

Chapters 111—113

RESERVED

Chapter 114

VEGETATION*

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***Cross references**—Buildings and building regulations, ch. 18; environment, ch. 38; weeds and wild growth, § 38-26 et seq.; trees and shrubs in rights-of-way, § 62-61 et seq.; concurrency management system, ch. 86; natural resource protection, ch. 94; planning and development, ch. 98; subdivisions, ch. 110; zoning, ch. 118.

ARTICLE I. IN GENERAL

Sec. 114-1. Authority; purpose; area of enforcement.

This chapter is enacted under the home rule power of the city and is enacted in the interest of the public health, peace, safety and general welfare of the citizens and inhabitants of the city and nearby areas to regulate landscaping and vegetation within the city.

(Code 1988, § 12.5-1)

Secs. 114-2—114-25. Reserved.

ARTICLE II. LANDSCAPING

Sec. 114-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Artificial turf or *synthetic turf* means an artificial grass mat manufactured with man-made materials such as polypropylene, polyethylene, nylon and/or other materials, which is used to replicate the appearance of natural grass.

Buffer yard means a land area, together with a specified type and quantity of planting required between abutting land uses to eliminate or minimize the impacts of one or both such land uses on each other.

Controller means the mechanism used to signal the automatic control valves of irrigation systems to open and close on a scheduled program or based on sensor readings.

Distribution equipment means the water emitters on irrigation systems, including but not limited to sprinklers, rotors, spray heads, and micro-irrigation devices.

Florida-friendly landscape(ing) means a landscape that incorporates the practices and philosophies promoted by programs such as Florida Yards and Neighborhoods/Environmental Landscape Management. These programs promote quality landscapes that conserve water, utilize

water wise principles, protect the environment, are adaptable to local conditions, and are drought tolerant.

Florida Water StarSM is a program of the St. Johns River Water Management District that encourages indoor and outdoor water-efficient options and leak prevention by providing technical direction and certification for new construction and residential renovation that meets goals in water efficiency.

Hydrozone means a distinct grouping of plants with similar water needs and climatic requirements.

Irrigation zone means a grouping of rotors, sprinkler heads, pop-up sprays, micro-irrigation emitters, or other irrigation equipment operated simultaneously by the control of one valve.

Landscaped dividing strips means landscape areas containing ground cover, shrubs and trees or other landscaping used to partition parking areas into individual bays.

Landscaping consists of but is not limited to grass, ground covers, shrubs, vines, hedges, trees, berms and complementary structural landscape architectural features such as rock, fountains, sculpture, decorative walls and tree wells.

Native vegetation means plant species with a geographic distribution indigenous to all or part of the State of Florida, as identified in Wunderlin, R. P., 1998, *Guide to the Vascular Plants of Florida*, University Press of Florida, Gainesville. For the purposes herein, native vegetation does not include areas converted for agricultural use.

Paved ground surface areas means any paved area, excluding public rights-of-way, used for the purpose of driving, maneuvering, parking, storing or display of motor vehicles, boats, trailers, mobile homes, and recreational vehicles including new and used automobile lots, other parking lot uses and paved outdoor sales areas. Parking structures and covered drive-in parking areas shall not be considered as paved ground surface areas.

Permitting authority means the City of Winter Garden.

POC means point of connection.

Precipitation rate means the rate at which water is applied in gallons per minute (GPM) or gallons per hour (GPH). Commonly referred to as the application rate.

Redevelopment means and includes each of the following in any combination: demolition of existing buildings; reconstruction, replacement or refurbishment of existing buildings; and change of the type or intensity of use of existing buildings.

Shrubs means self-supporting woody species of plants characterized by persistent stems and branches springing from the base.

Trees means self-supporting woody plants of species which normally grow to a minimum overall height of 15 feet and which have an average mature crown spread greater than 15 feet within the city.

(Code 1988, § 12.5-21; Ord. No. 15-40, § II, 6-11-15; Ord. No. 24-24, § 2, 8-22-24)

Cross reference—Definitions generally, § 1-2.

Sec. 114-27. Construction of article.

This article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the city and the state.

(Code 1988, § 12.5-22)

Sec. 114-28. Penalties.

A violation of this article shall be prosecuted and punished in accordance with section 1-15. The city commission may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent violation of this article.

(Code 1988, § 12.5-23)

Sec. 114-29. Enforcement.

The landscaping required by this article shall be installed prior to the issuance of the certificate of occupancy by the building official when such certificate is required for any reason.

(Code 1988, § 12.5-24)

Sec. 114-30. Variances.

The planning and zoning board may grant a variance from this article when such variance would not be contrary to the public interest. Such variance may also be granted where it furthers the intent and purposes of this article. (Code 1988, § 12.5-25)

Sec. 114-31. Exemptions.

(a) *Existing residential property.* All existing single family residential developments and residences, as of the effective date of this article, shall not be required to conform to this article unless they are redeveloped. If redevelopment occurs on the property such that the issuance of a building permit is required, then all provisions of this article shall apply. Specific to this article, redevelopment does not apply to accessory structures or de minimis modifications to the structure. The use of site appropriate Florida-friendly landscaping is encouraged for all existing development areas.

(b) *Existing nonresidential property.* All property with existing paved ground surface areas on the effective date of the ordinance from which this article derives shall not be required to conform to this article unless reconstruction or expansion of improvements on the property requiring a building permit is undertaken. No structure shall be required to be altered or moved, except during reconstruction, to meet the requirements of this article. No parking areas shall be required to lose more than one out of every 20 required parking spaces. It shall not be necessary for any parking area to be reduced below the minimum standards of any other city ordinance or resolution in order to meet the standards of this section. The use of site-appropriate Florida-friendly landscaping is encouraged for all existing developed areas.

(Code 1988, § 12.5-26; Ord. No. 15-40, § II, 6-11-15)

Sec. 114-32. Permit requirements for new development and redevelopment.

An approved landscape and irrigation plan shall be required prior to the issuance of any building, grading, or site permit.

(1) *General site planning and design.*

- a. No more than 60 percent of the landscapable portion of a lot (up to a maximum of ½ acre) shall be irrigated via a permanent in-ground irrigation system.
- b. Turf used in common areas, not including medians, [is] planted with a drought tolerant turf with a rating of medium or high and in compliance with the principle of "right plant right place" as described in the most recent edition of the Florida-friendly landscaping guidelines. Information regarding Florida-friendly landscaping guidelines can be found by visiting the IFAS extension of the University of Florida.
- c. Site designs and landscape construction documents for new development and redevelopment shall be prepared in accordance with the requirements of all applicable Florida Statutes. All landscape and irrigation system designs shall be consistent with landscape irrigation and Florida-Friendly Design Standards, Dec. 2006, or the most recent version.
- d. The site plan shall consider natural drainage features to minimize runoff. The use of pervious surfaces and areas is strongly encouraged.
- e. Nonorganic materials including gravel, river rock, shell and similar materials shall not occupy more than 50 percent of the landscape surface area.
- f. Only turfgrass shall be used in drainage easements. Other landscaping

including, but not limited to ground-covers, shrubs, trees, irrigation pipes, or other material is prohibited in drainage easements.

- g. For new development or redevelopment, the irrigation contractor shall submit "as-built" irrigation system construction documents to the city's building department prior to issuance of the certificate of occupancy, with a copy delivered to the homeowner. This will help to prevent later damage from digging by utility workers or the homeowner and assist the owner with understanding the system design.

(2) *Nonresidential applicants (to include multi-family projects).*

- a. If a development requires a site plan, a landscape irrigation system plan and landscaping plan shall be submitted with the site plan. The name of the owner/contractor or contractor shall be included in the site plan permit issued by the city.
- b. A valid site and/or building permit must be displayed at the site prior to commencement of work.
- c. Each landscape and landscape irrigation system plan shall include the following:
 1. Name, signature, address, and telephone number of the property owner, surveyor, or designer.
 2. North arrow and scale.
 3. All dimensions.
- d. The proposed landscape plan shall include the following information:
 1. All trees, natural features, man-made appurtenances and structures to be retained upon the site and all topographic changes.
 2. All proposed landscaping improvements and planting or landscaping areas identified.

- The grade, spacing, size and name of proposed landscape materials shall be listed on the plan.
3. Comments regarding site preparation, tree preservation, methods of installation, and methods of maintenance shall be listed on the plan.
 4. Square footage of landscape beds and turf areas.
 5. Designate by common name and location the existing vegetation to be preserved and the new vegetation to be installed.
 6. Hydrozones.
 7. The landscape plans for new large-scale residential and commercial development and redevelopment shall be prepared by and bear the seal of a landscape architect and/or certified irrigation contractor. Existing homeowners or individual new homeowners are not required to have a landscape architect design their landscape plans but shall submit a proposed landscape plan of their own.
 8. Delineate the existing and proposed buildings, parking spaces, or other vehicular areas, access aisles, driveways, and similar features, plants, trees, and other obstacles.
 9. Include a tabulation clearly displaying the relevant statistical information necessary for the city to evaluate compliance with the provisions of this chapter. This includes gross acreage, area of preservation areas, number of trees to be planted or preserved, square footage of paved areas, and such other information as may be necessary.
- e. The proposed landscape irrigation system plan shall include the following information:
 1. Irrigation point(s) of connection and design capacity.
 2. Water source and service pressure at irrigation POCs.
 3. Water meter size.
 4. Reduced-pressure-principle backflow-prevention devices for each irrigation POC on potable water systems.
 5. Major components of the irrigation system, including all: pumps; filters; valves; pipe sizes and lengths; irrigation emitter specifications and spacing; controller model number and rain and/or soil moisture sensor location(s).
 6. Hydrozones.
 7. Irrigation zones.
 8. Sprinkler head type.
 9. Plant type.
 10. Location.
 - f. If landscaping is conducted by a professional contractor and/or an automatic irrigation system is installed, the completed landscape installation shall be certified by a landscape design professional who meets the licensing and certification requirements of this article. Existing individual homeowners or individual new homeowners are not required to have the landscape installation certified. When the landscape installation is part of a larger site construction project, such as a new subdivision, then the certification is required before issuance of the certification of occupancy or its equivalent. The certification shall indicate that plants were