



COOPER CITY TREE & RIGHTS-OF-WAY WORKSHOP



Presented December 12, 2023



WORKSHOP FORMAT

- **PARTICIPANTS:**

- *City Manager* will provide a basic PP-guided overview.
- *City Commission* active participation is encouraged.
- *City Staff* is available to clarify portions of the presentation.
- *City Residents* input at the final public comment is valued.

- **PRINCIPLES:**

- There are no right or wrong answers.
- New, innovative ideas or approaches are acceptable.
- Improvement in current ordinance(s) to match policy and practice may be needed, or vice-versa.
- Focus on identifying a path forward.
- Recognition that we may not finalize the topic tonight, and a plan with alternative solutions may need to be brought back.



WORKSHOP OBJECTIVES

- **Provide an overview of current city policy and practice.**
- **Provide a visual of city vs. resident responsibility / role based on our current ordinance(s).**
- **Provide a list of variables that have impacted this conversation since the last workshop.**
- **Provide staff recommendations on areas where city clarification would help staff more efficiently carry out commission intent and define our effort to educate the public on city vs. resident role(s).**
- **Recommend, if needed, a future workshop to present a plan based on tonight's commission feedback.**



WORKSHOP

PROBLEMS & GOALS

- **PROBLEMS:**

- As a result of years of improper placement, lack of species management, aging trees and inconsistent practices, the City has many trees in its swales that are adversely affecting public infrastructure, private property, and in some cases, public safety.
- Additionally, changing practice and laws have impacted city and resident understanding of roles / responsibilities in relation to maintenance issues in the rights-of-way, to include rear abutting property, and what can and cannot be done in the ROWs.
- Lastly, since the last workshop, the city's arborist has retired and the position has not been refilled, which has kept some related projects unrealized, along with a missing expertise available to staff need(s).

- **PRIMARY GOAL:**

- In light of changing laws, personnel and resource impact, and confusion on city vs. resident responsibility / role, identifying a holistic approach that aligns with the City's strategic plan is needed.



WORKSHOP

PROBLEMS & GOALS

- **SECONDARY GOALS:**

- Create a safe, walkable and drivable neighborhoods.
- Clarify or revisit ordinances tied to trees, maintenance, and ROW standards.
- Identify a fiscally responsible plan to address the immediate and most egregious trees, while outlining a long-term strategy.
- Minimize adverse impact on public infrastructure, e.g. sidewalks, roads, drainage, water/sewer.
- Minimize adverse impact on private property, e.g. driveways, vehicles.
- Reduce city liability.
- After the path forward is identified, develop and implement a robust communication plan to educate residents and create citizen buy-in.



WORKSHOP

PRIMARY TOPICS

- **TREE TRIMMING**
 - *Sec. 18-7*
- **TREE REMOVAL AND REPLACEMENT**
 - *Sec. 18-4 & 18-11*
 - *Senate Bill 518, effective July, 2022*
- **R.O.W & DRIVEWAY MAINTENANCE**
 - *Sec. 25-95 & 25-102*
- **CITY LANDSCAPE / ARBORIST**
 - *Sec. 18 and, specifically, 18-9*



WORKSHOP

TREE TRIMMING

CITY RESPONSIBILITY



- ▶ TRIM TREES ON CITY-OWNED PROPERTY ONLY*
- ▶ TRIM TREES FOR LIFE, HEALTH, & SAFETY PURPOSES IN THE RIGHT-OF-WAY
- ▶ TRIM TREES PERIODICALLY TO MAINTAIN TREE CANOPY IN RIGHT-OF-WAY
- ▶ TRIM TREES TO DOT STANDARDS**
- ▶ REMOVE OR TRIM TREES FOR EMERGENCY MANAGEMENT / NATURAL DISASTERS

PROPERTY OWNER RESPONSIBILITY

- ▶ MAINTAIN AND TRIM TREES ON PRIVATE PROPERTY
- ▶ MAINTAIN AND TRIM TREES ON PUBLIC RIGHT-OF-WAY IF ABUTTING YOUR PROPERTY
- ▶ IT SHOULD BE NOTED, PAST CITY PRACTICE WAS TO TRIM TREES IN THE PUBLIC RIGHTS-OF-WAY DESPITE IT NOT BEING POLICY, I.E. PER CODE. THIS CHANGED APPROX. 2YRS AGO, WHICH HAS RESULTED IN RESIDENT CONFUSION AS THEY EXPECT TREE TRIMMING BASED ON PAST PRACTICE.



WORKSHOP

TREE REMOVAL & REPLACEMENT

ROLES



CITY RESPONSIBILITY

- ▶ RESPONSIBLE ON CITY-OWNED PROPERTY
- ▶ MAY REMOVE TREES IN PUBLIC RIGHTS-OF-WAY FOR LIFE, HEALTH, & SAFETY, IF CAUSING DAMAGE TO PUBLIC OR PRIVATE PROPERTY, OR TO PROVIDE NECESSARY ACCESS.
- ▶ MAY REPLACE TREES IN PUBLIC RIGHTS-OF-WAY FOLLOWING THE GUIDELINES OUTLINED IN SECTION 18-11, 18-13 OF THE CITY CODE.

PROPERTY OWNER RESPONSIBILITY

- ▶ RESPONSIBLE FOR PRIVATELY OWNED PROPERTY
- ▶ AS A RESULT OF **RECENT** STATE LEGISLATURE, “RESIDENTIAL PROPERTY” MAY PROVIDE “DOCUMENTATION” FROM A CERTIFIED ARBORIST TO REMOVE A TREE UNDER CERTAIN CONDITIONS. THE CITY MAY NO LONGER REQUIRE A PERMIT OR REPLACEMENT TREE BE PLANTED.*
- ▶ MAY OPT TO IMPROVE A TREE AND, IF SO, SECTION 18 OF THE CODE APPLIES FOR REPLACEMENT.



WORKSHOP

RIGHT-OF-WAY MAINTENANCE

CITY RESPONSIBILITY



- ▶ REPAIRS SIDEWALKS
- ▶ REPAIRS WATER / SEWER UTILITIES AND STORMWATER SYSTEMS.
- ▶ REPAIRS ROADS IN THE PUBLIC RIGHT-OF-WAY
- ▶ OFFERS TO PRUNE TREE ROOTS WHEN REQUESTED BY PROPERTY OWNERS *IF* CAUSING DAMAGE TO PRIVATE OR PUBLIC PROPERTY

PROPERTY OWNER RESPONSIBILITY

- ▶ RESPONSIBLE TO MAINTAIN / REPAIR DRIVEWAY APRON AND MAIN DRIVEWAY (Sec 25-102a-b)
- ▶ OFFERED ALTERNATIVE TO SELF-REPAIR ABUTTING SIDEWALKS W/ CITY MANAGER / DESIGNEE APPROVAL.
- ▶ RESPONSIBLE TO CLEAN & KEEP CLEAR ABUTTING SIDEWALKS.
- ▶ RESPONSIBLE TO MAINTAIN VEGETATION IN THE ROW.

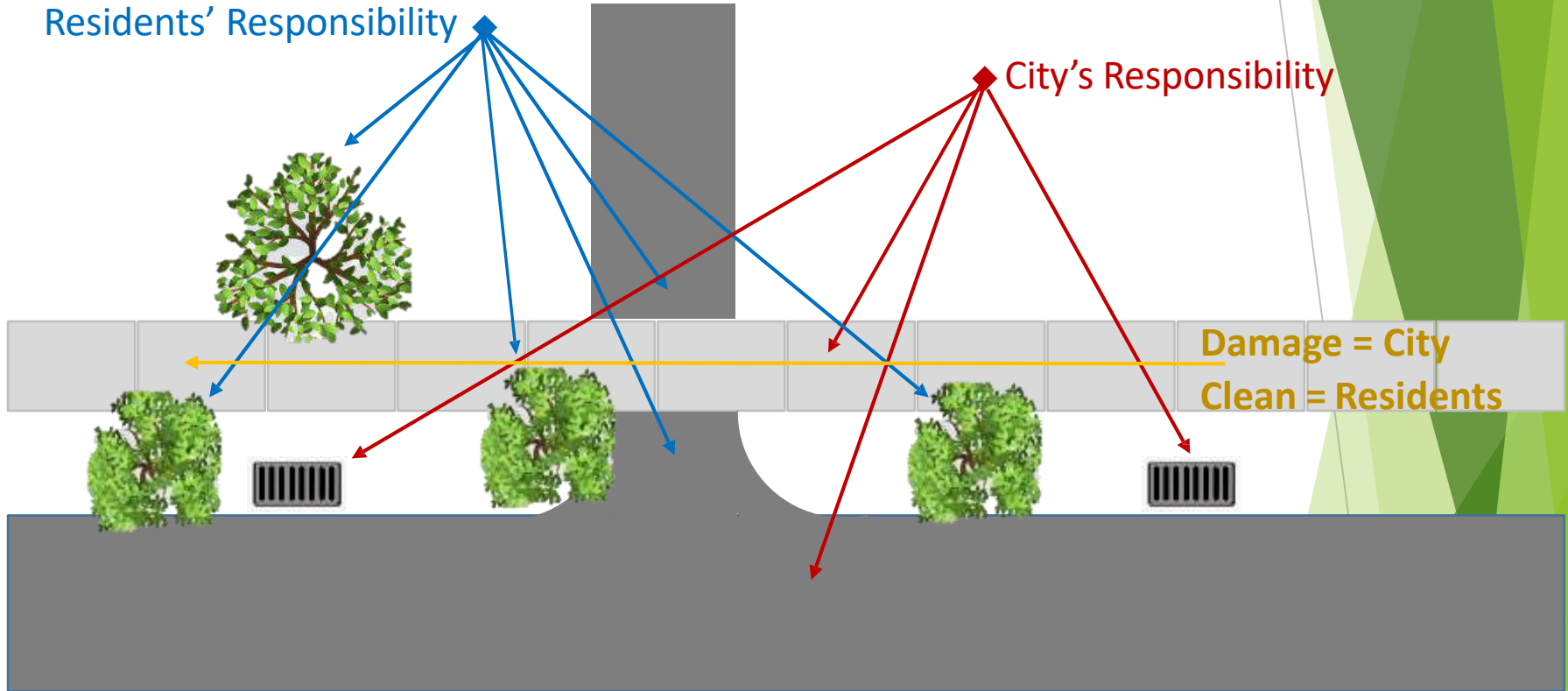


WORKSHOP

R.O.W. MAINTENANCE VISUAL

Residents' Responsibility

City's Responsibility



City's past practice WAS to trim trees in public rights-of-way. Current practice, as of 2yrs ago, is NOW aligned to city ord. / policy, i.e. resident's responsibility



WORKSHOP

ANCILLARY TOPICS

- **A MAJORITY OF RECENT COMMISSION CONCERNS TIE TO ONE OF THE PRIMARY TOPICS ALREADY OUTLINED.**
- **HOWEVER, A COUPLE OF SUBTOPICS INTERRELATE WITH THE FORMER AND ARE AS FOLLOWS:**
 - PROHIBITED STRUCTURES AND LANDSCAPE FEATURES IN THE RIGHT-OF-WAY, SEC. 25-45 AND, SPECIFICALLY, 25-45(E)
 - THOROUGHFARE BEAUTIFICATION VIA HEDGE HEIGHT OR COMMUNITY WALL CONCEPTS.*



WORKSHOP

NEW VARIABLES

- **AT THIS JUNCTURE, WE WOULD LIKE TO HIGHLIGHT NEW VARIABLES THAT IMPACT THIS WORKSHOP:**
 - **NEW LAWS & A PENDING MAGISTRATE CASE:** Senate Bill 518 passed in 2022 and effective July 1, 2022. To a lesser extent, Senate Bill 60, effective July 1, 2021, impacts enforcement efforts.
 - REFER TO CAO MEMORANDUM 2021-014
 - REFER TO CAO MEMORANDUM 2022-015
 - Particularly SB 518 may have impact on the city's code section 18, requiring revision and revamping altogether.
 - **Flamingo Townhomes Phase 4 magistrate case and potential impact.**
 - **CITY ARBORIST VOID:** The retirement of the city arborist shortly after the city's pursuit of citywide revitalization of commercial properties and thoroughfares has hindered staff progress.
 - **CONSULTANT FOR CITYWIDE LANDSCAPE MASTER PLAN:** This project is forthcoming and, once complete, it may have impact on these workshop topics and need to be taken into consideration from a holistic view.



WORKSHOP

STAFF RECOMMENDATIONS

- **SOLICIT COMMISSION INPUT TO CLARIFY INTENT:**

1. **MAINTENANCE OF TREES IN THE SWALE:**

- Does the city commission want to leave the code as-is, and require residents to maintain / trim trees in the public swale, or does the city want to take on that role and amend current ordinance to reflect that intent?

2. **TREE TRIMMING RESPONSIBILITIES:**

- Similar to the above, does the city intend to maintain its current practice, as outlined in this presentation, or does the city desire for various reasons, e.g. uniformity, to take over tree maintenance & trimming responsibilities?

3. **ABUTTING PROPERTY REQUIREMENT*:**

- Section 25-102(d) requires abutting property owners to clean sidewalks to the “front” and “sides” of their property. It then states the city *may* clean to the rear. This creates ambiguity; particularly related to thoroughfares. Clarification of city intent and code would be helpful.
- Other related sections of the code may need clarifying (Section 13-103).
- Since February 2021, Code has opened **1472 cases** under Sec 25-102.



WORKSHOP

STAFF RECOMMENDATIONS

4. ARBORIST / CERTIFIED LANDSCAPE ARCHITECT:

- The retirement of the city arborist has left a noticeable hole in staff procedures and has slowed certain city projects. There may be value in revisiting this position, whether a city part-time / full-time position, or scaling a consultant-type approach.
- Section 18 of the city code would benefit from a complete overhaul, based on city intent and the recent change in law(s), and an expert in the field would help accomplish this need.

5. RIGHT-OF-WAY, SWALE PARKING:

- On a lesser but related note, staff recommends amending city code to require swale parking, or street parking, to be same directional with the flow of traffic. This will positively impact public safety via traffic management.

6. FUTURE WORKSHOP:

- A recommendation to calendar a future workshop to bring back a plan based on tonight's feedback from the commission and public.
- Prior to that workshop, Director of Communication to solicit public input.



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