LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

LANDSCAPE SUB-COMMITTEE

JULY 12, 2017 AGENDA
2300 NORTH JOG ROAD, CONFERENCE ROOM VC-2E-12 – 2ND FLOOR
11:00 AM – 1:00 PM

A. CALL TO ORDER
   1. INTERESTED PARTIES AND STAFF INTRODUCTIONS
   2. ADDITIONS, SUBSTITUTIONS AND DELETIONS TO AGENDA
   3. MINUTES OF LAST MEETING – ATTACHMENT
   4. MOTION TO ADOPT AGENDA

B. REVIEW OF PROPOSED AMENDMENTS OF ARTICLE 7, LANDSCAPING
   1. EXHIBIT A - CHAPTER E, EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLAN SPECIES
   2. EXHIBIT B - CHAPTER F, INSTALLATION AND MAINTENANCE
   3. EXHIBIT C - CHAPTER G, ENFORCEMENT

C. INPUT AND COMMENTS
   REVIEW OF CHAPTERS C AND D PENDING ISSUES

D. SUMMARY OF TODAY’S DISCUSSION

E. FUTURE MEETING TOPICS
   GENERAL OVERVIEW OF ART. 7 AMENDMENTS
   MINOR AMENDMENTS TO OTHER ARTICLES

F. ADJOURN
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LANDSCAPE SUB-COMMITTEE MINUTES

JUNE 20, 2017
2300 NORTH JOG ROAD, CONFERENCE ROOM VC-2E-12 – 2ND FLOOR
9:00 AM – 10:30 AM

A. CALL TO ORDER
9:06 AM

1. Introduction of Members, Staff and Interested Parties
   Subcommittee Members: None
   Industry/public: Brett Ashley, Brandon Balch, Angela Biagi, Helen Cohen, Gladys DiGirolamo, Chris Lockhart, Chuck Mucciolo, Dan Siemsen, Eddy Viera
   County Staff: Maryann Kwok, Melissa Matos, Rodney Swonger, George Galle, Jon Powers, Travis Goodson, Sheri Hack

2. Additions, Substitutions and Deletions to Agenda:
   There were no additions, substitutions or deletions to the agenda.

B. AMENDMENTS TO ARTICLE 7, CHAPTERS C & D
   Maryann explained that the reorganization of Chapters C and D are the two most important.

C. ORGANIZATION OF THE CHAPTERS
   Each chapter was reviewed page by page and included questions from the subcommittee members. Comments, questions, and suggestions included the following:
   o Chapter C
     ➢ LA Subcommittee (LA) indicated the landscape requirements under General to be revised to make it more clear that the Landscape Plans are not required at BCC or ZC. (pg., 1, line 14)
     ➢ Staff explained what Development Order means, and that most requests for a DO are required to identify the Landscape requirements on a Plan (Master/Site or Subdivision), and not show details on a Regulating Plan.
     ➢ R-O-W buffer – the Table is missing the 10-foot R-O-W buffer. The LA also expressed concerns related to the required quantity of shrubs. The concerns included but were not limited to the size and growth habits of certain shrub species resulting in overcrowding. Requested that Staff relooks at the quantity, and maybe eliminate the Medium Shrubs. Art. 7 may need to be more of a performance code rather than one code fits all. (pg. 3, line 11)
     ➢ Clustering, LA recommends that language related to measurement be clarified. Staff proposed an additional option, and will be supported by graphics, as follows: (pg. 4, line 17)
- Openings shall not be wider than 40 feet measuring from: the center of each cluster or the center of the trunk of the outermost trees where the opening will be created.
- Question -LA questioned whether the Incompatibility buffer Canopy tree requirement could be reduced to accommodate future tree growth. LA will group to further discuss and will provide recommendation to Staff. Question regarding natural drainage and whether or not it will be better defined. (pg. 7, line 9)
- LA suggested to relocate AGR PUD Landscape buffer to be under the Incompatibility buffer Section. Staff concurs. (pg. 8, line 22)
- Landscape Islands in Parking area. LA suggested that Staff should look at allowing increased intervals if the islands are to be widened. Also recommended the increase of island width from 8 feet to 12 feet for healthier tree growth. Recommended to delete landscape diamonds. (pg. 13, line 38, pg. 14, line 4)
  - c. Rural and Exurban Tiers
    One Landscape island per six spaces (maximum 60 feet apart).
  - d. Compact Car or LSEV Spacing
    Landscape islands may be placed at intervals of a maximum of 15 compact parking spaces for all Tiers.
    1. **Increased Interval of Landscape Island**
       The distance between landscape islands may be increased to 15 standard parking spaces and 17 compact parking spaces, provided the width of the landscape island is increased by one foot for each additional space.
- General comments from LA – too many Waivers. Staff explained that these waivers are not new, they are currently relocated in different section of Art. 7 or in other Articles of the ULDC. Some of those allowable adjustments of Code requirements are not clearly defined in current code. The Waiver Table consolidates all of the above, and establishes criteria for Staff to evaluate a Waiver request.
  - Chapter D
    - Add latest edition to Florida Grades and Standards. Staff concurs. (pg. 1, line 9)
    - Question- LA questioned why 60% native, seems high. Some members said it is acceptable to have the 60% because native plants adapt to the environment better than non-native species, and more resistant to disease and provides wildlife habitat. (pg. 1, line 14)
    - Add examples of clumping palms, such as paurotis, etc. (pg. 2, line 2)
    - Question-LA questioned why a maximum spacing for Hedge, Staff concurs and will revise to state minimum spacing. This will allow some species which has a wider growing habit to be spaced out at 36 inches, and still will be able to achieve the continuous screening effect. (pg. 7, lines 17-18)

2. **INPUT AND COMMENTS**
   Maryann reminded the group of the meeting dates and advised that additional dates would be forwarded to the subcommittee.

G. **ADJOURN**
   The meeting adjourned at 10:15 a.m.
EXHIBIT A

ARTICLE 7, LANDSCAPING
(CHARTER E – PRESERVATION OF EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES)

(Updated 7/05/17)

Part 1. ULDC Art. 7.D.5, Existing Native Trees and Vegetation, and Art. 7.D.2.E, Preservation of Trees (page 20 and 17 of 49), are hereby amended as follows:

Reason for amendments: [Zoning]

1) Clarify existing native trees and vegetation can be used to satisfy both buffer and interior landscape requirements for a site.

2) Traditionally, the preservation of existing native vegetation is under the authority of Environment Resources Management, in 2016, Art. 7.D has been amended to allow the Zoning Director the authority to address native individual trees that are outside of ERM’s goals for preservation. This allows the opportunity for staff and applicant to proactively address design layout opportunities prior to the approval or certification of a development order.

3) This amendment incorporates part of the Zoning PPM. 20-060. Preservation of Vegetation and clarifies submittal, review and approval procedures pertinent to the preserving of native vegetation.

CHAPTER E

Section 5 Existing Native Trees and Vegetation Purpose

To establish standards and requirements for preservation of existing native vegetation, removal of prohibited species, and reduction of the controlled species. For the purpose of Article 7, existing native vegetation includes native trees, palms, and pines and are required to be incorporated in the site for any application that is subject to a Zoning Review. Existing native trees and vegetation may satisfy the landscape buffer requirements in this Article, in total or in part. Existing native trees and vegetation may be relocated from areas of the site to be used as or in a landscape buffer. In determining whether native trees and vegetation satisfy the requirements of this Article and the goals of Art. 14.C. VEGETATION PROTECTION AND PRESERVATION, either one or both of the following shall be considered:

A. The effectiveness of utilizing the existing vegetation as the visual screening and re-establish a natural habitat for the existing vegetation; if adequate screening is provided, then no additional trees and vegetation will be required, or

B. The quality and kind of species of the area and vegetation being preserved.

[Relocated from Art. 7.D.5, Existing Native Trees and Vegetation, page 20]

E. Section 2 Preservation of Trees Authority and Review Procedures

The Zoning Director shall have the authority to require the preservation of vegetation on-site that is not covered under Article 14.C. Vegetation Preservation and Protection, subject to the following provisions:


2. Applications submitted for new or modified development proposals shall use the most applicable plan in accordance with Art. 7.D.2.E. Plan Requirements, to identify existing trees and vegetation proposed to be...

[Ord. 2016-016]

4. Presented and incorporated into the site design. [Ord. 2016-016]

5. Relocated off-site. [Ord. 2016-016]


8. A Tree Survey may be required as part of the approval for applications for sites that support significant vegetation, to ensure the final site design incorporates the maximum number of trees. [Ord. 2016-016]. [Partially relocated from Art. 7.D.2.E.1, Preservation of Trees, page 17]

A. Pre-application Appointment

The applicant shall meet with the Zoning Division and the Department of Environmental Resources Management (ERM) prior to the submittal of the application. Staff shall coordinate with the applicant to address the preservation of native vegetation in the early stage of development review, and to resolve design issues without impacting the timeline for certification or approval of the application. Staff may request a site visit with the applicant to determine whether the existing vegetation is worthy of preservation, and inform the applicant of the necessary application requirements, including a Tree Survey, prior to the submittal of the Zoning application.

B. Review and Permit Procedures

Zoning Division and ERM shall collaborate on the review of all applications that require preservation through: PAA, site visits, site design to maximize preservation, and when appropriate, conditions of approval shall be imposed to ensure follow-up monitoring during land development and building permit steps of site development will be occurred.

1. Application Submittal

a. In addition to all the required forms and related documents pursuant to Art. 2, Application Processes and Procedures to support the request, the applicant shall include in the

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EXHIBIT A

ARTICLE 7, LANDSCAPING
(CHAPTER E – PRESERVATION OF EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES)

(Updated 7/05/17)

Justification Statement describing the proposed site development, and indicate any proposal for preservation of existing native vegetation;

b. The applicant shall submit a Vegetation Survey with estimated preliminary finish grade of the areas where the proposed preservation of vegetation is located;

c. Any preservation of vegetation shall be shown on the applicable Zoning Plan(s) with a Vegetation Disposition Chart pursuant to the Zoning Technical Manual (TM), Title 4, Landscaping, Chapter G for the template and notes; and

d. Preservation shall include native vegetation that are saved in their original location on the site; relocation of vegetation within the site; mitigation of vegetation with replacement of new ones and relocation of vegetation off site in a location designated by ERM.

2. Site Visit

a. If a FAA is not requested by the applicant prior to the submittal of the Zoning application, Staff shall conduct a site visit to determine if a Vegetation Survey and a Vegetation Disposition Chart are required and notify the applicant as a certification issue at the issuance of the first DRO comments.

3. Agreement on Preservation

a. Staff shall set up an appointment with the applicant to discuss the recommendations related to the site design and preservation. If the recommendations require a redesign of the site layout, the applicant shall address all preservation issues before certification of the application for public hearings or Final Approval by the DRO.

b. Prior to the certification or approval of an application, the applicant shall agree to the specific requirements which includes, preservation, relocation, mitigation, replacement of the existing native vegetation, and shall be shown on the Plan(s) and Tree Disposition Chart.

c. The Zoning Director shall have the authority to impose conditions of approval as in the development order to require the incorporation of existing vegetation into the site design. [Ord. 2016-016] [Relocated from Art. 7.D.2.E.2, Preservation of Trees, page 17]

4. ERM Vegetation Protection

For applications that are approved by the ZC, or BCC, the applicant may submit a Vegetation Protection application to ERM prior to Final Approval by the DRO. For applications that are approved by the DRO, the applicant shall submit the Protection of Native Vegetation Approval application concurrent with the Vegetation Barricade Permit. A Vegetation Permit shall be issued by ERM if the requirements are consistent with the approved Zoning Plans, conditions of approval or in compliance with Code.

5. Vegetation Barricade Permit

a. Prior to any land clearing activity or removal of vegetation, or issuance of any other Building Permits for the site, the applicant shall:

1) Submit a Vegetation Barricade Permit application to the Building Division;

2) Tag all existing vegetation as identified on the approved plans and Tree Disposition Chart to ensure there are no discrepancies between the approved documents and the site situations; and

3) Install all barricades around those tagged vegetation that are to be preserved and relocated on site.

b. The Vegetation Barricade Permit application shall be reviewed by Zoning Division and ERM. Staff shall schedule inspections for the installation of the tags and barricades prior to the approval of the Permit.

c. The Landscape inspector shall inspect the site for compliance with the Vegetation Barricade Permit to ensure all barricades are properly installed around the vegetation to be preserved or relocated. Once the final inspection for the Vegetation Barricade Permit is signed off by the Zoning Division, other permits for the property may be issued.

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EXHIBIT A

ARTICLE 7, LANDSCAPING
(CHAPTER E – PRESERVATION OF EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES)
(Updated 7/05/17)

Part 2. ULDC Art. 7.D.2.F, Tree Credit (pages 17-18 of 49) are hereby amended as follows:

Reason for amendments: [Zoning]
1) Relocate Tree Credit which is currently under Art. 7.D to the new Chapter E.
2) Eliminate Spread of Crown as one of the two methods for tree credit or replacement. It is more accurate to measure from the trunk.

E. Section 3 Tree Credit and Replacement

A preserved upland or drought-tolerant tree or palm meeting the standards in this Article may be substituted for required trees, subject to the following:

A. Tree Survey

Credit shall be granted for on site preservation of existing trees or palms when accompanied by a tree inventory or tree survey.

B. Trees Excluded from Credit

Credit shall not be permitted for trees that are:
1. Required for preservation by Article 14.C, VEGETATION PRESERVATION AND PROTECTION (i.e. located in required preservation areas, heritage or champion trees).
2. Not properly protected from damage during the construction process, as required in Article 14.C, VEGETATION PRESERVATION AND PROTECTION.
3. Classified as prohibited or invasive non-native species as defined in Article 14.C, VEGETATION PRESERVATION AND PROTECTION.
4. Dead, dying, diseased, or infested with harmful insects.
5. Located on a subarea of a planned development that is not intended to be developed for residential, commercial, or industrial use, such as a golf course on an adjacent open space parcel.

C. Tree Credit Formula

All existing trees to be preserved, mitigated on or off site, replaced on or off site shall be credited pursuant to Table 7.D.2.F.3, Tree Credit and Replacement. Only pines with a caliper of two inches or more shall be subject to preservation, mitigation or replacement. (Ord. 2016-042)

Table 7.D.2.F.3 - Tree Credit and Replacement

<table>
<thead>
<tr>
<th>Species / Height</th>
<th>Diameter at 4.5 Feet Above Grade</th>
<th>Credits or Replacements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5 ft.</td>
<td>Less than 2 in.</td>
<td>0</td>
</tr>
<tr>
<td>5-10 ft.</td>
<td>2-8 in.</td>
<td>2</td>
</tr>
<tr>
<td>10-20 ft.</td>
<td>8-12 in.</td>
<td>4</td>
</tr>
<tr>
<td>20-30 ft.</td>
<td>12-18 in.</td>
<td>6</td>
</tr>
<tr>
<td>30-40 ft.</td>
<td>18-24 in.</td>
<td>8</td>
</tr>
<tr>
<td>40-50 ft.</td>
<td>24-30 in.</td>
<td>10</td>
</tr>
<tr>
<td>50 ft. or more</td>
<td>30 in. or more</td>
<td>2</td>
</tr>
</tbody>
</table>

Note: Fractional measurements shall be rounded down.

[D] [Z] [D] [R] [A]

[Relocated from Art. 7.D.2.F, Tree Credit, page 17]

Part 3. ULDC Art. 7.D.6, Prohibited Plant Species and Art. 7.D.7, Controlled Plant Species
(pages 20-21 of 49) is hereby amended as follows:

Reason for amendments: [Zoning]
1) Relocate Prohibited Plant Species under Art. 7.D.6 and Controlled Plant Species under Art. 7.D.7 to the new Chapter E.4 and 5.
2) Add Mahogany to the Controlled Species, as this species has a tendency to drop their seeds that may create a pedestrian safety issue.

Section 6.4 Prohibited Plant Species

The planting or installation of the following plant species is prohibited. Each planting plan, landscape plan or ALP shall include a program to eradicate and prevent the reestablishment of these species.

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ARTICLE 7, LANDSCAPING
(CHapter E – PRESERVATION OF EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES)
(Updated 7/05/17)

A. Prohibited plant species listed in Article 14.C, VEGETATION PRESERVATION AND PROTECTION.

B. Any plant species classified in Article 14.C, VEGETATION PRESERVATION AND PROTECTION, as an "invasive non-native species". [Relocated from Art. 7.F.6, Prohibited Plant Species, page 20-21]

Section 25 Controlled Plant Species

The following species may be planted or maintained under controlled conditions:

A. Black Olives and Mahogany

Black olives shall not be installed within 15 feet of any vehicular use area, sidewalk, paved pathway, or bike lane.

B. Ficus Species

Ficus species may be planted under the following conditions but shall not exceed a maximum of ten percent of the total number of required trees.

1. Planted as individual trees provided they are no closer than 30 feet from any structure or utility;
2. Contained in a planter or root barrier; or
3. Maintained in accordance with the restrictions for hedges pursuant to Art. 7.D.3.B, Hedges. Ficus hedges in interior landscape areas shall not exceed a maximum of 12 feet in height, measured from the lowest grade adjacent to the hedge. [Ord. 2005 – 002]

C. Silk Oak, Rosewood

Silk Oak and Rosewood trees shall not be planted within 500 feet of a preserve area.

D. Citrus Trees

Citrus trees shall not qualify as a required tree, except for single-family lots. [Relocated from Art. 7.F.7, Controlled Plant Species, page 21]

Section 86 Artificial Plants

No artificial plants or vegetation shall be used to meet any standard of this Section. [Relocated from Art. 7.F.8, Artificial Plants, page 21]
EXHIBIT B

ARTICLE 7, LANDSCAPING

CHAPTER F – REVIEW, INSTALLATION AND MAINTENANCE

(Updated 7/05/17)

Part 1. ULDC Art. 7.E, REVIEW, INSTALLATION AND MAINTENANCE (pages 26-32 of 49), are hereby amended as follows:

Reason for amendments: [Zoning]

1) Relocate Chapter E to the new Chapter F.

2) Relocate Art. 7.E.2, Landscape Permit to the new Chapter F.

3) Delete requirements for PO Zoning because it will fall under this new chapter.

4) Delete Suspended Phasing and replace with the heading of Time Extension.

CHAPTER F – REVIEW, INSTALLATION AND MAINTENANCE

This Chapter establishes standards for the landscape review, installation and maintenance of tree and landscape plant material. [Ord. 2009-040]

Section 1 General

Plant material shall:

A. Be planted in soil and conditions appropriate for their growth habits.

B. Be appropriate for the USDA plant hardiness zone and ecological setting in which they are to be planted.

C. Be compatible with existing native plants in the area through similar ornamental properties and physical requirements (e.g., water use, soil conditions). [Replaced from Art. 7.E, Review, Installation and Maintenance, page 26]

Section 2 Landscape Permit

To ensure compliance with the various requirements associated with a new development permit for installation and maintenance of landscape on site, the applicant shall:

1. Submit an application for a Landscape Review on forms prepared by the Zoning Division; [Ord. 2009-040]

2. Comply with Code requirements and any conditions of approval; and [Ord. 2009-040]

3. Schedule and receive approval of all required landscape inspections; and [Ord. 2009-040]

4. Adhere to long-term landscape maintenance specifications and all materials associated with the landscape installation; [Ord. 2009-040] [Replaced from Art. 7.E.2, Landscape Permit, page 26 and relocated to Art. 7.B.2, Approval Process for Landscape Plans]

Section 3 Plant Quality

Plants installed pursuant to this Article shall conform to or exceed the minimum standards for Florida Number 1, as provided in the most current edition of Grades and Standards for Nursery Plants, Parts I and II, Florida Grades and Standards for Nursery Plants 2019, as amended, prepared by the Florida Department of Agriculture and Consumer Services—see Appendix B for examples of Florida Number 1 Quality Plants. A different minimum standard may be approved for native plants installed in accordance with an approved ALP if an applicant demonstrates that sufficient quantities of commercial stock meeting the Florida Number 1 standard are not available. All plants shall be clean and free of noxious pests and/or diseases. All plants shall be clean and free of noxious pests and/or diseases. [Replaced from Art. 7.E.3, Plant Quality, page 27]

Section 2 Installation

All landscaping shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. Before planting, a plant or tree's growth characteristics shall be considered to prevent conflicts with views, lighting, infrastructure, utilities, or signage. Proposed infrastructure, lighting, and signage plans shall be submitted concurrent with landscape plans prior to issuance of a building permit.

A. Planting Specifications

Required trees and palms shall be securely guyed, braced, and/or staked at the time of planting until establishment. All plants shall be installed so that the top of the rootball remains even above ground level. All plants shall be installed so that the top of the rootball remains even above ground level. [Replaced from Art. 7.E.2, Installation, page 26]

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with the soil grade. The top one-third of burlap shall be removed from the root ball at planting. If
used, nylon strapping and wire cages shall be completely removed at installation. All guys and
staking material shall be removed when the tree is stable and established but in no case more
than one year after initial planting of tree. Construction debris shall be kept clear from the planting
area.
B. Phasing
1. Planned Developments with Phasing
   The number of trees required plant materials to be planted or preserved shall be installed in a
construction phase according to the approved phased plan. The quantity of the required plant materials for each development phase shall be a proportion of
   the total number of required materials to be installed in the overall planned
development. This proportion shall be determined by comparing the area of the plan to the
15
area of the entire planned development as shown on the approved plan. Areas of vegetation
   required to be preserved shall be excluded from this calculation. A R.O.W buffer where the
development fronts shall be implemented under Phase One.
2. Other Developments Without Phasing
   The entire perimeter landscaping shall be installed prior to the issuance of the first Certificate
of Occupancy (CO) as required by the approved phased plan approved by the DRO.
   a. Developments with Multiple Buildings
      A R.O.W buffer where the development fronts shall be implemented prior to the issuance
of the first CO for the first building.
   a. R.O.W. Buffering District and Public Right-of-Way
   Installation of a proportionate share of required materials shall be permitted subject to
requirements of the City or County of approval of a phased plan. The phasing plan shall indicate the standards
   area of each building permit application and general location of plant material that will be
installed. (Ord. 2007-012)
3. Suspended Phasing Exception
   For Developments with or without an approved phasing, required installation may be phased
   into a project in different stages for up to one year from initial occupancy with Zoning
Division approval of an installation schedule.

Section 4.D. Maintenance

A. General
   PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned
property, unless provided for otherwise by DO condition of approval. For all other properties, the
property owner or successor in interest, contractor, or agent, if any, shall be jointly and severally
responsible for the maintenance of the property pursuant to the Property Maintenance
Code.
B. Maintenance
   Required or preserved vegetation that becomes damaged, diseased, removed or is dead shall be
   immediately replaced with plant material to comply with the approved standards and height
   requirements of this Article or conditions of approval, whichever is greater. Trees that are removed
   or damaged, shall be replaced in accordance with the tree replacement credit standards of Table
7. L.0.D.E.3. Tree Credit and Replacement. Landscape trees planted or preserved to meet the minimum
landscape code requirements may be removed provided a Tree Removal Permit is
   approved. (Ord. 2005-002) [Relocated from Art. 7.E.8, Restoration and Maintenance]
2. Regular maintenance of all landscaping is required. All landscaping shall be free from disease,
pests, weeds, and litter. Maintenance shall include avoiding overwatering, fertilizing, pruning,
mowing, edging, mulching, or any other actions needed, consistent with acceptable
horticultural practices.
3. Regular maintenance, repair, or replacement of landscape barriers and focal points, including
landscape structures, in a timely, thorough, and methodical manner in order to keep them in a
structurally sound condition.
4. Periodical maintenance to prohibit the establishment of prohibited and non-native invasive
species within landscape and preservation areas.
5. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or branches that
present a hazard. All trees and palms shall be allowed to grow to their natural mature height
   and to full canopy. No canopy tree shall be pruned until it has reached the minimum 12 foot
   required height and canopy spread, unless required to address damage by natural causes,
such as hurricanes.

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EXHIBIT B

ARTICLE 7, LANDSCAPING

CHAPTER F - REVIEW, INSTALLATION AND MAINTENANCE

(Updated 7/05/17)

6. Landscape areas which are required to be created or preserved by this Article shall not be used for temporary parking or the storage/display of materials or sale of products or services.

8. Vacant Lots

1. Affected Parties

Any owner of a vacant lot in a residential neighborhood upon which a home has been demolished to the extent that it no longer qualifies for a certificate of occupancy must follow the maintenance requirements of Art. 7 F.S.B. Vacant Lot, Maintenance and Planting Requirements. If the vacant lot, by itself or in combination with other vacant lots resulting from the demolition of a home or homes, results in significant degradation of the surrounding neighborhood as defined in Art. 1.1 Definitions and Acronyms (Significant Degradation). In the event significant degradation occurs, all contiguous vacant lots that contribute to the significant degradation will be subject to Art. 7 F.S.B. Vacant Lot, Maintenance and Planting Requirements. [Ord. 2005-003] [Ord. 2008-037]

2. Applicability

Art. 7 F.S.B. Vacant Lot shall apply to the Urban/Suburban Tier in the unincorporated areas of Palm Beach County, as defined in the Plan. [Ord. 2005-003] [Ord. 2008-037]

3. Vacant Lot Exemptions

The following vacant lots shall be exempt from the requirements of Art. 7 F.S.B. Vacant Lot. [Ord. 2008-037]

a. Vacant lots resulting from the demolition of a home based on a declaration by the building official that the home is unsafe. [Ord. 2005-003] [Ord. 2008-037]

b. When an owner initiates redevelopment of a vacant lot within 120 days of demolition, as evidenced by submittal of a building permit application for site plan approval, or other applicable development permit application or good faith effort to develop the lot, for as long as the permit or good faith effort is active. In order to receive an exemption at the site of a redevelopment permit application, the applicant must submit an affidavit stating that the applicant expects to meet the above requirements. That affidavit shall be made on a form established by the Zoning Director. An exemption is granted based on an affidavit. The property owner shall submit evidence as required above within 120 days of completion of the demolition, or shall submit a planting plan within 10 days of the expiration of the 120-day period. [Ord. 2005-003] [Ord. 2008-037]

c. Vacant lots where the home was demolished prior to April 23, 1996. [Ord. 2005-003]

d. Vacant lots resulting from eminent domain proceedings. [Ord. 2005-003] [Ord. 2008-037]

e. Vacant lot resulting from demolition of a home using funding from a demolition program of the Department of Housing and Community Development. [Ord. 2005-003] [Ord. 2008-037]

4. Vacant Lot Variance

A property owner may apply for a Type 1A Administrative Variance subject to Art. 2.D.3.C.4. Vacant Lots, as may be amended. [Ord. 2008-037] [Ord. 2010-039]

5. Vacant Lot Maintenance and Planting Requirements

a. Ground Treatment

Vacant lots required by this Section must be cleared of construction materials and debris, and must be planted with sufficient ground treatment to cover the entire lot in accordance with Art. 7.C.3. Ground Treatment. Existing ground treatment may be used to meet the requirements of this Section. The clearing and planting must be completed within 170 days of the completion of demolition, within 190 days of the effective date of this section, or within 30 days of Department approval of a planting plan, whichever is later. Sub foundations or other structural features remaining from demolished houses, or from other demolished structures, must be removed from vacant lots required by this section. [Ord. 2005-003] [Ord. 2008-037]

b. Trees

Trees shall be planted or preserved in accordance with the requirements of Table 7.C.3. Minimum Tree Requirements, and Art. 7.D.2, Trees. Trees shall be native or drought tolerant. [Ord. 2005-003] [Ord. 2008-037]

c. Existing Trees

Preservation of existing native trees is encouraged and credits shall be given toward the above requirements. If existing native trees are removed, they shall be replaced in accordance with the standards in Table 7.D.2.D. Tree Credit and Replacement, or Article 7.F.S.B. Trees, whichever is greater. The size of replacement trees shall be in accordance with Art. 7.D.2. Trees. [Ord. 2005-003] [Ord. 2008-037]

d. Prohibited Plant Species

Existing prohibited plant species must be removed and trees replaced on a one-to-one basis with a native tree. Replacement trees for removed prohibited plant species shall be

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consistent with the interior landscape requirements of Art. 7.D.4, Trees. [Ord. 2005-002]

b) Removal


4C. Vacant Lot Planting Plan Application and Approval

Planting in a vacant lot is allowed, and is subject to the application and Plan requirements pursuant to Art. 7.A, General.

1. Planning Plan

The owner applicant shall submit a planting Plan indicating the proposed landscaping pursuant to Art. 7.C, Interior Planting, method of ground treatment, existing soil replacement vegetation to be preserved or replaced pursuant to Art. 7.E, Existing Native Vegetation, Prohibited and Controlled Plant Species; and irrigation simultaneously with the application for a demolition permit. [Ord. 2005-002] [Ord. 2008-037]

2. Demolition Permit

The Building Division shall not issue the demolition permit until a planting Plan is approved by the Zoning Division unless the applicant signs an affidavit in accordance with Art. 7.E.5.G.3.b. [Ord. 2005-002] [Ord. 2008-037]

3. Review of Planting Plan

The Zoning Division shall determine if the planting Plan is sufficient and includes the information necessary to evaluate the plan within five days of receipt. The Zoning Division shall approve, approve with conditions, or deny the plan within ten days of the determination.

4. Standards

The Zoning Division shall consider the following criteria in reviewing the planting plan:

a) whether or not the ground treatment and other landscape materials are consistent with the established character of the neighborhood;

b) whether or not alternative or temporary irrigation methods such as hand watering are acceptable. [Ord. 2005-002] [Ord. 2008-037]

c) Vacant Lot Plant Installation, Maintenance, Pruning And Irrigation

Native vegetation, drought tolerant vegetation, or ground treatment shall be installed, maintained, pruned and irrigated in accordance with the requirements of Art. 7.F, Installation, Maintenance, as may be amended from time to time, and conditions of approval for the planting plan in Art. 7.E.5.G.5.f.1), above. Temporary irrigation methods may be approved for native vegetation only, subject to a maintenance/replacement agreement. [Ord. 2005-002] [Ord. 2008-037]

Section 63. Pruning After Installation

Pruning is permitted after installation to allow for healthy growth, to promote safety considerations, and to enhance the aesthetic value of plant material. Trees that conflict with views, signage, or safety shall not be pruned more than the maximum allowed. Trees shall not be pruned to reduce the canopy spread to less than 20 feet or pruned in conflict with the maintenance standards above. Pruning practices shall conform to the guidelines in Tree Care Tips – A Guide to Proper Pruning Techniques, published by the Department of Environmental Resources Management (ERM). The Zoning Director may suspend the provisions of this Section upon recommendation from County Landscape additional pruning is necessary for plant growth, safety, and aesthetics.

A. General Pruning Requirements

1. A maximum of one-fourth of the tree canopy may be removed from a tree within a one year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the most recent published version of the American National Standards Institute, ANSI provisions related to tree, shrub and other woody plant maintenance, as amended. The crown of a tree required by this Code or condition of approval shall not be reduced below the minimum spread or height requirements of Article 7.D.2.A, Canopy Trees, or specific conditions of approval. A tree which is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of Article 7.D.2.A, Canopy Trees, and Table 7.D.2.E, Tree Credit and Replacement. [Ord. 2014-025]

2. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved site plan, planting plan, landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance program shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.

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3. When cutting back trees, care shall be taken to promote the shape and form typical of the tree’s species in similar settings in PBC.
4. Tree topping (hatracking) is prohibited.
5. No large or medium canopy trees shall be pruned before it has reached a minimum 20 foot canopy height and spread.

Figure 7.E.6.A - Pruning Guidelines

B. Palm Pruning Requirements

1. No more than one-third of fronds shall be removed.
2. No pruning above the horizon line, except for dead or diseased fronds.

Figure 7.E.6.B - Palm Pruning Guidelines

C. Pruning Exemptions

The following trees and species are exempt from these pruning standards:

1. Trees affected by FAA and airport safety regulations, to the extent required to comply with these regulations.
2. Trees that interfere with corner clips, utility lines, or utility structures, to the extent required to comply with regulations for these areas or structures.

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3. Trees that have insect or disease damage, crown dieback, or decay greater than one third of
   the tree canopy.
4. Trees that have suffered damage due to natural or accidental causes.
5. Trees on single-family lots unless pruned by a commercial tree service business, landscape
   company, lawn service business, or other related businesses.
6. Trees in botanical gardens, or botanical research centers.
7. Trees under DOT, DEPW, and FPL management.

Section 2B: Irrigation

The licensed professional or irrigation contractor responsible for the installation of irrigation shall

1. demonstrate compliance with the following irrigation standards in a form acceptable to the Zoning
   Division.

   a. Landscaped areas shall be irrigated to maintain required plant materials in good and healthy condition.
   b. Irrigation systems shall comply with the following standards:
      i. The landscape design and final landscape plan shall incorporate acceptable xeriscape industry
         standards.
      ii. All landscaped areas requiring irrigation shall be provided with an automated irrigation system that
          provides 100 percent coverage. Areas requiring minimal irrigation to establish plants shall use drip
          irrigation.
      iii. Irrigation systems shall be designed as not to overspray water impervious areas. All irrigation
          systems shall be continuously maintained in working order.
      iv. Where feasible, irrigation systems shall not be installed or maintained on areas adjacent to a public
          street which causes water from the system to spray onto the roadway or strike passing pedestrian
          or vehicular traffic.
      v. The use of irrigation quality or re-used water is encouraged for parks and recreation facilities:
         1. Within the Irrigation Quality (IQ) effluent water service area of the PBCWUD; or
         2. Where irrigation quality or re-used water is available and where such reuse is approved by the
            regulatory agencies.
      vi. Permanent irrigation systems are not required for areas set aside on approved site development
          plans for preservation of existing native vegetation.
      vii. Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to
          meet the standards of this Section, upon approval of the Zoning Division.

Section 8: Restoration and Maintenance

Required or preserved vegetation that becomes damaged, diseased, removed or is dead shall be

1. immediately replaced with plant material to comply with the approved standards and height requirements
   of this Article or conditions of approval, whichever is greater. Trees that are removed or damaged shall be
   replaced in accordance with the tree replacement credit standards of Table 7.D.2.D, Tree Credit and
   Replacement. In xeriscape plants preserved to meet the minimum landscape code requirements
   may be removed provided a Tree Removal Permit is approved. [Ord. 2005-002]

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EXHIBIT C

ARTICLE 7. LANDSCAPING
(CHAPTER G – ENFORCEMENT)
(Updated 7/05/17)

Part 1. ULDC Art. 7.H, ENFORCEMENT (page 46-47 of 49), are hereby amended as follows:

Reason for amendments: [Ord. 2009-040]

1) Relocate Chapter H to the new Chapter G.
2) Relocate Art. H.2, Administration to the new Chapter B, which has all the approval processes.

CHAPTER G. ENFORCEMENT

Section 1. Temporary Suspension of Landscape Standards

The Executive Director of PZB may temporarily suspend the standards of this Article and establish timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental PPM in the following situations: a hurricane; a freeze resulting in unavailability of landscape materials; a period of drought resulting in restrictions on water usage imposed by a governmental authority; or a similar event. [Ord. 2005-041]

A. Performance Surety

If the landscape standards of this Article are suspended pursuant to this Article, the property owner may enter into an agreement with PZB to allow issuance of the permit or CO or Certificate of Completion provided the property owner includes as part of this agreement adequate guarantee or surety that the terms of this Article will be met after the suspension period has been lifted. The guarantee shall consist of a performance bond or other surety agreement approved by the County Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other costs incident to the installation of the required landscaping completion agreement. Performance bonds or other guarantees required pursuant to this subsection shall name PZB as a beneficiary and specify the time-frame for the completion of the landscape standards of this Article. [Ord. 2005-041]

B. Application Requirements

An application for a temporary suspension of landscape standards shall be accompanied by a landscape plan identifying the plantings that have been postponed, the proposed planting schedule, and the costs of the suspended planting. Planting cost estimates may be independently verified by PZB. [Relocated from Art. 7.H.1, Enforcement – Temporary Suspension of Landscape Standards, page 46]

Section 2. Administration

A. Landscape Permit

Landscape Plan applications for review shall be submitted in compliance with the provisions of this Chapter. When all requirements are satisfied, the appropriate staff shall issue a Landscape Permit that shall reference the approved Landscape Plan associated with the permit in addition to any necessary inspections, conditions and maintenance obligations. The Permit shall be maintained on site until the final landscape inspection is signed off by the PBC Inspector. A copy of the landscape permit shall be maintained in the associated official Building Permit record, as well as the Zoning Division file. [Ord. 2009-040]

B. Field Inspections

Unless otherwise provided in this Article, all development subject to this Article may be inspected by PZB prior to and after installation of required landscaping. Required landscaping shall be approved by PZB prior to the issuance of a permits, CO or Certificate of Completion, which must occur first.

2. Types of Landscape Inspection

A. Preliminary Inspection – required to verify existing grades, vegetation and necessary site preparation has been completed prior to any plant material being installed on the site to comply with the Landscape Permit. [Ord. 2009-040]

B. Final Inspection – required as part of the final building permit process to ensure landscape material, irrigation, and conditions of approval as a development order are in compliance prior to final sign off that the landscape is completed and installed in accordance with the Landscape Permit. [Ord. 2009-040]

C. Annual Inspection – scheduled on the one year anniversary date from the date of the Final Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all landscape and irrigation continually complies with the Landscape Permit. If material of irrigation is missing, dead or damaged the property owner shall be provided with a Notice in Correct pursuant to Article 11, ENFORCEMENT. [Ord. 2009-040]

D. Monitoring Inspection – performed in response to Complaint of missing or damaged plant material or changes to the landscape not approved in accordance with the Landscape Permit. [Ord. 2009-040]

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ARTICLE 7, LANDSCAPING
CHAPTER G – ENFORCEMENT

(Certification of Compliance)

In addition to Final Inspection and certification by PZB, the land owner shall submit a Certificate of Compliance, in a form approved by the Zoning Director, to the County Landscape Section as a condition of issuance of a CO or Certificate of Completion. This certificate shall be prepared and signed by a landscape architect licensed by the State of Florida and demonstrate that all of the provisions of this Article have been met. The certification statement, included in Art. 7, LANDSCAPING, as Appendix C, Certification of Compliance, shall be made part of the documentation in the official building permit file. [Ord. 2009-040]

1. Field Verification of Certification
PZB may elect to conduct a field inspection to verify the Certificate of Compliance.

2. Acceptance of Certification
If no field verification is conducted by PZB within 30 days, the Certificate of Compliance shall be deemed to have been accepted provided it is complete with all the required information. Upon acceptance, the Certificate of Compliance shall be kept and maintained with the official records of the development. [Relocated to Art. 7.B.2, Approval Process for Landscape Plans]

Section 32 Enforcement
Failure to install or maintain landscaping according to the terms of this Article or any approved plan or permit shall constitute a violation of this Article. PZB may issue a Cease and Desist Order or withhold a CO or Certification of Completion until the provisions of this Article have been met. In the alternative, PZB may refer any violation of this Article to Code Enforcement for corrective action or penalties set forth in Article 10, Enforcement.

A. Fines
Violations of the provisions of this Section shall be subject to the following fines or requirements:
1. Such fines, site improvements and replacement landscaping as may be required by Article 10, Enforcement, or the PBC Code Enforcement Citation Ordinance. [Ord. 2005 - 002]
2. Such fines and imprisonment as provided for in F.S. §125.69; or
3. A triple quadruple permit fee for removal of trees without a valid tree removal and replacement permit.

B. Violations
The following deficiencies shall be considered a separate and continuing violation of this Article:
1. Each tree or shrub that is not properly installed or properly maintained on site as required by this Section;
2. Each day in which landscaping is not properly installed or properly maintained on site as required by this Section or by the order of the Special Magistrate; and
3. Each tree removed without a permit.

C. Additional Sanctions
PBC may take any appropriate legal action, including, but not limited to requiring replacement of landscape material which has been hattracked, damaged and rendered unable to achieve its natural and intended form, administrative action, requests for temporary and permanent injunctions, and other sanctions to enforce the provisions of this Section. [Ord. 2005-002]

1. Replacement of Landscaping
a. Replacement of trees shall be pursuant to Art. 2.E.3, Tree Credit and Replacement,
b. Replacement of any other landscape materials shall be pursuant to Art. 2.D, Landscape Standards.

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EXHIBIT C

ARTICLE 7, LANDSCAPING
(CHAPTER G – ENFORCEMENT)
(Updated 7/05/17)

APPENDIX A – PBCs Preferred Species List, as amended
PBCs Preferred Species List available at P2B Zoning Division or on-line at PBC P2B Web Page at:
http://www.pbcgov.com/ezinfo/Plant%20Material%20Database

APPENDIX B – Examples of Florida Number 1 Quality Plants
The following two pages include photographic examples of Florida Number 1 and Florida Number 2 for selected plant types from the 1998 Edition of the "Grades and Standards for Nursery Plants, Parts I and II", prepared by the State of Florida Department of Agriculture and Consumer Services. Plants installed pursuant to this Section shall conform to or exceed the minimum standards for Florida Number 1.

Figure 7 A 1.N. Examples of Florida's Quality Plants

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(CHAPTER G – ENFORCEMENT)
(Updated 7/05/17)

Appendix C8 – Certification of Compliance


Signature and seal: __________________ Date: __________

Name: ______________ Registration Number: __________

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