



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

(954) 434-0008 Town Hall
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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The proposed Ordinance also supplements the Town's outdated list of plants that are known to be invasive and destructive to local ecosystems.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

1 **ORDINANCE NO. 2017 -**

2
3 **AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,**
4 **FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE**
5 **OF ORDINANCES, SECTION 10-23, "DEFINITIONS" UNDER**
6 **ARTICLE II, "TREE PRESERVATION" IN CHAPTER 10,**
7 **"ENVIRONMENT," TO CHANGE THE DEFINITION OF "NUISANCE**
8 **TREE"; AMENDING THE TOWN OF SOUTHWEST RANCHES**
9 **UNIFIED LAND DEVELOPMENT CODE ("ULDC"), SECTION 075-**
10 **060, "PLANT MATERIAL" IN ARTICLE 75, "LANDSCAPING**
11 **REQUIREMENTS," TO CHANGE THE LIST OF PROHIBITED PLANTS,**
12 **AND TO REQUIRE REMOVAL OF SUCH PLANTS FROM**
13 **CONSTRUCTION SITES PRIOR TO ISSUANCE OF A BUILDING**
14 **PERMIT; AMENDING SECTION 075-110, "SINGLE-FAMILY**
15 **REQUIREMENTS" TO REQUIRE REMOVAL OF PROHIBITED PLANT**
16 **SPECIES FROM CONSTRUCTION SITES PRIOR TO ISSUANCE OF A**
17 **BUILDING PERMIT FOR A PRINCIPAL STRUCTURE; PROVIDING**
18 **FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING**
19 **FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

20
21 **WHEREAS,** the ULDC requires removal of nuisance trees on construction sites;
22 and

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

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

27 **WHEREAS,** the Town Council of the Town of Southwest Ranches ("Town
28 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:

20 * * * * *

21 *Nuisance tree* means species that have been deemed invasive or undesirable,
22 including but not limited to any of the following, in addition to select species
23 contained within the Florida Exotic Pest Plant Council's List of Category I Invasive
24 Plant Species, current edition:

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

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- 1 (2) *Metopium toxiferum* (poison wood).
- 2 (3) *Melaleuca quinquenervia* (cajeput tree/melaleuca).
- 3 (4) *Casuarina spp.* (Australian pine, all species).
- 4 (5) *Bischofia javanica* (bischofia, bishopwood).
- 5 (6) *Acacia auriculaeformis auriculiformis* (earleaf acacia).
- 6 (7) *Araucaria excelsia* (Norfolk Island pine).
- 7 (8) *Brassia actinophylla* (schefflera).
- 8 (9) *Leucaena leucocephala* (lead tree).
- 9 (10) *Cupaniopsis anacardioides* (carrotwood).
- 10 (11) *Rhodomyrtus tomentosa* (Downy Rose Myrtle)
- 11 (12) *Ardisia solanacea* or *elliptica* (Shoebuttan Ardisia)
- 12 (13) *Dalbergia sissoo* (Indian Rosewood)
- 13 (14) *Grevillea robusta* (Silk Oak)

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14 **Section 3.** Article 75, Landscaping Requirements, Section 075-110, Single-
 15 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
 22 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.

26 **Section 4.** Article 75, Landscaping Requirements, Section 075-060, Plant
 27 Material, is hereby amended to read as follows:

28 * * * * *

29 (D) *Trees.*

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

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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
<i>Acacia auriculiformis</i>	Earleaf Acacia Ficus
<i>Ficus spp.</i>	Ficus (see 075-060(E)(3))
<i>Bischofia javanica</i>	Bischofia, Toog, Bishopwood
<i>Casuarina spp.</i>	Australian Pine
<i>Cupaniopsis anacardioides</i>	Carrotwood
<i>Melaleuca quinquenervia</i>	Melaleuca, Punk Tree, Paperbark
<i>Schinus terebinthifolius</i>	Brazilian Pepper, Florida Holly
<i>Rhodomyrtus tomentosa</i>	Downy Rose Myrtle
<i>Leucaena leucocephala</i>	Lead Tree, Jumbie Bean
<i>Ardisia solanacea or elliptica</i>	Shoebuttan Ardisia
<i>Araucaria heterophylla, excelsa</i>	Norfolk Island Pine
<i>Dalbergia sissoo</i>	Indian Rosewood
<i>Grevillea robusta</i>	Silk Oak
<i>Brassaia actinophylla</i>	Schefflera
<i>Metopium toxiferum</i>	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 **Section 6: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or
2 parts of Resolutions in conflict herewith, be and the same are hereby repealed to the
3 extent of such conflict.

4 **Section 7: Severability.** If any word, phrase, clause, sentence or section of
5 this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof
6 shall not affect the validity of any remaining portions of this Ordinance.

7 **Section 8: Effective Date.** This Ordinance shall take effect immediately upon
8 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
13 _____.

14 [Signatures on following page]
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McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____
Schroeder _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

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