

Legislation Text

File #: 20-142, **Version:** 2

P.H. 2020-29: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.5204., "TREE PRESERVATION," TO PROVIDE ADDITIONAL EXCEPTIONS FOR TREE PRESERVATION IN COMPLIANCE WITH RECENTLY ENACTED STATE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 14, 2020

(Staff Contact: David Recor/Max Wemyss)

Summary Explanation/Background:

The 2019 Florida Legislature passed HB 1159, an act relating to private property rights, which was signed by the Governor as Chapter 2019-155, Laws of Florida, and became effective July 1, 2019. HB 1159 creates Section 163.045, Florida Statutes, preempting local governments from regulating the pruning, trimming, removal, or replanting of trees on residential property if a property owner obtains documentation from a certified arborist or licensed landscape architect that the tree presents a danger to persons or property.

Broward County enacted Ordinance 19-712 on September 10, 2019, amending Section 27-406 of the Broward County Code of Ordinances, providing for an exemption consistent with this new state law from any notice, application, approval permit, fee, or mitigation requirements of the Code relating to pruning, trimming, removal, or replanting of trees on residential property when the underlying, affected trees have been determined by an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect to be a danger to persons or property.

The proposed amendment to Section 155.5204 Tree Preservation of the City of Pompano Beach Code of Ordinances, is to be consistent with the new state law and the County Ordinance, as well as Section 155.5204.A. Intent to Maintain Municipal Certification by Broward County.

The Planning and Zoning Board, on October 23, 2019, provided a unanimous recommendation for the approval of the proposed text amendment.

Origin of request for this action: Development Services

Fiscal impact and source of funding: N/A

