



ITEM SUMMARY

MEETING DATE: August 15, 2022

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-21, ZTA-22-12**
Tree Removal Permits

BACKGROUND

The State of Florida adopted new regulations regarding tree removal permits. The approved legislation amends s. 163.045, F.S., which prohibits a local government 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 a licensed landscape architect, that the tree “poses an unacceptable risk” to persons or property. Under the bill, a tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate as outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017).

The bill defines "documentation" to mean an onsite tree risk assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017). Documentation must be signed by an arborist certified by the International Society of Arboriculture (ISA) or Florida licensed landscape architect. The bill also defines the term "residential property" as a single-family detached building located on an existing lot, actively used for single-family residential purposes, and which is either an existing conforming use or a legally recognized nonconforming use following the local jurisdiction's applicable land development regulations.

The Development Review Committee reviewed these text amendments and is recommending approval. On August 11, 2022, the Planning and Zoning Board of Appeals reviewed this staff-initiated text amendment and recommended its approval. The City Council by a unanimous vote voted to approve Ordinance 2022-21 on first reading at its August 15, 2022, meeting.

ANALYSIS

The principal intent of these proposed text amendments to the Zoning Code is to amend the City's Tree Removal Permit criteria to be in compliance with newly adopted State legislation which does not require a Tree Removal Permit for trees removed from single family homes and determined by a landscape architect or arborist that the tree poses an unacceptable risk to persons or property per Best Management Practices – Tree Risk Assessment, Second Edition (2017).

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-21 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

STAFF RECOMMENDATION

Approval of ZTA-22-12 through the adoption of Ordinance 2022-21.