



**Town of Lake Park**  
**Planning & Zoning Board Meeting**  
**Meeting Date: SEPTEMBER 11, 2023**  
**PZ ITEM 23-07 – MIXED USE CODE TEXT AMENDMENT**

**STAFF MEMO & PROPOSED ORDINANCE**

**PROPOSAL**

Staff has received feedback from both development partners and our consultant landscape architects that for our Mixed Use District Section 78-83, our street tree planting standards are difficult to adhere to for cost, availability, and long-term maintenance reasons. Specifically, the N220 project has experienced conflicts where the currently proposed landscaping specs for street tree plantings were too intense; the specimen trees required proved difficult to obtain at the required heights and furthermore created maintenance issues for both the property owner and FDOT, as these large mature canopy trees create complications for both sidewalk and utility infrastructure upkeep. In order to address these issues and facilitate development along the US-1 corridor, staff has worked to create new regulations that allow for greater flexibility in street tree planting along the street while still retaining the intent of the street tree planting code by providing high quality shaded greenways throughout the Federal Highway Mixed Use Overlay District.

The substance of the code changes is detailed below:

- a. Providing a tree species that provides substantial shade along the street. Palm trees may compose no more than 25 percent of ~~shall not count toward~~ the required number of street trees.
  - i. A minimum of 75~~50~~ percent of the required street trees shall be shade trees, and the remaining street trees may be provided as medium or large flowering trees. Palm trees may be used over and above the minimum number of required street trees. Street trees shall be provided at a ratio of one street tree per 20~~5~~ feet of street frontage, or a greater ratio thereof, not subtracting ingress and egress dimensions. Where overhead utilities exist, required street trees may be small trees provided at a ratio of one street tree per 20~~5~~ feet of street frontage.
- b. Providing adequate street furnishings such as benches, bus shelters, drinking water fountains etc.
- c. Providing a landscape plan illustrating a significant tree species along the greenway that is distinguishably different from the other streets in terms of color, type and shape.
- d. At the time of planting, the trunk of ~~shade~~the trees shall be a minimum of 7~~15~~ feet clear height to the bottom of the canopy, flowering trees shall be a minimum of 6 feet clear height to bottom of the canopy, and palm trees shall have a minimum of 12 feet of clear trunk.

**Staff Recommendation: Approval**

**ORDINANCE NO. \_\_-2023**

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

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

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

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

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

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

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

- a. Providing a tree species that provides substantial shade along the street. Palm trees may compose no more than 25 percent of ~~shall not count toward~~ the required number of street trees.
  - i. A minimum of 75~~50~~ percent of the required street trees shall be shade trees, and the remaining street trees may be provided as medium or large flowering trees. Palm trees may be used over and above the minimum number of required street trees. Street trees shall be provided at a ratio of one street tree per 205 feet of street frontage, or a greater ratio thereof, not subtracting ingress and egress dimensions. Where overhead utilities exist, required street trees may be small trees provided at a ratio of one street tree per 205 feet of street frontage.
- b. Providing adequate street furnishings such as benches, bus shelters, drinking water fountains etc.
- c. Providing a landscape plan illustrating a significant tree species along the greenway that is distinguishably different from the other streets in terms of color, type and shape.
- d. At the time of planting, the trunk of shade~~the~~ trees shall be a minimum of 7~~15~~ feet clear height to the bottom of the canopy, flowering trees shall be a minimum of 6 feet clear height to bottom of the canopy, and palm trees shall have a minimum of 12 feet of clear trunk.

### **Section 3. Severability.**

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

### **Section 4. Codification.**

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

### **Section 5. Repeal of Laws in Conflict.**

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

### **Section 6. Effective Date.**

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