

# TOWN OF PALM BEACH

Information for Town Council Meeting on: September 14, 2021

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Proposed Language for Inclusion in Chapter 66 of the Town Code, Relative to Regulation of Artificial Turf

Date: September 3, 2021

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## **STAFF RECOMMENDATION**

Staff recommends the Town Council review the recommendations of the Ordinances, Standards and Rules Committee and provide direction to staff, relative to potential language related to the regulation of artificial turf for inclusion in Chapter 66 of the Town Code.

## **GENERAL INFORMATION**

At the July 1, 2021, ORS meeting, committee members and staff engaged in a robust discussion regarding the potential regulation of artificial turf within the Town. After much discussion at the July 1 meeting, the committee directed staff to prepare language for inclusion in Chapter 66 of the Town Code of Ordinances. Staff drafted language to address the definition of artificial turf, allowed locations, the formal review and approval process, and some simple installation standards.

This language was reviewed by the ORS Committee at their meeting on September 2, 2021. The ORS Committee requested that two more sections be added to the draft language, along with an addition to the proposed standards to deal with lead content of the turf:

1. That an existing artificial turf, installed without Town knowledge in the past, be submitted by application to the appropriate design review commission, and if not approved by the design review commission, the artificial turf shall be removed.
2. That a penalty and fine section be added.
3. That “lead-free turf” be added to the section on standards.

Other comments from the ORS Committee were to have staff prepare a “path” for owners with existing unpermitted / unapproved artificial turf, that staff segregate any artificial turf violations and subsequent applications into major and minor categories (and deal with minor infractions differently and less severely), and that for a limited period of time owners could make these

applications for their unpermitted artificial turf without a fee. Finally, the ORS Committee requested that staff prepare a policy of recommended best practices for the selection of artificial turf that could be provided to the members of Arcom and Landmarks.

Suggested language after the September 2, 2021 ORS Committee meetings:

**Sec. 66-2. – Definitions.**

*Add – “Artificial Turf - An artificial product manufactured from synthetic materials that simulates the appearance of natural turf, grass, sod or lawn.”*

**Sec. 66-313. – Artificial Turf - Locations.**

*In all zoning districts, artificial turf shall be reviewed and may be approved in accordance with the ARCOM Project Designation Manual, or Project Designation Guide for Landmarked and Historically Significant Building properties, and may be installed in only rear and side yards. Artificial turf shall not be installed in any front yard areas or in any area visible from the public right-of-way (regardless of whether it is in the rear or side yard). No artificial turf shall be installed in the public right-of-way.*

**Sec. 66-314. – Artificial Turf - Standards.**

- A. Artificial turf installation shall be approved by either the Architectural Review Commission or the Landmarks Preservation Commission (depending upon the property designation) and all artificial turf installation requires a building permit.*
- B. Artificial turf is calculated as impervious surface and shall not count towards landscape open space.*
- C. Artificial turf material shall be lead-free.*

**Sec. 66-315. – Artificial Turf - Existing.**

*In all instances, where owners have installed artificial turf without Town approval or without permits, said owners shall make application to the appropriate design review commission (Architectural Review Commission or Landmarks Preservation Commission) for after-the fact approval. Any noncompliance with landscape open space requirements shall require correction, or shall require an application for a zoning variance. In reviewing the design review commission applications, staff shall designate the applications either major or minor, based upon the quantity of artificial turf and its location on the lot. The Town will not require Arcom or Landmarks application fees for a period of one year following the adoption of this ordinance.*

Chapter 66 has a general section for Enforcement and Penalties (66-3) which provides for a wide range of punishment and prosecution, covering general Town penalties, Code Enforcement and Circuit Court actions. Staff believes that this section is sufficient to provide proper enforcement of the proposed code requirements for artificial turf.

cc: Jay Boodheshwar, Deputy Town Manager  
James Murphy, Assistant Planning, Zoning and Building Director  
John Randolph, Town Attorney