

ORDINANCE NO. 2766-09

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE"
ARTICLE V, "ENVIRONMENTAL PROTECTION
REGULATIONS" DIVISION 8, "LANDSCAPE REGULATIONS"
SO AS TO ADOPT NEW LANDSCAPING REGULATIONS.
(ZTA: 2:09)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

SECTION 1. That Chapter 58 "Land Development Code", Article V "Environmental Protection Regulations" of the Code of Ordinances is hereby amended and modified by repealing Division 8, "Landscape Regulations", and adopting a new Division 8 "Landscape Regulations" to read as follows:

DIVISION 8. LANDSCAPE REGULATIONS

Sec. 58-340 Purpose and Intent

These regulations are enacted by the City for the purpose of the following:

- (1) Maintaining and protecting property values;
- (2) Providing an acceptable degree of transition between abutting uses;
- (3) Providing appropriate barriers and relief from traffic, noise, heat, glare, and the spread of dust and debris;
- (4) Conserving and extending the City's water supply and natural resources through the implementation of water-efficient landscape practices;
- (5) Enhancing the visual and aesthetic appearance of the community; and
- (6) Creating sustainable landscape areas of an adequate size to enable plant material to successfully mature.
- (7) Contributing to the city's reforestation plan

Sec. 58-341 Definitions

For the purposes of this Division, certain terms or words used herein shall be interpreted as follows:

Caliper shall mean a nursery standard measurement of a tree's trunk diameter as measured at a predetermined point of measurement. Trunk caliper for trees up to four (4) inches shall be measured six (6) inches above the soil line. Trees greater than four (4) inches in caliper shall be measured twelve (12) inches above the soil line.

DBH (Diameter at breast height) shall mean a standard measurement of a tree trunk diameter as measured at a predetermined point of measurement. Trunks of existing trees shall be measured at dbh, four and one half feet (4 ½) above the soil line. For multi-trunked trees the dbh shall mean the cumulative diameter of the two largest trunks divided by (2) two

Existing tree shall mean an existing healthy species of tree with a minimum dbh of one and one half inches (1 ½) which normally grows to a mature height of forty (40) feet or more and is not listed as a prohibited plant. Existing trees may be counted to meet some portions of this code.

Florida Friendly Landscaping shall mean a statewide program that encourages landscape design, installation, and maintenance practices that conserve water, reduce runoff of fertilizers and minimize the need for pesticides (<http://www.floridayards.org/>).

Hedge shall mean a planting of evergreen shrubs listed in Sec. 58-351 Approved Plant and Tree Materials which forms a compact, dense, living barrier which screens an area from view. The plants shall be in a minimum container size of seven (7) gallons at a minimum thirty (30) inch height at the time of planting and grow to at least 40 inches in height within one year after planting. Spacing of the hedge plants shall be no more than 42 inches apart.

High Water Use Zone shall be an area(s) of a property that receives the application of landscape irrigation by use of rotors, or sprays with application rates greater than 60 gallons per hour (gph).

Irrigation plan shall mean a scaled plan (no greater than 30 scale) showing protected trees, turf and high, moderate, and low water use zones separately outlined and illustrated with their separate zones of irrigation. (See Division 9. Irrigation Regulations).

Landscape Plan: shall mean a scaled plan (no greater than 30-scale) showing the whole property, plant materials, complementary hardscape elements such as fountains, sculpture, masonry, walls, tree wells and water use areas.

Landscaping: shall mean the use of plants, construction and grading to create a desired effect. Landscaping elements may consist of, but are not limited to, turf and other ground covers, shrubs, vines, hedges and trees.

Landscape architect shall mean a design professional registered in the state as defined by Florida Statutes Ch. 481 Part II Landscape Architecture.

Low Water Use Zone shall mean an area(s) of a property that receives the application of landscape irrigation by only rainfall or the use of micro-irrigation

Masonry wall shall mean a wall and footing constructed of masonry material meeting the requirements of the Florida Building Code and Land Development Code 58-82 (p) (8).

Ordinary high water level shall mean the level that a lake can be expected to reach during a "ordinary" wet season. Refer to Land Development Code Chapter 58-83 (d) (5) for lake elevations.

Open storage area shall mean an outdoor area used to store equipment, materials, or products.

Parkway shall mean the area in the public right-of way between the edge of pavement or curb and the sidewalk or public right-of-way line.

Prohibited plant species or invasive plant shall mean a naturalized tree or plant that disrupts naturally occurring native plant communities as determined by the State of Florida, Department of Agriculture and Consumer Services and the Florida Department of Environmental Protection as listed in Sec. 58-149 Prohibited Plant Species. The most up to date lists shall rule.

Rain Sensor shall mean a device connected to the automatic controller of an in-ground irrigation system that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. Florida Statute 373.62 requires that "Any person who purchases and installs an automatic lawn sprinkler system after May 1, 1991, shall install, and must maintain and operate, a rain sensor device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred."

Service area shall mean an equipment area, loading area or dock, trash collection area, trash compaction area, truck parking area, recycling area, or other similar service function area.

Shade tree shall mean a species of tree, which normally grows to a mature height of forty (40) feet or more and is listed in Sec. 58-351 Approved Plant and Tree Materials. Each shade tree shall be a minimum of twelve (12) feet in height and a minimum of three (3) inch caliper at planting.

Understory tree shall mean a species of tree listed in Sec. 58-351 Approved Plant and Tree Materials. Each understory tree shall be a minimum of six (6) feet in height and a minimum of one (1) inch caliper at planting.

Vehicular use area shall mean any paved or unpaved ground surface area used for storage, display, temporary parking, and/or maneuvering of vehicles by employees or customers, either for compensation or to provide an accessory service to a commercial, industrial, or residential use, excluding single-family and duplex residences.

Vine shall mean a species of vine listed in Sec. 58-351 Approved Plant and Tree Materials. A planting of vines shall form a dense, evergreen living barrier to screen an area from view. The vines shall be in a minimum container size of three (3) gallons at a minimum 24 inch height at the time of planting and grow to at least 40 inches in height within one year after planting. Spacing of the vines shall be no more than 36 inches apart. Support shall be provided for the vines to grow upright.

Water use zones shall mean distinct portions of a property that shall be of a low, moderate, or high water use. These zones shall be planted with plant materials with similar or lower water use needs. If irrigation is provided, then each zone shall be irrigated with separate irrigation zones on separate programs. Refer to Sec. 58-350 Approved Plant and Tree Materials to determine the water needs of plants and to Division 9. Irrigation Regulations.

Sec. 58-342 General Criteria for All Properties

- (a) The use of appropriate Florida Friendly landscape design (<http://www.floridayards.org/>) is encouraged in order to reduce irrigation needs and to protect the waterfront. An irrigation system to be used during establishment and selectively during times of drought is still required for landscape plantings that feature Florida Friendly design. The nine principles are:
 - (1) Right Plant, Right Place: Plants selected to suit a specific site will require minimal amounts of water, fertilizers, and pesticides.

- (2) Water Efficiently: Irrigate only when your lawn needs water. Efficient watering is the key to a healthy yard and conservation of limited resources.
- (3) Fertilize Appropriately: Less is often best. Over-use of fertilizers can be hazardous to your yard and the environment.
- (4) Mulch: Maintain two to three inches of mulch to help retain soil moisture, prevent erosion and suppress weeds.
- (5) Attract Wildlife: Plants in your yard that provide food, water, and shelter can conserve Florida's diverse wildlife.
- (6) Manage Yard Pests Responsibly: Unwise use of pesticides can harm people, pets, beneficial organisms and the environment.
- (7) Recycle: Grass clippings, leaves and yard trimmings composted and recycled on site provide nutrients to the soil and reduce waste disposal.
- (8) Reduce Storm water Runoff: Water running off your yard can carry pollutants, such as fertilizer, pesticides, soil, and debris that can harm water quality. Reduction of this runoff will help prevent pollution.
- (9) Protect the Waterfront: Waterfront property, whether on a river, stream or pond, is very fragile and should be carefully protected to maintain freshwater and marine ecosystems.
- (b) All protected trees shall be provided with tree protection areas and barriers as required by Division 6 Tree Removal and Protection Sec. 58-292.
- (c) Mulch created from cypress trees is prohibited.
- (d) The use of fertilizer with phosphorus shall conform to statutory requirements.
- (e) Water edge properties
 - (1) The use of any fertilizer is prohibited within twenty (20) feet of the ordinary high water level or a seawall.
 - (2) Grading, construction or the clearing of any vegetation other than prohibited plants is prohibited within ten (10) feet of the ordinary high water level or a seawall.
 - (3) Storm water retention is not allowed within ten (10) feet of the ordinary high water level or a seawall.
 - (4) Berms required to protect water bodies must be maintained as permitted.
 - (5) Natural wetland vegetation should be enhanced with additional plantings. The FDEP's book, *Florida Wetland Plants: An Identification Manual*, is an excellent reference source for information on plant materials. Copies of the identification manual can be purchased by contacting the Orange County extension office at 407-836-7570 or UF/IFAS Publications at 1-800-226-1764.
 - (6) Trees shall be required along shorelines as noted in Sec. 58-344.
- (f) Per State of Florida Statutes, call Sunshine State One (811, <http://www.callsunshine.com>) 72 hours prior to digging to have all utilities located.
- (g) All automatic in-ground irrigation systems shall have a functioning rain sensor as required by Florida Statute.
- (h) No person shall wash, sweep, or blow off fertilizers, vegetative material, and/or vegetative debris into storm water drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways.
- (i) Deviations due to topography, building layout, or other special circumstances may be granted by the Building Official on a case by case basis subject to meeting the intent of the landscape regulations.

Sec. 58-343 General Requirements for All Properties Involving New Construction, Renovation, or Expansion

- (a) As a condition for the issuance of a building permit all properties undergoing initial development or re-development involving construction, renovation, or expansion of the improvements on any property shall be required to conform to the landscape requirements in this Division prior to the issuance of a Certificate of Occupancy if the value of the work is more than fifty (50) percent of the value of the improvements on the property as set forth in the most recent records of the Orange County Property Appraiser. One and two family dwelling interior alterations shall not require compliance with Sections 58-343 through 58-349. Existing commercial or multi-family properties undergoing redevelopment and containing non-conforming landscaped buffers and islands along street fronts and within the interior of parking lots may continue to utilize these same landscaped areas in lieu of the requirements in Section 58-345 (e)(1) to prevent having a parking space deficit for the property. Where feasible the requirements of Section 58-345(e)(1) will be met. Commercial and multi-family properties must meet these requirements as part of any expansion.
- (b) Any tree installed to meet a requirement of this division shall be considered a protected tree as noted in Division 6 Tree Removal and Protection.
- (c) Use of Understory and Shade Trees
 - (1) In some situations as noted within this Division understory trees may be substituted two for one (2:1) for required shade trees.
 - (2) Understory trees shall be used instead of shade trees under and within fifteen (15) feet of overhead power lines.
 - (3) When there are more than five (5) shade trees required on a site, a minimum of two (2) different tree species are required. When more than ten (10) shade trees are required on a site, a minimum of three (3) different tree species are required.
 - (4) Shade and understory tree trunks measured from the trunk center line shall be a minimum distance of four (4) feet from curbs, walks, pavement, walls, and underground utilities with the exclusion of City owned public rights-of-way.
 - (5) Shade trees shall be spaced no closer than 25 feet.
- (d) Prohibited plant species shall not count as an existing tree or plant to meet any part of this code.
- (e) All prohibited plant species shall be removed from each site prior to the beginning of construction.
- (f) All landscape material shall be in conformance with the Standards for "Florida No. 1" or better as established in the latest Florida Grades and Standards Manual for Nursery Plants by State of Florida, Department of Agriculture and Consumer Services, Division of Plant Industries (<http://www.doacs.state.fl.us/pi/pubs.html>).
- (g) All ground mounted utilities except electrical transformers shall be painted green or flat black unless a different color is required by City or State of Florida code.
- (h) Air conditioning units, pool equipment, electrical equipment, utility boxes, generators, above ground fuel tanks, and stored trash containers on private property shall not be easily visible from a public right-of-way. They shall be screened by structures, solid fences, trellises, and/or landscaping. Exceptions may be made for electrical equipment when determined appropriate by the City. Also refer to Sec. 58-82 (k) (2) b (Accessory structures).
- (i) Deviations due to topography, building layout, or other special circumstances may be granted on a case by case basis subject to meeting the intent of the landscape regulations.

- (j) For requirements for stormwater see Chapter 58, Article V, Division 1, Stormwater Management.
- (k) Only bamboo species that grow to less than 20' in height shall be permitted beneath or within 5' of overhead electric utility lines.

Sec. 58-344 One and Two Family Dwellings

- (a) Forty (40) percent of pervious areas shall be low water use zone(s) on separately programmed irrigation zone(s). See Division 9 Irrigation Regulations for specific requirements.
- (b) A minimum of one shade tree shall be required for each quarter acre (10,890 square feet) of property. For lots less than a quarter acre in size, one shade tree is required, however, in situations where conditions exist which make it unfeasible to comply with the shade tree planting requirements, the City may make an exception and allow two understory trees in replacement for the one shade tree. Healthy existing shade trees shall count toward required shade trees.
- (c) Shade trees shall be required in the parkway at the rate of one (1) per 33 feet of lot width at the front lot line excluding paved areas and shall be placed in the parkway or adjacent private property with a minimum of one shade tree required per lot. Healthy existing shade trees count towards required shade trees. If overhead power lines or shade trees are present within twenty-five (25) feet, then understory trees shall be substituted at a 2:1 ratio and may be required to be placed on the lot. If the parkway width is less than eight (8) feet or contains a swale required by the city the shade tree shall be placed on the lot or substituted with two (2) understory trees in the parkway. Requiring the tree placement on private property, omission of a tree due to existing tree spacing or other modifications may be made at the direction of the City.
- (d) Shade trees shall be required at the rate of one (1) per 33 feet of shoreline within twenty-five (25) feet of the shoreline with a minimum of one shade tree per lot. These newly planted shade trees may be clustered and healthy existing shade trees within twenty-five (25) feet of the shoreline count towards required shade trees. Only one existing tree within each 33 foot length can be used for credit. Species of shade trees which are well acclimated to the aquatic environment shall be given preference. Allowing the omission of a tree due to existing tree spacing or other modifications to this requirement may be made at the direction of the City.

Sec. 58-345 Non-residential and Multi-family Properties

- (a) Landscape plans for all non-residential and multi-family properties.
Each set of plans filed with an application for a building permit for all nonresidential and multi-family development projects required to conform to this code shall include a landscape plan complying with this division. This landscape plan shall be submitted to the building department and shall be approved by the parks director of the city or their designee, prior to the issuance of a building permit. Some projects including but not limited to conditional use applications undergoing review by the Planning and Zoning Commission or City Commission will require submission of a landscape plan in advance of the application for the project's building permit.
 - (1) Landscape plans shall be prepared, signed, and sealed by a landscape architect currently licensed by the State of Florida.
 - (2) The landscape plan shall include:
 - (a) Protected trees indicated by type and size and the proposed preservation or removal of these trees pursuant to the city's tree ordinance.

- (b) Plant material to be used listed with botanical names according to genus, species, variety, common name, size, spacing, and quantity.
 - (c) Hardscape elements such as walls, patios, walks, and vehicle use areas and location of utility equipment.
 - (d) Turf and high, moderate, and low water use zones.
 - (e) A chart showing all calculations and required/supplied plantings.
- (b) General
- (1) Seventy (70) percent of pervious areas shall be low water use zone(s) with the allowance for watering container plantings anytime with low volume irrigation on a separate irrigation zone on a separate controller program. Low water use zones shall be on a separate irrigation zone(s). See Division 9, Irrigation Regulations for specific requirements.
 - (2) To decrease watering needs, high water use zones less than 300 square feet or within an area with any one dimension less than ten (10) feet shall be prohibited.
 - (3) Chain link fences are prohibited except in industrial and recreational areas where their use is limited to non-street frontage areas of a building and not adjacent to residential. See section 58-82(p) of the Zoning Article.
- (c) Buffer between One and Two Family Dwellings and Public Rights-of-Way
- (1) A buffer of shade and understory trees shall be required where vehicle use areas do not adjoin one and two family dwellings and public rights-of-way. Two shade trees and three understory trees shall be required for each one-hundred (100) linear feet of landscape area.
- (d) Building Facade Landscaping.
- (1) When building facades are visible from any public rights-of-way, one-hundred (100) percent of the total length of the visible façade(s), exclusive of those areas required for direct access to the building or special architectural features not intended to be screened by landscaping shall have a landscape area.
 - (2) The landscape area shall contain plants and be a minimum width of six (6) feet located within a twenty (20) foot distance of the façade(s) or if adjacent to the building façade it shall be at least eight (8) feet in width.
 - (3) At least fifty (50) percent of the plants shall be a minimum height of twelve (12) inches at the time of planting and achieve a minimum of two (2) feet in height.
 - (4) A minimum of five understory trees shall be required for each one-hundred (100) linear feet of the required landscape area.
 - (5) A minimum distance of twelve (12) feet between any required shade tree trunk center line and any exterior wall must be provided.
 - (6) Shade trees and landscaping within the public right-of-way shall be provided in areas where the street frontage building setback is 15 feet or less. The minimum planting area width for shade trees shall be seven (7) feet. Understory trees may be substituted two for one (2:1) for required shade trees if the planting area width is less than seven (7) feet. The minimum planting area width for understory trees shall be four (4) feet.
- (e) Vehicle Use Area Landscaping.
- (1) The vehicle use area shall be landscaped and screened from view. A landscape area a minimum of eight (8) feet in width shall be required along public rights-of-way and shall consist of a hedge, one shade tree, and one understory tree for each 50 linear feet of the required landscaped area deducting paved areas. Other vehicle use area landscape areas shall be planted with ground cover or other appropriate landscape material. Reasonable breaks in landscaping in vehicular use areas shall be made to allow pedestrian access through parking areas to points of destination. Vehicle

parking spaces directly abutting the landscaped buffer along public rights-of-way may count two (2) feet of the eight (8) foot buffer toward meeting the required eighteen (18) foot parking space length and no additional bumper or curb stop shall be required in these spaces other than the curbing along the landscaped buffer.

- (2) All vehicle use areas that adjoin a residential property shall be effectively screened by a ten (10) foot wide buffer. This buffer shall contain a six-foot high masonry wall and footer immediately adjacent to the property line with grass, groundcover, or other appropriate landscape material. In addition, the buffer shall contain one shade tree and one understory tree for each sixty (60) linear feet of landscape area. Adjacent existing trees may require the substitution of understory trees at a 2:1 ratio and/or the use of wall bridge footers to minimize damage to root systems.
- (3) The vehicle use area shall contain interior landscape areas that account for a minimum of seven and one-half (7.5) percent of the vehicle use area. Each separate landscape island or area shall be a minimum of 216 square feet in size with a twelve (12) foot width (measured at backs of curbs) with an eighteen (18) foot depth and shall contain at least one shade tree in each island or area. All interior and perimeter landscaping shall be protected from vehicular encroachment by curbing and wheel stops. All vehicle use area base materials (lime rock, soil cement, etc.) shall not extend further than six inches from the back of curbs into the landscape areas.
- (4) Landscape islands shall be required so that there are no more than a maximum of ten (10) continuous parking spaces in a row unless a change in spacing allows preservation of healthy existing trees in the parking row. Landscape areas with one shade tree each shall be required at the end of each row of parking.
- (f) Special circumstances may exist in landscape areas located under power lines or close to existing trees that will necessitate the use of understory trees at a two for one (2:1) ratio. In those circumstances, the City may accept other landscape materials that are appropriate for these special circumstances.
- (g) Stormwater retention areas not screened from view from any public right-of-way by a building or wall shall be screened by a hedge maintained at a four (4) foot height installed in a landscape area a minimum of four (4) feet in width. In addition, a cypress tree of at least four (four) inch diameter shall be planted within the stormwater retention area for each fifty(50) linear feet of the stormwater retention area.
- (h) Intersection and right-of-way visibility. When an access way intersects a public right-of-way, landscaping may be used to define the intersection, provided, that all landscaping within the triangular areas described in subsections (f)(1) and (2) below shall provide unobstructed cross-visibility at a level between two and one-half (2.5) feet in height and eight (8) feet in height. Trees and foliage shall be periodically pruned and trimmed so that no limbs or foliage extend into the cross-visibility zone. Landscaping, except for grass and similar low ground cover, shall not be located closer than three (3) feet from the edge of any access way. The triangular areas referenced above shall satisfy the following dimensional requirements, except to the extent deemed unnecessary by the City engineer.
 - (1) The areas of property on both sides of an access way formed by the intersection of each side of the access way and the public right-of-way line with two (2) sides of

each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the other sides; and

(2) The area of property located at a corner formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular area being measured thirty (30) feet in length along the abutting edges of pavement, from their point of intersection, and the third being a line connecting the ends of the other two (2) lines.

(3) Landscaping shall not block roadway signage.

- (i) Service areas. Service areas visible from a public right-of-way or abutting property shall be screened by a solid wall and hedge maintained at a six (6) foot height in a minimum four (4) foot wide planting area clear of walls or their footers. A vine maintained at a six (6) foot height in a minimum two (2) foot wide planting area clear of walls or their footers may be substituted for a hedge. The wall shall be a minimum of six (6) feet in height using architectural design, materials, and colors that are consistent with those of the primary structure.
- (j) Solid waste storage areas. All solid waste refuse facilities shall be screened on three (3) sides by a solid wall with opaque gates and a hedge maintained at a six (6) foot height in a minimum four (4) foot wide planting area clear of wall footers. A vine maintained at a six (6) foot height in a minimum two (2) foot wide planting area clear of wall footers may be substituted for a hedge. The wall shall be a minimum of six (6) feet in height using architectural design, materials, and colors that are consistent with those of the primary structure.
- (k) Open storage area. An open storage area shall not be permitted unless it is totally screened from the public right-of-way and any adjacent properties by a solid wall and hedge maintained at a six (6) foot height in a minimum four (4) foot wide planting area clear of wall footers. A vine maintained at a six (6) foot height in a minimum two (2) foot wide planting area clear of walls or their footers may be substituted for a hedge. The wall shall be a minimum of six (6) feet in height using architectural design, materials, and colors that are consistent with those of the primary structure.
- (l) Merchandise display areas. A merchandise display area (e.g. garden centers), that is within one-hundred (100) feet of a public right-of-way shall be fenced by decorative metal or solid vinyl privacy fencing. Additionally, the merchandise display area shall be landscaped, integrated into the design of the primary structure using landscaping adjacent to the perimeter, and utilize one of the following techniques:
 - (1) Masonry columns using architectural design, materials, and colors that are consistent with those of the primary structure, spaced a minimum of twenty-five (25) feet apart; or
 - (2) A free standing wall using architectural design, materials, and colors that are consistent with those of the primary structure along the entire length of the fenced merchandise display area that covers at least fifty (50) percent of the fenced storage area.
- (m) Landscaping of newly constructed drive-through windows and lanes adjacent to or visible from public rights-of-way shall include an eight (8) foot wide planting area of an appropriate length with a hedge maintained at a minimum height of six (6) feet and one (1) understory tree for each fifteen (15) feet of length. Renovation of a drive-through

requires a four (4) foot planting area of an appropriate length with a hedge maintained at a minimum height of six (six) feet and one (1) understory tree for each fifteen (15) feet of length. If the drive-through is adjacent to residential it will require an eight (8) foot planting area as described above in this same sub-section.

- (n) For parking requirements see, Article III Zoning, Chapter 58-81 Off-street parking and loading regulations.

Sec. 58-346 Landscape Materials and Installation for Non-residential and Multi-family Properties

- (a) All properties undergoing initial development or re-development involving new construction, renovation, or expansion of the improvements on any property if the value of the work is more than fifty (50) percent of the value of the improvements on the property as set forth in the most recent records of the Orange County Property Appraiser.
- (b) All landscaping shall be installed according to accepted commercial planting procedures. Soil shall be free of lime rock and other construction debris. All vehicle use area base materials (lime rock, soil cement, etc.) shall not extend further than six (6) inches from the back of curbs into the landscape areas.
- (c) Landscape areas along curbs shall be inspected by the City at the time of rough grading inspection and shall be certified free of base materials beyond six (6) inches from the back of curb.
- (d) Non-biodegradable landscape/weed barrier fabric is prohibited.
- (e) Finished grade prior to mulching or sodding shall be three (3) inches below the top of adjacent surfaces such as walks, curbs, and driveways extending perpendicularly from the surface edge for a minimum distance of eighteen (18) inches. Tree roots larger than one (1) inch in diameter shall not be disturbed.
- (f) Trees and palms shall be installed so their top main root at the trunk/ root flare is visible and two (2) inches above finished grade. Do not apply the one (1) inch of mulch to the top of the rootball until after inspection of each tree or palm.
- (g) Remove all rootball coverings (unless biodegradable or metal baskets which shall be folded back below finished grade), tags, ties, wires, ropes, stakes and nursery attachments from all plant material.
- (h) A layer of organic mulch derived from a renewable resource such as pine trees, eucalyptus, or melaleuca to a minimum depth of three (3) inches shall be required in plant beds with one (1) inch on tree/palm rootballs. Mulch from cypress trees, stone, rubber, or inorganic mulch is prohibited. Mulch rings around trees and turf areas shall be a minimum four (4) feet in diameter. Mulch shall not be required in annual beds or containers. Mulch shall not touch trunks or stems or be applied within the crowns of groundcovers or over their branches or foliage. A layer of stone over a non-woven soil separator may be used only for drainage purposes or in utility areas.
- (i) All plant material shall be maintained in a plumb, upright and stable condition. All trees/palms shall be guyed or staked for a minimum of one year. If trees/palms are well rooted the guying or staking attachments shall be removed by the end of the 13th month. Attachments shall be adjusted regularly to prevent girdling of trunks or branches.
- (j) Following the completion of the installation of all landscaping as required by these regulations, the landscape architect shall provide a signed and sealed as-built landscape plan portraying landscape materials as installed and certify in writing with a signed and sealed letter to the city that the landscaping has been installed pursuant to the approved landscape plan and that any substitutions or deletions of plant materials were approved and accepted prior to installation by the parks director or his designee.

Sec. 58-347 Landscape and Irrigation System Maintenance.

- (a) All requisite landscaping whether preserved or newly planted, shall be maintained in good health and condition in order to meet the requirements of these regulations. It is the responsibility of the property owner to maintain such landscaping in good condition and to replant as necessary if plant material dies or exhibits disease or dieback due to drought, freeze, or for any other reasons.
- (b) The property owner shall maintain the irrigation system in good working condition in order to insure one hundred (100) percent coverage of all landscape areas and ensure the proper growth of the landscaping.
- (c) All prohibited plant species shall be removed as part of the regular landscape maintenance.

Sec. 58-348 Tree Protection and Tree Removal

The protection and/or removal of existing trees at nine (9) inch dbh or greater are governed by the city's tree ordinance detailed in Division 6 Tree Removal and Protection. Landscape plans prepared for compliance with these regulations shall include the protected trees indicated by type and size and the proposed preservation or removal pursuant to the city's tree ordinance.

Sec. 58-349 Prohibited Plant Species

- (a) Removal of Prohibited plant species
 - (1) The natural vegetative communities and landscaped areas within the City shall be protected by the control and elimination of prohibited plant species. All prohibited plant species including any living roots shall be removed from each site prior to the beginning of construction.
 - (2) Control and elimination procedures shall in no way harm, cause the decline of preserved or planted trees and landscaping, or promote the proliferation of the prohibited plant species through the dispersal of seed or other vegetative reproducing parts.
 - (3) Prohibited plants typically found in the City include, air potato, skunk vine, Japanese climbing fern, Chinese tallow tree, and Brazilian pepper. For purposes of determining other plant species to remove, refer to Table 1. For the most up to date lists refer to the State of Florida, Department of Agriculture and Consumer Services and the Florida Department of Environmental Protection. The Parks Director or his designee may approve additions or exceptions to this list.

PROHIBITED PLANT SPECIES

TABLE 1 INSET:

5B-57.007 Noxious Weed List

- (1) Parasitic Weeds.
 - (a) Aeginetia spp. (Aeginetia).
 - (b) Alectra spp. (Alectra).
 - (c) Cuscuta spp. Only the native Florida species are excluded from this list. These include:
 - 1. C. americana.
 - 2. C. compacta.
 - 3. C. exaltata.
 - 4. C. gronovii.
 - 5. C. indecora.
 - 6. C. obtusiflora.

7. *C. pentagona*.
8. *C. umbellata*.
- (d)1. *Orobancha* spp. (broomrapes), with the exception of:
2. *O. uniflora*. (oneflowered broomrape)
- (2) Terrestrial Weeds.
- (a) *Ageratina adenophora* (crofton weed).
- (b) *Alternanthera sessilis* (sessile joyweed).
- (c) *Abrus precatorius* (rosary pea).
- (d) *Ardisia elliptica* (shoebutton ardisia).
- (e) *Asphodelus fistulosus* (onionweed).
- (f) *Avena sterilis* (including *Avena budoviciana*) (animated oat, wild oat).
- (g) *Borreria alata* (broadleaf buttonweed).
- (h) *Carthamus oxyacantha* (wild safflower).
- (i) *Casuarina equisetifolia* (Australian pine).
- (j) *Casuarina glauca* (suckering Australian pine).
- (k) *Chrysopogon aciculatus* (pilipiliula).
- (l) *Colubrina asiatica* (latherleaf).
- (m) *Commelina benghalensis* (Benghal dayflower).
- (n) *Crupina vulgaris* (common crupina).
- (o) *Cupaniopsis anacardioides* (carrotwood).
- (p) *Digitaria scalarum* (African couchgrass, fingergrass).
- (q) *Digitaria velutina* (velvet fingergrass, annual couchgrass).
- (r) *Dioscorea alata* (white yam).
- (s) *Dioscorea bulbifera* (air potato).
- (t) *Drymaria arenarioides* (lightning weed).
- (u) *Emex australis* (three-corner jack).
- (v) *Emex spinosa* (devil's thorn).
- (w) *Euphorbia prunifolia* (painted euphorbia).
- (x) *Galega officinalis* (goat's rue).
- (y) *Heracleum mantegazzianum* (giant hogweed).
- (z) *Imperata brasiliensis* (Brazilian satintail).
- (aa) *Imperata cylindrica* (cogongrass).
- (bb) *Ipomoea triloba* (little bell, aiea morning glory).
- (cc) *Ischaemum rugosum* (murainograss).
- (dd) *Leptochloa chinensis* (Asian sprangletop).
- (ee) *Leucaena leucocephala* (lead tree).
- (ff) *Lycium ferocissimum* (African boxthorn).
- (gg) *Lygodium japonicum* (Japanese climbing fern).
- (hh) *Lygodium microphyllum* (small-leaved climbing fern).
- (ii) *Melaleuca quinquenervia* (melaleuca).¹
- (jj) *Melastoma malabathricum* (Indian rhododendron).
- (kk) *Mikania cordata* (mile-a-minute).
- (ll) *Mikania micrantha* (climbing hempweed).
- (mm) *Mimosa invisa* (giant sensitive plant).
- (nn) *Mimosa pigra* (catclaw mimosa).¹
- (oo) *Nassella trichotoma* (serrated tussock).
- (pp) *Neyraudia reynaudiana* (Burma reed).
- (qq) *Opuntia aurantiaca* (jointed prickly pear).
- (rr) *Oryza longistaminata* (red rice).

- (ss) *Oryza punctata* (red rice).
- (tt) *Oryza rufipogon* (wild red rice).
- (uu) *Paederia cruddasiana* (sewer-vine).
- (vv) *Paederia foetida* (skunk-vine).
- (ww) *Paspalum scrobiculatum* (Kodomillet).
- (xx) *Pennisetum clandestinum* (Kikuyu grass).
- (yy) *Pennisetum macrourum* (African feathergrass).
- (zz) *Pennisetum pedicellatum* (Kyasuma grass).
- (aaa) *Pennisetum polystachyon* (missiongrass, thin napiergrass).
- (bbb) *Prosopis* spp.
- (ccc) *Pueraria montana* (kudzu).
- (ddd) *Rhodomyrtus tomentosa* (downy myrtle).
- (eee) *Rottboellia cochinchinensis* (itchgrass).
- (fff) *Rubus fruticosus* (bramble blackberry).
- (ggg) *Rubus molluccanus* (wild raspberry).
- (hhh) *Saccharum spontaneum* (wild sugarcane).
- (iii) *Salsola vermiculata* (wormleaf salsola).
- (jjj) *Sapium sebiferum* (Chinese tallow tree).
- (kkk) *Scaevola taccada* (beach naupaka).
- (lll) *Schinus terebinthifolius* (Brazilian pepper-tree).¹
- (mmm) *Setaria pallidifusca* (cattail grass).
- (nnn) *Solanum tampicense* (wetland nightshade).
- (ooo) *Solanum torvum* (turkeyberry).
- (ppp) *Solanum viarum* (tropical soda apple).
- (qqq) *Tridax procumbens* (coat buttons).
- (rrr) *Urochloa panicoides* (liverseed grass).

62C-52.011 Prohibited Aquatic Plants

Alternanthera philoxeroides
 alligatorweed, green lead plant
Casuarina spp. - Australian Pine
Crassula helmsii - swamp stone crop
Eichhornia spp. - waterhyacinth
Hydrilla verticillata - hydrilla, Florida elodea,
Ipomoea aquatica - water spinach
Ipomoea fistulosa
Lagarosiphon spp. - African elodea
Limnocharis flava - Sawah flowing rush
Lythrum salicari - purple loosestrife
Melaleuca quinquenervia - melaleuca
Mimosa pigra - giant sensitive plant, cat's claw
Monochoria hastata
Monochoria vaginalis
Myriophyllum spicatum - Eurasian watermilfoil
Nechamandra alternifolia
Oryza rufipogon - wild red rice
Pontederia rotundifolia - tropical pickerelweed
Salvinia spp., (excluding *S. minima*)
Schinus terebinthifolius -Brazilian pepper

Sparganium erectum - exotic burreed
Stratiotes aloides - water-aloe, soldier plant
Trapa spp. - water chestnut
Vossia cuspidata - hippo grass

Sec. 58-350 Approved Plant and Tree Materials

In addition to Florida Friendly plants (<http://fyn.ifas.ufl.edu/materials/list.pdf>), the following list of plants and trees (Tables 2-8) shall be used to meet these landscape requirements. The Parks Director or his designee may approve additions or exceptions to this list.

SHADE TREES (L – low water use, M – moderate water use, H – high water use)

TABLE 2 INSET:

BOTANICAL NAME	COMMON NAME
<i>Acer rubrum</i>	Red maple M
<i>Liquidambar styraciflua</i>	Sweetgum L
<i>Juniperus silicola</i>	Red cedar L
<i>Magnolia grandiflora</i> cv.	Southern magnolia cultivars M
<i>Quercus falcata</i>	Southern red oak L
<i>Quercus hemisphaerica</i>	Darlington oak M
<i>Quercus geminata</i>	Sand live oak L
<i>Quercus laurifolia</i>	Laurel oak M
<i>Quercus shumardii</i>	Shumard oak L
<i>Quercus virginiana</i>	Live oak L
<i>Taxodium ascendens</i>	Pond cypress L
<i>Taxodium distichum</i>	Bald cypress L
<i>Ulmus alata</i>	Winged elm L

UNDERSTORY TREES (L – low water use, M – moderate water use, H – high water use)

TABLE 3 INSET:

BOTANICAL NAME	COMMON NAME
<i>Aesculus pavia</i>	Red buckeye M
<i>Cercis canadensis</i>	Red bud L
<i>Chionanthus retusus</i>	Chinese fringe tree M
<i>Chionanthus virginicus</i>	Fringe tree M

<i>Crataegus</i> spp.	Hawthorn species L
<i>Elaeocarpus decipiens</i>	Japanese blueberry tree M
<i>Eriobotrya japonica</i>	Loquat tree M
<i>Forestiera segregata</i>	Florida privet L
<i>Ilex cornuta</i> 'Burfordii'	Burford holly M
<i>Ilex vomitoria</i>	Yaupon holly L
<i>Ilex vomitoria</i> 'Pendula'	Weeping yaupon holly L
<i>Lagerstroemia indica</i>	Crape myrtle L
<i>Ligustrum japonicum</i> (tree form)	Japanese privet tree L
<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem magnolia M
<i>Myrcianthes fragrans</i>	Simpson's stopper L
<i>Parkinsonia aculeata</i>	Jerusalem thorn L
<i>Prunus umbellata</i>	Flatwoods plum M
<i>Viburnum obovatum</i>	Walters viburnum L
<i>Vitex agnus-castus</i> 'Shoal Creek'	Shoal Creek chaste tree L

HEDGE/SHRUBS (L – low water use, M – moderate water use, H – high water use)

TABLE 4 INSET:

BOTANICAL NAME	COMMON NAME
<i>Acca sellowiana</i>	Pineapple Guava/Feijoa L
<i>Cestrum aurantiacum</i>	Golden jasmine M
<i>Elaeagnus pungens</i>	Silverthorn L
<i>Forestiera segregata</i>	Florida privet L
<i>Ilex cornuta</i> 'Dwarf Burford'	Dwarf Burford holly L
<i>Ilex glabra</i>	Gallberry M
<i>Ilex vomitoria</i>	Yaupon holly L
<i>Illicium parviflorum</i>	Yellow anise M
<i>Podocarpus macrophyllus</i>	Yew podocarpus L
<i>Ternstroemia gymnanthera</i>	Japanese cleyera M
<i>Viburnum obovatum</i>	Walters viburnum L
<i>Viburnum odoratissimum</i>	Sweet viburnum M

ORNAMENTAL GRASSES (L – low water use, M – moderate water use, H – high water use)

TABLE 5 INSET:

BOTANICAL NAME	COMMON NAME
<i>Aristida stricta</i>	Wiregrass L
<i>Eragrostis elliottii</i>	Elliot's lovegrass L
<i>Eragrostis spectabilis</i>	Purple love grass L
<i>Muhlenbergia capillaris</i>	Muhly grass L
<i>Paspalum quadrifarium</i>	Evergreen paspalum grass M
<i>Sorghastrum secundum</i>	Lopsided indiagrass L
<i>Spartina bakeri</i>	Cord grass L
<i>Spartina patens</i>	Saltmeadow cord grass L
<i>Tripsacum dactyloides</i>	Fhakahatchee grass L
<i>Tripsacum floridanum</i>	Florida gama grass L

VINES (L – low water use, M – moderate water use, H – high water use)

TABLE 6 INSET:

BOTANICAL NAME	COMMON NAME
<i>Bignonia capreolata</i>	Cross vine L
<i>Ficus pumila</i>	Creeping fig L
<i>Lonicera sempervirens</i>	Coral honeysuckle L
<i>Trachelospermum jasminoides</i>	Confederate jasmine L

TURF GRASSES (L – low water use, M – moderate water use, H – high water use)

TABLE 7 INSET:

BOTANICAL NAME	COMMON NAME
<i>Paspalum notatum</i> 'Argentine'	Argentine Bahia grass L
<i>Cynodon dactylon</i>	Common Bermuda grass M
<i>Eremochloa ophiuroides</i>	Centipede grass M
<i>Stenotaphrum secundatum</i> cv.	St. Augustine grass cultivars H
<i>Zoysia</i> spp.	Zoysia grass species M

TURF SUBSTITUTES (L – low water use, M – moderate water use, H – high water use)

TABLE 8 INSET:

BOTANICAL NAME	COMMON NAME
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Mimosa strigillosa	Sunshine mimosa L
Lomandra longifolia	Spiny mat rush L
Arachis glabrata cvs.	Perennial peanut and cultivars L
Juniperus conferta cvs.	Shore juniper and cultivars L
Trachelospermum asiaticum	Dwarf Asian jasmine M
Zamia floridana	Coontie L

Sec. 58-351. Enforcement

(a) The Parks Department and the Building and Code Enforcement Department shall provide interpretations, administration, and enforcement of the provisions of this Division with technical guidance received from the Parks Department. Enforcement shall occur during the review process for building plans submitted for permitting and during reviews by the Development Review Committee, Planning and Zoning Commission, and City Commission when projects are submitted through those entities. Follow up for compliance shall continue during the construction phase and prior to the issuance of a certificate of occupancy for the permitted plans.

(b) The city shall have the authority to stop work at a site if unauthorized landscaping work is occurring not in compliance with this division or with the approved plans whichever is applicable. Once a stop work order is issued, work shall not commence until the necessary corrections have been made and work is authorized to continue.

(c) Violations for this division shall be subject to the following: Issuing a "Stop work" Order, withholding the issuance of a certificate of occupancy for a building project; issuing a citation as a Class IV level citation as listed under Article II, Code Enforcement Citation, Section 1-23 "Classes of violations and penalties" and/or referring the violation to the Code Enforcement Board for failure to correct a violation.

SECTION 3. All ordinances or portions or ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 27th day of April, 2009.



Mayor Kenneth W. Bradley

ATTEST:


City Clerk Cynthia S. Bonham