



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#24-0931

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Susan Grant, Acting City Manager

DATE: October 15, 2024

TITLE: Second Reading – Ordinance Amending the City of Fort Lauderdale Unified
Land Development Regulations (ULDR) Section 47-21, Landscape and
Tree Preservation Requirements – Case No. UDP-T24007 (**Commission
Districts 1, 2, 3 and 4**)

Recommendation

Staff recommends the City Commission consider an amendment to the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-21, Landscape and Tree Preservation Requirements.

Background

At the November 5, 2019, City Commission Conference Meeting, staff presented information regarding proposed ordinance amendments to ULDR Section 47-21, Landscape and Tree Preservation Requirements. Staff expressed issues related to tree preservation requirements, particularly in terms of trees removed during site development, noting the lack of penalties for loss of old-growth specimen trees, along with conflicts and other issues with the existing regulations. Since the last major revision to the ordinance, in 2015, the Development Services Department has worked on recommended changes to improve this section. Subsequently, the Commission directed staff to amend Section 47-21 to strengthen the existing regulations in a comprehensive way. Minutes from the November 5, 2019, City Commission Conference Meeting are provided as Exhibit 1.

On December 15, 2021, the proposed ordinance was presented to the Planning and Zoning Board (PZB) and received a recommendation for approval (4-2) to the City Commission with a recommendation to require an Urban Forestry Master plan with incentives to maintain specimen trees and old growth forests. The (PZB) Staff Report and meeting minutes are attached as Exhibit 2 and Exhibit 3, respectively.

At the February 15, 2022, City Commission meeting, the ordinance passed (5-0) on First Reading, with direction for staff to meet with stakeholders to address comments and concerns made at the meeting. Subsequently, staff held two joint meetings to review and

address the concerns point-by-point. The presentation shared at the joint meetings is attached as Exhibit 4.

The ordinance was revised to include recommendations from stakeholders and the following changes were incorporated into the ordinance:

- Increase acceptable tree evaluation percentage requirements for large trees and medium trees;
- Increase flexibility for where trees are located for single-family and duplex homes;
- Modify language selection requirements to allow for a broader plant palette;
- Increase allowances to substitute palms for large or medium trees;
- Remove palms as a category of specimen tree;
- Clarify language for modular suspended pavement systems and structural soil;
- Modify planting area and soil volume requirements to allow more flexibility;
- Remove specification of contents of Urban Forestry Master Plan;
- Delete allowances for fruiting trees in some instances;
- Delete prohibition on putting greens in front yard, allow broader use of synthetic turf for recreational activities and clarify usage of synthetic turf;
- Amend references to Section 163.045 of the Florida Statutes to be consistent with recently adopted changes to the Statute.

Thereafter, on Second Reading at the June 7, 2022, City Commission meeting, the motion to approve failed (2-2). The ordinance proposed at the June 7, 2022, Commission meeting is attached as Exhibit 5.

As this attempt to amend the ordinance was unsuccessful, staff reconvened meetings with a citizen advisory group and suggested bifurcating the ordinance amendments to focus on tree preservation regulations.

The proposed amendments to the tree preservation regulations were initially presented to PZB on June 19, 2024. PZB deferred the item to the August 21, 2024, meeting, to allow staff to address comments from the advisory group with a request for a status update at the July 17, 2024, PZB meeting. The June 19, 2024, PZB Staff Report is attached as Exhibit 6. For consistency to the public information sharing process Exhibits 1-5 presented with this memorandum are Exhibits 1-5 of the June 19, 2024, Staff Report. The ordinance proposed at the June 19, 2024, PZB meeting is attached as Exhibit 7. The June 19, 2024, Meeting Minutes are attached as Exhibit 8.

At the July 17, 2024, PZB meeting, staff provided an updated, amended ordinance to the Board addressing 15 of the 16 items from the advisory group, which is reflected in the current proposed amendments. The remaining item is related to proposed language for tree preservation credits, commonly referred to as incentives. The advisory group proposed a different option for tree preservation credits which staff prefers more discussion and analysis, and also believes the best approach to the development of tree credits would be best applied during the installation phase of the ordinance amendments.

On August 21, 2024, the PZB, acting as the local planning agency (“LPA”), reviewed the subject ordinance and recommended approval (by a vote of 7-0), finding the proposed changes are consistent with the City of Fort Lauderdale Comprehensive Plan. The August 21, 2024, PZB Staff Report, and meeting minutes are attached as Exhibit 9 and Exhibit 10, respectively. Please be advised that the exhibits from the August 21, 2024, Staff Report are presented in this memorandum as Exhibit 8 and the proposed ordinance is attached as Exhibit 11.

Below is a summary of amendments to each ordinance section:

Section 47-21.1 Intent and Purpose

Language has been added to minimize the removal or loss of trees and palms and to ensure that trees and palms within the City are maintained in healthy and non-hazardous conditions, encouraging the planting of landscape species that are sustainable and appropriate for existing site conditions.

Section 47-21.2 Definitions

Definitions have been strengthened, updated, and expanded to provide additional clarity and understanding of new and existing terms.

Section 47-21.3. General provisions.

Added language regarding making it unlawful to abuse trees or to allow removal of City Commission Protected Trees or Palms, and tree removal requirements after a state of emergency due to natural disaster.

Section 47-21.6 Landscape plan required.

Changed title and language to require Landscape Document Packet to be submitted with most landscape permit and tree permit applications.

Section 47-21.15 Tree preservation.

Adjust title to “Regulations for the Preservation of Trees and Palms” and reordered sections based on priority with tree protection being first, with the following subsections:

- Tree and Palm Protection Requirements;
- Root Cutting Requirements;
- Tree and Palm Relocation Requirements;
- Tree and Palm Pruning Requirements;
- Tree Removal Permitting, Licensing, Preservation and Mitigation Requirements for a Natural Forest Community;
- Tree Permit Requirements;
- Tree and Palm Mitigation Calculations Requirements;
- Tree Services and Arborists Requirements;
- Tree Abuse;
- Enforcement/Civil Remedies;
- Tree Preservation Credits.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Public Places Focus Area, Goal 4: Build a beautiful and welcoming community.

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Community.

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan, specifically advancing:

- Conservation Element 3.1: Sustainable Landscape and Tree Canopy. Preserve and enhance the natural environment and beauty of the city, improve infrastructure, and promote better quality of life by creating a safe, healthy, and sustainable landscape. The City shall continue to enhance its tree canopy with a goal of 33% Citywide canopy coverage by 2040.
- Climate Change Element 1.1.7: Expand tree canopy citywide to help reduce the heat island effect. The City of Fort Lauderdale shall continue to expand tree canopy coverage to 33% by 2040 and reduce heat island effects.
- Urban Design Element 3.1.3: Encourage pedestrian and transit-oriented developments with greater emphasis on sidewalk width, accommodation of multi-modal transportation options, incorporation of street trees and shading devices, and bicycle facilities.
- Urban Design Element 3.2.5: Maintain an approved plants list derived from the Florida Friendly Landscaping program for usage for streetscaping

Attachments

Exhibit 1 – November 5, 2019, City Commission Conference Minutes

Exhibit 2 – December 15, 2021, PZB Staff Report

Exhibit 3 – December 15, 2021, PZB Minutes

Exhibit 4 – Stakeholder Meeting Presentation, March 18, 2022, and April 21, 2022

Exhibit 5 – Ordinance Presented to City Commission, June 7, 2022

Exhibit 6 – June 19, 2024, PZB Staff Report

Exhibit 7 – Ordinance Presented to PZB, June 19, 2024

Exhibit 8 – June 19, 2024, PZB Meeting Minutes

Exhibit 9 – August 21, 2024, PZB Staff Report

Exhibit 10 – August 21, 2024, PZB Meeting Minutes

Exhibit 11 – Ordinance

Exhibit 12 – Business Impact Estimate

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10/15/2024

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