



## CITY COMMISSION STAFF REPORT

**DEPARTMENT:** Administration

**DATE:** December 12, 2023

**SUBJECT:** Commission Workshop – Tree Trimming, Removal, Maintenance in Rights-of-Way, and ancillary code-related topics - **Administration**

**CITY MANAGER RECOMMENDATION:**

A thorough discussion of the subject needed.

**BACKGROUND OF ITEM:**

The City Commission has requested a workshop to discuss a variety of ordinances pertaining to trees, right-of-way maintenance, swale matters, thoroughfare beautification, and ancillary issues tied to the aforementioned.

Of special note, a similar workshop was held by the City on February 23, 2021, along with a follow-up workshop on April 6, 2021. At both meetings, a presentation was provided by a former Public Works Director, or staff, to help isolate relevant policy and practice surrounding the city's inventory of trees, the differing maintenance responsibilities and roles of city / resident in rights-of-way, how those roles looked historically vs. present, and other matters that are similar in nature to the current commission's workshop intent.<sup>1</sup>

Since those historical workshops, there have been several state legislative changes that impact the conversation, such as SB 60 that became law in July 2021, and SB 518, which was passed and clarified in 2022.<sup>2</sup> Further, the city's arborist has since retired, and the position not refilled, which has an impact, in part, on the workshop topic(s). Another important development since the last workshop is an ongoing code case, pending magistrate, against Flamingo Townhomes phase four, where the development has hired legal counsel to challenge the city's abutting property / swale maintenance requirement.<sup>3</sup>

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<sup>1</sup> [Agenda\\_02232021\\_Tree\\_Workshop\\_\(1\).pdf \(coopercity.gov\)](#) AND [Agenda\\_04062021\\_Tree\\_Workshop\\_.pdf \(coopercity.gov\)](#)

<sup>2</sup> SB 60 effective July of 2021 restricts what type of code complaints may be investigated anonymously, while SB 518, effective July of 2022, changed the way cities could enforce tree removal and replacement for residentially zoned properties. Both bills, along with a memo from our CAO, are included in the backup.

<sup>3</sup> This case has been pending resolution since August of 2022 and could impact the city's overall thoroughfare beautification effort.

In light of the foregoing, there remains opportunity to better define these roles, reevaluate commission / city intent on key ordinances, and strategize on a systematic approach to achieve the city's beautification goals in keeping with its strategic plan.

**ANALYSIS:**

The City Manager and city staff have held several meetings to prepare for this workshop and identify a path forward for a productive dialogue. To that end, the presentation from 2021 was reviewed, modified, and redeveloped to serve as a framework to:

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

Further, staff has identified the key topics to cover the commission concern / desire as:

- Maintenance of trees in the swale
- Tree trimming responsibilities
- Rear / abutting maintenance requirements
- City landscape architect or arborist

Ancillary or subtopics that stem from the above were also identified, to include: prohibited structures / landscape features and hedge height and walls along thoroughfares. The applicable ordinances tied to each of these topics are included as backup for this workshop.

**STRATEGIC PLAN:**

The City of Cooper City identified four key priorities:

1. Financially Sustaining Someplace Special
2. Proactive Public Safety
3. A Strong Sense of Place
4. Citywide Revitalization

This workshop impacts each key priority, as modifying or keeping the relevant codes has a financial impact, ties into the safety of the community, to include traffic concerns, helps to create a strong community spirit, and, perhaps most apparently, influences the citywide revitalization and beautification objective(s).

**PROCUREMENT:** N/A

**FISCAL IMPACT:**

TBD

**ALTERNATIVES:**

N/A

**ATTACHMENTS:**

- CAO Memorandum 2021-014
- CAO Memorandum 2022-015
- City Ord. Chapter 18
- City Ord. Sec 25-45
- City Ord. Sec 25-95
- City Ord. Sec 25-102
- iWorqs Case #212870