

ORDINANCE 08-2023

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-83 OF CHAPTER 78 OF THE TOWN CODE PERTAINING TO LANDSCAPING AND PUBLICLY ACCESSIBLE GREENWAY TREE PLANTING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has developed a mixed use zoning code, which has been codified in Chapter 78, Article III, Section 78-83 of the Town's Code of Ordinances; and

WHEREAS, the Community Development staff has recommended that the Town Commission amend Town Code, Chapter 78, Article III, Section 78-83, to allow for flexibility in the landscaping requirements for street tree planting.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 78, Article III, Section 78-83 of the Town Code is hereby amended to read as follows:

- a. Providing a tree species that provides substantial shade along the street. Palm trees may compose no more than 25 percent of ~~shall not count toward~~ the required number of street trees.
 - i. A minimum of ~~75~~50-percent of the required street trees shall be shade trees, and the remaining street trees may be provided as medium or large flowering trees. Palm trees may be used over and above the minimum number of required street trees. Street trees shall be provided at a ratio of one street tree per 20 feet of street frontage, or a greater ratio thereof, not subtracting ingress and egress dimensions. Where overhead utilities exist, required street trees may be ~~small trees provided at a ratio of one street tree per 20 feet of street frontage~~ modified as needed to address documented conflicts with utility infrastructure.
- b. Providing adequate street furnishings such as benches, bus shelters, ~~drinking~~ decorative water fountains etc.

- c. Providing a landscape plan illustrating a significant tree special along the greenway that is distinguishably different from the other streets in terms of color, type and shape.
- d. At the time of planting, the trunk of shade trees shall be a minimum of 715 feet clear height to the bottom of the canopy, flowering trees shall be a minimum of 6 feet clear height to bottom of the canopy, and palm trees shall have a minimum of 12 feet of clear trunk.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.

Upon First Reading this 4 day of October, 2023, the foregoing Ordinance was offered by Commissioner Thomas, who moved its approval. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR ROGER D. MICHAUD	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER MARY BETH TAYLOR	<u>/</u>	_____
COMMISSIONER JUDITH E. THOMAS	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 8 DAY OF October, 2023

Upon Second Reading this 18th day of October, 2023, the foregoing Ordinance, was offered by Commissioner Linden, who moved its adoption. The motion was seconded by Commissioner Taylor, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR ROGER D. MICHAUD	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER MARY BETH TAYLOR	<u>/</u>	_____
COMMISSIONER JUDITH E. THOMAS	<u>/</u>	_____

The Mayor thereupon declared **Ordinance 08-2023** duly passed and adopted this 18th day of October, 2023.

TOWN OF LAKE PARK, FLORIDA

BY: Roger D. Michaud
Mayor, Roger D. Michaud

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
(Town Seal)
TOWN OF LAKE PARK
SEAL
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird