

# TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2023

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To: Mayor & Town Council Members

Via: Kirk Blouin, Town Manager

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



Re: Native Landscaping Regulations Amendments – Ord. No. 003-2023

Date: February 2, 2023

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## **GENERAL INFORMATION & BACKGROUND**

At the January 11, 2023 Town Council Regular Meeting, the Mayor and Town Council heard from engaged landscape designers and officials of the Preservation Foundation of Palm Beach regarding the current native landscape regulations. The Town Council requested that the following be placed into the native landscape code:

- Change from 35% to 30% of required native shrubs, vines, trees, and groundcover; and
- The plant categories be contracted from four to three – shrubs / vines, trees, and groundcover; and
- Trees, shrubs, and vines shall be calculated based upon the number of plants; and
- Groundcover shall be calculated based upon area; and
- The Institute for Regional Conservation (IRC), “Natives for Your Neighborhood” shall be changed to the IRC listing of natives for the entire State of Florida (first list); and
- The Florida Native Plant Society website list shall be a second list of native plants acceptable to the Town; and
- Development or redevelopment shall be defined as whenever 50% or more of the existing landscape / greenspace is modified.

A draft ordinance was prepared and reviewed internally and then with officials at the Preservation Foundation of Palm Beach. A final version has been created with all feedback received and is ready for your consideration and First Reading of the Ordinance.

Attached: Draft Ord. No. 003-2023

## ORDINANCE NO. 003-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES, CHAPTER 66, NATURAL RESOURCE PROTECTION, ARTICLE I, IN GENERAL, BY AMENDING TWO DEFINITIONS; AMENDING ARTICLE IV, VEGETATION, DIVISION 1, GENERALLY, AT SECTIONS 66-212, PURPOSE AND INTENT, SUBSECTION (6), AND 66-213; APPLICABILITY; AMENDING ARTICLE IV, VEGETATION, DIVISION 3, PLANS, AT SECTIONS 66-261, PLANS REQUIRED, AND 66-285, GENERAL, SUBSECTION (1); 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, is hereby amended at Section 66-2, Definitions, by changing the following two definitions, to read as:

*“ARTICLE I. – IN GENERAL, Sec. 66-2. – Definitions.*

*The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:*

*Native plant species shall be the plant species indigenous to the ~~Town of Palm Beach,~~ State of Florida, ~~region~~ and found through either the Institute for Regional Conservation’s (“IRC”) Natives for Your Neighborhood Florida Statewide Plant List or the Florida Native Plant Society’s Native Plants for Your Area list, Natives for Your Neighborhood.*

*Pestilent exotic/invasive species means species as identified by the most recent invasive species plant list found on the Florida Invasive Species Council (FISC) website.”*

**Section 2.** Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 1, Generally, is hereby amended at Section 66-212, Purpose and Intent, Subsection (6), by changing the following to read as:

*“ARTICLE IV. – VEGETATION, DIVISION 1. – GENERALLY, Sec. 66-212. - Purpose and Intent.*

*(6) Eradicate Category I invasive exotic plant species and eradicate or control Category II invasive exotic plant species as ~~listed identified on~~ by the most current recent Florida Invasive Species Council (FISC) website.”*

**Section 3.** Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 1, Generally, is hereby amended at Section 66-213, Applicability, by changing the following to read as:

*“ARTICLE IV. – VEGETATION, DIVISION 1. - GENERALLY, Sec. 66-213. - Applicability.*

*This article shall apply to any new development or redevelopment project when 50% or more of the existing landscape / greenspace is modified. Provisions relating to tree removal or wetland protection apply to existing development, as noted.*”

**Section 4.** Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 3, Plans, is hereby amended at Section 66-261, Plans Required, by changing the following to read as:

*“ARTICLE IV. – VEGETATION, DIVISION 3. – PLANS, Sec. 66-261, Plans Required.*

*All site plans for new development and redevelopment which modify 50% or more of the existing landscape / greenspace shall be required to submit a landscape plan and irrigation plan to the architectural commission, or landmarks commission, as applicable. All plans shall be signed and sealed by a registered landscape architect, who shall guarantee that the plans meet all specifications of this chapter. The plans shall include a drainage statement by a professional engineer registered in the state that the landscape plan is not in conflict with the stormwater management plan.*”

**Section 5.** Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 3, Plans, is hereby amended at Section 66-285, General, Subsection (1), by changing the following to read as:

*“ARTICLE IV. – VEGETATION, DIVISION 3. – PLANS, Sec. 66-285. - Purpose and Intent.*

~~*(1) — At least 35 percent of all new required landscaping, in the categories of trees, palms, shrubs, and a combined category of vines and ground cover plants, shall consist of native vegetation. To determine appropriate native vegetation the Institute for Regional Conservation (“IRC”), Natives for Your Neighborhood, shall be used.*~~

*(1) For all new development and redevelopment projects which modify 50% or more of the existing landscape / greenspace, the following regulations are required:*

*(a) Tree category - at least 30% of all trees shall be native trees, as listed on either the Institute for Regional Conservation’s (IRC) Natives for Your Neighborhood Florida Statewide Plant List or the Florida Native Plant Society’s*

Native Plants for Your Area list. The tree category percentage is calculated on the number of trees.

(b) Shrub and vine category - at least 30% of all shrubs and vines shall be native shrubs and vines, as listed on either the Institute for Regional Conservation's (IRC) Natives for Your Neighborhood Florida Statewide Plant List or the Florida Native Plant Society's Native Plants for Your Area list. The shrub and vine category percentage is calculated on the number of shrubs and vines.

(c) Groundcover category - at least 30% of the groundcover area shall be native groundcover, as listed on either the Institute for Regional Conservation's (IRC) Natives for Your Neighborhood Florida Statewide Plant List or the Florida Native Plant Society's Native Plants for Your Area list. The groundcover category percentage is calculated based on the area."

**Section 6.** 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 7.** 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 8.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 9.** 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 \_\_\_\_\_, 2023, and for second and final reading on this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Danielle H. Moore, Mayor

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

ATTEST:

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Lewis S.W. Crampton, Town Council Member

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Bobbie Lindsay, Town Council Member

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Pat Gayle-Gordon, Acting Town Clerk

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Margaret A. Zeidman, Town Council Member