

ORDINANCE NO. 2020-\_\_\_\_\_

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.5204., "TREE PRESERVATION," TO PROVIDE ADDITIONAL EXCEPTIONS FOR TREE PRESERVATION IN COMPLIANCE WITH RECENTLY ENACTED STATE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 155.5204., "Tree Preservation," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.5204. TREE PRESERVATION**

**A. INTENT TO MAINTAIN MUNICIPAL CERTIFICATION BY BROWARD COUNTY**

The standards in this section, when combined with the Tree Permit provisions in Section 155.2411 and enforcement provisions in Article 8: Enforcement, are intended to qualify for certification by Broward County

as containing requirements and standards that are as stringent as those in Article XIV (Tree Preservation and Abuse Ordinance) of the Broward County Code of Ordinances , and thus allow delegation to the city of the county's authority to maintain tree preservation and regulate tree abuse within Pompano Beach. The provisions in this section shall be interpreted in accordance with that purpose.

## **B. APPLICABILITY**

### **1. General**

...

### **2. Exceptions**

- a. The requirements and standards of Sections 155.5204.C. through 155.5204.E. shall not apply to the following:

...

- b. The requirements and standards of Sections 155.5204.C. through 155.5204.E., including the requirement to obtain a Tree Permit, shall not apply to the removal of any tree other than a specimen or historical tree as defined herein, on owner-occupied residential properties of one (1) acre or less developed for detached single-family and duplex usage, when the height and minimum number of trees required by Sections 155.5203.B.2.g.ii. and 155.5203.C. are maintained on the property, except previously preserved, relocated or replaced trees that were preserved, relocated or replaced pursuant to a tree removal license.

- c. Pursuant to Section 163.045, Florida Statutes, as amended, pruning, trimming, removal, or replanting of, or mitigation for impacts to, a tree on residential property is exempt from any notice, application, approval, permit, fee, or mitigation requirements of this section 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. This exemption does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to Sections 403.9321 through 403.9333, Florida Statutes, as amended.

- e. d. During emergency conditions caused by a hurricane or other natural disaster, the Development Services Director may suspend application of the provisions of this section, with submitted photographic evidence—provided, however, that Tree Permits authorizing tree removals occurring during the emergency conditions shall be obtained within six months, and the replacement of the trees shall be completed within two years after the end of the emergency condition.

...

**SECTION 2.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 3.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
11/5/19  
L:ord/ch155/2020-49