

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Jay Boodheshwar, Deputy Town Manager

From: Josh Martin, Director of Planning, Zoning and Building

Re: Proposed Modifications to Chapter 66 of the Town Code of Ordinances
Ordinance No. 21-2018

Date: December 6, 2018

STAFF RECOMMENDATION

Staff recommends that Town Council approve the first reading of Ordinance No. 21-2018, amending Chapter 66 – Natural Resource Protection, of the Town Code of Ordinances, as recommended by the Ordinances, Standards and Rules Committee.

GENERAL INFORMATION

At the November 13, 2018, Town Council meeting, Ordinance 20-2018 was initially introduced at the recommendation of the ORS Committee and included the following proposed amendments to Chapter 66 for consideration:

- The first amendment at Article II, related to the incorporation of revised definitions related to Natural Resource Protection in general;
- The second amendment at Section 66-212 proposed revisions to the existing Purpose and Intent section of the article thus providing relationship to the revised standards of the article;
- The third amendment at Section 66-285 proposed general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3));
- The fourth amendment at Article IV, subsection (5) related to mulching and was aimed at environmental protection; and
- The final amendment which is deemed necessary and important, especially because of the continued invasion of white fly in the Town and elsewhere, is at Section 66-311 and included a new subsection (d) which provides that the planting of ficus benjamina shall be prohibited, except in instances where it is being planted to fill in hedge material.

Town Council did not take action on the aforementioned amendments but instead provided a variety of input regarding the sections identified for modification and asked staff to revise and

review the proposed amendments once more with the ORS committee at its December 6, 2018, meeting and then reintroduce the ordinance for Council consideration.

Following further review of the aforementioned amendments and input from Council, staff prepared the following revised set of amendments to Chapter 66, which was reviewed and discussed at the December 6, 2018, ORS meeting.

- The first proposed amendment at Article II, related to the incorporation of revised definitions related to Natural Resource Protection that pertained to the other proposed amendments of Chapter 66;
- The second amendment at Section 66-212 proposed revisions to the existing Purpose and Intent section of the article thus providing relationship to the proposed modifications to standards of the article;
- The third amendment at Section 66-285 proposed general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3)) of 25% as a result of Town Council input during its November 13, 2018 meeting. This amendment also included a proposed prohibition of hat-racking of trees following Staff review and research of the subject matter;
- The fourth amendment at Article IV, subsection (5) related to mulching and was aimed at environmental protection. This amendment specifically proposed a prohibition of Cypress and dyed mulches; and
- The final amendment which is deemed necessary and important, especially because of the continued infestation of white fly in the Town and elsewhere, is at Section 66-311 and includes a new subsection (d) which prohibits the planting of any new ficus benjamina, without exception.

After signification input from landscape architects who attended the December 6, 2018, ORS meeting and robust discussion between staff and the ORS Committee, it was ultimately determined that the only item that should be advanced to Town Council in Ordinance No. 21-2018 at this time are regulations prohibiting the planting of ficus benjamina. Items such as minimum native species requirements, hat-racking, mulching, and minimum shade tree requirements were tabled to the February 7, 2019, ORS meeting to allow time for staff to further engage with landscape architects, the Garden Club, the Beautification Committee of the Civic Association, and others who may have interest and input into these matters.

Regarding the ficus benjamina prohibition, it is important to note that the language presented to Council at the November 13, 2018, meeting in the original version of Ordinance No. 21-2018, included an exception to permit replanting of this material to replace portions of an existing stand of hedges if less than 50%. The exception language was removed in response to feedback provided at the November 13 Council meeting. If Council desires to reintroduce this language to provide an exception, please advise staff and said changes will be made prior to the second reading of this ordinance.

Attachment

cc: John C. Randolph, Town Attorney