

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

(a) *License Requirements:*

- (1) Unless otherwise exempted by this article, a person shall obtain a tree removal license prior to relocating or removing a tree.
- (2) Unless otherwise exempted by this article, any person who removes a tree or who negatively impacts a Natural Forest Community in violation of this article shall be required to offset any environmental impacts through mitigation.
- (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:
 - a. Removal of tree species subject to Chapter 27, Article XI of the Code, as amended;
 - b. Removal of any tree that is hazardous to the extent that its continued existence creates an imminent threat to public safety or property. In order to claim this exemption, the owner of the property must document by photographs or other evidence that such condition(s) existed prior to the removal of the tree. In the case of Natural Forest Communities, specimen trees or historic trees, documentation of the condition must be presented to RED within forty-eight (48) hours of removal;
 - c. Removal of any tree on owner-occupied residential properties of one (1) acre or less developed for detached single-family and duplex usage, except the following:
 1. Previously preserved, relocated or replaced trees that were preserved, relocated or replaced pursuant to a tree removal license; or
 2. Historical or specimen trees;
 - d. Removal of trees by all county-licensed nurseries, botanical gardens and commercial grove operations, but only in relation to those trees which are planted and grown for the sale or intended sale to the general public in the ordinary course of the licensed business;
 - e. Removal of trees by all governmental and private nurseries with respect to trees which have been planted and grown for future relocation;
 - f. Removal of trees, except historical or specimen trees, by franchised utility companies other than electrical utilities, provided that:
 1. The utility company provides written notice to RED and the record owner of the property on which the trees proposed to be removed are located of the intent to remove trees; the written notices shall be delivered, at minimum, fifteen (15) days prior to the intended tree removal; and

2. The utility company can demonstrate to RED prior to tree removal that:
 - a) The tree will cause a continual disruption of service. A specimen palm tree may be removed under this exemption;
 - b) The easement or property was in actual use conveying utilities prior to the effective date of this article; and
 - c) The threat of service interruption cannot be remedied by tree pruning in accordance with standards as set by the American National Standards Institute, as amended;
- g. Removal of a tree by an electrical utility company if the tree is located within the electrical utility company's right-of-way or utility easement where power lines are located. The electrical utility company may also remove a tree outside of its right-of-way or utility easement if the tree does not comply with the Right Tree, Right Place Guidelines. In the case of the removal of specimen trees or historical trees, the electrical utility shall document by photographs or other evidence that the tree does not comply with the Right Tree, Right Place Guidelines prior to removal of the tree and must present such documentation to RED within forty-eight (48) hours after removal;
- h. Removal of a tree on private property by the private property owner if the tree does not comply with the Right Tree, Right Place Guidelines. Except as provided for in this subsection, the owner of the property must document by photographs or other evidence that the tree is not in compliance with the Right Tree, Right Place Guidelines prior to removal. In the case of Natural Forest Communities, specimen trees, or historical trees, documentation of the condition must be presented to RED within forty-eight (48) hours after removal. The collection and presentation of documentation shall not be required if the private property owner has received a notice of violation for the tree that has been issued pursuant to Section 39-138.1 of the Code or a substantially similar municipal ordinance; or
- i. Removal of nuisance trees.
- 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 through compliance with the Landscape Code, said tree will be replaced by RED, or its designee, to compensate for any lost tree canopy coverage ("Affordable Housing Tree Mitigation").

(b) *License Application Requirements:*

- (1) Application forms: A license application for removing or relocating trees shall be submitted by a property owner or authorized agent of the owner, on RED approved application form(s).
- (2) Fees: The license application must be accompanied by the required fee(s) as established by the Board, in Chapter 41 of the Broward County Administrative Code, as amended. License application fees are non-refundable and non-transferable.
- (3) Required application data: The license application must be accompanied by documents and drawings as required by RED that describe the proposed activities to be performed in sufficient detail to meet the standards in this article and to clearly identify all potential impacts to the environment and public health. Application data required shall include, but is not limited to:
 - a. A map showing the size and location of the site where the licensed activities are to be conducted;
 - b. A starting date and duration of the proposed activities;
 - c. A brief description of the work to be performed, including a drawing of the proposed work or a certified site plan, as determined by RED, showing the location of all existing or proposed buildings, structures, and site uses;
 - d. For development on undeveloped property or for redevelopment of property, a certified tree survey and site plan of identical scale designating those trees which are proposed to be preserved, relocated, or removed is required. All tree survey(s) or site plan(s) must be prepared by a person(s) qualified to do so under the Laws of Florida;
 - e. The legal description of the site.
- (4) Action on license applications shall be in accordance with the provisions in Section 27-57 of the Code, as amended.

(c) *Licensing Standards for Tree Removal, Relocation, and Replacement:*

- (1) Any person conducting tree removal activities shall only remove a tree or trees from a site as approved for removal in a RED tree removal license.
- (2) Licenses shall be issued or denied in accordance with the provisions in Chapter 27, Article 1 of the Code, as amended.
- (3) The term of a tree removal license shall be in accordance with the provisions of Chapter 27, Article I of the Code, as amended.
- (4) Damage to any other tree or trees on the site during tree removal activity shall constitute a violation of this article.
- (5) An applicant may be eligible to receive a tree removal license if one (1) of the following considerations is present:
 - a. Whether a proposed development cannot be located on the site without tree removal;
 - b. Whether the applicant has made every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees removed;
 - c. Whether a tree proposed to be removed is of poor quality and condition;
 - d. Whether a tree proposed to be removed is obstructing safe vehicular cross visibility;
 - e. Whether a tree proposed to be removed is damaging existing improvements;
 - f. Whether a tree proposed to be removed is creating ongoing safety problems for existing development;
 - g. Whether a tree proposed to be removed is growing too close in proximity to another tree(s) to permit normal growth and development of the affected tree(s); or
 - h. Whether a tree proposed to be removed is listed on the Florida Exotic Pest Plant Council's List of Invasive Plant Species, as amended.

If an application meets the above criteria, RED will, prior to issuing any tree removal license, conduct a tree relocation evaluation pursuant to Section 27-408(d) of the Code, as amended.

- (6) Removal or relocation of a tree or trees found in an area designated as a Natural Forest Community shall be conducted pursuant to Section 27-411(b) of the Code, as amended, in addition to the requirements of Section 27-408 of the Code, as amended.

(d) *Tree Relocation Evaluation:*

- (1) For tree relocation, RED shall make the following evaluations:
 - a. A tree that meets the removal criteria specified in Section 27-408(c)(5) of the Code, as amended, shall be relocated, unless the applicant demonstrates that relocation is not a viable alternative for a particular tree. If relocation is not a viable alternative, the applicant shall replace a removed tree pursuant to the requirements set forth in this Article; and
 - b.

Whether relocation is on the property or off the property, due to lack of available space on the property. Where relocation is to occur onto another property, written authorization from the property owner shall be required.

(e) *Tree Relocation Requirements:* Any person conducting tree relocation activities shall:

- (1) Not unnecessarily damage any other tree or trees remaining on-site while relocating a tree;
- (2) Relocate a tree so that it will not interfere with existing or proposed utilities, either above or below ground. Relocated trees shall be in compliance with the Right Tree, Right Place Guidelines.
- (3) Relocate a tree to an area with adequate space for root and canopy development;
- (4) Relocate a tree, where practicable, within the municipality from which the original tree was removed;
- (5) Ensure successful relocation and transplanting of trees by adhering to the following guidelines for transplanting a tree:
 - a. Any tree being relocated shall not be unnecessarily damaged during removal, transport or replanting of that tree;
 - b. If a tree has a dormant period, it should be transplanted during that time. A tree should not be transplanted during periods of strong, dry winter winds or during droughts;
 - c. Adequate space for root and canopy development shall be provided;
 - d. Prior to transplanting, the tree shall be root and canopy pruned according to sound arboricultural standards. All crown pruning shall be done in accordance with standards set by the American National Standards Institute, as amended;
 - e. During and following transplanting of a tree, the root ball and trunk shall be protected. The root ball must be kept moist at all times;
 - f. A transplanted tree shall be braced for at least one (1) year after its relocation; and
 - g. A transplanted tree shall be fertilized as appropriate and shall be watered sufficiently until tree growth is re-established.

(f) *Tree Relocation Maintenance/Monitoring Requirements:* Any person conducting tree relocation activities shall:

- (1) Maintain the health of a relocated tree for a period of one (1) year from the date of planting;
- (2) Replace, within sixty (60) days, a relocated tree that dies or is determined by RED to be effectively destroyed within one (1) year of being relocated. The one (1) year maintenance period shall begin anew whenever a tree is replaced. For projects that include the relocation of ten (10) or more trees, a ten (10) percent mortality allowance will apply. If ninety (90)

percent or more of the relocated trees are determined to be viable after a period of one (1) year, the project shall be considered successful and replacement trees will not be required for the remaining ten (10) percent of the trees that die or are in a state of decline; and

- (3) Remove all strapping and bracing material from all relocated trees at the end of the one (1) year monitoring period. This should normally occur after seven (7) months for broad leaf trees and twelve (12) months for palm trees. Exemptions to this rule shall require RED approval.

(g) *Tree Relocation Bond Requirements:*

- (1) Unless otherwise exempted by this article, any person conducting tree relocation activities involving specimen trees must post a bond to insure the survival of specimen trees designated for preservation. Said bond shall meet the approval of the Broward County Attorney's Office and may be in the form of a letter of credit drawn upon banks or savings and loan institutions legally doing business in the State of Florida, cash bonds issued by an insurance company legally doing business in Florida or other acceptable means as approved by the County Attorney's Office. This bond shall be in addition to any other bond that may be required by any other governmental entity.

- (2) Determination of the bond amount shall be computed based upon the most current version of the *Guide for Plant Appraisal*, published by the International Society of Arboriculture.

- (3) Government entities are exempt from bond requirements.

(4) Release of Bonds:

- a. Tree relocation bonds will be released upon successful tree relocation as set forth in Section 27-408(f) of this Article and written approval by RED. Bonds involving specimen trees shall be released upon completion of construction activities if RED determines that the tree(s) is/are not effectively destroyed.

- b. Bonds may be released by Broward County when a tree removal license is transferred. Broward County may condition the release of the bond upon the posting of a new bond by the subsequent licensee.

- (5) Drawing on Bonds: If RED determines that a tree has been effectively destroyed within one (1) year from the date of relocation, the bond shall be drawn upon and funds will be deposited into the Broward County Tree Preservation Trust Fund. Said funds will be expended pursuant to Section 27-413 of the Code, as amended.

- (h) *Tree Replacement in Lieu of Tree Relocation:* When RED has determined that tree relocation cannot be accomplished, an applicant shall replace trees pursuant to Section 27-408(i) of this Article.

(i) *Tree Replacement Requirements:*

- (1)

Tree Replacement Requirements for Nonspecimen Trees:

- a. If RED determines that a removed tree cannot be successfully relocated, said tree shall be replaced to compensate for lost tree canopy coverage.
- b. The following criteria shall be used by RED to determine the tree replacement requirements:
 1. The tree canopy coverage of a site shall be determined using any combination of the following methods:
 - a) Review of aerial photography;
 - b) On-site inspection; and/or
 - c) Review of a tree survey.
 2. A tree that is successfully relocated pursuant to Section 27-408(f) of the Code, as amended, need not be replaced.
 3. Native trees identified in Appendix 1 of this article must be planted to replace native tree canopy coverage removed.
 4. For tree replacement requirements of one (1) to five (5) trees, a minimum of one (1) species shall be utilized as a replacement tree. For six (6) to ten (10) replacement trees required, a minimum of two (2) species shall be utilized. For eleven (11) to twenty (20) replacement trees required, a minimum of three (3) species shall be utilized. For twenty one (21) to fifty (50) replacement trees required, a minimum of four (4) species shall be utilized. For fifty one (51) or more replacement trees required, a minimum of five (5) species shall be utilized.
 5. For trees removed pursuant to Subsection 27-408(c)(5)a or b, or if the tree removal occurred prior to obtaining a Tree Removal License, an additional fifty (50) percent tree replacement shall be required.
 6. RED will base the number of required replacement trees on the size of the impacted area and the category of replacement trees the applicant selects. At a minimum, the size of the replacement trees at maturity must equal the size of the canopy removed. The following table is used to determine the number of required replacement trees:

| Replacement Tree Category (See Appendix 1) | Replacement Canopy Area Credit (In Square Feet) |
|---|---|
| Category 1 Tree | 300 (for trees greater than or equal to a 12-foot minimum height) 350 (for trees greater than or equal to a 13-foot minimum height) 400 (for trees greater than or equal to a 16-foot minimum height) |

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| Category 2 Tree | 150 (for trees greater than or equal to an 8-foot minimum height) 200 (for trees greater than or equal to a 10-foot minimum height) |
| Category 3 Tree | 100 (for trees greater than or equal to a 5-foot minimum height) |
| Category 4 Tree | 50 (for trees greater than or equal to a 2½-foot minimum height) |

(2) Tree Replacement for Specimen Trees:

- a. RED will perform a tree appraisal to determine the dollar value of any specimen tree RED approves for removal pursuant to Section 27-408(c)(5) of this Article. This appraisal shall be pursuant to the *Guide for Plant Appraisal*, 10th Edition, as amended, by the Council of Tree and Landscape Appraisers.
- b. RED will then calculate the number of replacement trees required to equal the appraised value of the specimen tree removed. This calculation shall include the purchase price of the replacement tree, plus installation costs. The applicant will be required to compensate the number of replacement trees indicated by RED for the removal of the specimen tree(s).

(3) Minimum Standards for Replacement Trees:

- a. All replacement trees shall be a minimum quality of Florida No. 1 grade or better, as identified in *Grades and Standards*, Florida Department of Agriculture;
- b. Only trees listed in Appendix 1 (Replacement Tree Species) shall be used as replacement trees. The applicant shall have the option of choosing the category of trees for replacement provided at least fifty (50) percent of the replacement trees are from Category 1 or Category 2 with respective size as follows:
 1. Category 1: Minimum of twelve (12) feet in height and two (2) inches DBH at time of planting;
 2. Category 2: Minimum of eight (8) feet in height at time of planting;
 3. Category 3: Minimum of six (6) feet in height at time of planting;
 4. Category 4: For replacement palm trees, a minimum of six (6) feet clear trunk or greywood at time of planting.
- c. If the minimum tree size is commercially unavailable, smaller trees may be substituted with the approval of RED. Additional credit may be given for the installation of larger trees, at RED's discretion.

(4) General Requirements for Replaced Trees: Any person conducting tree replacement activities shall:

- a. Refrain from unnecessarily damaging any other tree or trees remaining on site while planting or preparing the site for any replacement tree(s);
 - b. Plant the replacement tree so that it will not interfere with existing or proposed utility lines or cables, either above or below ground. A tree which may reach a height of thirty (30) feet shall not be planted within twenty (20) feet of an overhead powerline;
 - c. Plant replacement tree species and use installation and maintenance methods that follow xeriscape principles, where practicable;
 - d. Plant a replacement tree in an area in conformity with the Right Tree, Right Place Guidelines. Large canopy trees from the Category 1 list (Live Oak, Mahogany, Black Olive, etc.) shall not be planted in parking lot islands less than ten (10) feet in width, or adjacent to buildings or in any small confined space with less than ten (10) feet of available rooting space or less than twenty (20) feet of available canopy space. Exceptions to this rule shall require RED approval;
 - e. Where practicable, plant a replacement tree within the municipality from which the original tree was removed; and
 - f. Complete tree replacement within the time frames specified in the Tree Removal License.
- (5) Maintenance/Monitoring Requirements for Replaced Trees: Any person conducting tree replacement activities shall:
- a. Maintain the health of a replacement tree for a period of one (1) year from the date of planting;
 - b. Replace within sixty (60) days any replaced tree that dies or is determined to be effectively destroyed within one (1) year of being planted, as determined by RED. The one (1) year maintenance period shall begin anew whenever a tree is replaced. For projects that include the planting of one hundred (100) or more replacement trees, a ten (10) percent mortality allowance will apply. If ninety (90) percent or more of the replacement trees are determined to be viable after a period of one (1) year, the project shall be considered successful and replacement trees will not be required for the remaining ten (10) percent of the trees that die or are in a state of decline; and
 - c. Remove all strapping and bracing material from all replaced trees at the end of the one (1) year monitoring period.
- (6) Remuneration in Lieu of Tree Replacement: If it is determined by RED that the replacement is not feasible due to lack of available planting space, the following applies:
- a. The person conducting the tree replacement activity shall pay into the RED Tree Preservation Trust Fund a replacement contribution in lieu of actual tree replacement;
 - b. The replacement contribution will be determined using a schedule for current value of

replacement trees plus installation and maintenance as established by RED;

- c. Specimen tree calculations shall be in accordance with Chapter 27, Article XIV, Section 408(i)(2).

(Ord. No. 1999-07, § 1, 3-9-99; Ord. No. 1999-55, § 1, 10-12-99; Ord. No. 2003-15, § 6, 5-13-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09; Ord. No. 2010-18, § 5, 6-8-10; Ord. No. 2018-22, § 3, 5-8-18; Ord. No. 2023-17, §§ 1, 2, 5-23-23; Ord. No. 2024-04, § 1, 1-23-24)