



CITY COUNCIL AGENDA ITEM

#8

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1107, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-706, SATELLITE BEACH CITY CODE, ESTABLISHING AN EFFECTIVE DATE TO REMOVE NUISANCE TREES DEFINED THEREIN; INCLUDING LIMITED GRANDFATHER PROVISION; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATE (SECOND READING)

To: City Manager Courtney Barker

From: Building Official John Stone

Meeting Date: 10/7/2015

Department: Building & Zoning

Recommended Action: Adopt Ordinance No. 1107 on second reading.

Summary: On July 15, 2015 the City Council approved Ordinance No. 1107 on first reading amending the Land Development Regulations City Code Section 30-706 thereby establishing a compliance date of November 15, 2015 for the removal of all Australian pines, Brazilian Pepper, and Melaleuca trees within the City. At the direction of City Council, language has been added to provide a grandfather clause for mature Melaleuca trees as well as adjusting the compliance date to January 8, 2015. If approved, Ordinance No. 1107 will also require the removal of nuisance trees within 90 days of the effective date of the adoption of this ordinance.

Budget Impacts: None

Attachments: Ordinance No. 1107

#8
10-7-15

ORDINANCE NO. 1107

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-706, SATELLITE BEACH CITY CODE, ESTABLISHING AN EFFECTIVE DATE TO REMOVE NUISANCE TREES DEFINED THEREIN; INCLUDING LIMITED GRANDFATHER PROVISION; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATE (SECOND READING)

WHEREAS, Section 30-706, Satellite Beach City Code, established that certain non-native noxious invasive species of trees (nuisance trees) must be removed within the City; and

WHEREAS, the City Council did not establish a fixed date by which property owners within the City were required to remove these nuisance trees; and

WHEREAS, the City recently completed its program to remove nuisance trees from City-owned property, and the City Council now desires to establish a date for removal of all nuisance trees in the City; and

WHEREAS, the Planning and Zoning Advisory Board conducted a duly-noticed public hearing and, after considering different effective dates and determining that its proposed amendment is consistent with the Satellite Beach Comprehensive Plan and adopted land development regulations, recommends to City Council that the date for removal of all nuisance trees in the City be set for 90 days after the adoption of any ordinance amending Section 30-706; and

WHEREAS, the City Council, following all preliminary public hearings required by law, has determined that this proposed amendment is consistent with the Satellite Beach Comprehensive Plan and adopted land development regulations and is in the best interest of the City and its residents; and

WHEREAS, the City Council considered information from certain property owners indicating that mature melaleuca trees no longer propagate and generally serve a legitimate landscaping function; and

WHEREAS, the City Council is willing to provide a limited grandfather exception specifically for mature melaleuca trees.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA as follows:

SECTION 1. The foregoing recitations are incorporated herein by reference.

SECTION 2. Section 30-706, Satellite Beach City Code, is amended to read as follows:

Sec. 30-706. Nuisance Trees.

(a) The following trees are considered non-native, noxious, invasive species and shall be removed from all properties within the City on or before January 8, 2016.

Brazilian pepper	<i>Schinus terebinthifolius</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Australian pine	<i>Causarina equisetifolia</i>

(b) Removal as provided in subparagraph (a) shall not be required for melaleuca trees that have a diameter of eight inches or greater at breast height on October 7, 2015. However, if the building official determines that any melaleuca trees are propagating, such trees shall be removed within 60 days of notice provided by the City.

SECTION 3. SEVERABILITY CLAUSE. In the event a court of competent jurisdiction holds or determines that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected, and it shall be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without the invalid and unconstitutional provision, thereby causing the remainder to remain in full force and effect.

SECTION 4. REPEAL OF INCONSISTENT PROVISIONS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 6. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the 15th day of July, 2015, and adopted on the second and final reading at the regular meeting of the City Council on the ___ day of _____, 2015.

FRANK P. CATINO, MAYOR

ATTEST:

LEONOR OLEXA, CMC, CITY CLERK



CITY COUNCIL AGENDA ITEM

#9

DISCUSS/TAKE ACTION ON RESOLUTION NO. 957, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, ESTABLISHING A ONE-TIME REIMBURSEMENT PROGRAM FOR REMOVAL OF CERTAIN NUISANCE TREES; PROVIDING AN EFFECTIVE DATE

To: City Manager Courtney Barker
From: Building Official John Stone
Meeting Date: 10/7/2015
Department: Building & Zoning

Recommended Action: Adopt Resolution No. 957.

Summary: In 2007 City Council adopted Ordinance No. 972 requiring the removal of Australian pines, Brazilian Peppers, and Melaleuca trees throughout the City as invasive species. However, a compliance date was not set at that time in order for the City to substantially remove these invasive species from City property before setting a compliance date city wide.

On July 15, 2015 City Council approved on first reading Ordinance No. 1107 establishing a compliance date of November 15, 2015 (adjusted to January 8, 2016) on second reading for removal of these invasive species throughout the City since City properties are now in substantial compliance. To minimize the financial hardship to residents, Resolution No. 957 is being created to provide a one-time reimbursement for the removal of Australian pines and Melaleuca trees in accordance with the terms outlined in Resolution No. 957.

Budget Impacts: Up to \$20,000 from the Recycle Trust Fund

Attachments: Resolution No. 957

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10-7-15

RESOLUTION NO. 957

**A RESOLUTION OF THE CITY OF SATELLITE BEACH,
BREVARD COUNTY, FLORIDA, ESTABLISHING A
ONE-TIME REIMBURSEMENT PROGRAM FOR
REMOVAL OF CERTAIN NUISANCE TREES;
PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City adopted Ordinance No. 982 in 2007 creating a new Section 30-706, Satellite Beach City Code, which required the removal of Brazilian pepper, melaleuca, and Australian pine trees (hereinafter "nuisance trees") within the City; and

WHEREAS, that Ordinance did not establish a date by which all such trees were required to be removed; and

WHEREAS, both before and after adoption of that Ordinance, the City, volunteers, and affected property owners removed substantially all of the nuisance trees within the City; and

WHEREAS, City staff determined that, as of July 1, 2015, only approximately 20 properties within the City still have nuisance trees; and

WHEREAS, based upon the substantial removal of all nuisance trees within the City, the Council adopted Ordinance No. 1107 on October 7, 2015, directing that all nuisance trees be removed from the City on or before January 8, 2016; and

WHEREAS, after first reading of Ordinance No. 1107, several of the property owners having nuisance trees remaining on their properties approached City Council and City staff, expressing concerns about the cost of complying with Ordinance No. 1107, because the trees on their properties are primarily mature melaleuca and Australian pine trees; and

WHEREAS, the City does not wish to make compliance with Ordinance No. 1107 a financial hardship for property owners; and

WHEREAS, certain property owners having mature melaleuca trees on their properties requested that those trees be grandfathered, and Ordinance No. 1107 granted this limited exception; and

WHEREAS, City staff recommended to City Council that (1) a one-time reimbursement program be implemented to assist the property owners with the remaining mature melaleuca and Australian pine trees and (2) after program completion, the cost of future compliance be entirely on the property owner(s).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The foregoing recitations are true and correct and are incorporated herein.

SECTION 2. The City hereby establishes a one-time reimbursement program, as provided herein, for any property owner receiving notice of a violation of Section 30-706, Satellite Beach City Code, from the building official on or before January 8, 2016. This program shall allow reimbursement only for removal of melaleuca and Australian pine trees with trunk diameter(s) of three inches or greater at breast height that are located on such owner's property. The cost of removal of pepper trees is not reimbursable under this program.

SECTION 3. Funds to implement this program shall come from the Recycling Trust Fund, with a program maximum of \$20,000. Maximum reimbursement shall be \$1,500 per property. Stump grinding shall not be subject to reimbursement, even if the total cost of removal, including stump grinding, does not exceed \$1,500.

SECTION 4. To be entitled to reimbursement under this program, the property must be one that was noticed by the building official pursuant to Section 2. In addition, no later than February 1, 2016, a property owner must (i) provide a paid invoice reflecting that tree removal was performed by a third party and that the third party was paid and (ii) provide photograph(s) showing where the removed tree(s) was/were cut to ground level. The program shall not reimburse any requests received by the City after this date.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

SECTION 6. This Resolution was adopted at a regular meeting of the City Council on the _____ day of _____, 2015.

FRANK P. CATINO, MAYOR

ATTEST:

LEONOR OLEXA, CMC, CITY CLERK