

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 1011, AMENDING CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT ARTICLE IV. VEGETATION PROTECTION AND PRESERVATION. AT SECTION 15-79. TREE REPLACEMENT. TO EXEMPT CERTAIN RESIDENTIAL PROPERTIES AND TO PROVIDE THAT NO WAIVERS SHALL BE PERMITTED WITH RESPECT TO THE REQUIREMENTS OF THIS SECTION; FURTHER AMENDING ARTICLE V. DESIGN STANDARDS. AT SECTION 15-130. MINIMUM LANDSCAPING REQUIREMENTS. TO MODIFY THE MINIMUM NUMBER OF SHRUBS REQUIRED PER SINGLE-FAMILY LOT; FURTHER AMENDING ARTICLE VI. MATERIAL AND INSTALLATION STANDARDS. AT SECTION 15-143. PLANT MATERIAL STANDARDS. TO MODIFY THE HEIGHT AND SIZE STANDARDS FOR VEGETATION INSTALLED ON SINGLE-FAMILY LOTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. BY VILLAGE MANAGER RAY LIGGINS.

Issue:

In 2018, the Village significantly revised Chapter 15. Landscaping and Vegetation Management. of the Village Code, specifically addressing tree preservation, replacement and mitigation requirements for properties within the Village. In implementing Ordinance No. 945 since its enactment, Village staff has identified the need to make slight revisions to the requirements applicable to certain residential properties, to minimize the replacement and mitigation burdens on these homeowners.

Specifically, Ordinance No. 1011 amends Chapter 15. Landscaping and Vegetation Management. to:

- Exempt certain residential properties, including single-family residences, villa dwellings, townhouse dwellings, and duplexes, from the tree replacement

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requirements of Section 15-17 of the Village Code but clarify that the minimum landscape requirements of Section 15-130 remain applicable to these properties;

- Provide that there shall be no waivers from the tree replacement requirements of Section 15-79 of the Village Code;
- Revise Section 15-130 of the Village Code to reduce the required number of shrubs per single-family lot from ten (10) to six (6) per 2,000 square feet of net lot area and clarify how to round for purposes of calculating required shrub quantities; and
- Revise Section 15-134 of the Village Code to reduce the required tree and palm tree heights for single-family lots from fourteen (14) feet to ten (10) feet at the time of planting and reduce the shrub height and spread requirements for single-family lots from two (2) feet and twenty-four (24) inches to 1.5 feet and eighteen (18) inches, respectively, except when used for screening.

Recommended Action:

Upon Council review, staff recommends a motion to approve Ordinance No. 1011 on second reading.

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ORDINANCE NO. 1011

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT ARTICLE IV. VEGETATION PROTECTION AND PRESERVATION. AT SECTION 15-79. TREE REPLACEMENT. TO EXEMPT CERTAIN RESIDENTIAL PROPERTIES AND TO PROVIDE THAT NO WAIVERS SHALL BE PERMITTED WITH RESPECT TO THE REQUIREMENTS OF THIS SECTION; FURTHER AMENDING ARTICLE V. DESIGN STANDARDS. AT SECTION 15-130. MINIMUM LANDSCAPING REQUIREMENTS. TO MODIFY THE MINIMUM NUMBER OF SHRUBS REQUIRED PER SINGLE-FAMILY LOT; FURTHER AMENDING ARTICLE VI. MATERIAL AND INSTALLATION STANDARDS. AT SECTION 15-143. PLANT MATERIAL STANDARDS. TO MODIFY THE HEIGHT AND SIZE STANDARDS FOR VEGETATION INSTALLED ON SINGLE-FAMILY LOTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council desires to update Chapter 15. Landscaping and Vegetation Management. of the Village Code of Ordinances in order to exempt certain residential properties from the tree replacement requirements and eliminate waiver requests with respect to tree replacement requirements, and to modify the height and size requirements for vegetation installed on single-family lots; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 15 of the Village Code of Ordinances are in the best interests of the general welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 15. Landscaping and Vegetation Management. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Vegetation Protection and Preservation. at Sec. 15-79. Tree replacement. to exempt select residential

properties from the tree replacement requirements and to provide that no waivers shall be permitted with respect to the requirements of this section; providing that Sec. 15-79. Tree replacement. shall hereafter read as follows:

Sec. 15-79. – Tree replacement.

- (a) *In general.* In order to maintain the wooded and natural character of the village and provide for perpetual reforestation of the urban forest, all specimen trees, or trees required pursuant to sections 15-3 or 15-130, a site plan approval, permit or other development order, that are removed from a site shall be replaced, except as provide in subpart (b) below.
- (b) *Applicability.* Select fee simple owned property, including single-family residences, villa dwellings, townhouse dwellings, and duplexes shall be exempt from the tree replacement requirements of this section; however, single family residences, villa dwellings, townhouse dwellings, and duplexes shall still meet the minimum landscape requirements of section 15-130. The tree replacement requirements of this section shall apply to all other property within the village.
- (~~c~~) *Replacement schedule for trees.* Replacement trees shall be provided in accordance with the following schedule:

Tree Diameter at Breast Height	Required Replacement Trees
2—8"	1
9—16"	2
17—24"	3
25—32"	4
33—40"	5
41" +	6

However, this tree replacement schedule shall not be followed, and trees shall be replaced on a one-to-one ratio at the minimum size specifications contained in section 15-130 regardless of the size of the tree diameter at breast height or specimen tree classification, in the following circumstances:

- (1) A tree becomes deteriorated, dies or is severely injured, and there is no reasonable method by which to rehabilitate or restore the health of the tree through proper pruning or remediation techniques;
- (2) Such deterioration, death or severe injury is caused by a named storm event for which there has been a declaration of emergency issued for Palm Beach County, by lightning, or by a motor vehicle accident; and

- (3) Such deterioration, death or severe injury due to the named storm event, lighting, or motor vehicle accident, and the inability to rehabilitate or restore the health of the tree, is confirmed by the planning and zoning department. The planning and zoning department may require verification of claim(s) be provided by a property owner.

If a specimen tree becomes deteriorated, dead or severely injured due to a named storm event, lighting, or a motor vehicle accident, and qualifies for the one-to-one replacement schedule, then the specimen tree shall be replaced with one (1) tree at the minimum size specifications contained in section 15-130 regardless of whether the tree is a required tree pursuant to a site plan, permit, development order, or sections 15-3 or 15-130 of village code.

- (~~d~~e) *Replacement species and size.* Trees to be removed shall be replaced with the same species or a similar species as approved by the planning and zoning department, planning and zoning commission, or village council as applicable. The minimum size specifications for replacement trees shall be the minimum landscaping requirements contained in section 15-130. Replacement plantings shall be guaranteed for one (1) year. In the event that replacement requirements cannot be determined due to insufficient trunk of a removed tree (e.g., cannot determine species or DBH), such removed tree shall be replaced in the same manner as a specimen Live Oak at 10 inch DBH.
- (~~e~~d) *Replacement location.* Replacement trees should be planted in the same location as the original tree, wherever possible. Replacement trees planted in areas other than the original location shall be first approved by the planning and zoning department, planning and zoning commission, or village council, as applicable, depending on whether a site plan, permit or development order modification is required. Such replacement trees shall be located in an area accessible to irrigation or hand watering to ensure survival.
- (~~f~~e) *Tree bank.* If site constraints make it impossible or impracticable to provide the requisite number of replacement trees on the property, at the determination of the planning and zoning department, the person or entity required to provide replacement trees shall have the option to donate replacement trees to the village for placement on village-owned property or for use in a neighborhood reforestation plan as approved by the village council, or make a contribution to the village's tree bank based on the tree banking formula listed below:

Specimen Tree Banking Formula

Minimum DBH (in inches) to qualify as a specimen tree based on species x number of replacement trees × accepted national value per caliper inch

Non-specimen Tree Banking Formula

2.0 (minimum inches DBH) or actual DBH of removed tree, whichever is greater x number of replacement trees x accepted national value per caliper inch

The accepted national value shall be based upon the Guide for Plant Appraisal, 10th Edition (United States), as amended from time to time.

The village shall establish a separate project account for the tree bank for the deposit of mitigation payments as required by this chapter. All monies deposited in the tree bank shall be expended, utilized and disbursed for the purchase and installation of trees on any village-owned land, or pursuant to a neighborhood reforestation plan as approved by the village council. Such monies also may be used for ancillary costs associated with the above-mentioned tree purchase and installation including but not limited to, landscaping around trees, sprinkler systems, labor, consultant services and such other services or materials necessary and proper for the preservation, maintenance, relocation or restoration of tree ecosystems. These monies also may be utilized to purchase land intended for conservation, tree preservation or public open space.

(g) *Waivers.* No waivers to this section shall be permitted.

Section 2: Chapter 15. Landscaping and Vegetation Management. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article V. Design Standards. at Sec. 15-130. Minimum landscaping requirements. to modify the minimum number of shrubs required per single-family lot; providing that Sec. 15-130. Minimum landscaping requirements. shall hereafter read as follows:

Sec. 15-130. - Minimum landscape requirements.

(a) Single-family. Landscape plans required by subsection 2-66(b) shall be subject to the requirements of section 15-126. For every single-family lot subject to this chapter, each parcel shall contain a minimum of one (1) tree and ~~ten (10)~~ six (6) shrubs per two thousand (2,000) square feet of net lot area or portion thereof (rounded up if 0.51 or greater). Net lot area shall mean the gross lot area that is not utilized for structures or vehicular use areas. See sections 2-66(b) and 15-71 for exemptions. Three (3) palm trees clustered may be substituted in lieu of one (1) shade tree.

(b)—(h) [Shall remain the same as previously adopted.]

Section 3: Chapter 15. Landscaping and Vegetation Management. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article VI. Material and Installation Standards. at Sec. 15-143. Plant material standards. to modify the height and size standards for vegetation installed on single-family lots; providing that Sec. 15-143. Plant material standards. shall hereafter read as follows:

Sec. 15-143. - Plant material standards.

(a)-(b) [Shall remain the same as previously adopted.]

- (c) *Trees.* A tree planted pursuant to the requirements of this section shall be one which:
- (1) Grows to a mature height of at least fifteen (15) feet at maturity under normal growing conditions.
 - (2) Under normal growing conditions, develops a trunk or trunks maintaining a minimum of five (5) feet of clear, woody bark above finished grade at maturity.
 - (3) Under normal growing conditions, develops a mature spread of crown of a minimum of fifteen (15) feet. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping such trees so as to create the equivalent of more than fifteen-foot crown spread.
 - (4) For all properties except individual single-family lots, A at the time of planting, measures fourteen (14) feet in height, possesses a trunk caliper of a minimum of two and one-half (2½) inches DBH, with a minimum canopy spread of five (5) feet. For individual single-family lots, at the time of planting, measures ten (10) feet in height.
 - (5) 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 planning and zoning department.
 - (6) Palm trees are exempt from the measurement requirements set forth above.
- (d) *Palm trees.* A grouping of three (3) palm trees will be the equivalent of one (1) required canopy tree.
- (1) For all properties except individual single-family lots, Ppalm trees must have a minimum overall height of fourteen (14) feet and be highly resistant to lethal yellow and other diseases. For individual single-family lots, palm trees must have a minimum overall height of ten (10) feet and be highly resistant to lethal yellow and other diseases.
 - (2) Palms should be used in clusters of three (3) or more. Height should be staggered for maximum visual variety. However, this guideline should not be construed as discouraging avenue-like formal planting of specimen palm trees along driveways, street rights-of-way and in median strips.
- (e) *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 planning and zoning department.

- (1) For all properties except individual single-family lots, shrubs and hedges shall be a minimum height of two (2) feet and have a minimum spread of twenty-four (24) inches at installation. When used for screening purposes, they shall be spaced a maximum of twenty-four (24) inches on center (OC). If larger plants are used, spacing may be increased but should provide a full appearance with adjacent plants touching each other. For individual single-family lots, shrubs and hedges shall be a minimum height of one and one-half (1.5) feet and have a minimum spread of eighteen (18) inches at installation. When used for screening purposes, they shall be spaced a maximum of twenty-four (24) inches on center (OC). If larger plants are used, spacing may be increased but should provide a full appearance with adjacent plants touching each other.
- (2) Where required, hedges and shrubs shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen no later than one (1) year after planting.
- (3) Except as regulated by section 9-5, shrubs and hedges shall not exceed eight (8) feet in height.

(f)—(k) [Shall remain the same as previously adopted.]

Figures 15-1 through 15-4 [Shall remain the same as previously adopted.]

Section 4: Each and every other Section and Sub-section of Chapter 15. Landscaping and Vegetation Management. shall remain in full force and effect as previously enacted.

Section 5: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 6: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 7: Specific authority is hereby granted to codify this Ordinance.

Section 8: This Ordinance shall take effect immediately upon passage.

FIRST READING this 21st day of January, 2021.

SECOND AND FINAL READING this 18th day of February, 2021.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK