

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO TREE REMOVAL LICENSES AND THE TREE
3 PRESERVATION TRUST FUND ("TREE TRUST"); AMENDING SECTION 27-408 OF
4 THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") PROVIDING FOR TREE
5 REMOVAL LICENSE WAIVERS FOR AFFORDABLE HOUSING PROJECTS;
6 AMENDING SECTION 27-413 OF THE CODE AUTHORIZING THE EXPENDITURE OF
7 MONIES IN THE TREE TRUST FOR SPECIFIED PURPOSES; AND PROVIDING FOR
8 SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

9 (Sponsored by the Board of County Commissioners)

10
11 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
12 BROWARD COUNTY, FLORIDA:

13 Section 1. Section 27-408 of the Broward County Code of Ordinances is hereby
14 amended to read as follows:

15 **Sec. 27-408. Tree removal license requirements and standards.**

16 (a) *License Requirements:*

17 . . .

18 (3) Exemptions from Licensing: Unless otherwise prohibited by the Code, as
19 amended, the following activities are exempt from the licensing
20 requirements of this Aarticle, provided that no nuisance or any condition that
21 adversely affects the environment or public health is created, and provided

22 that the activity does not violate any provisions of the Code, or federal, state,
23 or local government regulations:

24 . . .

25 j. Removal of trees, except for trees located in a Natural Forest
26 Community site as defined in Section 27-411 of the Code and
27 historical trees as defined in Section 27-412 of the Code, located on
28 development that is affordable housing, subject to the following that
29 must be submitted to RED prior to any tree removal activity:

30 1. Proof must be submitted that the development has received a
31 certification as affordable housing from the Housing Finance
32 Division pursuant to Section 27.237 of the Broward County
33 Administrative Code.

34 2. A certified tree survey, site plan, tree disposition plan, and
35 landscape plan of identical scale designating those trees that
36 are proposed to be preserved, relocated, or removed must be
37 submitted. All tree survey(s) or site plan(s) must be prepared
38 by a person qualified to do so under the laws of Florida.

39 3. Unless otherwise exempted by this article, any person
40 conducting tree removal activities shall be required to offset
41 any tree removal impacts through mitigation in compliance
42 with Article VIII of Chapter 39 of the Broward County Code of
43 Ordinances or the applicable municipal landscape code (each
44 a "Landscape Code"). If a removed tree cannot be mitigated

45 through compliance with the Landscape Code, said tree will
46 be replaced by RED, or its designee, to compensate for any
47 lost tree canopy coverage ("Affordable Housing Tree
48 Mitigation").

49 . . .

50 Section 2. Section 27-413 of the Broward County Code of Ordinances is hereby
51 amended to read as follows:

52 **Sec. 27-413. Tree preservation trust fund.**

53 . . .

54 (d) *Trust Expenditures:* Monies in the trust shall be expended, utilized, and
55 disbursed for the planting of trees and any other ancillary costs associated with the
56 following:

- 57 (1) Planting of trees on public lands in Broward County;
- 58 (2) Planting of trees at a childcare facility meeting the criteria of Section 27.187,
59 of the Broward County Administrative Code;
- 60 (3) Affordable Housing Tree Mitigation, as defined in Section 27-408(a)(3)(j)3.
61 of the Code, located outside of the boundaries of a municipality that has a
62 valid municipal certification/recertification program;
- 63 (4) Planting of trees and mitigation of trees removed from projects within the
64 Broward Municipal Services District that receive grant funding from the
65 Office of Economic and Small Business Development;
- 66 (5) Tree planting projects, which may include a sculptural or artistic element,
67 on private and public lands and that are supported by the Resilient

68 Environment Department and approved by the Tree Preservation Trust
69 Fund Committee; and
70 (6) Maintenance expenses, including maintenance equipment and vehicles,
71 used to encourage the growth of the tree canopy for existing trees located
72 on sites operated by the Broward County Parks and Recreation Division
73 and planted pursuant to a distribution made from the Broward County Tree
74 Preservation Trust Fund.

75 Ancillary costs shall not exceed twenty percent (20%) of the cost of the particular
76 tree planting project, and shall include landscape design services, irrigation, additional
77 landscaping, and any other items or materials necessary for the proper installation and
78 maintenance of tree planting projects. These monies may also be used to cover the
79 expense of ~~relocation of~~ relocating trees to public lands in Broward County and the
80 expense of periodically distributing saplings to the public to increase tree canopy
81 coverage in Broward County.

82 . . .

83 Section 3. Severability.

84 If any portion of this Ordinance is determined by any court to be invalid, the invalid
85 portion will be stricken, and such striking will not affect the validity of the remainder of this
86 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
87 legally applied to any individual, group, entity, property, or circumstance, such
88 determination will not affect the applicability of this Ordinance to any other individual,
89 group, entity, property, or circumstance.

90

91 Section 4. Inclusion in the Broward County Code of Ordinances.

92 It is the intention of the Board of County Commissioners that the provisions of this
93 Ordinance become part of the Broward County Code of Ordinances as of the effective
94 date. The sections of this Ordinance may be renumbered or relettered and the word
95 "ordinance" may be changed to "section," "article," or such other appropriate word or
96 phrase to the extent necessary to accomplish such intention.

97 Section 5. Effective Date.

98 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis Marrero Koratich 11/28/2023
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 11/28/2023
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Tree Trust Fund Ordinance
11/28/2023
#41027

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.