



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING

AGENDA

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

Thursday, December 6, 2018
9:30 a.m.

- I. CALL TO ORDER AND ROLL CALL
 - Julie Araskog, Committee Chair
 - Lew Crampton, Committee Member
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. COMMUNICATIONS FROM CITIZENS
- V. REGULAR AGENDA
 - A. Old Business
 - 1. Update on Efforts to Affect Changes to Florida Fish and Wildlife Commission Regulations, Relative to Shark Fishing.
 - 2. Further Discussion and Review of Ordinance No. 21-2018, Amending the Code of Ordinances at Chapter 66, Article IV.
 - B. New Business
 - 3. Review and Approval of the Tentative 2019 Meetings Dates for the ORS Committee.

VI. ANY OTHER MATTERS

VII. ADJOURNMENT

PLEASE TAKE NOTE:

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Disabled persons who need an accommodation in order to participate in the meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: December 6, 2018

To: Ordinances, Rules and Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Update on Efforts to Affect Changes to Florida Fish and Wildlife Commission Regulations, Relative to Shark Fishing.

Date: December 2, 2018

STAFF RECOMMENDATION

Staff recommends that the ORS Committee review the informational report below.

GENERAL INFORMATION

The issue of shark fishing off Palm Beach's shores has been the subject of discussion at ORS Committee meetings for the last several years. In fact, the Town Code was amended over two and half years ago to prohibit camping and overnight sleeping on beaches to help mitigate against the growing use of Town shoreline for overnight fishing at the time.

Although overnight shark fishing activities were diminishing, additional concerns related to this matter continued and at the September 8, 2016, ORS Committee meeting, staff was directed to prepare an ordinance modeled after the City of Delray Beach's code, relative to "Prohibiting Shark Fishing or Chumming Within Three Hundred Feet (300') North and South of the Municipal Beach and Beach Access Points". Subsequent to ORS' request, an ordinance was introduced to Town Council for consideration but said ordinance was tabled indefinitely and remanded to ORS after the Town received a communication regarding potential conflicts with the State of Florida's Fish and Wildlife Commission (FWC) regulations.

Subsequent to Council's indefinite table of the ordinance, staff confirmed with the Assistant Counsel for the FWC that the ordinance would have been preempted by State law if adopted. We also learned that the Delray Beach ordinance was in conflict with FWC rules and should not have been used as a model for creating ours. Therefore, ORS indefinitely tabled any additional attempts to regulate shark fishing at the local level upon the advice of Town Attorney, Skip Randolph, at its February 2, 2017, meeting. However, it was requested by the ORS Chairman at the time, Bobbie Lindsay, to continue pursuing efforts to affect change at the state level, particularly with regarding to chumming prohibitions.

Subsequent to the February 2, 2018, ORS meeting, a letter was sent to Governor Rick Scott and FWC Chairman Brian Yablonski, requesting their support for a number of changes that we felt were necessary. See attached letter. The FWC is now considering a number of regulation changes,

including the prohibition of chumming for shark from beaches. A December 12, 2018, FWC meeting is scheduled to consider the proposed changes. Staff has requested that the FWC consider modifications to its draft rules to further strengthen them, which is consistent with the Mayor's requests from 2017.

Coastal Program Manager, Rob Weber, will also attend the FWC meeting to reiterate in person our request for modifications to the regulation changes prior to approval. Final actions will be communicated to ORS and the M&TC.

cc: Kirk W. Blouin, Director of Public Safety
Paul Brazil, Director of Public Works
Rob Weber, Coastal Program Manager
Nick Caristo, Acting Police Chief
Ben Alma, Code/Parking Enforcement Manager

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Jessica McCawley, Director, Marine Fisheries Management
Date: December 12, 2018
Subject: Draft Rule – Shore-based Shark Fishing

Purpose:

Obtain approval for draft rules modifying statewide shark regulations in 68B-44, Florida Administrative Code (FAC), and general saltwater fishing regulations in 68B-2, FAC.

Summary:

Shore-based shark fishing (SBSF) is a high interest topic with passionate stakeholders advocating for diverse management actions and philosophies. Increased public interest in shark conservation combined with growing human use of coastal areas and increasing attention surrounding SBSF has led to increasing public concerns about shark mortality and disagreements about the compatibility of SBSF and other shore-based recreational activities. At the April 2018 Commission meeting, staff provided a review and discussion of various shark-related issues and the Commission directed staff to gather public input on SBSF and return with a proposal for future management of this fishery. In summer 2018, staff conducted a series of public workshops to gather feedback of potential management actions and had meetings with fishery participants, non-shark-fishing stakeholders, and local government officials.

In order to further advance the conservation of Florida shark populations and address a variety of stakeholder concerns and desires for the shark fishery, staff recommends establishing a mandatory no-cost, annual SBSF permit; prohibiting chumming from beaches; prohibiting delaying the release of prohibited sharks; requiring prohibited sharks remain in the water (when fishing from shore and vessels); and requiring the use of cutters and non-offset, non-stainless steel circle hooks (from shore and vessels; consistent with shark fishing regulations in federal waters). Staff also recommends clarifying current shark regulations through cleanup of the Sharks and Rays rule chapter and updating rule language related to recent changes to legislative shark finning penalties.

Staff Recommendation:

Approval of the proposed draft rules for 68B-44 and 68B-2, FAC, as detailed above and in the draft rule language provided. If approved, staff will return for a final public hearing at the February 2019 Commission meeting.

Staff Contact and/or Presenter:

Jessica McCawley, Division of Marine Fisheries Management



TOWN OF PALM BEACH

Office of Mayor and Town Council

May 3, 2017

MAYOR GAIL L. CONIGLIO

COUNCIL

RICHARD M. KLEID, PRESIDENT
DANIELLE H. MOORE, PRESIDENT PRO TEM
JULIE ARASKOG
BOBBIE LINDSAY
MARGARET A. ZEIDMAN

Governor Rick Scott
400 S. Monroe Street
Tallahassee, FL 32399-0001

Chairman Brian Yablonski
Florida Fish & Wildlife Conservation Commission
620 Meridian Street
Tallahassee, FL 32399-1600

Dear Governor Scott and Chairman Yablonski:

It has come to our attention that shark fishing near or from our shoreline is causing a public safety hazard and I am writing to ask for your help with this matter.

Because of numerous complaints and concerns from our residents, the Town of Palm Beach recently attempted to pass an ordinance to regulate shark fishing from our beaches. Our neighbors in Delray Beach have also attempted to address shark-fishing with an ordinance. Subsequently, both municipalities learned that the Florida Fish & Wildlife Conservation Commission ("FWC") has jurisdiction over this issue and neither city is able to protect its residents and visitors from the dangers imposed on our swimmers from shark fishing.

Fishing for sharks from the beach and near shore in kayaks may be exciting for a few, but the common practice of "chumming" the water to attract these large predators close to shore is a dangerous public safety hazard and should be stopped immediately before a swimmer is injured or killed. Chum generally consists of a large bucket or drum of blood, bone and fish parts, which are dumped into the water to attract sharks, who have a keen sense of smell.

The Town is not asking you to prohibit fishing. However, we are requesting that the FWC make the common practice of chumming the water from the beach or near the shoreline (at least a half-mile) for the purposes of illegal fishing be regulated with a stiff fine. The state has taken similar regulatory action in this area to regulate divers from feeding sharks in state waters, as you can see below.

68B-5.005 Divers: Fish Feeding Prohibited; Prohibition of Fish Feeding for Hire; Definitions.

(1) No diver shall engage in the practice of fish feeding.

(2) No person shall operate any vessel for hire for the purpose of carrying passengers to any site in the saltwaters of the state to engage in fish feeding or to allow such passengers to observe fish feeding.

(3) For purposes of this rule:

(a) "Diver" means any person who is wholly or partially submerged in the water, and is equipped with a face mask, face mask and snorkel, or underwater breathing apparatus.

(b) "Fish feeding" means the introduction of any food or other substance into the water by a diver for the purpose of feeding or attracting marine species, except for the purpose of harvesting such marine species as otherwise allowed by rules of the Fish and Wildlife Conservation Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-02.

The Town of Palm Beach is hopeful that your immediate attention to this matter will help us protect our residents and visitors using our beaches.

Very truly yours,


Gail L. Coniglio
Mayor

Attachments: recent photos of gear left on beach and shark fisherman in kayak

Jay Boodheshwar

From: Jay Boodheshwar
Sent: Tuesday, November 27, 2018 2:55 PM
To: Marine@MyFWC.com
Cc: Kirk Blouin; Gail Coniglio; Bobbie Lindsay; Paul Brazil; Robert Weber
Subject: Draft Regulations Regarding Shore-Based Shark Fishing
Attachments: scott yablonski shark fishing.pdf

Dear FWC Commission,

In furtherance of the attached letter, dated May 3, 2017, from Mayor Gail Coniglio to Governor Scott and Chairman Yablonski, the Town of Palm Beach respectfully requests your consideration of the following as you finalize new regulations pertaining to shore-based shark fishing.

- In addition to prohibiting chumming from the beach, the regulation should also prohibit chumming from land-based structures, such as jetties and piers, as well as marine vessels (including kayaks) within 0.5 miles from the shoreline (as previously requested by Mayor Coniglio).

We understand that draft regulations will be presented to the Commission on December 12, 2018, and strongly request your serious consideration to strengthening the chumming prohibition section to include the items above. On behalf of Mayor Coniglio, Town Council and Town Manager, Kirk Blouin, thank you for reviewing this request. Please don't hesitate to contact me if you have any questions.

Jay Boodheshwar
Deputy Town Manager

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Palm Beach, FL 33480
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TOWN OF PALM BEACH

Information for ORS Committee Meeting on: December 5, 2018

To: Ordinances, Rules & Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

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

Re: Further Discussion and Review of Proposed Changes to Chapter 66 of the Town Code

Date: November 29, 2018

STAFF RECOMMENDATION

Staff requests direction from the Ordinance, Rules, and Standards (ORS) Committee regarding revisions to Chapter 66 of the Town Code.

GENERAL INFORMATION

At the November 13, 2018, Town Council meeting, Ordinance 20-2018 was 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 (currently a revised section in the ordinance) 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 is 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.

The Town Council did not take action on the aforementioned amendments but instead provided input and asked staff to review the proposed amendments once more with the ORS committee during its December 2018 meeting and then reintroduce the ordinance for consideration.

Following further review of the aforementioned amendments, staff has prepared a revised set of amendments to Chapter 66 as follows:

- The first amendment at Article II, relates to the incorporation of revised definitions related to Natural Resource Protection in general that pertain to the other amendments in the attached document;
- The second amendment at Section 66-212 proposes 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 (currently a revised section in the ordinance) proposes general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3)) of 25% as a result of Town Council direction during its November 13, 2018 meeting. This amendment also includes the prohibition of hatracking of trees following Staff review of the subject matter. Staff has reviewed how other local municipalities handle the hatracking of trees and recommends that the practice of hatracking be prohibited. This practice is harmful to the tree and is aesthetically unpleasing. The practice also leaves the tree more vulnerable to storms due to its decrease in overall health;
- The fourth amendment at Article IV, subsection (5) relates to mulching and is aimed at environmental protection. This amendment specifically prohibits the use of Cypress mulch and dyed mulches; 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 includes a new subsection (d) which prohibits the planting of ficus benjamina.

Finally, staff has reviewed the topic of shade trees and has researched how other upscale south Florida municipalities address shade trees in their development code. For the communities that do require shade trees, the intent is to bolster a community's tree canopy and to limit the number of palm trees per property. Staff believes that the Town has a very healthy canopy condition, well in excess of the requirements of the studied municipalities, and that the limiting of a property's palm trees is not in the interest of the community. As a result, staff recommends no regulations concerning shade trees be included in the amendments to Chapter 66.

The revised version of Ordinance No. 21-2017 reflects these recommendations and is included for your review. Staff is seeking a final recommendation of the proposed ordinance, which is scheduled for first reading at the December 11, 2018, Town Council meeting.

CC: Kirk Blouin, Town Manager
John C. Randolph, Town Attorney

ORDINANCE NO. 21-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH AT CHAPTER 66, NATURAL RESOURCE PROTECTION, AT ARTICLE 1, IN GENERAL, SECTION 66-2, DEFINITIONS; AT ARTICLE IV, VEGETATION, SECTION 66-212, PURPOSE AND INTENT; TO INCLUDE A NEW SECTION 66-285, GENERAL UNDER DIVISION 4, DESIGN REQUIREMENTS; AMENDING SECTION 66-286, WATER CONSERVING LANDSCAPE DESIGN; AND AMENDING SECTION 66-311, PROHIBITED PLANTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; 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. The foregoing recitals are hereby ratified and confirmed.

Section 2. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article I, In General; Section 66-2, Definitions, to read as follows:

“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:

DSH means diameter at standard height (4.5 feet or 1.37 meters) measured from the top of rootball

~~Evapotranspiration-based controller means an irrigation controller that calculates soil moisture from known weather and related inputs, as follows:~~

- ~~(1) Receives and monitors weather data or on-site environmental conditions;~~
- ~~(2) Calculates the amount of moisture input to and moisture lost from the soil and plants;~~
- ~~(3) Automatically creates or adjusts the irrigation schedule to apply only the amount of water necessary to maintain adequate soil moisture.~~

Hat-racking means the removal of main stems, tops of trees, or a significant percentage of tree canopy, generally by cross-cutting the main stem(s) or leaders, leaving stubs.

Hedge means a dense row of regularly spaced shrubs planted to form a continuous, unbroken visual screen.

Mulch means ~~nonliving~~ organic, arsenic free material such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and

buffer soil temperature. and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native plant community is a natural association of plants dominated by one or more prominent native plant species, or a characteristic physical attribute as indicated by the Town of Palm Beach.

Native plant species shall be the plant species indigenous to the 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.

Section 3. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

“DIVISION 1. - GENERALLY

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:

- (1) Promote water conservation and improve air quality by promoting evapotranspiration and through the use of permeable land areas for aquifer recharge and surface water filtration.
- (2) Maintain and improve the aesthetic appearance of the town through appropriate landscape design; thereby protecting and increasing property values throughout the community.
- (3) Improve the environmental quality of the town.
- (4) Eradicate or control certain invasive exotic plant species as listed on the Florida Exotic Pest Plant Council's List of Invasive Plant Species.
- (5) Protect and encourage native shoreline and wetland ecosystems.
- (6) Offer special guidelines for the removal and control of those pestilent exotic species that are particularly deleterious to native shoreline environments.
- (7) Protect listed plant species that inhabit the town as referenced in Sec. 66-312.
- (8) Reduce noise and pollution by designing landscaping to visually screen unsightly views, and reduce noise impacts from major roadways and incompatible uses, through the filtering capacity of living trees and vegetation.
- (9) Provide a visual buffer between otherwise incompatible types of land uses,
- (10) Strengthen important vistas and reinforce desirable site design.
- (11) Promote the use of vegetation for energy conservation by encouraging cooling through the provisions of shade and channeling of breezes.
- (12) Encourage the use of rain harvesting systems such as cisterns, as a means to conserve water by reducing overwatering of landscapes.

- (13) Promote water conservation and lower water costs through the use of smart irrigation systems.
- (14) Promote health and safety through greater use of cultural and biological controls and reduced use of chemical pesticides for the management of pests such as whitefly infestations.
- (15) Promote the planting of native vegetation to encourage the presence of birds and wildlife.

Section 4. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

DIVISION 4. - DESIGN REQUIREMENTS

Sec. 66-285. – General

- (1). At least 35 percent (25%) of all required landscaping, by category in the form of trees, shrubs and ground cover plants, other than grass, shall consist of native vegetation. The Xeriscape Plant Guide by the South Florida Water Management District, or if available County or regional lists as amended may be used to determine appropriate native vegetation.
- (2) The hatracking of trees is prohibited.

Section 5. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

Sec. 66-286. - Water conserving landscape design.

- (5) *Use of organic mulches.* When appropriate, a minimum of two inches of arsenic-free organic mulch shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover plantings. Mulch shall be pulled a minimum of two inches away from trees and palms. Appropriate mulching material consists of by-product or alternative mulches such as pinebark, eucalyptus, utility or other mulch as recommended by Florida Friendly Landscaping principles. The use of Cypress mulch and dyed mulches are prohibited.

Section 6. Sec. 66-311. Prohibited Plants is hereby amended to include the following provisions:

- (d) Prohibition of ficus benjamina. Due to extreme susceptibility of the invasive white fly pest and the consequent enforcement issues to require owners to treat or remove infested ficus benjamina, no new planting of ficus benjamina shall be allowed.

(e) *Protection of natural area and incentives.* The county has recognized the Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15)

located within the town as a natural area containing high quality ecosystems that are worthy of protection. The town hereby adopts for purposes of the protection of said natural area and for purposes of the regulation of the buffer area around said natural area those sections of the County Code known as the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance" relating to the protection and regulation of these areas. Additionally, the town adopts the incentive program offered by the county as incorporated within the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance."

(fe) Enforcement. Violations of this section shall be:

- (1) Failure of a property owner to remove or eradicate prohibited invasive non-native vegetation in accordance with subsection (a) and (c) of this section.
- (2) Failure of a property owner to maintain nonexempt properties free of prohibited invasive non-native vegetation in accordance with subsection (c) of this section.

Section 7. 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 8. 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 9. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 10. 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 _____, 2018, and for second and final reading on this _____ day of _____, 2018.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

Native Species Best Practice Research

West Palm beach Sec. 94-445

Plant species . A minimum of 60 percent of plant material added shall be Florida native or drought tolerant species selected from the city list or the list of species in the most recent edition of South Florida Water Management District Waterwise South Florida Landscapes.

Jupiter Sec. 26-67

All development approvals, including subdivisions and plat approvals shall preserve a minimum of 25 percent of each native plant community located on the site. The preservation requirements for native upland vegetation and the preservation requirement for environmentally sensitive lands shall be calculated and applied separately for each parcel. Preference shall be given to preserving environmentally sensitive lands.

Manalapan Sec. 157.83

A minimum of fifty (50) percent of all trees required to be planted on the site shall belong to native species as set forth in the approved plant list on file with the Director.

Shrubs and hedges. A minimum of fifty (50) percent of all shrubs and hedges required to be planted on the site shall belong to the native species as set forth in the approved plant list on file with the Director.

Royal palm Sec. 15-143

A minimum of fifty (50) percent of all trees required to be planted on the site shall belong to native species as set forth in the approved plant list on file with the department.

Shrubs and hedges. A minimum of fifty (50) percent of all shrubs and hedges required to be planted on the site shall belong to the native or drought tolerant species as set forth in the approved plant list on file with the department.

SAMPLE OF TREE REQUIREMENTS – LOCAL LANDSCAPE CODES

West Palm Beach, FL

“Single-family dwelling units. For single-family and duplex dwelling units, at least one shade or flowering tree shall be planted for each 1,000 square feet of open space or portion thereof. At least one shrub shall be planted for each 500 square feet of open space or portion thereof. Front yards shall be landscaped to meet the requirements of [section 94-482\(a\)](#).” 94-442

“*Substitution of palm trees.* Palm trees may be substituted for not more than 35 percent of the *shade* or flowering trees required by this article. However, when palm trees are substituted for *shade* trees, three palm trees shall be provided for each required *shade tree*. This 3:1 substitution shall not be required for Royal Palm Trees (*Roystonea* spp.), Senegal Date Palm (*Phoenix reclinata*), Medjool Date Palm (*Phoenix dactylifera*), Bismarck Palm (*Bismarckia nobilis*), and Silver Date Palm (*Phoenix sylvestris*).” 94-442

Palm Beach County, FL

Urban/Suburban Tier: Minimum number: 1 tree per 1,250 sq. ft. of lot size (maximum 15). Minimum height: 12 ft., 2.5” caliper. Palms may not be used in excess of 25% of the total number of required trees. Three palms are required as replacement for one tree. Minimum number of species: 2 (greater number of trees = greater number of species). (Article 7, Chapter C – ULDR)

Boca Raton, FL

“Trees shall be planted at a density of 1 tree per 1,250 square feet of open space provided.” 28-1247

Manalapan, FL

“*Single family.* Each parcel shall contain a minimum of one (1) shade tree and ten (10) shrubs per one thousand (1,000) square feet of lot area or portion thereof, which is not utilized for structures or vehicular use areas. Three (3) palm trees clustered may be substituted in lieu of a shade tree. However, in no case shall palm tree clusters be used to reduce the number of shade trees to less than fifty percent (50%) of the total number of required shade trees on any lot or portion thereof.” 157.75

“F) *Tree species mix.* When ten (10) or more trees are required to be planted to meet the standards of this section, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted is indicated in the table hereinbelow. Species shall be planted in proportion to the required mix. This species mix standard shall not apply to areas of vegetation required to be preserved

<i>Required # of Trees</i>	<i>Minimum # of Species</i>
10-15	2
16-25	3
26-35	4

36+	5
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" 157.75

Naples, FL

No shade tree requirements

Wellington, FL

"Trees. One (1) tree shall be planted or preserved for every one thousand five hundred (1,500) square feet of the gross lot area, excluding areas of vegetation required to be preserved by Section 7.4 and areas left to be undisturbed. Credit for existing trees will be given in accord with [Section 7.3.7](#). The minimum tree and shrub planting standard is exclusive of trees, shrubs or hedges required to be planted in perimeter buffers, however, trees preserved in open common spaces shall receive a credit against the landscape area requirements." 7.3.6

Gulfstream, FL

"The landscape architectural standards have been developed to reinforce the overall character and the image of the town environment.

(C)The correct selection of plant material:

(4)Provides *shade*."70-146

Jupiter, FL

"Promote energy conservation through the creation of shade and reduce heat gain in and on buildings or paved areas;" 23-2

"Plant materials. A minimum of one shade tree, 12 to 14 feet in height, three palm trees, eight to 12 feet of clear trunk, or three accent trees, six to ten feet in height shall be provided for every 250 square feet of foundation planting. Additional plant material such as a combination of mass plantings of shrubs, a minimum of two to three feet in height, or mass plantings of groundcover, a minimum of one-half foot up to two feet in height, and/or accent plants shall also be required to provide a foundation for the building, accent architectural features, and reduce the scale of a building." 23-62

"No more than 50 percent of the total trees required or proposed on-site may be palms (all species). Fifty percent or more shall be native plant material as recognized by the Xeriscape Plant Material Guide I or II, published by the South Florida Water Management District."23-86

Palm Beach Gardens, FL

"Minimum requirements for single-family and duplex residences. Single-family and duplex lots will have a minimum of one tree or two palms and six shrubs per 1,000 square feet of open space or fraction

thereof. A shade tree from the city's preferred tree list is required as a street tree, located within the road right-of-way or within 15 feet of the property line. Street trees are to be replaced if removed for any reason by the landowner." 78-314

Delray, FL

"One shade tree shall be planted for every 2,500 square feet of lot area. Shade trees for single family residences shall be a minimum of 12 feet in height with a five-foot spread at the time of installation. Existing trees preserved on the site with the same specifications as above, may be credited toward this tree requirement" 4.6.16 (H)

MUNICIPAL/COUNTY NATIVE VEGETATION REQUIREMENTS

Beth Dowdle

Brevard - 50% Native vegetation required

- Satisfaction of the landscaping standards shall be achieved through the preservation of existing native vegetation to the greatest extent feasible. When the minimum landscaping standards cannot be achieved through preservation, plantings of new vegetation shall be required to meet the standards.

Dade County - 30% Native vegetation required

Indian River County - 50% Native vegetation required

- Minimum number of species diversity required
- Wide planted buffers between commercial properties & along roadways

Islamorada - 75% Native vegetation required

- The director of planning and development services may reduce the height requirement 50 percent for rare native plant species.

Key Colony Beach - 50% Native vegetation or xeriscape vegetation required

Key West - 70% Native vegetation required

- The natural landscape of the site shall be preserved as much as possible.
- Prior to the issuance of a certificate of occupancy for a new development, the owner/applicant shall remove all nuisance and Invasive vegetation from the site for which a development order or permit is requested.
- The clearing of native vegetation sufficient to create the required landscape screening or portion thereof is prohibited without approval from the city
- Credit shall be granted for trees which are preserved on a site and which meet the tree requirements of any landscaping section of this division

Lee County - 75% Native vegetation required for tree species; 50% Native vegetation required for shrub and groundcover species

Manatee County - 30% Native vegetation required

- Residential Street Trees: Existing native trees should be used to fulfill ordinance requirements when feasible
- Preserve native plant communities is encouraged and required as appropriate
- Right plant in the right place for soil conditions
- Plantings in required landscape areas shall be with plant species that are native and/or naturalized to Florida. All required landscape areas shall retain existing native trees, shrubs, groundcover and grasses to the greatest extent possible. Native plant species typical to the vegetative communities found in non-coastal Manatee County shall be encouraged.

Marathon - 70% Native vegetation required Martin County – 50% Native vegetation required

Monroe County – 70% Native vegetation required

Miami - 30% Native vegetation required

- The right plant in the right place for dry and wet soils
- Reduce negative impact of exotic pest plant species
- Prohibit use of noxious exotic plants which invade native plant communities
- Maximum size of turfgrass lawn area
- One native plant per square foot in retention/detention areas

Ocoee – 40% Native tree required; 40% Native shrubs and groundcover required.

Pasco County – 30% Native vegetation required.

Polk County - Recommends native vegetation and includes native vegetation on the recommended plant list

St. Lucie County - 50% Native vegetation or waterwise landscape required

- Existing, native trees, vegetation and other natural features shall be preserved to the extent practicable.
- Residential: 100% of the planted trees shall consist of native species or waterwise vegetation
- Agriculture/horticulture buildings: 100% of the planted trees shall consist of native species
- Large scale residential and commercial: A minimum of 15% of any existing native upland habitat on the property must be preserved in its natural condition as part of the required 35 percent common open space. For each acre of preserved native habitat above the required minimum 15 percent that is preserved in its original state, credit shall be given at a rate of 150 percent per acre towards the remaining common open space requirement.
- Planned Unit Developments: A minimum of 50% of any existing native upland habitat on the property must be preserved in its natural condition as part of the required open space. For each acre of preserved native habitat above the required minimum 50% that is preserved in its original state, credit shall be given at a rate of 150% per acre towards the remaining open space requirement.
- The preservation of existing native vegetation shall be required where the location of said vegetation is not in conflict with the proposed building or parking areas.

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: December 6, 2018

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Tentative 2019 ORS Committee Meeting Dates

Date: November 26, 2018

STAFF RECOMMENDATION

Staff recommends review and approval of the tentative 2019 ORS meeting schedule as outlined below, subject to any changes requested by the Committee.

GENERAL INFORMATION

To ensure future meeting dates are tentatively scheduled in anticipation of items needing the attention of the ORS Committee, staff has prepared a 2019 meeting schedule for ORS consideration. The meeting dates below are subject to change and/or cancellation as deemed necessary by the committee.

- January 3, 2019
- February 7, 2019
- March 7, 2019
- April 4, 2019
- May 2, 2019
- June 6, 2019
- July 2019 – NO MEETING
- August 2019 – NO MEETING
- September 5, 2019
- October 3, 2018
- November 7, 2018
- December 5, 2018

Meetings are on **Thursdays and would begin at 9:30AM** in Council Chambers.

cc: Kirk Blouin, Town Manager
Department Directors
John Randolph, Town Attorney
Kathleen Dominguez, Town Clerk