

# ARTICLE 12. LANDSCAPING REQUIREMENTS.

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## 12.1 GENERAL REQUIREMENTS

### A. Intent.

It is the intent of this Article to establish regulations for the placement of landscaping and trees within the city, in order to better control problems associated with flooding, soil conservation, air and noise pollution, and to make the city a healthier, safer and more beautiful place in which to live. It is further the intent of this section to establish landscaping requirements for all off-street parking areas and other developed areas. Justifications for such requirements include the following:

- (1) To aid in controlling vehicular and pedestrian traffic in parking areas;
- (2) To enhance the community's ecological and aesthetic qualities; and
- (3) To protect and enhance property values.

### B. General Requirements.

(1) New Development on any parcel of land in any district, except for the construction of residential structures containing two dwelling units or less (unless a part of a larger planned development), and Redevelopment or a Change in Use which increases intensity or requires additional parking, are required to meet the following Open Space, Landscaping, and Screening Standards

- a. Generally, detention and retention ponds shall not qualify as landscape or open space area. However, retention and detention ponds less than three feet in depth may qualify as landscaped and open space area; provided that fencing requirements do not apply.

b. The total number of parking spaces required by this Unified Development Code may be reduced as determined by the appropriate development approval authority, to the extent necessary to comply with this section.

*(3) Care of trees on public property.*

It shall be the City Manager's responsibility to administer a plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in all other public areas.

## **12.2. LANDSCAPE PLAN REQUIRED**

A landscape plan is required as part of a site plan review application for multi-family, and non-residential (including mixed-use) development, and planned development projects. The landscape plan must be approved prior to the issuance of a building permit. Landscape plans must be prepared by a landscape architect or civil engineer licensed in Florida.

### **A. Contents of the Landscape Plan**

Landscape plans must contain a scale drawing showing and a description of the following:

- (1) The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, retention/detention facilities, and other drainage facilities, such as drainage swales.
- (2) The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and to be removed. All protected and heritage trees must be specifically identified on the plan.
- (3) The location, quantity, size, and name, both botanical and common, of all proposed plant material.
- (4) The existing and proposed grading of the site indicating contours at one foot intervals. Proposed berming must also be indicated using one foot contour intervals.
- (5) Elevations of all proposed fences, stairs, and retaining walls.
- (6) A certified irrigation-sprinkler plan. Plans including only those species identified as native and drought resistant and which do not require irrigation or watering in addition to what occurs naturally in this region, as verified by a landscape or civil engineer, shall not require a certified irrigation-sprinkler plan in lieu of submittal of a certified letter from the landscape or civil engineer to include a statement that the species identified in the plan shall not require irrigation or watering in addition to what naturally occurs in the region.
- (7) Any other details as determined necessary by the reviewing body.

### **B. Minor Changes to Approved Landscape Plans**

Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Planning Director. Major changes must be approved by the body granting approval of the landscape plan initially.

## 12.3. LANDSCAPE DESIGN STANDARDS

### A. Selection of Plant Materials

(1) Plant materials must be selected from the approved plant palette found on the Florida Friendly Plant List within the *Florida-Friendly Landscaping Guide to Plant Selection and Landscape Design* as adopted and incorporated herein by reference. The Planning Director may approve plants not included in the list if the species are native or naturalized to the area, and capable of withstanding the seasonal temperature variations of the City of Milton, as well as the individual site microclimate.

(2) The overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this section, it shall be at least three feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year.

(3) All plant materials must be of good quality and meet the most current *American Standard for Nursery Stock* (ANSI Z60.1) published by the American Association of Nurseryman and approved by the American National Standards Institute, standards for minimum acceptable form, quality, and size for species selected. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that must be considered when selecting plant material.

a. Minimum plant size shall be as specified in the landscape plan in keeping with the general guidelines found in the following table.

**Table 12.3.1. Plant Type and Size Requirements.**

Plant Type	Minimum Size at Planting
Broad Leaf Evergreen	6 feet in height; 3 in. DBH
Evergreen tree (conifer)	6 feet in height; 3 in. DBH
Deciduous canopy tree	4 inches caliper at DBH
Small deciduous tree	1 inches caliper at DBH
Evergreen or deciduous shrubs	18—24 inches in height
Large Shrub	36 inches in height

b. Landscape materials shall be tolerant of specific site conditions.

c. Existing healthy plant material may be utilized to satisfy landscaping requirements; provided it meets the minimum plant size specified in this section.

d. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within one year.

e. For the purposes of this Code, where shade trees are required, broad-leaf evergreens are considered a shade tree.

f. Large shrubs are those shrubs that reach five or more feet in height at maturity. Small shrubs are those shrubs that may grow up to five feet in height if left unmaintained, but are generally maintained at heights of 18 to 36 inches.

(4) Low impact site design and Xeriscape design practices, such as preserving existing native trees and vegetation, shall be used where appropriate and feasible.

(5) Where appropriate, the use of drought tolerant plant material is preferred.

(6) Additional requirements and review may apply within the Historic District and Community Redevelopment Areas.

(7) The term "invasive plant species" includes those plants that grow quickly and aggressively, spreading and displacing other plants. Examples of invasive plant species include, but are not limited to, Kudzu vine and Chinese tallow. Plant materials shall comply with the following standards:

(8) All landscape materials must be installed in accordance with the current planting procedures established by the American Association of Nurserymen. All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.

## **B. Irrigation System Design Standards**

(1) Irrigation systems shall be designed to meet the needs of the plants in the landscape.

(2) When feasible, irrigation systems shall be designed to separately serve turf and non-turf areas.

(3) The Landscape plans and specifications shall identify the materials to be used and the construction methods.

(4) 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.

(5) The system shall be designed to minimize free flow conditions in case of damage or other mechanical failure.

(6) The system shall be designed to use the lowest quality water feasible.

(7) Rain switches or other devices, such as soil moisture sensors, to prevent unnecessary irrigation, shall be incorporated.

## **C. Species Diversity**

Diversity among required plant material is mandatory for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 12.3.3: Diversity Requirements, indicates the percentage of diversity required based on the total quantity of species being used. For example, if a development requires 45 shade trees, no more than 18 trees (40%) and no less than five trees (10%) can be of one species, and there must be a minimum of five different species within the 45 trees. When the calculation of plant diversity requirements results in a fraction, said fraction is rounded up.

**Table 12.3.3. Diversity Requirements.**

<b>Total Number of Plants Per Plant Types</b>	<b>Maximum Amount of One Species</b>	<b>Minimum Amount of One Species</b>	<b>Minimum Number of Species</b>
1-4	100%	N/A	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000+	15%	4%	15

## D. Maintenance

(1) Landscape material depicted on approved landscape plans is considered a required site element in the same manner as structures, parking, lighting, and other improvements. As such, the property owner is responsible for the maintenance, repair, and replacement of all landscape material, fences, walls, steps, retaining walls, and similar landscape elements.

(2) All landscape material must be maintained in good condition, present a healthy, neat, and orderly appearance, and be kept free of refuse and debris. Any dead, unhealthy, or missing plants must be replaced within 60 days.

## 12.4. OPEN SPACE REQUIREMENTS:

### A. General Requirements

(1) All new development and redevelopment excluding attached and detached single family and duplex units shall be required to provide private permanently maintained open space(s) as provided herein.

(2) Multi-Family Residential developments, regardless of the district, are required to maintain common spaces in addition to any required parking lot screening and buffer yards, which shall be usable outdoor areas for passive and active recreational uses to meet the needs of residents at the amount indicated in this subsection.

a. No space less than 400 square feet shall be counted as common space within a Multi-family Residential development.

b. Buffer yards and screening may be designed to incorporate common areas. Any additional width in usable buffer yards and/or screening areas above and beyond that required in Subsections 12.5 through 12.7, meeting 12.4(A)(2)(a) above, may be counted toward the required common space area.

c. Common spaces must be equipped or designed to allow pedestrian access and seating and should be easily observed from the street or pedestrian circulation areas.

(3) Required open space shall be provided on private property.

a. All usable open spaces shall require access and connections to sidewalks or other walkways.

(4) Required buffer yards and landscape strips necessary for screening of parking and loading areas may be counted toward the required open space area.

(5) *Required Open Space Amenities.*

a. Required open spaces in excess of buffer and strip requirements shall include at least two (2) amenities indicated in Table 12.4.1 per 1000sq.ft.

**Table 12.4.1. Required Open Space Amenities.**

a. Bench or seating area.	b. Planters;
c. One tree (3" caliper at planting)/400sq.ft;	d. Water feature/fountains;
e. Decorative lighting;	f. Pavilions; and
g. Decorative paving	h. Other Acceptable Amenities

## B. Examples of Preferred Open Space Design Elements.



**Table 12.4.2. Minimum Common / Open Space Requirements.**

	<b>R-1AA, R-1A, R-1</b>	<b>R-2</b>	<b>R-3</b>
<b>Use/Structure Type</b>			
Multi-Family (including townhome and condominium developments)	Not Applicable*	Not Applicable*	First 1-5 units: 1000sf; 100sf / each additional 5 units
Non-Residential	65%	50%	50%
Mixed Use – Residential & Non-Res. with no live/work units	Not Applicable*	Not Applicable*	1000sf + 75sf / 1000 square feet of gross building area
Mixed Use – With 5 or more contiguous live/work units	Not Applicable*	Not Applicable*	200sf / dwelling unit
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Non-Residential	40%	35%	30%
	<b>R-C1</b>	<b>D-CM</b>	<b>SSC-RC</b>
All Development (Except Single Family and Duplex)	25%	20%	40%
	<b>Mobile Home Park (MHP)</b>	<b>Mobile Home Site within a MHP</b>	<b>Mobile Home Site outside of an MHP</b>
	30%	Not Applicable*	Not Applicable*

\*Development projects involving five or more parcels will include Open Space Requirements regardless of Zoning District identified in the Planned Development Project Section

## **12.5. REQUIRED BUFFER YARDS**

### **A. Generally**

(1) All New Development as well as Redevelopment and Changes in Use with the exception of single and two family dwelling units, in all Zoning Districts, except as provided in Section 12.7, which increase the intensity of land use or necessitate additional parking shall be required to conform to the following requirements:

### **B. Streetscape Buffer Yards**

(1) Streetscape buffer yards are required in conformance with the following:

a. A minimum twenty (20) foot wide landscaped strip running the full length of the street front comprised of:

i. Planted shade trees, meeting the requirements of 12.3, a minimum of one tree for every 35 feet of buffer yard length.

ii. One shrub, measuring a minimum of 18 inches in height at planting and reaching a minimum of three feet in height at maturity, must be planted for every 7 linear feet of buffer yard length, spaced linearly. Groupings may be an acceptable alternative.

iii. Grasses, perennials, and other approved ground cover shall be used in all spaces outside of tree and shrub areas.

iv. A minimum five (5) foot wide sidewalk as per Article 15.

v. "Street furniture," gathering spaces, and seating should be integrated into the streetscape buffer yard.

b. Alternative streetscape designs may be approved by the planning director.

c. On-site Stormwater management techniques such as bioswales and rain gardens are encouraged and should be incorporated into Streetscape buffer yard design.

### **C. Side and Rear Buffer Yards.**

This section establishes standards for required buffer yards which do not abut a public right-of-way in any zoning district. These buffer yards are designed to separate uses through the provision of green space and sound dampening walls and fences.

(1) Side and rear buffer yards are located within rear, side, and interior side yards, including the required rear or interior side setbacks, and must be reserved for the planting of material and installation of screening as required by this section.

a. No parking spaces or dumpster placement are permitted within a required buffer yard(s)

(2) A buffer yard must be at minimum 10% of street fronting lot width. However, a buffer yard shall not have a width less than 10 feet and shall not be required to exceed 20 feet in width.

a. When a non-residential use abuts a residential use in any residential or commercial district, there shall be a minimum 15 foot buffer yard.

(3) Buffer yards shall consist of both of the following elements: A fence or wall, constructed of approved materials to a minimum height of six (6) feet and to a maximum height of eight (8) feet, unless otherwise provided by these regulations, and the approved combination of landscaping materials.

- a. A Buffer yard, must at minimum be comprised of one shade tree planted for every 35 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than the equivalent of one per 35 linear feet of buffer yard length.
- b. One shrub, measuring a minimum of 18 inches in height at planting and reaching a minimum of three feet in height at maturity, must be planted for every seven linear feet of buffer yard length, spaced linearly.
- c. The remainder of the buffer yard must be planted in live groundcover, perennials, and/or grass.
- d. Onsite Stormwater management mechanisms should be located within these required buffer yard areas.

(4) Side and Rear Buffer Yards are required in conformance with the following:

- a. Where, in any district, a residential use abuts a mixed use or non-residential use.
- b. Where, in any district, a multi-family development occurs.
- c. Where a non-residential use is located within a residential district.
  - i. Park and recreational uses may require a solid masonry wall or other sound attenuation wall material.
- d. Where a non-residential use within a non-residential district abuts a residential use.
- e. Where a non-residential district abuts a residential district.

(5) When the calculation of minimum buffer yard requirements results in a fraction, the fraction is rounded up to the nearest whole number.

(6) When new commercial construction locates next to an existing residential use, the commercial use must provide the buffer yard. Conversely, if a new residential use locates next to an existing commercial use, the existing commercial use is not required to provide a buffer yard and is not considered nonconforming.

(7) Natural and undisturbed vegetation, if determined by the development approval authority to satisfy the intent of this subsection, may be an acceptable alternative to the above if maintained in its natural state.

- a. Failure of the natural vegetative buffer to provide acceptable screening and buffering will result in a nonconformity. In this instance, the above buffer and screening requirements shall be met within 60 days. The land use initially requiring the buffer, as indicated in these regulations, shall be responsible for the maintenance and conformity upon failure of the natural vegetative buffer.



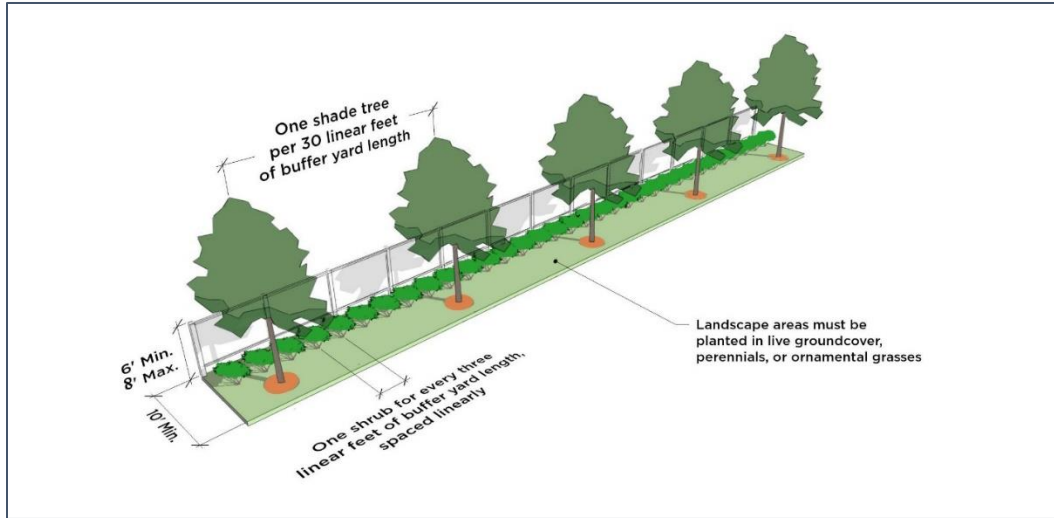


Figure 12.5.1. Example Rear Buffer Yard, Exceeding Code Requirements.

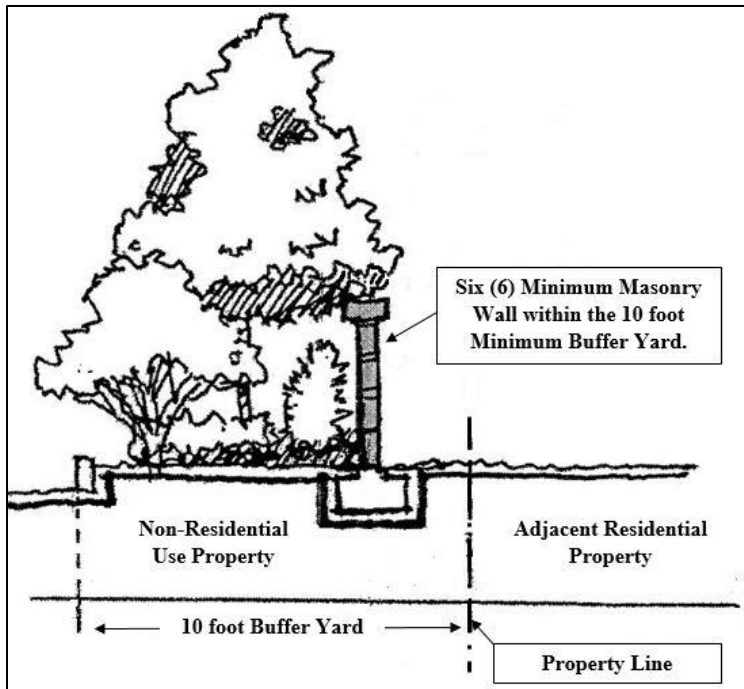


Figure 12.5.2. Side and/or Rear Buffer Yard Diagram.

## D. Retention and Detention Ponds

Retention and detention ponds required to have protective fencing, as per Article 13, i.e., greater than three feet in depth, shall be aesthetically screened from the public view by providing a landscaped buffer along the edge of the fencing. This buffer zone shall be landscaped with shrubs and trees at a minimum of one shade tree per 25 linear feet or shrub per five linear feet. The remainder of the buffer yard must be planted in live groundcover, perennials, and/or grass.

## 12.6. PARKING LOT AND LOADING AREA LANDSCAPING

### A. Parking Lot Screening

The following standards are applicable in all districts for all multi-family and non-residential development requiring parking lots which abut a public right-of-way, are designed or intended to accommodate 5 cars or more, and where redevelopment or a change of land use or intensity requires additional parking.

(1) Parking lot screening shall be accomplished by the following:

- a. A landscaped area a minimum of twenty (20) feet wide that shall run the full length of the street lot line, outside of the planned right-of-way.
  - i. A minimum five (5) foot wide sidewalk as per Article 15, is required at street lot lines, outside of the planned right-of-way. If a sidewalk exists prior to development, this requirement may be waved.
  - ii. There must be a minimum linear distance of 18 inches between any wheel stops or curbs to accommodate vehicle bumper overhang. This area may be included in the minimum landscape area calculation.
  - iii. Onsite Stormwater management techniques, such as rain gardens, bioswales, and others should be utilized within this area.
- b. One shrub, measuring a minimum of 18 inches in height at planting and reaching a minimum of three feet in height at maturity, shall be planted for every five feet of landscape area length, spaced linearly, or
  - i. A low pedestrian wall a minimum of three feet to a maximum of four feet in height may be used instead of shrubs.
    - 1) Plant materials shall be installed between the sidewalk and the wall to provide a softening effect on the fence or wall.
    - 2) The landscape area may be planted with a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height.
  - ii. Additional alternatives may be approved by the Planning and Development Department on a case by case basis, in keeping with the requirements of this subsection.
- c. One shade tree meeting the requirements of Subsection 12.3, is required every 30 linear feet.
- d. The landscaped areas outside of shrub masses, walls, and trees shall be planted in live groundcover, perennials, and/or grasses.
- e. On-site Stormwater management techniques such as bioswales and rain gardens are encouraged and should be incorporated into Streetscape buffer yard design.
- f. Alternative parking lot screening designs may be approved by the planning director.

### B. Loading Area Screening.

All loading areas shall be effectively screened from any adjacent residential use and from all public rights-of-way by one of the following:



(7) Parking lot islands should include on-site stormwater management features such as bioswales, rain gardens, or other bio retention and infiltration areas. When a parking lot island is designed for stormwater management, the tree requirement may be exempted as part of landscape plan approval when such trees are not typically part of an acceptable design.

## **12.7. ADDITIONAL LANDSCAPE AND SCREENING STANDARDS WITHIN THE R-C1, D-CM, & SSC-RC SPECIAL ZONING DISTRICTS.**

### **A. Generally.**

(1) The following standards are in addition to the above requirements and apply to all mixed-use, multifamily, and non-residential development within the R-C1, D-CM, and SSC-RC Zoning Districts. When these standards and requirements conflict with the above landscaping and buffer requirements, these standards take precedence within the various Special Zoning Districts.

(2) The overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

(3) Where screening is required by this section, it shall be at least three feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence no less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.

(4) Additional requirements and review may apply within the Historic District and Community Redevelopment Areas.

### **B. Streetscape Buffer Yard.**

(1) New development and re-development and changes in use which increase the intensity of land use or necessitate additional parking shall be required to provide the following street scape improvements:

a. The provision of a minimum five (5) foot wide landscaped buffer yard the entire length of the street front.

b. A minimum of one deciduous canopy tree per 30 feet of street frontage, or fraction thereof, shall be required. Trees can be clustered but every effort shall be made to have them evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.

c. If no sidewalk exists along the street frontage, prior to development, the provision of a minimum five (5) foot wide sidewalk is required, but shall match adjacent sidewalks when greater than five feet wide.

(2) Redevelopment and Changes in Use which, due to the nature of the existing lot, structures, terrain, and adjacent lots, structures, and terrain cannot provide the landscaped buffer yard to the extent as required by 12.7 (B)(1) above, the following shall apply:

a. If hardship can be demonstrated based on terrain, site limitations, or other, the provision of open space, outdoor seating, planter boxes and pots, or other acceptable alternative may be utilized in lieu of the required landscaped strip and/or street trees, with development approval from the Planning Director and/or the City Manager,

i. Sites which require an alternative to street trees may utilize planter boxes, pots, street furniture, or other to substitute at the same required rate as tree plantings as indicated in 12.6(A) above.

ii. In situations where Street Trees can be planted they shall be planted in or adjacent to public rights-of-way at one tree for every 30 feet of street frontage.

iii. Trees should preferably be located between the sidewalk and the curb, or in tree wells installed in pavement or concrete.

### **C. Side and Rear Buffer Yards.**

The side and rear buffer yard requirements of 12.5(C) apply unless existing site conditions can be demonstrated by the developer to preclude installation.

### **D. Parking Area Screening.**

(1) All parking and loading areas fronting on public streets, and all parking and loading areas abutting residential districts or uses shall provide:

a. A landscaped area at least five (5) feet wide along the Public Street or sidewalk which includes:

i. Screening at least three feet in height and no less than 50 percent opaque; and

1) Required screening shall be satisfied by one or some combination of: a decorative fence no less than 50 percent opaque, a masonry wall, a hedge, or berm and continuous landscaped areas.

ii. One tree for each 25 linear feet of parking lot frontage.

b. If no sidewalk exists, prior to development, along the street frontage, the provision of a minimum five (5) foot wide sidewalk is required.

c. A ten foot wide buffer yard is required when the parking and/or loading area(s) abut a residential use, to include the requisite trees and shrubbery as per subsection 12.7(D)(a)(b).

(2) *Parking area interior landscaping.*

The corners of parking lots, parking lot islands, and all other areas not used for parking or vehicular circulation shall be landscaped.

a. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces should include architectural features such as benches, kiosks or bicycle parking.

b. Parking lot islands should include on-site stormwater management features such as bioswales, rain gardens, or other bio retention and infiltration areas.

c. In parking lots of more than 10 spaces, at least 25% of the parking area interior shall be landscaped.

i. In large parking lots containing more than 100 spaces, an additional landscaped area of at least 400 square feet shall be provided for each 25 spaces or fraction thereof, containing at least two canopy trees per area. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.

1) Large contiguous landscaped areas should include pedestrian friendly amenities including benches, kiosks, bicycle parking, water features, and/or other acceptable furnishings.

d. The use of pavers, or other acceptable permeable pavement systems is encouraged and may reduce required landscaping by up to 10 percent.

## **12.8. REVIEW, ENFORCEMENT, AND PENALTY**

### **A. Permitting.**

Permit applications for the removal of protected trees, including heritage trees, shall be made to the Planning and Development Department. The department shall have ten working days in which to review the site plan and permit application, and make a determination as to whether the proposed removal of the protected tree is consistent with the provisions of this section. Upon a finding that the site plan and permit application is consistent with the provisions of this section, a city development permit shall be issued.

### **B. Inconsistencies.**

Upon finding that the site plan and permit is inconsistent with the provisions of this section, the Planning and Development Department shall notify the applicant in writing as to what action must be taken to conform the site plan and permit application to the requirements of this section.

### **C. Enforcement**

No building permit shall be issued for any building or structure, unless exempt from the provisions of this section, until the developer has demonstrated through submission of a site plan to the Planning and Development Department that said development is in compliance with the requirements of this section. No certificate of occupancy shall be issued for any building or structure until a determination has been made by the Planning and Development Department that the development is in compliance with this section. Any site plan required by this section may be combined with any site plan required for lot coverage purposes. The site plan shall indicate all protected trees on the site and which protected trees shall be preserved and those proposed to be destroyed. If the development is subject to the requirements contained in subsection Q of this section; the site plan shall also indicate the location and type of landscape material.

### **D. Penalty**

Any violation of these regulations, including the failure to obtain or abide by the provisions of a permit, is declared to be unlawful; and whenever these regulations require the doing of any act, the failure to do the act is declared to be unlawful. The code enforcement officer may, in his discretion, pursue an enforcement action through the code enforcement board. The code enforcement board may establish a schedule of fines for the violation of this Unified Development Code.