

CHAPTER 7 – Preservation of Critical Resources, Tree Protection and Performance Standards

Sec. 7.7.1 – General

Preservation of Critical Resources, Tree Protection, and Performance Standards shall apply to all property, unless specifically exempt from this chapter, and shall be achieved through the following:

A. Wetlands and Native Vegetation:

1. Limitations on the timing and extent of removal of vegetation from a site;
2. Required compliance with state and federal wetland regulations; and
3. Establishment of minimum criteria for wetlands.

B. Tree Protection:

1. Incorporating existing trees into site design when possible;
2. Establishing the Wellington Tree Fund;
3. Prohibiting destructive clearing or grubbing to protect trees;
4. Limiting the removal of trees before a site plan or building permit are issued;
5. Requiring removal of invasive trees and vegetation;
6. Requiring that a tree/vegetation removal permit for all removal prior to commencement; and
7. Mitigating vegetation removal with replacement regulations to ensure the protection of Wellington's tree canopy, protect specimen trees and enhance the aesthetic appeal of trees and the positive effect that trees have on property values.

C. Providing Performance Standards that will ensure compliance with Palm Beach County Wellfield Protection, Listed Species (plant and/or animal) and Wellington's regulations related to noise, vibration, smoke, dust and other particulate matter as they related to air and water quality.

Sec. 7.7.2 – Wetlands

A. General Regulations:

1. When a development application is submitted to Wellington for subdivision, master plan or site plan approval, the application shall include an environmental site assessment which identifies Wetland areas, which includes any native buffers, within or encroaching on the parcel.
2. If the environmental site assessment verifies the existence of wetlands, the application shall include a written determination from the appropriate state and federal agencies such as the SFWMD, FDEP and the ACOE along with a determination the wetlands are jurisdictional or non-jurisdictional.
3. No net loss of function from wetlands as defined by the state (Chapter 373, Florida Statutes) and federal (40 CFR Part 232) government shall be permitted within Wellington, except as specifically provided in this section.

4. If the environmental site assessment identifies jurisdictional wetlands, the applicant shall comply with all agency regulations for on-site/off-site mitigation and protection. A copy of the mitigation plan, approved by the applicable agency, shall be submitted to Wellington prior to any alteration of on-site wetlands or mitigation within the Wellington Boundary.
5. If the wetlands are deemed to be non-jurisdictional, the following shall apply:
 - a. Whenever possible, the wetland areas should form a contiguous tract with, or link to, nearby upland preserves or wetlands to create, or further enhance, a wildlife corridor;
 - b. Wetlands are recommended to be at least a half (0.5) acre in size to maintain long-term viability and maximize wildlife utilization.
 - c. All designated wetlands shall be protected by a minimum twenty-five (25) foot wide transitional buffer, which must contain native plant materials and slope protection.
 - d. Wetlands and associated buffers shall be designated on the site plan or plat and be protected by a Maintenance and Preserve Management Plan (MPMP) in accordance with this section.
 - e. The wetland areas shall be maintained in its natural state, except that invasive non-native vegetation shall be removed prior to the issuance of a certification of occupancy/completion.
6. Jurisdictional and non-jurisdictional Wetland areas shall be protected for the entire duration of construction by a minimum twenty-five (25) foot wide protective setback/buffer and temporary perimeter fence. The following shall apply:
 - a. Construction activities shall not commence until the PZB Director has verified that the preserve area is properly fenced and marked using metal or wood stakes and flags;
 - b. During construction, no earthwork, storage of materials, equipment or placement of structures (temporary or permanent) shall be within the protective setback area. The wetlands shall be protected from stormwater runoff from the adjacent property.

Sec. 7.7.3 – Listed Species

If the environmental site assessment reveals the presence, or probability, of Listed Species the following shall apply:

- A. The applicant shall submit written evidence to the PZ Division of coordination with the applicable agencies concerning the Listed Species;
- B. The applicant shall take the actions determined to be appropriate by the regulating agency to preserve the Listed Species; and
- C. Relocation of Listed Species to an off-site preserve may be permitted providing that the regulating agency approves a relocation plan and the approved plan is submitted to the PZ Division.
- D. Additional general information related to Listed Species is available in the DRM.

Sec. 7.7.3 – Maintenance and Preservation Management Plans

- A. Wetland preserve areas and/or areas that contain Listed Species shall coincide with conservation easements for their perpetual protection, consistent with Section 704.06, Florida Statutes. The conservation easements shall be held by Wellington and shall be subject to the review and

approval of the Wellington Attorney prior to issuance of a final development order. Perpetual protection and maintenance of the preserve area shall be assured through one of the following:

1. Dedication of the preserve area to an appropriate Wellington, county, state or federal agency. The applicant shall provide written verification of this dedication, including a written statement from the public agency accepting the dedication prior to issuance of a final development order. The written verification shall also address the availability of adequate technical, including provisions for access, and financial resources for perpetual maintenance and protection of the preserve.
 2. Dedication of a preserve area to a homeowner's or property owner's association provided:
 - a. The preserve area shall remain undivided. A covenant shall provide that such areas have been encumbered for the perpetual benefit of the public as well as members of the association and all future use shall be consistent with the MPMP.
 - b. The covenants shall contain an obligation by members of the association to pay for and ensure implementation of proper care and maintenance of the preserve areas.
 - c. The covenants are reviewed and approved by the Wellington Attorney prior to the issuance of the final development order.
- B. The only uses permitted in preserve areas are passive recreation, observation uses, and preserve maintenance. These uses may be further limited if Listed Species are present.
- C. Applicants for development approval or restoration plans for sites that contain wetlands or a Listed Species shall submit a MPMP for review and approval by the PZB Director. MPMP submittal requirements are found in the DRM and the MPMP shall be incorporated into the development approval by reference.
- D. MPMP shall not be allowed without a development order amendment or approval by the PZB Director.

Sec. 7.7.4 – Tree Protection Standards

- A. By adoption of this Article, Wellington has created the Wellington Tree Fund (TF) to ensure the future growth and sustainability of the tree canopy throughout the Village. The TF will collect money from property owners that remove trees for a variety of reasons, including development, and either have physical site constraints or the desire to not provide on-site mitigation of the trees. The criteria to qualify for a payment in lieu of replacement are provided below in this section. The TF will be used to purchase and plant trees on Wellington owned property for the establishment and restoration of the Village-wide tree canopy.
- B. Specimen trees are an important natural resource of Wellington deserving protection. The incorporation of existing specimen trees into the project design is preferred to any mitigation option in this section. Specimen trees are defined in Article 3 and listed in Table 7.7-1.

Table 7.7-1 Specimen Tree Trunk Diameter Breast Height (DBH) and Circumference

| Common Tree Name | Scientific Name | Trunk Size (in inches) | |
|------------------|--------------------|---------------------------|---------------|
| | | DBH | Circumference |
| Bald Cypress | Taxodium distichum | 13 | 42 |
| FL Strangler Fig | Ficus aurea | 25 | 78 |
| Green Buttonwood | Conocarpus erecta | 13 | 42 |
| Gumbo Limbo | Bursera simaruba | 13 | 41 |
| Laurel Oak | Quercus laurifolia | 17 | 56 |

| | | | |
|--|--------------------------|----|--------|
| Live Oak | Quercus virginiana | 22 | 72 |
| Red Maple | Acer rubrum | 13 | 40 |
| Red Mulberry | Morus rubra | 13 | 43 |
| Seagrape | Coccoloba uvifera | 10 | 32 |
| Slash Pine | Pinus elliott var. densa | 14 | 45 |
| Southern Red Cedar | Juniperus silicicola | 21 | 64 |
| Sweet Bay | Magnolia virginiana | 12 | 38 |
| Any species excluding invasive species and fruit trees | Varies | 25 | Varies |

C. The removal of trees, specimen or non-specimen, shall comply with the following criteria, unless otherwise provided for in this Article:

1. Tree Replacement Criteria:

| Removal | Replacement |
|---|---|
| Non-specimen tree (single-family) | One (1) non-specimen tree; or One (1) palm |
| Non-specimen tree (all other uses) | One (1) non-specimen tree; or Three (3) palms |
| Specimen tree | One (1) specimen tree; Two (2) non-specimen trees; or Five (5) palms |

2. No mitigation or replacement is required for single family lots, if the remaining quantity, types and sizes satisfies the minimum lot requirements of the LDR.
3. On existing single-family lots, the PZB Director, or designee, shall have the authority to reduce, partially or in full, the replacement requirement below the code minimum when justification is provided from the property owner, and agreed upon by the Director, that physical site constraints, which may include other mature trees, would hinder the ability to plant the trees on-site. The property shall provide a payment in lieu of the replacement of \$100.00 per tree to the TF. This request shall be made part of the Vegetation Removal Permit application and upon approval the tree fund fees will be collected.
4. On all other lots, up to twenty-five percent (25%) of mitigation tree credit can count towards the required landscape minimum if a payment in lieu of \$600.00 per tree is made to the TF. The Tree Board may authorize a payment in lieu that exceed twenty-five percent (25%) of the required mitigation trees due to physical site constraints that would hinder the ability to plant the trees on-site. To calculate the maximum number of required trees that can be requested for payment in lieu of planting on site, the result is rounded down to the nearest whole number.

D. Speculative clearing and grubbing of a site is prohibited.

E. Mitigation trees shall be planted with a minimum two (2) inch DBH, minimum 10 feet in height and spaced a minimum of 20 feet on center.

F. Tree relocation and replacement shall be done in accordance with standard forestry practices to promote tree establishment and survivability.

- G. Invasive species shall be removed from the site prior to issuance of a certificate of occupancy. Invasive species are also encouraged to be removed on existing sites when identified. They may not be counted toward the code minimum requirements for a site.
- H. To protect trees during construction, the following construction measures shall be implemented:
 - 1. No excess soil, additional fill, equipment, liquids, construction debris or equipment shall be placed within the drip line of any tree.
 - 2. No soil shall be removed from within the drip line of any tree.
 - 3. Protective barriers shall be installed and maintained beginning with the commencement of any land clearing or building operations and ending with the completion of the permitted clearing or building construction work on the site per the installation provisions found in the landscape standards of this article.

Sec. 7.7.5 – Vegetation Removal Permits

A vegetation removal permit shall be required for the removal of all vegetation within Wellington, unless specifically exempt in the LDR.

A. Vegetation Removal Permit Requirements

- 1. The property owner shall submit a vegetation removal permit application to the Planning and Zoning Division, including any additional information the PZB Director deems necessary, for review. The vegetation removal permit shall be considered a Type A1 application and processed according to the criteria of Article 5. The submittal requirements are found in the DRM.
- 2. A vegetation removal permit application that proposes to remove more than five (5) trees shall include a tree survey as defined in Article 3 of the LDR. If the trees cannot be incorporated into the site plan design, the applicant shall also submit a modified tree survey indicating the location and proposed method of mitigation.

B. A Vegetation Removal Permit shall be issued if one (1) or more of the following apply:

- 1. Due to natural circumstances the vegetation is irreparably damaged, dead and/or is diseased.
- 2. The vegetation is in danger of falling and/or located in danger proximity to an existing structure that may result in damage.
- 3. The vegetation interferes with utility services or creates an unsafe visual clearance for pedestrian and vehicular traffic.
- 4. The vegetation is located in the buildable area of the site, unreasonably restricts the permitted use and cannot be relocated on site due to viability, age, type or size.
- 5. Justification has been provided with the permit showing removal of the tree is in the public interest.

C. Vegetation Removal Permit Issuance and Expiration

- 1. A separate Vegetation Removal Permit is not required if a development application is approved with a companion landscape plan, alternative landscape plan or planting plan and a

tree survey was submitted as part of the application. The stamped plans will act as the approval to remove, mitigate and replace the vegetation.

2. Any modification to a previously approved plan, that requires removal of approved vegetation, shall require a Vegetation Removal Permit.
3. Any Land Development Permit or Building Permit application that requires removal of vegetation shall require a Vegetation Removal Permit. The applications may be submitted concurrently for review by the respective agencies. A building permit may be issued prior to the satisfaction of the conditions of the Vegetation Removal Permit, however a Certificate of Completion (CC) or Occupancy (CO) may be withheld if the conditions of the Vegetation Removal Permit are not completed at the time the CC or CO is requested.
4. All Vegetation Removal Permits shall expire sixty (60) days after the date of issuance. The PZB Director may administratively extend the removal permit for a maximum of sixty (60) days. A request for extension of a permit must be made in writing to the PZ Division prior to the expiration of the permit. Any work not completed within this period shall require submission of a new vegetation removal permit application and fees.

D. The following are exempt from the requirement to obtain a Vegetation Removal Permit:

1. The minimum removal of vegetation, by a Florida licensed Land Surveyor, for the performance of their duties, provided the area cleared shall not exceed five (5) feet in width and only require a hand tool to facilitate removal of vegetation. If survey lines greater than five (5) feet in width are needed, then a vegetation removal permit from Wellington shall be required.
2. The removal of vegetation by Wellington or Palm Beach County for environmental enhancement or restoration.
3. The removal of vegetation during a period of officially declared emergency such as hurricane, flood or disaster. In this circumstance, the PZB Director may waive certain requirements related to tree protection.

Sec. 7.7.6 – Enforcement and Penalties

In addition to the enforcement section of Article 1, critical resources and tree protection shall be enforced in accordance with the following:

A. Critical Resources

1. A minimum violation of this section shall be based on the unauthorized alteration or removal in increments (rounded up) of 1,500 square feet of wetlands and preserve areas, with each additional increment considered a separate violation to be added to an aggregated area.
2. Each 1,500 square feet, or portion thereof, damaged or destroyed wetlands and preserve areas shall be restored to pre-damage conditions at the property owner's expense. The violator shall submit a restoration plan to the PZB Director for review to restore the area(s) to pre-damaged conditions. Once the restoration plan is approved, the violator shall post a bond in an amount equivalent to the costs for implementing the restoration plan. If the extent of the damage is such that viable restoration on site is not possible then off-site mitigation shall be required at a multiplier of three (3) times the land area to be restored. Payment in lieu of restoration of an existing preserve shall not be accepted.

3. If a restoration plan is not submitted within thirty (30) days following the notice of violation, Wellington may suspend issuance of any further permits for the property including suspension of building permits, inspections, occupational licenses and development orders.
4. If after sixty (60) days of the notice of violation a restoration plan has not been submitted Wellington may place a lien on the property in an amount equal to the sum of any accumulated and ongoing unpaid fines and the reasonable cost for repairing the damage. Once collected these funds may be used for the acquisition, restoration or enhancement of publicly-owned conservation parcels or preserve areas in Wellington.
5. In addition to the Critical Resource Enforcement Standards, alterations that include the removal of trees shall be subject to the provisions of Tree Protection Enforcement Standards,

B. Trees

1. Hazardous Trees: If a tree or its limbs leans, encroaches or falls into an adjacent right-of-way, Wellington may deem the tree a public hazard and require its removal. Failure to remove such tree after Wellington provides notice that it is a public hazard is a violation of this section.
2. The following shall be considered separate violations:
 - a. The removal of a tree without a permit.
 - b. Continued endangerment and neglect of each remaining tree(s).
 - c. Each day a violation exists for such unlawful removal.
3. If a tree removed without a tree removal permit is an invasive or a dead tree, the property owner will be advised in writing of the requirement to obtain a permit. Repeated unauthorized removal of invasive or dead trees may result in fines for each occurrence.
4. For all other trees, a fine of up to one hundred (100) dollars per day per tree removed may be imposed based on the violation findings and fine certification by the special magistrate. Wellington may suspend issuance of permits, inspections and occupational licenses while such violation is pending. Wellington may place a lien on the property in an amount equal to the sum of any unpaid fines and the reasonable costs for removing and installing the unlawfully removed.

Sec. 7.7.7 – Performance Standards

A. Noise:

1. Any emission of noise in excess of the Noise Standards in the Code of Ordinances shall be deemed a public nuisance. The Code Compliance Division may investigate a violation of the noise standards complaints. If a violation is documented, the Wellington Attorney may file injunctive proceedings to abate the nuisance. These proceeding shall be cumulative and in addition to the penalties provided for in the LDR or Code of Ordinances.
2. Any noise exemptions provided in the Code of Ordinances shall apply to the LDR.

B. Vibration: In all non-industrial districts, no use shall be operated so that ground vibration is produced and noticeable without the use of vibration detections instruments at the property line on which the use is located.

C. Smoke, Emissions and Particulate Matter:

1. All uses shall operate in full compliance with the air pollutions standards as provided by the State of Florida, Palm Beach County Public Health Unit (PBCPHU) and Wellington LDR and Code of Ordinances.
 2. In addition to any Wellington Code of Ordinances, all uses shall operate in compliance with the visible emission limiting standards as provide by the Florida Department of Environmental Protection (FDEP), Ringlemann Chart – Opacity not to exceed twenty percent (20%). All measurements shall be taken at the point of emission. For the purpose of determining the density of smoke, FDEP regulations and Rule 62-296, F.A.C. shall apply.
 3. All uses shall operate to prevent the emission of dust or other solid particulate matter into the air which may cause danger to land and/or the health of persons or animals at, or beyond, the lot line of the premises on which the use is located.
- D. Odor: No use shall produce the emission of objectionable or offensive odors in such concentration that is readily perceptible at or beyond any point of the property line on which the use is located, in accordance with Rule 62-296, F.A.C.
- E. Toxic Matter: No use shall discharge toxic matter or produce toxic matter in such concentrations that are detrimental to or endanger public health, safety, comfort, and/or welfare across the property lines on which the use is located.
- F. Radiation:
1. Any operation involving radiation, i.e. the use of gamma rays, X-rays, alpha and beta particles, high speed electrons, neutrons, protons and other atomic or nuclear particles, shall be permitted only in accordance with the regulations of the Florida Department of Health, Office of Radiation Control and FDEP.
 2. No person shall operate or cause a source of electromagnetic radiation which does not comply with the regulations of the Federal Communications Commission (FCC) or result in abnormal performance degradation of electromagnetic receptor as determined by the principles and standards of the American Institute of Electrical Engineers, Institute of Radio Engineers and Electronic Industries Association.
 3. No use, activity or process shall be conducted which produces electromagnetic interference with normal radio, phone or television reception in any district.

Sec. 7.7.8 – Exemptions

A. General exemptions from this article are as follows:

1. Any alteration in accordance with design specifications, under the direction of utility agencies, water control or management districts, where the activity has received all required construction and/or operating permits.
2. Alterations or activities associated with government maintained parks, recreation areas, wildlife management areas, conservation areas, preserves and environmental enhancement projects.
3. The lots of record or lots on a recorded legal subdivision plat that do not include a wetland or preserve for listed species.

Undeveloped parcels, or portions of parcels, with an existing valid development order that do not include a wetland or preserve for listed species. This section shall apply to any request to modify a development order or permit for such parcels.

CHAPTER 8 – Landscape

The following landscape, buffer and maintenance standards shall apply to all property, unless specifically exempt in the LDR. Wellington promotes Florida-friendly landscape design and maintenance principles as defined in F.S. 373.185. The DRM contains design principles and information that should be used in the development of landscape plans for all uses.

Sec. 7.8.1 – General Landscape Standards

- A. All plants shall comply with, or exceed, the minimum standards for Florida Number 1 at installation in accordance with the State of Florida Department of Agriculture and Consumer Services most current edition of “Grades and Standards for Nursery Plants”.
- B. All Landscape is subject to the maintenance, pruning and replacement requirements of this section. The replacement of trees may also be eligible for the Tree Fund payment in lieu of option, in accordance with the Tree Protections Standards of this article.
- C. Wellington has adopted a preferred species plant list which can be found in the DRM. 50% of the required plantings shall be selected from this list.
- D. When more than six (6) trees are required to be planted in order to meet the minimum landscape standards of this Chapter, a variety of species shall be required. The number of species planted shall increase by one species for each 10 trees. A minimum 10% of all required vegetation shall be flowering trees and 20% shall be of a palm species.
- E. A minimum of 50% of the required trees on a lot/parcel shall be installed at a minimum size relating to the building roof height according to Table 7.8-1. The minimum planting area of a tree shall be 120 square feet (10 ft. X 12 ft.). The ground within the tree planting area shall receive appropriate landscape treatment including mulch and ground cover.

Table 7.8-1 Tree Size

| Building Height (feet) | Tree Height (feet) | Palm Height Gray Wood* (feet) |
|-------------------------------|---------------------------|--------------------------------------|
| To 15 | 12 | 8 |
| 15-25 | 14 | 12 |
| 26-35 | 16 | 18 |
| 36 or more | 18 | 22 |

**The terms Building Height, Clear Trunk (CT) and Grey Wood (GW) are defined in Article 3.*

All other tree sizes shall be as follows:

- 1. Flowering trees at time of installation shall have a minimum height of 10 feet and a minimum crown spread of four (4) feet.
- 2. Palms used to fulfill code requirements shall have a minimum 10 feet of CT and 14 feet in overall height, with a minimum trunk diameter of six (6) inches at the time of installation.
- 3. A minimum 18 foot GW palm can be substituted with groups of three staggered height palms between 12 feet CT and 16 feet CT.
- 4. All measurements shall be from the top of the root ball.

- F. Palm clusters may be used to meet the minimum lot/parcel tree requirements; however, palms susceptible to lethal yellowing shall not be used to comply with this Chapter.
1. Palms with trunks less than six (6) inches in caliper shall be specified in groups of no less than three (3) to be considered a replacement for one (1) tree. In the case of species of palms which characteristically grow in clumps, each clump of three (3) or more trunks shall be considered to be one (1) tree. Palm groupings and clumps must meet height requirements of this section.
 2. Accent or Feature Palms, include Royal Palms, Bismarck Palms, Coconut Palms, large Date Palms or other acceptable accent palm species, may be counted as one (1) required shade tree. These palms shall not exceed a maximum of 25% of the total number of trees required.
- G. The following shall apply to hedges and shrubs at the time of installation:
1. Hedge material shall be a minimum of 24 inches in height or 18 inches in height for native species. Required hedges shall form a continuous solid opaque visual screen of at least 36 inches in height within two (2) years of planting. Additionally, 50% of the materials shall be composed of vertical landscape material at least 36 inches in height. The height of the plant material should not remain uniform and should be designed to meander within the buffer area.
 2. Shrubs shall be a minimum of 18 inches in height or 12 inches in height for native species. At least 10% of all required shrubs shall be a flowering species. The number of species to be planted shall increase by one species for each 50 shrubs required. Shrubs shall be planted in masses to provide a continuous solid mass within two (2) years of planting.
- H. Ground cover shall consist of turf grasses and/or low-growing vegetation. Ground cover shall be installed a minimum of six (6) inches in height. The ground surface within required landscaped areas, or the preservation of existing or new vegetation, shall receive appropriate treatments such as, mulch or shrubs and shall present a finished appearance upon planting. Sand, gravel, shellrock or pavement alone are not considered appropriate landscape treatments. The following standards shall apply to the design of ground treatment:
1. Live materials used as ground cover shall provide a minimum of 50% coverage immediately upon planting and 100% coverage within three (3) months after planting.
 2. Mulched areas without associated plantings shall be limited to a maximum of 10% of the pervious area of the lot. Mulched areas may be wood-based or non-wood based and shall comply with the following:
 - a. Shall be installed and maintained at a minimum compacted depth of three (3) inches at all times in all planted areas not containing ground covers. All mulch material shall be seed and weed free to prevent spouting and regrowth. Cypress mulch is discouraged as it promotes the unnecessary destruction of wetlands.
 - b. Recycled rubber mulch products, pebbles or decorative rock may be used as a ground treatment or in areas designed to accommodate limited roof runoff and where drainage is a problem.
 3. Grass areas shall be planted with species suitable for permanent lawns in Wellington. Grass areas may be sodded, plugged, sprigged or seeded provided solid sod shall be used in swales, rights-of-way or other areas subject to erosion. Seeded, plugged or sprigged lawns must be sown for immediate effect and maintenance shall be provided until coverage is complete. The use of Bahia sod or other drought-tolerant ground cover is required on cleared undeveloped parcels.
 4. Ground cover is not required in wetland areas shown on approved site or landscape plans.

- I. A list of prohibited species is provided in the Landscape Manual found in the DRM. Each landscape plan, planting plan or ALP required or permitted shall include a program to eradicate and prevent the reestablishment of prohibited plant species.
- J. A list of controlled species is provided in the Landscape Manual found in the DRM. Controlled species shall not be planted except as provided in the manual.
- K. No artificial vegetation shall be used to meet the standards of this section except alternative grass surfaces for governmental facilities.

Sec. 7.8.2 – Supplemental Landscape Standards

A. Single Family and Two-Unit Attached Residential Lots:

- 1. One (1) tree, 20 shrubs and 10 ground covers shall be planted, or preserved, for every 1,500 square feet of lot area, excluding an area equivalent to the maximum permitted building coverage for the lot and excluding wetland areas, areas with listed species.
- 2. A minimum of 25% percent of the required number of trees and 75% of the shrubs shall be planted, or preserved, in front of the front plane of the home. For a lot less than 4,500 square feet, the tree requirement shall be one (1) tree in front of the home. The minimum required for a lot more than 4,500 square feet, shall be two (2) trees in front of the home.
- 3. Credit for existing trees may be given in accordance with Tree Credit standards of this section. The maximum number of new, or preserved trees, required as a result of this calculation is capped at this calculation or a maximum of 30 trees, whichever is less.
- 4. No more than 75% of the pervious area on a lot may be planted with turf grasses. The balance of the lot plantings shall be shrubs, groundcovers, mulched or undisturbed native plant communities.

B. Non-residential and Multiple Family Lots:

- 1. One (1) tree and three (3) shrubs shall be planted, or preserved, for every 1,500 square feet of a non-residential lot, or fraction thereof, excluding wetland areas and areas with listed species. This standard does not include trees, shrubs or hedges required to be planted in perimeter buffers and vehicular areas. Additional plantings are needed to meet buffer and vehicular area requirements.
- 2. Foundation plantings shall be provided along the front, side and rear facades of non-residential and multiple-family structures, except for vehicle access areas such as garage entrances, bay doors, and if in conflict with access to above ground utilities and/or fire safety equipment. The minimum depth of the required foundation planting shall be five (5) feet for each building story or a maximum of twenty five (25) feet. The combined length of the required foundation planting shall be no less than 40% of the total length of the applicable side of the structure. All required foundation plantings shall be planted with a minimum of one (1) tree or three (3) palms for each 20 linear feet of building façade, along with a combination of mass plantings of shrubs, a minimum of two (2) to three (3) feet in height, or mass plantings of appropriate ground cover, a minimum of six (6) inches up to two feet in height, and accent plants.
- 3. No more than 40% of the pervious area on a non-residential lot may be planted with turf grasses. The balance of the lot plantings shall be shrubs, ground cover, mulched or undisturbed native plant communities.

C. Signage and Equipment Screening:

- 1. A minimum three (3) foot wide planting area shall be required around the base of all proposed freestanding signs. One (1) shrub for each 10 square feet of the total size of the monument sign shall be installed within the three (3) feet planting area at the base of the

sign. Monument signs shall be surrounded by colorful ground cover on all sides, in addition to the required shrubs. Landscaping and trees which interfere with the visibility of signage may be located outside of the sign viewing zone, subject to approval from the PZB Director.

2. All ground-based mechanical, electrical, water equipment, pump houses, etc. shall be entirely screened from public view on three sides, utilizing opaque materials and/or landscaping. Screening material shall accommodate maintenance or inspection access with the use of appropriate panels and/or hinged gates. All dumpsters shall be placed on a concrete pad and be entirely screened on three sides with a masonry wall and shrubs planted along the foundation of the wall.

D. Access ways and Public Entries to Projects:

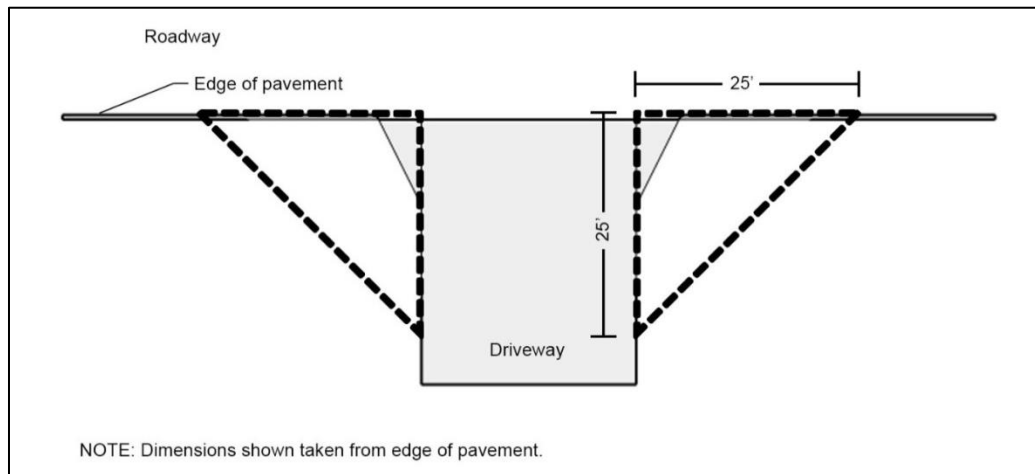
1. Planned Developments shall have an overall landscape plan that meets the intent of the LDR and includes access ways, entry feature landscaping, buffer plantings, etc. for approval as part of their development order.
2. All projects, including Planned Developments, shall meet the following criteria as it related public access ways and landscape design:
 - a. The access way zone extends from the paving edge of the entry drive (not radius) for a distance equal to half the adjacent right-of-way width (i.e. 80 foot right-of-way = 40 linear feet) and is required on both sides of the entry drive. The zone also includes entry medians where provided. A minimum zone length of 40 linear feet per side is required for rights-of-way of less than 80 feet wide.
 - b. All access ways designed for public entry shall comply with the following minimum standards.
 - i. The access way zone requires two (2) shade trees and four (4) small trees per 40 foot section of the zone; large shrubs specified at a 5 foot height minimum may be substituted for the small tree requirement on a 2:1 basis.
 - ii. Access way medians require three (3) trees per forty (40) linear feet as well as shrubs or groundcovers to cover the entire zone.
 - iii. The use of Accent or Feature Palm species is encouraged. A minimum 10-foot planting bed, containing low shrubs and/or ground cover must also be provided in front of the tree or palm plantings, in the access way zone and extend a minimum of five (5) feet beyond the tree or palm plantings.
 - iv. Service drives used exclusively for service access are exempted from these regulations.
 - v. Alternate design schemes which meet the intent of this section may be approved at the discretion of the DM.

E. Street Trees: Street trees shall be shade species as provided in the landscape criteria of the DRM and are required along public and private roads at the time of road construction or infill development. Street trees shall be planted by the developer or builder prior to the issuance of a certificate of occupancy and maintained by the property owner or property association.

1. One (1) shade tree shall be required for every 30 linear feet of street frontage. Smaller trees may be substituted under overhead utilities as prescribed by FPL's "Right Tree, Right Place" Guidelines.
2. Street tree placement shall follow horizontal offset requirements of Florida Green Book for all non-FDOT roadways.
3. Where underground utilities limit street tree placement in the right-of-way, street trees shall be placed in alternative locations near and along the street as shown on an Alternative Landscape Plan.

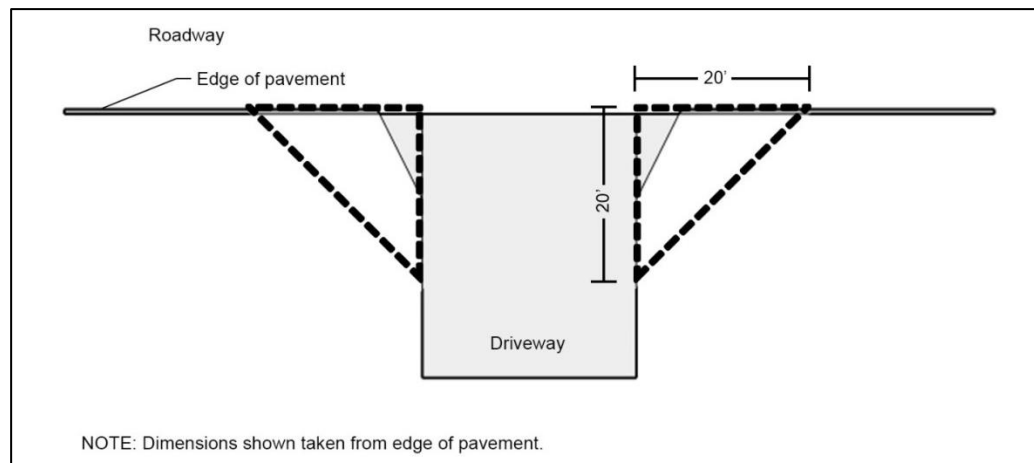
4. Where construction timing will delay street tree placement a surety bond may be obtained for portions or all of the required street trees.
- F. Easements: Landscaping may be permitted in easements only with the written permission of all easement holders. Easements may overlap a required landscape buffer by a maximum of five (5) feet provided there remains a minimum five (5) foot clear zone for the buffer. Concrete block walls with a continuous footer shall require a minimum of five (5) foot unobstructed area for planting. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this section and other Wellington regulations. Easements shall be identified prior to preparation of the landscape plan and any proposed overlap approved by the Wellington Engineer and/or Utilities Director.
1. Trees planted within any easement with overhead utilities shall comply with the latest edition of FPL's "Right Tree, Right Place" Guidelines and take into consideration the mature height and spread of the species beneath or adjacent to existing overhead utilities. Existing trees shall be maintained so the canopy does not encroach within five (5) feet of the overhead utility.
 2. No trees, shrubs or palms shall be placed within five (5) feet of a designated utility or drainage easement or within 10 feet of an underground service line, measured from the nearest point of the line to the nearest point of the trunk at the time of planting, without approval of the Wellington Engineer and the easement holder.
 3. No landscaping shall be placed within Lake Maintenance Easements.
 4. Bio-swales and bio-retention facilities shall not be located in perimeter landscape buffers.
 5. Off-street parking lot islands and medians that may overlap easements must be designed to accommodate the off-street parking landscape requirements of this section. Parking islands may require additional width in order to accommodate easements and the required number or location of trees.
- G. Berms: Landscaped berms may be used in lieu of barriers, such as fences or walls, only when installed in conjunction with plant materials and if compatible with adjacent properties. Landscaped berms may be used to elevate the plant material but shall not be placed in the visibility area of a clear sight triangle. All berms shall not exceed three-to-one (3:1) slope. In areas where existing vegetation has been preserved, berms shall not be installed under the tree drip lines unless the viability of preserved trees and vegetation can be demonstrated. Drainage run off from perimeter berms shall be contained within the buffer area.
- H. Clear Sight Triangle: Vegetation located adjacent to, and within clear sight triangles, shall be trimmed so limbs or foliage do not extend into the required visibility areas. All landscaping within clear sight triangles shall be planted and perpetually maintained by the property owner in accordance with this section. Trees located within clear sight triangles shall be installed with a minimum of eight feet of clear trunk. Clear sight triangles shall be provided on both sides of all intersections and driveways and shall be measured as follows:
1. As required by FDOT Design Standards (current edition) Index 546 "Sight Distance at Intersections" as may be amended, the Limits of Clear Sight diagram and the design speed of the intersecting road shall be placed on the landscape plan sheet to demonstrate compliance.
 2. Vegetation shall be maintained to provide unobstructed visibility at a level between 30 inches and eight (8) feet above the crown of the adjacent roadway to avoid creating a traffic hazard.
 - a. Visibility corners for a street with 100' or more of right-of-way shall be a minimum of 25 feet along the edge of pavement line from the intersection of a driveway with a major street as depicted in Image 1 below:

Image 1: Safe Triangle for ROW 100 Feet or More



- b. Visibility corners for a street of less than 100' of right of way shall be a minimum of 20 feet along the edge of pavement line from the intersection of a driveway with a local street as depicted in Image 2 below:

Image 2: Safe Triangle for ROW Less Than 100 Feet



Sec. 7.8.3 - Tree Credits

A preserved native, upland or drought-tolerant trees meeting the standards specified in this Chapter may be substituted for trees required by this Code or condition(s) of approval subject to the following:

- A. Credit may be granted for on-site preservation of existing trees when a landscape plan is accompanied by a tree removal and replacement tree survey with credit calculations based on this section.
- B. Existing trees to be preserved shall be credited according to the formula in Table 7.8-2.

Table 7.8-2 Tree Credits

| Crown Spread of Tree | Or | Diameter of Tree at 4.5 Feet Above Grade (DBH) | = | Credits |
|----------------------|----|--|---|---------|
| 90 Feet or Greater | Or | 37 inches or more | = | 8 |
| 60-89 Feet | Or | 32-36 inches | = | 7 |

| Crown Spread of Tree | Or | Diameter of Tree at 4.5 Feet Above Grade (DBH) | = | Credits |
|-----------------------------|-----------|---|----------|----------------|
| 50-59 Feet | Or | 27-31 inches | = | 6 |
| 40-49 Feet | Or | 22-26 inches | = | 5 |
| 30-39 Feet | Or | 17-21 inches | = | 4 |
| 20-29 Feet | Or | 12-16 inches | = | 3 |
| 10-19 Feet | Or | 7-11 inches | = | 2 |
| 5-9 Feet | Or | 2-6 inches | = | 1 |
| Less than 10 Feet | Or | Less than 2 inches | = | 0 |

Notes

1. *Fractional measurements shall be rounded down.*
2. *Preserved slash pines a minimum of 16 feet in height may count as one required tree.*
3. *Accent palms shall be counted as one shade tree for interior tree requirements. A maximum of 25% of the required interior trees may be palms species.*
4. *Existing palms with a clear trunk greater than eight feet shall be counted as 1/3 of a tree for perimeter buffer requirements (e.g. three palms = one shade tree). A maximum of 25% of the required buffer trees may be palm species.*

C. Tree credits shall not be permitted for trees which are:

1. Required or protected by law or trees located in required preservation areas;
2. Not properly protected from damage during the construction process as provided in this chapter;
3. Classified as prohibited, fruit or controlled species;
4. Dead, dying, diseased or infested with harmful insects; or
5. Located within recreation tracts, golf courses or similar areas within planned developments.

Sec. 7.8.4 – Parking Lot Landscape Requirements

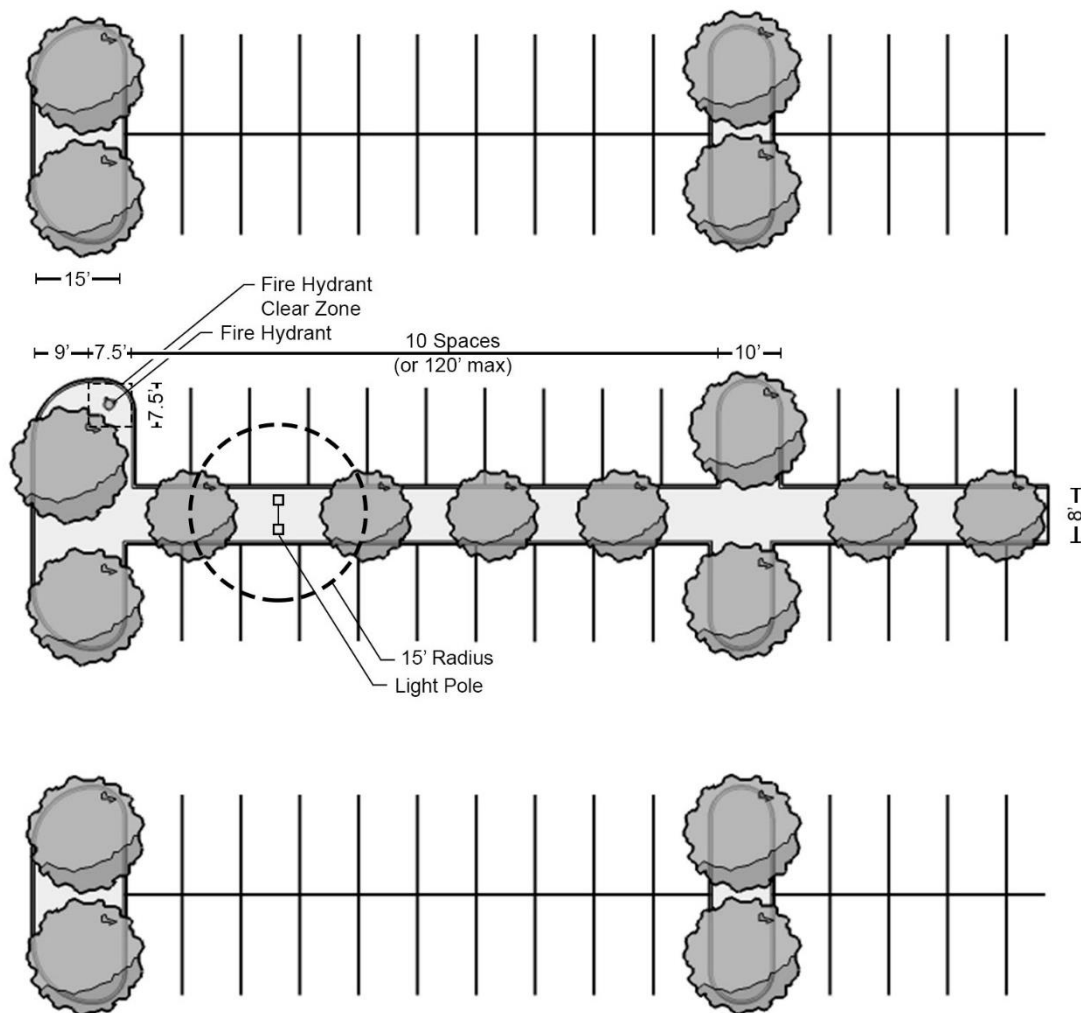
A. General tree, shrub and hedge standards:

1. A minimum of 75% of all trees required to be planted in the interior of vehicular use areas shall be shade trees. The remaining 25% may be understory trees or palms which mature to more than 25 feet in overall height.
2. Palms may count as one (1) required interior tree and shall not exceed a maximum of 25% of the required interior trees. Preserved native palms with a minimum of four (4) feet of clear trunk located within the interior of a site may be counted as one (1) required interior tree. Palms planted in the interior of vehicular use areas shall be an appropriate species which when mature will not interfere with required lighting or other land development regulations.
3. Shade trees for vehicular use areas shall have a minimum height of 14 feet and a minimum crown spread of six (6) feet at time of installation.
4. The hedge and shrubs installation requirements for interior landscape shall comply with the General Landscape Standards of this chapter.

B. Off-Street Parking:

1. Each row of parking spaces shall be terminated by landscape islands. The terminal island shall not overlap perimeter or other required buffers and shall be a minimum of 12 feet in width, excluding required curbing, 15 feet in length and include at least 180 square feet of planting area and one tree.
2. A minimum of one interior landscape island shall be provided for every 10 parking spaces as shown in Image 3 below, or fraction thereof. Interior landscape islands shall be spaced a maximum of 120 feet apart and shall be a minimum of 10 feet in width, excluding required curbing, 15 feet in length and include at least 150 square feet of planting area and one tree.
3. Divider medians providing at least eight feet of landscaped width shall be installed between every other row of parking and between all parking and adjacent vehicular use areas. If a sidewalk is designed into the parking lot divider median a minimum five (5) feet of landscaped area width is required. One (1) shade tree shall be planted for each 30 linear feet, with a maximum spacing of 40 feet on center.

Image 3: Landscape Islands and Divider Medians



NOTE: Dimensions shown taken from back of curb.

4. All parking, loading, storage or outdoor display area(s) adjacent to rights-of-way shall be screened with a continuous hedge.

5. Landscape protection measures such as curbing and wheel stops shall be shown on all paving, drainage, site and landscape plans. Low shrubs and ground covers must be maintained to allow for 24 inches of clearance from the outside face of curb adjacent to an off-street parking space or vehicle use area and 12 inches of clearance at maturity from the inside face of the curb. Plant material required per this section shall be protected from vehicular encroachment by the use of concrete wheel stops or continuous concrete curbing.
 - a. Planting area width requirements shall be measured from the inside edge of the curb or wheel stop.
 - b. All landscape area subject to vehicular encroachment shall be separated from vehicular use areas by six-inch, non-mountable, FDOT type "D" or FDOT type "F" concrete curbing except for divider medians with abutting parking spaces wheel stops or alternative landscape protection measures may approved by the DM.
 - c. Wheel stops shall have a minimum height of six (6) inches above the finished grade of the parking area. All wheel stops shall be properly anchored, continuously maintained in good condition and rest fully on the pavement to prevent rocking.

Sec. 7.8.5 – Landscape Buffers

Perimeter landscape buffers and rights-of-way (ROW) buffers, including street medians, shall comply with the standards of this section, unless otherwise provided for the LDR.

- A. The following subsection establishes three (3) landscape buffer types and the application criteria for each type of buffer and use. The minimum height standards established for each buffer type shall be achieved within two (2) years of installation. The minimum installation standards are provided in the General Landscape Standards of this chapter.
 1. Type A buffers shall be a minimum of 10 feet wide and contain one (1) shade tree per 30 linear feet of buffer, planted a maximum of 40 feet on center. A continuous hedge a minimum of 36 inches high and planted three (3) feet on center shall also be required. For the purpose of this section, Type A buffers that are required to have a six (6) foot high fence shall be indicated as a Type A/F buffer.
 2. Type B buffers shall be a minimum of 15 feet wide and contain one (1) shade tree per 30 linear feet of buffer, planted a maximum of 40 feet of center. A continuous hedge a minimum of 36 inches high and 10 shrubs a minimum of 18 inches high, both planted three (3) feet on center shall be required. For the purpose of this section, Type B buffers that are required to have six (6) foot high masonry wall shall be indicated as a Type B/W buffer.
 3. Type C buffers shall be a minimum of 20 feet wide and contain one (1) shade tree per 40 linear feet of buffer, planted a maximum of 40 feet on center. One (1) flowering of small tree per 30 feet of linear buffer, planted a maximum of 40 feet on center shall be required. A continuous hedge a minimum of 36 inches high and 10 shrubs a minimum of 18 inches high, both planted three (3) feet on center shall be required.
- B. Landscape Buffer Application:
 1. The required landscape buffer type shall be based on the proposed and adjacent land uses. For subject properties with multiple proposed uses, such as PDs, more than one buffer type may apply.
 2. Table 7.8-1, Landscape Buffer Application, provides the Future Land Use Map designation and corresponding buffer type requirements.

- When the adjacent property is a ROW, a Type C buffer shall be required.

Table 7.8-1 Landscape Buffer Application

| Subject Property | Adjacent Property | | | | | | |
|-----------------------|---------------------|------------------|------------|----------------------|---------------|-----------------------|-----------------------|
| | Residential A, B, C | Residential D, E | Commercial | Utility and Flex Use | Institutional | Commercial Recreation | Park and Conservation |
| Residential A, B, C | ----- | A/F | B/W | B/W | A/F | B | C |
| Residential D, E | A/F | ----- | B/W | B/W | A/F | B | C |
| Commercial | B/W | B/W | A | B/W | A/F | B | C |
| Utility and Flex Use | B/W | B/W | B/W | A | A/F | B | C |
| Institutional | A/F | A/F | A/F | A/F | A | B | C |
| Commercial Recreation | B | B | B | B | B | ----- | C |
| Park and Conservation | C | C | C | C | C | C | ----- |

C. Landscape Buffer Standards:

- The area of easements or access ways that traverse the required perimeter or ROW buffer may be subtracted from the overall linear buffer area calculation.
- Palms or Slash Pines planted in buffers shall be installed in groups of three (3) or more. Each group of palms shall be a minimum of 12, 14, and 16 foot clear trunk at installation. Each group of Slash Pines shall average 10 feet in height and counted as one (1) required shade tree.
- For new development or redevelopment, existing native vegetation may be used to meet landscape buffer requirements in total, or in part, upon approval by the PZB Director if the following can be demonstrated:
 - The effectiveness of the existing visual screening;
 - The quality of the vegetation and ability to properly protect the vegetation during construction; and
 - The probability of native materials surviving proposed relocation from another area on-site.
- All landscape buffers, where required, shall be installed for all non-residential developments prior to the issuance of the first certificate of occupancy.
- All landscape buffers, where required, shall be installed for all residential developments prior to the issuance of the first CO, unless phased installation is approved as part of a development order. For a phased development, the buffer shall be installed along the entire perimeter of each phase prior to the issuance of the first CO for the corresponding phase.
- Where properties are separated from adjacent properties or ROW by a canal, lake and/or passive open space, with a minimum width of 50 feet, the buffer width may be reduced by up to 25%. If the buffer includes a wall or fence the buffer shall maintain a minimum 10 foot width. The quantities of plant material may be reduced proportionate to the reduction in buffer width.
- If a fence or wall is desired or required, the landscaping shall be located between the barrier and the adjacent property or ROW. Fences and walls that may conflict with pre-existing

dedicated easements, shall require approval from the Wellington Engineer, Utilities Director and/or easement holder if the structure is not able to be shifted for relocated to not encroach the easement. Fences and walls shall comply with the clear sight triangle requirements of this chapter.

8. All walls shall obtain approval from the Architectural Review Board and shall be masonry construction unless an alternative material/type is approved by the Board, and must meet all applicable Florida Building Code requirements. Both sides of the walls shall be given a finished architectural treatment and shall contain no openings except gates or access approved during site plan approval. Connectivity to adjacent properties is encouraged. Maintenance of both sides of the wall shall be the responsibility of the property owner.
9. It is encouraged that double walls or fences between two properties be avoided. If an existing development has a wall or fence and a new development is required to have a wall or fence, the PZB Director may waive the requirement for the wall or fence. The minimum width of the buffer and required landscape quality and quantities shall still apply.
10. The PZB Director may impose special standards to mitigate potential impacts or to ensure the intent of the landscape standards are met for the following uses:
 - a. Recreational and Institutional uses within a residential subdivision;
 - b. As part of PD with a proposed ALP;
 - c. Property owned by Wellington; or
 - d. Property owned by Palm Beach County School District.

D. Rights-of-Way Buffers:

In addition to the General Landscape Standards, general buffer requirements, and Type C buffer criteria, the following standards shall apply to all ROW buffers:

1. Single-family detached homes in a residential subdivision shall not require a ROW buffer along internal streets.
2. For non-residential developments, the required quantity of trees and palms may be clustered in ROW buffers to allow for sign visibility and to accommodate signage proposed in the buffer. Clustering of plant material is also allowed to feature a site design element or to accommodate utilities and easements if at least three (3) of the following conditions are met:
 - a. Clusters are spaced a maximum of 60 feet apart;
 - b. Clusters consist of trees or palms of varied height with the smallest in the cluster meeting the minimum height requirements;
 - c. The subject property has a minimum of 300 feet of frontage along a ROW; or
 - d. The subject property includes site enhancements adjacent to the ROW such as plazas, public art, decorative architectural elements or pedestrian oriented amenities.
3. Walls or fences shall comply with the supplementary standards of Article 6 pertaining to fences, walls, and hedges along a ROW.
4. For developments with reduced setbacks of less than 20 feet, a reduction to the buffer width may be proposed and the required landscaping may be relocated to an alternative buffer that

is part of the overall project. An ALP is required and shall comply with the submittal standards in the DRM.

5. The developer of property(s) adjacent to roadways with medians shall provide median landscaping within ROW located in, or intersecting, the perimeter of a development, which shall be subject to the following:
 - a. A landscape median permit shall be required from the Engineering Department. The required quantities and spacing of trees, palms and other vegetation shall be the same as indicated for ROW buffers, or based on an approved ALP.
 - b. All plantings shall be done in accordance with an approved site plan/subdivision plan.
 - c. Median landscaping shall be installed concurrent with the construction of the road or access way and shall be completed prior to the final release of the performance bonds for the road construction.
6. All ROW, including median, landscape installation and maintenance shall be subject to all regulations and Maintenance of Traffic (MOT) requirements of Wellington's Engineering and Public Works Divisions, as well as, Palm Beach County and/or FDOT when applicable.

Sec. 7.8.6 – Landscape Plan and Alternative Landscape Plan Requirements

- A. All new development requiring the issuance of a building or paving permit shall require a landscape plan or Alternative Landscape Plan (ALP) signed and sealed by a Florida registered Landscape Architect. For single-family, two-family or infill residential projects with four units or less a planting plot plan shall be acceptable and does not require a Landscape Architect's sealed signature. The Landscape and Alternative Landscape Plan submittal requirements are found in the Landscape section of the DRM.
- B. An applicant may demonstrate the intent of this chapter can be more effectively met through site design flexibility by submitting an ALP. Requirements for plant material, heights, spacing and up to 50% of the required buffer widths may be varied with approval of an ALP. Buffer reductions for required fences or walls are excluded from ALP consideration. To qualify for approval, the ALP shall meet at least eight (8) of the following design guidelines and principles:
 1. Demonstrates an innovative use of plant materials and design techniques in response to site characteristics;
 2. Preserves or incorporates existing native vegetation in excess of minimum standards;
 3. Uses a variety of plant material, including plants of color, plants of form and plants of texture;
 4. Incorporates naturalistic design principles, such as natural variations in topography, meandering or curvilinear buffer plantings and groupings of dominant plant materials including trees and large shrubs in a manner consistent with existing native vegetation;
 5. Integrates landscaping and pedestrian facilities in a manner compatible with the location in which the development is located;
 6. Use of shade trees in excess of the minimum standards in this chapter to create additional canopy;
 7. Illustrate that 50% of the required trees exceed minimum height requirements;
 8. Creates greater compatibility with abutting properties and is consistent with the design principles and guidelines of this chapter and the DRM;
 9. Provides a consistent aesthetic appearance from lot perimeters and adjacent roadways;
 10. Uses water-efficient irrigation systems and Florida Friendly landscaping principles at appropriate locations; and

11. Incorporates the character of soil, slope, hydrology and vegetative communities unique to the site and is compatible with existing environmental features on adjacent properties.

Sec. 7.8.7 – Installation, Maintenance, Irrigation and Replacement

The following standards shall be considered the minimum required installation, maintenance, irrigation and replacement standards for all trees and landscape material.

- A. All landscaping shall be installed according to acceptable nursery practices and in a manner designed to encourage vigorous growth. Soil improvement measures may also be required to ensure long term healthy plant growth. A plant or tree's mature growth characteristics shall be considered before planting to prevent conflicts with views, lighting, infrastructure, utilities or signage.
 1. Required landscaping may be installed in phases, if designated on the approved site/subdivision plan. The number of trees required to be planted or preserved in a construction phase of a planned development shall be a proportion of the total number of trees required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the phase 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 the calculation.
 2. During construction of any structure or other improvement, it shall be unlawful for any person to place materials, machinery or temporary soil deposits within the drip line of any tree. The builder shall install protective barriers around all trees to be preserved outside the canopy dripline as depicted in the landscape criteria found in the DRM. Trees designated for protection during construction and which do not survive shall be replaced by a tree of equal size or an equivalent number of trees based on trunk diameter. The minimum protection shall be two inch by 4 inch (2" X 4") wood posts at 48 inches height with 2" X 4" cross rails. Alternative protection methods may be accepted at the discretion of the PZB Director. A bond may be required and the amount of the bond shall be based upon the equivalent value of the tree(s) to be protected. Any bond required for a protected tree shall be four (4) times the equivalent value for that tree.
 3. All installed trees and palms shall be properly guyed and staked at the time of planting and remain in that manner for one (1) year after installation. The use of nails, wire, rope or any other method which damages the trees or palms is prohibited. All plants shall be installed so the top of the root ball remains even or slightly higher than the surrounding soil grade. Plant materials shall be fertilized immediately after planting with type and rate as specified on the landscape plan.
 4. Root barriers shall be required for the installation of trees near utility lines and public facilities such as right-of-way improvements, including sidewalks, using specifications indicated in the landscape criteria found in the DRM. The Wellington Engineer may also require root barriers for hedges to protect facilities. The Wellington Engineer may allow alternative root barrier types and sizes according to their location and application.
- B. The property owner shall be responsible for the following:
 1. All proposed removal of trees or palms shall require a vegetation removal permit.
 2. Regular maintenance of all landscaping to encourage a healthy, neat and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance as needed consistent with acceptable horticultural practices.
 3. Regular maintenance, repair or replacement of landscape barriers and maintenance of required landscape structures (i.e. walls or fences) in a structurally sound condition;
 4. Perpetual maintenance to prohibit the re-establishment of prohibited and invasive species within landscaped areas;

5. All trees shall be allowed to grow to their natural mature height and a full canopy. Large and medium shade trees shall be required to reach a minimum 20 foot canopy spread prior to the initial pruning. In no case shall the canopy spread be reduced to less than 20 feet in width. Maintenance shall be limited to periodic pruning to correct structure, eliminate hazards and maintain healthy vegetation.
 6. Landscaped areas shall not be used for the storage or display of materials or sale of products or services.
 7. The owner shall be responsible for maintenance of landscaped areas in a manner consistent with the approved site plan or landscape plan and in accordance with this section. If a property owner requests changes and/or removal of 30% or more of the required vegetation, such as hedges, shrubs and ground cover then a proposed landscape plan, along with a vegetation removal permit, illustrating the replacement material shall be submitted for approval by the DM. If the property's original site plan or landscape plan is not available, the property owner must meet current code requirements.
 8. Landscaping and hedges shall be trimmed and maintained in a healthy, neat condition and shall not encroach into or over public properties, rights-of-way or easements.
 9. Installed landscape shall be fertilized by following best management practices, which include applying only slow-release products with reduced or no phosphorus, keeping fertilizer application off of hard surfaces, no fertilizer application within 10 feet of any water body or before pending rainfall periods. Fertilizer shall be applied only between late spring and early fall using preferred iron-based products in lieu of nitrogen products.
- C. Pruning is permitted to allow for healthy tree growth, reduce potential hazards and enhance the aesthetic value of plant material. Trees which cause a conflict with views, signage or lighting shall not be pruned more than the maximum allowed as stated below. The PZB Director may suspend the provisions of this section upon finding additional pruning is necessary for plant growth, safety or desired aesthetics.
1. A maximum of 25% of tree canopy may be removed within a one year period provided the removal conforms to the standards of crown reduction, removal of dead or dying branches, crown thinning, crown raising, vista pruning and crown restoration pruning techniques. All pruning shall comply with the American National Standards Institute ANSI 300 (Tree, Shrub and other Woody Plant Maintenance) current edition as amended. The crown of a tree required by this chapter, or condition of approval, shall not be reduced below the minimum spread or height requirements or conditions of approval. A tree pruned in excess shall be replaced and shall meet the minimum requirements of Section. The PZB Director shall determine whether the excess pruning is a violation of this section and if fines shall be imposed.
 2. Shaping of a tree may be permitted if the tree is to be used as an accent or focal point or as part of an overall landscape design. A maintenance program shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
 3. All cuts shall be made close to the trunk or parent limb without cutting into the branch collar or leaving a protruding stub. Clean cuts shall be made at all times to minimize branch damage.
 4. Climbing spikes are prohibited for tree or palm pruning.
 5. Pruning tools shall be disinfected with diluted chlorine bleach or suitable solution during pruning to prevent transmission of diseases.
 6. Tree topping (hatracking) is prohibited and shall be defined as the cutting back of limbs to a point between branch collars or buds larger than one inch in diameter within the tree's crown. Branches may be pruned to an adjacent lateral branch at least 33% the diameter of the limb being removed.
 7. No tree shall be initially pruned before it has a minimum of 20 foot canopy spread unless for structural pruning to correct deficiencies or remove potential hazards.
 8. For palm pruning:

- a. No more than 33% of fronds shall be removed.
 - b. No frond removal allowed above the horizon line (three o'clock to nine o'clock) except to remove dead or diseased fronds.
9. The following trees and species are exempt from these pruning standards:
- a. Trees in conflict with Federal Aviation Administration and airport safety regulations;
 - b. Trees which interfere with corner clips, utility lines or utility structures;
 - c. Trees having insect or disease damage, crown dieback or decay greater than one third (1/3) of the tree canopy;
 - d. Trees having suffered damage due to natural or accidental causes;
 - e. Trees in botanical gardens or botanical research centers;
 - f. Trees maintained by Wellington; or
 - g. Ficus species.
- D. Landscaped areas shall be irrigated, as necessary, to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards:
- 1. Irrigation systems, and their control mechanisms, shall be continuously maintained in working order, without visible leaks and within full compliance with this section.
 - 2. Irrigation systems shall be maintained to avoid overspray onto adjacent paved surfaces.
 - 3. Landscape irrigation shall be restricted between the hours of 7:00 p.m. to 7:00 a.m.. Any water restrictions issued by South Florida Water Management District due to extended drought conditions shall prevail unless Wellington imposes stricter standards. Failure to comply with the requirements of these restrictions will constitute a violation and may be enforced by Wellington.
 - 4. The following activities shall be exempted from the provision of this section.
 - a. Landscape watering using a hand spray nozzle with a self-closing nozzle or by low volume irrigation system (dripline, drip emitters, bubblers, or similar).
 - b. Landscape irrigation systems under repair and maintenance to observe zone coverage limited to 10 minutes, per zone, per week.
 - c. Landscape irrigation for purpose of applying of fungicides, insecticides, herbicides, pesticides and fertilizers as required by the manufacturer. This exemption applies only to licensed application operators and shall be limited to manufacturer's recommendations to be completed within 24 hours of the application. Application Operators must be on premises if prescribed watering periods are beyond the hours allowed for irrigation.
 - d. Irrigation of clay tennis courts, artificial turf or athletic fields limited to one (1) hour, two (2) times per day.
- E. Landscape trees planted or preserved to meet the minimum landscape tree requirements of this section may be later removed provided a Tree Removal Permit is applied for and the requirements of Tree Protection are met.

Sec. 7.8.8 – Temporary Suspension of Landscape Standards

- A. The installation of landscaping required by this Chapter may be temporarily suspended by the PZB Director under the following circumstances:
- 1. After a freeze or major hurricane when required landscape materials are not available;
 - 2. During a period of drought when the use of water is restricted by a governmental authority; or
 - 3. Prior to issuance of a building certificate of occupancy in response to extenuating circumstances beyond the control of the applicant.

- B. If the landscape standards of this Chapter are suspended, the PZB Director may enter into an agreement with the property owner to allow issuance of the permit or Certificate of Occupancy or Certificate of Completion only if the property owner provides adequate guarantee or surety the terms of this Chapter will be met. The guarantee shall consist of a performance bond or other surety agreement approved by the Wellington Attorney in an amount equal to 110% of the direct costs of materials and labor and other costs incidental to the installation of the required landscaping completion agreement based on a cost estimate signed and sealed by the project's Landscape Architect. Performance bonds, or other guarantees, required pursuant to this chapter shall name Wellington as beneficiary and specify the time frame for the completion of the landscape standards.
- C. An application for a temporary suspension of landscape standards shall be accompanied by a landscape plan identifying the plantings which have been postponed, the proposed planting schedule and the costs of the suspended planting. Planting cost estimates shall be verified by the project's Landscape Architect and provided to Wellington along with the application request for temporary suspension.

Sec. 7.8.9 – Administration

- A. All site/subdivision plans shall be reviewed by Wellington for conformance to landscaping and screening requirements prior to the issuance of a Certificate of Occupancy.
- B. Unless otherwise provided in this section, all development shall be inspected after installation of the required landscaping. Required landscaping shall be approved by the DM prior to issuance of a Certificate of Occupancy or Certificate of Compliance.
- C. In addition to the required field inspection, the property owner shall provide a Letter of Compliance, in a form approved by the PZB Department, prior to the issuance of a Certificate of Occupancy or Certificate of Completion. The letter shall be prepared and signed by a Landscape Architect licensed by the State of Florida, listing any changes or substitutions and demonstrate all of the provisions of this section have been met.
 - 1. The PZB Department may conduct a follow-up field inspection to verify the Letter of Compliance.
 - 2. If no field verification is conducted by the PZB Department within 30 calendar days the Letter of Compliance shall be deemed to have been accepted. Upon acceptance by the PZB Department the Letter of Compliance shall be filed and maintained with the official records of the development.
- D. Landscaping shall be inspected periodically by Wellington to insure proper maintenance. The property owner shall be notified by Wellington, in writing, of any areas which are not being maintained as provided in this Chapter and shall be granted 30 calendar days from the time of notification to restore the landscaping to a healthy condition.
- E. Tree and landscaping services within Wellington shall comply with the following:
 - 1. All tree and landscaping services shall register with the PZB Department and obtain an occupational/business tax receipt before beginning work within the boundaries of Wellington.
 - 2. Vehicles used by a tree service, or Arborist, operating within Wellington shall be clearly marked with the name of the tree service or Arborist. Certified Arborists shall display their business logo and registration number.
 - 3. A photocopy of the current occupational license/business tax receipt and registration shall be available for inspection at each job site.
 - 4. Persons engaged in business as a tree service in Wellington shall adhere to the American National Standards Institute A-300 standards for pruning, except for listed Ficus species or removal of prohibited trees.
 - 5. Persons engaged in business as a tree or landscaping service in Wellington shall remove all limbs and planting debris prior or upon leaving the work site.

Sec. 7.8.10 – Enforcement

This chapter is subject to the enforcement provisions of Article 1, the Tree Protection Enforcement Standards and those below:

The following deficiencies shall be considered separate violations:

- A. Each tree or shrub which is not properly installed or properly maintained on site as required by this Chapter;
- B. Each day in which landscaping is not properly installed or properly maintained on site as required by this Chapter; and
- C. Each tree or palm removed without a permit.