



**AGENDA**  
**CITY OF LAKE WORTH BEACH**  
**TREE AND LANDSCAPE BOARD**  
**CITY HALL CONFERENCE ROOM**  
**THURSDAY, DECEMBER 11, 2025 -- 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:**

**NEW BUSINESS:**

- A. [Discussion of Ordinance 2025-17 - Amendment to Chapter 23 of the Land Development Regulations Article 6 Section 23.6-1 Paragraph \(m\)\(7\)c.7; Subsections \(p\) and \(q\) related to fee-in-lieu of replacement of trees, penalties for tree abuse and removal without a permit and appeals.](#)

**OLD BUSINESS:**

- A. Grasses & Groundcovers Flyer

**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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

**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:  
 55

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:  
 61

<i>Residential—Tree DBH</i>	<i>Mitigation fee per inch</i>
3" - < 6"	<del>\$60.00</del> <u>51.00</u>
6" - < 9"	<del>\$80.00</del> <u>68.00</u>
9" - < 12"	<del>\$100.00</del> <u>85.00</u>
12" - < 18"	<del>\$200.00</del> <u>170.00</u>
18" or greater	<del>\$400.00</del> <u>340.00</u>
<i>Non-Residential—Tree DBH</i>	<i>Mitigation fee per inch</i>
3" - < 6"	<del>\$120.00</del> <u>102.00</u>
6" - < 9"	<del>\$160.00</del> <u>136.00</u>
9" - < 12"	<del>\$200.00</del> <u>170.00</u>
12" - < 18"	<del>\$400.00</del> <u>340.00</u>
18" or greater	<del>\$800.00</del> <u>680.00</u>

62  
 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:  
 66

67 (p) *Penalties for tree abuse and removal without a permit.*

68  
 69  
 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,

76  
77  
78

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

79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99

100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148

- (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 the tree (specified in subsection m(7)(c)7) shall be paid into the Tree Canopy Restoration Fund, along with the penalties.~~
- (45) ~~To enforce compliance with this chapter, Lake Worth Beach city officials may issue a cease and desist order or require that a building permit or certificate of occupancy be withheld.~~

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

- (q) *Appeals.*
- (1) ~~Anyone aggrieved by a decision of the development review official regarding the landscape regulations may appeal that decision in accordance with section 23-2.17, apply to the planning and zoning board or historic resources preservation board, as applicable, when the application of the regulations will cause undue hardship on an owner or when it is claimed that the true intent and meaning of a landscape regulation may have been misconstrued or wrongly interpreted. The appeal shall be made on a form provided by the department for community sustainability and the aggrieved party shall pay a filing fee as established from time to time by the city commission.~~
- (2) Appeals of the landscape regulations, other than the penalty in subsection (p), may address undue hardship on an owner that is or will be caused by the strict application of the regulations or claims that the true intent and meaning of a landscape regulation may have been misconstrued or wrongly interpreted.

149 (3) Appeals of the penalty under subsection (p) shall be limited in scope to the applicable  
150 amount of the penalty based on the size of the abused or removed tree. The adopted  
151 penalty amounts shall not be reduced.  
152  
153

154 **Section 5:** Severability. If any section, subsection, sentence, clause, phrase or portion  
155 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent  
156 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and  
157 such holding shall not affect the validity of the remaining portions thereof.  
158

159 **Section 6:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict  
160 herewith are hereby repealed to the extent of such conflict.  
161

162 **Section 7:** Codification. The sections of the ordinance may be made a part of the City  
163 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and  
164 the word "ordinance" may be changed to "section", "division", or any other appropriate word.  
165

166 **Section 8:** Effective Date. This ordinance shall become effective 10 days after  
167 passage.  
168

169 The passage of this ordinance on first reading was moved by \_\_\_\_\_,  
170 seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:  
171

- 172 Mayor Betty Resch
- 173 Vice Mayor Sarah Malega
- 174 Commissioner Christopher McVoy
- 175 Commissioner Mimi May
- 176 Commissioner Anthony Segrich

177  
178 The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_\_  
179 day of \_\_\_\_\_, 2025.  
180

181  
182 The passage of this ordinance on second reading was moved by \_\_\_\_\_,  
183 seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:  
184

- 185 Mayor Betty Resch
- 186 Vice Mayor Sarah Malega
- 187 Commissioner Christopher McVoy
- 188 Commissioner Mimi May
- 189 Commissioner Anthony Segrich

190  
191 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
192 \_\_\_\_\_, 2025.  
193

194 LAKE WORTH BEACH CITY COMMISSION

195  
196  
197 By: \_\_\_\_\_  
198 Betty Resch, Mayor  
199

200  
201  
202  
203  
204  
205

ATTEST:

---

Melissa Ann Coyne, MMC, City Clerk