



Agenda Item # R - 4

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING FOR FIRST READING AND APPROVAL OF ORDINANCE NO. 995, AMENDING CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT. TO ADD LANGUAGE REGARDING A STATE LAW EXEMPTION TO LOCAL GOVERNMENT REGULATION OF TREE TRIMMING, PRUNING, REMOVAL, REPLACEMENT AND MITIGATION REQUIREMENTS ON RESIDENTIAL PROPERTIES UNDER CERTAIN CIRCUMSTANCES.

Issue:

HB 1159 was signed into law by the Governor on June 26, 2019. It amends Section 163.045, Florida Statutes, to prohibit the Village from requiring 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 a certified arborist or licensed landscape architect that the tree presents a danger to person or property. It also prohibits the Village from requiring a property owner to replant a tree that was pruned, trimmed or removed if the property owner obtains the documentation outlined above. Based on this new legislation, Village Staff drafted Ordinance No. 995, which amends Chapter 15 of Village Code.

Code Revisions to Address HB 1159: Ordinance No. 995 revises Section 15-3 of the Village Code in order to provide that residential property owners are not required to comply with Village tree pruning, trimming, removal, replacement, and mitigation standards when:

- (1) a tree on residential property presents a danger to persons or property;
- (2) the tree is pruned, trimmed, or removed in order to eliminate the danger to persons or property;
- (3) the tree is not a Village-owned tree;
- (4) the residential property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect confirming that the tree presents a danger to persons or property; and
- (5) the residential property owner obtains the required documentation from the arborist or landscape architect prior to the tree being pruned, trimmed or removed.

Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Approval	9-19-2019	Action

Chapter 15's tree pruning, trimming, removal, replacement and mitigation standards will apply in all other circumstances (i.e. commercial properties, and residential properties where the above-mentioned requirements are not followed).

Ordinance Effective Date:

The Ordinance is written to take effect immediately upon passage.

Planning and Zoning Commission:

October 22, 2019:

The Local Planning Agency will consider Ordinance No. 995 at its meeting on October 22, 2019.

Recommended Action:

Upon Council review, staff recommends a motion to approve Ordinance No. 995 on first reading.

Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Approval	9-19-2019	Action

ORDINANCE NO. 995

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT ARTICLE I. IN GENERAL. AT SEC. 15-3. APPLICABILITY OF CHAPTER. IN ORDER TO ADD LANGUAGE REGARDING A STATE LAW EXEMPTION TO LOCAL GOVERNMENT REGULATION OF TREE TRIMMING, PRUNING, REMOVAL, REPLACEMENT AND MITIGATION REQUIREMENTS ON RESIDENTIAL PROPERTIES UNDER CERTAIN CIRCUMSTANCES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Florida Legislature recently adopted HB 1159, which became effective on July 1, 2019, and which provides for an exemption to local government regulation of tree trimming, pruning, removal, replacement and mitigation requirements on residential properties under certain circumstances; and

WHEREAS, the Village Council desires to amend Chapter 15. Landscaping and Vegetation Management. of the Village's Code of Ordinances in order to be consistent with HB 1159; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 15 of the Village Code of Ordinances are in the best interests of the general welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 15. Landscaping and Vegetation Management. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article I. In General. at Sec. 15-3. Applicability of chapter. in order to add language regarding a state law exemption to local government regulation of tree trimming, pruning, removal, replacement and mitigation

requirements on residential properties under certain circumstances; providing that Sec. 15-3. shall hereafter read as follows:

Sec. 15-3. - Applicability of chapter.

(a)—(e) [Shall remain the same as previously adopted.]

(f) State law exemption from Village tree pruning, trimming, removal, and mitigation standards. Pursuant to Sec. 163.045, F.S., as amended from time to time, residential property owners are not required to comply with Village tree pruning, trimming, removal, replacement, and mitigation standards when:

(1) a tree on residential property presents a danger to persons or property;

(2) the tree is pruned, trimmed, or removed in order to eliminate the danger to persons or property;

(3) the tree is not a Village-owned tree;

(4) the residential property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect confirming that the tree presents a danger to persons or property; and

(5) the residential property owner obtains the required documentation from the arborist or landscape architect prior to the tree being pruned, trimmed or removed.

Section 2: Each and every other Section and Sub-section of Chapter 15. Landscaping and Vegetation Management. shall remain in full force and effect as previously enacted.

Section 3: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

FIRST READING this 19th day of September, 2019.

SECOND AND FINAL READING this 21st day of November, 2019.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK