



# AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2019

AGENDA ITEM NO.: 8

**FOR:**

City of Weston  Indian Trace Development District  Bonaventure Development District

**TITLE:**

An Ordinance of the City of Weston, Florida, amending the City Code of Ordinances by amending Section 122.03, "Applicability and Exemptions," to clarify the permitting requirements for the removal or relocation of certain trees; and providing for an effective date.

*Second and Final Reading*

**SUMMARY EXPLANATION & BACKGROUND:**

On October 7, 2019, the City Commission adopted Ordinance No. 2019-13, amending the City of Weston Tree Preservation Code to conform with the changes made by the Florida legislature pursuant to Chapter 2019-155, Laws of Florida.

The City Commission did not intend to eliminate the exemption from permitting requirements for the removal or relocation of trees on residential properties with existing detached Single-Family or Duplex Structures that are not specimen trees, preserved trees, replacement trees or a relocated tree.

To avoid any confusion regarding the preservation of the exemption, the City Commission desires to amend Section 122.03(B)(4) to clarify that no permit is required for the removal or relocation of trees described above.

**REQUESTED ACTION:** Approval.

**EXHIBITS (LIST):** Ordinance

<b>PREPARED BY:</b> Jamie Alan Cole, City Attorney	<b>PETITIONER/REPRESENTATIVE:</b> Not Applicable
<b>RECOMMENDED FOR CONSIDERATION BY:</b> Donald P. Decker, City Manager/CEO Jamie Alan Cole, City Attorney	<b>FUNDING SOURCE:</b> Not Applicable

**VOTING REQUIRED FOR PASSAGE:**

Majority  Majority Plus One  Unanimous

**COMMISSION ACTION:**

	M	2	Y	N	Approved as presented	
Commissioner Molina-Macfie					Approved as amended	
Commissioner Jaffe					Approved with conditions	
Commissioner Kallman					Continued to	
Commissioner Brown					Deferred to	
Mayor Sterner					To deny	

Notes:

**CITY OF WESTON, FLORIDA  
ORDINANCE NO. 2019-**

AN ORDINANCE OF THE CITY OF WESTON, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES BY AMENDING SECTION 122.03, "APPLICABILITY AND EXEMPTIONS," TO CLARIFY THE PERMITTING REQUIREMENTS FOR THE REMOVAL OR RELOCATION OF CERTAIN TREES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First, on October 7, 2019, the City Commission adopted Ordinance No. 2019-13, amending the City of Weston Tree Preservation Code to conform with the changes made by the Florida legislature pursuant to Chapter 2019-155, Laws of Florida; and

WHEREAS, Second, the City Commission did not intend to eliminate the exemption from permitting requirements for the removal or relocation of trees on residential properties with existing detached Single-Family or Duplex Structures that are not specimen trees, preserved trees, replacement trees or a relocated tree; and

WHEREAS, Third, to avoid any confusion regarding the preservation of the exemption, the City Commission desires to amend Section 122.03(B)(4) to clarify that no permit is required for the removal or relocation of trees described above.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Weston, Florida:

**Section 1.** The foregoing "Whereas" clauses are ratified and incorporated as the legislative intent and factual findings underlying this Ordinance.

## Section 2. Recommendation of Approval by the Local Planning Agency.

The City Commission, in its capacity as the Local Planning Agency, has reviewed the proposed Ordinance and recommends approval.

### **Section 3. Amendment to Chapter 122.**

Chapter 122, "Tree Preservation," of the Code of Ordinances of the City of Weston is amended to read as follows:

\* \* \*

122.03(B)(4) Pruning, trimming or removal or relocation of any Tree on a Parcel of Land whose land use or zoning permits Single-Family, Duplex, townhomes and/or multi-family Dwelling Units shall be exempt from this Chapter provided that the property owner first obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property, however, compliance with the Landscaping Chapter of the Code for the installation of any new tree or voluntarily relocated tree is still required. This subsection does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333, Florida Statutes. In addition, the removal or relocation of any Tree other than a specimen Tree, preserved Tree, replacement Tree or relocated Tree, that is located on a residential property with an existing detached Single Family or Duplex

Coding: underlined words are additions to existing text, ~~struck-through~~ words are deletions from existing text,  shaded text reflects changes made from First Reading.

Structure, shall also be exempt from this Chapter. However, compliance with the Landscape Chapter of this code is still required.

\* \* \*

## Section 4. Codification.

It is the intention of the City Commission that the provisions of this Ordinance become and be made part of the City Code, and that the Sections of this Ordinance and Code may be renumbered or relettered and the word "ordinance" may be changed to "section" or such other appropriate word or phrase to accomplish such intentions.

## Section 5. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

## Section 6. Conflict.

That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

## Section 7. Effective Date.

This Ordinance shall become effective upon passage and adoption.

PASSED ON FIRST READING November 18, 2019.

PASSED AND ADOPTED ON SECOND READING . 2019.

CITY COMMISSION  
CITY OF WESTON, FLORIDA

By \_\_\_\_\_  
Daniel J. Sterner, Mayor

ATTEST:

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Patricia A. Bates, City Clerk

Approved as to form and legality  
for the use of and reliance by the  
City of Weston only:

Roll Call:  
Commissioner Molina-Macfie \_\_\_\_\_  
Commissioner Jaffe \_\_\_\_\_  
Commissioner Kallman \_\_\_\_\_  
Commissioner Brown \_\_\_\_\_  
Mayor Stermer \_\_\_\_\_

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Jamie Alan Cole, City Attorney

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