

## ORDINANCE NO. 14-2021

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 66 NATURAL RESOURCE PROTECTION, ARTICLE IV VEGETATION, DIVISION 2 PERMITS, SECTION 66-236 APPLICATION PROCEDURE FOR VEGETATION REMOVAL PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 2, Permits, Section 66-236, Application Procedure for Vegetation Removal Permit, is hereby amended to read as follows:

*“Sec. 66-236. - Application procedure for vegetation removal permit.*

(a) *Removal permits. Vegetation removal permits, not sought in conjunction with building permits, shall be obtained by making application prior to removal, relocation or replacement to the building official or his designee, at least ten working days prior to the proposed date of removal.*

(b) *Circumstances justifying issuance. Vegetation removal permits shall be issued in the following circumstances:*

- (1) *Where a tree, due to natural circumstances, is no longer viable, is in danger of falling, is too close to existing structures so as to endanger such structures, interferes with utility services, creates unsafe vision clearance, or constitutes a health hazard;*
- (2) *Where the affected vegetation will be relocated, replaced with a suitable substitute tree, or otherwise preserved, with the exception of mangroves, which are regulated elsewhere in this chapter; or*
- (3) *Where tree removal is part of a plan to restore or encourage native shoreline species, either on the coastal strand, as described in section 66-81 et seq., resolution number 37-89, or along Lake Worth, as described in article III of this chapter.*
- (4) *Where landscape buffers (plant material), 30 inches in height or greater and directly adjacent to any side, rear street-side or street-rear property line, are removed and result in the loss of opacity of the existing screening, approval from the Architectural Commission or Landmarks Preservation Commission (whichever is applicable) for the removal of the landscape buffer or buffers must be obtained and a landscape removal permit is issued. In limited cases, administrative or "staff" level approval may be done when equal or greater replacement landscape*

material is proposed to replace the plant material removed, and thereby maintaining the landscape buffer or buffers opacity. If the landscape removal is done without Town approval or without a landscape removal permit, the originally-approved plant material must be replanted.

(c) *Permit issuance and time limitations. Upon approval of an application, the building official or his designee shall issue a permit. Permits shall expire and become null and void if work is not commenced within 90 days from the date of permit issuance."*

**Section 2.** Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 3.** Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

**Section 4.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 5.** Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021, and for second and final reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Council President Pro Tem

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Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Queenester Nieves, CMC, Town Clerk

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Lewis S.W. Crampton, Town Council Member