

ORDINANCE NO. 2024-04

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

(Sponsored by the Board of County Commissioners)

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

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

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

(a) *License Requirements:*

. . .

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

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

...

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

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

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

3. Unless otherwise exempted by this article, any person conducting tree removal activities shall be required to offset any tree removal impacts through mitigation in compliance with Article VIII of Chapter 39 of the Broward County Code of Ordinances or the applicable municipal landscape code (each 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) ~~p~~Planting of trees on public lands in Broward County or;
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
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Environment Department and approved by the Tree Preservation Trust
Fund Committee; and

- (6) Maintenance expenses, including maintenance equipment and vehicles,
used to encourage the growth of the tree canopy for existing trees located
on sites operated by the Broward County Parks and Recreation Division
and planted pursuant to a distribution made from the Broward County Tree
Preservation Trust Fund.

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

. . .

Section 3. Severability.

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

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

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

Section 5. Effective Date.

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

ENACTED January 23, 2024

FILED WITH THE DEPARTMENT OF STATE January 24, 2024

EFFECTIVE January 24, 2024

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
01/24/2024
#41027

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