

1 TOWN OF JUNO BEACH, FLORIDA

2
3 ORDINANCE NO. 740

4
5 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO
6 BEACH, FLORIDA, AMENDING CHAPTER 34, "ZONING," OF THE
7 TOWN CODE OF ORDINANCES RELATING TO NATIVE VEGETATION;
8 AMENDING ARTICLE I, "IN GENERAL," BY AMENDING SECTION 34-
9 4, "DEFINITIONS," TO ADD A DEFINITION OF THE TERM NATIVE
10 VEGETATION;" AMENDING ARTICLE IV, "SUPPLEMENTAL
11 REGULATIONS," DIVISION 7, "LANDSCAPING REQUIREMENTS," BY
12 AMENDING SECTION 34-184, "LANDSCAPE REQUIREMENTS," TO
13 CLARIFY THE NATIVE VEGETATION REQUIREMENTS; PROVIDING
14 FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN
15 EFFECTIVE DATE.

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17 WHEREAS, the Town's Planning and Zoning Board suggested certain
18 amendments to the native landscaping provision of the Town's Zoning Code, as set forth
19 in Section 34 of the Town Code of Ordinances, specifically, providing a definition for the
20 term native vegetation and clarifying the existing language setting forth the native
21 vegetation requirements; and

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23 WHEREAS, the Planning and Zoning Board conducted a public hearing on this
24 Ordinance and provided its recommendation to the Town Council; and

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26 WHEREAS, the Town Council has determined that the adoption of this Ordinance
27 is in the best interests of the general welfare of the Town of Juno Beach.

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29 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
30 JUNO BEACH, FLORIDA as follows:

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32 **Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and
33 confirmed and are incorporated herein.

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35 **Section 2.** The Town Council hereby amends Article I, "In General," of Chapter
36 34, "Zoning," of the Town Code of Ordinances by amending Section 34-4, "Definitions," to
37 read as follows (additional language is underlined):

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39 **Sec. 34-4. Definitions.**

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41 For the purposes of this chapter, the following terms and words are
42 hereby defined. Words used in the present tense shall include the future; the
43 singular number shall include the plural; and the plural the singular; the term
44 "used for" shall include the meaning "designed for"; the term "structure" shall
45 include the term "building"; the term "lot" shall include the terms "plot" and
46 "tract"; the word "shall" is mandatory and not directory.

* * *

Native vegetation means plant species that are indigenous to the State of Florida prior to European contact and well adapted to the coastal region of South Florida, i.e., salt-tolerant, adapted to nutrient-poor, alkaline, and sand or limestone-based soils. Invasive species and exotic species are not considered to be native species

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Section 3. The Town Council hereby amends Article IV "Supplemental Regulations" of Chapter 34 "Zoning," of the Town Code of Ordinances by amending Section 34-1084 of Division 7, "Landscaping requirements," to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 34-1084. Landscape requirements.

- (a) In keeping with the purpose and intent of this division, the following general requirements shall apply in all zoning districts in the town.
- (b) A graphic survey of existing vegetation, delineating all viable native vegetation and all trees greater than four inches in diameter (caliper) at four feet above ground, shall be submitted. Such graphic survey shall be prepared by a landscape architect or land surveyor registered in the state and be of the same scale as the landscape plan.
- (c) Reasonable requirements for the preservation of outstanding natural and cultural features shall be required. These features include trees with trunks larger than eight inches in diameter measuring four feet above the ground, groves, watercourses, historic sites, and similar irreplaceable assets in which there is public interest.
- (d) All new trees shall be located so as to provide unrestricted flow or access to drainage swales or utility easements. Vegetation in easements and rights-of-way must have appropriate utility company and agency approval. In addition, the height of damage-prone trees shall be limited along hurricane evacuation routes.
- (e) New trees shall meet the specifications as set forth in section 34-1088(f).
- (f) Trees shall be hardy and suitable to local soil and climate.

- (g) The use of native vegetation plantings shall be ~~maximized~~ prioritized, and ~~at a minimum~~ all plant materials of each type, including trees, shrubs and ground cover, shall be at least 50 percent native. In addition, xeriscape principles shall be utilized in all landscape designs and installations (see section 34-1088(a)). For a list of native vegetation and guide for plant selection and landscape design, refer to the University of Florida's "The Florida Friendly Landscaping™ Guide to Plant Selection & Landscape Design."
- (h) Existing native vegetation shall be preserved to the maximum extent practicable. The town encourages applicants to make all native vegetation to be removed from the site available, either by fee or donation, to the town and its residents for reuse. The developer shall notify the town three weeks prior to vegetation removal, so that the town may notify residents by notice at town hall and phone message of such vegetation availability. Upon such notice residents shall have two weeks to contact the developer regarding removal of native vegetation.
- (i) The type and location of landscaping shall take into consideration the preservation of native vegetation areas, and the director may make exceptions to the regulations in this division to ensure the preservation of such native vegetation areas.
- (j) All conditions and requirements of the Environmentally Sensitive Lands Ordinance, article IV, division 14 of this chapter, and section 34-1123 shall be complied with.
- (k) Changing 30 percent or more of all trees and shrubs on a site from the originally approved landscape plan shall require submittal of a new plan showing new plant types and locations to the planning and zoning department for review and approval.
- (l) The public works, planning and zoning, and code compliance departments shall be responsible for managing the town's tree planting program. The public works department shall be responsible for the care and maintenance of trees present on town-owned property.

Section 4. The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Juno Beach.

Section 5. If 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 6. All ordinances or parts of ordinances of the Town of Juno Beach, Florida, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall be effective immediately upon adoption.

FIRST READING this 24 day of MARCH, 2021.

SECOND, FINAL READING AND ADOPTION this 28th day of April, 2021.

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NAY


JASON HASELKORN, MAYOR

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JIM LYONS, VICE MAYOR

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PEGGY WHEELER, VICE MAYOR PRO TEM

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ELAINE K. COTRONAKIS, COUNCILMEMBER

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DD HALPERN, COUNCILMEMBER

ATTEST:


CAITLIN COPELAND, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:


LEONARD G. RUBIN
TOWN ATTORNEY