

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: September 9, 2008 ( ) Consent (X) Regular  
( ) Ordinance ( ) Public Hearing

Department

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on September 23, 2008 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-076, AS AMENDED, AS FOLLOWS: AMENDING ARTICLE 14.C. – VEGETATION PRESERVATION AND PROTECTION; AMENDING ARTICLE 14.D. – PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CAPTIONS; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Summary:** The proposed revisions to ULDC, Article 14.C., Vegetation Preservation and Protection, are designed to provide an alternate approach in unincorporated Palm Beach County to protect native vegetation and habitat, focusing on an approval process through established channels of development reviews in lieu of permitting. 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. The general direction was to modify the Code to shift the burden of tree preservation from a permitting process prior to development to a post-development performance standard review. The proposed revisions will result in 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 proposed revisions replace the permitting controls over vegetation clearing and construction with a standard process of approval for vegetation alteration; eliminate the designation of specimen tree status; secede wetland permitting to the State and Federal governments; and void all existing single family permits and dismiss all enforcement actions involving such permits.

The proposed 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 have been 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.

The proposed revisions were provided to the Land Development Regulation Advisory Board for review and comment on August 21, 2008. Unincorporated/14.C.; Countywide/14.D. (SF)

**Attachments:**

- 1. Ordinance
- 2. Clean ULDC version

Recommended by: Richard E. Wally  
Department Director

8/25/08  
Date

Approved by: [Signature]  
County Administrator

9/2/08  
Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures		_____	_____	_____	
Operating Costs	< \$560,000 >	_____	_____	_____	
External Revenues	57,464	_____	_____	_____	
Program Income (County)	_____	_____	_____	_____	
In-Kind Match (County)	_____	_____	_____	_____	
<b>NET FISCAL IMPACT</b>	< \$502,536 >	_____	_____	_____	
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	
Is Item Included in <del>Current</del> <sup>Proposed</sup> Budget?		Yes	<input checked="" type="checkbox"/>	No	
Budget Account No.: Fund _____ Agency _____ Org. _____ Object _____					
Reporting Category					

**B. Recommended Sources of Funds/Summary of Fiscal Impact**

Estimate of annual loss of revenues from permitting and enforcement is \$57,464.

**C. Department Fiscal Review:**

*[Signature]*

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and /or Contract Administrator Comments:**

*The net ad valorem impact savings of \$502,536 includes a \$560,000 savings for 7 positions. This was included in the recommended ad valorem reductions presented and approved by the BCC at the FY 2009 Budget Workshop.*

*Atwillhite, 8-24-08*

OFMB *8/24/08* Contract Administrator

*[Signature]* 8/29/08

**B. Legal Sufficiency:**

*[Signature]*

Assistant County Attorney

**C. Other Department Review:**

Department Director

**Background and Policy Issues:** The Vegetation Preservation and Protection Ordinance, Section 7.5, was adopted by the BCC on June 16, 1992. Effective March 1, 1998, the Ordinance was included as Section 9.4 and Section 9.5 of the Unified Land Development Code. Section 9.4. and Section 9.5 were amended to become Article 14.C. on December 12, 2003. During workshops held before the Board of County Commissioners (BCC) on July 8 and July 14, 2008, general direction was provided to staff concerning the reduction of staffing through program restriction.

The Prohibited Invasive Non-native Vegetation Removal Ordinance was initiated due to direction provided by the Board of County Commissioners during workshops held on June 27 and November 20, 2000 and was adopted by the BCC on February 25, 2003. The Ordinance was amended on December 12, 2003 to become Article 14.D. of the Unified Land Development Code. The Department of Environmental Resources Management (ERM) conducted a series of public workshops with the League of Cities Environmental Subcommittee, professional groups and interested citizens, which resulted in a phased-in approach for the removal of nuisance vegetation, incentives for the removal of nuisance vegetation and the protection of the natural areas in the County. The Ordinance established two incentive programs for properties in the 500-foot buffer zone surrounding natural areas, the Australian pine/melaleuca removal program and the Cost Share Program. It also established an Invasive Vine Strike Force Program to assist property owners countywide with the removal of old-world climbing fern vine and air potato vine and the Public Lands Grant Program to assist local agencies and municipalities with invasive vegetation removal on public lands. A proposed Canopy Replacement Program was also established but never initiated due to staffing and funding. Due to recent budget and staffing cuts, the funding for the incentive programs was reduced in order to offset other Departmental reductions. As a result, the proposed Ordinance strikes all language pertaining to the incentive programs but keeps the phased-in regulatory requirement intact.

ORDINANCE 2008 - \_\_\_\_\_

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-076, AS AMENDED, AS FOLLOWS: AMENDING **ARTICLE 14.C.** – VEGETATION PRESERVATION AND PROTECTION; AMENDING **ARTICLE 14.D.** – PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CAPTIONS; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

**WHEREAS**, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code, Ordinance 03-067, as amended from time to time; and

**WHEREAS**, the BCC desires to further amend Article 14, Chapter C, in order to discontinue the vegetation preservation and removal permitting program, to maintain standard conditions for newly constructed single family residential parcels as part of the building permit process, and to provide an approval process for larger scale development; and

**WHEREAS**, the BCC desires to further amend Article 14, Chapter D, in order to discontinue the incentive program for the removal of prohibited invasive non native vegetation; and

**WHEREAS**, the Unified Land Development Code as amended has been found consistent with the Palm Beach County Comprehensive Plan by the Land Development Regulation Commission; and

**WHEREAS**, the BCC hereby elects to conduct its public hearing on this Ordinance at 9:30 a.m.; and

**WHEREAS**, public hearings have been held by the Board of Palm Beach County Commissioners consistent with the requirements set forth in Section 125.66, Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:**

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**PART I. Adoption of the Unified Land Development Code Amendments**

Amendments to the Unified Land Development Code of Palm Beach County, Article 14, Chapter C, and Article 14, Chapter D, are hereby adopted as set forth in Exhibit 1, attached hereto and made a part hereof.

**Part II. Providing for Repeal of Laws in Conflict**

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Part III. Severability**

If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item contained in this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this Ordinance.

**Part IV. Providing for a Savings Clause**

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the Board of County Commissioners, the Zoning Commission, the Development Review Officer, Enforcement Boards, all other County decision-making and advisory boards, Special Masters, Hearing Officers, and all other County Officials, issued pursuant to the procedures established by prior Palm Beach County land development regulations, shall remain in full force and effect unless specifically declared null in void in the Amendments to the Unified Land Development Code of Palm Beach County, Article 14, Chapter C, and Article 14, Chapter D, set forth in Exhibit 1, attached hereto and made a part hereof.

**Part V. Captions**

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on the interpretations of the provisions of this Ordinance and may be renumbered or relettered to effectuate the codification of this Ordinance.

**Part VI. Inclusion in the Unified Land Development Code**

The provisions of this Ordinance shall be codified in the Unified Land Development Code and may be reorganized, renumbered or relettered to effectuate the codification of this Ordinance.

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**Part VII. Providing for an Effective Date**

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SHARON R. BOCK, CLERK  
AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS

1 Part .1 ULDC, Art. 14.C.3.A.3, Vegetation Preservation and Protection (pages 32-45 of 57), is  
2 hereby amended as follows:

3  
4 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

5 Section 2 Definitions

6 See Art. 1.1, Definitions and Acronyms

7  
8 Section 3 Purpose

9 A. This Chapter shall:

- 10 1. Establish a program to preserve and protect native vegetation; and
- 11 2. Prohibit the unnecessary destruction of native vegetation and require the eradication of
- 12 invasive non native vegetation; and
- 13 3. ~~Set restrictions and requirements to protect and preserve freshwater wetlands and to~~
- 14 ~~maintain the functions and values provided by certain freshwater wetlands within PBC so~~
- 15 ~~there will be no net loss of those functions and values due to parcel improvement or other~~
- 16 ~~activities.~~

17  
18 Section 4 Applicability

- 19 ....
- 20 B. PBC shall have regulatory authority over the alteration or removal of non-native and native upland
- 21 vegetation, and the establishment and maintenance of upland preserve areas.
- 22 C. ~~PBC shall have regulatory authority over all wetlands, on parcels that are not subject to the State~~
- 23 ~~Environmental Resource Permit review process, hereinafter referred to as jurisdictional wetlands,~~
- 24 ~~with the exception of wetlands less than one half acre in size and entirely surrounded by uplands.~~
- 25 D. ~~C.~~ Terms specific to this Chapter are defined in Art. 1.1, Definitions and Acronyms. Terms not
- 26 defined in this Chapter shall be defined pursuant to Chapter 62, F.A.C., the document entitled,
- 27 "Basis of Review" (BOR), as amended, for Applications within the South Florida Water
- 28 Management District, dated November 1996, and Art. 1.1, Definitions and Acronyms, of this Code,
- 29 as may be amended from time to time. In the event that a term is defined in Chapter 62, F.A.C.,
- 30 or the BOR, the BOR shall prevail.

31  
32 Section 5 Authority

33 This Chapter is adopted under the authority of F.S. Chapter 125, as amended, and the Plan, as  
34 amended. ~~ERM shall administer the requirements of this Chapter.~~

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36  
37 Section 7 Application, Process, and General Standards

- 38 A. ~~Approval Vegetation Removal Notice (VRN) for~~ of Initial Construction of Single Family
- 39 Residential Parcels
- 40 All newly constructed ~~single family residential parcels~~ which are less than two and one-half
- 41 acres in gross size will automatically receive a VRN with standard conditions as part of the
- 42 building permit process. For the purposes of this Chapter, a single family residential parcel also
- 43 includes a single two unit (duplex) residences and associated accessory structures, [Text
- 44 relocated from 14.C.7.B.1] shall comply with the following standards:
- 45 A. **Minimum Alteration**
- 46 1. Removal of native vegetation shall be limited to the minimum necessary to accomplish the
- 47 purpose of the site plan. A site plan that eliminates or nearly eliminates native vegetation will
- 48 not be approved under this Chapter Article. Specimen tree removal shall require mitigation.
- 49 [Text relocated from 14.C.9.A]
- 50 B. **Removal of Prohibited Invasive Non-Native Vegetation**
- 51 2. Complete removal or eradication of prohibited invasive non native vegetation, as identified in
- 52 Appendix 6 Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native
- 53 Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior
- 54 to receipt of the CO. Planting or installation of vegetation identified in Appendix 6, Prohibited
- 55 Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, is
- 56 prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No
- 57 additional permit for such maintenance of vegetation shall be required. [Ord. 2005 – 002]
- 58 [Ord. 2006-004] [Text relocated from 14.C.9.B]
- 59 Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for
- 60 single family residences, single two unit (duplex) residences and accessory structures
- 61 associated with single family residential parcels in existence as of the date of the adoption of

Notes:  
Underlined language indicates proposed new language.  
Language crossed out indicates language proposed to be deleted.  
.... (ellipses) indicates language not amended which has been omitted to save space.  
Relocated language is shown as italicized with reference in parenthesis.

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS

1 this Chapter are void and of no effect, and all pending enforcement actions related thereto  
2 are dismissed.

3 B. Approval of development for schools, new construction of utilities, road right-of-way  
4 projects, projects requiring DRO review and agriculture of 10 acres in size or greater

5 A-1. Requirements and Process

6 1. a. Projects involving development of a school, new construction of a utility, road right of way  
7 projects, projects requiring DRO review, and agricultural parcels of 10 acres or greater  
8 shall apply to ERM for approval of said project. ~~Permit applications shall be made on~~  
9 forms provided by ERM.

10 2. b. An application shall not be deemed complete until the application fee and all information  
11 necessary to fully understand the extent, nature and potential impacts of a proposed  
12 project are received by ERM and approved by ERM prior to the scheduled DRO meeting.  
13 Any additional information for an application deemed insufficient at DRO meeting will not  
14 be approved until the next scheduled DRO meeting. Such information may include, but  
15 is not limited to:

16 a-1) A completed application form with the notarized signature of the parcel owner or  
17 authorized agent of the parcel owner;

18 b-2) A written explanation of the need and intent of the project and a description of  
19 construction or alteration methodologies;

20 e-3) A certified site plan or survey, where applicable, showing all easements. Both plan  
21 view and cross sectional view sketches may be required;

22 d-4) Parcel information including a location map, a recent aerial photograph with the  
23 parcel clearly delineated, and representative color photographs;

24 e-5) Identification of the type and location of native vegetation in the vicinity of, and likely  
25 to be affected by the project;

26 f-6) An Incorporated Vegetation Plan which graphically depicts the location and field tag  
27 number for each native tree and palm to remain undisturbed on the parcel during  
28 construction and the natural life of the vegetation. The Incorporated Vegetation Plan  
29 may also be required to be incorporated as a feature of the site plan;

30 g-7) A numbered tabular list of all native trees/palms surveyed, indicating the type of  
31 tree/palm the DBH or height of clear trunk if palm, and whether the parcel owner  
32 proposes to keep the tree/palm in place, relocate it, offer it for surplus, remove it or  
33 mitigate for its removal;

34 h-8) A completed Vegetation Surplus Form which identifies surplus native vegetation  
35 which the parcel owner determines cannot otherwise be used on the parcel and is  
36 providing for the use of the Surplus Vegetation Program; and

37 i-9) Methods of stormwater pollution prevention if construction of the project may result in  
38 an area of exposed soil greater than one acre subject to Federal National Pollution  
39 Discharge Elimination System (NPDES) stormwater regulations, a copy of the on site  
40 Stormwater Pollution Prevention Plan shall be submitted as part of the permit  
41 application for approval.

42 3. ~~ERM may include permit conditions deemed reasonably necessary to protect the~~  
43 ~~environmental integrity of any on-site adjacent wetland areas, mitigation areas and upland~~  
44 ~~preserves and to prevent harm to listed plant and animal species.~~

45 4. ~~Standard Permit applications shall be deemed inactive until such time that written notice is~~  
46 ~~received by ERM that application has been made for a building permit, land development~~  
47 ~~permit, request for review of technical compliance for parcels for which a land development~~  
48 ~~permit is not required or noticed completeness of requested information is received. The~~  
49 ~~permit shall be issued at the time of the issuance of one of the foregoing, as applicable, or~~  
50 ~~within 30 working days of determination by ERM that the application is complete and there~~  
51 ~~are no outstanding violations of Article 14.C, VEGETATION PRESERVATION AND~~  
52 ~~PROTECTION, on the parcel. ERM shall make a parcel inspection within 15 working days of~~  
53 ~~a request by a parcel owner. [Ord. 2008-003]~~

54 5. c. Any application received that is substantially the same as a previous application that has  
55 been denied by ERM subsequent to the effective date of this Chapter shall be denied  
56 with a written response provided to the applicant stating the reason for denial.

57 6. d. Any parcel where a violation of any Chapter administered by ERM has occurred, shall not  
58 be eligible for approval a permit under this Chapter until such violation has been  
59 resolved.

60 7. e. Any application containing false information, or any approval permit issued based upon  
61 false information, may be denied or revoked and may subject the applicant to  
62 enforcement proceedings pursuant to Article 14.C, VEGETATION PRESERVATION AND  
63 PROTECTION, Article 10, ENFORCEMENT, of this Code.

64 8. f. ERM shall have the right to make inspections of construction areas at reasonable times  
65 to determine compliance with this Chapter.

66 9. ~~ERM may include permit conditions for vegetation debris removal by open burning but the~~  
67 ~~conditions shall not be in conflict with burn permits from jurisdictional agencies.~~

**Notes:**

Underlined language indicates proposed new language.

~~Language crossed-out~~ indicates language proposed to be deleted.

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS

B. Types of Approval

1. ~~Vegetation Removal Notice (VRN) for Single Family Parcels~~

~~Single family residential parcels less than two and one-half acres in gross size will automatically receive a VRN with standard conditions as part of the building permit process. For the purposes of this Chapter, a single family residential parcel also includes a single two unit (duplex) residence and associated accessory structures. [Text relocated to 14.C.7.A] The VRN shall be signed by the applicant as part of the building permit process. Authorization will be issued concurrently with the building permit. For alteration of vegetation before a building permit is issued, a VRN application shall be submitted directly to ERM. Conditions of the VRN for single family residential parcels are listed in Article 14.C.9, Vegetation Removal Notice for Single Family Residential.~~

2. ~~General Permit~~

~~A General Permit may be issued for prohibited and invasive non native vegetation removal and minor vegetation alteration pursuant to criteria set forth in Article 14.C.10, General Permit.~~

3. ~~Standard Permit~~

~~A Standard Permit is required for upland vegetation alteration that does not qualify for a VRN, a General Permit, or an exemption under this Chapter.~~

4. ~~Wetlands Alteration Permit~~

~~A Wetlands Alteration Permit is required for any construction or alteration, (including but not limited to dredging, filling, removing or altering vegetation or draining or flooding) on, in or over jurisdictional wetlands. A Wetland Alteration Permit may be incorporated into permits for upland vegetation as described above in this Chapter.~~

5. ~~De Minimis~~

~~Those projects for which ERM provides a written determination that there will be no significant adverse environmental impacts. Approvals may include but are not limited to: Removal of native vegetation that has been destroyed or so severely damaged, inadvertently or by acts of nature, that it constitutes a peril to life or property; certification by a certified arborist that vegetation is a hazard; determination by ERM staff or other qualified professional that vegetation may compromise the integrity of a structure; removal to selectively thin vegetation by hand; or, certification by the Florida Department of Forestry or PBC Fire Rescue that a 30 foot buffer should be cleared around designated structures through the Fire Wise program.~~

C.2. Standards of Approval Issuance

No approval permit shall be issued unless the application demonstrates that the project:

- 1-a) Will not result in a net loss of wetland functions and values;
- 2-b) Complies with water quality rules and standards set forth in Chapter 62 302, F.A.C.;
- 3-c) Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats;
- 4-d) Will not adversely impact endangered or threatened species, and species of special concern, or their habitat;
- 5-e) Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation, and Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. There is no requirement to provide vegetation for surplus. Non-relocatable native vegetation that cannot be maintained on the parcel shall be mitigated for in accordance with the Tree Replacement Table 14.C.16-1, Tree Replacement, Table 7.E.2.D-4, Tree Credit and Replacement, and accepted by ERM prior to the receipt of the CO Technical Compliance or 75% completion of construction. [Text relocated from 14.C.11.B.2]
- f. ERM shall also consider: [Ord. 2005-002] [Ord. 2008-003]
  - a.1. Alternative designs to limit the removal of native vegetation to the minimum necessary while still allowing the applicant to accomplish the purpose of the site plan;
  - b.2. Preserving listed species in place or relocating to buffers, open space or unimproved portions of the parcel;
  - c.3. The likelihood of success for relocated native vegetation;
  - d. The use of barriers and flagging during construction to establish appropriate setbacks to protect and preserve native vegetation;
  - e.4. Mitigation or compensation for the loss of native vegetation;
  - f. At least 50 percent of the trees planted as mitigation for the removal of native trees shall be the same species as the trees removed, provided that the mitigation vegetation is locally available;
  - g. For single family residences located on two and one-half acres or more, mitigation may not be required, other than for specimen trees, for the area of the house pad and

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS

- 1 attached structures, and the septic system. This shall be determined by ERM on a case-
- 2 by case basis, after determination that the parcel owner is providing a building location
- 3 that is the best environmental use of the parcel;
- 4 h. For single family residential parcels which where the parcel owner located the residence
- 5 that is the best environmental use of the parcel, mitigation of specimen trees shall be on
- 6 a tree for tree basis if the specimen trees are not relocatable; and
- 7 i. ~~5.~~ Creation of a tree preservation area.
- 8 j. ~~6.~~ Off-site replacement shall be allowed only if on-site planting is not feasible due to
- 9 unsuitable parcel conditions. Off-site planting shall be in or adjacent to a public park
- 10 parcel or native upland area; **[Ord. 2006-036]**
- 11 k. ~~7.~~ In lieu of replacement planting, when on-site and off site mitigation has been exhausted
- 12 or is unavailable, a donation may be made to PBC for the Natural Areas Stewardship
- 13 Endowment Fund. The donation amount shall be based on the average cost of the
- 14 purchase, installation and maintenance for one year of an equivalent number of
- 15 replacement trees or actual cost of removing and replanting specimen trees; and **[Ord.**
- 16 **2006-036]**
- 17 l. ~~The parcel owner shall provide irrigation, mulch, and other practical means to ensure the~~
- 18 ~~survivorship of any relocated specimen tree. If a relocated specimen tree does not~~
- 19 ~~survive, it shall be replaced with a native pursuant to Table 14.C.16-1, Tree~~
- 20 ~~Replacement. **[Ord. 2006-036]**~~
- 21 m. Replacement planting consisting of native scrub vegetation may be approved on a case
- 22 by case basis where appropriate soil characteristics exist, and amount of remaining
- 23 canopy and other understory vegetation will be sufficient; **[Ord. 2006-036]**
- 24 n. ~~8.~~ Sabal palms may be allowed as replacement plantings for canopy trees if approved by
- 25 ERM and planted at 3:1 (palms: required replacement trees) based on Table 14.C.16-1
- 26 ~~7.D.2.D-4, Tree replacement, on 10 foot centers, +/-1 foot and grouped as shown on a~~
- 27 ~~planting plan Table approved by ERM; **[Ord. 2006-036]** and.~~
- 28 o. At least 50 percent of the trees planted as replacement planting for removal of native
- 29 trees shall be the same species as the trees removed provided that the replacement
- 30 vegetation is locally available. **[Ord. 2006-036]** ~~[Text relocated from Section~~
- 31 ~~14.C.11.2]~~
- 32 ~~6.g.~~ Complies with any applicable federal, state or local designated preserve, conservation or
- 33 mitigation area. **[Text relocated from Section 14.C.7.C.6]**
- 34 h. Complete Rremovals or eradicationes of prohibited invasive non-native vegetation, as
- 35 identified in Appendix 6 Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive
- 36 Non-Native Vegetation, shall be completed for the entire parcel or parcels of the
- 37 Development Order prior to receipt of the CO. Planting or installation of vegetation identified
- 38 in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-
- 39 Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited
- 40 vegetation. No additional permit for such maintenance of vegetation shall be required. **[Ord.**
- 41 **2005 – 002]** **[Ord. 2006-004]** **[Text relocated from Section 14.C.9.B]**
- 42 3. **Establishing Native Upland Preserves**
- 43 All ~~standard permits~~ approvals for parcels equal to or greater than four acres shall be evaluated
- 44 by ERM for the establishment of a native upland preserve. Parcels that have significant or unique
- 45 areas of native upland vegetation, regardless of parcel size shall be required to designate a
- 46 native upland preserve equivalent to at least 25 percent of the total native upland vegetation on
- 47 site or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than
- 48 one half acre in size. New public park facilities constructed on parcels 20 acres in size or less
- 49 shall be exempt from the preserve requirements of this Chapter.
- 50 Factors that will determine if a parcel has significant or unique areas of native vegetation include,
- 51 but are not limited to the quality of the native ecosystem, overall quality of its biological diversity,
- 52 the presence of listed species, the wildlife habitat, value grouping of native vegetation, and the
- 53 compactness of the preserve and its proximity to other natural preserve areas and corridors.
- 54 **[Ord. 2007-013]** **[Text relocated from 14.C.11.B.4]**
- 55 a. **Preserve Boundaries** The preserve boundaries shall be designated in a certified survey
- 56 submitted to ERM for approval ~~prior to issuance of the standard permit~~. No easements may
- 57 be located within the boundaries of the preserve. Prior to and during parcel alteration, the
- 58 preserve boundaries shall be clearly marked and appropriately barricaded. Permanent
- 59 preserve boundary markers shall be installed and proper documentation submitted to ERM
- 60 prior to issuance of technical compliance or monitoring release the initial CO, if applicable, or
- 61 final vegetation inspection, and shall be maintained by the parcel owner in perpetuity. **[Text**
- 62 **relocated from 14.C.11.B.4.a]**
- 63 b. **Preserve Management Plan** The parcel owner shall develop a Preserve Management Plan
- 64 to provide long-term protection and maintenance of the values and functions of the preserve.
- 65 Activities that cause degradation of the preserve are prohibited. The Preserve Management
- 66 Plan shall be accepted ~~approved~~ by ERM prior to a DRO certification issuance ~~of the~~
- 67 ~~standard permit~~. ERM may provide Preserve Management Plan Guidelines. The parcel

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owner shall maintain the preserve in accordance with the Preserve Management Plan. Preserve Management Plan will include the requirement to maintain annual reports detailing species presences, control practices for prohibited and invasive non-native species, activity corrections to maintain compliance with the Plan, and photographs demonstrating the state of the preserve. Said annual reports shall be delivered to ERM upon request. Modifications to the Preserve Management Plan are prohibited without prior written approval by ERM. [Text relocated from 14.C.11.B.4.b]

- c. ~~Preserve Dedication~~ Preserve areas shall be identified graphically and legally described in the applicable deed restriction plat, restrictive covenant, conservation easement, or by a separate instrument to be recorded pursuant to F. S. §704.06, as amended. Said preserve shall be specifically and separately reserved to the owner, or if applicable, to the property owners' association as its perpetual maintenance responsibility, without recourse to PBC or other governmental entity or agency. Prior to technical compliance issuance of a standard permit, the plat or instrument shall be submitted to and approved by ERM, recorded in the public records of PBC, and proof of recordation shall be provided to ERM. Parcel owners are encouraged to dedicate voluntary preserves to PBC for preservation in perpetuity. PBC may enter into agreements with parcel owners to enhance private preserves. [Text relocated from 14.C.11.B.4.c]
- d. ~~Non-Native Vegetation~~ All vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, shall be removed from the parcel and proper documentation submitted to ERM prior to issuance of Technical Compliance or 75% completion of construction, the first CO, certificate of completion, or final inspection, whichever occurs first unless a phasing plan has been approved in writing by ERM. In addition to the removal requirement above, the vegetation identified in Appendix 9, Invasive Non-Native Vegetation within Preserves, shall be removed from the preserve area. The parcel owner shall thereafter maintain the parcel free of this vegetation. [Text relocated from 14.C.11.B.4.d]
- e. ~~Mitigation Option~~ A parcel owner may mitigate for the loss of vegetation during parcel improvement by preserving additional native upland habitat or vegetation or by developing and implementing a restoration and enhancement plan for a native upland preserve. Alternative mitigation proposals that meet the purpose and intent of this Chapter may also be submitted. [Text relocated from 14.C.11.B.4.e]
- f. ~~Offsite Dedication~~ Preserves may be dedicated off site in lieu of onsite dedication with ERM's approval. The size of the offsite preserve shall be based on the quality of the habitat or vegetation on both the parcel being improved and the parcel of the proposed preserve. The final appraised values of the parcel being improved and the parcel for the proposed preserve may also be considered. The location of the off-site preserve shall be determined prior to DRO. Prior to ~~the issuance of the standard permit approval~~, the instrument used to dedicate an off-site preserve shall be submitted to and approved by ERM. [Text relocated from 14.C.11.B.4.f]
- g. ~~Preserve Cash Buyout~~ A preserve may be purchased in accordance with Article ~~14.C.11.B.4.c, Preserve Dedication, the following:~~ [Text relocated from 14.C.11.B.4.g]
- a-1) A parcel owner may submit a cash payment in lieu of setting aside a native upland preserve provided the following criteria are met: [Text relocated from Section 14.C.11.C.2.a]
- 1)a) A written request shall be submitted to ERM prior to DRO, certification for public hearing, site plan certification, or issuance of a building construction permit, whichever occurs first; [Text relocated from Section 14.C.11.C.2.a.1)]
- 2)b) The cash payment shall be equivalent to the average per acre-appraised value, at the time of permit application, multiplied by the number of acres required to be preserved. PBC may request a second appraisal on which to base this cash payment; [Text relocated from Section 14.C.11.C.2.a.2]
- 3)c) The cash payment shall be made payable to the PBC Natural Areas ~~Stewardship Endowment~~ Fund and shall be submitted prior to issuance of the permit or site plan certification, whichever occurs first; and [Text relocated from Section 14.C.11.C.2.a.3]
- 4)d) If listed species are determined to be on the parcel, the applicant must demonstrate that the proposed action will not preclude the continued survival and viability of the listed species, or a plan must be approved by all applicable agencies for relocating those species. [Text relocated from Section 14.C.11.C.2.a.4]
- b-2) For bona fide agriculture, this cash payment option may allow commencement of parcel improvement prior to submittal of the cash payment provided: [Text relocated from Section 14.C.11.C.2.b]
- 1)a) The parcel owner records a restricted covenant on a PBC-approved form limiting the use of the parcel to bona fide agriculture, and requiring the parcel owner to make the cash payment to PBC at the time the parcel is converted to a nonagricultural land use or is sold; [Text relocated from Section 14.C.11.C.2.b.1)]

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- 2)b) The cash payment amount shall be calculated based on the appraised conversion value or actual cost, if sold, whichever is greater, of the parcel after conversion to a non-agricultural use; [Text relocated from Section 14.C.11.C.2.b.2]
- 3)c) Upon any conversion of a parcel to non-agricultural use where a deed restriction option is used, the parcel owner shall comply with PBC requirements for an enhanced landscape buffer; [Text relocated from Section 14.C.11.C.2.b.3]
- 4)d) The parcel owner considers increasing the upland set aside to offset any mitigation on the parcel for ~~specimen and relocatable~~ trees as determined by ERM; and [Text relocated from Section 14.C.11.C.2.b.2]
- 5)e) The parcel owner may consider replanting the preserve, with appropriate vegetation, as determined by ERM in lieu of cash payment. The constructed preserve shall comply with preserve standards as required under Article 14.C.11.B.4 7.B.3., Establishing Native Upland Preserves. Monies collected in lieu of establishing a preserve shall be paid to PBC for the Natural Areas Stewardship Endowment Fund for the management of native ecosystems. [Text relocated from Section 14.C.11.C.2.a]

**h. Bona-fide Agriculture**

~~For parcels that have a conservation easement requirement from the SFWMD, where upland dedication around a wetland is included as wetland mitigation, the land dedication may be used to reduce required upland set asides by ERM. [Text relocated from 14.C.11.B.4.h]~~

**i.h. Tree Preservation Areas**

Parcels less than 4 acres or parcels greater than four acres with significant upland vegetation that may not otherwise qualify for a 25 percent set aside, may be required to provide tree preservation area(s). Factors that will determine if a parcel has significant areas of native vegetation include, but are not limited to the quality of the ecosystem, overall quality of biological diversity, the presence of listed or uncommon species, wildlife habitat value, value grouping of assemblages of native vegetation, compactness of the area, and degree of limited impact by prohibited and invasive non-native vegetation. [Text relocated from 14.C.11.B.4.i]

**i. Preserve Maintenance**

Preserves shall be maintained in compliance with standards set forth in this Chapter and the preserve management plan. Non-native vegetation shall not be introduced into the preserve. Invasive vegetation that can alter the existing native vegetation communities by displacing native vegetation shall be removed if non-native or reduced, if native, to a level of non-interference with the growth of native vegetation. [Text relocated from Section 14.C.11.B.7]

**6.4. Surplus Native Vegetation**

Native upland vegetation that cannot be preserved or relocated on the parcel shall be considered surplus. An applicant for ~~a standard permit~~ an approval shall complete and attach to the application a Vegetation Surplus Form provided by ERM, and a list of the available vegetation including the species names and approximate quantity and sizes of each species to be surplus. The applicant shall prevent inadvertent destruction by physically marking available vegetation on the parcel to afford easy identification. ERM shall maintain a list of persons interested in relocating surplus native vegetation, and shall assist in finding suitable locations for this surplus vegetation. Should a parcel owner elect to participate in the Vegetation Surplus program, the vegetation shall remain available for removal, sale or donation for at least 20 business working days after issuance of the permit unless a shorter time frame is approved in writing by ERM, and the parcel owner shall cooperate with relocating surplus vegetation off site. Should a parcel owner elect not to participate in the benefits of the Vegetation Surplus program, this fact shall be stated on the ~~standard permit~~ application. [Text relocated from Section 14.C.11.B.6]

**5. Mitigation or Restoration [Text relocated from Section 16]**

a. When native trees are removed or damaged without a permit ~~approval~~ or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with approval ~~a permit~~, they shall be replaced at double the rate shown in the Table 7.D.2.D-4 Tree Credit and Replacement ~~Table 14.C.16-1, Tree Replacement and Art 14.C.16.B, below~~. For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 7.D.2.D-4, Tree Credit and Replacement ~~Table 14.C.16-1, Tree Replacement~~. Should replacement values not be found in the Table, the vegetation shall be replaced like size. ~~Table 14.C.16-1, Tree Replacement, shall apply to mitigation or restoration as follows: [Ord. 2005-002] [Ord. 2006-036]~~ [Text relocated from Section 16]

3.b. ~~Alternative Mitigation for Publicly Owned Parcels~~ Alternative mitigation that meets the purpose and intent of this Chapter may be proposed for public projects on a publicly owned parcel. Alternative mitigation proposals shall be reviewed and a determination made by the County Administrator in consultation with the Director of ERM. [Text relocated to Section 14.C.11.B.7]

c. All mitigation shall occur and proper documentation submitted to ERM prior to Technical Compliance or 75% completion of construction.

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d. Any clearing activity after 1986 which cannot provide evidence of approval, will be required to restore 9 trees per 1500 square feet of cleared area.

Section 8 Exemptions

The following activities do not require a permit an approval under this Chapter:

J. **Preserve Management Activities**

Preserve management activities provided that:

1. The preserve area is designated by deed restriction, plat, restrictive covenant, or conservation easement and is dedicated to a public entity or approved private conservation group for preservation in perpetuity;
2. The activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and
3. The preserve area has a preserve management plan approved by ERM.

~~K. Projects Requiring an Environmental Resource Permit~~

~~A Wetlands Alteration Permit shall not be required for those projects permitted for wetland impacts through the Environmental Resource Permit process by Florida Department of Environmental Protection or SFWMD, and that are described in Rule 62 312.050, F.A.C., as amended.~~

~~[Renumber accordingly] ....~~

~~Section 9 Vegetation Removal Notice for Single Family Residential Parcels~~

~~The initial construction of a single family unit or a single two unit (duplex) residence or associate accessory structures on parcels less than two and one half acres in gross size shall require a VRN. The notice conditions are: [Text relocated to Section 14.C.7.A]~~

~~A. Minimum Alteration~~

~~Removal of native vegetation shall be limited to the minimum necessary to accomplish the purpose of the site plan. A site plan that eliminates or nearly eliminates native vegetation will not be approved under this Chapter. Specimen tree removal shall require mitigation. [Text relocated to 14.C.7.A.1]~~

~~B. Removal of Prohibited Invasive Non Native Vegetation~~

~~Complete removal or eradication of prohibited invasive non native vegetation, as identified in Appendix 6 Prohibited Invasive Non Native Vegetation, and Appendix 7, Invasive Non Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 6, Prohibited Invasive Non Native Vegetation, and Appendix 7, Invasive Non Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002] [Ord. 2006-004] [Text relocated to Section 14.C.7.B.2.h]~~

~~C. Permit Duration~~

~~The VRN shall be in effect for up to two years after the issuance date. The issuance date shall be the date of issuance of the building construction permit. ERM may extend the Notice for one year upon written request.~~

Section 10 General Permit

A parcel owner may apply for a general permit to remove minor vegetation or for prohibited and invasive non native vegetation. A general permit with appropriate conditions designed to protect native vegetation may be issued following an on-site meeting with the parcel owner or the parcel owner's agent and receipt of a completed permit application signed by the parcel owner or the parcel owner's agent. Such permit conditions may include, but are not limited to, setbacks from protected vegetation, recommended methods of vegetation removal, protection of specimen trees and listed species, removal of Prohibited and Invasive Non native Vegetation and recommended vegetation disposal. Parcels cleared under this Section shall be maintained free of Prohibited Invasive Non Native Vegetation and Invasive Non native Vegetation as identified in Appendices 6, Prohibited Invasive Non Native Vegetation, and 7, Invasive Non Native Vegetation. No additional permit for such maintenance of vegetation shall be required. General permits are valid for two years, unless extended in writing by ERM. [Ord. 2005-002]

Section 11 Standard Permit

A. **Applicability**

A parcel owner may apply for a standard permit to:

1. Remove prohibited invasive non native vegetation;
2. Incorporate existing native vegetation into the site plan;

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EXHIBIT 1

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- 1 3. Minimize the removal of native vegetation and maximize the use of areas dominated by non-
- 2 native vegetation for the location of buildings or accessory structures;
- 3 4. Relocate native vegetation either on or off site;
- 4 5. Establish native upland preserves; or
- 5 6. Mitigate the removal of native vegetation, provided that the activity furthers the preservation
- 6 and protection of native vegetation. ~~[Ord. 2006-036]~~
- 7 7. ~~With the exception of bonafide agricultural, equestrian, and roadway production activities, a~~
- 8 ~~standard permit shall be issued with the applicable building permit land development permit,~~
- 9 ~~or written notification of technical compliance, and is valid for two years unless extended in~~
- 10 ~~writing by ERM. ~~[Ord. 2006-036]~~~~

11 **B. Technical Requirements for a Standard Permit**

12 **1. Removal of Prohibited Invasive Non-Native Vegetation**

13 ~~Removal or eradication of prohibited and invasive non-native vegetation identified in~~  
14 ~~Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native~~  
15 ~~Vegetation, shall be completed for the entire parcel or parcels of the Development Order~~  
16 ~~concurrent with the permitted vegetation alteration and prior to receipt of the first CO, if~~  
17 ~~applicable, unless a phasing plan has been approved in writing by ERM. The parcel owner~~  
18 ~~shall thereafter maintain the parcel free of this prohibited invasive non-native vegetation. No~~  
19 ~~additional permit for such maintenance of vegetation shall be required. ~~[Ord. 2005-002]~~ [~~Ord. 2006-004]~~~~

20 **2. Incorporation or Relocation of Existing Native Vegetation**

21 ~~Existing native vegetation shall be incorporated into the site plan and protected during~~  
22 ~~construction. Parcel improvement features shall be configured to minimize removal of existing~~  
23 ~~native vegetation and maximize the use of areas dominated by prohibited and invasive non-~~  
24 ~~native vegetation. Existing native vegetation that cannot be preserved in place shall be~~  
25 ~~relocated to appropriate buffer and open space areas on the parcel. Relocatable native~~  
26 ~~vegetation that cannot be incorporated into the parcel may be considered surplus. There is~~  
27 ~~no requirement to provide vegetation for surplus. Non-relocatable native vegetation that~~  
28 ~~cannot be maintained on the parcel shall be mitigated for in accordance with the Tree~~  
29 ~~Replacement Table 14.C.16-1, Tree Replacement, and accepted by ERM prior to the receipt~~  
30 ~~of the CO. ERM shall also consider: ~~[Ord. 2005-002]~~ [~~Ord. 2008-003]~~ [~~Text relocated to~~~~  
31 ~~Section 14.C.7.B.2.e]~~

- 32 a. ~~Alternative designs to limit the removal of native vegetation to the minimum necessary~~  
33 ~~while still allowing the applicant to accomplish the purpose of the site plan;~~
- 34 b. ~~Preserving listed species in place or relocating to buffers, open space or unimproved~~  
35 ~~portions of the parcel;~~
- 36 c. ~~The likelihood of success for relocated native vegetation;~~
- 37 d. ~~The use of barriers and flagging during construction to establish appropriate setbacks to~~  
38 ~~protect and preserve native vegetation;~~
- 39 e. ~~Mitigation or compensation for the loss of native vegetation;~~
- 40 f. ~~At least 50 percent of the trees planted as mitigation for the removal of native trees shall~~  
41 ~~be the same species as the trees removed, provided that the mitigation vegetation is~~  
42 ~~locally available;~~
- 43 g. ~~For single family residences located on two and one-half acres or more, mitigation may~~  
44 ~~not be required, other than for specimen trees, for the area of the house pad and~~  
45 ~~attached structures, and the septic system. This shall be determined by ERM on a case-~~  
46 ~~by case basis, after determination that the parcel owner is providing a building location~~  
47 ~~that is the best environmental use of the parcel;~~
- 48 h. ~~For single family residential parcels which where the parcel owner located the residence~~  
49 ~~that is the best environmental use of the parcel, mitigation of specimen trees shall be on~~  
50 ~~a tree for tree basis if the specimen trees are not relocatable; and~~
- 51 i. ~~Creation of a tree preservation area.~~
- 52 j. ~~Off site replacement shall be allowed if on site planting is not feasible due to unsuitable~~  
53 ~~parcel conditions. Off site planting shall be in or adjacent to a public park parcel or native~~  
54 ~~upland area; ~~[Ord. 2006-036]~~~~
- 55 k. ~~In lieu of replacement planting, a donation may be made to PBC for the Natural Area~~  
56 ~~Stewardship Endowment Fund. The donation amount shall be based on the average cost~~  
57 ~~of the purchase, installation and maintenance for one year of an equivalent number of~~  
58 ~~replacement trees or actual cost of removing and replanting specimen trees; ~~[Ord. 2006-~~~~  
59 ~~036]~~
- 60 l. ~~The parcel owner shall provide irrigation, mulch, and other practical means to ensure the~~  
61 ~~survivorship of any relocated specimen tree. If a relocated specimen tree does not~~  
62 ~~survive, it shall be replaced with a native pursuant to Table 14.C.16-1, Tree~~  
63 ~~Replacement. ~~[Ord. 2006-036]~~~~
- 64 m. ~~Replacement planting consisting of native scrub vegetation may be approved on a case~~  
65 ~~by case basis where appropriate soil characteristics exist and amount of remaining~~  
66 ~~canopy and other understory vegetation will be sufficient; ~~[Ord. 2006-036]~~~~
- 67

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n. ~~Sabal palms may be allowed as replacement plantings for canopy trees if approved by ERM and planted at 3:1 (palms: required replacement trees) based on table 14.C.16.1, Tree replacement, on 10 foot centers, +/- 1 foot and grouped as shown on a planting plan Table approved by ERM; [Ord. 2006-036]~~

e. ~~At least 50 percent of the trees planted as replacement planting for removal of native trees shall be the same species as the trees removed provided that the replacement vegetation is locally available. [Ord. 2006-036] [Text relocated to 14.C.7.B.2.f]~~

3. ~~Specimen Tree Removal~~

~~Removal of any specimen tree identified in Appendix 8, Specimen Tree List, is prohibited unless the following criteria are met:~~

a. ~~Site plans shall be developed to incorporate any specimen tree in its original location to the greatest extent possible;~~

b. ~~A specimen tree shall be relocated in a manner to ensure survivability if there is no reasonable alternative that allows incorporation of the tree into the parcel design;~~

c. ~~If a specimen tree cannot be relocated, the parcel owner shall install replacement plantings consisting of native vegetation pursuant to Table 14.C.16.1, Tree Replacement. This requirement is in addition to Landscape Code requirements and any other conditions of approval.~~

d. ~~For bonafide agriculture activities, mitigation for removal of specimen trees may be accomplished by incorporation of relocatable trees on the parcel, use of relocatable trees as nursery stock, donation of relocatable trees to public agencies, sale of relocatable trees, or relocation to off-site areas approved by ERM. [Ord. 2006-036]~~

4. ~~Establishing Native Upland Preserves~~

~~All standard permits for parcels equal to or greater than four acres shall be evaluated by ERM for the establishment of a native upland preserve. Parcels that have significant or unique areas of native upland vegetation, regardless of parcel size shall be required to designate a native upland preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than one half acre in size. Now public park facilities constructed on parcels 20 acres in size or less shall be exempt from the preserve requirements of this Chapter. [Text relocated to Section 14.C.7.B.3]~~

~~Factors that will determine if a parcel has significant or unique areas of native vegetation include, but are not limited to the quality of the native ecosystem, overall quality of its biological diversity, the presence of listed species, the wildlife habitat, value grouping of native vegetation, and the compactness of the preserve and its proximity to other natural preserve areas and corridors. [Ord. 2007-013]~~

a. ~~Preserve Boundaries~~

~~The preserve boundaries shall be designated in a certified survey submitted to ERM for approval prior to issuance of the standard permit. No easements may be located within the boundaries of the preserve. Prior to and during parcel alteration, the preserve boundaries shall be clearly marked and appropriately barricaded. Permanent preserve boundary markers shall be installed prior to issuance of the initial CO, if applicable, or final vegetation inspection, and shall be maintained by the parcel owner in perpetuity.~~

b. ~~Preserve Management Plan~~

~~The parcel owner shall develop a Preserve Management Plan to provide long term protection and maintenance of the values and functions of the preserve. Activities that cause degradation of the preserve are prohibited. The Preserve Management Plan shall be approved by ERM prior to issuance of the standard permit. ERM may provide Preserve Management Plan Guidelines. The parcel owner shall maintain the preserve in accordance with the Preserve Management Plan. Modifications to the Preserve Management Plan are prohibited without prior written approval by ERM.~~

c. ~~Preserve Dedication~~

~~Preserve areas shall be identified graphically and legally described in the applicable deed restriction plat, restrictive covenant, conservation easement, or by a separate instrument to be recorded pursuant to F. S. §704.06, as amended. Said preserve shall be specifically and separately reserved to the owner, or if applicable, to the property owners' association as its perpetual maintenance responsibility, without recourse to PBC or other governmental entity or agency. Prior to issuance of a standard permit, the plat or instrument shall be submitted to and approved by ERM, recorded in the public records of PBC, and proof of recordation shall be provided to ERM. Parcel owners are encouraged to dedicate voluntary preserves to PBC for preservation in perpetuity. PBC may enter into agreements with parcel owners to enhance private preserves.~~

d. ~~Non-Native Vegetation~~

~~All vegetation listed in Appendix 6, Prohibited Invasive Non Native Vegetation, and Appendix 7, Invasive Non Native Vegetation, shall be removed from the parcel prior to issuance of the first CO, certificate of completion, or final inspection, whichever occurs first unless a phasing plan has been approved in writing by ERM. In addition to the~~

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- 1 ~~removal requirement above, the vegetation identified in Appendix 9, Invasive Non-Native~~
- 2 ~~Vegetation within Preserves, shall be removed from the preserve area. The parcel owner~~
- 3 ~~shall thereafter maintain the parcel free of this vegetation.~~
- 4 **e. Mitigation Option**
- 5 ~~A parcel owner may mitigate for the loss of vegetation during parcel improvement by~~
- 6 ~~preserving additional native upland habitat or vegetation or by developing and~~
- 7 ~~implementing a restoration and enhancement plan for a native upland preserve.~~
- 8 ~~Alternative mitigation proposals that meet the purpose and intent of this Chapter may~~
- 9 ~~also be submitted.~~
- 10 **f. Offsite Dedication**
- 11 ~~Preserves may be dedicated off site in lieu of onsite dedication with ERM's approval.~~
- 12 ~~The size of the offsite preserve shall be based on the quality of the habitat or vegetation~~
- 13 ~~on both the parcel being improved and the parcel of the proposed preserve. The final~~
- 14 ~~appraised values of the parcel being improved and the parcel for the proposed preserve~~
- 15 ~~may also be considered. The location of the off-site preserve shall be determined prior to~~
- 16 ~~DRQ. Prior to the issuance of the standard permit, the instrument used to dedicate an~~
- 17 ~~off-site preserve shall be submitted to and approved by ERM.~~
- 18 **g. Preserve Cash Buyout**
- 19 ~~A preserve may be purchased in accordance with Article 14.C.11.B.4.c, Preserve~~
- 20 ~~Dedication. [Text relocated to Section 14.C.7.B.3.g]~~
- 21 **h. Bona fide Agriculture**
- 22 ~~For parcels that have a conservation easement requirement from the SFWMD, where~~
- 23 ~~upland dedication around a wetland is included as wetland mitigation, the land dedication~~
- 24 ~~may be used to reduce required upland set-asides by ERM.~~
- 25 **i. Tree Preservation Areas**
- 26 ~~Parcels less than 4 acres or parcels greater than four acres with significant upland~~
- 27 ~~vegetation that may not otherwise qualify for a 25 percent set aside, may be required to~~
- 28 ~~provide tree preservation area(s). Factors that will determine if a parcel has significant~~
- 29 ~~areas of native vegetation include, but are not limited to the quality of the ecosystem,~~
- 30 ~~overall quality of biological diversity, the presence of listed or uncommon species, wildlife~~
- 31 ~~habitat value, value grouping of assemblages of native vegetation, compactness of the~~
- 32 ~~area, and degree of limited impact by prohibited and invasive non-native vegetation.~~
- 33 ~~[Text relocated to 14.C.7.B.3.h]~~
- 34 **5. Native Upland Preserve Exemption for Single Family Use**
- 35 ~~A parcel owner shall not be required to establish a native upland preserve on a parcel~~
- 36 ~~containing a single family residence or a single two unit residence provided that no more than~~
- 37 ~~60 percent of the total parcel may be cleared for non-residential ancillary uses as permitted~~
- 38 ~~by the underlying zoning, including agricultural or equestrian uses, and including associated~~
- 39 ~~canal, pond or drainage features, and which results in the alteration or removal of existing~~
- 40 ~~native upland vegetation. The site development plan shall minimize the removal of existing~~
- 41 ~~native vegetation and maximize the use of areas dominated by non-native vegetation.~~
- 42 **a. Agricultural and Equestrian Use**
- 43 ~~Parcels for single family residences or a single two unit (duplex) residence in which more~~
- 44 ~~than 60 percent of the parcel may be cleared for agricultural and equestrian use,~~
- 45 ~~including associated canal, pond or drainage features, and which results in the alteration~~
- 46 ~~or removal of existing native upland vegetation, shall comply with the preserve~~
- 47 ~~requirements of Article 14.C.11.B.4, Establishing Native Upland Preserves, above.~~
- 48 **b. Other Ancillary Uses**
- 49 ~~Parcels for single family residences or a single two unit (duplex) residences where more~~
- 50 ~~than 60 percent of the parcel may be cleared for an ancillary use not specifically defined~~
- 51 ~~above, but permitted by the underlying zoning, and which results in the alteration or~~
- 52 ~~removal of existing native upland vegetation, shall comply with the preserve requirements~~
- 53 ~~of Article 14.C.11.B.4, Establishing Native Upland Preserves, above.~~
- 54 **c. Native Upland Preserve Incentive Programs**
- 55 ~~Single family landowners are encouraged to establish native vegetation preserves to~~
- 56 ~~protect and maintain native upland vegetation communities. The BCC may establish by~~
- 57 ~~Resolution and maintain at its discretion one or more incentive programs designed to~~
- 58 ~~encourage establishment of native upland preserves on parcels for single family~~
- 59 ~~residences otherwise exempt by this Chapter.~~
- 60 **6. Surplus Native Vegetation**
- 61 ~~Native upland vegetation that cannot be preserved or relocated on the parcel shall be~~
- 62 ~~considered surplus. An applicant for a standard permit shall complete and attach to the~~
- 63 ~~application a Vegetation Surplus Form provided by ERM, and a list of the available vegetation~~
- 64 ~~including the species names and approximate quantity and sizes of each species to be~~
- 65 ~~surplused. The applicant shall prevent inadvertent destruction by physically marking available~~
- 66 ~~vegetation on the parcel to afford easy identification. ERM shall maintain a list of persons~~
- 67 ~~interested in relocating surplus native vegetation, and shall assist in finding suitable locations~~

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
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~~for this surplus vegetation. Should a parcel owner elect to participate in the Vegetation Surplus program, the vegetation shall remain available for removal, sale or donation for at least 20 business days after issuance of the permit unless a shorter time frame is approved in writing by ERM and the parcel owner shall cooperate with relocating surplus vegetation off site. Should a parcel owner elect not to participate in the benefits of the Vegetation Surplus program, this fact shall be stated on the standard permit application. [Text relocated to Section 14.C.7.B.4]~~

**7. Preserve Maintenance**

~~Preserves shall be maintained in compliance with standards set forth in this Chapter and the preserve management plan. Non-native vegetation shall not be introduced into the preserve. Invasive vegetation that can alter the existing native vegetation communities by displacing native vegetation shall be removed if non-native or reduced, if native, to a level of non-interference with the growth of native vegetation. [Text relocated to Section 14.C.7.B.3.i]~~

**C. Standard Permit Options**

The following options are available on a voluntary basis to applicants seeking a standard permit:

**1. Option For Permit in Advance Of Approval By Other Agencies**

~~The speculative removal or elimination of native vegetation in advance of parcel improvement is not consistent with the goals of this Chapter. However, certain conditions can provide assurances that parcel improvement will proceed in good faith. A standard permit may be issued by ERM in advance of issuance of the Land Development Permit, building permit if, in addition to the application requirements contained in Article 14.C.11.B, Technical Requirements for a Standard Permit, the following additional information is provided: [Ord. 2008-003]~~

- ~~a. Evidence of submittal of an application for a Land Development Permit and fee payment; or~~
- ~~b. If no Land Development Permit is required, evidence of issuance of a Letter of Technical Compliance and fee payment, and a copy of the SFWMD early works permit for the parcel; and [Ord. 2008-003]~~
- ~~c. A performance guarantee in an amount equal to 110 percent of the cost to restore native plant communities appropriate to the parcel in the event native vegetation is damaged or destroyed in violation of the permit conditions during the pre-construction activities or improvement of the parcel is abandoned or significantly delayed. Two estimates of the cost to restore may be required for purposes of establishing the applicable amount of the performance guarantee.
 
  - ~~1) Execution~~  
~~The performance guarantee shall be executed by a person with a bonafide legal interest in the parcel. The performance guarantee shall be kept in full force until all obligations thereunder are satisfied.~~
  - ~~2) Form of Guarantee~~  
~~The guarantee shall be:
 
    - ~~a) A cash deposit or certificate of deposit assigned to PBC; or~~
    - ~~b) An escrow agreement for the benefit of PBC and on a PBC approved form; or~~
    - ~~c) A performance bond issued by a State of Florida registered guarantee company which shall be listed the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations, and on a PBC approved form; or~~
    - ~~d) A clean, irrevocable letter of credit on a PBC approved form;~~~~~~
- ~~d. The final site plan certification has been granted by the Development Review Officer;~~
- ~~e. The work for which the permit is issued shall commence within one year of the issuance date;~~
- ~~f. Preserve dedication, pursuant to Article 14.C.11.B.4.c, Preserve Dedication, for any designated preserve area has occurred; and~~
- ~~g. Within one year of permit issuance, all prohibited invasive non-native vegetation shall be removed. Throughout construction, the parcel shall be maintained to prevent the re-establishment of prohibited invasive non-native vegetation. A report verifying the removal of prohibited invasive non-native vegetation shall be submitted to ERM by a landscape architect, environmental professional, or arborist. In the event PBC exercises its option on the guarantee pursuant to Art. 14.C.11.C.1.c, above, this maintenance and monitoring shall cease.~~

**2. Cash Payment Option in Lieu of Native Upland Preserve**

- ~~a. A parcel owner may submit a cash payment in lieu of setting aside a native upland preserve provided the following criteria are met:
 
  - ~~1) A written request shall be submitted to ERM prior to DRO, certification for public hearing, site plan certification, or issuance of a building construction permit, whichever occurs first;~~
  - ~~2) The cash payment shall be equivalent to the average per acre appraised value, at the time of permit application, multiplied by the number of acres required to be~~~~

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~~preserved. PBC may request a second appraisal on which to base this cash payment;~~

~~3) The cash payment shall be made payable to the PBC Natural Areas Stewardship Endowment Fund and shall be submitted prior to issuance of the permit or site plan certification, whichever occurs first; and~~

~~4) If listed species are determined to be on the parcel, the applicant must demonstrate that the proposed action will not preclude the continued survival and viability of the listed species, or a plan must be approved by all applicable agencies for relocating those species.~~

~~b. For bona fide agriculture, this cash payment option may allow commencement of parcel improvement prior to submittal of the cash payment provided:~~

~~1) The parcel owner records a restricted covenant on a PBC approved form limiting the use of the parcel to bona fide agriculture, and requiring the parcel owner to make the cash payment to PBC at the time the parcel is converted to a nonagricultural land use or is sold;~~

~~2) The cash payment amount shall be calculated based on the appraised conversion value or actual cost, if sold, whichever is greater, of the parcel after conversion to a non-agricultural use;~~

~~3) Upon any conversion of a parcel to non-agricultural use where a deed restriction option is used, the parcel owner shall comply with PBC requirements for an enhanced landscape buffer;~~

~~4) The parcel owner considers increasing the upland set aside to offset any mitigation on the parcel for specimen and relocatable trees as determined by ERM; and~~

~~5) The parcel owner may consider replanting the preserve, with appropriate vegetation, as determined by ERM in lieu of cash payment. The constructed preserve shall comply with preserve standards as required under Article 14.C.11.B.4, Establishing Native Upland Preserves.~~

~~Monies collected in lieu of establishing a preserve shall be paid to PBC for the Natural Areas Stewardship Endowment Fund for the management of native ecosystems. [Text relocated to Section~~

~~3. **Alternative Mitigation for Publicly Owned Parcels**~~

~~Alternative mitigation that meets the purpose and intent of this Chapter may be proposed for public projects on a publicly owned parcel. Alternative mitigation proposals shall be reviewed and a determination made by the County Administrator in consultation with the Director of ERM. [Text relocated to Section 14.C.7.B 5.b)]~~

~~4. **Mitigation Option for Projects**~~

~~For projects that do not meet the permitting criteria of Article 14.C, VEGETATION PRESERVATION AND PROTECTION, the applicant may submit a proposal for mitigation. The proposal will be approved if:~~

~~a. An applicant demonstrates that the proposed activity cannot be practically located at an alternative upland or highly disturbed wetland parcel;~~

~~b. The applicant has taken reasonable project modification measures to reduce vegetation/habitat loss and/or degradation, such as parcel designs to limit impacts to specimen trees; reduce fill into or drainage of wetlands; provision of an upland area (buffer) intended to protect wetlands from dredging, filling, or construction activities on adjacent lands; the use of erosion control measures where the activity will cause erosion; construction of pretreatment facilities for stormwater to be discharged into wetlands; and undertaking activities at such time of year that would have the least impact upon vegetation, wetland, or endangered or threatened vegetation; and~~

~~c. The wetland mitigation standards set forth in Section 4.3 of the SFWMD BOR, as amended shall be the standards applicable to this Article and are hereby adopted and incorporated by reference as if set forth in full herein.~~

~~5. **Selective Mitigation**~~

~~A parcel owner may selectively relocate trees on the parcel prior to the first to occur of the issuance of a Land Development Permit, building permit or written notification of technical compliance, if the relocation will increase the survivability of native trees. The parcel owner shall submit to ERM a standard permit application demonstrating that the trees are relocatable. No relocation may occur prior to issuance of the ERM Permit. Trees that do not survive shall be replaced with native trees according to Art. 14.C.16.1, Tree Replacement.~~

~~6. **Bonafide Agriculture Initial Clearing**~~

~~Should ERM determine that a parcel to be cleared for bonafide agriculture may be allowed to remove vegetation without mitigation, the parcel owner may record a restrictive covenant on a PBC approved form limiting the parcel to bonafide agriculture, and requiring the parcel owner to make a cash payment or mitigate the trees on site at the time the parcel is converted to a nonagricultural land use. The restrictive covenant is required to provide language stating the number of relocatable and specimen trees required at the time of conversion.~~

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
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**Section 42 9 Removal of Prohibited Invasive Non-Native Vegetation**

**A. ~~Removal of Prohibited Plant Species~~**

Improved parcels approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation.

**Section 43 10 Fees**

A. Fees shall be required as established by resolution of the BCC. Fees shall be non-refundable and non-transferable. An administrative fee may be required where projects require specific detailed site plan assistance by PBC or where site plans change after initial review. Application fees paid by check shall be payable to the BCC.

**Section 44 11 Appeals**

**A. Hearing Officer**

An applicant for any approval permit may appeal a final determination made by the Director of ERM to a Hearing Officer as established in Article 17.C.7, Hearing Officers, of this Code pursuant to this Chapter. The applicant shall comply with the following appeal procedures.

**1. Submittal**

A written appeal must be made within 20 days of the applicant's receipt of the decision by the Director of ERM. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the applicant seeks to rely. Failure to file within such time frame shall constitute a waiver of a person's right of review by the Hearing Officer.

....

**Section 45 12 Violations**

**A. Violations**

A violation shall be:

1. The alteration or removal of ~~one specimen tree or the alteration or removal of~~ up to 1,500 square feet of vegetation without a ~~valid permit~~ an approval from ERM, unless expressly exempt under this Chapter. Alteration or removal of each additional ~~specimen tree and alteration of each additional~~ 1,500 square feet of vegetation or portion thereof in violation of this Chapter shall constitute a separate and additional violation.
2. Failure to comply with a condition of a ~~permit~~ an approval issued by ERM pursuant to this Chapter or a requirement of a Preserve Management Plan approved by ERM. Each condition or requirement violated and each occurrence of a violation shall constitute as a separate violation.
3. ~~Altering, or allowing to be altered, any jurisdictional wetland without an ERM permit, or in violation of an ERM permit.~~
4. ~~3.~~ Failure to comply with the requirements of this Chapter or any approval granted or activity authorized hereunder.

**[Renumber accordingly]**

**B. Enforcement**

1. To enforce compliance with this Chapter, the County ERM may issue a cease and desist order or require that a building permit or CO be withheld. A violation of this Chapter shall be punishable by one or more of the following:
  - a. ~~Quadruple permit fees for violations involving activities conducted without a valid permit that may otherwise have been permitted;~~
  - b. ~~Quadruple permit modification fees for activities conducted with a valid permit that are inconsistent with the stated permit conditions and result in a need to modify the existing permit. [Ord. 2008-003]~~
  - e. a. Remedies outlined in Article 10, CODE ENFORCEMENT, of the Code; **[Ord. 2008-003]**
  - b. Any applicable remedies under F.S. Chapters 125 and 162, as amended; **[Ord. 2008-003]**
  - e. c. PBC may take any other appropriate legal action, including but not limited to, ~~administrative~~ action, and requests for temporary and permanent injunctions to enforce the provisions of this Chapter; and **[Ord. 2008-003]**

**[Renumber accordingly]**

**C. Pollution Recovery Trust Fund**

All monies collected as civil penalties for violations of this Chapter shall be paid to PBC for the Pollution Recovery Trust Fund.

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
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D. Restoration

Properties cleared after 1986 without evidence of or in contradiction to approval will be required to restore 9 trees per violation.

**Section 16 – Mitigation or Restoration**

~~When native trees are removed or damaged without a permit or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with a permit, they shall be replaced at double the rate shown in the Table 14.C.16-1, Tree Replacement and Art 14.C.16.B, below. For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 14.C.16-1, Tree Replacement. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. Table 14.C.16-1, Tree Replacement, shall apply to mitigation or restoration as follows: [Ord. 2005-002] [Ord. 2006-036] [Text relocated to Section 14.C.7.B.5]~~

**Table 14.C.16-1 Tree Replacement**

Crown Spread of Tree	Or	Diameter at 4.5 Feet Above Grade	=	Replacements
90 Feet or Greater	Or	27 inches or more	=	9
60-80 Feet	Or	24-26 inches	=	8
50-59 Feet	Or	21-23 inches	=	7
40-49 Feet	Or	18-20 inches	=	6
30-39 Feet	Or	15-17 inches	=	5
20-29 Feet	Or	12-14 inches	=	4
10-19 Feet	Or	9-11 inches	=	3
5-9 Feet	Or	6-8 inches	=	2
Less than 5 Feet	Or	Less than 6 inches	=	0

- ~~A. Replacement trees shall be at least 12 feet in height, two and one-half inches DBH, and consist of native vegetation, indigenous to the area, and be Florida Number 1 or better in quality. Field grown replacement trees shall be evaluated on a case-by-case basis for quality.~~
- ~~B. Replacement Palms shall be at least 12 feet in height. Sabal palms shall be replaced at a ratio of 2:1 for mitigation and this number doubled for restoration. A mitigation ratio of 2:1 shall be applied to permitted palm removal. [Ord. 2006-036]~~
- ~~C. If the required replacement trees cannot to be purchased within 60 miles from the parcel, an alternate replacement may be approved by ERM.~~
- ~~D. Replaceable Specimen Trees greater than 22 inches DBH shall be replaced with a tree of the same species and equal or greater DBH.~~
- ~~E. Replacement trees may be replaced with a contribution to the Natural Areas Stewardship Endowment Fund for the cost of the purchase and relocation of a like tree.~~
- ~~F. Dahoon Holly trees shall be replaced like size for like size for mitigation and the number doubled for restoration.~~
- ~~G. Monitoring time frames shall be established for mitigation and replacement vegetation, as needed.~~
- ~~H. Mitigation vegetation, other than trees, may be approved by ERM providing the vegetation is native and indigenous to the area.~~
- ~~I. All replacement plants specified in the Standard Permit are required to be accepted prior to the release of the Certificate of Occupancy, unless otherwise approved by ERM. [Ord. 2008-003]~~

**Section 17-13 Natural Areas and Preserve Areas**

....

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
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1 Part 2 . ULDC, Art.14.D, Prohibited Invasive Non-Native Vegetation Removal, (pages 45-48 of 57),  
2 and Appendices 10-12 (pages 54-57) is hereby amended as follows:  
3

4 CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL

5 Section 1 Purpose and Intent

- 6 A. It is the intent of this Chapter to require removal and control of prohibited invasive non native
- 7 vegetation.
- 8 B. It is the intent of this Chapter to protect natural areas from unwanted seed sources from outside
- 9 the natural areas.
- 10 ~~C. It is the intent of this Chapter to provide incentives for prohibited invasive non native vegetation~~
- 11 ~~removal in advance of the required removal time frames and provide replacement vegetation for~~
- 12 ~~canopy loss.~~
- 13 ~~D. It is the intent of this Chapter to concentrate efforts and funding on buffers around natural areas.~~

14  
15 Section 2 Definitions

16 See Art. 1.1, Definitions and Acronyms

17  
18 Section 3 Applicability

- 19 A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas
- 20 of PBC, except to the extent of conflict with a municipal ordinance, in which case the municipal
- 21 ordinance will prevail over this Chapter in accordance with Article 1, Section 1.3 General
- 22 Provisions of the Charter of PBC.
- 23 ~~B. Incentive funds for use within municipalities shall be contingent upon this Chapter being fully~~
- 24 ~~enforced or the adoption and enforcement of an equally stringent or more stringent ordinance by~~
- 25 ~~a municipality. Funding determinations shall be based on PBC ERM review and acceptance or~~
- 26 ~~rejection of a municipality's replacement ordinance including the requirement of eradication of~~
- 27 ~~prohibited invasive non native vegetation prior to the certificate of occupancy for improved~~
- 28 ~~parcels.~~

29  
30 Section 4 Authority

- 31 A. This Chapter is adopted under the authority of F.S. Chapter 125, and the Plan, as amended.
- 32 ERM shall administer the requirements of this Chapter.

33  
34 Section 5 Protection of Natural Areas:

- 35 A. The County will establish by geographical information system reference, a 500 foot buffer area
- 36 around all natural areas listed on Appendix 10, Natural Areas. Maps of the natural areas
- 37 including buffers shall be on file and maintained by ERM and made available to the public.
- 38 ~~1. By February 25, 2008 PBC shall implement a program to evaluate the effectiveness of the~~
- 39 ~~500 foot buffer for protecting natural areas from reinfestation of prohibited invasive non native~~
- 40 ~~vegetation from nearby parcels.~~
- 41 ~~2. Should the PBC find the 500 foot buffer is ineffective at preventing reinfestation, the PBC,~~
- 42 ~~using best available scientific information, shall determine if an expanded buffer is~~
- 43 ~~appropriate.~~
- 44 ~~3. Maps of the natural areas including buffers shall be on file and maintained by ERM and made~~
- 45 ~~available to the public.~~
- 46 B. Natural areas acquired by the BCC using the Conservation Lands Bond Fund shall be added to
- 47 Appendix 10 Attachment A pursuant to a duly noticed public hearing.
- 48 C. Any individual, organization, or governmental entity owning or controlling a natural area may
- 49 request an addition to Appendix 10, Natural Areas, by petitioning ERM. The petition shall include
- 50 a description and map of the proposed addition, written justification for listing, a copy of the
- 51 management plan, if available, and proof of notice to parcel owners within the proposed buffer of
- 52 the natural area. ERM recommended additions to Appendix 10, Natural Areas, or changes to the
- 53 size of the buffer area may be approved by the BCC following a duly noticed public hearing.
- 54 1. For publicly owned natural areas, there is no minimum size for listing.
- 55 2. For privately owned natural areas, there must be a minimum of 10 acres of natural area
- 56 unless determined by ERM to be a highly significant natural area including scrub, wetlands or
- 57 mangrove communities and maintained under a management plan approved or accepted by
- 58 ERM

59  
60 Section 6 Removal of Prohibited Invasive Non-Native Vegetation

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
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- 1 A. By January 1, of the applicable year provided on Appendix 11, Prohibited Vegetation Removal
- 2 Schedule, a parcel owner of a property located within the 500 foot buffer area around each
- 3 natural area listed in Appendix 10 shall remove or caused to be removed or eradicated, the
- 4 prohibited invasive non native vegetation as listed on Appendix 11, Prohibited Vegetation
- 5 Removal Schedule, unless an exemption is provided under Article 14.D.8 7, Exemptions, of this
- 6 Chapter.
- 7 B. For parcels located outside the 500 foot buffer area around each natural area listed in Appendix
- 8 10, a parcel owner shall remove or cause to be removed old world climbing fern and air potato as
- 9 listed in Appendix 11, Prohibited Vegetation Removal Schedule, unless an exemption is provided
- 10 under Article 14.D.7, Exemptions, of this Chapter.
- 11 ~~B.C.~~ Upon removal of prohibited invasive non native vegetation under this Chapter or any other
- 12 ordinance requiring removal of this nuisance vegetation, the parcel owner shall maintain the
- 13 parcel free of prohibited invasive non native vegetation.
- 14 ~~C.~~ Qualified parcel owners who receive incentives under this Chapter shall maintain the parcel free
- 15 of prohibited invasive non native vegetation.
- 16 ~~D.~~ Complete removal or eradication of all prohibited invasive non native vegetation as listed on
- 17 Appendix 11, Prohibited Vegetation Removal Schedule, shall be completed for an entire parcel
- 18 prior to the certificate of occupancy. ~~Planting or installation of this vegetation is prohibited.~~
- 19 D. In accordance with Article 14.C.9, improved parcels located in unincorporated Palm Beach
- 20 County, approved or constructed on or after April 28, 1986, shall be maintained free of prohibited
- 21 vegetation listed in Appendix 6 & 11, Prohibited Invasive Non-Native Vegetation. The applicable
- 22 year as described in Article 14.D.6.A and provided in Appendix 11, does not apply to these
- 23 parcels, instead parcel owners of these improved parcels shall immediately and perpetually
- 24 maintain them free of all Prohibited Invasive Non-native Vegetation.
- 25 E. Planting or installation of this vegetation is prohibited.

Section 7 — Incentives

- 28 A. The incentive program is available to all qualified parcels and unimproved parcels, or portions
- 29 thereof within the buffer area, subject to availability of funding and annual appropriation of funds
- 30 by the BCC.
- 31 B. The incentive program may be provided to parcels that are not qualified parcels if it is determined
- 32 that the prohibited invasive non native vegetation to be removed under the incentive program was
- 33 not required by the County or municipality to be removed at the time of parcel improvement.
- 34 C. The initial incentive program is listed in Appendix 12, Incentive Program. It may be amended as
- 35 needed by the BCC.

Section 8 7 Exemptions

- 38 A. ~~Except for the required removal of old world climbing fern and air potato vine, the following~~
- 39 ~~parcels are exempt from Article 14.D.6, Removal of Prohibited Invasive Non-Native Vegetation, of~~
- 40 ~~this Chapter:~~
- 41 ~~1. Parcels improved prior to April 28, 1986 for unincorporated county and parcels improved prior~~
- 42 ~~to the effective date of a municipal ordinance requiring removal of prohibited invasive non~~
- 43 ~~native vegetation for incorporated areas. However, if the parcel or portion of the parcel is~~
- 44 ~~located within a buffer area, the parcel is exempt from the time lines for eradication set forth~~
- 45 ~~in Appendix 11, Prohibited Vegetation Removal Schedule, for prohibited invasive non native~~
- 46 ~~vegetation only if the parcel owner agrees to participate in an incentive program established~~
- 47 ~~to remove that vegetation from the parcel. For purposes of this Chapter, agreement to~~
- 48 ~~participate means the execution of a written agreement with ERM on behalf of the BCC for~~
- 49 ~~this purpose, and compliance with said agreement.~~
- 50 ~~2. Unimproved parcels, other than those located in buffer areas.~~
- 51 ~~3. For improved and unimproved parcels or portions of parcels within buffer areas, time lines set~~
- 52 ~~forth in Appendix 11, Prohibited Vegetation Removal Schedule, for eradication of Melaleuca~~
- 53 ~~and Australian pine will be suspended if the parcel owner executes an agreement with ERM~~
- 54 ~~to participate in an incentive program established to remove that vegetation from the parcel.~~
- 55 ~~4. For parcels or portions of parcels outside of buffer areas, removal or eradication of Melaleuca~~
- 56 ~~and Australian pine is encouraged but not required.~~
- 57 AB. For parcels impacted by greater than 30 percent coverage of prohibited invasive non native
- 58 vegetation or parcels containing 100 acres or greater in size, a management plan may be
- 59 approved by ERM to space the eradication rate over an extended period. To be eligible for this
- 60 approval, the management plan must be provided to, and approved by ERM, and eradication
- 61 begun prior to the required date for removal or eradication of the prohibited invasive non native
- 62 vegetation addressed in the plan.
- 63 BC. For parcels or portions of parcels that necessitate phased removal or eradication of prohibited
- 64 invasive non native vegetation in response to a documented need for maintenance of existing
- 65 wildlife values, a management plan may be approved by ERM to extend the time for removal.

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
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Section 9-8 Enforcement

- A. Violations of this Chapter shall be:
  - 1. Failure of a parcel owner to remove or eradicate Vegetation in accordance with Art. 14.D.6.A. Removal of Prohibited Invasive Non-Native Vegetation.
  - 2. Failure of a parcel owner to maintain non exempt parcels free of prohibited invasive non-native vegetation in accordance with Art. 14.D.6.B, of this Chapter.
  - 3. Failure of a parcel owner to comply with a non compliance or notice of violation time frame as described in Article 14.D.98.B.3, and Article 14.D.98.B.4.
- B. The following are procedures which are to be followed for compliance and enforcement with this Chapter:
  - 1. Inspection of a parcel to determine the possible location of prohibited invasive non native vegetation.
  - 2. Preparation and provision of an information notice informing the parcel owner of prohibited invasive non native vegetation on the parcel and instructions for the removal or eradication of the vegetation and a time frame provided for compliance. A follow up inspection is conducted.
  - 3. Preparation and provision of a non compliance notice to the parcel owner concerning the possible violation of this Chapter, including a stated time frame of 30 days for compliance. A follow up inspection is conducted.
  - 4. Preparation and provision of a notice of violation to the parcel owner concerning the possible violation of this Chapter and failure to comply with the non compliance notice, including a stated time frame of 30 days for compliance. A follow up inspection is conducted.
  - 5. Preparation and provision of a Notice of Hearing to the parcel owner concerning the possible violation of this Chapter, failure to comply with a notice of violation, and an order to appear before the Groundwater and Natural Resources Protection Board (GNRPB).
  - 6. The decision of the GNRPB, which may include corrective actions and civil penalties in the maximum amount of \$1000.00 per day, per violation, shall be the final administrative action on behalf of ERM and PBC. Any person who is a party to the proceeding before the GNRPB may appeal to the Circuit Court of PBC in accordance with applicable Florida Appellate Rules.
- C. Additional remedies for enforcement are include the civil remedies provided for in any applicable remedies under F.S. Chapters 125 and 162, as amended, and other legal action, including but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this Chapter.
- D. In order to provide an expeditious settlement that would be beneficial to the enforcement of this Chapter and be in the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent (settlement) agreements with alleged violators. Any such agreement shall be a formal written consent agreement between ERM on behalf of PBC, by and through its Director, and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office. The agreement can be entered into at any time prior to the hearing before the GNRPB.
  - 1. Conditions. Such consent agreements may be conditioned upon a promise by the alleged violator to:
    - a. Remove or eradicate prohibited invasive non-native vegetation and maintain the parcel free of this vegetation, and
    - b. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set forth in this Chapter, and
    - c. Remit payment for costs and expenses of the PBC for investigation and enforcement, and
    - d. Any other remedies and corrective action deemed necessary and appropriate by the Director of ERM to ensure compliance with this Chapter.
  - 2. The consent agreement shall not serve as evidence of a violation of this Chapter and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such consent agreement, each alleged violator shall be apprised of the right to have the matter heard by the GNRPB in accordance with the provisions of this Chapter, and that execution of the agreement is not required.
  - 3. The consent agreement shall be valid and enforceable in a court of competent jurisdiction in PBC and shall abate any enforcement proceedings available to ERM for so long as the terms and conditions of such agreement are complied with. In the event the alleged violator fails to comply with the terms and conditions set forth in the executed agreement, the Director of ERM may either:
    - a. Consider the consent agreement void and pursue any remedies available for enforcement of the applicable provisions of this Chapter; or
    - b. Initiate legal proceedings for specific performance of the consent agreement.

Notes:

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Relocated language is shown as *italicized* with reference in parenthesis.

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS

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E. All monies collected pursuant to violations of this Chapter whether from consent agreement or the GNRPB shall be deposited in the PBC Pollution Recovery Trust Fund.

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS

APPENDIX 10 NATURAL AREAS

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The following are ultimate boundaries of natural areas acquired under the 1991 Sensitive Lands or 1999 Conservation Lands bond issues as listed in Resolution 99-1073 as well as natural areas acquired by other governmental entities in PBC. Maps of each area are designated by Range, Township and Chapter with its associated 500 foot buffer and are on file at ERM for inspection.

**INCORPORATED PALM BEACH COUNTY**

- Boca Raton:** Blazing Star Preserve (R42 T47 S25) **[Ord. 2006-036]**  
Cypress Knee Slough Preserve (R42 T47 S23-24)  
Florida Atlantic University Ecological Site (R42 T47 S12/13; R43 T47 S07/18)  
Gopher Tortoise Preserve (R43 T46 S32)  
Gumbo Limbo Environmental Complex & Red Reef Park Dune (R43 T47 16/21)  
Pond Hawk Natural Area (R42 T47 S12)  
Rosemary Ridge Preserve (R43 T46 S32)  
Serenoa Glade Preserve (R42 T47 S24)  
South Beach Park Dune (R43 T47 S21)  
Yamato Scrub Natural Area (R43 T46 S31; R43 T47 S06)
- Boynton Beach:** Rosemary Scrub Natural Area (R43 T45 S09/16)  
Seacrest Scrub Natural Area (R43 T46 S04)
- Delray:** Delray Oaks Natural Area (R43 T46 S30)  
Leon Weeks Preserve (R43 T46 S29)
- Highland Beach:** Highland Beach Mangrove Preserve (R43 T46 S33)
- Hypoluxo:** Hypoluxo Scrub Natural Area (R43 T45 S10)
- Juno:** Juno Dunes Natural Area (R43 T41 S20/21/28/29)
- Jupiter:** Delaware Scrub Natural Area (R42 T41 S02) **[Ord. 2006-036]**  
Jupiter Ridge Natural Area (R43 T41 S07/08/17/18)  
Limestone Creek Natural Area (R42 T41 S03)  
North Jupiter Flatwoods Natural Area (R42 T40 S32/33)  
Riverbend Park (R42 T40 S32/33; R42 T41 S05/06/07/08/17)  
Lake Park: Lake Park Scrub Natural Area (R43 T42 S20)
- North Palm Beach:** John D. MacArthur Beach State Park (R43 T42 S10/15)
- Ocean Ridge:** Ocean Ridge Hammock Park (R43 T45 S22)
- Palm Beach:** Ocean Ridge Natural Area (R43 T45 S27)  
Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15)
- Palm Beach Gardens:** Frenchman's Forest Natural Area (R43 T41 S32)  
Hungryland Slough Natural Area (R41 T41 S19/20/28/29/30/31/32/33/)  
Loxahatchee Slough Natural Area -includes Sandhill Crane (R41 T41 S23/24/25/26/27/34/35/36; R41 T42 S01/02/11/12/13; R42 T41 S19/28/29/30/31/32; R42 T42 S05/06/07/08/09/16/17)  
Prosperity Oaks Natural Area (R43 T42 S05)
- Royal Palm Beach:** Royal Palm Beach Pines Natural Area (R41 T43 S15/16)
- West Palm Beach:** Winding Waters Natural Area (R42 T42 S35)  
Grassy Waters Preserve (R42 T42 07/08/16/17/18/19/20/21/28/29/30/31/32/33; R42 T43 03/04/05/06/07/08/09/10/15/16/17/18)

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EXHIBIT 1

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS

APPENDIX 12 INCENTIVE PROGRAM

**AUSTRALIAN PINE AND MELALEUCA REMOVAL PROGRAM**

~~Under this program, PBC would pay to remove or eradicate Australian pine and Melaleuca on all qualified and unimproved parcels in these buffer areas with permission of the parcel owner. Treatment on unimproved land would be similar to methods used on natural areas with some prohibited vegetation being potentially treated with herbicide in place and not removed from the site. For improved properties, the prohibited vegetation would be removed in its entirety.~~

**COST SHARE PROGRAM FOR OTHER PROHIBITED PLANT SPECIES**

~~The cost share program is being recommended to facilitate the removal of the remaining seven of the nine prohibited invasive non-native plant species on an accelerated schedule to prevent reseeding of the natural areas. As it is necessary that buffer area parcels are cleared of this noxious vegetation in conjunction with the adjacent natural area, the parcel owners within these buffer areas will have the chance to share cost of removal as an incentive to remove the vegetation on an accelerated schedule. Parcel owners in the buffer areas will be offered the opportunity to allow PBC vendors to remove the remaining seven of the nine prohibited invasive non-native plant species with a very minimal cost share provided by the parcel owners. The work would be accomplished along with the Australian pine and Melaleuca removal mentioned in the above program. Parcel owners within the buffer areas will be required to pay some of the costs associated with the removal of the remaining seven plants so they shoulder some of the same financial burden borne by parcel owners outside the buffer areas. The cost sharing will be based upon the following scale with any single parcel cost limited to no more than \$500. PBC will pay the remaining costs for removal or eradication.~~

Canopy Area Removed (Sq. Ft.)	Citizen Cost
<del>1—499</del>	<del>\$100</del>
<del>500—999</del>	<del>\$200</del>
<del>1000—1499</del>	<del>\$300</del>
<del>1500—1999</del>	<del>\$400</del>
<del>2000 +</del>	<del>\$500</del>

~~Under the cost share program, ERM shall notify a parcel owner within a buffer area of prohibited invasive non-native vegetation located on the parcel, the requirement for removal of the vegetation and information concerning any available incentive programs. The offer to the parcel owner to participate in the cost share program shall terminate 60 days after notification of eligibility by ERM. The parcel owner will have to enter into an agreement with PBC to have the vegetation removed under the cost share program. The cost share program will remain available for the removal of prohibited invasive non-native vegetation in the buffer areas as long as the vegetation is being removed on an accelerated schedule.~~

**CANOPY REPLACEMENT PROGRAM**

~~ERM recommends a Canopy Replacement Program as an incentive for qualified parcel owners to remove the prohibited vegetation prior to regulatory deadlines. This approach will help to minimize the loss of canopy associated with the removal of prohibited vegetation. In order to receive replacement vegetation, the qualified parcel owner must sign up for the program and submit to an initial inspection to verify the extent of the prohibited vegetation. After the owner removes the vegetation, staff will reinspect the parcel to verify removal. If removal is complete, the qualified parcel owner will be given a voucher to be redeemed at participating nurseries for a list of approved trees. If the owner wishes, the trees can be delivered for a small fee and/or planted also for an additional fee. This delivery or planting fee will be paid by the qualified parcel owner directly to the participating vendor. PBC will fund the voucher program.~~

~~Due to the potential number of trees that may be required in addition to ensuring a standard tree size, tree availability may be limited during the first 2-3 years of the program. The vendors will be required to provide Florida Grade #1 or better trees according to the most current version of the Florida Department of Agriculture and Consumer Services Florida Grades and Standards For Nursery Plants.~~

~~A maximum of five replacement trees per qualified parcel will be allowed. A breakdown of the number of replacement trees per prohibited vegetation canopy area removed is as follows:~~

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Canopy Area Removed (Sq. Ft.)	# of Replacement Trees
<del>1—499</del>	4
<del>500—999</del>	2
<del>1000—1499</del>	3
<del>1500—1999</del>	4
<del>2000 +</del>	5

**~~PUBLIC LANDS GRANT PROGRAM~~**

~~As ambitious as PBC plan is to remove these invasive plant species, without the cooperation of public entities in removing these plants from their own properties, the goal of reducing the seed source of these plants will not be accomplished. However, some of these public entities may lack the resources or the technical knowledge to effectively control and manage the prohibited vegetation. This incentive proposal includes the establishment of a matching grant program made available to the public entities for the removal of non native invasive vegetation on publicly owned lands. The project will target all PBC prohibited plant species. A project selection process will be established which prioritizes potential projects based upon such factors as; removal of the nine PBC prohibited plant species, matching funds, revegetation with native plant species, and proximity to natural areas. Public entities will be required to provide 50 percent matching funds. PBC will provide the remaining 50 percent matching funds. Using best available economic indicators such as poverty levels, population and median property value, certain municipalities may qualify for a reduced match requirement at 25 percent/75 percent. Those municipalities eligible for the reduced match requirement based upon the most recently available census data will be listed in the grant cycle application package for each calendar year. [Ord. 2006-036]~~

**~~INVASIVE VINE STRIKE FORCE~~**

~~The Invasive Vine Strike Force proposal is a quick response strike force that would treat and kill Lygodium and Air Potato vines from public and private properties. Lygodium is an invasive vine spreading at an alarming rate. It's a relative newcomer to the world of invasive plants, and spreading at a rate unmatched by any other invasive species. It quickly engulfs and kills native vegetation by blocking out sunlight and providing a means for wildfires to spread into tree canopies. Though not spreading as fast, air potato vine is similar in its characteristic to Lygodium in that it quickly engulfs underlying trees and vegetation, eventually killing the plants. Removal of both of these vines is somewhat difficult and tedious for the average parcel owner. A quick response strike force would assist parcel owners in controlling these vines on their parcel while at the same time slowing the spread of this vine by reducing the seed source. PBC will provide the funding for the vine removal or eradication.~~

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1 **ULDC, Art. 14.C. VEGETATION PRESERVATION AND PROTECTION**

2  
3 **Section 1 General**

4 **A. Goals**

5 The goals of this Chapter are:

- 6 1. To avoid the unnecessary destruction of native vegetation;  
7 2. To pursue eradication of invasive non-native vegetation;  
8 3. To minimize adverse impacts to native vegetation during parcel improvement;  
9 4. To mitigate the removal of native vegetation when the vegetation cannot be preserved in  
10 place or relocated under the proposed site plan; and  
11 5. To relocate any movable native vegetation that cannot be incorporated into the site plan to a  
12 PBC approved parcel.

13  
14 **Section 2 Definitions**

15 See Art. 1.I, Definitions and Acronyms

16  
17 **Section 3 Purpose**

18 **A. This Chapter shall:**

- 19 1. Establish a program to preserve and protect native vegetation; and  
20 2. Prohibit the unnecessary destruction of native vegetation and require the eradication of  
21 invasive non native vegetation.

22  
23 **Section 4 Applicability**

- 24 **A.** This Chapter shall apply within the unincorporated areas of PBC, Florida.  
25 **B.** PBC shall have regulatory authority over the alteration or removal of non-native and native upland  
26 vegetation, and the establishment and maintenance of upland preserve areas.  
27 **C.** Terms specific to this Chapter are defined in Art. 1.I, Definitions and Acronyms. Terms not  
28 defined in this Chapter shall be defined pursuant to Chapter 62. F.A.C. the document entitled,  
29 "Basis of Review" (BOR), as amended, for Applications within the South Florida Water  
30 Management District, dated November 1996, and Art. 1.I, Definitions and Acronyms, of this Code,  
31 as may be amended from time to time. In the event that a term is defined in Chapter 62.F.A.C.,  
32 the BOR, the BOR shall prevail.

33  
34 **Section 5 Authority**

35 This Chapter is adopted under the authority of F.S. Chapter 125, as amended, and the Plan, as  
36 amended.

37  
38 **Section 6 Approval Required Unless Exempt**

39 No person may alter or cause to be altered any vegetation unless such alteration is exempted by, or  
40 expressly approved by this Chapter.

41  
42 **Section 7 Application, Process, and General Standards**

43 **A. Approval of Initial Construction of Single Family Residential Parcels.** All newly  
44 constructed single family residential parcels, which are also includes single two unit (duplex)  
45 residences and associated accessory structures, shall comply with the following standards;

- 46 1. Removal of native vegetation shall be limited to the minimum necessary to accomplish the  
47 purpose of the site plan. A site plan that eliminates or nearly eliminates native vegetation will  
48 not be approved under this Article.  
49 2. Complete removal or eradication of prohibited invasive non native vegetation, as identified in  
50 Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-  
51 Native Vegetation, shall be completed for the entire parcel or parcels of the Development  
52 Order prior to receipt of the CO. Planting or installation of vegetation identified in Appendix  
53 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native  
54 Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited  
55 vegetation. No additional permit for such maintenance of vegetation shall be required.

56  
57 Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for single  
58 family residences, single two unit (duplex) residences and accessory structures associated with  
59 single family residential parcels in existence as of the date of the adoption of this Chapter are  
60 void and of no effect, and all pending enforcement actions related thereto are dismissed.

61  
62 **B. Approval of development for schools, new construction of utilities, road right-of-way**  
63 **projects, projects requiring DRO review and agriculture of 10 acres in size or greater.**

28

**1. Requirements and Process**

- a. Projects involving development of a school, new construction of a utility, road right of way projects, projects requiring DRO review, and agricultural parcels of 10 acres or greater shall apply to ERM for approval of said project on forms provided by ERM.
- b. An application shall not be deemed complete until the application fee and all information necessary to fully understand the extent, nature and potential impacts of a proposed project are received by ERM and approved by ERM prior to the scheduled DRO meeting. Any additional information for an application deemed insufficient at DRO meeting will not be approved until the next scheduled DRO meeting . Such information may include, but is not limited to:
  - 1. A completed application form with the notarized signature of the parcel owner or authorized agent of the parcel owner;
  - 2. A written explanation of the need and intent of the project and a description of construction or alteration methodologies;
  - 3. A certified site plan or survey, where applicable, showing all easements. Both plan view and cross sectional view sketches may be required;
  - 4. Parcel information including a location map, a recent aerial photograph with the parcel clearly delineated, and representative color photographs;
  - 5. Identification of the type and location of native vegetation in the vicinity of, and likely to be affected by the project;
  - 6. An Incorporated Vegetation Plan which graphically depicts the location and field tag number for each native tree and palm to remain undisturbed on the parcel during construction and the natural life of the vegetation. The Incorporated Vegetation Plan may also be required to be incorporated as a feature of the site plan;
  - 7. A numbered tabular list of all native trees/palms surveyed, indicating the type of tree/palm the DBH or height of clear trunk if palm, and whether the parcel owner proposes to keep the tree/palm in place, relocate it, offer it for surplus, remove it or mitigate for its removal;
  - 8. A completed Vegetation Surplus Form which identifies surplus native vegetation which the parcel owner determines cannot otherwise be used on the parcel and is providing for the use of the Surplus Vegetation Program; and
  - 9. Methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on site Stormwater Pollution Prevention Plan shall be submitted as part of the application for approval.
- c. Any application received that is substantially the same as a previous application that has been denied by ERM subsequent to the effective date of this Chapter shall be denied with a written response provided to the applicant stating the reason for denial.
- d. Any parcel where a violation of any Chapter administered by ERM has occurred, shall not be eligible for approval under this Chapter until such violation has been resolved.
- e. Any application containing false information, or any approval issued based upon false information, may be denied or revoked and may subject the applicant to enforcement proceedings pursuant to Article 10, ENFORCEMENT, of this Code.
- f. ERM shall have the right to make inspections of construction areas at reasonable times to determine compliance with this Chapter.

**2. Standards of Approval**

No approval shall be issued unless the application demonstrates that the project:

- a. Will not result in a net loss of wetland functions and values;
- b. Complies with water quality rules and standards set forth in Chapter 62-302, F.A.C.;
- c. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats;
- d. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat;
- e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation; Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. There is no requirement to provide vegetation for surplus. Non-relocatable native vegetation that cannot be maintained on the parcel shall be mitigated for in accordance with Table 7.E.2.D-4, Tree Credit and Replacement , and accepted by ERM prior to the receipt of Technical Compliance or 75% completion of construction.
- f. ERM shall also consider:
  - 1. Alternative designs to limit the removal of native vegetation to the minimum necessary while still allowing the applicant to accomplish the purpose of the site plan;
  - 2. Preserving listed species in place or relocating to buffers, open space or unimproved portions of the parcel;
  - 3. The likelihood of success for relocated native vegetation;
  - 4. Mitigation or compensation for the loss of native vegetation;
  - 5. Creation of a tree preservation area.
  - 6. Off-site replacement shall be allowed only if on-site planting is not feasible due to unsuitable parcel conditions. Off-site planting shall be in or adjacent to a public park parcel or native upland area

29

ATTACHMENT 2.

- 1 7. In lieu of replacement planting when on-site and off-site mitigation has been exhausted
- 2 or is unavailable, a donation may be made to PBC for the Natural Areas Fund. The
- 3 donation amount shall be based on the average cost of the purchase, installation and
- 4 maintenance for one year of an equivalent number of replacement trees; and
- 5 8. Sabal palms may be allowed as replacement plantings for canopy trees if approved by
- 6 ERM and planted at 3:1 (palms: required replacement trees) based on Table 7.D.2.D-4,
- 7 Tree replacement, on 10 foot centers, +/-1 foot and grouped as shown on a planting plan
- 8 Table approved by ERM.
- 9 g. Complies with any applicable federal, state or local designated preserve, conservation or
- 10 mitigation area.
- 11 h. Removes or eradicates prohibited and invasive non-native vegetation identified in Appendix 6,
- 12 Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation,
- 13 shall to be completed for the entire parcel or parcels of the Development Order prior to
- 14 receipt of the first CO. The parcel owner shall maintain the parcel free of this prohibited
- 15 invasive non-native vegetation. No additional permit for such maintenance of vegetation shall
- 16 be required.

17 **3. Establishing Native Upland Preserves**

18 All approvals for parcels equal to or greater than four acres shall be evaluated by ERM for the

19 establishment of a native upland preserve. Parcels that have significant or unique areas of native

20 upland vegetation, regardless of parcel size shall be required to designate a native upland

21 preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise

22 comply with this Chapter. ERM encourages upland preserve areas greater than one half acre in

23 size. New public park facilities constructed on parcels 20 acres in size or less shall be exempt

24 from the preserve requirements of this Chapter.

25 Factors that will determine if a parcel has significant or unique areas of native vegetation include,

26 but are not limited to the quality of the native ecosystem, overall quality of its biological diversity,

27 the presence of listed species, the wildlife habitat, value grouping of native vegetation, and the

28 compactness of the preserve and its proximity to other natural preserve areas and corridors.

- 29 a. The preserve boundaries shall be designated in a certified survey submitted to ERM for
- 30 approval. No easements may be located within the boundaries of the preserve. Prior to and
- 31 during parcel alteration, the preserve boundaries shall be clearly marked and appropriately
- 32 barricaded. Permanent preserve boundary markers shall be installed and proper
- 33 documentation submitted to ERM prior to issuance of technical compliance or monitoring
- 34 release, if applicable, and shall be maintained by the parcel owner in perpetuity.
- 35 b. The parcel owner shall develop a Preserve Management Plan to provide long-term protection
- 36 and maintenance of the values and functions of the preserve. Activities that cause
- 37 degradation of the preserve are prohibited. The Preserve Management Plan shall be
- 38 accepted by ERM prior to DRO certification. ERM may provide Preserve Management Plan
- 39 Guidelines. The parcel owner shall maintain the preserve in accordance with the Preserve
- 40 Management Plan. Preserve Management Plan will include the requirement to maintain
- 41 annual reports detailing species presences, control practices for prohibited and invasive non-
- 42 native species, activity corrections to maintain compliance with the Plan, and photographs
- 43 demonstrating the state of the preserve. Said annual reports shall be delivered to ERM upon
- 44 request. Modifications to the Preserve Management Plan are prohibited without prior written
- 45 approval by ERM.
- 46 c. Preserve areas shall be identified graphically and legally described in the applicable deed
- 47 restriction plat, restrictive covenant, conservation easement, or by a separate instrument to
- 48 be recorded pursuant to F.S. 704.05, as amended. Said preserve shall be specifically and
- 49 separately reserved to the owner, or if applicable, to the property owners' association as its
- 50 perpetual maintenance responsibility, without recourse to PBC or other governmental entity
- 51 or agency. Prior to technical compliance, the plat or instrument shall be submitted to and
- 52 approved by ERM, recorded in the public records of PBC, and proof of recordation shall be
- 53 provided to ERM. Parcel owners are encouraged to dedicate voluntary preserves to PBC for
- 54 preservation in perpetuity. PBC may enter into agreements with parcel owners to enhance
- 55 private preserves.
- 56 d. All vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix
- 57 7, Invasive Non-Native Vegetation, shall be removed from the parcel and proper
- 58 documentation submitted to ERM prior to issuance of Technical Compliance or 75%
- 59 completion of construction, unless a phasing plan has been approved in writing by ERM. In
- 60 addition to the removal requirement above, the vegetation identified in Appendix 9, Invasive
- 61 Non-Native Vegetation within Preserves, shall be removed from the preserve area. The
- 62 parcel owner shall thereafter maintain the parcel free of this vegetation.
- 63 e. A parcel owner may mitigate for the loss of vegetation during parcel improvement by
- 64 preserving additional native upland habitat or vegetation or by developing and implementing
- 65 a restoration and enhancement plan for a native upland preserve. Alternative mitigation
- 66 proposals that meet the purpose and intent of this Chapter may also be submitted.
- 67

30

ATTACHMENT 2.

- 1 f. Preserves may be dedicated off site in lieu of onsite dedication with ERM's approval. The  
2 size of the offsite preserve shall be based on the quality of the habitat or vegetation on both  
3 the parcel being improved and the parcel of the proposed preserve. The final appraised  
4 values of the parcel being improved and the parcel for the proposed preserve may also be  
5 considered. The location of the off-site preserve shall be determined prior to DRO. Prior to  
6 issuance of approval, the instrument used to dedicate an off-site preserve shall be submitted  
7 to and approved by ERM.
- 8 g. A preserve may be purchased in accordance with the following:  
9 1. A parcel owner may submit a cash payment in lieu of setting aside a native upland  
10 preserve provided the following criteria are met:  
11 a) A written request shall be submitted to ERM prior to DRO, certification for public  
12 hearing, site plan certification, or issuance of a building construction permit, whichever  
13 occurs first;  
14 b) The cash payment shall be equivalent to the average per acre-appraised value, at the  
15 time of permit application, multiplied by the number of acres required to be preserved.  
16 PBC may request a second appraisal on which to base this cash payment;  
17 c) The cash payment shall be made payable to the PBC Natural Areas Fund and shall be  
18 submitted prior to issuance of the permit or site plan certification, whichever occurs  
19 first; and  
20 d) If listed species are determined to be on the parcel, the applicant must demonstrate  
21 that the proposed action will not preclude the continued survival and viability of the  
22 listed species, or a plan must be approved by all applicable agencies for relocating  
23 those species.
- 24 2. For bona fide agriculture, this cash payment option may allow commencement of parcel  
25 improvement prior to submittal of the cash payment provided:  
26 a) The parcel owner records a restricted covenant on a PBC-approved form limiting the  
27 use of the parcel to bona fide agriculture, and requiring the parcel owner to make the  
28 cash payment to PBC at the time the parcel is converted to a nonagricultural land use  
29 or is sold;  
30 b) The cash payment amount shall be calculated based on the appraised conversion  
31 value or actual cost, if sold, whichever is greater, of the parcel after conversion to a  
32 non-agricultural use;  
33 c) Upon any conversion of a parcel to non-agricultural use where a deed restriction option  
34 is used, the parcel owner shall comply with PBC requirements for an enhanced  
35 landscape buffer;  
36 d) The parcel owner considers increasing the upland set aside to offset any mitigation on  
37 the parcel for trees as determined by ERM; and  
38 e) The parcel owner may consider replanting the preserve, with appropriate vegetation, as  
39 determined by ERM in lieu of cash payment. The constructed preserve shall comply  
40 with preserve standards as required under Article 14.C.7.B.3, Establishing Native  
41 Upland Preserves. Monies collected in lieu of establishing a preserve shall be paid to  
42 PBC for the Natural Areas Fund for the management of native ecosystems.  
43 h) Parcels less than 4 acres or parcels greater than four acres with significant upland  
44 vegetation that may not otherwise qualify for a 25 percent set aside, may be required to  
45 provide tree preservation area(s). Factors that will determine if a parcel has significant  
46 areas of native vegetation include, but are not limited to the quality of the ecosystem,  
47 overall quality of biological diversity, the presence of listed or uncommon species,  
48 wildlife habitat value, value grouping of assemblages of native vegetation,  
49 compactness of the area, and degree of limited impact by prohibited and invasive non-  
50 native vegetation.  
51 i) Preserves shall be maintained in compliance with standards set forth in this Chapter  
52 and the preserve management plan. Non-native vegetation shall not be introduced into  
53 the preserve. Invasive vegetation that can alter the existing native vegetation  
54 communities by displacing native vegetation shall be removed if non-native or reduced,  
55 if native, to a level of non-interference with the growth of native vegetation.

56 **4. Surplus Native Vegetation**

57 Native upland vegetation that cannot be preserved or relocated on the parcel shall be considered  
58 surplus. An applicant for an approval shall complete and attach to the application a Vegetation  
59 Surplus Form provided by ERM, and a list of the available vegetation including the species names  
60 and approximate quantity and sizes of each species to be surplus. The applicant shall prevent  
61 inadvertent destruction by physically marking available vegetation on the parcel to afford easy  
62 identification. ERM shall maintain a list of persons interested in relocating surplus native vegetation,  
63 and shall assist in finding suitable locations for this surplus vegetation. Should a parcel owner elect  
64 to participate in the Vegetation Surplus program, the vegetation shall remain available for removal,  
65 sale or donation for at least 20 working days unless a shorter time frame is approved in writing by  
66 ERM, and the parcel owner shall cooperate with relocating surplus vegetation off site. Should a  
67 parcel owner elect not to participate in the benefits of the Vegetation Surplus program, this fact  
68 shall be stated on the application.

69 **5. Mitigation or Restoration**

- 70 a. When native trees are removed or damaged without approval or when trees that were to be  
71 preserved in place or relocated are damaged or destroyed during activities conducted with  
72 approval, they shall be replaced at double the rate shown in the Table 7.D.2.D-4, Tree Credit  
73 and Replacement. For replacement vegetation which dies other than by damage or

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1 destruction, the replacement value shall be that in Table 7.D.2.D-4, Tree Credit and  
2 Replacement. Should replacement values not be found in the Table, the vegetation shall be  
3 replaced like size for like size.

- 4 b. Alternative mitigation that meets the purpose and intent of this Chapter may be proposed for
- 5 public projects on a publicly owned parcel. Alternative mitigation proposals shall be reviewed
- 6 and a determination made by the County Administrator in consultation with the Director of ERM.
- 7 c. All mitigation shall occur and proper documentation submitted to ERM prior to Technical
- 8 Compliance or 75% completion of construction.
- 9 d. Any clearing activity after 1986 which cannot provide evidence of approval, will be required to
- 10 restore 9 trees per 1500 square feet of cleared area.

11  
12 **Section 8 Exemptions**

13 The following activities do not require an approval under this Chapter:

14 **A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or**  
15 **Bonafide Agricultural Operations**

16 Vegetation alteration associated with subsequent harvesting activities, except within preserve  
17 areas or vegetated buffers, that are part of the on going activities of the existing operation,  
18 the harvesting or alteration of vegetation previously planted and cultivated for production as  
19 part of an ongoing botanical garden, botanical research center, nursery or bona fide  
20 agricultural operation is an exempt activity. Initial clearing of a parcel is not an exempt  
21 activity.

22 **B. Fencing**

23 The minimal removal of trees or understory necessary to install a fence, provided that no tree  
24 three inches or greater DBH is removed, the path cleared for the fence does not exceed five  
25 feet in width, and native vegetation is removed solely by hand.

26 **C. Forest Management Activities**

27 Selective tree removal for forest management activities as defined in the current Forest  
28 Management Plan as approved by the State of Florida Division of Forestry.

29 **D. Improved Parcels**

30 Removal of prohibited and invasive non native vegetation. The removal of dead and dying  
31 vegetation and vegetation not subject to this Chapter is also exempt, provided however, the  
32 removal complies with Article 7, LANDSCAPING, as amended.

33 **E. Landscape Plant Removal**

34 Removal or alteration, from an improved parcel, of non native vegetation installed as  
35 landscape, provided the activity complies with the requirements of Article 7, LANDSCAPING,  
36 as amended, and no removal or alteration occurs from native upland vegetation buffers,  
37 preserves, or jurisdictional wetlands.

38 **F. Lot Clearing Provisions**

39 Removal of prohibited and invasive non native vegetation required pursuant to the Lot  
40 Clearing Provision in Article 7, LANDSCAPING, as amended, or at the direction of a public  
41 law enforcement agency pursuant to necessary law enforcement activity.

42 **G. Mitigation or Enhancement Projects**

43 Activities conducted pursuant to a permit from SFWMD, Florida Department of Environmental  
44 Protection, or ERM under F.S. Chapter 403 and 373, as amended, and Chapter 62-312,  
45 F.A.C. as amended, including activities approved under an adopted Surface Water  
46 Improvement and Management Plan.

47 **H. Natural Emergencies**

48 The provisions of this Chapter may be suspended or waived by the Director of ERM during a  
49 period of officially declared emergency, such as a hurricane, windstorm, tropical storm, flood  
50 or similar disaster.

51 **I. Parks and Recreation**

52 Alterations of vegetation pursuant to an adopted management plan for government  
53 maintained parks, recreation areas, wildlife management areas, conservation areas and  
54 preserves, excluding new construction or parcel improvement.

55 **J. Preserve Management Activities**

56 Preserve management activities provided that:

- 57 1. The preserve area is designated by deed restriction, plat, restrictive covenant, or
- 58 conservation easement and is dedicated to a public entity or approved private
- 59 conservation group for preservation in perpetuity;
- 60 2. The activity furthers the natural values and functions of the ecological communities
- 61 present, such as clearing firebreaks for prescribed burns or construction of fences; and
- 62 3. The preserve area has a preserve management plan approved by ERM.

63 **K. Pruning**

64 Pruning of native vegetation in non preserve areas in accordance with the American National  
65 Standards Institute, (ANSI) A 300, pursuant to Article 7.E. INSTALLATION,  
66 MAINTENANCE, PRUNING AND IRRIGATION as revised, to allow for healthy growth, to  
67 promote safety, and to remove dead or dying vegetation, provided there is no cutting back of  
68 limbs to a point between branch collars or buds larger than one inch in diameter within the  
69 tree's crown.

70 **L. Utilities, Water Control, Water Management Districts, and Road R-O-W**

71 Alteration of vegetation is permitted within drainage easements associated with repairs to or  
72 maintenance of existing canal structures at the direction of water control districts, or water  
73 management districts within drainage easements, where the vegetation is interfering with  
74 drainage or services provided by the water control districts or water management districts.

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Alteration of vegetation is permitted within a utility easement, where the vegetation is interfering with services provided by a utility. Alteration of vegetation is permitted within a road R-O-W for normal maintenance activities. Alteration associated with new construction is not an exempt activity.

**M. Survey or Other Test Required**

The necessary removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test, provided that no tree three inches or greater DBH is removed, the path cleared does not exceed five feet in width, and native vegetation is removed solely by hand.

**Section 9 Removal of Prohibited Invasive Non-Native Vegetation**

Improved parcels approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation.

**Section 10 Fees**

Fees shall be required as established by resolution of the BCC. Fees shall be non-refundable and non-transferable. An administrative fee may be required where projects require specific detailed site plan assistance by PBC or where site plans change after initial review. Application fees paid by check shall be payable to the BCC.

**Section 11 Appeals**

**A. Hearing Officer**

An applicant for any approval may appeal a final determination made by the Director of ERM to a Hearing Officer as established in Article 17.C.7. Hearing Officers, of this Code pursuant to this Chapter. The applicant shall comply with the following appeal procedures.

**1. Submittal**

A written appeal must be made within 20 days of the applicant's receipt of the decision by the Director of ERM. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the applicant seeks to rely. Failure to file within such time frame shall constitute a waiver of a person's right of review by the Hearing Officer.

**2. Hearing**

The appeal shall be reviewed at a hearing by the Hearing Officer within 60 working days of ERM's receipt of a request and a \$50.00 filing fee. The applicant will receive notice of the hearing no less than 15 working days in advance of the hearing. At the hearing, the Hearing Officer shall provide the applicant and the Director of ERM, or their respective legal representatives, an opportunity to present testimony and evidence, provided such information was part of the review before the Director of ERM. All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. The Hearing Officer in his or her discretion, may exclude irrelevant, immaterial or unduly repetitious evidence, but all conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form. The Hearing Officer shall reverse the decision of the Director of ERM only if there is substantial competent evidence in the record that the Director of ERM erred in applying the standards of this Chapter. The Hearing Officer shall enter a decision by written order not less than ten days following conclusion of the hearing. The order shall include findings of fact and conclusions of law and shall be deemed final administrative action. An applicant or ERM may appeal a final decision of the appeal board within 30 days of the rendition of the decision. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC. The Court shall be limited to appellate review of the record created before the Hearing Officer and may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. 199.07 as amended from time to time.

**3. Judicial Relief**

An applicant or ERM may appeal a final written order to the Circuit Court of the Fifteenth Judicial Circuit in and for PBC. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review of the record created before the Hearing Officer. PBC may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. 119.07, as amended from time to time.

**Section 12 Violations**

**A. Violations**

A violation shall be:

- 1. The alteration or removal of up to 1,500 square feet of vegetation without an approval from ERM, unless expressly exempt under this Chapter. Alteration or removal of each additional 1,500 square feet of vegetation or portion thereof in violation of this Chapter shall constitute a separate and additional violation.

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- 2. Failure to comply with a condition of an approval issued by ERM pursuant to this Chapter or a requirement of a Preserve Management Plan approved by ERM. Each condition or requirement violated and each occurrence of a violation shall constitute as a separate violation.
- 3. Failure to comply with the requirements of this Chapter or any approval granted or activity authorized hereunder.
- 4. Failure to comply with an ERM Wetlands Alteration Permit issued prior to the effective date of March 1, 1998.
- 5. Planting prohibited invasive non-native vegetation.
- 6. Planting non-native vegetation within a preserve.
- 7. Conversion of a parcel cleared for bonafide agriculture to another use prior to use as agriculture.
- 8. Introduction of structures, grade changes, debris or utilities into a preserve without approval by ERM.

**B. Enforcement**

- 1. To enforce compliance with this Chapter, the County may issue a cease and desist order or require that a building permit or CO be withheld. A violation of this Chapter shall be punishable by one or more of the following:
  - a. Remedies outlined in Article 10, ENFORCEMENT, of the Code;
  - b. Any applicable remedies under F.S. Chapters 125 and 162, as amended
  - c. PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions to enforce the provisions of this Chapter; and
  - d. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior to, and with obligations beyond, the effective date of this Chapter, except that violations of single-family dock permits issued pursuant to the agreement between PBC and the USACOE (adopted as Resolution R89-120 and dated January 24, 1989), shall be referred to the USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the event the DEP directs ERM to enforce a violation of a permit issued under the mangrove delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

**C. Pollution Recovery Trust Fund**

All monies collected as civil penalties for violations of this Chapter shall be paid to PBC for the Pollution Recovery Trust Fund.

**D. Restoration**

Properties cleared after 1986 without evidence of or in contradiction to approval will be required to restore 9 trees per violation.

**Section 13 Natural Areas and Preserve Areas**

**A. Natural Areas**

Planned developments shall be designed to mitigate the negative impacts of development intensity and density upon natural areas as defined in PBC Ordinance 94-13, and parcels designated as preserve areas according to this Chapter. Proposed development shall not negatively impact the native ecosystem of any adjacent natural areas and shall comply with the criteria established in Article 14, ENVIRONMENTAL STANDARDS, for natural areas and other applicable environmental ordinances. The applicant shall work in cooperation with the PZB and ERM to establish mutually acceptable alternatives to protect the natural area, including but not limited to:

- 1. The prohibition of certain land uses; and
- 2. A reduction in the building intensity near natural areas and preserve areas by the creation of a minimum 50 foot buffer zone.

**B. Special Preservation Protection Standards**

Lake Worth Lagoon and Loxahatchee River buffers - A 50 foot native vegetation buffer shall be preserved along the Lake Worth Lagoon, and that portion of the Loxahatchee River which lies outside the Jonathan Dickinson State Park Greenline Overlay, depicted in Map LU 3.1, Special Planning Areas, of the Plan. The purpose of the native vegetation buffer is to preserve native vegetation along the two waterways and to decrease the impact of storm-water activities on the two waterways. Restrictions may be imposed on development by ERM to conserve native vegetation within the buffer and reduce hydrological impacts to the two waterways.

- 1. If native vegetation exists within the 50 foot conservation buffer, then restrictions may be imposed by ERM within the buffer to address the following issues:
  - a. Visual encroachment;
  - b. Edge effects;
  - c. Exotic pest plant invasions;
  - d. Interference with prescribed burns in natural areas;
- 2. If native vegetation does not exist within the 50 foot buffer, then restrictions may be imposed by ERM within the buffer to address the following issues:

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- 1
- 2 a. Hydrological impacts;
- 3 b. Any other specific site development regulations required by this Code.
- 4 3. In addition to any of the restrictions listed above, ERM may also require:
- 5 a. development to be clustered away from natural or preserve areas; or
- 6 b. buffer or preserve areas to be added adjacent to existing natural and preserve areas;
- 7 or
- 8 c. a combination of these alternatives. ERM shall strive to minimize parcel alterations
- 9 near natural and preserve areas.
- 10 4. The addition of a buffer or preserve areas adjacent to existing natural areas and preserve
- 11 areas. Additionally, all effort shall be made to minimize parcel alterations near natural
- 12 areas and preserve areas.

13

14 **ULDC, Art. 14.D. PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE**

15

16 **Section 1 Purpose and Intent**

- 17 A. It is the intent of this Chapter to require removal and control of prohibited invasive non native
- 18 vegetation.
- 19 B. It is the intent of this Chapter to protect natural areas from unwanted seed sources from outside
- 20 the natural areas.

21

22 **Section 2 Definitions**

23 See Art. 1.I, Definitions and Acronyms

24

25 **Section 3 Applicability**

26 All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of  
27 PBC, except to the extent of conflict with a municipal ordinance, in which case the municipal  
28 ordinance will prevail over this Chapter in accordance with Article 1, Section 1.3 General Provisions  
29 of the Charter of PBC.

30

31 **Section 4 Authority**

32 This Chapter is adopted under the authority of F.S. Chapter 125, and the Plan, as amended.  
33 ERM shall administer the requirements of this Chapter.

34

35 **Section 5 Protection of Natural Areas:**

- 37 A. The County will establish by geographical information system reference, a 500 foot buffer area
- 38 around all natural areas listed on Appendix 10, Natural Areas. Maps of the natural areas
- 39 including buffers shall be on file and maintained by ERM and made available to the public.
- 40 B. Natural areas acquired by the BCC using the Conservation Lands Bond Fund shall be added to
- 41 Appendix 10 pursuant to a duly noticed public hearing.
- 42 C. Any individual, organization, or governmental entity owning or controlling a natural area may
- 43 request an addition to Appendix 10, Natural Areas, by petitioning ERM. The petition shall include
- 44 a description and map of the proposed addition, written justification for listing, a copy of the
- 45 management plan, if available, and proof of notice to parcel owners within the proposed buffer of
- 46 the natural area. ERM recommended additions to Appendix 10, Natural Areas, or changes to the
- 47 size of the buffer area may be approved by the BCC following a duly noticed public hearing.
- 48 1. For publicly owned natural areas, there is no minimum size for listing.
- 49 2. For privately owned natural areas, there must be a minimum of 10 acres of natural area
- 50 unless determined by ERM to be a highly significant natural area including scrub, wetlands or
- 51 mangrove communities and maintained under a management plan approved or accepted by
- 52 ERM.

53

54 **Section 6 Removal of Prohibited Invasive Non-Native Vegetation**

- 55 A. By January 1, of the applicable year provided on Appendix 11, Prohibited Vegetation Removal
- 56 Schedule, a parcel owner of a property located within the 500 foot buffer area around each
- 57 natural area listed in Appendix 10 shall remove or caused to be removed or eradicated, the
- 58 prohibited invasive non native vegetation as listed on Appendix 11, Prohibited Vegetation
- 59 Removal Schedule, unless an exemption is provided under Article 14.D.7, Exemptions, of this
- 60 Chapter.
- 61 B. For parcels located outside the 500 foot buffer area around each natural area listed in Appendix
- 62 10, a parcel owner shall remove or cause to be removed old world climbing fern and air potato as
- 63 listed on Appendix 11, Prohibited Vegetation Removal Schedule, unless an exemption is provided
- 64 under Article 14.D.7, Exemptions, of this Chapter.
- 65 C. Upon removal of prohibited invasive non native vegetation under this Chapter or any other
- 66 ordinance requiring removal of this nuisance vegetation, the parcel owner shall maintain the
- 67 parcel free of prohibited invasive non native vegetation.

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- D. In accordance with Article 14.C.9, improved parcels located in unincorporated Palm Beach County, approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in Appendix 6 & 11, Prohibited Invasive Non-Native Vegetation. The applicable year as described Article 14.D.6.A and provided on Appendix 11, does not apply to these parcels, instead, parcel owners of these improved parcels shall immediately and perpetually maintain them free of all Prohibited Invasive Non-Native Vegetation.
- E. Planting or installation of this vegetation is prohibited.

**Section 7 Exemptions**

- A. For parcels impacted by greater than 30 percent coverage of prohibited invasive non native vegetation or parcels containing 100 acres or greater in size, a management plan may be approved by ERM to space the eradication rate over an extended period. To be eligible for this approval, the management plan must be provided to, and approved by ERM, and eradication begun prior to the required date for removal or eradication of the prohibited invasive non native vegetation addressed in the plan.
- B. For parcels or portions of parcels that necessitate phased removal or eradication of prohibited invasive non native vegetation in response to a documented need for maintenance of existing wildlife values, a management plan may be approved by ERM to extend the time for removal.

**Section 8 Enforcement**

- A. Violations of this Chapter shall be:
  - 1. Failure of a parcel owner to remove or eradicate Vegetation in accordance with Art. 14.D.6.. and E., Removal of Prohibited Invasive Non-Native Vegetation.
  - 2. Failure of a parcel owner to maintain non exempt parcels free of prohibited invasive non-native vegetation in accordance with Art. 14.D.6.B, of this Chapter.
  - 3. Failure of a parcel owner to comply with a non compliance or notice of violation time frame as described in Article 14.D.8.B.3, and Article 14.D.8.B.4.
- B. The following are procedures which are to be followed for compliance and enforcement with this Chapter:
  - 1. Inspection of a parcel to determine the possible location of prohibited invasive non native vegetation.
  - 2. Preparation and provision of an information notice informing the parcel owner of prohibited invasive non native vegetation on the parcel and instructions for the removal or eradication of the vegetation and a time frame provided for compliance.
  - 3. Preparation and provision of a non compliance notice to the parcel owner concerning the possible violation of this Chapter, including a stated time frame of 30 days for compliance.
  - 4. Preparation and provision of a notice of violation to the parcel owner concerning the possible violation of this Chapter and failure to comply with the non compliance notice, including a stated time frame of 30 days for compliance.
  - 5. Preparation and provision of a Notice of Hearing to the parcel owner concerning the possible violation of this Chapter, failure to comply with a notice of violation, and an order to appear before the Groundwater and Natural Resources Protection Board (GNRPB).
  - 6. The decision of the GNRPB, which may include corrective actions and civil penalties in the maximum amount of \$1000.00 per day, per violation, shall be the final administrative action on behalf of ERM and PBC. Any person who is a party to the proceeding before the GNRPB may appeal to the Circuit Court of PBC in accordance with applicable Florida Appellate Rules.
- C. Additional remedies for enforcement include any applicable remedies under F.S. Chapters 125 and 162, as amended, and other legal action, including but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this Chapter.
- D. In order to provide an expeditious settlement that would be beneficial to the enforcement of this Chapter and be in the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent (settlement) agreements with alleged violators. Any such agreement shall be a formal written consent agreement between ERM on behalf of PBC, by and through its Director, and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office. The agreement can be entered into at any time prior to the hearing before the GNRPB.
  - 1. Conditions. Such consent agreements may be conditioned upon a promise by the alleged violator to:
    - a. Remove or eradicate prohibited invasive non-native vegetation and maintain the parcel free of this vegetation, and
    - b. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set forth in this Chapter, and
    - c. Remit payment for costs and expenses of the PBC for investigation and enforcement, and
    - d. Any other remedies and corrective action deemed necessary and appropriate by the Director of ERM to ensure compliance with this Chapter.
  - 2. The consent agreement shall not serve as evidence of a violation of this Chapter and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such consent agreement, each alleged violator shall be apprised of the right to have the matter

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- 1 heard by the GNRPB in accordance with the provisions of this Chapter, and that execution of
- 2 the agreement is not required.
- 3 3. The consent agreement shall be valid and enforceable in a court of competent jurisdiction in
- 4 PBC and shall abate any enforcement proceedings available to ERM for so long as the terms
- 5 and conditions of such agreement are complied with. In the event the alleged violator fails to
- 6 comply with the terms and conditions set forth in the executed agreement, the Director of
- 7 ERM may either:
- 8 a. Consider the consent agreement void and pursue any remedies available for
- 9 enforcement of the applicable provisions of this Chapter; or
- 10 b. Initiate legal proceedings for specific performance of the consent agreement.
- 11 E. All monies collected pursuant to violations of this Chapter whether from consent agreement or
- 12 the GNRPB shall be deposited in the PBC Pollution Recovery Trust Fund.
- 13
- 14
- 15
- 16

PPENDIX 10 NATURAL AREAS

17 The following are ultimate boundaries of natural areas acquired under the 1991 Sensitive Lands or 1999  
18 Conservation Lands bond issues as listed in Resolution 99-1073 as well as natural areas acquired by  
19 other governmental entities in PBC. Maps of each area are designated by Range, Township and Chapter  
20 with its associated 500 foot buffer and are on file at ERM for inspection.  
21

INCORPORATED PALM BEACH COUNTY

- Boca Raton:** Blazing Star Preserve (R42 T47 S25)  
Cypress Knee Slough Preserve (R42 T47 S23-24)  
Florida Atlantic University Ecological Site (R42 T47 S12/13; R43 T47 S07/18)  
Gopher Tortoise Preserve (R43 T46 S32)  
Gumbo Limbo Environmental Complex & Red Reef Park Dune (R43 T47  
16/21)  
Pond Hawk Natural Area (R42 T47 S12)  
Rosemary Ridge Preserve (R43 T46 S32)  
Serenoa Glade Preserve (R42 T47 S24)  
South Beach Park Dune (R43 T47 S21)  
Yamato Scrub Natural Area (R43 T46 S31; R43 T47 S06)
- Boynton Beach:** Rosemary Scrub Natural Area (R43 T45 S09/16)  
Seacrest Scrub Natural Area (R43 T46 S04)
- Delray:** Delray Oaks Natural Area (R43 T46 S30)  
Leon Weeks Preserve (R43 T46 S29)
- Highland Beach:** Highland Beach Mangrove Preserve (R43 T46 S33)
- Hypoluxo:** Hypoluxo Scrub Natural Area (R43 T45 S10)
- Juno:** Juno Dunes Natural Area (R43 T41 S20/21/28/29)
- Jupiter:** Delaware Scrub Natural Area (R42 T41 S02)  
Jupiter Ridge Natural Area (R43 T41 S07/08/17/18)  
Ocean Ridge Natural Area (R43 T45 S27)  
Limestone Creek Natural Area (R42 T41 S03)  
North Jupiter Flatwoods Natural Area (R42 T40 S32/33)  
Riverbend Park (R42 T40 S32/33; R42 T41 S05/06/07/08/17)
- Lake Park:** Lake Park Scrub Natural Area (R43 T42 S20)
- North Palm Beach:** John D. MacArthur Beach State Park (R43 T42 S10/15)
- Ocean Ridge:** Ocean Ridge Hammock Park (R43 T45 S22)
- Palm Beach:** Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15)
- Palm Beach Gardens:** Frenchman's Forest Natural Area (R43 T41 S32)  
Hungryland Slough Natural Area (R41 T41 S19/20/28/29/30/31/32/33/)  
Loxahatchee Slough Natural Area -includes Sandhill Crane (R41 T41  
S23/24/25/26/27/34/35/36; R41 T42 S01/02/11/12/13; R42 T41  
S19/28/29/30/31/32; R42 T42 S05/06/07/08/09/16/17)  
Prosperity Oaks Natural Area (R43 T42 S05)
- Royal Palm Beach:** Royal Palm Beach Pines Natural Area (R41 T43 S15/16)
- West Palm Beach:** Winding Waters Natural Area (R42 T42 S35)

UNINCORPORATED PALM BEACH COUNTY

- Acreage Pines Natural Area (R41 T42 S32)
- Arthur R. Marshall Loxahatchee NWR (R39 T44  
S12/13/23/24/25/26/27/34/35/36; R39 T45  
S01/02/03/10-15/22-27/34-36/L1/L2/L3; R39 T46 S01-03/10-14/23-25; R40  
T43 S32/L5; R40 T44 S04-09/15-36; R40 T45 S01-42; R40 T46 S01-36; R40  
T47 S01-06/08-14; R41 T44 S30-32/40-42; R41 T45 S04-10/14-23/26-35;  
R41 T46 S02-11/14-23/26-35; R41 T47 S03-10/15-19  
C-18 Triangle Natural Area (R42 T41 S08)  
Cypress Creek Natural Area (R41 T40 S34/36)  
Daggerwing Nature Center Preserve (R41 T47 S11/14)  
Donald Ross Road at the ICW (R43 T41 S29)  
DuPuis Management Area (R38 T40 S31-36; R38 T41  
S01-06/08-12/13-16/22-26/36; R39 T41 S19/30-31  
East Conservation Area (R41 T45 S14/23/24)  
High Ridge Scrub Natural Area (R43 T45 S09)

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ATTACHMENT 2.

J.W. Corbett Wildlife Management Area (R39 T40 S31-36; R39 T41 S01-36;  
R39 T42 S01-06/08-16; R40 T40 S31-32, R40 T41 S05-08/18-36, R40 T42  
S01-18/21-22; R41 T41 S31; R41 T42 S06-07/18  
Loxahatchee Mitigation Bank (R41 T46 S14/23/25-26/35; R41 T47 S02)  
Loxahatchee River Natural Area (R42 T40 S31)  
Sweetbay Natural Area (R41 T41 S34; R41 T42 S01/02/03)  
Okeeheelee Nature Center Preserve (R42 T44 S04-05)  
Pine Glades Natural Area (R40 T40 S33/35/36; R40 T41  
S01/02/03/04/10/11/12/13; R41 T40 S31/32; R41 T41 S05/06/07/08/09)  
Paw-Paw Preserve Natural Area (R43 T42 S04)  
Pine Jog Environmental Education Center (R42 T44 S03)  
Pond Cypress Natural Area (R41 T43 S12/13/24)  
Riverbend Park (Reese Property) - See Riverbend Park under Jupiter  
Municipality  
Royal Palm Beach Pines Natural Area (R41 T43 S15/16)  
Strazzulla Tract (R41 T44 S34/39-40; R41 T45 S03-04/10/11/14-15)

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