



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, OCTOBER 11, 2018

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee (ORS) meeting was called to order on Thursday, October 11, 2018, at 9:30 a.m. in the Town Council Chambers.

Committee Chair Araskog led the Pledge of Allegiance.

On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Crampton, and was seconded by Chair Araskog, to approve the Agenda. On roll call, the motion passed unanimously.

III. COMMUNICATIONS FROM CITIZENS – *None*

IV. REGULAR AGENDA

A. Old Business

1. Further Discussion and Review of Changes to Chapter 66.
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided an overview of the proposed changes to Chapter 66 over the years. He also spoke regarding the need to regulate plantings of ficus benamina in order to address whitefly infestation.

Discussion ensued regarding the purpose and intent for the proposed changes, priorities, and how to address landscaping requirements on private properties without over-regulating.

1
2 Committee Member Crampton recommended that the Garden Club receive an
3 invitation to future ORS meetings in order to participate in the discussions and
4 provide input on the proposed changes to landscaping requirements.

5
6 Deputy Town Manager Boodheshwar provided an overview of Ordinance No. 28-
7 2017 as it related to changes in the landscaping requirements.

8
9 **Sec. 66-2 Definitions**

10
11 **It was the consensus of the ORS Committee to approve the changes to this section, as**
12 **presented.**

13
14 Town Attorney Randolph recommended that the definition of “*Native plant*
15 *species*” appear in Section 66-2.

16
17 **Sec. 66-212 Purpose and Intent**

18
19 **It was the consensus of the ORS Committee to approve the changes to this section, as**
20 **presented.**

21
22 **Sec. 66-285. - General**

- 23
24 (3) At least 25 percent (25%) of all required landscaping, by category in the
25 form of trees, shrubs and ground cover plants, other than grass, shall consist
26 of native vegetation. The Xeriscape Plant Guide by the South Florida Water
27 Management District, or if available County or regional lists as amended
28 may be used to determine appropriate native vegetation.

29
30 **It was the consensus of the ORS Committee to increase the native vegetation**
31 **landscape ratio from twenty-five percent (25%) to thirty percent (30%).**

32
33 **Sec. 66-286. – Water conserving landscape design.**

34
35 **c. Trees.**

- 36
37 1. A minimum of one shade/canopy tree is required for every 5,000
38 square feet or portion thereof of a lot. This requirement is
39 applicable to the first 40,000 square of a lot size only.

40
41 **It was the consensus of the ORS Committee to revise this section pending further**
42 **study.**

- 43
44 (65) Use of organic mulches. When appropriate, a A minimum of two inches of
45 arsenic-free organic mulch shall be installed around each tree planting for a
46 minimum of 18 inches beyond its trunk in all directions, including palms,

1 and throughout all hedge, shrub, and groundcover plantings. Mulch shall be
2 pulled a minimum of two inches away from trees and palms. Appropriate
3 mulching material consists of by-product or alternative mulches such as
4 pine bark, eucalyptus, utility or other mulch as recommended by Florida
5 Friendly Landscaping principles. The use of Cypress mulch is prohibited.
6

7 Discussion ensued regarding the controversial use of cypress and pine mulch.
8

9 Brett Madison, Facilities Manager, explained the disadvantages of using cypress
10 and pine mulch.
11

12 Code Enforcement Manager Ben Alma explained the enforcement process for
13 private properties with compliance issues related to landscaping.
14

15 **It was the consensus of the ORS Committee to approve the changes and to remove**
16 **“pine bark” from the list of appropriate mulching material.**
17

18 **Sec. 66-291. Hatracking/Topping Prohibited**
19

20 Pruning a tree by hatracking or topping and thus creating detrimental effects,
21 including vigorous but weakly-attached regrowth, pest susceptibility, pathogen
22 intrusion, and internal decay is prohibited.
23

24 However, crown reduction in excess of one-third may be permitted under the
25 following conditions:
26

27 (1) If a tree interferes with utility lines or utility structures.
28

29 (2) If a tree has significant damage and in the opinion of the Planning, Zoning &
30 Building Director or designee, should be pruned in order to preserve the tree.
31

32 Chair Araskog read letters from Jorge Sanchez supporting hatracking and John
33 David Corey in opposition to hatracking.
34

35 **It was the consensus of ORS Committee to replace “Planning, Zoning & Building**
36 **Director” with “Public Works Director or his or her designee” in Section 66-291 (2).**
37

38 **It was the consensus of the ORS Committee to revise this section pending further**
39 **study.**
40

41 **Section 4.** Sec. 66-311. Prohibited Plants is hereby amended to include the
42 following provision:
43

44 (d) *Prohibition of ficus benjamina.* Due to extreme susceptibility of the
45 invasive white fly pest, and the consequent enforcement issues to require owners to
46 treat or remove infested ficus benjamina, no new planting of ficus benjamina shall

1 be allowed, unless such planting is to replace portions of an existing stand of same
2 material. In situations in which an entire hedge is replaced, it may not be replaced
3 with ficus benamina.

4
5 Discussion ensued regarding banning ficus benamina in new landscaping plans
6 only, imposing landscape regulations for private properties versus public
7 properties, and replacing large portions of ficus benamina.
8

9 **It was the consensus of the ORS Committee to revise this section to include “...fifty**
10 **percent of a continuous hedge.”**
11

12 Deputy Town Manager Boodheshwar informed the Committee that the revisions
13 discussed today will be made to the relevant sections and then brought to the Town
14 Council for first reading in November. Staff will bring back the remaining sections
15 in Chapter 66 and other high priority sections to the November ORS Meeting for
16 further discussion.
17

18 B. New Business
19

20 1. None.
21

22 V. **ANY OTHER MATTERS** - *None*
23

24 VI. **ADJOURNMENT**
25

26 There being no further business to discuss, the Ordinances, Rules and Standards
27 Committee Meeting was adjourned at 11:05 a.m.
28
29

30 APPROVED:
31
32

33 _____
34 Julie Araskog
35 Chair
36

37 ATTEST:
38
39

40 _____
41 Kathleen Dominguez
42 Town Clerk
43
44

45 _____
46 Date
47