



Legislation Text

File #: ID 2019-539, **Version:** 1

TO: Mayor and City Commission

FROM: Cale Curtis, City Manager

DATE: November 6, 2019

AMENDING CHAPTER 23 - LANDSCAPING, ARTICLE II, SECTION 23-20 - TREE REMOVAL LICENSE REQUIREMENTS AND STANDARDS; AMENDING APPENDIX-A ZONING ARTICLE VI, SECTION 6.9 - DEVELOPMENT STANDARDS; AMENDING APPENDIX-A ZONING; ARTICLE XIV, SECTION 14.2 - PERMITTED USES, AMENDING ARTICLE XVIII, SECTION 18.5 - DESIGN STANDARDS; ARTICLE XL SECTION 40.4 - EXTERIOR MAINTENANCE OF STRUCTURE AND PREMISES; ARTICLE XL, SECTION 40.9 - LANDSCAPE MAINTENANCE REQUIREMENTS; PROVIDING CONSISTENCY WITH FLORIDA STATUTE SECTION 163.045 FOR NOTICE, APPLICATION, APPROVAL, PERMIT, FEE, AND MITIGATION EXEMPTION FOR PRUNING, TRIMMING, REMOVAL, REPLANTING, OR MITIGATION TO TREES ON RESIDENTIAL PROPERTY; PROVIDING FOR REPEAL; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND: During the last legislative session the Florida Legislature passed House Bill 1159 which was signed by the Governor. This bill prohibits a local government to require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property. In addition, the bill prohibits a local government from requiring a property owner to replant a tree that was pruned, trimmed, or removed in accordance with the above requirement.

The state law does not eliminate the City's regulations related to trees. The City's regulations are preempted only if documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property has been obtained. If a tree has been removed without the required documentation and a permit from the City has not been obtained, it is a code violation.

Attached is a proposed ordinance that revises the City's Code to be in compliance with the State statutes.

RECOMMENDATION: The Planning and Zoning Board recommended rejection of the proposed ordinance. The staff recommends approval of the attached ordinance.

FISCAL IMPACT: N/A

CONTACT PERSON: Robert Massarelli, AICP, Director of Development Services