

Town of Southwest Ranches 13400 Griffin Road Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall (954) 434-1490 Fax Town Council Doug McKay, Mayor Steve Breitkreuz, Vice Mayor Freddy Fisikelli, Council Member Gary Jablonski, Council Member Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator Keith M. Poliakoff, JD, Town Attorney Russell Muniz, Assistant Town Administrator/Town Clerk Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council

VIA: Andrew D. Berns, Town Administrator

FROM: Jeff Katims **DATE:** 8/24/2017

SUBJECT: Invasive Exotic Plant Removal Ordinance

Recommendation

Approval on first reading.

Strategic Priorities

A. Sound Governance

B. Enhanced Resource Management

Background

The code requires removal of invasive exotic vegetation, including "nuisance trees," from construction sites, but does not specify when they must be removed. The proposed Ordinance clarifies that they must be removed prior to issuance of a building permit. This is the stage of the construction process where their removal is most enforceable.

The proposed Ordinance also supplements the Town's outdated list of plants that are known to be invasive and destructive to local ecosystems.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description Upload Date Type

Invasive Exotic Plant Removal Ordinance - TA Approved 9/7/2017 Ordinance

ORDINANCE NO. 2017 -

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AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, SECTION 10-23, "DEFINITIONS" UNDER ARTICLE II, "TREE PRESERVATION" IN CHAPTER "ENVIRONMENT," TO CHANGE THE DEFINITION OF "NUISANCE AMENDING THE TOWN OF SOUTHWEST RANCHES LAND DEVELOPMENT CODE ("ULDC"), SECTION 075-060, "PLANT MATERIAL" IN ARTICLE 75, "LANDSCAPING REQUIREMENTS," TO CHANGE THE LIST OF PROHIBITED PLANTS, AND TO REOUIRE REMOVAL OF SUCH PLANTS FROM CONSTRUCTION SITES PRIOR TO ISSUANCE OF A BUILDING PERMIT; AMENDING SECTION 075-110, "SINGLE-FAMILY REQUIREMENTS" TO REQUIRE REMOVAL OF PROHIBITED PLANT SPECIES FROM CONSTRUCTION SITES PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR A PRINCIPAL STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

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21 **WHEREAS,** the ULDC requires removal of nuisance trees on construction sites;

22 and

WHEREAS, the Town of Southwest Ranches ("Town") has allowed this requirement to be met any time prior to issuance of a Certificate of Occupancy; and

WHEREAS, in deferring enforcement of compliance to Certificate of Occupancy, the Town has experienced instances of difficulty in enforcement; and

WHEREAS, the Town Council of the Town of Southwest Ranches ("Town Council") finds that enforcing the removal of nuisance trees prior to issuance of a

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1	construction permit will eliminate the enforcement difficulties to the benefit of the public
2	health, safety and welfare; and,
3	WHEREAS, new invasive plant species and new evidence of ecological damage
4	from known exotic plant species are documented from time to time; and
5	WHEREAS, the Florida Exotic Pest Plant Council ("FLEPPC") supports the
6	management of invasive exotic plants in Florida's natural areas by providing a forum for
7	the exchange of scientific, educational, and technical information, including prioritizing
8	the state's invasive plant species; and
9	WHEREAS, the Town Council finds that adopting the most current FLEPPC list of
10	invasive exotic plants, as amended from time to time, is more efficient than revising the
11	list of species in the Code of Ordinances each time the FLEPPC list is amended; and
12	WHEREAS, the Town Council finds this Ordinance to be in the best interest of the
13	health, safety, and welfare of its residents.
14	NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
15	TOWN OF SOUTHWEST RANCHES, FLORIDA:
16	Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed
17	as being true and correct, and are hereby incorporated herein and made a part hereof.
18	Section 2. Chapter 10, Article II, Section 10-23 of the Code of Ordinances
19	is hereby amended as follows:
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Plant Species, current edition:

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(1) Schinus terebinthifolius (Brazilian pepper tree/Florida holly).

Nuisance tree means species that have been deemed invasive or undesirable,

including but not limited to any of the following, in addition to select species

contained within the Florida Exotic Pest Plant Council's List of Category I Invasive

1	(2) Metopium toxiferum (poison wood).	- [F	formatted: Font: Italic
2	(3) Melaleuca quinquenervia (cajeput tree/melaleuca).	- [ormatted: Font: Italic
3	(4) Casuarina spp. (Australian pine, all species).	[ormatted: Font: Italic
4	(5) "Bischofia javanica (bischofia, bishopwood).		formatted: Font: Italic
5	(6) <i>Acacia auriculaeformis <u>auriculiformis</u></i> (earleaf acacia).		ormatted: Font: Italic
6	(7) <i>Araucaria excelsia</i> (Norfolk Island pine).	[ormatted: Font: Italic
7	(8) <i>Brass<u>a</u>ia actinophylla</i> (schefflera).		ormatted: Font: Italic
8	(9) <i>Leucaena leucocephala</i> (lead tree).		formatted: Font: Italic
9	(10) <i>Cupaniopsis anacardio<u>ides</u>psis</i> (carrotwood).	-	formatted: Font: Italic
10	(11) Rhodomyrtus tomentosa (Downy Rose Myrtle)	- [formatted: Font: Italic
11	(12) Ardisia solanacea or elliptica (Shoebutton Ardisia)	F	formatted: Font: Italic
12	(13) <i>Dalbergia sissoo</i> (Indian Rosewood)		formatted: Font: Italic
13	(14) <i>Grevillea robusta</i> (Silk Oak)	`	Formatted: Font: Italic
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14 15	<u>Section 3</u> . Article 75, Landscaping Requirements, Section 075-110, Single-Family Requirements, is hereby amended as follows:		
16	* * * *		
17	(C) Turf requirements; removal of prohibited trees. Turf shall be used in the		
18	front yard but is not required to extend past the first one (1) acre of		
19	property, measured from each abutting street line. The remainder of the		
20	property must be maintained, either in its natural state, in pasture land		
21	or other approved open space. This area, however, may not contain any invasive or prohibited species as identified in this article, which must be		
23	removed from the site prior to issuance of a building permit for		
24	construction of a principal structure.		
25			
26	Section 4. Article 75, Landscaping Requirements, Section 075-060, Plant	F	Formatted: Space Before: 0 pt, After: 12 pt
27	Material, is hereby amended to read as follows:		
ì	* * * *		
28	* * * *		formatted: Normal, Indent: First line: 0 pt, Space After: 12 pt
29	(D) Trees.	F	Formatted: Indent: Left: 36.7 pt, Hanging: 25.9 pt, Space
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30	* * * *		
31	(4) The following plant species, in addition to select species contained within		
32	the Florida Exotic Pest Plant Council's List of Category I Invasive Plant		
33	Species, current edition, shall not be planted as required or optional		
	Ordinance No. 2017		
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landscaping and, in addition, these species shall be removed from the all construction sites prior to issuance of a building permit for any construction that is subject to submittal of a landscape plan or tree survey pursuant to sec. 075-030(A) or (B), and sec. 075-110 prior to issuance of a building permit for a principal structure:

Botanical Name	Common Name
Aca <u>cs</u> ia auriculiformis	Earleaf Aca <u>c</u> sia Ficus
Ficus spp.	Ficus (see 075-060(E)(3))
Bischofia javanica	Bischofia, Toog, Bishopwood
Casuarina spp.	Australian Pine
Cupaniopsis anacardioiodes	Carrotwood
Melaleuca guinguenervia	Melaleuca, Punk Tree, Paperbark
Schinus terebinthifolius	Brazilian Pepper, Florida Holly
Rhodomyrtus tomentosa	Downy Rose Myrtle
Leucaena leucocephala	Lead Tree, Jumbie Bean
Ardisia solanacea or elliptica	Shoebutton Ardisia
Araucaria heterophylla, excelsa	Norfolk Island Pine
Dalbergia sissoo	Indian Rosewood
Grevillea robusta	Silk Oak
Brassaia actinophylla	Schefflera
Metopium toxiferum	Poison Wood

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(5) Reserved. The town shall maintain a list of plant material known to be invasive of South Florida's native ecological communities or disturbed areas, which shall not be used to meet any requirements of this article.

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Section 5: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

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1 2 3	<u>Section 6:</u> Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.
4 5 6	<u>Section 7:</u> Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.
7 8	<u>Section 8:</u> Effective Date. This Ordinance shall take effect immediately upon passage and adoption.
9	PASSED ON FIRST READING this day of, 2017 on a motion made
10	by and seconded by
11	PASSED AND ADOPTED ON SECOND READING this day of,
12	2017, on a motion made by and seconded by
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14	[Signatures on following page]
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McKay Breitkreuz	Ayes Nays	
Fisikelli Jablonski	Absent	
Schroeder	Abstaining	
		Davis Makay Mayay
		Doug McKay, Mayor
ATTEST:		
Russell Muñiz, Assistant Town Administra	tor/Town Clerk	
	tor/Town Clerk	
Russell Muñiz, Assistant Town Administra Approved as to Form and Correctness:	tor/Town Clerk	
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