

## ORDINANCE NO. 19-20:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA AMENDING SECTION 7.6(E) (13) (ENVIRONMENTALLY SENSITIVE LANDS) OF THE CITY'S LAND DEVELOPMENT CODE CREATING AN EXCEPTION TO THE REQUIREMENT FOR A TREE REMOVAL PERMIT UNDER CERTAIN CIRCUMSTANCES TO COMPLY WITH FLORIDA STATUTE SECTION 163.045; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Florida Legislature adopted Florida Statute Section 163.045 during the 2019 Legislative session, which restricts the ability of the City to regulate tree removal, pruning or removal under certain circumstances.

**WHEREAS**, the City needs to amend its tree removal regulations to comply with the new State law.

**WHEREAS**, words which are underlined (underlined) are additions to the text and words with strike through (~~strike through~~) the characters are deletions from the text.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA:**

**Section 1.** The City Council of the City of South Daytona hereby amends Section 7.6(E) (13) to read as follows:

*Exemptions.*

a. The provisions of this article shall not apply to tree(s) under six inches DBH.

b. Pursuant to Florida Statute Section 163.045 no notice, application, approval, permit, fee, or mitigation shall be

required for the pruning, trimming, or removal of a tree on residential property if the property owner 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.

b c. Specifically exempt from the terms and provisions of this chapter are the following species of trees:

**Section 2.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

**Section 3.** That all ordinances made in conflict with this Ordinance are hereby repealed.

**Section 4.** That this Ordinance shall become effective immediately upon its adoption.

PASSED upon first reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 13<sup>th</sup> day of August, 2019.

PASSED AND ADOPTED upon second and final reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 9<sup>th</sup> day of September, 2019.

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William C. Hall, MAYOR

ATTEST:

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James L. Gillis, Jr.  
City Manager