

NOTICE OF UNIFIED LAND DEVELOPMENT CODE REVISIONS FOR VEGETATION PROTECTION

On July 15, 2008 the Palm Beach County Board of County Commissioners (BCC) eliminated the regulatory portion of the Vegetation Protection Program from the Department of Environmental Resources Management (ERM) effective October 1, 2008. In accordance with Board direction to discontinue the Vegetation Protection Program as a mechanism to reduce Ad Valorem supported programs in FY2009, seven (7) positions were eliminated. Revisions to the Unified Land Development Code (ULDC), Article 14.C., Vegetation Preservation and Protection, Article 14.D., Prohibited Invasive were adopted by the BCC on September 23, 2008 with an effective date of September 29, 2008. See documents above.

As revised, the Vegetation Preservation and Protection Code is designed to provide an alternate approach to protect native vegetation and habitat in unincorporated Palm Beach County, focusing on an approval process through established channels of development reviews in lieu of permitting. The revised Code shifts the burden of tree preservation from a permitting process prior to development to a post-development performance standard review. Expected results are less salvaged vegetation on single family lots, a reduction of salvaged vegetation relocated to public lands, and a reduction in native trees preserved within developments. The newly adopted language replaces the permitting controls over vegetation clearing and construction with a standard process of approval for vegetation alteration; eliminates the designation of specimen tree status; secedes wetland permitting to the State and Federal governments; and voids all existing single family permits and dismisses all enforcement actions involving such permits.

Revisions to ULDC, Article 14.D., Prohibited Invasive Non-native Vegetation Removal Ordinance, continue to require the removal of invasive non-native vegetation; however, the financial assistance and incentives provided in the Code are removed. In Code Appendix 10, which lists the natural areas, Ocean Ridge Natural Area is added. Appendix 12, which describes the incentive programs, is deleted in its entirety.

Applicants going through the Development Review Office or for vegetation removal on parcels zoned "Public Ownership" will need to submit to ERM a complete "Application for Protection of Native Vegetation Approval". In this way the goal of preserving native vegetation within unincorporated areas of Palm Beach County will continue to be achieved.

Should you have any questions as to the new process, please contact Robert Kraus (561) 233-2476 or Mark Godwin at (561) 233-2473.