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ORDINANCE 2023-____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ENVIRONMENTAL REGULATIONS; AMENDING SUB-SECTION 30-100.1(E)(2)(a) BY REQUIRING THE PLANTING OF FLORIDA NATIVE PLANTS ON PUBLIC SPACES, PARKS, AND RIGHTS-OF-WAY; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Mayor Karyn Cunningham)

WHEREAS, a Florida native landscape often requires little water, fertilizer, or pesticides; and

WHEREAS, decreased use of fertilizer or pesticides is an integral component of Miami-Dade County’s Biscayne Bay Recovery Plan; and

WHEREAS, there are many selections of Florida native plants available that work together and can provide the needed habitat to make a colorful haven for butterflies, birds, and other wildlife; and

WHEREAS, the Village understands this initiative and will enhance the community’s chances of building a healthy and beautiful community for all our citizens while preserving our natural heritage and improving water quality in the region.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Division 30-100.1 of the Code of Ordinances styled” Environmental Regulations”, is hereby amended at Subsection 30-100.1(e)(2)(a), as follows:

(2) Trees Generally

(a) Tree size and species. All trees, except street trees and trees located beneath power lines, shall be a minimum of 12 feet high and have a minimum caliper of three inches at time of planting except that 30 percent of the tree requirement may be met by native species with a minimum height of eight feet and a minimum caliper of one and one-half

1 inches at time of planting. When selecting tree species, preference shall
2 be given to those species listed as being medium or highly tolerant to
3 wind as listed in the landscape manual. Table A lists the minimum
4 number of trees required to be provided on-site by net lot size. Street
5 trees may be required and are in addition to Table A's on-site
6 requirements. Unusual trees must comply with the requirements of the
7 underlying zoning district. Notwithstanding anything in Section 30-100.1
8 to the contrary, a minimum seventy-five percent (75%) of Florida native
9 species plant material is required for all new plantings in public spaces,
10 including parks, and rights-of-way (except where contrary to the efficient
11 use of the public space or a park), which will increase the visibility,
12 enjoyment, and resilience of native Florida plants in the Village, while
13 consuming less energy and environmentally harmful chemicals. A list of
14 current approved native species shall be maintained by the Planning
15 and Zoning Division.
16

17 **Section 2. Severability.** The provisions of this Ordinance are
18 declared to be severable, and if any sentence, section, clause, or phrase
19 of this Ordinance shall, for any reason, be held to be invalid or
20 unconstitutional, such decision shall not affect the validity of the
21 remaining sentences, sections, clauses, or phrases of the Ordinance, but
22 they shall remain in effect it being the legislative intent that this Ordinance
23 shall stand notwithstanding the invalidity of any part.
24

25 **Section 3. Codification.** It is the intention of the Village Council,
26 and it is hereby ordained the provisions of this Ordinance shall become
27 and be made part of the Code of Ordinances of the Village of Palmetto
28 Bay, Florida, that sections of this Ordinance may be renumbered or re-
29 lettered to accomplish such intentions, and that the word "Ordinance"
30 shall be changed to "Section" or other appropriate word.
31

32 **Section 4. Effective Date.** This Ordinance shall take effect
33 immediately upon enactment at Second Reading.
34

35 **PASSED ON FIRST READING** this ____ day of _____,
36 2023.

37
38 **PASSED AND ADOPTED ON SECOND READING** this ____ day
39 of _____, 2023.

