A FLORIDA-FRIENDLY LANDSCAPE

Yards and landscapes can be a positive asset to Florida. You can design and maintain your own Florida-Friendly Landscape by following the simple practices in this book. You will learn the basics of designing a landscape featuring carefully selected plants suited to Florida's unique climate, natural conditions, and wildlife.

We offer you cost-saving tips that, if implemented properly, will help you reduce water, fertilizer, and pesticide use. There is also a helpful section for waterfront homeowners addressing the special concerns of shoreline landscape management.

Whether you are starting from scratch with a new landscape or considering changes to an existing yard, the Florida Yards & Neighborhoods Handbook offers helpful concepts, tools, and techniques for creating your own Florida-Friendly yard. We hope you enjoy the publication and look forward to assisting you in creating an aesthetically pleasing landscape that will also help to protect Florida's natural resources.

Florida-Friendly Landscaping™ PROGRAM

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