

**ORDINANCE NO. 577**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ARTICLE IV, DIVISION 4, SECTION 66-161(G), OF THE CODE OF ORDINANCES TO PROVIDE CONSISTENCY WITH REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Article IV, Division 4, Section 66-161(g) of the Town's Code of Ordinances establishes the types of plants which are and are not permitted to be planted upon the Town's coastal dunes; and

WHEREAS, the Florida Department of Environmental Protection (DEP) also has jurisdiction and requirements as to allowable planting on the coastal dunes of the State of Florida; and

WHEREAS, the Town Commission has determined that there are certain inconsistencies between the Town's requirements and those of DEP; and

WHEREAS, it is in the interest of the Town, the Town's citizens and the State of Florida that the Town's requirements and DEP's requirements be consistent to avoid confusion and aid in the consistent application and enforcement of dune vegetation requirements.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:**

**Section 1. Findings of Fact.** The WHEREAS clauses set forth above are adopted herein as findings of fact.

**Section 2. Amendment.** Article IV, Division 4, Section 66-161(g) is hereby amended to read as follows in its entirety:

*(g) Dune plant types; prohibited; permitted*

(1) In addition to those species prohibited for planting in the town, no non-native or invasive vegetation such as Scavola, Australian pines, St. Augustine grass, shall be planted upon the coastal dunes. Any such invasive plant now located on the dune shall be removed as a condition for the granting of a permit within this section.

(2) Only native salt tolerant dune vegetation is permitted on the dunes. The following are examples of permitted vegetation:

1. Seagrape

*Cocoloba Uviferai*

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|-------------------------|-------------------------------|
| 2. Cocoplum             | <i>Chrysobalanus Icaco</i>    |
| 3. Myrsine              | <i>Myrsine Floradana</i>      |
| 4. Saw Palmetto         | <i>Serenoa Repens</i>         |
| 5. Spanish Stopper      | <i>Eugenia Foetida</i>        |
| 6. Purple Morning Glory | <i>Ipomoea Indica</i>         |
| 7. Sea Oats             | <i>Unifolia Paniculata</i>    |
| 8. Spanish Bayonet      | <i>Yucca Aloifolia</i>        |
| 9. Beach Sunflower      | <i>Helianthus Latifolia</i>   |
| 10. Spider Lily         | <i>Hymenocallis Latifolia</i> |
| 11. Railroad Vine       | <i>Ipomoea Per-Capra</i>      |

(3) Consideration will be given to the planting of substitute plant materials which are native, or which otherwise contribute to the overall benefit of the dunes. No other materials shall be planted upon the dunes, except upon the approval of the Town Commission.

**Section 3. Repeal of Ordinances.** Any ordinance in conflict herewith, to the extent of such conflict, is hereby repealed.

**Section 4. Severability.** In the event any Section, Paragraph, Sub-paragraph, Sentence, Clause, Phrase or Word of this Ordinance shall be declared invalid, illegal or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

**Section 5. Effective Date.** This Ordinance shall take effect immediately after adoption or as provided by law.

FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2008.

SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2008.

Commissioner \_\_\_\_\_ offered the foregoing Ordinance and its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

KENNETH M. KALEEL, Mayor \_\_\_\_\_

ELIZABETH P.B. BINGHAM, Vice Mayor \_\_\_\_\_

DR. LYNN L. ALLISON, Commissioner \_\_\_\_\_

TERRY BROWN, Commissioner

\_\_\_\_\_

GEOFFREY A. PUGH, Commissioner

\_\_\_\_\_

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this \_\_\_\_ day of \_\_\_\_\_, 2008.

TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_

KENNETH M. KALEEL, MAYOR

ATTEST: \_\_\_\_\_

TOWN CLERK