



**AGENDA
CITY OF LAKE WORTH BEACH
TREE & LANDSCAPE BOARD
CITY HALL CONFERENCE ROOM
THURSDAY, FEBRUARY 12, 2026 -- 6:00 PM**

ROLL CALL AND RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA:

APPROVAL OF MINUTES:

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS:

REPORTS: ADVISOR, CHAIR, COMMITTEE(S), AND BOARD MEMBERS:

- A. Status of Vacant PZHP positions
- B. Grasses and Groundcovers Presentation - January 28
- C. [Ordinance No. 2025-17 – Second Reading – amending Chapter 23, Article 6, Section 23.6-1\(p\) “Penalties for tree abuse and removal without a permit”](#)

NEW BUSINESS:

- A. [Bryant Park Phase 3](#)
- B. Downtown Trees
- C. Future Educational Programming

OLD BUSINESS:

PUBLIC COMMENTS: (3-minute limit)

ADJOURNMENT

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE

MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. *(Sec. 2-12 Lake Worth Code of Ordinances)*

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.

STAFF REPORT REGULAR MEETING

AGENDA DATE: February 3, 2026

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2025-17 – Second Reading – amending Chapter 23, Article 6, Section 23.6-1(p) “Penalties for tree abuse and removal without a permit”

SUMMARY:

The subject amendment to the City’s Land Development Regulations (LDRs) will clarify and update standards for the tree replacement fee-in-lieu, penalties for tree abuse and unpermitted removal, and the appeals process. The ordinance also includes standard provisions for severability, conflicts, codification, and an effective date.

BACKGROUND AND JUSTIFICATION:

The proposed LDR Amendments will modify Article 6, Section 23.6-1(p) to clarify the calculation of the penalty for tree abuse/removal without a permit, timing for payment of the penalty, and requirements for mitigation through a restoration plan or replacement of the tree(s).

The **Planning & Zoning Board (PZB)** unanimously voted to recommend approval of the proposed text amendment at their meeting on October 1, 2025.

The **Historic Resources Preservation Board (HRPB)** voted (4-1) to recommend approval of the proposed text amendment at their meeting on October 8, 2025.

At the October 21, 2025 City Commission meeting, the Commission directed staff to revise the proposed ordinance to clarify and update standards related to the tree replacement fee-in-lieu in addition to the changes regarding penalties for tree abuse and unpermitted removal. In preparing these amendments, staff also added changes to the appeals process.

Based on Commission direction, updated tree penalty amounts are proposed as follows: \$250 for trees under 6 inches DBH, \$500 for trees 6–12 inches DBH, and \$1,000 for trees over 12 inches DBH. Staff recommends retaining the penalty amount of \$2,000 for historic, specimen, or champion trees. This only applies to one tree within the City. These changes will require an amendment to the City’s fee schedule, which will be brought forward for consideration at the same meeting as the second reading of this ordinance.

At the December 2, 2025 City Commission Meeting, the Commission directed staff to schedule the item for the next Tree and Landscape Board meeting for formal review and recommendation. The revised ordinance was not required to return to the advisory boards for further review. The PZB and HRPB advisory boards did not formally review nor provide a recommendation on the proposed changes.

At its meeting of January 6, 2026, the City Commission approved the ordinance on first reading with a few changes, which are shown highlighted in yellow in the proposed ordinance.

MOTION:

Move to approve/disapprove Ordinance 2025-17 amending Chapter 23, Article 6, Section 23.6-1(p) “Penalties for tree abuse and removal without a permit”.

ATTACHMENT(S):

Ordinance 2025-17
PZB/HRPB Staff Report

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ORDINANCE 2025-17 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS”, ARTICLE 6 “ENVIRONMENTAL REGULATIONS,” SECTION 23.6-1 – LANDSCAPE REGULATIONS, PARAGRAPH (m)(7)(c)7, AND SUBSECTIONS (p), AND (q), RELATED TO FEE-IN-LIEU OF REPLACEMENT OF TREES, PENALTIES FOR TREE ABUSE AND REMOVAL WITHOUT A PERMIT, AND APPEALS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, the City wishes to amend Chapter 23, Article 6 “Environmental Regulations,” Section 23.6-1 – “Landscape regulations,” paragraph (m)(7)(c)7 to reduce the fee-in-lieu requirements for tree replacement; and

WHEREAS, the City wishes to amend Chapter 23, Article 6 “Environmental Regulations,” Section 23.6-1 – “Landscape regulations,” subsection (p) to amend the penalties for tree abuse and removal without a permit; and

WHEREAS, the City wishes to amend Chapter 23, Article 6 “Environmental Regulations,” Section 23.6-1 – “Landscape regulations,” subsection (q) to amend the procedures to appeal a violation and penalty for tree abuse and removal without a permit; and

WHEREAS, the Planning and Zoning Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the Historic Resources Preservation Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the City Commission has considered the proposed amendments at a duly advertised public hearing and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1: The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance as if set forth herein.

52 **Section 2:** Chapter 23 “Land Development Regulations, Article 6 “Environmental
 53 Regulations,” Section 23.6-1 “Landscape Regulations,” paragraph (m)(7)(c)7 is hereby amended
 54 by adding the words shown in underline type and deleting the words struck through as follows:
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56 7. Where the property cannot accommodate tree replacement on a DBH/caliper inch-per-
 57 inch basis, an in-lieu of fee shall be deposited into the Tree Canopy Restoration Fund for those
 58 trees with a condition rating of fifty (50) percent or greater. The in-lieu fee is calculated per DBH
 59 inch for each tree that cannot be mitigated by replacement. The in-lieu fee shall be calculated on
 60 an escalating scale:
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<i>Residential—Tree DBH</i>	<i>Mitigation fee per inch</i>
3" - < 6"	\$60.00 <u>51.00</u>
6" - < 9"	\$80.00 <u>68.00</u>
9" - < 12"	\$100.00 <u>85.00</u>
12" - < 18"	\$200.00 <u>170.00</u>
18" or greater	\$400.00 <u>340.00</u>
<i>Non-Residential—Tree DBH</i>	<i>Mitigation fee per inch</i>
3" - < 6"	\$120.00 <u>102.00</u>
6" - < 9"	\$160.00 <u>136.00</u>
9" - < 12"	\$200.00 <u>170.00</u>
12" - < 18"	\$400.00 <u>340.00</u>
18" or greater	\$800.00 <u>680.00</u>

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 63 **Section 3:** Chapter 23 “Land Development Regulations, Article 6 “Environmental
 64 Regulations,” Section 23.6-1 “Landscape Regulations,” subsection (p) is hereby amended by
 65 adding the words shown in underline type and deleting the words struck through as follows:
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67 (p) *Penalties for tree abuse and removal without a permit.*

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 70 (1) Any person who violates this section shall pay to the city ~~within days~~ the base rate penalty,
 71 adopted by resolution of the city commission. Violations may be determined by the
 72 development review official or the city’s code compliance magistrate. Penalties are levied
 73 in addition to replacement, inch for inch, with trees on site to meet the minimum
 74 requirements if the city horticulturist deems the tree unsalvageable. Penalties shall be paid
 75 into the Tree Canopy Restoration Fund. If the replacement tree cannot be located on site,

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the full cost of replacing the tree (specified in subsection p m(7)(c)) shall also be paid into the Tree Canopy Restoration Fund.

<i>Residential—Tree DBH</i>	<i>Fine or fee per inch</i>
3" < 6"	\$60.00
6" < 9"	\$80.00
9" < 12"	\$100.00
12" < 18"	\$200.00
18" or greater	\$400.00
<i>Non-Residential—Tree DBH</i>	<i>Fine or fee per inch</i>
3" < 6"	\$120.00
6" < 9"	\$160.00
9" < 12"	\$200.00
12" < 18"	\$400.00
18" or greater	\$800.00

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- (2) If a historic, specimen or champion tree is removed the fine shall be two thousand dollars (\$2,000.00) per DBH inch. Payment of penalties shall be made to the city within ten (10) days after receipt of written notice by the city of the violation or as provided by order of the city's code compliance magistrate. Notice shall be provided in accordance with Section 2-70 of the city's code of ordinances.
- (3) If the city horticulturist development review official deems the tree salvageable, the city horticulturist development review official shall recommend an arborist be contracted for three (3) to five (5) years by the property owner for corrective pruning for violations under subsection m). A signed contract with an arborist for corrective pruning and restoration over a period of three (3) to five (5) years must be submitted for approval to the city horticulturist development review official within thirty (30) days of written notice from the city of the development review official's determination that the tree is salvageable or a fifty dollars (\$50.00) per day fine will be imposed.
- (4) If the development review official deems the tree unsalvageable, penalties are levied in addition to replacement, inch for inch, with trees on site to meet the minimum requirements. If the replacement tree cannot be located on site, the full cost of replacing

99 the tree (specified in subsection m(7)c.7.) shall be paid into the Tree Canopy Restoration
100 Fund, along with the penalties.

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102 (45) To enforce compliance with this chapter, Lake Worth Beach city officials may issue a
103 cease and desist order or require that a building permit or certificate of occupancy be
104 withheld.

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106 **Section 4:** Chapter 23 "Land Development Regulations, Article 6 "Environmental
107 Regulations," Section 23.6-1 "Landscape Regulations," subsection (q) is hereby amended by
108 adding the words shown in underline type and deleting the words struck through as follows:

109 (q) *Appeals.*

110 (1) Anyone aggrieved by a decision of the development review official regarding the
111 landscape regulations may appeal that decision in accordance with section 23-2.17. ~~apply~~
112 ~~to the planning and zoning board or historic resources preservation board, as applicable,~~
113 ~~when the application of the regulations will cause undue hardship on an owner or when it~~
114 ~~is claimed that the true intent and meaning of a landscape regulation may have been~~
115 ~~misconstrued or wrongly interpreted.~~ The appeal shall be made on a form provided by the
116 department for community sustainability and the aggrieved party shall pay a filing fee as
117 established from time to time by the city commission.

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120 (2) Appeals of the landscape regulations, other than the penalty in subsection (p), may
121 address undue hardship on an owner that is or will be caused by the strict application of
122 the regulations or claims that the true intent and meaning of a landscape regulation may
123 have been misconstrued or wrongly interpreted.

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125 (3) Appeals of the penalty under subsection (p) shall be limited in scope to the applicable
126 amount of the penalty based on the size and/or condition of the abused or removed tree.
127 Size and condition may be addressed through an independent arborist report obtained by
128 the property owner and provided to the City for consideration on appeal. ~~The adopted~~
129 ~~penalty amounts shall not be reduced.~~

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131 **Section 5:** Severability. If any section, subsection, sentence, clause, phrase or portion
132 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
133 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
134 such holding shall not affect the validity of the remaining portions thereof.

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136 **Section 6:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
137 herewith are hereby repealed to the extent of such conflict.

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139 **Section 7:** Codification. The sections of the ordinance may be made a part of the City
140 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
141 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

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143 **Section 8:** Effective Date. This ordinance shall become effective 10 days after
144 passage.

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146 The passage of this ordinance on first reading was moved by Commissioner Segrich,
147 seconded by Commissioner May, and upon being put to a vote, the vote was as follows:

148
149 Mayor Betty Resch

AYE

150	Vice Mayor Sarah Malega	AYE
151	Commissioner Christopher McVoy	NAY
152	Commissioner Mimi May	AYE
153	Commissioner Anthony Segrich	AYE

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 155 The Mayor thereupon declared this ordinance duly passed on first reading on the 6th day
 156 of January, 2025.
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 159 The passage of this ordinance on second reading was moved by _____,
 160 seconded by _____, and upon being put to a vote, the vote was as follows:
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162 Mayor Betty Resch
 163 Vice Mayor Sarah Malega
 164 Commissioner Christopher McVoy
 165 Commissioner Mimi May
 166 Commissioner Anthony Segrich
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168 The Mayor thereupon declared this ordinance duly passed on the _____ day of
 169 _____, 2026.
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171 LAKE WORTH BEACH CITY COMMISSION

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 174 By: _____
 175 Betty Resch, Mayor
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177
 178 ATTEST:
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 180
 181 _____
 182 Melissa Ann Coyne, MMC, City Clerk

NEST

Neighbors Encouraging Shade Trees

advocating to increase the shade tree canopy in Bryant Park, Lake Worth Beach, Florida

Bryant Park Shade Plan - Phase Three

January 2026 Update

Phase Three South Bryant Park

January On-Site Meetings:

- January 9th - Consultation with Paul from SmartyPlants Garden Center
- January 9th - Phase Three Shade Plan review with Chris Hana Parks Supervisor and Scot Ropp Maintenance Supervisor
- January 26th - Phase Three Shade Plan review with Stewart Sword Leisure Services Assistant Director and Chris Hana Parks Supervisor

February:

- Map showing the locations of twenty-eight 25-Gallon Green Buttonwood Trees
- 14 trees improving shade around the Playground and benches
- 14 trees providing shade to the Wellness Walk from the exercise equipment to the South Pavilion
- February 12th - Tree and Landscape Board meeting **NEST** Shade Tree Plan presentation
- Submit ticket for utility locates to Sunshine811 with 28 marked tree locations after City Commission approval

March:

- March 3rd - City Commission meeting **NEST** Shade Tree Plan presentation
- March 9th & 16th - First Tree Planting with one to two Tree Plantings on following Mondays.

Bryant Park Shade Plan Accomplishments

- \$25,000 - Tree Canopy Restoration Fund allocated by The Tree and Landscape Board Sept 2023
- \$25,000 - American Rescue Plan Act 2021 (ARPA) funds, unanimously approved by City Commission Nov 2023
- **Phase One Accomplished** - Fall 2024 and Spring 2025, Central Bryant Park, twenty-seven trees planted shading the Wellness Walkway South of the Water Treatment Plant to the existing exercise equipment
- **Phase Two Accomplished** - Fall 2025, Northeast Corner Bryant Park, fifteen 25-gallon Silver Buttonwood Trees form the 60' diameter Joyful Trees Circle, nine 25-35-gallon Green Buttonwood trees shade the Wellness Walk south of the bridge and around the Joyful Trees Circle buffering the road noise

Green Buttonwood Characteristics

Green Buttonwood trees, often called the “fourth mangrove,” can handle direct saltwater flooding and heavy salt spray. Their wood is incredibly strong and flexible, able to withstand hurricane-force winds without breaking. Growing between 20 and 40 feet tall with manageable root systems, they’re perfect for planting near sidewalks.

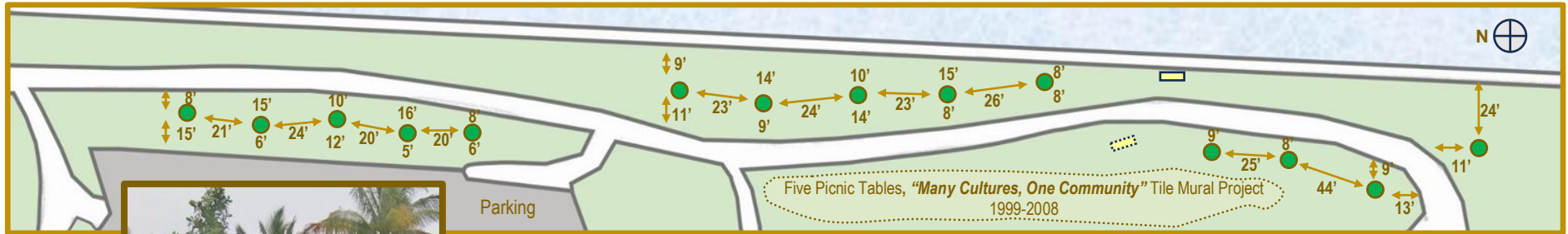
NEST and SmartyPlants Collaboration

Paul and Marta Harding, owners of **Amelia’s SmartyPlants Garden Center** in Lake Worth Beach, have generously agreed to continue collaborating with **NEST** on the Bryant Park Shade Plan, Phase Three Tree plantings. They will continue to supply, install, and maintain the **NEST** trees within Bryant Park. With Paul’s deep knowledge of planting in this coastal area—known for its salt spray, strong winds, and dry conditions—the trees are thriving and growing into beautiful shade trees that will be enjoyed by residents and visitors for generations to come.

2023 **NEST** Founding Members

Roseann Malakates • Tracy Rosof-Petersen • Gael Silverblatt • Susan Ona • Susan Guyaux

NEST Bryant Park Shade Plan - Phase Three March 2026



Maps not to scale



NEST Bryant Park Shade Plan - Phase Three March 2026

Plant **28** 25-Gallon #1 Florida Fancy Green Buttonwood Trees

- **14** trees will improve shade for the playground & surrounding benches
- **14** trees will provide shade for the Wellness Walk, extending from the exercise area to the South Pavilion

Paul and Marta Harding, owners of **Amelia's SmartyPlants Garden Center** in Lake Worth Beach, have agreed to continue collaborating with **NEST** on the Bryant Park Shade Plan, Phase Three Tree plantings as drawn on this map. They agree to continue to supply, install, and maintain the **NEST** trees within Bryant Park. With Paul's deep knowledge of planting in this coastal area—known for its salt spray, strong winds, and dry conditions—the trees are thriving and growing into beautiful shade trees that will be enjoyed by residents and visitors for generations to come.

Bryant Park Shade Plan aims to create a haven for songbirds and wildlife, provide shaded areas to relax and rejuvenation, establish breezy spaces to gather, and celebrate nature.

