

EXHIBIT A

ARTICLE 7, LANDSCAPING
(CHAPTER 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 ZO-060, Preservation of Vegetation and clarify submittal, review and approval procedures pertinent to the preserving of native vegetation.

CHAPTER E

Section 51 ~~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 DO. 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 PRESERVATION AND PROTECTION, 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 species of the trees 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: [Ord. 2016-016] [Partially relocated from Art. 7.D.2.F.1, E, Preservation of Trees, page 17]~~

~~a. Applications submitted for new or modified development proposals shall use the most applicable plan in accordance with Art. 2.A.1.G., 3, Plan Requirements, to identify existing trees and vegetation proposed to be: [Ord. 2016-016]~~

~~1) Preserved and incorporated into the site design; [Ord. 2016-016]~~

~~2) Relocated on site; and, [Ord. 2016-016]~~

~~3) Relocated off site; and, [Ord. 2016-016]~~

~~b. A Tree Survey may be required as part of the approval of the application for sites that support significant vegetation, in order 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 stages 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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Commented [MK1]: I want suggestion whether we should use the word Trees which includes trees, palms, pines etc. OR vegetation. Permit says Vegetation Permit Tech Manual says Trees which includes trees, palms and pines Current code says Trees and other Vegetation.

Commented [ML2R1]: Vegetation

Jon-Vegetation—if you want to define if in Art 1 Veg-for purposes of Art 7 shall include 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 DO

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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 C 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 PAA 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. 2.The Zoning Director shall have the authority to impose conditions the of approval of in the development order to require the incorporate incorporation of existing vegetationTrees 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 is 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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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.

F. ~~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

Credits 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.E.3, Tree Credit and Replacement. Only pines with a caliper of two inch or more shall be subject to preservation, mitigation or replacement. [Ord. 2016-042]

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

Crown Spread of Tree	Or	Diameter at 4.5 Feet Above Grade	=	Credits or Replacements
Less than 6 Ft.	or	Less than 2 in.	=	0
5-9 Ft.	or	2-6 in.	=	1
10-19 Ft.	or	7-11 in.	=	2
20-29 Ft.	or	12-16 in.	=	3
30-39 Ft.	or	17-21 in.	=	4
40-49 Ft.	or	22-26 in.	=	5
50-59 Ft.	or	27-31 in.	=	6
60-69 Ft.	or	32-36 in.	=	7
90 Ft. or Greater	or	37 in. or more	=	8
[Ord. 2014-025] [Ord. 2016-042]				
Notes:				
. Fractional measurements shall be rounded down.				

[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 specie 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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- 1 A. *Prohibited plant species listed in Article 14.C, VEGETATION PRESERVATION AND*
2 *PROTECTION.*
3 B. *Any plant species classified in Article 14.C, VEGETATION PRESERVATION AND PROTECTION,*
4 *as an "invasive non-native species". [Relocated from Art. 7.F.6, Prohibited Plant Species, page*
5 *20-21]*

6 **Section 75** **Controlled Plant Species**

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

8 **A. Black Olives and Mahogany**

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

11 **B. Ficus Species**

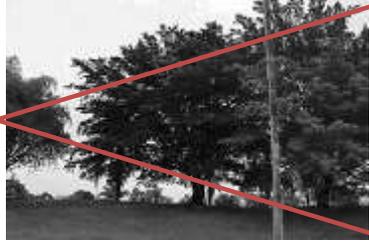
12 *Ficus species may be planted under the following conditions but shall not exceed a maximum of*
13 *ten percent of the total number of required trees.*

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

19 **Photo 7.D.7.B – Controlled Plant Species**



20 *Black Olive Tree: May not be installed within 15 feet*
21 *of any vehicular use area, sidewalk, pathway, or*
22 *lane.*



23 *Ficus Tree: May be used in landscaping only under*
24 *controlled conditions.*

25 **C. Silk Oak, Rosewood**

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

27 **D. Citrus Trees**

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

30 **Section 86** **Artificial Plants**

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

Commented [JM3]: Ask Subcommittee meeting if this has been expanded or perhaps ERM can advise us. I think the State occasional comes up with a list that is VERY restrictive but not sure if there are other trees to add to this list that should be controlled because of the characteristics.

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ARTICLE 7, LANDSCAPING
CHAPTER F – REVIEW, INSTALLATION AND MAINTENANCE
(Updated 7/05/17)

Part 1. ULDC Art. 7.F, **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. Relocate Art. 7.E.2, Landscape Permit to the new Chapter B, Applicability, and rename the Title of this Chapter to Installation and Maintenance.
2) Clarify Phasing of landscape installation must follow the approved phasing for a development. For application that has no phasing (i.e. develop under one phase), then all the landscape requirements must be completed prior to the issuance of a Certificate of Occupancy of the facilities.
3) Delete requirements for PO Zoning because it will fall under a non-phased development, and a condition of approval can be written to allow sub-phasing of the planting requirements.
4) Delete Suspended Phasing and replace with the heading of Time Extension.

~~CHAPTER E~~ REVIEW, INSTALLATION AND MAINTENANCE

This Chapter establishes standards for the ~~landscape review, installation and maintenance of trees 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).~~ **[Relocated 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: [Ord. 2009-040]

- ~~A. Submit an application for a Landscape Review on forms prepared by the Zoning Division; [Ord. 2009-040]~~
- ~~B. Comply with Code requirements and any conditions of approval; [Ord. 2009-040]~~
- ~~C. Schedule and receive approval of all required landscape inspections; and, [Ord. 2009-040]~~
- ~~D. Adhere to long-term landscape maintenance obligations and all material associated with the application. [Ord. 2009-040]~~ **[Relocated from Art. 7.E.2, Landscape Permit, page 26 and relocated to Art. 7. B.2, Approval Process for Landscape Plans]**

~~Section 3~~ 1 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 2015, as amended, prepared by the State of 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.

A. Exception

*A different minimum standard may be approved for native plants installed subject to a Type 1 Waiver for Landscaping 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. **[Relocated from Art. 7.E.3, Plant Quality, page 27]***

~~Section 4~~ 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 may 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

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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 should 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

Required landscaping may be installed in phases, if development phasing pursuant to Art. 2.E is designated on the approved site Zoning plan, as follows:

1. Planned Developments with Phasing

The number of trees required plant materials to be planted or preserved shall be installed in a construction phase accordance with the approved phasing of a planned development. The quantity of the required plant materials for each development phase shall be a proportion of the total number of trees plant materials required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the plan to the 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) or in accordance with a phasing 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. PO Zoning District and Public Civic Pods of a PUD

Installation of a proportionate share of required materials shall be permitted subject to Signature Only approval of a phasing plan. The phasing plan shall indicate the affected area of each building permit application and general location of plant material that will be installed. [Ord. 2007-043]

3. Suspended Phasing Exception

For Developments with or without an approved phasing, required installation may be phased into a project completed in different stages for up to one year from initial occupancy with Zoning Division approval of an installation schedule.

Section 5 4 Maintenance

A. General

1. 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 successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the following: maintenance of the properties 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.D-2-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 weeding, watering, 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 (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.

4. Perpetual maintenance to prohibit the reestablishment 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 foliage 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 20-foot required height and canopy spread, unless required to address damage by natural causes, such as hurricanes.

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Commented [JM1]: This is for Landscape but we could add a reference to property maintenance code here so they know there are other maintenance requirements for a property outside landscaping (sod and treatment of areas is under both ord I believe, but no sure)

MMK: Noted, see new revision (highlighted in yellow).

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~~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.~~

~~B.—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.E.5.B.5, 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.E.5.B.5, Vacant Lot Maintenance and Planting Requirements. [Ord. 2005-002] [Ord. 2008-037]~~

~~2.—Applicability~~

~~Art. 7.E.5.B, Vacant Lot, shall apply to the Urban/Suburban Tier in the unincorporated areas of Palm Beach County, as defined in the Plan. [Ord. 2005-002] [Ord. 2008-037]~~

~~3.—Vacant Lot Exemptions~~

~~The following vacant lots shall be exempt from the requirements of Art. 7.E.5.B, Vacant Lots. [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. 2005-002] [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 redevelop the lot, for so long as the permit or good faith effort is active. In order to receive an exemption at the time of a demolition permit application, the applicant must submit an affidavit stating that the applicant expects to meet the above requirements. The affidavit shall be made on a form established by the Zoning Director. If 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 30 days of the expiration of the 120-day period. [Ord. 2005-002] [Ord. 2008-037]~~

~~c.—Vacant lots where the home was demolished prior to April 23, 1996. [Ord. 2005—002] [Ord. 2008-037]~~

~~d.—Vacant lots resulting from eminent domain proceedings. [Ord. 2005-002] [Ord. 2008-037]~~

~~e.—Vacant lots resulting from demolition of a home using funding from a demolition program of the Department of Housing and Community Development. [Ord. 2005-002] [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. 2005-002] [Ord. 2008-037] [Ord. 2010-022]~~

~~5.—Vacant Lot Maintenance and Planting Requirements~~

~~a.—Ground Treatment~~

~~Vacant lots regulated 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.D.4, Ground Treatment. Existing ground treatment may be used to meet the requirements of this Section. The clearing and planting must be completed within 120 days of the completion of demolition, within 120 days of the effective date of this section, or within thirty days of Department approval of a planting plan, whichever is later. Slab foundations or other structural features remaining from demolished houses, or from other demolished structures, must be removed from vacant lots regulated by this section. [Ord. 2005-002] [Ord. 2008-037]~~

~~b.—Trees~~

~~Trees shall be planted or preserved in accordance with the requirements of Table 7.C.3, Minimum Tier Requirements, and Art. 7.D.2, Trees. Trees shall be native or drought tolerant. [Ord. 2005-002] [Ord. 2008-037]~~

~~c.—Existing Trees~~

~~Preservation of existing native trees is encouraged and credit shall be given towards 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.E.5.G.5.b, Trees, whichever is greater. The size of replacement trees shall be in accordance with Art. 7.D.2, Trees. [Ord. 2005-002] [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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1 ~~consistent with the interior landscape requirements of Art. 7.D.2, Trees. [Ord. 2005-002]~~
2 ~~[Ord. 2008-037]~~

3 ~~**e. Removal**~~

4 ~~Removal shall be consistent with the provisions of Article 14.C, VEGETATION~~
5 ~~PRESERVATION AND PROTECTION. [Ord. 2005-002] [Ord. 2008-037]~~

6 ~~**f.C. Vacant Lot Planting Plan Application and Approval**~~

7 ~~Planting in a vacant lot is allowed, and is subject to the application and Plan requirements pursuant~~
8 ~~to Art. 2.A, General.~~

9 ~~**1. Planting Plan**~~

10 ~~The owner applicant shall submit a planting Planting plan indicating the proposed landscaping~~
11 ~~pursuant to Art. 7.C.3, Interior Planting; method of ground treatment, existing and replacement~~
12 ~~trees vegetation to be preserved or replaced pursuant to Art. 7.E, Existing Native Vegetation,~~
13 ~~Prohibited and Controlled Plant Species; and irrigation simultaneously with the application for~~
14 ~~a demolition permit. [Ord. 2005-002] [Ord. 2008-037]~~

15 ~~**2. Demolition Permit**~~

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

19 ~~**3. Review of Planting Plan**~~

20 ~~The Zoning Division shall determine if the planting Planting plan is sufficient and includes the~~
21 ~~information necessary to evaluate the plan within five days of receipt. The Zoning Division~~
22 ~~shall approve, approve with conditions, or deny the plan within ten days of the determination~~
23 ~~of sufficiency. If necessary, the Zoning Division or Environmental Resources Management~~
24 ~~Department shall conduct a site visit as part of the plan review. [Ord. 2005-002] [Ord. 2008-~~
25 ~~037]~~

26 ~~**4) Standards**~~

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

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

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

32 ~~**gD. Vacant Lot Plant Installation, Maintenance, Pruning And Irrigation**~~

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

38 ~~**Section 65 Pruning After Installation**~~

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

47 ~~**A. General Pruning Requirements**~~

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

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

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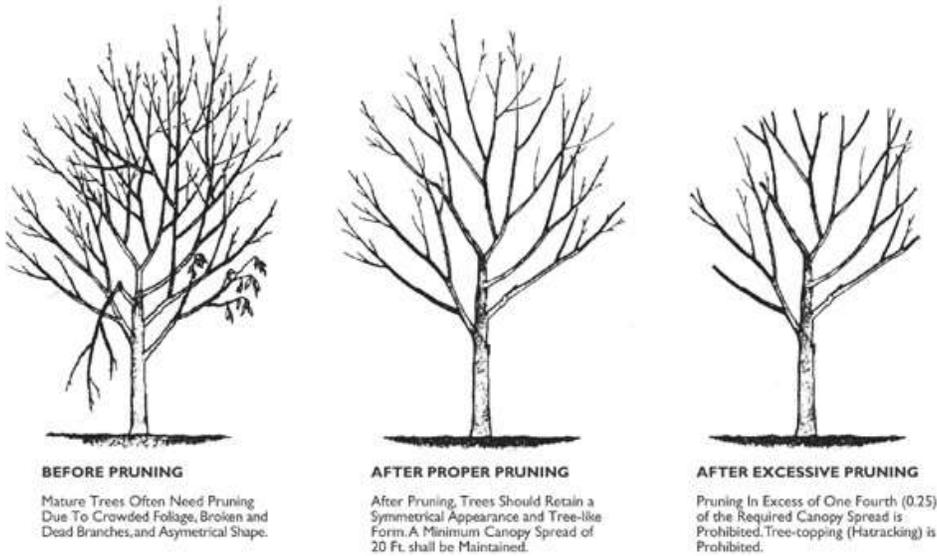
Commented [MK2]: Are we keeping CPTED or leave as is? The Core reference is incorrect.

Jon-I would leave it just in case we get called on by BCC do we currently have any latitude in code for complying with CPTED.

EXHIBIT B
ARTICLE 7, LANDSCAPING
CHAPTER F – REVIEW, INSTALLATION AND MAINTENANCE
(Updated 7/05/17)

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.*

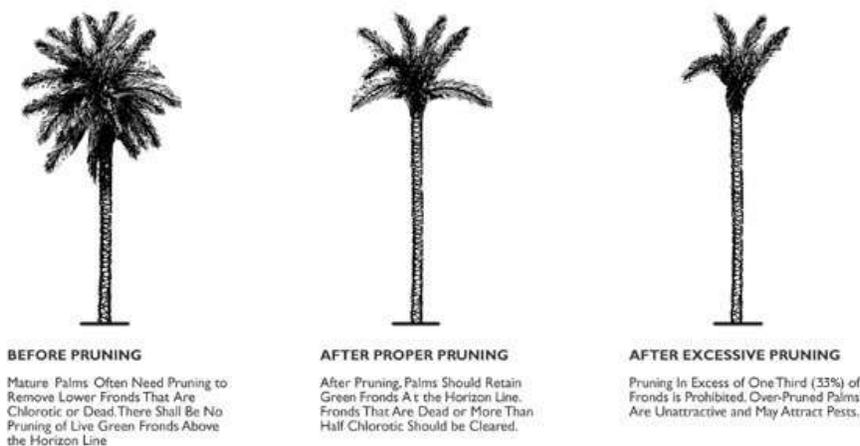
Figure 7.E.65.A - Pruning Guidelines



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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EXHIBIT B
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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 7*g* Irrigation

The licensed professional or irrigation contractor responsible for the installation of irrigation shall demonstrate compliance with the following irrigation standards in a form acceptable to the Zoning Division. Landscaped areas shall be irrigated to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards:

- ~~A. The landscape design and final landscape plan shall incorporate acceptable xeriscape industry standards.~~
- BA.** *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.*
- B.** *Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent schedule than lawn areas. A rain-sensor switch shall be installed on systems with automatic controllers.*
- C.** *Irrigation systems shall be designed as not to overspray water impervious areas. All irrigation systems shall be continuously maintained in working order.*
- D.** *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.*
- E.** *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.*
- E.** *Permanent irrigation systems are not required for areas set aside on approved site development plans for preservation of existing native vegetation.*
- G.** *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 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. 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]*~~

Commented [MK3]: Pending on responses from Building, we may have to amend a few words to reference the Building Code since irrigation plans are part of the civil plans.

Jon-are we just leaving the fluff here, if we do not review and or enforce are the Building Code provisions strong enough for us to ensure plants and sod is irrigated. LA Inspectors tell contractor to turn on sprinklers at time of final CO of landscape? Who review the Irrigation plan for assurance it water's Plants-Building is only going to confirm the plumber connects it correctly not that it is watering as per code.

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

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

2 **Reason for amendments: [Zoning]**

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.

3 **CHAPTER ~~H~~ ENFORCEMENT**

4 **Section 1 Temporary Suspension of Landscape Standards**

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

10 **A. Performance Surety**

11 *If the landscape standards of this Article are suspended pursuant to this Article, the property owner*
12 *may enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of*
13 *Completion provided the property owner includes as part of this agreement adequate guarantee or*
14 *surety that the terms of this Article will be met after the suspension period has been lifted. The*
15 *guarantee shall consist of a performance bond or other surety agreement approved by the County*
16 *Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other*
17 *costs incidental to the installation of the required landscaping completion agreement. Performance*
18 *bonds or other guarantees required pursuant to this subsection shall name PBC as a beneficiary*
19 *and specify the time-frame for the completion of the landscape standards of this Article. [Ord. 2005-*
20 *041]*

21 **B. Application Requirements**

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

27 **Section 2 Administration**

28 **A. Landscape Permit**

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

36 **B. Field Inspections**

37 *Unless otherwise provided in this Article, all development subject to this Article may be inspected*
38 *by PZB prior to and after installation of required landscaping. Required landscaping shall be*
39 *approved by PZB prior to the issuance of a paving permit, CO, or Certificate of Completion,*
40 *whichever occurs first.*

41 **1. Types of Landscape Inspection**

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

45 *b. Final Inspection — required as part of the typical building permit process to ensure*
46 *landscape material, irrigation and conditions of approval on a development order are in*
47 *compliance prior to final sign off that the landscape is completed and installed in*
48 *accordance to the Landscape Permit. [Ord. 2009-040]*

49 *c. Annual Inspection — scheduled on the one year anniversary date from the date of the Final*
50 *Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all*
51 *landscape and irrigation continually complies with the Landscape Permit. If material or*
52 *irrigation is missing, dead or damaged the property owner shall be provided with a Notice*
53 *to Correct, pursuant to Article 10, ENFORCEMENT. [Ord. 2009-040]*

54 *d. Monitoring Inspection — performed to respond to complaint of missing or damaged plant*
55 *material or changes to the landscape not approved in accordance with the Landscape*
56 *Permit. [Ord. 2009-040]*

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

C. 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 filed 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 hatracked, 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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Commented [JM1]: Barbara based on our meeting in April with Ramsay and County Attorney we were going to strengthen this part of code-can you pull my notes and ensure this is done.

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

1

APPENDIX A – PBCS Preferred Species List, as amended

PBCs Preferred Species List available at PZB Zoning Division or on-line at PBC PZB Web Page at:

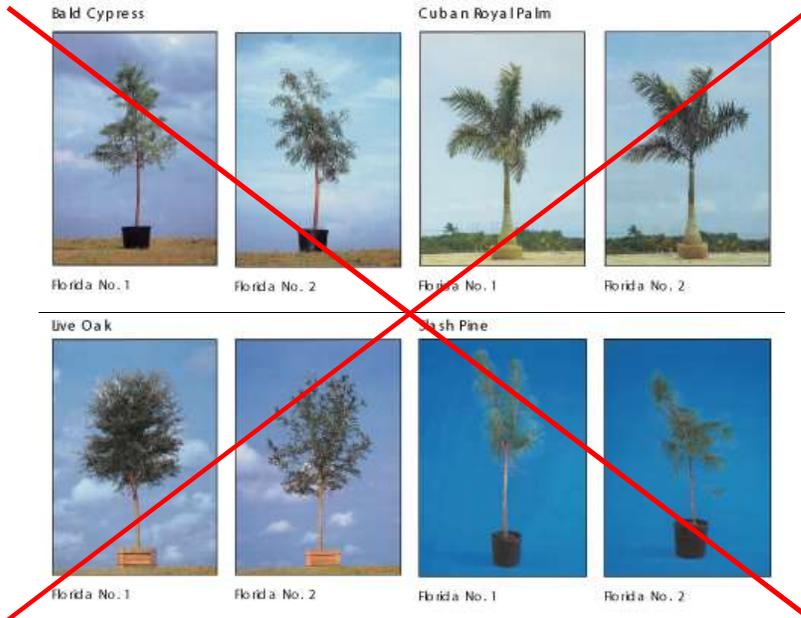
http://www.pbcgov.com/epzbccommon/asp_html/epzbgateway.aspx?ReferrerID=einfo&FROM=EZ&TargetMenuItem=Plant%20Material%20Database



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



Notes:

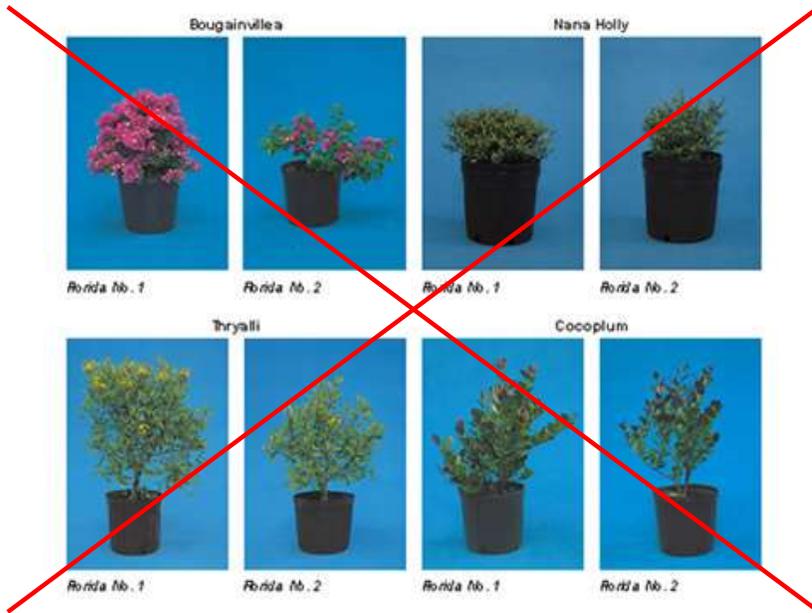
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Meeting

Date

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



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Appendix ~~CB~~ – Certification of Compliance

The following certification statement must appear on the Certification of Compliance required by Art. 7-3.H-2.B, Certification of Compliance.

I HEREBY NOTIFY THE PALM BEACH COUNTY DEPARTMENT OF PLANNING, ZONING, AND BUILDING OF THE COMPLETION OF THE INSTALLATION OF LANDSCAPING FOR THE REFERENCED PROJECT AND CERTIFY THAT THE INSTALLATION OF PLANT MATERIAL AND IRRIGATION COVERAGE ARE IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE COUNTY. (A COPY OF THE APPROVED PROJECT DRAWINGS IS ATTACHED, WITH DEVIATIONS, IF APPLICABLE). SEAL, THIS DAY OF _____, 20__.

Signature and seal: _____ Date: _____

Name: _____ Registration Number: _____

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Meeting

Date

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