

ORDINANCE NO. 2023-012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AMENDING THE CITY OF PARKLAND LAND DEVELOPMENT CODE, BY AMENDING ARTICLE 95 “LANDSCAPING AND VEGETATION”, DIVISION 5, “GENERALLY”, SECTION 95-515 “DOCUMENTS INCORPORATED BY REFERENCE”, SECTION 95-520 “DEFINITIONS”, SECTION 95-1010 “GENERAL REQUIREMENTS – TREE REMOVAL AND TREE PRESERVATION” AND SECTION 95-1555 “REMOVAL OF EXISTING PLANT MATERIAL”, TO INCORPORATE STANDARDS BY REFERENCE, ADD DEFINED TERMS FOR “NUISANCE TREE” AND “UNACCEPTABLE RISK”, PROVIDE PERMIT EXCEPTIONS FOR TREES POSING AN UNACCEPTABLE RISK TO PERSONS OR PROPERTY ON SINGLE FAMILY RESIDENTIAL PROPERTY, AND TO CLARIFY PERMIT REQUIREMENTS FOR REMOVAL OF EXOTIC SPECIES; PROVIDING FOR IMPLEMENTATION, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Parkland, Florida (“City”) wishes to amend the landscape regulatory requirements relating to tree pruning, trimming, or removal on residential property; and

WHEREAS, the City Commission held a duly noticed public hearing on October 4, 2023, after considering the recommendation made by the Planning and Zoning Board at the Board’s duly noticed public hearing held on September 14, 2023; and

WHEREAS, the City Commission finds that the regulations hereinafter set forth are reasonably related to the health, safety, and general welfare of the citizens, property owners and invitees of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. Appendix B of the City of Parkland Code of Ordinances entitled “Land Development Code”, Article 95, “Landscaping and Vegetation”, Division 5 “Generally.”, Section 95-515. “Documents incorporated by reference.” of the City of Parkland Land Development Code is hereby added to read as follows¹:

¹ Additions to existing text are shown in underline. Deletions to existing text are shown in ~~strikethrough~~. Changes from first reading are shown in grey shading.

Section 95-515. – Documents incorporated by reference.

The following documents, as amended, are adopted as standards and are incorporated into this Article by reference: The American National Standards Institute ("ANSI") A-300, Standards for Tree Care Operations: Tree, Shrub and Other Woody Plant Maintenance-Standard Practices, and Z133.1-2006, Arboricultural Operations: Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements; Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Grades and Standards for Nursery Plants; Nelda Matheny and Jim Clark, Trees and Development: A Technical Guide to Preservation of Trees During Land Development; Council of Tree and Landscape Appraisers, Guide for Plant Appraisal, Tenth Edition, 2019; Richard Harris, Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines, Fourth Edition; Gary W. Watson and E.B. Himelick, Principles and Practices of Planting Trees and Shrubs; Florida Urban Forestry Council's poster, Selecting and Planting Trees for the South Florida Urban Forest; Florida Power and Light's brochure, Plant The Right Tree In the Right Place, South Florida version; Timothy K. Broschat & Alan W. Meerow, Betrock's, Reference Guide to Florida Landscape Plants, Third Printing, 1994; Edward F. Gilman, Trees for Urban and Suburban Landscapes, 1st Edition, 1997; Dr. George K. Rogers, Landscape Plants For South Florida: A Manual For Gardeners, Landscapers & Homeowners, 1st Edition, 2009; and Florida Invasive Species Council's List of Invasive Plant Species.

Section 3. Appendix B of the City of Parkland Code of Ordinances entitled "Land Development Code", Article 95, "Landscaping and Vegetation", Division 5 "Generally.", Section 95-520. "Definitions." of the City of Parkland Land Development Code is hereby amended to read as follows²

Nuisance tree means a tree that threatens the viability of native plant species and the integrity of the ecosystem and include Metopium toxiferum (PoisonWood), Araucaria excelsia (Norfolk Island Pine), Leucaena leucocephala (Lead Tree) and all tree species identified as Category I on the Florida Invasive Species Council's List of Invasive Plant Species, as may be amended.

Unacceptable risk means tree removal is the only means of practically mitigating a tree's risk rating to below moderate, as determined by the tree risk assessment procedures outlined in International Society of Arboriculture's Best Management Practices - Tree Risk Assessment, Second Edition (2017), as may be amended.

² Additions to existing text are shown in underline. Deletions to existing text are shown in ~~strikethrough~~.

Section 4. Appendix B of the City of Parkland Code of Ordinances entitled “Land Development Code”, Article 95, “Landscaping and Vegetation”, Division 5 “Generally.”, Section 95-1010. “General requirements – Tree removal and tree preservation.” of the City of Parkland Land Development Code is hereby amended to read as follows³:

Section 95-1010. – General requirements – Tree removal and tree preservation.

B. *Permits.*

5. Trees that pose an unacceptable risk to persons or property on single-family residential lots.
 - a. Notice, application, approval, permits, fees, or mitigation for pruning, trimming, or removal of a tree that poses an unacceptable risk to persons or property from a single-family residential lot is not required if the property owner possesses documentation from an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect verifying such unacceptable risk. A tree poses an unacceptable risk if removal is the only mean of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices – Tree Risk Assessment – Second Edition (2017) as may be amended.
 - b. A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this subsection.
 - c. This subsection does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to State Statute 403.9321 – 403.9333.
 - d. For purposes of this subsection, the term:
 1. Residential property means a single-family detached building located on a lot that is actively used for single-family residential purposes and that is either a conforming use or a legally recognized nonconforming use in accordance with the applicable land development regulations.
 2. Documentation means an on-site assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices – Tree Risk Assessment – Second Edition (2017), as may be amended, by an arborist

³ Additions to existing text are shown in underline. Deletions to existing text are shown in ~~strikethrough~~.

certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect and signed by the certified arborist or licensed landscape architect.

K. *Exceptions.*

1. If any tree should be determined by the certified city arborist ~~landscape architect~~ to be in a hazardous or dangerous condition so as to immediately endanger the public health, welfare, or safety, and requires immediate removal without delay, verbal authorization by phone may be given by the certified city arborist ~~landscape architect~~ and the tree removed without obtaining a written permit as herein required. The cost of tree removal will be borne by the landowner.

Section 5. Appendix B of the City of Parkland Code of Ordinances entitled "Land Development Code", Article 95, "Landscaping and Vegetation", Division 5 "Generally.", Section 95-1555. "Removal of existing plant material." of the City of Parkland Land Development Code is hereby amended to read as follows⁴:

Section 95-1555. – Removal of existing plant material.

- B. No existing ~~desirable or~~ protected plant material shall be destroyed or removed without tree removal or land permits as described elsewhere in this chapter, unless such plant material creates an immediate danger to the public safety through disease, damage or the like. This section shall not apply to exotic species such as Brazilian Pepper or Melaleuca which require an exotic removal permit prior to destruction or removal.

Section 6. **Conflict.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. **Severability.** If any phrase, clause, section or other part or application of the Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 8. **Codification.** It is the intention of the City Commission of the City of Parkland that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Parkland, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" maybe be changed to "Section", Article" or such other word or phrase in order to accomplish such intention.

Section 9. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Parkland.

PASSED 1ST READING THIS 4th DAY OF OCTOBER , 2023.

ADOPTED ON 2ND READING THIS 18th DAY OF OCTOBER , 2023.

CITY OF PARKLAND, FLORIDA



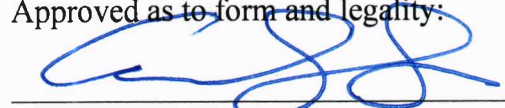
RICHARD W. WALKER
MAYOR

ATTEST:



ALYSON MORALES, MMC
CITY CLERK

Approved as to form and legality:



ANTHONY SOROKA
CITY ATTORNEY



Record of the vote

Mayor Walker
Vice Mayor Brier
Commissioner Cutler
Commissioner Isrow
Commissioner Mayersohn

yes
yes
yes
absent
yes