

ORDINANCE NO. 24-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 66 NATURAL RESOURCE PROTECTION, AT ARTICLE I, IN GENERAL, SECTION 66-2, DEFINITIONS; AT ARTICLE IV, VEGETATION, DIVISION 1, GENERALLY, SECTION 66-212, PURPOSE AND INTENT; AT ARTICLE IV, DIVISION 3, PLANS, SECTION 66-285; AND AT ARTICLE IV, VEGETATION, DIVISION 5, REGULATIONS, SECTION 66-311; 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 I, In General, Section 66-2, Definitions, is hereby amended by changing the definitions of “Native Plant Species” and “Pestilent Exotic / Invasive Species”, to read as follows:

“Native plant species shall be the plant species indigenous to the Town of Palm Beach, Florida region and found through the Institute for Regional Conservation (“IRC”), Natives for Your Neighborhood.” ~~ecological communities of South Florida, as indicated as native to South Florida by the University of Florida in the Atlas of Vascular Plants, or that can be scientifically documented to be native to South Florida.~~

Pestilent exotic/invasive species means species as identified by the Florida Invasive Plant Species Guide (“FLIP”) ~~Exotic Pest Plant Council's Invasive Plant List.~~”

~~*Pestilent exotic species means any specimen of Melaleuca (Melaleuca quinquenervia), Australian Pine (Causarina spp.), or Brazilian Pepper (Schinus terebinthifolius), regardless of size.”*~~

Section 2. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 1, Generally, is amended at Section 66-212, Purpose and Intent, subsection (6), to read as follows:

“Sec. 66-212. - Purpose and intent.

It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

(6) Eradicate Category I invasive exotic plant species and eradicate or control Category II invasive exotic plant species as listed on the most current Florida ~~Exotic Pest Plant Council's List of Invasive Plant Species~~ Invasive Plant Species Guide (“FLIP”).”

Section 3. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 3, Plans, is amended at Section 66-285, General, to read as follows:

"Sec. 66-285. - General.

(1) At least ~~25-35~~ percent of all new required landscaping, in the form of trees, palms, shrubs, vines and ground cover plants, ~~other than grass,~~ shall consist of native vegetation. To determine appropriate native vegetation the ~~Xeriscape Plant Guide by the South Florida Water Management District, or if available County or regional lists as amended may Institute for Regional Conservation ("IRC"), Natives for Your Neighborhood, shall~~ be used."

Section 4. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 5, Regulations, Subdivision I, In General, is amended at Section 66-311, Prohibited Plants, Subsections (a) and (c) is removed, regarding Prohibited Species and Future Removal Requirements, to read as follows:

"Sec. 66-311. - Prohibited plants.

(a) Prohibited species. ~~The following plants have been shown to be~~Plants identified as pestilent exotic species ~~and~~ shall not be installed as landscape material, and shall be removed from property as part of development and redevelopment activity, ~~and~~ prior to the issuance of a permit for said development and redevelopment activity, ~~or pursuant to the schedule and terms specified in subsection (c) of this section:~~

~~(c) Future removal requirements. In addition to the removal requirements set forth in subsection (a) above, a property owner shall remove or cause to be removed or eradicated the prohibited invasive non-native vegetation listed in subsection (a) above by January 1 of the year specified in the following table:~~

COMMON NAME	SCIENTIFIC NAME	YEAR
Old-World Climbing Fern	Lygodium microphyllum	2004
Air Potato Vine	Dioscorea bulbifera	
Melaleuca, — Punk Tree	Melaleuca quinquenervia	2006
Brazilian Pepper	Schinus terebinthifolius	2008
Carrotwood	Cupaniopsis anacardioides	
Earleaf Acacia	Acacia auriculiformis	2010
Schefflera	Schefflera actinophylla	2006
Australian Pine*	Casuarina spp.	2012*

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>YEAR</i>
<i>Kudzu</i>	<i>Pueraria montana var. lobata</i>	<i>2008</i>

~~* The 2012 date relating to the removal of the Australian Pine, Casuarina spp. shall only be applicable to Australian Pines which are within 500 feet of a county designated natural area described in subsection (d) below, i.e., the Palm Beach Island Sanctuaries. Upon removal of the prohibited and invasive non-native vegetation specified under this section, the property owner shall maintain the property free of such prohibited invasive non-native vegetation."~~

Section 5. 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 6. 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 7. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 8. 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 12th day of October, 2021, and for second and final reading on this ____ day of _____, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

Edward Cooney, Town Council Member

ATTEST:

Queenester Nieves, CMC, Town Clerk

Lewis S.W. Crampton, Town Council Member