



**REQUEST:** Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Section 47-21, Landscape and Tree Preservation Requirements

<b>Case Number</b>	UDP-T21002	
<b>Applicant</b>	City of Fort Lauderdale	
<b>ULDR Section</b>	Section 47-21, Landscape and Tree Preservation Requirements	
<b>Notification Requirements</b>	10-day legal ad	
<b>Action Required</b>	Recommend approval or denial to City Commission	
<b>Authored By</b>	Glen Hadwen, Sustainability Manager	
	Mark Williams, Urban Forester	

**BACKGROUND:**

Proposed amendments to the City’s Unified Land Development Regulations (ULDR), Section 47-21, Landscape and Tree Preservation Requirements were presented to the Planning and Zoning Board (PZB) on November 17, 2021. Please refer to the original backup provided to the Board for item #5 / Case# UDP-T21002 on the November 17, 2021 agenda, or refer to online backup from the following link: <https://www.fortlauderdale.gov/government/departments-a-h/city-clerk-s-office/advisory-boards-committees-authorities-agendas-and-minutes/planning-and-zoning-board>

The Board deferred the item to December 15, 2021, to allow Board members time to submit comments no later than 5 p.m. on December 3, 2021, for inclusion in the information packet and consideration at the December 16, 2021, meeting.

Comments received from Board members are attached as **Exhibit 1**. In addition, staff received additional comments from the public, which are attached as **Exhibit 2**. The draft November 17, 2021 Planning and Zoning Board meeting minutes are attached as **Exhibit 3**.

**EXHIBITS:**

1. Planning and Zoning Board Member Comments
2. Additional Public Comments
3. Draft November 17, 2021, Planning and Zoning Board Meeting Minutes

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EXHIBIT 1

Ordinance Comments from the Planning and Zoning Board Members Received  
Since November 17, 2021, PZB meeting

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## PZB MEMBER MARY FERTIG

Ella,

Thank you for affording us the opportunity to provide comments regarding ULDR Section 47-21 Landscape and Tree Preservation Requirements.

After listening to the presentation, speakers, and discussion, I had several questions and thoughts:

1. Are Section 3. J-1 and J-2 consistent with the state statute that was passed? Or is this addressed by Section 3 – K-3? (pages 21 &22)  
Has the City adopted a position to lobby for repeal of the 2019 State Statute? (I know this does not fall within the purview of the Planning and Zoning Board but am just curious on the City response on this matter.)
2. Can you provide a list of the City Commission Protected Trees and Palms?
3. On page 84, #10 – “The Urban Forestry Master Plan (UFMP) is a strategic and long-term investment in **the City’s urban tree canopy. Funding from the Tree Canopy Trust Fund shall be allocated to publish and regularly update the UFMP**”-
  - What will be cost of the initial master plan?
  - What will be the cost of updating the plan on an annual basis?
  - How much money is in the Tree Canopy Trust Fund?
  - What is the plan for funding the UFMP if there are no funds in the Trust Fund?
  - **Why isn’t this plan mandated and included in the annual budget** with a provision that funds, if available, can be used from the Tree Canopy Trust Fund?
  - Will using funds from the Tree Canopy Trust Fund have a negative impact on the future of the Tree Canopy? **Shouldn’t these funds be used for the purpose** for which they are being collected?
4. There was discussion about exploring grants to protect old growth forests. Does this ordinance do enough to mandate the identification and preservation of old growth forests? Depending on grants to do this may result in old growth disappearing before grants and protections are in place.
5. An incentive plan should be developed to encourage the maintenance and protection of specimen trees. The intent for this would be to have a positive approach not just a punitive approach to encourage the care and protection of these trees.
6. After listening to the discussion, I have concerns about structural soil and the use of Suspended Pavement Systems. From the testimony at the hearing, I heard serious concerns about whether trees will grow as well in structural soil or Suspended Pavement Systems as in the natural soil in which they were originally planted. The City needs to have further discussions on this matter. (Pages 34,41,47 and 62.)

7. Another concern raised after listening to the conversation is the spacing of trees. Trees should be planted with the intent to allow for their natural growth and maturation. If they are planted too close together, this could negatively impact the tree canopy in the future. To this point, I would add concern about the Net Lot Area requirement. While I support planting as many trees as possible, it would seem that overplanting could impact the viability of the trees as they mature.

I commend the City and the Consultant for the work done on this ordinance. It addresses many important issues. However, while I support moving it forward to the Commission, I believe it should be done so with a recommendation that the budget for the consultant be amended to allow him to address the issues identified above as well as others identified **by the Planning and Zoning board.**

Again, thank you for this opportunity.

Mary

**PZB MEMBER STEVE GANON**

From: [Steve Ganon](#)  
To: [Ella Parker](#)  
Subject: [-EXTERNAL-] RE: Landscape Ordinance Backup and Comments  
Date: Sunday, November 21, 2021 9:40:30 AM  
Attachments: [Landscape Ordinance Backup](#)

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Hi Ella,

Thanks for soliciting these comments.

Personally while I am sure there are items in the ordinance that could be tweaked or better defined, refined as with any 97- page document I think there are areas where we are getting too granular, to far down into the weeds.

The glaring area that sticks out to me is “trying to define each and every TERM in the document using John’s example of what an ‘ornamental is.

This would be unnecessarily time consuming and could go on forever with each and every term included and so should not be undertaken.

I suggest with staff and attorney approval that a disclaimer or footnote be included stating that “accepted definitions of terms are assumed”.

A developer can use wiki or whatever and should they have a question before submitting an application they can always reach out to staff.

I doubt that we would run afoul incur lawsuits doing this.

Let’s make a quick pass at any larger items and get this ordinance live and working.

Steve

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**From:** Ella Parker <EParker@fortlauderdale.gov>  
**Sent:** Thursday, November 18, 2021 4:45 PM  
**Subject:** Landscape Ordinance Backup and Comments

Good afternoon, Board Members,

Please find below link to the landscape ordinance and backup presented on November 17, 2021:

[https://webdocs.fortlauderdale.gov/WebLink/edoc/9909016/UDP-T21002\\_BACKUP%20\(3\).pdf?dbid=0&repo=COFTL](https://webdocs.fortlauderdale.gov/WebLink/edoc/9909016/UDP-T21002_BACKUP%20(3).pdf?dbid=0&repo=COFTL)

As proposed by the Board at last night’s meeting, please send any comments you may have to me by December 3, 2021 and we will provide them as exhibit to the deferred item at next month’s meeting.

Thank you,

**\*PLEASE NOTE THAT TWO-WAY COMMUNICATION BETWEEN MEMBERS OF THE PLANNING AND ZONING BOARD IS PROHIBITED BY THE SUNSHINE LAW. PLEASE DO NOT REPLY TO ANY BOARD MEMBER. ALL DISCUSSIONS ON ITEMS RELATIVE TO THE AGENDA SHOULD TAKE PLACE AT SCHEDULED BOARD MEETINGS.**

**PZB MEMBER JOHN BARRANCO**

ORDINANCE NO. C-21-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-21, LANDSCAPING AND TREE PRESERVATION REQUIREMENTS, OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND FOR AN EFFECTIVE DATE.

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WHEREAS, the Florida Legislature finds that Florida-friendly landscaping, as the term is defined in Section 373.185(1)(b), Florida Statutes (2019), contributes to the conservation, protection, and restoration of water and that in an effort to meet the water needs of this state in a manner that will supply adequate and dependable supplies of water where needed, intends Florida-friendly landscaping be an essential part of water conservation and water quality protection and restoration planning; and

WHEREAS, the Florida Legislature finds that the use of Florida-friendly landscaping and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration; and

WHEREAS, the Florida Legislature requires the governing body of each municipality to consider enacting ordinances, consistent with Section 373.185, Florida Statutes, requiring the use of Florida-friendly landscaping as a water conservation or water quality protection or restoration measure; and

WHEREAS, the Broward County Board of County Commissioners finds that in order to protect and preserve the quality of air, water, soil, wildlife habitats and other natural resources of Broward County, as well as the health, safety and welfare of its citizens, and declares that the preservation of trees is integral to the prevention of air and water pollution and must be regulated; and

WHEREAS, the Broward County Board of County Commissioners enacted Article XIV. – Tree Preservation and Abuse Ordinance to regulate tree protection and preservation within Broward County; and

WHEREAS, the Broward County Board of County Commissioners recognizes that other municipal and county agencies have adopted rules for the regulation or management of landscape design and materials which may include trees and has implemented a municipal certification program that permits a municipality to apply for and certification from Broward

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County of municipal tree preservation regulations that are at least as stringent as the tree preservation regulations enforced by Broward County pursuant to Chapter 27, Article XIV of the Broward County Code of Ordinances; and

WHEREAS, Broward County shall relinquish its authority to enforce Article XIV only within those municipalities which have valid municipal certification, as provided for in Chapter 27, Article XIV, Section 407 of the Broward County Code of Ordinances; and

WHEREAS, the Fort Lauderdale City Commission finds that landscaping and trees are vital parts of the City of Fort Lauderdale's environment and infrastructure, providing numerous environmental, economic, and social benefits through the provision of natural processes for managing water and creating healthier urban environments that create habitat, provide flood protection, cleaner air, and cleaner water.; and

WHEREAS, Sustainable landscape and trees improve air quality, save energy by reducing air conditioning costs, ameliorate high urban temperatures, reduce stormwater runoff, increase property values, improve productivity, reduce stress and crime, and beautify residential and commercial neighborhoods; and

WHEREAS, Sustainable landscape and trees decrease urban noise, encourage tourism and economic growth, preserve community character and identity, provide habitat for wildlife, and shade pedestrian walkways;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 47-21.1, Intent and purpose, of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, is hereby amended as follows:

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## Sec. 47-21.1. - Intent and purpose.

- A. <sup>2</sup> The intent of these regulations is to protect, preserve and enhance the natural environment and beauty of the City and promote better quality of life by creating, preserving, and protecting a safe, healthy, and sustainable landscape that helps to conserve, protect, and restore the City's water resources. These regulations are also intended to be as stringent as the tree preservation regulations enforced by Broward County pursuant to Chapter 27, Article XIV of the Broward County Code of Ordinances. This will be achieved by reducing the use of fertilizers and pesticides through the use of Florida-Friendly Landscaping™ principles in landscaped areas containing trees, nectar-producing plants for wildlife pollinators, and other plants and arranging them by irrigation needs in a pleasing manner in relation to paved areas and structures. These regulations are to establish minimum standards for the development, installation, and maintenance of Florida-Friendly Landscaping™ without inhibiting creative landscape design, construction, and management. <sup>1</sup>
- B. The purpose of this section to enact regulations that establish standards that:
1. Promote the establishment and maintenance of tree canopy cover on public and private lands; and
  2. Minimize the removal or loss of trees and palms; and
  3. Ensure that trees and palms within the City of Fort Lauderdale are maintained in a healthy and non-hazardous condition through implementation of landscape and arboriculture industry Best Management Practices; and encourage the planting of landscape species that are sustainable and appropriate for existing site conditions and available growing space in order to minimize maintenance costs and damage to sidewalks, streets, and other infrastructure by; and
  4. Establish and maintain diversity in landscape and tree species and age classes to provide a stable and sustainable urban forest; and
  5. Reduce the use of fertilizers and pesticides through the use of Florida-Friendly Landscaping™ principles; and
  6. Preserve the community's character and quality of life well into the future through the appropriate use of landscaping; and

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# Summary of Comments on UDP-T21002\_BACKUP (3).pdf

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Number: 2      Author: john      Subject: Highlight      Date: 11/24/2021 4:46:55 PM

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7. These regulations are to establish minimum standards for the development, installation, and maintenance of Florida-Friendly Landscaping™ without inhibiting creative landscape design, construction, and management.

**suggest bullet points on the adopted references. In the body of the code you should reference documents generally to avoid future revision mistakes**

C. Documents Incorporated by Reference. The following documents are adopted as standards and are incorporated in this section by reference: American Association of State Highway and Transportation Officials (AASHTO), *Standard Specifications for Highway Bridges, 17th Edition, 2002*; American Forests, *National Registry of Champion Trees, 2020*; Betrock Information Systems, Inc. *Plant Finder, 2021*; Council of Tree and Landscape Appraisers, *Guide for Plant Appraisal, Tenth Edition, 2019*; Dr. George K. Rogers, *Landscape Plants for South Florida: A Manual For Gardeners, Landscapers & Homeowners, 1st Edition, 2009*; Fast Forward Fort Lauderdale *Design and Construction Manual for a Sustainable and Resilient Community and Cohesive Public Realm (DCM), 2019*; Florida Department of Agriculture, Division of Plant Industry, *Grades and Standards for Nursery Plants, 2021*; Florida Exotic Pest Plant Council *List of Invasive Species, 2021*; Florida Power and Light *Plant the Right Tree in the Right Place* brochure, 2021; Gary W. Watson and E.B. Himelick, *Principles and Practices of Planting Trees and Shrubs, 1997*; Gary Watson, Dan Neely, *The landscape Below Ground I & II, 1994*; Gary Watson, Dan Neely, *Trees & Building Sites, 1995*; Gary Watson, *Best Management Practices – Tree Planting, Second Edition, 2014*; Nelda Matheny and Jim Clark, *Trees and Development: A Technical Guide to Preservation of Trees During Land Development, 1998*; Richard Harris, James Clark, Nelda Matheny, *Arboriculture: Integrated Management of Landscape Trees, Shrubs and Vines, Fourth Edition, 2004*; Susan Day, Susan Dickinsen, *Managing Stormwater for Urban Sustainability using Trees and Structural Soils, 2008*; The American National Standards Institute (ANSI) *A-300 all parts and Z-133, 2017*; Timothy K. Broschat & Alan W. Meerow, *Betrock's Reference Guide to Florida Landscape Plants, Third Printing, 1994*; University of Arkansas, Community Design Center, *Low Impact Development, A Design Manual for Urban Areas, 2010*; University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), *The Florida Friendly Landscape™ Guide to Plant Selection & Landscape Design, 2015*; UF/IFAS *Florida Yards & Neighborhoods Handbook, 2015*; UF/IFAS *Florida-Friendly Landscaping™ Pattern Book Zones 10a, 10b, and 11, 2020*; UF/IFAS *GI-BMP Manual, 2020*. **In the event of a conflict in the standards required in the above reference material the more restrictive standards shall take precedence over directly conflicting and less restrictive standards.**

**The City Code should take precedence over the adopted references when there is a conflict between the code and the referenced standards.**

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additions.

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suggest bullet points on the adopted references. In the body of the code you should reference documents generally to avoid future revision mistakes
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- T Number: 3 Author: john Subject: Highlight Date: 11/24/2021 4:50:37 PM
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- ≡ Number: 4 Author: john Subject: Callout Date: 11/24/2021 4:55:01 PM  
The City Code should take precedence over the adopted references when there is a conflict between the code and the referenced standards.

SECTION 2. That Section 47-21.2, Definitions, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.2. - Definitions.

A. For the purpose of this section, the following terms and words shall have the meanings herein prescribed unless the context clearly requires otherwise:

1. Arborist. An individual who is a specialist in the care and maintenance of trees and is a certified arborist by the International Society of Arboriculture (ISA).
2. Arborist report. The formal written opinion of an Arborist on a tree, or trees, which includes, at minimum, the species, size, and condition rating or risk assessment for each tree, and the disposition of each tree on a property, including reasons for the removal or relocation of any trees, as provided in Sec. 47-21.6, A.2. i.
3. Arbor Street. A street designated, at the request of adjacent property owners, by the City as suitable for extensive planting of street trees.
- ~~4.1.~~ Berm. A mound of earth configured in a manner which supports landscaping.
- ~~5.2.~~ Biological control. A component of an integrated pest management strategy. It is defined as the reduction of pest populations by natural enemies and typically involves an active human role.
- ~~6.3.~~ Bioretention. An engineered process to manage stormwater runoff using the chemical, biological, and/or physical properties found in natural, terrestrial-based communities of plants, microbes, and soils.
- ~~7.~~ Broward County Licensed Tree Trimmer. A sole proprietor, business organization, or governmental agency which has obtained a Class A or Class B Tree Trimmer License from Broward County, pursuant to Broward County, Florida Code of Ordinances, Chapter 9, Article XI, Regulation of Tree Trimmers. The term, "tree trimmer", for the purposes of this specific definition, shall mean a sole proprietor, business organization, or governmental agency which performs the removal of branches more than one inch in diameter from a tree or the removal of live palm fronds from any type of palm tree with six feet or more of clear trunk, or cutting down, digging up, destroying, effectively destroying, removing, or relocating any tree.

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8.4. Bufferyard. An area or areas located on nonresidential property which ~~extend~~ extends the full length of the property lines abutting residential property which meet the requirements for a bufferyard as provided in Sec. 47-25.3

9.5. Caliper. ~~The straight-line distance of the diameter of a tree measured horizontally from outside of the bark, from one side of the tree trunk to the opposite side, taken at a height of six (6) inches above ground for trees less than and including 4 inches in diameter, or at a height of twelve (12) inches above the ground for trees with a diameter greater than four (4) inches but smaller than (7) inches in diameter, used in specifying nursery stock for new landscape installations. Diameter measurement of nursery size tree trunks. Trunk caliper is measured six (6) inches from the ground on trees up to and including four (4) inches in diameter, and twelve (12) inches above the ground for trees that are larger than four (4) inches but smaller than seven (7) inches. As part of this ordinance, trees with diameters of seven (7) inches or greater is measured at four and one half (4 ½) feet above grade. See Diameter definition for Diameter at Breast Height for measuring trees with diameters greater than or equal to seven (7) inches.~~

10.6. Canopy. The upper portion of a tree consisting of limbs, branches, and leaves.

11. City Commission Protected Tree(s). A tree(s) or palm (s) which due to its size, shape, character, age, aesthetic value, species, historical value or any combination thereof, declared by the City Commission by resolution, to be a locally unique example of the species.

12.7. Clear trunk. A measurement from the top of the root ball to a point where the lowest untrimmed leaf base emerges from the trunk. ~~The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.~~

13. Clear wood, gray wood: A measurement from the top of root ball to the highest point on the trunk free of persistent leaf bases.

14. Condition rating. A term, that can be expressed qualitatively, on a scale of numbers, and in percentages, that incorporates plant health, structure, and form needed for analyzing plant depreciation.

15.8. Conifer. Cone-bearing seed plant.

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~~16.9.~~ *Conspicuous flowering.* A plant which exhibits a contrasting display of reproductive parts of size, quantity and duration.

17. Critical Root Zone (CRZ). The area of soil extending from the tree trunk where roots required for future tree health and survival are located.

18. Crownshaft. A conspicuous neck-like structure formed by tubular leaf bases on some palms with pinnately compound leaves.

19. Desirable tree or palm. A tree or palm that is adapted to the cultural and physical conditions at the planting site considering plant function and shape, aesthetics, form, longevity, ornamental traits, rarity, and other desirable attributes, that does not meet the condition threshold for specimen trees that may require additional protection and considerations as provided within these regulations. Desirable trees and palms may be referenced elsewhere, not within this code, as 'heritage', 'champion', 'distinction', 'memorial', 'historic', 'old growth', 'ancient', 'veteran' and similar, as defined by the American Forests National Registry of Champion Trees.

~~20.40.~~ Diameter at Breast Height (DBH). The straight-line distance measured horizontally on a tree trunk, outside of the bark, from one side of the tree trunk to the opposite side, measured at breast-height (4.5 ft. above ground-line), used in specifying all existing trees, or newly installed trees equal to, or greater than, 7" in diameter. See 'Caliper' definition for Caliper for measuring new trees less than seven (7) inches in diameter. ~~The diameter of a dicot or conifer tree trunk seven (7) inches or greater in diameter, is measured at four and one half (4 ½) feet above grade or ground-level. The diameter of a monocot is the diameter of the tree trunk measured one (1) foot above grade or ground-level.~~

~~21.44.~~ Dripline. The natural outside end of the branches of a tree, palm, or shrub projected vertically to the ground.

22. Effectively destroy. To cause, suffer, allow or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of one (1) year from the date of the act. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the tree permitting infection

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or pest infestation, the infliction of a trunk wound that is fifty (50) percent or greater of the circumference of the trunk, or the removal of sufficient canopy to cause the unnatural decline of the tree.

~~23.42. *Equivalent replacement.* A tree or palm installed to be equal in species and size to the tree or palm removed. A tree (or trees) which due to its classification (based on the table of tree evaluation of the department) in the case of dicot or conifer, condition, size and location, is determined by the department to be the equivalent to the tree (or trees) which it replaces. In making this determination, the department shall be guided by the standards established by the International Society of Arboriculture.~~

~~24.13. *Equivalent value.* A monetary value that reflects the calculated cost of the equivalent replacement of a tree or palm, as provided in Sec. 47-21.15.G.~~

~~— An amount of money, which reflects the cost of replacing a dicot or conifer tree, determined by multiplying the cross-sectional surface area measured at four and one-half (4 ½) feet above grade commonly known as "diameter at breast height (DBH)" of the tree (measured in square inches) by the following values (based on the cost of obtaining an equivalent replacement according to classification of the tree as listed in the table of tree evaluation of the department):~~

~~a. Class A—Twenty five dollars (\$25.00) per square inch.~~

~~b. Class B—Twenty dollars (\$20.00) per square inch.~~

~~c. Class C—Fifteen dollars (\$15.00) per square inch.~~

~~d. Class D—Ten dollars (\$10.00) per square inch.~~

~~e. Class E—Five dollars (\$5.00) per square inch.~~

~~f. Class F—Zero dollars per square inch.~~

~~g. Equivalent value of a monocot is determined by multiplying the number of trunk feet to the terminal bud by thirty dollars (\$30.00) per foot.~~

~~25.14. *Excavation.* To make a hole, unearth, scrape, or dig out for the purpose of construction, demolition, or removal in relation to with specific relation to a tree or palm drip line, critical root zone, and root system.~~

~~26.15. *Florida-Friendly Landscaping™ (FFL)* Quality landscapes that conserve water, protect the environment, are appropriate for local conditions, and are drought, wind, and/or salt tolerant. Principles of Florida-Friendly Landscaping™ include planting the right plant in the right place, efficiently watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional~~

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components of Florida-Friendly Landscaping™ include planning and design, soil analysis, use of solid waste compost, practical use of turf, and proper maintenance.

~~27.46.~~ *Ground cover.* A planting of low growing plants that covers the ground in place of grass/lawn/turf. Within the dripline of a tree, ~~two (2) to three (3) inches of mulch may be used instead of plants.~~

~~28.~~ *Hardscape.* The non-living elements of a landscape design that help to define form, shape, space, and order in the landscape including ~~not limited to a patio, driveway, pool deck, sidewalk, boardwalk, arbor, pergola.~~

~~29.47.~~ *Hattracking.* To flat-cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood; or reducing the total circumference or canopy spread not in conformance with the American National Standards Institute, A-300 standards or other accepted standards as published.

~~30.48.~~ *Hedge.* A row of evenly spaced shrubs or other vegetation planted to form a dense, continuous, unbroken visual screen.

~~31.49.~~ *Hydrozone.* A distinct grouping of plants with similar water needs and climatic requirements. Also referred to as water use zone.

~~32.20.~~ *Interior landscape area.* ~~That~~ The landscape area located within an interior vehicular use area further than twenty-eight (28) feet from the perimeter ~~and not~~ attached to the perimeter landscape area.

~~33.21.~~ *Integrated pest management.* A pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as encouraging biological control, use of resistant plant varieties, and adoption of alternate cultural practices to make the habitat less conducive to pest development. Pesticides are used only when careful monitoring indicates they are needed, or to prevent pests from significantly interfering with the purposes for which plants are being grown.

~~34.22.~~ *Interior parking.* Parking spaces not contiguous to, nor directly abutting a perimeter.

~~35.23.~~ *Irrigation system.* A constructed watering system designed to transport and distribute water to plants.

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
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Number: 1	Author: john	Subject: Sticky Note	Date: 11/24/2021 4:57:14 PM
Overhead structures are far from hardscape			
Number: 2	Author: john	Subject: Cross-Out	Date: 11/24/2021 4:56:31 PM
Number: 3	Author: john	Subject: Sticky Note	Date: 12/3/2021 3:10:25 PM
of what???? Property line? VUA?			

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36.24. Irrigation zone. A grouping of soakers, sprinkler heads, bubblers, or micro-irrigation emitters operated simultaneously by the control of one (1) valve.

37.25. Landscape or landscaping. Any combination of living plants (such as grass, groundcover, shrubs, vines, hedges, palms, or trees) and non-living landscape material (such as rocks, pebbles, sand, or mulch), ~~walls, fences, or decorative paving materials installed for functional or aesthetic reasons at ground level~~  open to the sky.

38. Landscape architecture. Professional services, including, but not limited to, the following:

- a. Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Florida-friendly landscaping as defined in s. 373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;
- b. The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;
- c. The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined in s. 481.301 – 329 of Florida statutes;
- d. The design of such tangible objects and features as are necessary to the purpose outlined in s. 481.301 – 329 of Florida statutes.

39.26. Landscape area. ~~An area where living plants, or any combination of living plants and non-living landscape materials (such as rocks, pebbles, sand, or mulch), has been or shall be installed for functional or aesthetic reasons at ground level and open to the sky. Such landscape areas shall be directly permeable to the sub-grade through a natural drainage system unless otherwise specifically permitted by the ULDR. An area where landscaping has been or shall be installed.~~

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Number: 1	Author: john	Subject: Sticky Note	Date: 11/24/2021 4:59:59 PM
please address roof overhangs and eaves.			
Number: 2	Author: john	Subject: Inserted Text	Date: 11/24/2021 5:01:50 PM
Landscape (see definition "landscape")			

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40. Landscape design. Consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by s. 481.301 – 329 of Florida statutes.

~~27. *Landscape area, required.* Landscape areas that are directly permeable to the subgrade through a natural drainage system unless otherwise specifically permitted by the ULDR.~~

41. *Landscape and Tree Document Packet.* Documents used to communicate technical information necessary to obtain bids for construction, see the project through the building permitting process, and guide construction to produce the standards of quality expected in the construction of the improvements and the procedures to be used throughout the construction process. This packet <sup>1</sup> be required at the time of permitting (especially if specimen or desirable trees or palms are present on the site) and may include, but not be limited to: Existing Tree and Palm Survey, Arborist Report, Landscape Plan, Irrigation Plan, showing tree and palm survey Computer-Aided Design and Drafting ( herein "CADD") layers and tree protection zones, Site Lighting and Electrical Plan, showing tree and palm survey CADD layers and tree protection zones, Soil Analysis, Tree and Palm Protection Zone plan, Tree and Palm Protection specifications, Tree and Palm Barricade details and signage, Tree and Palm Barricade specification with Listed Activities included in tree protection zone, and Root Cutting illustrations and specifications, as provided in Sec. 47-21.6.

~~42. *28. Lawn/turf/sod area.* A pervious area created with grass seed, sod, or synthetic turf materials, An area of land planted with grasses or (rarely) other durable plants, which are maintained at a short height, and used for aesthetic and recreational purposes.~~

43. *29. Low Impact site design practices (LID).* An ecologically based stormwater management approach favoring soft engineering to manage rainfall on site through a vegetated treatment network with the goal being to sustain a site's pre-development hydrologic regime by using techniques that infiltrate, filter, store, and evaporate stormwater runoff close to its source. Low impact design remediates

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- Number: 1      Author: john      Subject: Sticky Note      Date: 12/3/2021 3:13:44 PM  
this packet will be required.

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  - Number: 2      Author: john      Subject: Sticky Note      Date: 12/3/2021 3:16:09 PM  
I think the minimum requirement should be a landscape plan and irrigation plan will be required. The other items may be required due to site specific concerns on a case by case basis.

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  - Number: 3      Author: john      Subject: Sticky Note      Date: 12/3/2021 3:18:57 PM  
Soft engineering. What does this mean? Be more specific. Non structured, natural drainage?



polluted runoff through a network of distributed landscapes used for treatment. Practices that minimize changes to the site's soil levels and composition by preserving existing landscape, shrubs and/or trees and other natural features.

44. Modular suspended pavement system. Technology, products, and systems designed to support the weight of walks, pavement and hardscape and create a subsurface space that can be filled with un-compacted soil for proper root growth, and aid in enhanced stormwater management practices.
- 45.30. Monocotyledonous (monocot) tree. A tree having fronds with parallel venation and an indistinct, tightly held trunk surface (a palm).
- 46.34. Mulch. An organic soil additive or topping such as compost, wood chips, wood shavings, seasoned sawdust, bark, leaves or straw, used to reduce evaporation, prevent erosion, control weeds, enrich the soil and lower soil temperature.
- 47.32. Native vegetation. Any plant species with a geographic distribution indigenous to all, or part, of the state of Florida as identified in the *Guide to the Vascular Plants of Florida*, 3<sup>rd</sup> edition, R. P. Wunderlin & B. F. Hanson, 2011, 1998, University Press of Florida, Gainesville.
48. Natural Forest Communities. A vegetated area generally comprised of a canopy, subcanopy and groundcover, and which meets the criteria for the classification of an area as a Natural Forest Community under Chapter 27, Article XIV, Section 411 of the Broward County Code of Ordinances.
- 49.33. Nectar-producing plant. A plant that serves as a food source by producing nectar within their flowers for mainly nectar-consuming pollinators such as butterflies, moths, bees, hummingbirds and bats.
- 50.34. Net lot area. The total square footage of a parcel of land after subtracting the square footage area of any vehicular use area including the VUA required landscaping, building footprint, walls, curbs, walks and swimming pools or any other impervious area.
51. Nuisance tree. Any tree and palm, dead tree or stump upon any parcel of land within the city which threatens or endangers the public health, safety or welfare, or which could foreseeably cause the spread of disease or infestation to surrounding plant life.

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Number: 1      Author: john      Subject: Sticky Note      Date: 11/24/2021 5:05:54 PM  
IS this intended to read "net landscape area" or "net pervious area" ? Why is VUA landscape excluded from this definition?

~~52.36. Ornamental plant, shrub. A~~ <sup>1</sup> incorporated into landscape for decorative purposes. ~~A multi-stemmed woody plant with several permanent stems used for ornamental purposes.~~

53. Overall height. Highest point in the canopy on a tree or palm measured from grade the soil line to the natural position of the last fully expanded leaf.

54. Overlift. The removal of the majority of the inner lateral branches and foliage of a tree thereby displacing weight and mass to the ends of the branches.

55. 37-Palm. A plant belonging to the monocot order of the family Palmae, distinguished by having unbranched single or multi-trunks crowned by large, compound pinnate, or palmate leaves/fronds.

~~38. Parking garage.~~ A building or structure consisting of more than one (1) level and used to park vehicles.

56. 39. Peninsular or island landscape area. A pervious area set aside for landscaping, located at the end of a parking row where it abuts an aisle or driveway, and also intermittently located within parking rows.

~~40. Perimeter.~~ The boundary line separating one (1) parcel of land from another or a parcel of land from a right-of-way. If the property is on a waterway, the perimeter shall be the bulkhead line.

57. 41. Perimeter <sup>2</sup> ~~landscape area.~~ The landscape area directly abutting the perimeter of a VUA. ~~and within twenty-eight (28) feet of the property line.~~

~~42. Perimeter parking.~~ Parking spaces contiguous to or directly abutting a perimeter landscape area.

58. 43. Pervious area. ~~That~~ The non-compacted land located at ground level, open to the sky, allowing passage of air and water to the subsurface ~~used or set aside for landscaping.~~

59. Pervious landscape area. That portion of a pervious area <sup>4</sup> ~~required for~~ <sup>3</sup> landscaping.

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Can any plant be ornamental? Please be more specific...non required, flowering,???			
Number: 2	Author: john	Subject: Sticky Note	Date: 12/3/2021 4:27:04 PM
Perimeter VUA landscape area. Not to be confused with site perimeter landscape area.			
Number: 3	Author: john	Subject: Sticky Note	Date: 12/3/2021 4:29:21 PM
comprised of			
Number: 4	Author: john	Subject: Cross-Out	Date: 12/3/2021 4:28:49 PM

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- ~~60.44. *Pervious paving materials.* A porous asphaltic, concrete, or other surface having a high-void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to paved surfaces~~
61. *Plant.* A living organism of the kind exemplified by trees, shrubs, herbs, grasses, ferns, and mosses, typically growing in a permanent site, absorbing water and inorganic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis using the green pigment chlorophyll.
- ~~62.45. *Plant bed.* A grouping of trees, shrubs, groundcover, perennials,  annuals growing together in a defined area devoid of turfgrass, not including any lawn/turf or sod area, normally using mulch around the plants.~~
- 63.46. *Plant communities.* An association of native plants that are dominated by one (1) or more prominent species or a characteristic physical attribute.
- ~~64.47. *Plant palette.* A list of  site-appropriate plant species of various colors, textures, and mature sizes chosen to be used in the landscape design.~~
- 65.48. *Planting plan.* A scaled drawing graphically  representing proposed landscape which is labeled and keyed to illustrate the location of plant materials. Specifications, and installation details for plants, soil amendments, mulch, edging, gravel, staking materials, and other similar materials.
- ~~49. *Point of connection ("POC").* The location where an irrigation system is connected to a water supply.~~
- ~~50. *Protected tree.* A tree which due to its size, shape, character, age, aesthetic value, species, historical value or any combination thereof declared by the city commission to be a locally unique example of the species.~~
- 66.51. *Protection barricade.* A fence or similar structure that encloses the critical root zone of existing trees, palms, and vegetation, and is designed to protect the roots and prevent the disturbance and compaction of the soil within the dripline of a tree, as provided in Sec. 47-21. 15. A. 3.  
~~*Protective barrier.* Fences or like structures at least four (4) feet in height that are conspicuously colored and are erected to prevent or obstruct passage.~~

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Number: 2	Author: john	Subject: Cross-Out	Date: 12/3/2021 4:31:59 PM
Number: 3 size, species	Author: john	Subject: Sticky Note	Date: 12/3/2021 4:30:49 PM

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- ~~67.52. Prune. The selective removal of plant parts to meet specific goals and objectives. To remove, cut-off, or cut back parts of a tree or plant which will alter the natural shape.~~
68. Registered landscape architect. A person who holds a license to practice landscape architecture in Florida s. 481.301 – 329 of Florida statutes
- ~~53. Right of way. Land provided by dedication, deed or easement which is devoted to, required for or intended for the use by the public as a means of public traverse.~~
- ~~69.54. Runoff. The water that results from and occurs following a rain event, or following an irrigation event, because the water is not absorbed by the soil or landscape and flows off from the area.~~
- ~~55. Shock. A state of irregular retarded plant growth or degeneration of the vital processes resulting from, but not limited to, transplant, root damage, wounds, impact, partial or total girdling, or improper cutting.~~
- 70.56. Shade tree. A single-trunked dicot or conifer tree species having an average mature crown spread of greater than twenty (20) feet and a maintained clear trunk height of eight (8) feet and listed as either Large or Medium Trees in the City's Tree Classification List as maintained by the Department. A single-trunked dicot or conifer tree which by virtue of its natural shape provides at maturity a minimum shade canopy thirty (30) feet in diameter as listed in the table of tree evaluation.
- 71.57. Shrub. A multi-stemmed woody plant with several permanent stems growing from the base usually maturing at less than 15 feet in height.
- ~~58. Site appropriate plant. A plant that, after establishment, will thrive within the environmental conditions that are normal for a specific location without artificial inputs or supplements such as irrigation.~~
72. Sod. Grass which is cultivated, mowed, and cut into strips or squares attached to 1 to 2 inches of soil beneath, and held together by roots. Grass shall be species such as, but not limited to, Bahia, Bermuda, Centipede, Paspalum, Saint Augustine, and Zoysia.
73. Sod area. A pervious area created with sod, which is maintained at a short height.

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74. Soil amendments. Materials added to soil to improve its physical or chemical properties.

75.59. Specimen tree. Any species of tree or palm which meets all of the following criteria:

- a. Specifically listed in the City's Tree Classification List as maintained by the Department;
- b. Has a condition rating of 60% or greater, as calculated using the CTLA Guide for Plant Appraisal, 11th edition;
- c. Has a diameter at breast height (DBH) or clear trunk in accordance with the following:
  - i. A tree with a trunk diameter at breast height (DBH) as follows: eighteen (18) inches or greater for Large Trees, thirteen (13) inches or greater for Medium Trees, and eight (8) inches or greater for Small Trees; or
  - ii. A palm with a clear trunk height as follows: fifteen (15) feet or greater for Large Palms or eight (8) feet or greater for Small Palms; and Any tree which has a diameter of eighteen (18) inches or greater and is well shaped and in good health.
- d. Does not fall into any of the categories below Exceptions are the following trees which are not specimen trees:
  - i.a. Fruit trees that are grown for the purpose of commercial production capable of producing potentially edible fruit, including, but not limited to: mangos, avocados, or species of citrus;
  - ii.b. Trees and palms which have been planted and are being grown in a state-certified plant nursery or botanical garden for sale to the general public Species of the genus Ficus except F. aurea (strangler fig), F. citrifolia (short leaf fig), F. lyrata (fiddle leaf fig), F. rubiginosa (patio fig or rustyleaf fig);
  - iii.c. Trees and palms classified as invasive pursuant to the Department of Agriculture and Consumer Services, Chapter 5B-57, Florida Administrative Code (FAC), as amended, and the Florida Exotic Pest Plant Council (FLEPPC) Invasive Plant Species List, Category 1, as amended. Acoelorrhaphe wrightii (paurotis palm) and Phoenix reclinata (Senegal date palm) which have less than eight (8) feet of wood height;
  - d. All other multi-trunked palms not mentioned above;
  - e. Australian pine, Brazilian pepper, melaleuca, pencil tree and poison wood, carrotwood, schefflera; and
  - iv.f. Trees which are Class D and or lower, as listed in the City's Tree Classification List as maintained by the Department;
  - v. City Commission Protected Trees and Palms; or

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Number: 1 Author: john Subject: Cross-Out Date: 12/3/2021 4:33:14 PM

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Number: 2 Author: john Subject: Sticky Note Date: 12/3/2021 4:35:32 PM  
suggest only referencing the edition in DOCUMENTS INCORPORATED BY REFERENCE.

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vi. Desirable Trees and Palms.

~~76.60.~~ Standard. A woody perennial plant with a number of stout stems, all but one (1) of which has been removed. The remaining stem then has been trained into an upright, small, tree-like form having a rounded crown usually supported by a stake.

~~77.62.~~ Street tree. Trees planted along a street, in the area located between the roadway and the property line. A tree which is located within twelve (12) feet of the edge of pavement or curb of a street or such other distance as determined by the department in accordance with this section.



~~78.~~ Sub-grade soil medium. A subsurface material, usually a mixture of crushed stone and soil, that can be compacted to meet surface pavement design and installation requirements while allowing for subsurface root growth; often referred to as structural soils or engineered soils.

~~79.63.~~ Table of tree classification evaluation. A table prepared by the Department city and amended from time to time listing tree and palm species and corresponding information relevant pertinent to each such species, on file with the Department department.

~~80.64.~~ Tree. A woody perennial plant, possibly shrubby when young, with one (1) main stem or trunk which naturally develops diameter and height characteristics of a particular species.

~~81.65.~~ Tree abuse. Any action or inaction which does not follow acceptable trimming practices as established by the American National Standards Institute, A-300 standards, or as prescribed in the regulations, herein, or other accepted standards as published. Abuse also includes, but is not limited to, damage inflicted upon the roots by machinery, changing the natural grade within the drip line, destruction of the natural shape or any action which causes infection, infestation or decay.

~~82.~~ Tree and Palm Survey. A document prepared by, signed, and sealed by a Florida registered land surveyor which must provide, at a minimum: the location, plotted by accurate techniques, of all existing trees and palms; a numbering system designating each tree and palm location on the survey; a corresponding list providing the tree and palm number; identification of each tree and palm; the trunk diameter of each tree; the overall height of each palm.

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Number: 1 Author: john Subject: Sticky Note Date: 12/3/2021 4:40:06 PM  
Structure: Definition- any new or existing thing (such as a building, tower, bridge, wall, catch basin etc.) that is built by putting parts together and that stands on its own.



83.66. *Tree Canopy Trust Fund.* The fund maintained by the City to which funds received by the City for the equivalent value of trees removed shall be deposited.

~~Money from the fund shall be used to enhance tree canopy coverage. Trust funds shall be expended, utilized and disbursed for the planting of trees and any other ancillary costs associated with the planting of trees on public lands. Ancillary costs shall not exceed twenty percent (20%) of the cost of the particular tree planting project, and may include landscape design services, irrigation, mulch, tree grates, porous surfacing, or other materials necessary for the proper installation and maintenance of tree planting projects. These monies may also be used for the relocation of trees to public lands and for periodically distributing saplings to the public to increase tree canopy coverage.~~

84. *Tree Inventory.* A document, prepared by an ISA Certified Arborist or a Florida Registered Landscape Architect, that references the tree survey locations and provides a corresponding list of existing trees and palms by number, common and botanical name, the trunk diameter at breast height (DBH) of each tree, the overall and clear trunk height of each palm, the condition rating of each tree and palm as calculated using the CTLA Guide for Plant Appraisal, 10th edition, or current edition, and the status (to remain and protect in place, to be relocated, to be removed) of each existing tree and palm on site.

85. *Tree protection zone (TPZ).* An area where construction activities are prohibited or restricted to prevent injury to preserved trees and palms, and can include the dripline and the critical root zone.

86. *Tree Protection.* Activities designed to preserve and protect tree health by avoiding damage to a tree's roots, trunk, and branches.

87. *Tree relocation.* To change the location of a tree or palm.

~~88.68. *Tree removal.* Any act to eliminate a tree or palm. To change the location of a tree, or to cause damage to or destruction of a tree or root system so as to cause a tree to die.~~

89.67. *Tree service/arborist.* A sole proprietor, a qualified individual for a business organization, or a governmental agency performing the removal of branches more than one inch in diameter from a tree or the removal of live palm fronds from any type of palm tree with six feet or more of clear trunk, or cutting down, digging up,

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~~destroying, effectively destroying, removing, relocating, or grinding roots of any tree; See Broward County Licensed Tree Trimmer; Any person, company, corporation or service which does regularly, for compensation or fee, transplant, remove, prune, trim, repair, inject, or perform surgery upon a tree.~~

~~69. Trim. To reduce, shorten or gradually diminish the size of a plant by removal of parts of a plant without altering the natural shape.~~

90. Understory. The underlying, vegetative layer of trees and shrubs between the urban forest canopy and the ground cover.

91. Unnatural decline. Deterioration of plant health due to non-natural factors.

92. Urban forest. A collection of trees that grow within a city.

93. Urban forestry. The sustained planning, planting, protection, maintenance, and care of trees, forests, greenspace and related resources in and around the city for economic, environmental, social, and public health benefits for people.

94. Urban Heat Island Effect. The phenomenon where temperatures in a city and areas covered by impervious surfaces are consistently higher than those observed in surrounding rural areas that have more vegetation and natural land cover.

~~95.70. Vehicular use area (also referred to as "VUA"). Any area used by vehicles including, but not limited to, areas for parking, display, storage or traverse of any and all types of motor vehicles, bicycles, watercraft, trailers, airplanes or construction equipment, but shall not include areas used exclusively as an airport ramp or apron.~~

~~96.71. Vine. A plant whose natural growth characteristic produces climbing stems.~~

SECTION 3. That Section 47-21.3, General provisions and design standards, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.3. - General provisions and design standards.

A. Low impact site design practices, such as preserving existing native trees and vegetation, shall be used to the extent feasible. Irrigation shall not be required in area where established native vegetation is incorporated into the landscape design.

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- B. The plant palette and irrigation system shall be site appropriate, based on current acceptable industry standards, for site conditions, taking into account that, in some cases, soil improvement can enhance water use efficiency.
- C. Plants shall be grouped together by irrigation demand. The percentage of landscaped area in irrigated high-water use hydrozones shall be minimized.
- D. All landscapes must be designed and planted in accordance with Florida-Friendly Landscaping™ principles. The percentage of landscaped area, excluding ~~turfgrass lawn/turf or sod~~ areas, in irrigated high-water use hydrozones shall be no more than twenty percent (20%) of the total ~~non-~~landscaped area.
- E. When designing landscapes, fruit-bearing trees and plants should be considered as part of a sustainable and edible landscape.
- F. When designing landscapes to support wildlife, nectar-producing native plants, shrubs, and understory trees should be incorporated as much as possible to provide food-sources for nectar-consuming pollinators such as butterflies, moths, bees, hummingbirds and bats.
- G. Site designs and landscape plans shall be prepared in accordance with the requirements of all applicable Florida and local laws, rules, regulations, and ordinances. All landscape and irrigation system designs shall be consistent with the standards developed pursuant to Section 373.228, Florida Statutes, as amended.
- H. The landscape plan shall consider natural drainage features to minimize runoff. The use of pervious surfaces and areas is preferred; ~~therefore, impervious surfaces and materials within the landscaped area shall be limited to borders, sidewalks, step stones, parking lots, and other similar materials, and shall not exceed ten percent (10%) of the landscaped area. Use of pervious paving materials, where appropriate, is encouraged.~~
- I. The landscape plan should consider the soil requirements for trees based on their size at maturity and their distance from any adjacent paved/hardscape areas and utility infrastructure. Larger soil volumes lead to greater tree size, better tree health, longer tree life, greater environmental benefits, and fewer costs, such as those associated with tree replacement and damage by roots to property improvements and infrastructure. Where the required soil volumes at grade or separation from adjacent paved/hardscape areas and utility infrastructure cannot be provided for trees, then the use of modular

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suspended pavement systems or sub-grade soil mediums may be required as provided in the regulations, herein.

J. Unless otherwise authorized by this article, no person shall cause, suffer, permit or allow:

1. The removal of any City Commission Protected Tree and Palm without first obtaining approval from the City Commission to conduct the removal; and
2. The removal of any Desirable Tree and Palm without first obtaining a Tree Permit from the Department as herein provided; and
3. The removal of any tree or palm without first obtaining a Tree Permit from Department as herein provided; and.
4. Tree abuse; and
5. Any encroachments, excavations, or change of the natural grade within the drip line of a tree unless it can be demonstrated to the Department prior to the commencement of said activity, that the activity will not negatively impact any tree; and
6. Land clearing or the operation of heavy equipment in the vicinity of a tree without placing and maintaining a protective barrier around the drip line of the tree. The protective barrier shall be conspicuous enough and high enough to be seen easily by operators of trucks and other equipment; and
7. The storage or use of materials or equipment within the drip line of any tree, or attachments, other than those of a protective and non-damaging nature, to any tree; and
8. Land clearing, including the removal of understory, in an area designated as a Natural Forest Community without first obtaining a letter of authorization from Broward County or a Tree Permit from Department as herein provided.

K. General exemptions.

1. During emergency conditions caused by a hurricane or other natural disaster, some provisions of this article may be suspended by the direction of the City Manager.

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- 2. Nuisance Trees. Nuisance trees are exempt from the prohibitions set forth in section 47-21.16 provided that no condition is created which poses an imminent threat to public safety or property. In such cases, the nuisance tree shall be removed to alleviate any threat. Failure to remove said tree after warning from City shall constitute a violation of this article.
- 3. 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 article 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 and provides such documentation to the Department for review and conformance to the Statute. 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.
- 4. Vegetation maintenance and tree pruning or trimming within an established or constructed right-of-way for any electric transmission or distribution line is exempt from the provisions of this chapter pursuant to Section 163.3209, Florida Statutes. This section does not supersede local government ordinances or regulations governing planting, pruning, trimming, or removal of specimen trees or historical trees, as defined in a local government's ordinances or regulations, or trees within designated canopied protection areas.

SECTION 4. That Section 47-21.5, Permit required, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.5. – Landscaping Permit required.

A Landscaping Permit shall be required for the installation, removal, ~~location~~, or replacement of any landscaping in accordance with the provisions of this section.

SECTION 5. That Section 47-21.6, Landscape plan required, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.6. - Landscape and Tree plan Document Packet required.

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Too broad. "Any landscape" should be changed to tree, palm or shrub.

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If I am doing minor landscape mods like sod, grasses, flowers, I would not need a permit.

- A. Prior to the issuance of a Landscape Permit, a ~~landscape plan~~ Landscape and Tree Document Packet shall be submitted to the ~~D~~department. The ~~landscape plan~~ Landscape and Tree Document Packet shall include, but not be limited to, the following:
1. Tree and Palm Survey. A document signed, sealed, and prepared by a Florida registered land surveyor which must provide, at a minimum:
    - a. the location, plotted by accurate techniques, of all existing trees and palms; and
    - b. a numbering system designating each existing tree and palm location on the survey; and
    - c. a corresponding list providing the existing tree and palm number and a basic name of each tree and palm; and
    - d. the trunk diameter at breast height (DBH) of each existing tree; and
    - e. the overall height of each existing palm; and
    - f. be prepared at a maximum of thirty (30) scale, and include property boundaries, north arrow, graphic scale, and date.
  2. Tree and Palm Inventory. A document, prepared by an ISA Certified Arborist or a Florida Registered Landscape Architect, that contains at a minimum:
    - a. the existing tree and palm survey
    - b. a corresponding list of existing trees and palms numbered to match the existing tree and palm survey
    - c. a graphic representation of all existing trees and palms inclusive of the canopy dripline
    - d. the common and botanical name of each existing tree and palm
    - e. the trunk diameter at breast height (DBH) of each existing tree
    - f. the overall height and clear trunk of each existing palm

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- g. be prepared at a maximum of thirty (30) scale, and include the property boundaries, north arrow, graphic scale, and date
  - h. the signature, contact information, and certification number of ISA Certified Arborist or seal of Florida Registered Landscape Architect.
  - i. An Arborist Report for all existing specimen trees and desirable trees or palms. The Arborist report shall be prepared by an ISA Certified Arborist and provided on ISA Certified Arborist business letterhead with contact information and ISA Certification number clearly stated, prepared within 6 months of date being submitted, and original signature by same ISA Certified Arborist. If there is a named tropical storm or hurricane that impacts the City after the report has been submitted but prior to permit issuance, then the ISA Certified Arborist must update the report and resubmit it to the Department. This report shall include a tree survey with numbered trees and palms, a corresponding table which includes tree/palm number, botanical name and common name, trunk diameter at breast height (DBH) for trees in inches, clear trunk height for palms in feet, condition rating stated as a percentage using a whole number, the disposition of the tree, and a written assessment of the existing tree's characteristics explaining how and why the above information was reached. This report may also provide descriptive information on recommendations for prescriptive pruning applications.
3. The landscape plan prepared by a Florida landscape designer or a Florida landscape architect as required by s. 481.301 – 329 of Florida statutes. The landscape plans shall be designed so that landscaping shall not be adversely affected by factors such as salt exposure, prevailing winds, tidal occurrence, overhead obstructions, poor sun exposure, unusual soil conditions, etc. At a minimum, such plan shall include the following:
- a. Prepared at a scale no smaller than one (1) inch equals thirty (30) feet. An overall project plan may be provided at a smaller scale when using it to reference section sheets provided;
  - b. Title block including name and address of project, RLA contact information, RLA seal and dated signature, original and sequential revision delta with revision date and narrative, north indicator;

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- c. Plans orientated to correctly correspond with survey and site plan;
- d. Tree protection zones, including the critical root zone, illustrated, and labeled;
- e. Site information and landscape information, in tabular form, sorting required vs. provided calculations;
- f. Property boundaries and dimensions, depth of landscape islands and perimeters and buffers, property easements, adjacent right-of-way with street tree planting and parallel parking if applicable, existing and proposed structures, vehicular use areas, location of site amenities, dumpster, structural overhangs, walls and fencing, location of plantings, adjacent hardscape, curbing, walks, etc.;
- g. All existing and proposed underground and overhead utilities, ground mounted signs, billboards, transformers, generators, fire hydrants, Siamese connections, adjacent or existing photovoltaic systems for photovoltaic systems, etc. Plus, all existing and proposed site light poles and fixture locations, including any landscape lighting fixtures, and illustrate the required light pole set back (by radius, in feet) from all trees and palms located adjacent to light poles; location;
- h. Site and right of way grading, including swales, retention areas, berms, bio swales, rain  pens, etc., illustrated and labeled;
- i. Sub-grade soil medium, modular suspended pavement systems, or similar, illustrated and labeled;
- j. Required clear sight distance areas at intersections, as provided in Sec. 47-35  cross-sectional detail of street tree planting showing pedestrian clearance, underground soil structure, and overhead obstructions, etc.;
- k. Landscape material schedule listing all plants and material in table format including key, botanical name, common name, quantity, overall height and canopy spread for trees hardwood and clear trunk height for palms, plant spacing, native indicator, required vs. proposed plant material calculations, etc.;
- l. Mitigation schedule indicating equivalent replacement and equivalent value requirements for trees and palms proposed for removal; 
- m. Hydrozone plantings illustrated and labeled;

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- [-] Number: 1      Author: john      Subject: Sticky Note      Date: 12/3/2021 5:07:19 PM  
What is a rain garden? Is this in the definitions? Suggest adding to definitions.

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  - [-] Number: 2      Author: john      Subject: Sticky Note      Date: 12/3/2021 5:03:31 PM  
DOT sight triangles should be referenced.

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  - [-] Number: 3      Author: john      Subject: Sticky Note      Date: 12/3/2021 5:05:37 PM  
Mitigation schedule should account for value of trees to be retained as an incentive. If I keep a specimen that is equal in value to 3 required trees then the developer should be given credit for his efforts. Carrot vs. Stick mentality.

- n. Installation, planting, mulching, structural soil and/or modular suspended pavement systems, staking, pruning, grading, protection, root pruning, relocation, etc. details and specification for trees, palms, shrubs, and groundcovers;
- o. Soil analysis  <sup>1</sup>
4. The irrigation plan(s) prepared by persons authorized by the Florida Building Code to prepare irrigation plans or drawings. An irrigation plan shall:
- a. Be drawn on a base plan at the same scale as the landscape plan(s);
- b. Delineate landscape areas, major landscape features and hydrozones;
- c. Delineate tree protection area specifying excavation method in this area;
- d. Include water source, design operating pressure, flow rate/volume required per zone and application rate;
- e. Include locations of pipes, controllers, valves, sprinklers, back flow prevention devices, rain switches or soil moisture sensors, electric supply; and;
- f. Irrigation details and specifications.  <sup>2</sup>

- ~~<sup>3</sup> Site lighting and electrical plan shall be prepared by persons authorized by Florida Building Code to prepare site lighting plans or electrical drawings. A site lighting and electrical plan shall:~~
- ~~a. Be drawn on a base plan at the same scale as the landscape plan;~~
- ~~b. Delineate landscape areas, major landscape features, and any existing trees and palms to be preserved on site;~~
- ~~c. Delineate tree protection areas and specify excavation method for underground conduit and wiring in these areas;~~
- ~~d. Include existing and proposed lighting equipment, and fixture locations, and poles, with sizes and mounting heights; and~~

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Of existing conditions? of soil improvements? PH levels?

Should this be in definitions?

Number: 2	Author: john	Subject: Sticky Note	Date: 12/3/2021 5:15:10 PM
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Site lighting has no place in this section of the code. Landscape Document Packet should show structures such as light poles, however the site lighting criteria is specified elsewhere in the code. Delete this section.

What if I have no site lighting?

Number: 3	Author: john	Subject: Cross-Out	Date: 12/3/2021 5:09:36 PM
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~~1. Lighting equipment details and specifications.~~

~~6. The tree and palm protection requirements as specified in 47-21.15 including, but not limited to, specifications, barricade detail, signage, activities allowed within tree protection zone, root and tree cutting pruning allowances. The tree and palm protection zones, as prescribed by the Department, as shaded areas that are accurately drawn to scale and labeled as such.~~

~~7. <sup>4</sup>The tree and palm protection zones shall be illustrated on all drawings that include any underground utility installations, including, but not limited to, irrigation, plumbing, electrical, telecommunication or streetlight lines. The tree and palm protection zones shall be shown on all drawings that include structural installations that will require excavation(s), and for above-ground installations that may include, but not limited to, walkways, streetlights, overhead wires or other types of infrastructure.~~

~~8. Should the review of any items submitted as part of the Landscape and Tree Document Packet result in modifications to the tree and palm protection zones, then the revised tree and palm protection plans shall be re-submitted to the Department <sup>6</sup>for final approval prior to permit issuance.~~

~~1. Name, address and telephone number of the person who has prepared the landscape plan. Landscape plans submitted for approval must be prepared by a registered landscape architect, dated, signed and stamped with his or her seal. A property owner may prepare plans or drawings for their own property. A nurseryman or nursery stock dealer may also prepare plans or drawings but only as an adjunct to merchandising his products.~~

~~2. A landscape plan drawn at a scale no less than one (1) inch equal to thirty (30) feet showing the location, size, description and specifications of materials, grade of plantings, mulch specifications, protective structures such as curbs, the number of interior parking spaces and the square foot area of the VUA, and perimeter and interior landscape area. New trees shown shall be spaced so as not to conflict with normal canopy development. An existing desirable tree proposed to be retained on site shall be left with a root pervious area surrounding it sufficient to support the species and canopy~~

~~3. The landscape plan shall:~~

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- Number: 2 Author: john Subject: Cross-Out Date: 12/3/2021 5:15:16 PM
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- Number: 3 Author: john Subject: Sticky Note Date: 12/3/2021 5:16:39 PM  
as prescribed by the licensed professional
- 
- Number: 4 Author: john Subject: Cross-Out Date: 12/3/2021 5:16:39 PM
- 
- Number: 5 Author: john Subject: Sticky Note Date: 12/3/2021 5:23:34 PM  
ALL DRAWINGS??? NO..This is never going to happen. There is a reason that we have 100 sheets in a set of drawings. If we overlay all the information on one sheet the information is indiscernible. Are we suggesting that we change the industry graphic standards that have existed throughout the country and have been well established by organizations such as the AIA? This info can be shown on a tree protection plan but should never be shown on a stormwater drainage plan or an electrical plan, etc. This section is an unnecessary overreach and should be deleted.
- 
- Number: 6 Author: john Subject: Cross-Out Date: 12/3/2021 5:24:57 PM
- 
- Number: 7 Author: john Subject: Sticky Note Date: 12/3/2021 5:25:52 PM  
for review and approval.
- The permit may have already been issued. This will catch revisions to the plan after permit.



- a. ~~Be designed so that landscaping shall not be adversely affected by factors such as salt exposure, prevailing winds, overhead obstructions, utility services, deep shadows, unusual soil conditions and shall identify and show location of existing trees on and adjacent to the development site, and;~~
- b. ~~Take into consideration existing solar access for photovoltaic solar systems when determining appropriate areas on the development site for proposed tree locations.~~
4. ~~A site plan drawn at a scale of not less than one (1) inch equal to thirty (30) feet showing the property boundaries and dimensions, existing and proposed structures, pools, walks, walls, patios, VUA's, lot orientation, utility services, light poles, pad mounted transformer locations, fire hydrants, Siamese connections, existing and proposed elevations and any other factor affecting the proposed use of the property, including the use and zoning of adjacent property.~~
5. ~~A current survey when construction or alteration to a structure, or change of use or construction related to a VUA is proposed. The survey shall depict site utilization and improvements thereon and may be submitted in place of the landscape plan and site plan described in this section when the survey provides sufficient information to determine compliance with the requirements of this section.~~
6. ~~The location of all underground and overhead utilities.~~
7. ~~A landscape material schedule listing all plants being used with their botanical, common, and, where applicable, cultivar names; spacing; quantities; size of each type of plant by container size, mature height, and spread; degree of drought tolerance (as determined by the most recent edition of the South Florida Water Management District's guide *Waterwise: South Florida Landscapes*); and indication of whether native to Florida that will thrive in South Florida consistent with Florida-Friendly Landscaping™ principles.~~
8. ~~The hydrozones, as determined by the most recent edition of the South Florida Water Management District's guide *Waterwise: South Florida Landscapes*, shall be shown on irrigation and planting plans, as required.~~
9. ~~A table showing the total square footage(s) of the various landscape hydrozones on the plan. If more than one (1) water meter serves the site, the total hydrozone square footages of the various hydrozones must be identified with each POC and meter providing water service.~~

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~~10. A layer of organic mulch three (3) inches deep is required and shall be noted on plans in plant beds, except annual beds, and individual trees in turfgrass areas. Mulch rings should extend at least three (3) feet around freestanding trees and shrubs. Mulch should be at least six (6) inches away from any portion of a building or structure, or the trunks of trees, and at least three (3) inches away from the base of shrubs.~~

~~11. If an irrigation plan is required it must include:~~

- ~~a. A minimum scale of one (1) inch equals thirty (30) feet;~~
- ~~b. The location of existing trees, vegetation, and ecological communities to remain, if applicable;~~
- ~~c. The location of existing buildings, paving, and site improvements to remain;~~
- ~~d. The location of proposed trees, vegetation, and ecological communities;~~
- ~~e. The location of proposed buildings, paving, site improvements, and water bodies;~~
- ~~f. The irrigation POCs and design capacity;~~
- ~~g. The water service pressure at irrigation POCs;~~
- ~~h. The water meter location and size;~~
- ~~i. The major components and location of the irrigation system, including all pumps, filters, valves, and pipe sizes and lengths;~~
- ~~j. Reduced pressure principle backflow prevention devices for each irrigation POC on potable water systems and specifications;~~
- ~~k. The locations and specifications of controllers of rain shut-off devices and soil moisture sensors;~~
- ~~l. An irrigation legend with the following elements:~~
  - ~~i. Separate symbols for all irrigation equipment with different spray patterns and precipitation rates and pressure compensating devices;~~

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- ~~ii. General description of equipment; manufacturer's name and model number for all specified equipment;~~
- ~~iii. Recommended operating pressure per nozzle and bubbler and low flow emitter;~~
- ~~iv. Manufacturer's recommended overhead and bubbler irrigation nozzle rating in gallons per minute or gallons per hour for low flow point applicators;~~
- ~~v. Minimum (no less than seventy-five percent (75%) of maximum spray radius) and maximum spray radius per nozzle; and~~
- ~~vi. Manufacturer's rated precipitation rate per nozzle at specified pounds per square inch ("psi"); and~~
- ~~m. Zone layout plan (minimum scale of one (1) inch equals twenty (20) feet):~~
  - ~~i. Indicating headtype, specifications, and spacing; and~~
  - ~~ii. Indicating methods used to achieve compliance with landscape irrigation design standards as required by Section 373.228, Florida Statutes, as amended.~~

SECTION 6. That Section 47-21.7, Soils, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:  
Sec. 47-21.7. - Soils.

- A. For all properties other than Single Family Attached, Single Family Detached, and Duplex residential, a soil analysis is required to ensure the proper selection of proposed plants and soil amendments necessary for plant establishment. Soil analysis shall be performed by a reputable soil testing lab as reviewed and approved by the Department, or University of Florida/IFAS Cooperative Extension facility, or by a Geo-technical Engineer. Soil analysis shall contain, at a minimum, the following information:
  - 1. Determination of soil texture;
  - 2. Percent of organic matter;
  - 3. Measurement of pH;

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4. Total soluble salts; and

5. An infiltration test performed by a Geo-technical Engineer to determine the estimated infiltration rate of the existing soil on a site when a sub-grade soil medium, also known as structural soil, has been proposed in the landscape plan.

~~Where landscape plans are required, applicants shall, as determined by Zoning Administrator or designee, seek a soil test and analysis performed by a reputable soil testing lab to determine soil texture, percentage of organic matter, measurement of pH, total soluble salts, and estimated soil infiltration rate.~~

- B. Original, existing, uppermost organic and topsoil layers Existing horticulturally suitable topsoil shall be stockpiled and used for installation and/or re-spread during final site grading.
- C. Any new soil required shall be similar to the existing soil in pH, texture, permeability, and other characteristics, unless demonstrated to the Department City that a different type of soil amendment approach is justified.
- D. The use of solid waste compost as a soil amendment is encouraged where it is appropriate.
- E. Florida-Friendly Landscaping™ may include the use of soil amendments to increase the water holding capacity of sandy soils or improve the drainage of heavy soils, or other applicable principles or techniques.

SECTION 7. That Section 47-21.8, Appropriate plant, sod, and tree selection, location, and arrangement, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.8. - Appropriate tree, palm, plant, lawn/turf, or sod selection, location, and arrangement.

- A. Plant selection should be based on the plant's adaptability to the existing conditions present at the landscaped area and native plant communities, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color, and texture. Plant species that are tolerant to drought, wind, and/or salt are preferred. ~~Determinations of prohibited and controlled plant species shall be pursuant to the Department of Agriculture and Consumer Services, Chapter 5B-57, Florida Administrative Code ("F.A.C."), as amended, and the Florida Exotic Pest Plant~~

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~~Council ("FLEPPC") Invasive Plant Species list. Plant species identified as prohibited and controlled according to Chapter 5B-57, F.A.C., and the FLEPPC Invasive Plant Species list may not be used, except as specifically allowed therein.~~

- B. ~~Determinations of prohibited and controlled plant species shall be pursuant to the Department of Agriculture and Consumer Services, Chapter 5B-57, Florida Administrative Code ("F.A.C."), as amended, and the Florida Exotic Pest Plant Council ("FLEPPC") Invasive Plant Species list. Plant species identified as prohibited and controlled according to Chapter 5B-57, F.A.C., and the FLEPPC Invasive Plant Species list (Category 1) may not be used, except as specifically allowed therein.~~
- C. ~~B.~~ Plants shall be grouped in accordance with their respective water and maintenance needs. Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together. Consideration should be given to plantings that require minimal or no use of gasoline-powered maintenance equipment. Where natural conditions are such that irrigation is not required, the presence of site appropriate plants shall not be considered a high-water use hydrozone.
- D. ~~C.~~ The combined areas size of all high-water use hydrozones, other than living ~~turfgrass lawn/turf or sod areas~~, shall be limited to twenty percent (20%) of the total landscaped area. ~~In landscapes irrigated with reclaimed water, the allowable size of all high-water use zones shall not be limited.~~ These high-water use limits do not apply to landscaped areas requiring large amounts of grass, lawn/turf or sod for their primary functions.
- E. ~~D.~~ Plants used in accordance with this article shall conform to the standards for Florida Grade #1 ~~One~~, or better, as provided for in the most current edition of Grades and Standards for Nursery Plants, by the Division of Plant Industry, Department of Agriculture and Consumer Affairs, State of Florida.
- F. ~~Sod shall be clean and visibly free of weeds, noxious pests, and diseases.~~
- G. ~~E.~~ Fifty percent (50%) of all plants, vegetation, excluding living lawn/turf or sod all ~~turfgrass~~, required to be installed planted by this section shall be ~~vegetation~~ native to Florida that will thrive in South Florida, consistent with Florida-Friendly Landscaping™ principles.
- H. ~~F.~~ For the purposes of this Section, ~~Shade~~ trees shall be of a species having an average mature crown spread of greater than twenty (20) feet and shall have trunks that can be maintained with over eight (8) six (6)-feet of clear trunk, and listed as Large

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Trees or Medium Trees in the City's Tree Classification List as maintained by the Department.

- I. Trees or palms with having an average mature canopy crown spread that is of less than twenty (20) feet, and listed as Small Trees in the City's Tree Classification List as maintained by the Department, may be grouped with other trees in a manner that creates a combined tree canopy substituted by grouping the same so as to create the equivalent to of a thirty (30) twenty (20) foot canopy crown spread. Such a combination of trees shall only be permitted in areas where a single Large or Medium shade Tree trees with the requisite mature canopy cannot be planted, such as under overhead utilities. Such a grouping shall count as one (1) tree towards meeting tree requirements for any provision herein.
- J. Palms If palms are used, they shall constitute no more than twenty percent (20%) of the total tree requirements for any provision herein, and shall have a minimum of eight (8) six (6) feet of clear trunk/gray wood at installation when installed, except Coccothrinax, Thrinax, Leucothrinax spp., and Phoenix roebellini palms which shall have a minimum of three (3) feet of wood when planted. Palms listed as Large Palms in the City's Tree Classification List can count as one (1) required tree towards meeting tree requirements for any provision herein. Palms listed as Small Palms in the City's Tree Classification List may be grouped together such that three (3) Small Palms shall count for one (1) required tree towards meeting tree requirements for any provision herein.  
~~On projects requiring six (6) to ten (10) trees, a minimum of two (2) species shall be utilized; for eleven (11) to twenty (20) trees required, a minimum of three (3) species shall be utilized; for twenty one (21) to fifty (50) trees required, a minimum of four (4) species shall be utilized; and for fifty one (51) or more trees required, a minimum of five (5) species shall be utilized.~~
- K.G. Sites with lots under three thousand (3,000) square feet or with inadequate planting space for required trees less than five (5) feet of planting space for required buffers may use tree species listed as Small Trees in the City's Tree Classification List as maintained by the Department canopy trees with a mature height of twelve (12) to fifteen (15) feet, with a canopy spread characteristic of the species at such height.
- L.H. Trees used in the required landscaping adjacent to a public street or swale are subject to approval by the Department City so that the sustainable character, biological diversity of tree species, and safety of the public street can be maintained, and the reduction of

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the urban heat island effect shall be encouraged, and “walkable” walkable communities shall be promoted.

~~M. <sup>1</sup>The Fast Forward Fort Lauderdale Design and Construction Manual for a Sustainable and Resilient Community and Cohesive Public Realm (DCM) (December 2019) shall be referenced for guidelines and principles for the development of a sustainable, resilient and cohesive public realm within the City of Fort Lauderdale.~~ 

N. All large trees listed as Large or Medium Trees in the City’s Tree Classification List installed within six (6) feet of an existing sidewalk or public infrastructure shall utilize a root barrier system, as approved by the Department-City.

O. Tree root barriers shall be installed at the sidewalk edge in those circumstances where the tree roots are causing, or may potentially cause, a trip hazard because of lifting of some portions of a public sidewalk. Where Large or Medium Trees are to be planted within six (6) feet of any proposed sidewalk, hardscape, or utility, then a modular suspended pavement system shall be installed (in conjunction with root barriers when adjacent to utilities, if needed) under the paved area which has a H-20 or HS-20 loading rating in accordance from the AASHTO Standard Specifications for Highway Bridges. A sub-grade soil medium (or structural soil) may be installed to connect open soil space areas (such as underneath a sidewalk connecting a swale and turf area to allow for future tree root growth) or in locations where use of a suspended soil system is not feasible, such as when a high water table is present. <sup>3</sup>~~Cost considerations shall not be considered a sufficient sole reason for use of structural soils.~~ 

~~I. Tree and plant species on the Florida Exotic Pest Plant Council, (“FLEPPC”) Invasive Plant Species list, as amended, shall not be planted as required or optional landscaping, and invasive plant species listed therein shall be removed from construction sites. Any tree not listed as an invasive tree shall require a Tree Removal Permit prior to removal. Any tree not listed as an invasive tree shall require a Tree Removal Permit prior to removal.~~

P.J. Tree species shall have a minimum height of ten (10) feet at time of installation. Street trees shall have a minimum height of twelve (12) feet and provide minimum pedestrian vertical clearance. Minimum canopy spread shall be characteristic of the species at such height. Credit for existing native and non-invasive trees preserved on a site shall be granted toward meeting the tree requirements of any landscaping provisions of the 

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Number: 1 Author: john Subject: Cross-Out Date: 12/3/2021 5:27:55 PM

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Number: 2 Author: john Subject: Sticky Note Date: 12/3/2021 5:36:14 PM  
This is adopted already. Don't be redundant.

Should we be provided a copy of all of the references to be sure we agree with the requirements?

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Number: 3 Author: john Subject: Cross-Out Date: 12/3/2021 5:37:51 PM

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Number: 4 Author: john Subject: Sticky Note Date: 12/3/2021 5:39:44 PM  
If it is required it is required. No need to mention cost. Seems a little personal.

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Number: 5 Author: john Subject: Sticky Note Date: 12/3/2021 5:40:45 PM  
at what rate is the credit given? per Caliper inch? per tree quantity? per tree cost?

article. No credit shall be granted for preserved trees which are in poor (less than  percent [40%] condition rating) condition ~~or declining health.~~

~~K. Sites with lots under three thousand (3,000) square feet or with less than five (5) feet of non-vehicular planting space for required buffers may use canopy trees with a twelve (12) to fifteen (15) foot maturity, with canopy characteristic of the species used at such height.~~

Q.L.— Shrubs used as hedges shall be a minimum height of two (2) feet at installation, full to the base, and planted two (2) feet on center when measured immediately after planting. When shrubs are used as a screen around vehicular use area, said shrubs shall be a minimum of two (2) feet in height at installation above the vehicular use area that directly abuts the shrubs at time of planting. All shrubs should be placed a minimum of two and one-half (2½) feet on center from structures.

R.M.— Required buffer hedges shall be planted and maintained so as to form a continuous, unbroken solid visual screen, with a minimum height of three (3) feet, to be attained within one (1) year after planting.

~~S.N.~~— ~~Native and non-invasive vines~~ Vines shall be a minimum of thirty (30) inches in supported height immediately after planting, and may be used in conjunction with fences, visual screens, or walls, and shall be planted at five (5) ~~ten (10)~~ foot intervals to meet landscape buffer requirements.

T.O.— Groundcover, excluding living lawn/turf or sod shall be planted with a minimum of fifty percent (50%) coverage, with one hundred percent (100%) coverage occurring within twelve (12) ~~six (6)~~ months of installation.

U.P.— Planting soil ~~Topsoil~~ shall be clear and free of construction debris, weeds, rocks, noxious pests, and diseases. ~~The topsoil for all planting areas shall be composed of a minimum of fifty percent (50%) muck or horticulturally acceptable organic material.~~

V.Q. All living lawn/turf or sod turfgrass areas shall be planted sodded using species suitable as permanent lawns in Broward County. Where appropriate, turf species that require minimum irrigation are encouraged. The type and location of turf areas shall be selected in the same manner as with all the other plantings. ~~Irrigated turf areas, as opposed to non-irrigated turf areas, are considered to be a high water use hydrozone. Irrigated turf shall not be treated as a fill-in material but rather as a planned element of the landscape. Turf shall be placed so that it can be irrigated using separate zones.~~

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Number: 1 Author: john Subject: Sticky Note Date: 12/3/2021 5:44:11 PM

Can these (< 40%) trees be removed without a mitigation cost to the owner? the credit to keep it should be equitable to the penalty.

If you don't get credit for keeping the tree you should not be penalized for removal.



W.R. Irrigated grass/lawn/turf or sod areas:

1. Shall be considered a high water-use hydrozone;
  2. Shall not be treated as a fill-in material but as a planned element of the landscape;
  3. Shall be consolidated as per Florida-Friendly Landscaping™ principles and as required by Zoning Administrator or designee;
  4. Shall be placed so it can be irrigated using separate zones;
  5. Lawn/turf or sod areas shall be identified on the landscape plan and be subject to the following requirements:
    - a. No more than sixty percent (60%) of the landscaped area for all uses may be in living lawn/turf or sod; and
    - b. Dry detention ponds planted with Bahia grass (Pastpalum notatum) are exempt from automatic irrigation requirements and are therefore exempt from the lawn/turf or sod area calculations above.
    - c. Synthetic turf, when installed in accordance with the specifications herein, may be used as an integral part of the landscape design for a site and contribute to reduced water use for irrigation and are therefore exempt from the grass/lawn/turf area calculations above. No more than 60% of the landscaped area shall be synthetic turf.
1. No more than sixty percent (60%) of the landscaped area for single-family and duplex dwellings may be in turfgrass;
  2. No more than fifty percent (50%) of the landscaped area for multifamily dwellings may be in turfgrass; and
  3. No more than fifty percent (50%) of the landscaped area for other development uses may be in turfgrass.

S. Native and drought-tolerant landscaping shall be identified on the landscape plan and be subject to the following requirements:

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Number: 1 Author: john Subject: Sticky Note Date: 12/3/2021 5:54:26 PM

I don't like that we are encouraging artificial turf. Polyethylene is a petroleum based chemical that will eventually breakdown and be disposed of in a landfill. The artificial turf also heats up in the sun and contributes to the heat island effect. The trade off is not positive on our local environment or to the planet as a whole. We need to cut the cord and work with nature in a natural way. Polyethylene is bad for the environment.

<https://www.theatlantic.com/science/archive/2019/12/artificial-turf-fields-are-piling-no-recycling-fix/603874/>

<https://climateactionmoreland.org/2021/04/03/how-will-synthetic-turf-impact-urban-heat-island-and-microclimate-around-hosken-reserve/>



1. ~~A minimum of fifty percent (50%) of the non-turfgrass landscaped area of single-family and duplex dwellings must be in native or drought-tolerant landscaping; and~~
2. ~~A minimum of fifty percent (50%) of the landscaped area of all other development uses must be in native or drought-tolerant landscaping.~~

SECTION 8. That Section 47-21.9, Installation, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.9. - Installation.

- A. All landscaping shall be installed in accordance with the requirements of this section ~~within ninety (90) days of issuance of the landscape permit in accordance with the landscape plan approved by the department and the requirements of this section and~~ prior to the issuance of a certificate of occupancy, certificate of completion, or final use approval.
- B. All landscape material shall be installed in accordance with ANSI A-300 Best Management Practices, all parts, sound landscaping practices, following all applicable Florida-Friendly Landscaping™ principles.
- C. ~~All installed landscape materials shall conform to the standards for be graded at least Florida grade #1 or better Number One, according to the Florida Grades and Standards for Nursery Plants, 2021, by the Division of Plant Industry, Department of Agriculture and Consumer Services, State of Florida.~~  
Florida-Friendly Landscaping™ may include the use of soil amendments to increase the water holding capacity of sandy soils or improve the drainage of heavy soils, or other applicable principles or techniques. The use of turf that does not need supplemental irrigation, such as Bahia, is encouraged. Alternatives to the use of turf are also encouraged, such as drought resistant shrubs and ground cover. Codominant (V-crotched) trees are not acceptable.
- D. ~~C. Unless stated otherwise, required trees shall be a species designated Class "C" or higher, as defined in the Table of Tree Classification evaluation compiled maintained by the Department. Existing trees which are healthy, well maintained and are in class "C" or higher may be used to meet tree planting requirements and no~~

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Number: 1 Author: john Subject: Cross-Out Date: 12/3/2021 6:01:12 PM  
Adopted code. Do not mention editions. Redundant (per adopted edition)

Number: 2 Author: john Subject: Sticky Note Date: 12/3/2021 5:59:10 PM  
Can we include the table of tree classification as a reference? or is this an ever changing document at the discretion of the department staff?

~~approval shall be given for trees in poor or damaged condition regardless of classification.~~

E. ~~D.~~ New trees required to be installed shall be planted so normal growth and aesthetic appearance will not be impaired, and so uppermost structural roots are visible and level with grade. ~~nor shall potentially large trees be planted under utility lines or lighting, too close to structures or in an area where they will obstruct emergency vehicle access.~~

E. Except as otherwise required for VUA's, dicot trees shall have a minimum of ten (10) feet of height. Monocots shall have a minimum of eight (8) feet of wood, except Coconut, Thrinax, Phoenix robellini, Sage, and Livingstonia palms which shall have a minimum of three (3) feet of wood when planted.

F. Large Trees, Medium Trees, and Large Palms are not to be located closer than fifteen (15) feet from any light pole locations. Small Trees and Small Palms are not to be located closer than seven and one-half (7-1/2) feet from any light pole locations.

G. All plant material that matures at a height greater than fourteen (14) feet shall not be installed in an established electric utility right-of-way or intrude from the side closer than the clearance distance specified in Table 2 of ANSI Z 133.1-2000 for lines affected by the North American Electric Reliability Council Standards, FAC 003.1 requirement R1.2., in accordance with Section 163.3209 of the Florida Statutes.

H.F. Trees shall be installed as follows: 1. ~~Large Trees and Large Palms~~ Shade trees shall be located a minimum of ~~fifteen (15)~~ twenty (20) feet away from structures; ~~Medium Trees shall be located a minimum of fifteen (15) feet away from structures;~~ Medium Trees shall be located a minimum of fifteen (15) feet away from structures; ~~Small Trees shall be located a minimum of ten (10) feet away from structures; and Small Palms shall be located a minimum of five (5) feet away from structures to avoid conflicts with branches. This distance may be measured from the building wall, or from the roof overhang, depending on the profile of the structure and the species of the tree or palm. This distance may also be adjusted based on root barriers being used that redirect tree roots away from structures.~~

I. Minimum Tree Spacing Requirements. Newly planted trees and palms shall meet the following: Large Trees and Large Palms shall be spaced a minimum of twenty-five (25) feet apart; Medium Trees shall be spaced a minimum of twenty (20) feet apart; and Small Trees and Small Palms shall be spaced a minimum of fifteen (15) feet apart.

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Structures should be defined in the code.

See definition section

- ~~2. Nonshade trees and Palms shall be located a minimum of seven and one-half (7½) feet away from structures. Palms may be planted closer to each other to form multiples or clusters.~~
- ~~3. No large trees shall be located closer than twelve (12) feet to street lights. No palms may be closer than seven (7) feet from street lights. The spacing of trees from electric utility lines must follow "Right Tree, Right Place" guidelines as established by Florida Power and Light.~~
- ~~4. Where a conflict in spacing or canopy spread occurs between required trees and existing offsite or onsite trees, the requirements of this section may be modified as determined by the director.~~

J. Where a conflict in spacing or canopy spread occurs between required trees and existing offsite or onsite trees, or offsite structures, and the minimum tree spacing requirements of this section cannot be met, the spacing or size of required trees may be adjusted by the Department in accordance with good horticultural practices/industry best standards such as *Best Management Practices – Tree Planting, Second Edition*, or ANSI A-300 (Part 6) to minimize conflicts.

K.G. Cutouts in a non-pervious surface should be sized to minimize damage to that surface as the tree trunk grows in diameter. This cutout size does not represent the soil volume requirement for root growth which still needs to be provided as required in Sec. 47-21.9. M. and can be amended by the Department. Minimum dimensions for cutouts in non-pervious surfaces to accommodate tree trunk growth shall be: Each tree shall have pervious area surrounding it sufficient to support the species, as determined by the department. The minimum planting area shall be for:

1. Eight feet (8') by eight feet (8') for trees having an average mature canopy spread of greater than thirty (30) feet, and listed as Large Trees on the City's Tree Classification List. Shade species with a minimum caliper of three (3) inches, two hundred twenty-five (225) square feet with fifteen (15) feet being the smallest dimension.
2. Six feet (6') by six feet (6') for trees having an average mature canopy spread between twenty (20) and thirty (30) feet, and listed as Medium Trees on the City's Tree Classification List. Shade species with a minimum caliper of two (2) inches, ninety (90) square feet with eight (8) feet being the smallest dimension.
3. Five feet (5') by five feet (5') for trees having an average mature canopy spread less than twenty feet (20') and listed as Small Trees on the City's Tree Classification List.

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and for palms listed as Large Palms on the City's Tree Classification List. Other dicot tree species, sixty-four (64) square feet with eight (8) feet being the smallest dimension.

4. Three feet (3') by three feet (3') for palms listed as Small Palms in the City's Tree Classification List.
5. Exemptions to cutout size can be for Special Districts which may have different requirements, or for the application of a cold applied, poured in place tree surround system that is designed to bind a selection of decorative aggregates, which provide a bonded, walkable, attractive, and porous surface, as determined by the Department.
4. Palm types, twenty-five (25) square feet with five (5) feet being the smallest dimension, except Areca, Carpentaria, Cocothrinax, Phychosperma, Rhapsis, and Sabal, sixteen (16) square feet with four (4) feet being the smallest dimension.

L. Minimum soil volume requirements for trees shall be:

1. Twelve-hundred cubic feet (1,200 ft<sup>3</sup>) with a minimum of three feet (3') depth from the grade for tree species listed as Large Trees in the City's Tree Classification List.
2. Six hundred cubic feet (600 ft<sup>3</sup>) with a minimum of three feet (3') depth from the grade for tree species listed as Medium Trees in the City's Tree Classification List.
3. Three hundred cubic feet (300 ft<sup>3</sup>) with a minimum depth of three feet (3') from the grade for tree species listed as Small Tree in the City's Tree Classification List.
4. For palms, the soil volume (ft<sup>3</sup>) will be calculated by multiplying the square foot (ft<sup>2</sup>) of mature canopy diameter by the minimum depth of three (3) feet from grade, as determined by the Department.
5. Where the minimum required soil volume cannot be provided within the landscape area at grade, then a modular suspended pavement system shall be installed under the paved area adjacent to the tree to achieve the minimum required soil volume. The modular system must have a H-20 or HS-20 loading rating in accordance from the *Standard Specifications for Highway Bridges*. A sub-grade soil medium (or structural soil) may be installed to connect open soil space areas (such as underneath a sidewalk connecting a swale and turf area to allow for future tree root growth) or in locations where use of a suspended soil system is not feasible, such

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as when a high water table is present. <sup>1</sup>Cost considerations shall not be considered a sufficient sole reason for use of structural soils.

- M.H. All trees shall be properly guyed and staked at the time of planting until establishment. Biodegradable guying and staking materials are recommended. The use of nails, wire, conduit, synthetic rope, or any other guying or staking method which damages the tree or palm, is prohibited. Trees when braced shall be braced in such a fashion as to not girdle, scar, perforate or otherwise inflict damage to the tree.
- ~~I. Shrubbery, when installed to screen a VUA, shall be a minimum of twenty-four (24) inches high at time of installation, be full to base, and be spaced a maximum of thirty (30) inches on center. Shrubbery shall be permitted to grow and shall be maintained at a minimum height of thirty (30) inches. Vines used in conjunction with wire fences to screen a VUA shall be a minimum of thirty (30) inches in height immediately after planting, have a minimum of three (3) runners with plants spaced a maximum of six (6) feet on center.~~
- N. J. All landscaping areas plant beds that do not contain original uppermost organic and topsoil layers shall be excavated to a minimum depth of twenty-four (24) inches, measured from grade, to remove rock, construction debris, compacted limerock material, or other material so as not to restrict root growth, limit soil percolation, or reduce the efficiency of the irrigation system. Backfill will be an suitable soil mixture having a proper pH range of 5.5 to 6.5. Suitable existing site soil may be amended to improve its pH, water and nutrient-holding capabilities. A soil analysis may be required, as provided in ULDR 47-21.7, to ensure the provision of soil amendments necessary for plant establishment. and back-filled with a suitable soil consisting of fifty percent (50%) composted organic matter, well-mixed with native soil. Backfill material shall be free from rock, construction debris, or other extraneous material. Planting beds shall be free from construction debris and planted with ground cover or lawn or when not otherwise provided in these regulations, mulched with an appropriate organic material to a minimum depth of two (2) inches.
- O. Landscaping areas shall be mulched with an appropriate organic material to a minimum depth of two (2) inches, with the mulch not being placed against the trunk of the plant.
- P. K. Decorative non-living groundcover (other than rocks, stone, or gravel <sup>2</sup> used as mulch <sup>3</sup> within a planting bed) may be utilized up to a maximum of ten percent (10%) of the total landscape area where the non-living groundcover stone or gravel is to be used for decorative, or other approved purpose, as an adjunct to landscaping areas, but shall

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Number: 1	Author: john	Subject: Cross-Out	Date: 12/3/2021 6:04:04 PM
Number: 2	Author: john	Subject: Sticky Note	Date: 12/3/2021 6:11:16 PM
This section is a little confusing and should be clarified. What is an example of a non living ground cover?			
Number: 3	Author: john	Subject: Sticky Note	Date: 12/3/2021 6:07:29 PM
add shells as acceptable			

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not count towards the required landscape area being provided. planting beds. The use of synthetic turf, when installed in accordance with the specifications herein, shall be permitted and shall count towards the required landscaping area being provided, as determined by the Department.

Q. Synthetic turf shall comply with all the following design standards and shall:

1. Simulate the appearance of live turf, organic turf, grass, sod, or lawn, and shall have a minimum eight-year "no fade" warranty.
2. Be of a type known as "cut pile with infill" with pile fibers of a minimum height of 1.75 inches and a maximum height of 2.5 inches.
3. Have a minimum face weight of 75 ounces per square yard.
4. Be manufactured from a polyethylene monofilament, dual yarn system.
5. Have a backing material that is permeable.
6. Be lead free and flame retardant.
7. Be installed in a manner prescribed by the manufacturer and in compliance with ULDR Section 47-20.13 when installed in the right-of-way.
8. Be installed over a subgrade prepared to provide positive drainage and an evenly graded, porous crushed rock aggregate material that is a minimum of three inches in depth.
9. Be anchored at all edges and seams consistent with the manufacturer's specifications.
10. Not have visible seams between multiple panels.
11. Have seams that are joined in a tight and secure manner.
12. Have an infill medium consisting of clean silica sand, or other mixture, pursuant to the manufacturer's specifications that shall:
  - a. Be brushed into the fibers to ensure that the fibers remain in an upright position;

Bad Stuff-how does this help or hinder tree preservation  
-Land Fill item-non biodegradeable  
-Heat island effect

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Number: 1	Author: john	Subject: Sticky Note	Date: 12/3/2021 6:12:07 PM
Again. I don't think our code should encourage the use of synthetic turf.			
Number: 2	Author: john	Subject: Line	Date: 12/3/2021 6:12:15 PM
Number: 3	Author: john	Subject: Line	Date: 12/3/2021 6:12:22 PM
Number: 4	Author: john	Subject: Text Box	Date: 12/3/2021 6:17:55 PM

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**Bad Stuff-how does this help or hinder tree preservation**  
-Land Fill item-non biodegradable  
-Heat island effect

b. Provide ballast that will help hold the turf in place: and

c. Provide a cushioning effect.

13. Synthetic turf shall also comply with all the following additional standards:

a. Have areas of living plant material installed and/or maintained in conjunction with the installation of synthetic turf. Living plant material shall be provided per the minimum code requirements as provided in this Section, herein.

b. Shall be separated from planter areas and tree wells by a concrete mow strip, bender board, or other barrier/edging material to prevent the intrusion of living plant material into the synthetic turf.

c. Any irrigation systems proximate to the synthetic turf shall be directed so that no irrigation adversely affects the synthetic turf.

d. Be maintained in an attractive and clean condition, and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat degradation, or excessive wear.

e. Be maintained in a green fadeless condition and free of weeds, debris, and impressions.

f. Shall comply with the requirements of Section 47-20.13 when installed in the swale area.

g. Shall not be installed in any drainage features required to meet minimum standards of Section 47-20.13.D.

14. All uses of synthetic turf shall require a permit. The permit application shall include, at a minimum, all the following information:

a. A complete landscape plan showing the area of synthetic turf, area of living plant material, and area and method of separation between these areas.

b. Details regarding existing or proposed irrigation proximate to the synthetic turf.

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- c. Brand and type of synthetic turf, including all manufacturer specifications and warranties.
- d. A scaled cross section and details of the proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and infill.
- e. A survey of the property <sup>1</sup> ~~with a signed affidavit from the property owner that no changes have occurred since the date of the survey.~~ <sup>2</sup>
15. Continuous Maintenance of Installed Synthetic Turf. If, at any time, the Department determines that the synthetic turf which has been installed on a property is no longer in compliance with this section, then it shall constitute a violation of the Code and the property owner shall be required to immediately rectify the items that are considered to be in non-compliance.
- R. ~~Finished grade of landscape areas shall be at or below the grade of adjacent VUA or public sidewalks, except for mounding or other surface aesthetics. Grade shall be designed to receive roof and surface runoff and to assist Florida-Friendly Landscaping™ plantings and then any overflow routed as necessary underground. Mounding or other surface aesthetics shall not inhibit, or defeat, intended rainwater capture, retention, or percolation. from a VUA.~~
- S. ~~M.~~ All undeveloped portions of a parcel of land shall be left undisturbed or planted with living ground cover, lawn/turf or sod so as to leave no exposed soil in order to control dust and prevent dust or soil erosion.

SECTION 10. That Section 47-21.11, Maintenance, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.11. - Maintenance.

- A. The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the proper maintenance and protection of landscaping and irrigation systems existing or hereafter installed within private property and in adjacent right-of-way areas. Maintenance shall include watering, weeding, mowing, fertilizing, treating, mulching, trimming, tree pruning, palm pruning, removal or replacement of dead or diseased plants and removal of refuse and debris on a regular basis so as to continue a healthy growing condition and present a safe, neat, and well-kept appearance at all times. Application and use of fertilizers shall be as provided in Section 28 – 4.

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A current survey is all that should be required.			
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- B. ~~Large Shade~~ trees shall be maintained at an average mature crown spread ~~minimum~~ ~~canopy diameter~~ of thirty (30) feet and a clear trunk maintained at a minimum of eight (8) feet, ~~consistent with natural mature form based on tree species, and be maintained~~ in accordance with the American National Standards Institute, A-300 standards, ~~or similar accepted standards as published.~~
- C. ~~Any plant material located within a -A-landscaped sight triangle, shall be provided and~~ ~~visibility maintained that does not meet the requirements~~ as provided in Section 47-2.2, ~~must be removed or maintained by the property owner to provide clear visibility of~~ ~~oncoming traffic. Plant materials which block visibility of oncoming traffic beyond the~~ ~~sight triangle shall be removed by the property owner or maintained so as to allow clear~~ ~~visibility.~~
- D. ~~Plant materials which block visibility shall be removed by the property owner or~~ ~~maintained so as to allow clear visibility of oncoming traffic.~~
- D.E- Landscaping shall be inspected periodically by the ~~d~~Department to insure proper maintenance. The owner, tenant or their agent shall be notified in writing, of any areas which are not being properly maintained and shall provide corrective action within thirty (30) calendar days from the time of notification.
- E. All landscaping and irrigation shall be maintained in accordance with the approved landscape plan on file with the Department, including approved specifications for plant size, quantity, location, and type of landscaping material and irrigation system. This includes landscaping and irrigation installed on property and in adjacent right-of-way areas.
- F. Stormwater and water body shoreline considerations.
1. The Fast Forward Fort Lauderdale *Design and Construction Manual for a Sustainable and Resilient Community and Cohesive Public Realm (DCM)* ~~December 2019~~ shall be referenced for additional guidelines and principles for the development of a sustainable, resilient, and low impact design for stormwater management systems within the City of Fort Lauderdale.
  2. Grading and design of property adjacent to bodies of water shall conform to federal, state, and local regulations which may include, but are not limited to, the use of berms or swales to intercept surface runoff of water and debris that may contain fertilizers or pesticides.

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3. When mowing occurs near the shoreline, the chute shall be directed away from the water body. Riparian or littoral zone plants that do not require mowing or fertilization should be planted in the low maintenance zone. Where water levels vary considerably, care must be taken in the selection of these plants.
4. Mangrove trimming shall be performed only in accordance with Chapter 373, Part IV, Florida Statutes, Chapter 403, Florida Statutes, and Chapter 27, Article XI, of the Broward County Code.
5. In no case shall grass clippings, vegetative material, or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, sidewalks, or roadways, either intentionally or accidentally.
6. Yard waste shall not be disposed of or stored by shorelines, ditches, swales, or the vicinity of storm drains. Yard waste and compost sites must be hidden from street view, maintained to prevent odor, and be free of weeds.

SECTION 11. That Section 47-21.12, Landscape requirements for vehicular use areas, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.12. - Landscape requirements for vehicular use areas (VUA).

- A. VUA Intent. In order to improve the appearance of VUA's and to protect and preserve the appearance, character and value of the surrounding neighborhoods, promote better air quality, offset the urban heat island effect, and thereby promote the general welfare by providing for installation and maintenance of landscaping, screening and aesthetic qualities, the following minimum VUA landscape requirements are established. This section is not applicable to underground or building enclosed VUA's.
  1. A Landscape Permit shall be issued before or in conjunction with a paving or resurfacing permit but shall not include the application of a liquid coating for the purpose of preserving the existing pavement.
  2. ~~4.~~ Vehicular use areas. On the site of a building or structure or on an open lot providing a VUA, landscaping shall be provided in a square footage area equal to a minimum of twenty percent (20%) of the gross VUA. This square footage shall abut and extend no further than ten (10) feet away from a VUA. The landscape area

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required from a VUA shall consist of perimeter, peninsular and interior landscape areas as follows.

- a. For VUA areas requiring the installation of five (5) or more trees, species diversity shall be considered using a combination of large shade trees, medium and small trees, flowering trees, and/or fruiting tree species.
  - b. Where the minimum required soil volume cannot be provided within the landscape area at grade for a VUA tree, then a modular suspended pavement system shall be installed under the paved area adjacent to the tree to achieve the minimum required soil volume, unless otherwise determined by the Department. The modular system must have a H-20 or HS-20 loading rating in accordance from the *Standard Specifications for Highway Bridges*.
  - c. Where the minimum required soil volume cannot be provided within the landscape area at grade for a VUA tree, then a sub-grade soil medium (or structural soil) may be installed to connect open soil space areas in single family residential property (such as underneath a sidewalk connecting a swale and ~~the~~ area to allow for future tree root growth) or in locations where use of a suspended soil system is not feasible such as a when a high water table is present. ~~Cost considerations shall not be considered a sufficient sole reason for use of structural soils.~~
3. 2. Perimeter landscape area.
- a. Along the perimeter of a parcel of land when a vehicular use area, abuts a street, exclusive of vehicular access points, a perimeter landscape area shall be provided. The depth of the perimeter landscape area shall be a minimum of five (5) feet, a maximum of twenty-eight (28) feet, and an average of ten (10) feet. The ten (10) feet of perimeter landscape area closest to the VUA may be counted as part of the twenty percent (20%) minimum VUA landscape requirement.
  - b. Along the perimeter of a parcel of land when a vehicular use area does not abut a street, exclusive of vehicular access points, a perimeter landscape area shall be provided. ~~The~~ minimum depth of the landscape area shall be a minimum of five (5) two and one-half (2½) feet, except for parcels of land which are less than fifty (50) feet in lot width where the minimum depth shall be two and one-half (2½) feet, as determined by the Department. Parcels of land with less than one-hundred-foot ~~front-~~in lot width may provide a perimeter masonry wall at least

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thirty (30) inches in height between the VUA and the abutting property in lieu of the perimeter landscape area.

- c. When a perimeter landscape area is required pursuant to other provisions of this Code or as a condition of plat, site plan or other development approval, the greatest depth required shall prevail.
- d. Where a business uses a VUA as display area, the first twenty-five percent (25%) of the width of the VUA along the major street may be considered as display area. Large or Medium shade trees are not required to be placed in the perimeter landscape area adjacent to this first twenty-five percent (25%), but if not planted in this first twenty-five percent (25%) of the perimeter of the VUA along the major street, these trees shall be redistributed to the other seventy-five percent (75%) of the perimeter of the VUA along the major street. Notwithstanding the above, the requirements for street trees, as prescribed herein, still apply.

#### 4.3-Interior landscape area.

- a. At least thirty (30) square feet of interior landscape area shall be provided for every interior parking and loading space and shall not be part of any perimeter landscape area.
- b. When portions of a VUA are utilized for storage, loading dock, tractor/trailer truck maneuvering, or aircraft maneuvering, and when it is shown that relocation of required landscaping does not defeat the purpose of the VUA landscape and parking requirements, the Department may allow the relocation of interior landscape areas to a location in public view adjacent to the internal buildings. When there are no buildings, the relocated landscape area shall be added to the minimum depth of the perimeter landscape area.

#### 5.4- Peninsular and island landscape areas.

- a. Peninsular and island landscape areas shall be located at the end of a row of more than two (2) consecutive parking spaces where the row terminates at an aisle or driveway and either:
  - i. Intermittently at least every ten (10) parking spaces in a row providing a minimum width and length equal to the adjacent parking stall in landscaped area containing one Large or Medium Tree; or

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- ii. Intermittently at no more than a maximum of every twenty (20) parking spaces in a row ~~when a minimum width of eight (8) feet plus one (1) foot for every extra parking space over ten (10) is added to one or both of the adjacent islands in the row~~ and providing the following:
  - a. a minimum width and length equal to the adjacent parking stall plus one (1) foot in width for each parking stall over ten (10) is added to one of the adjacent islands in a row; and
  - b. a minimum of one (1) foot is added to the minimum required height of the required Large or Medium Tree in the adjacent enlarged island for each parking stall over ten (10) added to the parking row.
  - c. Small trees or palms may be used in peninsular islands only if it is not feasible to plant a Large or Medium Tree species in the island, and at the discretion of the Department.
  - d. It is recommended that the placement of the peninsular islands within the interior of the VUA be staggered, if possible, so as not to have the islands aligned in a row across the VUA and more evenly distribute the shade being provided within the paved area and offset the urban heat island effect.
- b. When a row of parking spaces is located in a manner where motor vehicles back out directly onto a public right-of-way or alley as allowed by Section 47-20, Parking and Loading Requirements, backout parking spaces for residential uses and motels and hotels shall have one (1) peninsular landscape area for every two (2) spaces. For all other uses there shall be one (1) peninsular landscape area for every four (4) spaces.
- c. Peninsular and island landscape areas shall be the same length and width of the adjacent parking space and no less than a minimum of three-quarters (¾) the length of the adjacent parking space by a minimum of eight (8) feet in width.
- d. All peninsular and island landscape areas shall be planted with at least one (1) Large or Medium tree. However, small trees or palms may be used only if it is not feasible to plant a Large or Medium Tree species in the island, and at the discretion of the Department.

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- ~~e. Peninsular and island landscape areas placed intermittently every ten (10) parking spaces are not necessary when the landscape area adjacent to the front of the parking spaces is fifteen (15) feet or more in depth.~~
- ~~e.5. Storage and loading areas.~~ When portions of a VUA are utilized for storage, loading dock, tractor/trailer truck maneuvering, or aircraft maneuvering, and when it is shown that relocation of required landscaping does not defeat the purpose of the VUA landscape and parking requirements, the Department may allow permit the relocation of peninsular and island landscape areas and ~~other interior landscape areas~~ to a location in public view adjacent to the internal buildings. When there are no buildings, the relocated landscape area shall be added to the minimum depth of the perimeter landscape area.
6. Driveways facing the public right-of-way shall be subject to the following:
- a. Driveways shall have a minimum separation of eight (8) feet from the adjacent public right-of-way which shall provide a pervious landscape area with a minimum of one (1) Large or Medium tree per forty (40) feet and continuous shrub planting.
- b. Driveways shall have a minimum separation of eight (8) feet from an adjacent driveway within the same development for the entire length of the driveway which shall provide a landscaped pervious area with a minimum of one (1) Large or Medium tree per forty (40) feet and continuous shrub planting.
- c. Small Trees or palms may be used only if it is not feasible to plant a Large or Medium Tree species in the landscaped pervious area, and at the discretion of the Department.
- d. The minimum tree spacing requirements shall be as follows: Large Trees and Large Palms shall be spaced a minimum of twenty-five (25) feet apart; Medium Trees shall be spaced a minimum of twenty (20) feet apart; and Small Trees and Small Palms shall be spaced a minimum of fifteen (15) feet apart.
- e. The separation of driveways can be reduced to a minimum of four (4) feet in width with the installation of a modular suspended pavement system or other mitigating alternative to allow space for root development of required trees, as determined by the Department.

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## B. VUA criteria.

1. VUAs shall be visually separated from streets, waterways and abutting properties. A continuous visual barrier feature maintained at a minimum of ~~twenty-four (24)~~ ~~thirty (30)~~ inches in height is required to visually separate VUA from streets, waterways and abutting properties. Continuous visual barrier features may consist of any of the following or combination thereof: a masonry wall, mounding, berm, and hedge. ~~groupings of shrub plants.~~ This continuous feature shall address safety principles included in Crime Prevention Through Environmental Design (CPTED).
2. When a cross-easement agreement to operate abutting properties as essentially one (1) contiguous VUA is in force, the screening requirements between the two (2) properties shall be waived until the agreement is terminated. However, other minimum perimeter and interior landscape requirements of all parcels of land involved shall be provided.
3. Utilities and site amenities such as walkways, flagpoles, transformers, fire hydrants, sewer and water supply lines, trash enclosures, and similar items located on the site shall not be placed in or under required tree planting areas. ~~Lighting fixtures with an overall height of more than ten (10) feet shall be located a minimum of fifteen (15) feet away from shade trees.~~
4. Lighting fixtures with an overall height of more than ten (10) feet shall be located a minimum of fifteen (15) feet away from Large and Medium Trees and Large Palms, and 7.5 feet away from Small trees or Small Palms.
- 5.4. All landscape areas shall be protected from vehicle encroachment, including the nose of peninsular and island landscape areas.
- 6.5. Vehicle overhangs do not count toward minimum landscape area requirements and shall not be located within the required landscape area.
- 7.6. Every effort shall be made to design around existing, ~~large desirable~~ trees. A maximum of twenty percent (20%) of required parking adjacent to existing trees may be waived by the Department to accommodate existing tree preservation and protection requirements. ~~Parking spaces which are lost because of saved trees and~~

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~~supporting root system pervious area may be counted as spaces installed by the director, up to ten percent (10%) of the required parking count.~~

~~8.7.~~ Parts or all of the requirements of this section may be waived by the Ddepartment if the VUA is only periodically or intermittently used for vehicular parking such as parking lots at houses of worship or recreational facilities.

C. VUA planting requirements.

1. One (1) tree and six (6) shrubs shall be required for every one thousand (1,000) square feet, or fraction thereof, of VUA.
  - a. ~~The first twenty-five percent (25%)~~fifty percent (50%), or fraction thereof, of the required trees shall be ~~shade-tree~~ species, listed as Large Trees in the City's Tree Classification List ~~with a three and one-half (3 1/2) inch minimum trunk caliper, and shall be evenly distributed in the between~~ interior and perimeter landscape areas. Large trees shall be installed at a minimum height of twelve (12) feet and maintained for maximum canopy spread to offset the urban heat island effect.
  - b. ~~Twenty-five percent (25%) of the required trees shall be tree species listed as Medium Trees in the City's Tree Classification List, shall be shade species with a two and one-half (2 1/2) inch minimum trunk caliper.~~ Medium trees shall be installed at a minimum height of twelve (12) feet and maintained for maximum canopy spread to offset the urban heat island effect.
  - c. Twenty-five percent (25%) of the required trees may be tree species listed as Small Trees in the City's Tree Classification List or palm species. Small Trees shall be installed at a minimum height of ten (10) feet and Palm trees shall be installed with a minimum clear trunk of eight (8) feet and maintained for maximum canopy spread to offset the urban heat island effect.

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- d.e. Shrubs, when installed to screen a VUA, shall be a minimum of twenty-four (24) inches high at time of installation and be spaced a maximum of thirty (30) inches on center. Shrubbery shall be permitted to grow and shall be maintained at a maximum height of thirty (30) inches. Shrub plantings shall address safety principles included in Crime Prevention Through Environmental Design (CPTED). Twenty percent (20%) of the required trees shall be conspicuously flowering species.
- e.d. Vines used in conjunction with wire fences to screen a VUA shall be a minimum of thirty (30) inches in height immediately after planting, have a minimum of three (3) runners with plants spaced a maximum of six (6) feet on center. Twenty percent (20%) of the required trees may shall be palm species.
- ~~e. Ten percent (10%) of the required trees shall be optional species.~~
2. The types of trees and the percentage requirements provided in this subsection a.C may be varied by the Department if it is found that installation of a different type of tree would to create a more compatible design image with trees located on adjacent sites, as determined by the Department.
3. The minimum tree spacing requirements in perimeter landscape areas shall be as follows: Large Trees and Large Palms shall be spaced a minimum of twenty-five (25) feet apart; Medium Trees shall be spaced a minimum of twenty (20) feet apart; and Small Trees and Small Palms shall be spaced a minimum of fifteen (15) feet apart.
- ~~3. Where a business uses a VUA as display area, the first twenty-five percent (25%) of the width of the VUA along the major street may be considered as display area. Shade trees are not required to be placed in this first twenty five percent (25%), but if not planted in the first twenty five percent (25%) these trees shall be redistributed to the other seventy five percent (75%) of the site.~~
- ~~D. Failure to install. It shall be unlawful to occupy or use, or cause to be occupied or used, any VUA unless the required landscaping has been installed and approval has been obtained for the use of such VUA. Approval for use of a VUA shall be by certificate of occupancy or use approval by the director. When a VUA is used without first having obtained approval, the director shall notify the owner or occupier of the land, in writing, to stop the use. If this notice is not complied with by the owner or occupier of the land,~~

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~~the VUA shall be barricaded and remain unoccupied and barricaded until the required landscaping is installed and use approval issued.~~

~~E. Exceptions. The board of adjustment may approve VUA's which do not comply with the provisions of this section for a specified length of time, not to exceed one (1) year, when the board finds that such approval is necessary to relieve hardship and would not violate the intent and purpose of these regulations. Prior to the expiration of the approved time period, the board may approve an extension of the time not to exceed one (1) year.~~

~~D.F. Existing vehicular use areas. Existing VUA's shall be considered as new and brought into conformity with the minimum requirements of this section upon the occurrence of any one (1) of the following conditions:~~

- ~~1. When a vehicular use area is expanded or enlarged by a cross easement agreement or by additional paving resulting in an increase of twenty-five percent (25%) or more of the existing vehicular use area square footage.~~
- ~~2. When there is an addition which increases the total ground floor area of all existing buildings on the property more than twenty-five percent (25%).~~
- ~~3. When a building or use has lost its nonconforming status in accordance with Section 47-3, Nonconforming Uses, Structures and Lots.~~
- ~~4. When there has been a denial of a change of use, pursuant to Section 47-3.5, and the change of use will result in the use, structure, or both being required to meet the ULDR requirements.~~

~~E.G. Retroactive VUA landscaping. Any owner of a parcel of land upon which there is located a vehicular use area which existed prior to July 7, 1977 shall meet at least fifty percent (50%) of the landscaping requirements for ~~of new~~ vehicular use areas. If a vehicular use area cannot be redesigned and the owner is unable to meet this fifty percent (50%) requirement without reducing the number of required parking spaces or reducing the number of parking spaces provided for use of the parcel which would be required if based on the minimum off-street parking requirements for such use in effect on March 6, 1990, ~~the owner shall~~ landscape requirements for vehicular use areas shall be provided to comply to the maximum extent possible without reducing the number of required parking spaces.~~

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~~2. The department shall be authorized to inspect each VUA and provide, as necessary, written notification to the owner, tenant or agent, if any, of the terms and provisions of these regulations. The owner shall submit a landscape plan to the department and obtain any required permits within thirty (30) days from receipt of notification. Installation shall be completed within ninety (90) days from receipt of the initial notification.~~

SECTION 12. That Section 47-21.13, Landscape requirements for all zoning districts, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.13. - Landscape requirements for all zoned districts.

A. The following is a chart which provides the landscape requirements for each zoning district:

Zoning District	Landscape Requirements (the below numbers correspond with text in subsection 47-21.13.B)
RS-4.4, RS-8	1, 10, <u>14</u> , 16
RC-15, RD-15	1, 2, 10, <u>14</u> , <u>15</u> , 16, <u>17</u>
RM-15, RML-25, RMM-25, RMH-25, RMH-60, MHP	1, 2, 3, 10, 15, 16, <u>17</u>
R-O, R-O-C	1, 2, 3, 4, 10, 16, <u>17</u>
R-O-A	1, 2, 5, 10, 16, <u>17</u>
CB, X-Use	1, 2, 7, 8, 10, 16, <u>17</u>
B-1, B-2, B-3, I, CF, CF-H, CF-S, CF-HS, P, T, U, I	1, 2, 6, 7, 8, 10, 16, <u>17</u>
AIP, CC	1, 2, 7, 8, 13, 10, 16, <u>17</u>
GAA	1, 2, 8, 9, 13, 10, 16, <u>17</u>
H-1	1, 2, 7, 8, 10, 16, <u>17</u>
PEDD	1, 2, 7, 8, 11, 12, 10, 16, <u>17</u>
PRD, ABA, IOA, NBRA, SBMHA, SLA	1, 2, 14, 10, 16, <u>17</u>

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Special Uses and Districts (RAC, etc.) ( <del>see Section 47-21.11.</del> )	( <u>see Section 47-21.14.</u> )
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B. Landscape requirements.

1. ~~Yards and other portions of a parcel of land not utilized for structures, required walks, vehicular use area including VUA required landscaping, decking, pool and other impervious areas, shall be covered with a lawn or ground cover and shall comply with the following:~~

a. For other than a single family dwelling as defined in Section 47-35:

i. One (1) tree is required for each one thousand (1,000) square feet of net lot area or portion thereof. This tree planting requirement is in addition to the VUA landscaping requirements; and

ii. Fifty percent (50%) of the trees shall be Large Trees, twenty-five percent (25%) Medium trees, and twenty-five percent 25% a combination of Small Trees, Large or Small Palms, flowering trees, and fruit trees. A group of three (3) individual Small Palms, planted a minimum of three (3) feet and a maximum of six (6) feet apart, may equal one (1) required tree. Clustering, or multi-stem species of palms, may be considered as counting towards one (1) required tree, as determined by the Department.

iii. The remaining portions shall be planted with appropriate landscape materials.

~~There shall be at least one (1) tree for each one thousand (1,000) square feet of net lot area or portion thereof. This tree planting requirement is in addition to the VUA landscaping requirements. Twenty (20) percent of the trees shall be shade trees.~~

b. For a single family dwelling as defined in Section 47-35:

i. Four (4) trees are required and shall be installed such that:

1) Three (3) trees shall be in the front yard with one (1) being a Large or Medium Tree; and

2) One (1) tree shall be in the back yard; and

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- 3) A group of three (3) individual Small Palms, planted a minimum of three (3) feet and a maximum of six (6) feet apart, may equal one (1) required tree. Clustering, or multi-stem, species of palms may be considered as counting towards one (1) required tree, as determined by the Department.
- ii. The remaining portions shall be planted with appropriate landscape materials. For a one-family residence a minimum of four (4) trees are required. At least three (3) of the four (4) required trees shall be located in the front yard, one (1) of which must be a shade tree. At least one (1) tree shall be located in the back yard. If palms are used to meet this requirement, a cluster of three (3) palms, one of which must have at least eight-foot of trunk wood height, shall equal one (1) required tree.
- c. Exceptions. The Department ~~director~~ may revise the Large and Medium shade ~~tree~~ requirement provided herein in subsection a. ~~and the requirements of subsection b.~~ if it is found that the parcel applicant is unable to meet the planting requirements for reasons such as constraints of the planting area, inconsistency with existing desirable trees, building design, existing utilities that would be compromised, safety considerations or other factors exist that support a modification of the requirements because it would further the overall purpose of the landscape regulations.
2. When the parcel of land includes offstreet parking for other than a ~~one~~ single family dwelling, VUA landscaping shall be required in accordance with this section.
3. A minimum of thirty-five percent (35%) of the gross lot square footage shall be in landscaping, maintained by an irrigation system. with the following allowances:
- a. The minimum twenty percent (20%) VUA landscaping may be used toward fulfilling the gross thirty-five percent (35%) minimum.; and
- b. Sandy beach included within an oceanfront parcels of land under private ownership may be calculated included in the gross minimum and shall comply with Chapter 62.B of the Florida Administrative Code but need not be planted nor maintained by an irrigation system.

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4. When no parking areas or circle driveways are between the front property line and front building setback line, the minimum gross lot landscape requirement may be reduced to twenty-five percent (25%) of the parcel of land.
5. A minimum of forty percent (40%) of the gross lot square footage shall be in landscaping, maintained by an irrigation system. The minimum twenty percent (20%) VUA landscaping may be used toward fulfilling the gross forty percent (40%) minimum. Sandy beach on oceanfront parcels of land under private ownership shall be included in the gross minimum and shall comply with Chapter 62.B of the Florida Administrative Code but need not be planted nor maintained by an irrigation system. When no fences, walls or planter boxes having an overall height of more than thirty-six (36) inches, walks wider than five (5) feet, or parking areas or circle driveways are between the front property line and the front building set back line, the minimum gross lot landscape requirement may be reduced to thirty percent (30%) of the total square footage of the parcel of land.
6. The first twenty (20) feet of the yard fronting on those streets subject to the Interdistrict corridor requirements as provided in Section 47-23.9 shall be in landscaping. No paving, parking, or walkway shall be allowed in said twenty-foot area, other than necessary access from a right-of-way, unless otherwise specifically permitted in Section 47-23.9, Interdistrict corridor requirements.
7. For parcels on a waterway, the first twenty (20) feet of the yard fronting on the waterway shall be landscaping. Measurement shall be from the existing bulkhead line. When the parcel is used for marina or yacht club purposes or for other businesses which are established primarily to repair or service watercraft, the waterway landscape area setback is not required, unless otherwise specifically permitted in Section 47-23.8, Waterway Use.
8. When a parcel of land is used for residential purposes, a minimum amount of open space and landscaping shall be provided as required by Section 47-18.21.H.2, Mixed Use Development. When the minimum twenty percent (20%) VUA landscaping is provided, such landscape area may be used toward fulfilling the minimum requirement. Sandy beach on oceanfront parcels of land under private ownership may be included in the gross minimum and shall comply with Chapter 62.B of the Florida Administrative Code, but need not be planted nor maintained by an irrigation system.

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- 9. Location of landscaping on G-A-A zoned parcels shall be subject to restrictions of the Federal Aviation Administration.
- 10. Species diversity shall be considered using a combination of Large and Medium trees, Small trees, flowering and fruiting trees, as well as Large and Small palm species, and tree species diversity shall be provided in accordance with the following:
  - a. For the installation of up to six (6) trees, a minimum of two (2) species shall be utilized;
  - b. For the installation of up to twelve (12) trees, a minimum of three (3) species shall be utilized;
  - c. For the installation of up to eighteen (18) trees, a minimum of four (4) species shall be utilized;
  - d. For the installation of up to twenty-four (24) trees, a minimum of five (5) species shall be utilized;
  - e. For the installation of up to fifty (50) trees, a minimum of six (6) species shall be utilized;
  - f. For the installation of up to seventy-five (75) trees, a minimum of seven (7) species shall be utilized;
  - g. For the installation of up to one hundred (100) trees, a minimum of eight (8) species shall be utilized.
  - h. For the installation of (101) trees and more, a minimum of nine (9) species shall be utilized.
  - i. Large and Small palm species shall constitute no more than twenty percent (20%) of the total trees provided and must have a minimum of eight (8) feet of clear trunk at installation.
  - j. In nonresidential zoning districts lying east of the Intracoastal Waterway, if any portion of a development site is across a right-of-way from a development site with residential zoning or a residential use, Large Trees shall be required along

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the right-of-way abutting the side of the development site across from the residential zoned or used site. This requirement shall be in addition to the requirements provided in Section 47-25.2., Adequacy Requirements.

~~To reduce exposure to epidemic tree loss and maximize genetic diversity, a wide variety of trees should be planted in the urban forest. Variety also minimizes the number of trees having the same growth speed and ultimate mature age. This diversity or tree mix is based on the overall number of trees required with not more than one-half (½) of the required tree count being in one (1) genus. At least forty percent (40%) of all required trees shall consist of native species. In nonresidential zoning districts lying east of the Intracoastal Waterway, if any portion of a development site is across a right-of-way from a development site with residential zoning or a residential use, shade trees shall be required along the right-of-way abutting the side of the development site across from the residential zoned or used site. The location and number of the shade trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirement for shade trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way. This requirement may be varied as approved by the department based on existing or proposed physical conditions which may prevent the ability to comply with the requirements of this subsection. This requirement shall be in addition to the requirements provided in Section 47-25.2., Adequacy Requirements.~~

11. In the PEDD zoning district, when a fence or wall is located adjacent to a street, the setback area between the property line and the fence or wall shall be landscaped with a continuous planting consisting of a combination of groundcover, vines, shrubs and ornamental trees, one (1) vine, shrub, standard, or flowering tree placed at least every nine (9) running feet or portion thereof along such fence or wall.
12. The requirements for PEDD may be modified by Section 47-15, Port Everglades Development District.
13. The first one-half (½) of the required setback abutting the street shall be in landscaping and permanently maintained by the owner or occupant in such a manner as to provide a park-like setting for the industrial buildings. No paving, parking or walkways shall be allowed in said area other than necessary access from a right-of-way.

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14. A minimum of twenty-five percent (25%) landscaped pervious area is required for ~~single and multiple family development.~~
15. ~~Provide~~ For multi-family, ~~townhouse or cluster development,~~ there shall be at least twelve (12) ornamental shrubs for each one thousand (1,000) square feet of net lot area or portion thereof. Shrub planting requirements are in addition to the VUA requirements. ~~At least forty (40) percent of all required shrubs shall consist of native species.~~
16. ~~Street trees. In order to provide for adequate landscaping along streets within the city,~~ Street trees shall be required along the length of a parcel the property abutting a street as follows:
- a. Required street trees shall be planted adjacent to a street in the an area located between the street roadway and the property line, within twelve (12) feet of the edge of pavement or curb of a street or such other distance as determined by the Department in accordance with this section. Where such a planting area strip does not exist or is unfeasible impractical to provide, street trees may be located in a perimeter planting area adjacent to where this perimeter landscaping area adjoins the street, as determined by the Department. right-of-way.
  - b. A minimum of seventy-five ~~fifty~~ percent (75) (50%) of the required street trees shall be ~~shade~~ trees listed as Large Trees or Medium Trees in the City's Tree Classification List, and the remaining twenty-five percent (25%) of the required street trees may be ~~provided as flowering or palm trees-~~ a combination of Small Trees, flowering trees, fruiting trees, and/or Large palm species.
  - c. Street trees shall be provided at ~~a ratio of one (1) street tree per forty (40) feet of street frontage, or greater fraction thereof, not subtracting ingress and egress dimensions. Where overhead utilities exist, required street trees may be Small~~ Trees provided at a ratio of one (1) street tree per twenty (20) feet of street frontage.
  - d. Street trees shall be provided at a minimum height of twelve (12) feet and palms shall be provided with a minimum of eight (8) feet of clear trunk. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The requirements for street trees, as provided herein,

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~~may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.  
The use of structural soil is required in paved sites to provide adequate soil volumes for tree roots under pavements.~~

- e. Street trees shall be maintained for maximum canopy spread to offset the urban heat island effect.
- f. Where the minimum required soil volume cannot be provided within the proposed landscape area between the street and the sidewalk for a Large or Medium Tree, then a modular suspended pavement system shall be installed under the paved area adjacent to the tree to achieve the minimum required soil volume, unless otherwise determined by the Department. The modular system must have a H-20 or HS-20 loading rating in accordance from the *Standard Specifications for Highway Bridges*.
- g. Where the minimum required soil volume cannot be provided within the proposed landscape area between the street and the sidewalk for a Large or Medium Tree, then a sub-grade soil medium (or structural soil) may be installed to connect open soil space areas (such as underneath a sidewalk connecting a swale or a turf area to allow for future tree root growth) or in locations where use of a suspended soil system is not feasible such as a when a high water table is present. Cost considerations shall not be considered a sufficient sole reason for use of structural soils.
- h. All trees listed as Large or Medium Trees in the City's Tree Classification List installed within six (6) feet of an existing sidewalk or public infrastructure shall utilize a root barrier system, as approved by the Department.
- i. The minimum tree spacing requirements for required street trees and palms shall be as follows: Large Trees and Large Palms shall be spaced a minimum of twenty-five (25) feet apart; Medium Trees shall be spaced a minimum of twenty (20) feet apart; and Small Trees shall be spaced a minimum of fifteen (15) feet apart.
- j. The types of trees and the percentage requirements provided in this subsection b. may be varied to create a more compatible design with trees located on adjacent sites, as determined by the Department.

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This section has been repeated over an over. Maybe this should be said once to avoid future revision conflicts.			
Number: 2	Author: john	Subject: Sticky Note	Date: 12/3/2021 6:29:20 PM
This section has been repeated over an over. Maybe this should be said once to avoid future revision conflicts.			

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17. In addition to the landscape requirements of this section, additional landscape requirements may be found in other relevant sections of the ULDR.

**SECTION 13.** That Section 47-21.14, Additional landscape requirements for special uses and districts, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.14. - Additional landscape requirements for ~~special specific uses, and districts.~~

A. In addition to the requirements for land zoned in certain districts, additional landscaping shall be required for ~~certain special districts and~~ specific uses as follows:

1. Downtown Regional Activity Center (RAC).

a. Within the RAC districts newly planted street trees shall be limited to the following species unless otherwise approved by the Department:

RAC Street	Tree Species*
Broward Boulevard	Royal Palm (Roystonea elata)
Andrews Avenue	Sabal Palm (Sabal palmetto) Carpentaria Palm (Carpentaria acuminata)
Federal Highway	Sabal Palm (Sabal palmetto) Gumbo Limbo (Bursera simarouba) Live Oak (Quercus virginiana) Weeping Wild Tamarind (Lysiloma sabicu)
East 8th Avenue	No designated tree
East 3rd Avenue	Royal Palm (Roystonea elata) Live Oak (Quercus virginiana) Carpentaria Palm (Carpentaria acuminata)
East 1st Avenue	Gumbo Limbo (Bursera simarouba)
West 1st Avenue	No designated tree
West 3rd Avenue	No designated tree
Flagler	Live Oak (Quercus virginiana)
West 2nd Avenue	Little Leaf Calophyllum (Calophyllum antillarum)
West 4th Avenue	Live Oak (Quercus virginiana)

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West 5th Avenue	Live Oak (Quercus virginiana)
South 7th Street	No designated tree
East South 6th Street	Royal Palm (Roystonea elata)
West South 6th Street	No designated tree
South 5 Street	No designated tree
S.E. 5th Court	Gumbo Limbo (Bursera simarouba) Maypan Palm (Cocos nucifera var. Maypan)
S.E. 4th Street	Weeping Wild Tamarind (Lysiloma sabicu)
Las Olas Boulevard	Sabal Palm (Sabal palmetto) Live Oak (Quercus virginiana) Maypan Palm (Cocos nucifera var. Maypan) Carpentaria Palm (Carpentaria acuminata)
South 2nd Street, east of city parking garage	Royal Poinciana (Delonix regia) Live Oak (Quercus virginiana)
South 2nd Street, west of city parking garage	Weeping Wild Tamarind (Lysiloma sabicu) Sabal Palm (Sabal palmetto)
South 1st Street	No designated tree
North 1st Street	No designated tree
North 2nd Street	Live Oak (Quercus virginiana) Washington Palm (Washingtonia robusta)
North 3rd Street	Weeping Wild Tamarind (Lysiloma sabicu)
North 4th Street	Gumbo Limbo (Bursera simarouba)
North 5th Street	No designated tree

~~\*Black Olive (Bucida buceras) trees existing as street trees prior to March 26, 1999 are legal and their existence shall not cause a development to be nonconforming, and shall be considered to meet the street tree requirements for any redevelopment or reconstruction of existing structures adjacent to or in front of said Black Olive trees, but such trees shall not be permitted to be planted or replaced with Black Olive subsequent to this date.~~

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- b. Cutouts in a non-pervious surface should be sized to minimize damage to that surface as the tree trunk grows in diameter. This cutout does not represent soil volume requirement for root growth and can be amended by the Department. Minimum dimensions for cutouts in non-pervious surfaces to accommodate tree trunk growth shall be:
- i. Eight feet (8') by eight feet (8') for Large trees having an average mature canopy spread of greater than thirty (30) feet.
  - ii. Six feet (6') by six feet (6') for Medium trees having an average mature canopy spread between twenty (20) and thirty (30) feet.
  - iii. Five feet (5') by five feet (5') for Small trees having an average mature canopy spread less than twenty feet (20'), and Large Palms
  - iv. Three feet (3') by three feet (3') for Small palm trees
  - v. Exemptions to cutout size can be for the application of a cold applied, poured in place tree grate system that is designed to bind a selection of decorative aggregates, which provide a bonded, walkable, attractive, and porous surface, as determined by the Department.

~~When planted in non-pervious areas, dicot street trees shall be accompanied by expandable tree grates or porous aggregate system which are at least five (5) feet square, with three eighths (3/8) inch slot openings. Area must meet current ADA standards.~~

- c. All newly planted dicot street trees shall have a minimum caliper of two and one half (2½) inches. Minimum soil volume requirements for trees shall be:
- i. Twelve-hundred cubic feet (1,200 ft<sup>3</sup>) with a minimum of three feet (3') depth from the grade for Large Trees;
  - ii. Six hundred cubic feet (600 ft<sup>3</sup>) with a minimum of three feet (3') depth from the grade for Medium Trees;
  - iii. Three hundred cubic feet (300 ft<sup>3</sup>) with a minimum depth of three feet (3') from the grade for Small Trees;

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Can this be counted as pervious area?

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Number: 2 Author: john Subject: Sticky Note Date: 12/3/2021 6:33:43 PM  
Consider changing to min area rather than a perfect square. Maybe write- 8'x8' or equivalent symmetrical area.

- iv. For Large and Small Palms, the soil volume (ft<sup>3</sup>) will be calculated by multiplying the square foot (ft<sup>2</sup>) of mature canopy diameter by the minimum depth of three feet (3') from grade, as determined by the Department.
- ~~d. All newly-planted monocot street trees shall have a minimum overall height of twelve (12) feet.~~
- d. Minimum trees sizes for required trees shall be:
- i. Large and Medium Trees shall have a minimum height of sixteen (16) feet at time of installation. Small Trees shall have a minimum height of twelve (12) feet at time of installation.
- ii. Street trees shall have a minimum height of sixteen (16) feet at time of installation.
- iii. Palm trees shall have a minimum clear trunk of eight (8) feet at time of installation.
- e. A Landscaping Permit shall be required for the installation, removal, relocation, or replacement of any landscaping in the RAC. Prior to the issuance of a Landscape Permit, a Landscape and Tree Document Packet shall be submitted to the Department.  
~~Planting plans shall obtain the approval of the department. The necessity for installation of an irrigation system for street trees and the type and kind to be used shall be determined by the city based on tree species requirements.~~
- f. The RAC requirements may be appealed by written request to the Department. Such appeal shall be accompanied by a plan which shows the location, size, description and species of landscape improvements proposed. The Department may find that the applicant is unable to observe planting requirements for reasons such as the lack of available plant material, constraints of the planting area or inconsistency with existing street trees or building design. At In the Department's discretion, when the appeal provides landscaping which is harmonious with adjacent landscaping and uses and is otherwise consistent with the intent and purpose of this subsection, they may approve modifications to Code requirements.

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2. Signs. The landscape area required by the sign regulations of this chapter shall be planted with landscaping in compliance with ULDR SECTION 47-22. - Sign Requirements. ~~Asphalt and rock shall be removed and the area refilled with clean, fertile soil, as necessary, before planting. The area shall be protected from vehicle encroachment by a barrier placed around the outside edge of the required landscape area.~~
3. Townhouse developments/zero-lot-line homes/cluster dwellings. Townhouse developments/zero-lot-line homes/cluster dwellings shall be subject to the same open space and planting requirements as the district in which it is located subject to the following:
  - a. The development area ~~of the~~ calculated in the lot coverage measurement shall be exempt from the calculation of the required landscape area.
  - b. Individual lots owned in fee simple within a townhouse development, zero-lot-line development or cluster development are exempt from the requirements to provide landscaping in the rear yards except for those areas subject to common easements.
4. Parking garages.
  - a. Structures which enclose parking shall provide a landscape area between the street and that portion of structure enclosing the parking as follows:
    - i. Landscape area square footage shall be determined by multiplying the lineal street frontage of the parking garage structure by five (5).
    - ii. When parking garage is located at an intersection of streets, an additional four hundred (400) square feet of landscape area shall be provided at the at each corner of the intersection.
    - iii. Landscape area shall contain a combination of continuous trees, shrubs, and ground cover.

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~~utilizing trees and ground cover. The minimum square footage of the landscape area to be provided shall be determined by multiplying by five (5) the lineal street frontage of the parcel of land upon which the parking garage is located, and adding four hundred (400) square feet for each corner of the parcels adjacent to a street.~~

- b. Parking garages constructed in residentially-zoned districts shall meet the landscape requirement of the district in which the garage is located, in addition to Sec. 47-21.14 A. 4. a.
- c. No paving or walkways shall be allowed in the yard fronting on the principal street other than necessary access from that right-of-way.
5. House of worship. The landscaping requirements for a house of worship shall be the same as the zoning district in which the house of worship is located. ~~VUA landscaping shall be required. A landscaping irrigation system shall be installed.~~
6. Backout parking.
- a. For residential uses, motels, and hotels, when a row of parking spaces is located such that vehicles back out directly onto a public right-of-way, excluding alleys, backout parking spaces shall have one (1) peninsular landscape area for every two (2) spaces.
- b. All other uses shall have one (1) peninsular landscape area for every four (4) spaces.
- c. Peninsular and island landscape areas shall be a minimum of eight (8) feet wide (inside of curb to inside of curb) and the length of the adjacent parking space and shall contain one (1) Large or Medium Tree installed at twelve (12) feet tall and landscaping in the remainder of the area.
- d. Peninsular and island landscape areas shall have a poured six (6) inch tall concrete curb installed across the nose
- e. Except for a single-family dwelling, when a row of parking spaces is located such that vehicles back out directly onto a public right-of-way, excluding alleys, an unobstructed landscaped area at the front of each parking space shall be provided. The landscape area shall be the same width of the parking space, a

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minimum of five (5) feet in depth and shall contain a continuous hedge installed at twenty-four (24) inches tall and one Small Tree or ornamental tree installed at eight (8) feet tall.

~~Except when used for a single family dwelling, when a parcel of land has a VUA designed to permit motor vehicles to back directly out onto a public right of way, including an alley, a landscape area at the front of the parking spaces unobstructed by a fence or wall shall be provided. The landscape area shall be a minimum of five (5) feet in width and shall contain not less than ten (10) square feet for each linear foot of VUA fronting on the street. The landscaping for this area shall consist of hedges and trees. There shall be no more than two (2) parking spaces in a row without a tree island when the parking serves a residential or hotel/motel use, and no more than four (4) parking spaces in a row without a tree island when the parking serves any other use. A poured six (6) inch high concrete curb shall be placed across the nose of tree islands.~~

7. Noncontiguous parking lots.
  - a. Freestanding, noncontiguous, or remote VUAs shall be landscaped according to minimum VUA requirements and maintained by an irrigation system.
  - b. The parcel shall contain no dumpster or structures other than fences, walls, or lights poles. If a dumpster or structure is located on the property, the requirements of the zoning district where the VUA is located shall apply.
8. Fences and walls. On a parcel of land in a non-residential district, when a fence or wall is located adjacent to a street, it shall be subject to the requirements of Section 47-19.5.
9. Bufferyard requirement. The landscape area required by bufferyard requirement as provided in Section 47-25.3, Neighborhood Compatibility Requirements, is intended to provide a heavily vegetated view from the residential parcel. The tree requirements for the bufferyard are as follows:
  - a. trees are in addition to those required to be installed to comply with general tree planting and VUA requirements; and
  - b. trees shall be provided at a minimum of one (1) tree for every three hundred (300) square feet or fraction thereof of bufferyard area.

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c. trees are to be Large, Medium, or Small Trees reaching a minimum mature height of fifteen (15) feet or Large or Small Palms reaching a minimum mature height of twelve (12) feet.

d. a minimum of seventy-five (75) percent of required trees shall be Large or Medium Trees. The remaining twenty-five (25) percent of required trees may be either Small Trees or palm species, as determined by the Department.

e. The minimum tree spacing requirements for required bufferyard trees and palms shall be as follows: Large Trees and Large Palms shall be spaced a minimum of twenty-five (25) feet apart; Medium Trees shall be spaced a minimum of twenty (20) feet apart; and Small Trees shall be spaced a minimum of fifteen (15) feet apart.

f. The types of trees and the percentage requirements provided in this subsection 9. may be varied to create a more compatible design with trees located on adjacent sites, as determined by the Department.

~~in addition to trees required to be installed to comply with general tree planting requirements and trees required for a VUA and include a minimum of one (1) tree for every three hundred (300) square feet or fraction thereof of bufferyard area. Trees shall be dicot types obtaining a fifteen-foot minimum height at maturity as listed in the table of tree evaluation and monocots obtaining a twelve-foot minimum height at maturity. The species mix shall be at least two-thirds (2/3) dicots.~~

10. Self storage/mini warehouse facility. The twenty-foot yard required as provided in Section 47-18.29 shall be in landscaping. A vehicular use area may also be located between the structure and street and may divide the landscape area as long as there is a total of twenty (20) feet in landscape area. This twenty (20) feet landscape area may be used to meet the landscape area required pursuant to Section 47-18.29.

SECTION 14. That Section 47-21.15, Tree preservation, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.15. – Regulations for the preservation of trees and palms ~~Tree preservation~~

A. Tree and Palm Protection Requirements.

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1. General. Effort shall be made to prevent the destruction or damaging of trees and palms for which no Tree Permit has been issued on private or public property. Any owner, tenant, contractor or agent thereof who fails to provide tree and palm protection, as set forth herein, shall be subject to enforcement as provided in 47-21.15. J. Trees and palms destroyed or incurring irreparable damage must be replaced by trees and palms of equivalent value, as specified herein, prior to the issuance of the certificate of occupancy or certificate of use, unless removal of the trees and palms has been authorized pursuant to a Tree Permit. Tree and palm protection zones must be established for all trees and palms that remain in place on-site and for any trees and palms relocated within or to the site. When proposed development activities may damage the root systems or canopies of trees and palms to be retained or relocated on-site, alternatives to the proposed activities, or effective protective measures, shall be identified and used.
  
2. Landscape and Tree Document Packet. Landscape and tree documents shall be provided as required in 47-21.6.
  
3. Tree and Palm Protection Specifications. The following tree and palm protection specifications shall be adhered to, in general, and as a condition of approval of the site plan for any project. The Department may require supplemental protection measures to ensure the protection of trees and palms. The Department shall have the authority to enter the subject property to ensure compliance with required tree and palm protection measures.
  - a. Protection Barricades.
    - i. Protection barricades shall be placed at the drip line of each existing and relocated tree and palm, cluster of trees and palms, and preservation areas. The placement is to include the critical root zone having a minimum radius of one (1) foot for every one (1') inch in trunk DBH.
    - ii. Utilize retaining walls and drywells to protect any tree and palm to be preserved from severe grade changes.
    - iii. All protection barricades shall be installed prior to the start of any construction or site development, including tree and palm removal, demolition and land-clearing activities, and shall remain in place until development is completed

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and shall not be removed until the Department inspects the site and authorizes their removal.

iv. Protection barricades shall:

- 1) Have a minimum height of four feet (4'); and
- 2) Be constructed of either a continuous sturdy chain link fence with minimum two (2) inch diameter metal posts installed in the ground at five (5) foot spacing, or two-by-four (2x4) inch wood posts installed in the ground at eight (8) foot spacing with three (3) equally spaced two-by-four (2x4) inch wood rails. Posts may be shifted to avoid roots; and
- 3) Be sturdy with vertical posts driven firmly into the ground; and
- 4) Have a conspicuously colored material enclosing the barricade structure; and
- 5) Display signage on all sides to indicate that the area within the protection barricade is a tree protection zone. A minimum of four signs shall be posted and signs shall be between one hundred and ninety-six (196) and four hundred eighty (480) square inches.

b. Activities within tree and palm protection zones enclosed by protection barricades.

- i. No oil, fill, equipment, building materials, building debris, or any other material shall be placed within the areas surrounded by protective barriers.
- ii. No disposal of any waste material such as paints, oils, solvents, asphalt, concrete, mortar, or any other material shall occur within the areas surrounded by protective barriers.
- iii. Natural grade shall be maintained on areas surrounded by protective barriers. In the event that the natural grade of the site is changed as a result of site development such that the safety of the tree and palm may be endangered, tree wells or retaining walls are required.

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- iv. Only hand digging and grading activities shall be permitted within the tree and palm protection zone. All surrounding areas must be graded to a point that meets the outside of the tree protection zone.
- v. Underground utility lines, including, but not limited to, irrigation, plumbing, electrical, infrastructure, or telecommunication lines, shall be placed outside the areas enclosed by protective barriers. If such placement is not possible, techniques such as tunneling, hand digging, excavation with an air spade, or other option determined by the Department shall be used to limit soil disturbance and avoid root damage.
- vi. No vehicles or equipment shall be permitted within areas surrounded by protective barriers.
- vii. Promptly repair any tree and palm designated for preservation, at the direction of the Department, which is damaged during construction by:
  - 1) Corrective canopy and root pruning for damage to tree and palm;
  - 2) Irrigation, fertilization, soil amendments, and other treatment to support recovery.
- 4. Fences, walkways and walls shall be constructed to avoid disturbance to any tree and palm to remain in place onsite in the vicinity of construction activities. Post holes and trenches located close to trees and palms shall be dug by hand and adjusted as necessary, using techniques to avoid damage to major roots system.
- 5. No attachments, signs, chains, ropes, or wires other than those of a protective or non-damaging nature shall be attached to any trees or palms on any property, in general, or at any time.
- 6. Any tree and palm which has been declared by resolution of the City Commission to be a City Commission Protected Tree shall not be removed or relocated, unless such action has been approved by resolution of the City Commission. When a protected tree and palm is on or adjacent to a site to be developed or redeveloped, the owner or agent, developer or contractor shall take all reasonable measures to prevent damage to the tree and palm and root system to the extent of the natural dripline.

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B. Root Cutting Requirements. The cutting of roots with a diameter of two inches or larger is prohibited, unless there is no feasible alternative, as determined by the Department. Construction activities, such as trench lines and walkway construction, shall be redirected away from tree and palm critical root zones. Root cutting shall be done according to approved techniques as outlined herein:

1. Trees and palms shall be evaluated by the Department, in accordance with ANSI A-300 and companion BMP publications to determine whether the root cutting will destabilize the tree and palm or cause unacceptable damage to the tree and palm.
2. Root cuts shall be made, at minimum, a distance from the trunk equivalent to five (5) times the tree's trunk DBH.
3. Roots shall be cleanly severed with sharp hand tools or power root saws. Roots shall not be torn off with power equipment, and cut roots shall not be left with ripped, ragged or shredded ends.
4. When tunneling or otherwise avoiding roots is not possible, a trench shall be carefully excavated by hand or machine and, when a root with a diameter of two inches or greater is encountered, a final clean cut shall be made with a saw. The cut shall be made flush with the side of the trench closest to the tree. The root pruning trench shall be backfilled with soil.
5. When adjacent to new curbing, uncurbed paved areas, or areas of grade changes, roots shall be cut no more than 18 inches towards the tree from the back of the curb, the edge of the pavement, or the point of intersection of old and new grades, respectively. After root pruning, no excavation for the installation of forms or for any other reason may be performed any closer than six (6) inches outside of the root pruning cut. The root pruning trench shall be backfilled with soil and root barriers installed as appropriate.

C. Tree and Palm Relocation Requirements.

1. The issuance of a Tree Permit application for tree and palm relocation is required for trees and or palms.
2. Any tree or palm shall be relocated on site unless it is demonstrated that relocation on site is not a viable alternative for the particular tree or palm.

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3. Relocated trees and or palms shall be transplanted to a location within the City, unless otherwise pre-approved by the Department. If any tree or palm is relocated outside of city limits, then it shall be considered a tree removal, and all required equivalent replacements and/or equivalent value requirements shall apply. Furthermore, for any tree or palm that is relocated outside of city limits (even if it is within the jurisdiction of Broward County or the State of Florida) all requirements for the removal/relocation of that tree or palm may pertain to the jurisdiction of which the tree or palm originates.
4. Tree and or palm relocation activities shall not unnecessarily damage any other tree and or palm to remain on the property.
5. Any tree and or palm being relocated shall not be unnecessarily damaged during its removal, transport, or replanting.
6. Irrigation must be present and applied effectively for two to four weeks prior to root pruning, through the period of root pruning, and after root pruning and transplantation until the tree and palm has been completely reestablished at the new planting space. Irrigation shall be operated automatically with water being applied directly to and just outside of the remaining intact root system. Watering frequency shall be such so as to ensure that free water is available to the root system at all times. Any temporary disruption in automatic operation shall be supplemented by hand watering.
7. Before transplanting, a relocated tree and or palm shall be root pruned in accordance with ANSI A-300 and companion BMP publications.
8. A tree or palm on public property shall be relocated to another public property upon demonstration that the property on which the trees and palms are located lacks available space for its relocation. If relocated to another public property, written authorization from the owner of the public property is required.
9. The tree and or palm, when relocated, will be transplanted by the applicant following the American National Standards Institute A-300 and Best Management Practices companion publications. This requirement includes all procedures, techniques, standards for minimum root ball size, and any other standards included in ANSI A-300 Standards.

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10. The relocated tree and or palm will be guaranteed by the permit holder for one (1) year from relocation date for trees of less than or equal to six (6) inches in DBH; two (2) years from the relocation date for trees greater than six (6) inches in DBH; one (1) year from the relocation date for palms.
11. A monetary guarantee may be required by the Department to ensure compliance with requirements. This monetary guarantee in favor of the City of Fort Lauderdale shall be computed based upon the equivalent value of the tree and or palm in question. The monetary guarantee shall be held by the City one (1) year from relocation date for trees of less than or equal to six (6) inches in DBH; two (2) years from the relocation date for trees greater than six (6) inches in DBH; one (1) year from the relocation date for palms. The monetary guarantee shall be in addition to any bond required by any other governmental entity.
12. Release of monetary guarantee will occur upon successful completion of guarantee date and tree or palm has a sixty (60) percent condition rating or better. If the tree or palm is determined to have a thirty-nine (39) percent condition rating or less, and no maintenance efforts have been made to complete a successful relocation, and no replacements have been proposed, the monetary guarantee will be deposited into the Tree Canopy Trust Fund.
13. Replace, within sixty (60) days, a relocated tree or palm that dies within one (1) year of being relocated. The one-year maintenance period shall begin again whenever a tree or palm is replaced. The replacement trees or palms are to be determined from the equivalent value given for each at time of permitting or by the Department.

D. Tree and Palm Pruning Requirements.

1. Tree pruning is to be performed in accordance with American National Standards Institute A-300 and Best Management Practices companion publications. Tree abuse is prohibited. The Department may require that construction activities minimize negative impacts to tree and palm canopy.
2. Trees and palms shall be pruned in the following manner:
- a. All cuts shall always be made to the outside of the branch bark ridge and angled away from trunk. Cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch bark ridge, branch collar or leaving a

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protruding stub. Tree limb reduction cuts shall be the preferred option with tree limb removal cuts preformed only as a last resort.

- b. Removal of dead wood, cross branches, branches with poor angles of attachment and thinning of suckers shall be accomplished simultaneously without any reduction in crown.
  - c. Pruning of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall not be permissible.
  - d. Lifting of lower branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.
  - e. No more than twenty-five (25) percent of a tree's living canopy shall be removed within a one (1) year period.
3. Tree pruning shall only be performed by a Broward County Licensed Tree Trimmer, in accordance with Broward County Chapter 9, Article XI.
4. Tree canopy removal of greater than twenty-five (25) percent may only be considered by the Department under the following criteria as outlined herein:
- a. The tree is located in the proposed building footprint area or yard area where a structure or improvement shall be placed. If tree and palm pruning is required to facilitate a construction project, the Department may require that the property owner provide a written report from an ISA certified arborist before making any determinations in conjunction with this section. The Department may also require monitoring by an ISA certified arborist during construction to assure proper tree and palm pruning practices are implemented. Written authorization from the Department to remove more than twenty-five (25) percent of a tree's canopy, including right-of-way trees, must be received prior to issuance of any permit.
  - b. Trees on the public right-of-way shall not be considered for removal of more than twenty-five (25) percent of a tree's canopy as a result of restriction to or from ingress or egress to the garages or parking on the site, provided however, that if there is no other reasonable access to and from the structure or to the property from the public right-of-way, as determined by the Department.

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c. The tree and palm is diseased or damaged; creates hazardous conditions; interferes with overhead electrical utility service; creates unsafe vision clearance; or materially impairs the structural integrity of an existing structure.

5. Exceptions to the requirements of subsections (1) and/or (2) and/or (3) of this section shall be approved only when the property owner receives specific written authorization from the Department. The Department shall not issue written approval, unless it determines that the affected trees and palms can be adequately protected and maintained without meeting the requirements of these subsections, or that, due to exceptional circumstances, it is not practical or reasonable to meet the requirements of this section.

E. Tree Removal, Permitting, Licensing, Preservation and Mitigation Requirements for a Natural Forest Community:

1. Any person conducting tree removal activities shall only remove a tree or trees from a site as approved for removal in a Broward County Environmental Protection and Growth Management Department ("EPGMD") tree removal license. Damage to any other tree or trees on the site shall constitute a violation of this section.

2. Removal of trees in areas designated as a Natural Forest Community shall be pursuant to the Broward County preservation requirements to the extent determined to be practicable by EPGMD.

3. Any proposed development activity which would negatively impact the Natural Forest Community must be mitigated through a resource management plan, approved by EPGMD, which significantly improves the viability of the remainder of the resource.

4. In an area designated as a Natural Forest Community where preservation is required, a conservation easement shall be granted by the applicant to the Broward County.

F. Tree Permit Requirements.

1. A site permit application for new development and redevelopment must be submitted prior to issuance of a tree permit for the project.

2. A Tree Permit will not be issued for vacant property.

3. A Tree Permit is required for demolition and land clearing activities.

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4. A Tree Permit application for any tree and palm is required prior to the removal of:
- a. A dicot or conifer tree having a DBH of three (3) inches or more; and
  - b. A monocot having eight (8) feet or more of clear trunk; and
  - c. Desirable trees and palms; and
  - d. City Commission protected trees and palms; and
  - e. Specimen trees and palms.
5. Application for a Tree Permit for removal shall be made to the Department. Upon receipt of an application for tree or palm removal, the Department shall determine the equivalent replacement or equivalent value of each tree and palm to be removed and may request such calculations to be provided by applicant.
6. No permit nor replacements shall be required for removal of a plant species identified as prohibited and controlled pursuant to the Department of Agriculture and Consumer Services, Chapter 5B-57, Florida Administrative Code (FAC), as amended, and the Florida Exotic Pest Plant Council (FLEPPC) Category I Invasive Plant Species List, as amended, and Aurcaria heterophylla (Norfolk Island Pine).
7. No permit will be required for the removal of a dead tree or palm on any developed property. Any dead tree or palm on developed property shall result in the complete removal including the stump and roots. If a dead tree or palm fulfilled a requirement, a replacement tree and or palm is required to be installed to meet that requirement.
8. The Department shall approve a Tree Permit for removal when making one or more of the following findings:
- a. That the tree and or palm removal is necessary to accommodate a proposed development after the proposed development has provided evidence that the tree and or palm cannot remain and or be relocated on site, despite every reasonable effort having been made to incorporate the tree and or palm proposed to be removed into the development and to minimize the number of trees removed.

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- b. That the tree and or palm proposed to be removed is abused, diseased, injured, or otherwise of poor condition not greater than forty (40) percent.
  - c. That the tree and or palm proposed to be removed is obstructing safe vehicular cross visibility.
  - d. That the tree and or palm proposed to be removed is too close to an existing structure so as to endanger the structure, or otherwise is creating ongoing safety problems for existing development.
9. After the Department has issued a Tree Permit for tree and/or palm removal, the applicant for such permit shall fulfill one (1) or more of the following requirements:
- a. That the tree and or palm will be replaced by trees of equivalent replacement planted on the site from which the tree was removed. Sufficient room shall remain on the site to allow replacements to establish a mature canopy spread, based on usual growth characteristics of the species. A replacement planting plan may be required.
    - i. Where less than the required amount of equivalent replacement trees are planted to satisfy the above, the remaining quantity of caliper inches of equivalent replacement trees may be addressed by payment into the Tree Canopy Trust Fund as calculated by equivalent value described in Section 47-21.15.G.5.
  - b. That the tree and or palm will be replaced by the applicant by providing the equivalent value to the City's Tree Canopy Trust Fund.
  - c. That a specimen tree having a diameter at breast height measurement (DBH) of eighteen (18) inches or greater for Large Trees, thirteen (13) inches or greater for Medium Trees, and eight (8) inches or greater for Small Trees, as listed in the City's Tree Classification List as maintained by the Department and having a condition rating of sixty (60) percent, or greater, as calculated using the CTLA Guide for Plant Appraisal, 10th edition, or current edition shall provide equivalent value deposited to the Tree Canopy Trust Fund at the time the Tree Permit for removal is issued. This also includes any palm which has a clear trunk height of fifteen (15) feet or greater for Large Palms or clear trunk height of eight (8) feet for Small Palms, and is a species specifically noted in the City's Tree Classification List as maintained by the Department.

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- i. The option of installing replacement trees on site for a portion or all of the equivalent value shall be presented in writing and approved by the Department prior to Tree Permit issuance. This shall be calculated by subtracting the retail cost of the tree (wholesale cost multiplied by two and one half [wholesale x 2.5]) from the equivalent value of the specimen tree. The remainder of the equivalent value shall be provided by cash deposited to the Tree Canopy Trust Fund prior to Tree Permit issuance. The minimum height of replacement tree shall be twelve (12) feet overall.
10. Activities associated with authorized tree and or palm removal shall not cut down, destroy, remove, relocate, or damage any other tree on the site unless a Tree Permit authorizing such action is first obtained.
11. Any tree and palm removed without a permit having first been issued by the Department shall be replaced by equivalent replacement and/or equivalent value. The equivalent replacement(s) shall be made by planting the largest tree(s) and palm reasonably available upon the site.
12. In the event that insufficient trunk remains of the removed tree and palm so that equivalency cannot be determined thereby, size and equivalency shall be estimated based upon trees and palms of the same species existing near the location of the removed tree, considering, among other things, aerial photographic records and other available data relative to the area.
13. Failure of an applicant to replace a removed tree and palm within sixty (60) days after being notified by the Department shall be a violation of this section. Removals necessitated by permitted construction may be replaced after the sixty (60) day limit, but prior to the issuance of a certificate of occupancy, certificate of completion, or final use approval.
14. Trees and palms which have been planted and are being grown in a state-certified plant nursery or botanical garden for sale to the general public and are being transplanted in order to be utilized as landscape material do not require Tree Permits.
15. A monetary guarantee may be required to ensure compliance with requirements. This monetary guarantee in favor of the City of Fort Lauderdale shall be computed based upon the equivalent value of the tree or trees and palms in question and shall be held by the City and the guarantee period shall extend at least three hundred

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
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sixty-five (365) days past the replacement planting date. The monetary guarantee shall be in addition to any bond required by any other governmental entity.

16. In the event of storms, accidents, or other acts of nature of an emergency status by reason of which life, limb or property is in immediate jeopardy, or for trees and palms which have died due to lightning, disease, storm damage, or other natural causes, part or all of the terms and provisions of this section may be waived by the Department.

G. Tree and Palm Mitigation Calculation Requirements.

1. The equivalent replacement for trees is determined by multiplying the existing trunk diameter at breast height (DBH) in inches, by the tree condition rating, by the percentage assigned below according to the species classification (based on the Classification List on file with the Department) percentage as follows. The product of this calculation indicates the total caliper inches of trees to be provided  equivalent replacement.

a. Class A – 100%

b. Class B – 80%


c. Class C – 60%

d. Class D – 40%

e. Class E – 20%

f. Class F- 0%

2. The equivalent replacement for palms is determined by the clear trunk measurement of the palm to be removed. This measurement indicates the total clear trunk of replacement palms to be provided.

3. The equivalent replacement for Desirable Trees and Palms is determined by using a method outlined in the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal*, ~~4<sup>th</sup> edition, 2018.~~ 

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The same criteria should be given as a credit to meeting the tree requirement for each tree preserved. Including lower quality trees.			
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Number: 3	Author: john	Subject: Sticky Note	Date: 12/3/2021 6:57:37 PM
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4. The equivalent replacement for City Commission Protected Trees and Palms is determined by using a method outlined in the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal*, ~~10<sup>th</sup> edition, 2018.~~
5. The equivalent value for non-specimen trees is determined by multiplying the diameter at breast height (DBH) in inches, by the tree condition rating, by the retail cost of trees (wholesale cost multiplied by two and one half [wholesale x 2.5]) expressed in dollars per inch, and by the percentage assigned below according to the species classification (based on the Classification List on file with the Department). The product of this calculation indicates the dollar amount to be deposited into the Tree Canopy Trust Fund.
- a. Class A— 100%.
  - b. Class B— 80%.
  - c. Class C— 60%.
  - d. Class D— 40%.
  - e. Class E— 20%.
  - f. Class F— 0%.
6. The equivalent value of a palm is determined by using a method outlined in the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal*, ~~10<sup>th</sup> edition, 2018.~~
7. Equivalent value of a Desirable Tree and Palm is determined by using a method outlined in the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal*, ~~10<sup>th</sup> edition, 2018,~~ and conducted by an ISA Board Master Arborist or ASCA Registered Consulting Arborist.
8. The equivalent value for City Commission Protected Trees and Palms is determined by using a method outlined in the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal*, ~~10<sup>th</sup> edition, 2018,~~ and conducted by an ISA Board Master Arborist or ASCA Registered Consulting Arborist.

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9. Money from the Tree Canopy Trust Fund shall be expended, utilized, and disbursed for:

a. Enhancing tree canopy coverage through the means below.

i. Planting of trees on public land and right-of-ways;

ii. Relocating trees to public land; and

iii. Distributing trees to the public; and

iv. Replacement of hazardous trees on City projects or from within City property/rights of way as defined by Broward County Code of Ordinances Section 27-408(a)(3)(b).

b. Funding ancillary costs associated with the planting of trees on public lands and with enhancing the City's urban tree canopy through the means listed below. Cumulatively, the ancillary cost expenditures shall not exceed twenty-five percent (25%) of the Fund's balance in any given fiscal year.

i. Services and materials directly in support of tree planting, approved by the Department, which may include landscape design services, irrigation, soil amendments, or other materials necessary for the proper and successful installation and maintenance of tree planting project; and

ii. Development, publishing, and updates for an Urban Forestry Master Plan to protect, preserve, and enhance the City's urban tree canopy. Cumulatively, the cost expenditures for this item shall not exceed fifteen percent (15%) of the Fund's balance in any given fiscal year. The cumulative expenditures from subsection i. and ii. shall not exceed 25% of the total fund balance in any fiscal year.

10. The Urban Forestry Master Plan (UFMP) is a strategic and long-term investment in the City's urban tree canopy. Funding from the Tree Canopy Trust Fund shall be allocated to publish and regularly update the UFMP. At a minimum, this plan will:

a. provide a framework to design and implement public tree and palm plantings; and

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- b. outline minimum standards to enhance the City's public tree and palm canopy; and
- c. support a diverse, resilient, and robust urban forest canopy; and
- d. provide goals using a blueprint for the engagement and purposeful action of community leaders, neighbors, and organizations to sustain the City's tree and palm canopy; and
- e. provide a current record of resources being managed and its value; and
- f. assist in scheduling maintenance and developing budgets; and
- g. garner public support for the forestry program; and
- h. provide long-term assessment and monitoring of the tree and palm.

#### H. Tree Services and Arborist Requirements.

1. All tree services working within the City of Fort Lauderdale shall have a current Broward County Tree Trimmer License and comply with all applicable Broward County Tree Trimmer license regulations.
2. Vehicles used by a tree service/arborist operating within the City shall be clearly marked with the name of the tree service/arborist. ISA Certified arborists shall display the certified logo and registration number, if any.
3. A photocopy of the current business tax receipt shall be available for inspection at each job site.
4. Standards for cutting on or repair to tree and palm species shall be in accordance with the American National Standards Institute A-300 standards as published.
5. Persons engaged in business as a tree service in the City shall adhere to the American National Standards Institute, A-300 standards or on all tree species within the City of Fort Lauderdale.

#### I. Tree Abuse.

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1. Tree abuse of any species of trees and palms for any purpose is prohibited. Abused trees may not be counted toward fulfilling landscape requirements. Tree abuse shall include:
  - a. All actions not in conformance with American National Standards Institute A-300 and Z-133 - ~~2017~~; 
  - b. Any action which effectively destroys a tree or palm, which permanently reduces the function of the tree, or causes unnatural decline; and
  - c. Unpermitted removal and relocation of a tree or palm; and
  - d. Damage inflicted upon any part of a tree within the dripline, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application, change to the natural grade, or other; and
  - e. Damage inflicted to or cutting upon a tree which permits infection or pest infestation; and
  - f. Damage caused by nailing or screwing to the trunk of any tree or palm to attach lights, signs, flags, ornaments, birdhouses, etc; and
  - g. Damage caused by using inappropriate equipment, including but not solely limited to, inappropriate tool for cuts being made, inadequate tool for size cuts being made, dull cutting tool, and anvil-type pruners; and
  - h. Damage inflicted to trunk tissue caused by string trimmers; and
  - i. Unapproved cutting upon a tree which permanently alters the natural shape; and
  - j. Hatracking; and
  - k. Overlifting; and
  - l. Bark removal of more than one-third (1/3) of the DBH; and
  - m. Tearing and splitting of tree parts; and
  - n. Use of climbing spikes other than for total tree removal; and

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 Number: 2	Author: john	Subject: Cross-Out	Date: 12/3/2021 7:00:36 PM

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- o. Intentional neglect of tree nutrition; and
- p. Inadequate irrigation necessary for establishment and continued growth; and
- q. Damage caused from improper installation of and failure to remove guying and staking materials; and
- r. Pruning of live palm fronds initiating at or above the horizontal plane.

2. Any owner of a parcel of land upon which tree abuse has occurred may be required to remove an abused tree or palm and replant an equivalent replacement upon such parcel, or at a different location selected by the Department, or, be required to make a payment into the Tree Canopy Trust Fund in the amount determined by the Department, within sixty (60) days after being notified by the Department. Additional corrective actions may also be required as determined by the department which may include, but not be limited to, corrective structural pruning, installation and maintenance of tree protection barriers, corrective root pruning, and/or obtaining a written tree evaluation from an ISA certified arborist.

J. Enforcement/Civil Remedies.

1. Enforcement and penalties for not obtaining a Tree Permit.

- a. Civil fine for violators. The following civil fines shall be imposed for a violation of any parts of this section for those violations incurred for not obtaining a Tree Permit:
  - i. First offense committed within a 12-month period: \$1,000.00, per tree plus a monetary payment made to the Tree Canopy Trust Fund for the equivalent value of the tree or palm;
  - ii. Repeat offense within a 12-month period: \$2,000.00, per tree plus a monetary payment made to the Tree Canopy Trust Fund for twice the equivalent value of the tree or palm;

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b. Enforcement procedures shall be governed by the City of Fort Lauderdale Code of Ordinances Chapter 11 Article III.

~~Sec. 47-21.15. Tree preservation.~~

~~A. Tree removal.~~

~~1. It shall be unlawful to remove a tree described as follows without first obtaining a tree removal permit:~~

~~a. A dicot or conifer tree having a diameter of three (3) inches or more or a monocot having eight (8) feet or more of wood, on other than a developed one family residential lot;~~

~~b. On a developed one family residential lot, if:~~

~~i. The tree is to be removed in anticipation of redevelopment and it is a dicot or conifer tree having a diameter of three (3) inches or more or a monocot having eight (8) feet or more of wood;~~

~~ii. No redevelopment is anticipated and the tree to be removed is a dicot or conifer having a diameter of eight (8) inches or more measured four and one-half (4½) feet above grade; or~~

~~iii. A palm in the genus of Cocos, Roystonea and Phoenix (except roebellini) with eight (8) feet or more of wood.~~

~~For the purposes of this section, redevelopment is defined as a change of use, an added use such as an additional living unit or an office, or remodeling or demolition of more than fifty (50) percent of the existing interior. Room additions to a structure, which will continue as a one family use do not constitute redevelopment. An application for a building permit to redevelop a one family property within twelve (12) months of previously unpermitted tree removal shall be construed as anticipation of redevelopment and will require tree removal permits and equivalent replacement.~~

~~2. Application for a tree removal permit shall be made to the department. Upon receipt of an application for tree removal, the department shall determine the equivalent replacement or equivalent value of each tree to be removed. No permit nor replacements shall be~~

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required for removal of *Schinus* spp. (Pepper Trees, Florida Holly), *Metopium toxiferum* (Poison Wood), *Casuarinas* spp. (Australian Pine, Beefwood), *Melaleuca* spp. *quinquineria* and *M. leucadendron* (Paper Bark Trees), *Euphorbia tirucalli* (Pencil Tree), *Bischofia javanica* (*Bischofia*, Bishopwood), *Acacia auriculaeformis* (Earleaf Acacia), *Araucaria excelsia* (Norfolk Island Pine), *Cupaniopsis anacardioides* (Carrotwood) or *Brassia actinophylla* (*Schefflera*).

- ~~3. Effort shall be made to design around existing, large, desirable trees. If, as determined by the department, there are large desirable existing tree(s) and the proposed placement of the site plan elements will not save such tree(s) and sufficient root system to support the tree(s), and such tree(s) are capable of being protected by a reasonable modification of said plan, then a tree removal permit may be denied by the department. In addition, if a permit is sought to remove an existing, large, desirable tree because its root system is causing damage to the associated sidewalks, paved areas, or septic systems, or if falling tree debris is staining nearby surface area, then the tree removal permit may be denied by the department if alternatives such as sidewalk bridging, canopy reduction, or trimming have not been considered or attempted, and such action would address the problem while preserving the tree. An alternative or redesigned site plan shall then be submitted.~~
- ~~4. The department shall issue a tree removal permit when the applicant for such permit has agreed to fulfill one (1) of the following requirements:~~
- ~~a. That the tree, if transplanted, will be moved by the applicant following the American National Standards Institute A-300 standards or similar accepted standards as published, to another location within the city and guaranteed by the permit holder for one (1) year for trees of less than or equal to six (6) inches in caliper and for two (2) years for trees greater than six (6) inches in caliper.~~
  - ~~b. That the tree, if destroyed, will be replaced by trees of equivalent replacement, as determined by the department, planted on the site from which the tree was removed. Sufficient room shall remain on the site to allow replacements to establish a mature canopy spread, based on usual growth characteristics of the species. A replacement planting plan may be required.~~
  - ~~c. That the tree, if destroyed, will be replaced by new trees of equivalent replacement upon public lands and guaranteed by the donor for three hundred sixty five (365) days. The replacement species, size and planting location shall be determined by the department.~~

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- d. ~~That a tree, if destroyed, will be replaced by a container grown tree or trees of equivalent replacement delivered to the city nursery or other location. The delivery location, as well as the replacement species and size, shall be determined by the department.~~
- e. ~~That the tree, if destroyed, will be replaced by the applicant by providing the equivalent value to the city's tree canopy trust fund.~~
- f. ~~That a specimen tree having a caliper measurement of eighteen (18) inches or more shall be limited to the option of providing equivalent value by cash only deposited to the tree canopy trust fund at the time the removal permit is issued.~~
5. ~~Any tree removed without a permit having first been issued by the department shall be replaced by equivalent replacement or equivalent value. If the tree removed was a tree required by ordinance, the equivalent replacement shall be made by planting the largest tree reasonably available upon the site. Any remainder of equivalent replacement shall be planted on public property by the violator, at a location determined by the department and guaranteed for three hundred sixty five (365) days. If the tree removed was a nonrequired tree, equivalent replacement or value shall be provided in accordance with subsection A.4.~~
6. ~~In the event that insufficient trunk remains of the removed tree so that equivalency cannot be determined thereby, size and equivalency shall be estimated based upon trees of the same species existing in the vicinity, considering, among other things, aerial photographic records and other available data relative to the area.~~
7. ~~Failure of an applicant to replace a removed tree within sixty (60) days after being notified by the department shall be a violation of this section. Removals necessitated by permitted construction may be replaced after the sixty day limit, but prior to the issuance of a certificate of occupancy or final use approval.~~
8. ~~Trees which have been planted and are being grown in a state certified plant nursery or botanical garden for sale to the general public and are being transplanted in order to be utilized as landscape material do not require tree removal permits.~~
9. ~~A monetary guarantee may be required to insure compliance with requirements. This bond, cash, letter of credit, or certificate of deposit in favor of the city shall be computed based upon the equivalent value of the tree or trees in question. The subsequent deposit of this monetary guarantee into the tree canopy trust fund shall immediately fulfill tree~~

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~~replacement requirements. Otherwise, when tree planting is used to fulfill the tree replacement conditions, the security shall be held by the city and the guarantee period shall extend at least three hundred sixty five (365) days past the replacement planting date. The monetary guarantee shall be in addition to any bond required by any other governmental entity.~~

- ~~10. In the event of storms, accidents or other acts of God of an emergency nature by reason of which life, limb or property is in immediate jeopardy, or for trees which have died due to lightning, disease, storm damage, or other natural causes, part or all of the terms and provisions of this section may be waived by the department.~~

~~B. *Tree services and arborists.*~~

- ~~1. All tree services working within Fort Lauderdale shall have a current Broward Tree Trimmer License and comply with all applicable Broward Tree Trimmer license regulations.~~
- ~~2. Vehicles used by a tree service/arborist operating within the city shall be clearly marked with the name of the tree service/arborist. Certified arborists shall display the certified logo and registration number, if any.~~
- ~~3. A photocopy of the current business tax receipt shall be available for inspection at each job site.~~
- ~~4. Standards for cutting on or repair to dicotyledonous species shall be in accordance with the American National Standards Institute A-300 standards or similar accepted standards as published.~~
- ~~5. Persons engaged in business as a tree service in the city shall adhere to the American National Standards Institute, A-300 standards or similar accepted standards as published on all tree species within the City of Fort Lauderdale.~~

~~C. *Tree protection.*~~

- ~~1. Trees retained on a site shall be protectively barricaded before and during construction activities as approved by the department. A monetary performance assurance instead of or in addition to a protective barricade may be required to ensure protection of a tree or trees or to guarantee restoration of an equivalency. The amount of said assurance shall be based upon the equivalent value of the tree or trees specifically covered. Any~~

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~~assurance required for a "protected tree" shall be four (4) times the equivalent value for that tree.~~

- ~~2. Underground utility lines shall be routed around existing trees to the outside of the dripline. If this is not possible, as determined by the department, a tunnel made by a power driven soil auger may be used under the tree.~~
- ~~3. Installation of fences and walls shall take into consideration the root systems of existing trees. Post holes and trenches located close to trees shall be dug by hand and adjusted as necessary to avoid damage to major roots. Continuous footers for masonry walls shall be ended at locations where larger roots are encountered and the roots bridged.~~
- ~~4. Any tree which has been declared by resolution of the city commission to be a "protected tree" shall not be removed unless such removal has been approved by resolution of the city commission. When a protected tree is on or adjacent to a site to be developed or redeveloped, the owner, developer or contractor shall take all reasonable measures to prevent damage to the tree and root system out to the natural dripline. The extent of the dripline will be based on diameter and species without respect to previous pruning activities.~~
- ~~5. Any owner, tenant, contractor or agent thereof who fails to provide tree protection as stated herein shall be guilty of tree abuse.~~

~~D. Tree abuse.~~

- ~~1. Tree abuse is prohibited. Abused trees may not be counted toward fulfilling landscape requirements. Tree abuse shall include:
 
  - ~~a. Damage inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.~~
  - ~~b. Damage inflicted to or cutting upon a tree which permits infection or pest infestation.~~
  - ~~c. Cutting upon any tree which permanently reduces the function of the tree or causes it to go into shock;~~
  - ~~d. Cutting upon a tree which alters the natural shape.~~~~

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- ~~e. Hatracking.~~
- ~~f. Bark removal of more than one-third ( 1/3 ) of the tree diameter.~~
- ~~g. Tears and splitting of limb ends or peeling and stripping of bark.~~
- ~~h. Use of climbing spikes on any species of tree for any purpose other than total tree removal.~~
- ~~i. Severe neglect of tree nutrition or adequate irrigation necessary for continued growth.~~
- ~~j. Pruning of live palm fronds, which initiate above the horizontal plane.~~

~~2. Trees shall be cut in the following manner:~~

- ~~a. All cuts shall be clean and at junctions, laterals or crotches. Tunneling or drop crotch trimming for overhead utility lines shall be followed.~~
- ~~b. Removal of dead wood, crossing branches, weak or insignificant branches, and suckers shall be accomplished simultaneously with any reduction in crown.~~

~~3. An owner of a parcel of land upon which tree abuse has occurred may be required to replant an equivalent replacement upon such parcel, or at a different location selected by the department, within sixty (60) days after being notified by the department.~~

SECTION 15. That Section 47-21.16, Removal of trees and dead trees constituting a public nuisance, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.16. - Removal of Nuisance Trees and Palms ~~dead trees constituting a public nuisance.~~

- A. The existence of any tree, palm, dead tree or stump upon any parcel of land within the city which threatens or endangers the public health, safety or welfare, or which could foreseeably cause the spread of disease or infestation to surrounding plant life, is hereby prohibited and declared to be a public nuisance.
- B. The Ddepartment shall give notice to the owner upon whose parcel of land such nuisance is located, advising the owner of the same.

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- C. Such notice shall be served by personal service or certified mail. In the event that the address of the owner is unknown, or such certified mail is returned unclaimed or refused, such notice may be served by posting the same in a conspicuous place on the premises upon which the nuisance is located.
- D. Such notice shall command the owner to forthwith remove such tree, dead tree or stump no later than thirty (30) days after receipt or posting of the aforementioned notice, whichever is applicable. In the event that such nuisance is not removed by the owner, the City may remove the same or have the same removed and the cost thereof shall constitute a charge and lien against the owner's property to the same extent and character as the lien now granted by law for special assessments for the cost of local improvements.
- E. Liens shall be forthwith due and payable, unless the time for payment thereof shall be extended by the City Commission, and there shall be applicable thereto the same penalties and rights for sale and forfeiture as may be provided by law for special assessments for the cost of local improvements.
- F. Each day any such violation exists shall constitute a separate offense.

**SECTION 16.** That Section 47-21.17, Street Tree Planting Projects, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

**Sec. 47-21.17. – Public Street Tree Planting Projects.**

- A. There are many reasons to plant street trees. Depending on canopy density, trees reduce temperatures. They provide shade and visual interest by leaf and bloom color, bark texture, profile, and scaffold architecture. They also provide protection and security to the ever-increasing pedestrian traffic.
  1. Sidewalk and swale tree planting. These are usually individual trees planted at or near the street curb line for aesthetic, environmental and security reasons. ~~Many sidewalk trees are planted and/or maintained by adjacent property owners. It is their voluntary contribution to the city tree canopy.~~
  2. Median tree planting. Street medians form a special area of public park land. Proximity and speed of vehicular traffic influence the tree size category and placement. Tree species classification and size selection is in inverse correlation with proximity and speed of roadway traffic. As speed of traffic increases and

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median width narrows, size of tree selected should decrease or be moved farther into the center of the median. Median tree plantings serve to provide:

- a. Security to pedestrians crossings wide streets.
  - b. A screen for drivers from headlight glare of oncoming traffic.
  - c. Blockage of direct sun into the eyes of drivers, especially commuters traveling east and west. An indication of the course of the roadway in the distance.
  - d. A protective barricade to head-on collisions with out-of-control vehicles which cross into the median.
3. Arbor Streets. The majority of the property owners abutting any street may request establishment designation of an arbor street. ~~An arbor street is one (1) determined by the City to be suitable for extensive planting of trees.~~ The designation identifies the street for the planting of street trees that build urban forest canopy, capture storm water runoff, define a hierarchy of roadways, and create a sense of place because of their visual and physical impacts on the quality of urban life. Requests shall be in writing and submitted to the Department. The request shall:
- a. Be on a standard application form obtainable from the ~~city~~-Department;
  - b. Designate areas to be improved by tree planting;
  - c. Contain names of all property owners wishing trees to be planted adjacent to or upon their properties;
  - d. Provide evidence of a commitment from adjacent property owners to contribute to the cost of and provide subsequent care, feeding and maintenance of such plantings; and
  - e. Contain a survey of the area and a proposed planting plan.
  - f. The Department shall coordinate with and obtain recommendations from other appropriate departments reviewing the arbor street application. Review shall take into consideration the general safety and welfare of the public, the interests of affected property owners, utilities, and municipal services, present and future

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and shall include but not be limited to onsite inspections of the proposed planting area.

- g. When the arbor street request has been reviewed by all departments concerned, the representative of the Department shall:
- i. provide written notification to applicant of approval;
  - ii. provide written objections and amendments to the applicant; or
  - iii. provide written denial to the applicant
- h. The application shall constitute an agreement between the City and the applicants. The City Commission must approve the application by resolution. The arbor street project shall be implemented in accordance with provisions of the approved plan, and as city resources may permit.
- i. Trimming of arbor street plantings by adjacent property owners is required and all such work shall adhere to the American National Standards Institute A-300 and Best Management Practices companion publication.
- j. Existing trees within an area designated in an arbor street agreement shall not be removed without a Tree Permit.

~~B. The department shall coordinate with and obtain recommendations from the appropriate city departments reviewing the arbor street application. Review shall take into consideration the general safety and welfare of the public, the interests of affected property owners, utilities, and municipal services, present and future and shall include but not be limited to onsite inspections of the proposed planting area.~~

~~C. When the arbor street request has been reviewed by all departments concerned, the representative of the city shall submit any objections and amendments to the applicants. Should the area be determined by the city to be unsuitable for arbor street purposes, the applicants will be notified of the unsuitability.~~

~~D. The application shall constitute an agreement between the city and the applicants. The city commission must approve the application by resolution. The arbor street project~~

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~~shall be implemented in accordance with provisions of the approved plan, and as city resources may permit. The applicants shall supply the planting labor, the city shall supply the trees, or vice versa as the approved plan provides.~~

~~E. Trimming of arbor street plantings by adjacent property owners is permitted and all such work shall adhere to the American National Standards Institute, A-300 standards or similar accepted standards as published. Trees existing within an area designated in an arbor street agreement are not to be removed without permit.~~

SECTION 17. That Section 47-21.18, Prohibited landscaping, of ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.18. - Prohibited landscaping.

It shall be unlawful to retain, install, and or relocate prohibited and controlled plant species identified as prohibited and controlled pursuant to the Department of Agriculture and Consumer Services, Chapter 5B-57, Florida Administrative Code (FAC), as amended, and the Florida Exotic Pest Plant Council (FLEPPC) Invasive Plant Species List, Category 1, as amended, and Araucaria heterophylla (Norfolk Island Pine), -spp. (Pepper Trees, Florida Holly), Araucaria heterophyllum Metopium toxiferum (Poison Wood), Casuarinas spp. (Australian Pine, Beefwood), Melaleuca quinquinervia and M. leucadendron (Paper Bark Trees), Euphorbia tirucalli (Pencil Tree), Bischofia javanica (Bischofia, Bishopwood), Acacia auriculaeformis (Earleaf Acacia), Araucaria excelsia (Norfolk Island Pine), Cupaniopsis anacardioides (Carrotwood) or Brassia actinophylla (Schefflera).

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From: [cdouglascoolman@aol.com](mailto:cdouglascoolman@aol.com)  
To: [Glen Hadwen](#)  
Cc: [Ella Parker](#); ["Fred Stresau"](#); ["Natalia Barranco"](#); ["Earth Advisors"](#); [emily@2gho.com](mailto:emily@2gho.com); ["Alex Fenech"](#); ["Jeremy Chancey"](#); [cdouglascoolman@aol.com](mailto:cdouglascoolman@aol.com)  
Subject: [-EXTERNAL-] Comments from the Advisory Group relative to the P & Z Hearing scheduled for December 15th 2021,  
Date: Friday, December 03, 2021 4:45:05 PM

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Glen, per our understanding we are submitting select comments prior to the deadline of 5:00 PM today 12/3/2021 set by the P & Z Boards motion.

We are also forwarding, under separate cover, our draft list of approximately 80 comments, to hopefully to be used as an agenda for further discussions.

Doug

Greetings to Members of the City of Fort Lauderdale's Planning and Zoning Board:

Our Advisory Group of industry professionals' requests that the Planning and Zoning Board vote to require further revisions and review of this revised Ordinance. After our review of the current 11/05/21 or 11/17/21 draft Ordinance, there are changes to more sections than were done in our joint review with City staff and consultant (CGA staff), and many of them add confusion, are not aligned with current Industry Standards, and are not increasing protection or preservation of trees (especially mature or Specimen trees) that was to be the main reason for these revisions.

Further, our Advisory Group is finishing a full review of the most recent draft of the revised Ordinance, which was provided to us on 11/05/21, and presented/reviewed at the P&Z Board on 11/17/21. At this time, we have nearly 75 comments, for various sections, where we find significant edits or changes that need to be resolved with City staff, prior to this Ordinance being moved forward for approvals and implementation.

The ULDR Section 47-21 was last formally amended in 2015, and more recent requests for revisions were heard without action being taken. Then, in 2019, a number of larger development and redevelopment projects that are in residential neighborhoods or along major roads within the City, included almost total clearing of all mature and Specimen trees from properties. Residents, neighborhood associations, professionals, city officials, and others outside of Fort Lauderdale all increased their call for greater tree protection and preservations in the City of Fort Lauderdale. This is the main theme of why revising this Ordinance Section was requested and made a project for City staff. However, it is being lost in the minutia of updating much of the Landscape Standards and guidance for design professionals in planning new landscaping for development projects and plans. The need to further improve and upgrade the requirements related to **Tree Preservation** in many of the sections has not been completed.

The public outcry about increasing tree protection on existing properties and during construction projects and preserving mature and Specimen trees as part of any new Site Plan for development or redevelopment, was loudly renewed at the November 17<sup>th</sup> Hearing. Multiple speakers were and are still upset with the seemingly increasing

loss of the City's tree canopy; especially removal of many significant Specimen trees in public, commercial, and residential development and redevelopment projects approved recently within the City of Fort Lauderdale. The public's

We agree with the public concerns, and on behalf of concerned residents and neighborhood associations, we again ask the P&Z Board to remind City staff of the main purpose for this recent revision - Increasing and expanding the preservation of mature and Specimen trees on existing properties and in new development plans, and protection of trees on existing properties and during construction.

Therefore, due to the importance of saving, preserving, and growing our tree canopy, we are listing here the key sections to continue revising that will have a major positive impact on saving and improving our tree canopy.

## **SECTION 2.**

### **Section 47-21.2. - Definitions.** pages 5 thru 19

**Comment: (#70)** page 15, by canopy definition...large palms trees are shade trees. If this ordinance is about canopy, palms need to be included. Palms are part of the character and definitely have a use in our landscape especially in tight places, next to utilities.

**MINOR OMISSIONS LIKE THIS DO NOT HELP INCREASE OUR TREE/PALM CANOPY**

## **SECTION 3.**

### **Sec. 47-21.3. - General provisions and design standards.** pages 19 thru 22

**(Sec. 47-21.3. 1.)** page 20 and 21, **Code:** *The landscape plan should consider the soil requirements for trees based on their size at maturity and their distance from any adjacent paved/hardscape areas and utility infrastructure. Larger soil volumes lead to greater tree size, better tree health, longer tree life, greater environmental benefits, and fewer costs, such as those associated with tree replacement and damage by roots to property improvements and infrastructure. Where the required soil volumes at grade or separation from adjacent paved/hardscape areas and utility infrastructure cannot be provided for trees, then the use of modular suspended pavement systems or sub-grade soil mediums may be required as provided in the regulations, herein.*

**Comment:** If the soil volumes don't exist in a site, then the formula the city is using to determine # of trees per site is not the minimum that can be planted and should be reviewed/revised. Engineered soils/cells are a great design tool for site or to create special places but should not be thought of as requirement for development. A 2020 USDA study analyzing tree life expectancy in urban areas finds the typical street tree living between 12- 28 years. What happens when tree fails and has to be replaced when planted in engineered soil/blocks?

**THIS WHOLE ISSUE OF INCLUDING ENGINEERED SOILS, IS AN UNPROVEN AND COSTLY METHOD TO HELP INCREASE THE GROWTH OF OUR TREES, THERE ARE BETTER WAYS TO ADDRESS THIS ISSUE AND AS PROPOSED IS A COSTLY EXPERIMENT.**



## **SECTION 7.**

### **Sec. 47-21.8. - Appropriate tree, palm, plant, lawn/turf, or sod selection, location, and arrangement. pages 31 thru 37**

**Comment:** In general, this section of the Ordinance is determining the “appropriate” tree and over prescribing the “MINIMUM” requirement.

(**Sec. 47-21.8. G.**) page 32, **Code:** *50% of all plants required to be native...* **Comment:** City should consider increasing the percentage but to also include native and/or Florida Friendly plants, as native plant material palette is limited with availability in nurseries.

**Comment:** (**Sec. 47-21.8. H.**) page 32 and 33, Large shade tree with clear trunks of 8’ is realistic. It does become a challenge for medium trees, which will lead to poor pruning. Palms should be included in this requirement.

**Comment:** (**Sec. 47-21.8. P.**) pages 34 and 35, Credit for existing tree- equivalent value should be given. If it will take 4 trees to replace you should get equal credit if it remains. Also, no credit for trees in poor health should also translate to no mitigation to remove a tree in poor health. Not sure why it has to be more complicated than equivalent value.

**ALL OF THE ABOVE, IN SOME WAYS, ARE NOT BENEFICIAL TO GROWING OUR CANOPY**

## **SECTION 8.**

### **Sec. 47-21.9. - Installation. pages 37 thru 44**

(**Sec.47-21.9. E**) page 38, **Code:** *New trees required to be installed shall be planted so normal growth and aesthetic appearance will not be impaired, and so...* **Comment:**

Minimum spacing has now been established in (**Sec. 47-21.12 A.6.b**) page 50 and (**Sec. 47-21.12.C.3.**) page 53, similar to Orlando in this Ordinance, helping to eliminate the overplanting that is currently occurring. Large Tree 25 feet, Medium Tree 20 feet and Small Tree 15 feet, between like trees.

However, this text must be added into the definition section under as a new definition, *Tree Spacing*, after definition #89, page 19, plus expanded and clarified as follows: The text needs to state: the larger of the minimum tree spacing takes precedence; meaning no Medium or Small Tree can be closer than 25 feet from a Large Tree or Small Tree can be no closer than 20 feet from a Medium Tree.

**Sec. 47-21.9. H. - Installation** - page 38, **Code:** *Large Trees and Large Palms shall be located a minimum of twenty (20) feet away from structures. Medium Trees shall be located a minimum of fifteen (15) feet away from structures. Small Trees shall be located a minimum of ten (10) feet away from structures.* **Comment:** This tree spacing where a 25’ front yard building setback exists, will require the use of Structural Soil under the sidewalk, thereby requiring the removal and replacement of any existing sidewalk and most likely be in conflict with the placing requirement for the Street Trees listed below in (Sec. 47-21.9.I.) page 38.

(**Sec. 47-21.9.I.) - Minimum Tree Spacing Requirements.** page 38, **Comment:** Current installations seemingly do not meet this criterion. Secondly, when Front yard or site area trees and Street trees are required there will likely be a spacing conflict between the

required tree types (sizes). Front yard Large Tree and the Street Tree(s). Thirdly, shouldn't there be a spacing requirement between trees of different sizes.

**(Sec. 47-21.9. L.)** page 40, **Comment:** Soil Volume should not be represented in volume as most our tree roots grow in the first 18-24". Depth is important but according to IFAS planting area is crucial to the survival of a tree. This needs to be the minimum planting area (square feet) with a minimum dimension. City should refer to IFAS area requirements. This minimum dimension should also be the determining factor for tree requirements for a site.

As per IFAS <https://edis.ifas.ufl.edu/publication/FR173> : "Soil should provide plenty of open space to allow growth of the trunk and development of the main flare roots. To provide anchorage for the tree, roots need to spread beyond the edge of the canopy and grow deep into the soil. Sidewalks, curbs, buildings, parking lots, driveways, and other urban structures restrict root development. A strong supporting root system with adequate rooting space is the most critical factor to the ability of trees to withstand hurricane-force winds in urban landscapes.

#### RECOMMENDATION

Give trees enough rooting space based on their mature size:

- Small trees need at least 10 feet by 10 feet .
- Medium trees need 20 feet by 20 feet.
- Large trees need at least 30 feet by 30 feet."

**(Sec. 47-21.9.L.1.,2. and 3) Minimum soil volume requirements for Large Trees** - page

40

**Code:** *Minimum soil volume requirements for Large trees shall be Twelve-hundred cubic feet (1,200 ft<sup>3</sup>) with a minimum of three feet (3') depth....* Somewhat less for smaller trees/palms.

**Comment:** The excessive soil volumes required in the Draft were not explained or any justification provided by staff or the consultant and has been questioned by the AG from the beginning. Soil Volumes should not be determined by the soil depth at three (3) feet, again subjective, as most our Florida Friendly tree roots grow in the first 18-24". While public swales requiring Street Trees or larger landscape islands ~~site design~~ in VUA, areas required to have Large Shade Trees, can be designed to meet some reduced soil volumes, but it is doubtful that larger VUA landscape areas will be provided due to high land values and impossible to meet in the instance of narrow swales. Existing conditions or high land value will dictate most landscape areas will have minimum areas and thus require the installation of structural soil modular suspended pavement system and root barriers where appropriate. Current cost estimates for either of these two options are estimated between \$5,000.00 to \$8,000.00 per landscape area. Tree cost is not included.

**MANY OF THESE CRITERIA, AS PROPOSED, ARE FORCING TOO MANY TREES IN TOO SMALL OF SPACES. THIS THINKING "MORE TREES MEAN MORE CANOPY" IS INVALID. TO THE CONTRARY, IT CAUSES MORE UNDERDEVELOPED TREES THAT ARE MORE SUSCEPTIBLE TO DISEASE AND UNECESSARY PRUNING AND MAINTENACE AND NEVER HAVE A CHANCE TO MATURE**

## **SECTION 10.**

**Sec. 47-21.11. - Maintenance.** pages 44 thru 46

(**Sec. 47-21.11.B.**) page 45, **Code:** *Large trees shall be maintained at an average mature crown spread of thirty (30) feet* **Comment:** The primary goal of the Ordinance was to increase the tree canopy in the City. This requirement, maintained, is completely contrary to this goal and should be deleted.

**WHY WOULD WE WANT TO MAINTAIN EVERY LARGE TREE AT A MATURE CROWN SPREAD OF THIRTY (30) FEET? THIS IS COMPLETELY CONTRARY TO THE GOAL OF INCREASING OUR CANOPY. THIS IS A PRIME EXAMPLE OF A ,SMALL ERROR OR OVERSIGHT, IN THE TEXT THAT MUST BE CORRECTED**

**SECTION 11.**

**Sec. 47-21.12. - Landscape requirements for vehicular use areas (VUA).**

pages 46 thru 55

**Comment:** (**Section 47-21.12.4.a.b.** and **47-21.12. 5.a.i.ii.a.b.c.d. and 5.b.c.d.**) pages 48 and 49, Interior Landscape area needs to be clearer. Terminal Island and Intermediate Island might be clearer/better than Peninsular and Internal Island. Peninsular as defined in (**Sec. 47-21.12.5.a.**) page 48, can only occur at end of a row of parking.

(**Sec. 47-21.12.A.5. a.ii.d.**) **Peninsular and island landscape areas.** Page 49, **Code:** *It is recommended that the placement of the peninsular islands within the interior of the VUA be staggered, if possible.* **Comment:** The recommendation of the section cannot be implemented defining that the peninsular island location be staggered. See definition # 56 of a Peninsular island- Page 13.- *Peninsular or island landscape area. A pervious area set aside for landscaping, located at the end of a parking row where it abuts an aisle or driveway needs to include area between parking space.* **Comment:** Because the Peninsular islands are located at the end of the parking bays, it is unlikely their location can be staggered. At the very least, the location requirements for each should be separated into two different recommendations.

**Sec. 47-21.12. - Landscape requirements for vehicular use areas (VUA).** Page 50

**Code:** **Sec. 47-21.12.A.6.a.** Driveways facing the public right-of-way shall provide a pervious landscape area with a minimum of one (1) Large or Medium tree per forty (40) feet-

**Comment:** The large or medium tree required in this section appears to be in conflict with the distance spacing required for the adjacent Street tree(s).

(**Sec. 47-21.12.C.1.b.**) page 52, **Code:** *Twenty-five percent (25%) of the required trees shall be tree species listed as Medium Trees in the City's Tree Classification List.*

**Comment:** The section requires the use of trees that are listed as Medium Trees and as such precludes the use of trees that are in the large tree category. Again, a prescriptive requirement.

**Comment:** (Sec. 47-21.12. A.6.d.) This (Sec A. 6. d.) page 50, for the first time mentions minimum tree spacing: Large Tree 25 feet, Medium Tree 20 feet, Small Tree 15 feet. This is a very good criteria for the Ordinance but needs to be added into the definition section under a new definition, *Tree Spacing*, after definition #89, page 19.

Additionally, it needs to state that the larger of the minimum tree spacing takes precedence, meaning no Medium or Small Tree can be closer than 25 feet from a Large Tree or Small Tree can be no closer than 20 feet from a Medium Tree.

The use of the Orlando sketch should also be considered, not sure why staff is resistance to using graphics

**THIS WHOLE SECTION IS FLAWED WITH MISS USE OF TERMINOLGY AND DOES NOTHING TO INCREASE THE SIZE OF PLANTING ISLANDS IN VUA AREAS AND IS WORSE THAN THE STATUS QUO IN THE OLD ORDINANCE**

## **SECTION 12.**

**Sec. 47-21.13. - Landscape requirements for all zoned districts.** Pages 55 thru 63

**Comment:** Large palms should be considered a Large Tree per canopy definition. If this ordinance is about increasing shade to reduce heat island than include palms.

**Comment:** Species diversity. Canopy is canopy. Why limit palms to 20% of required when canopy of large palms exceeds the definition of shade tree?

**Comment:** Over prescribing trees and minimum percentage goes against principle Right Tree Right Place”

**AGAIN, NOT INCLUDING PALMS CONSISTENTLY IN ALL SECTIONS OF THE CODE, AS A LARGE TREE, AND RESTRICTING THEIR USE BY PERCENTAGE (%), IS NOT HELPING INCREASE OUR CANOPY.**

## **SECTION 14.**

**Sec. 47-21.15. – Regulations for the preservation of trees and palms.** pages 70 thru 93 with pages 88 thru 93 all deletions

**(Sec. 47-21.15.3.a.i.,ii.,iii.,iv.,1),2),3),4), and 5.) Protection Barriers** page 71 and 72,

**Comment:** As barricades are one of the most protective and recognizable methods, to protect existing trees the Ordinance should include the sketch already in use by City and required on all landscape plan submittals. A picture is worth 1000 words, why not include?

**(Sec.47-21.15. G.9.b.ii.ii and 10.e.)** page 84 and 85 appears to allow for a Tree Inventory under the Urban Forestry Master Plan (UFMP), which was to be excluded from use of the TCTF. The UFMP must have a minimum time frame for updates, no more than every 10 years, and due to the controversial use of monies to be spent on non-planting of trees, the maximum annual expenditure should not be increased from 20% to 25% but remain at 20%.

Staff had agreed that because a Tree Credit Section of the Ordinance, was not possible to include in this revision, it would be placed in the UFMP, however no line item for Tree

Credits is noted to be addressed in **(Sec.-21.15.G. 9. or 10.)**

**THIS WAS THE ORIGINAL IMPETUS FOR REVISING THE TREE ORDINANCE. IN GENERAL, THIS SECTION HAS MADE IMPROVEMENTS, ESPECIALLY UPDATING THE VALUE OF OUR EXISTING TREES.**

**THE MAIN ISSUE TO BE DETERMINED IS THE USE OF TREE CANOPY TRUST FUNDS FOR USES OTHER THAN PLANTING TREES ON PUBLIC PROPERTY. INCREASING THIS AMOUNT TO BE USED FROM THE TCTF FOR NON-PLANTING OF TREES FROM 20% TO 25% IS ONE ISSUE TO BE DETERMINED.**

**SECONDLY, TO ADD AN URBAN FORESTRY MASTER PLAN (UFMP) TO BE FUNDED FROM THE TCTF IS ALSO TO BE DETERMINED. IF A UFMP IS APPROVED AS A VALID USE FROM THE TCTF IT MUST HAVE A LIMIT ON THE TIMELINE FOR UPDATES AND ANNUALLY IS NOT REALISTIC. NOT LIMITING THE UPDATES WILL SEVERELY AFFECT THE FUND BALANCE AND LIMIT THE FUNDS AVAILABLE FOR PLANTING OF TREES ON PUBLIC LANDS.**

**THIS UFMP WAS TO INCLUDE A SECTION ON TREE CREDITS AND THE CURRENT DRAFT ORDINANCE HAS NOT INCLUDED THIS WITHIN ITS DEFINITION PAGES 84 AND 85**

**NOTE:** This short list of our comments, just dealing with tree canopy, preservation, health, etc., comprise approximately 27% of our all our comments related to the balance of the Ordinance.

Yes, the 11/5/21 Ordinance has updated and upgraded language, terminology, guidance, and standards from the original 2015 Ordinance, and the efforts of City staff, the consultants, volunteer professionals, and concerned residents between March and November this year should be commended. However, sending a lengthy list of conditions with the 11/5/21 Ordinance to the City Commission, without incorporating another round of review, will probably not achieve the desired end product. The desired goal is an Ordinance we can all be proud of and accomplish what we all set out to achieve, a state-of-the-art Landscape and Tree Preservation Ordinance. An Ordinance focused to preserve existing trees and promote viable planting areas for future tree canopies to flourish.

Lastly, we want to also thank City officials and the P&Z Board for placing our Advisory Group as a required reviewer and editor to work with the outside consultant (CGA's highly qualified Landscape Architects) and City staff forward with these Ordinance revisions earlier this year. Based on the 11/05/21 revised Ordinance, these meetings need to continue, and a further revised draft that resolves the issues in the current draft needs to be completed..

Thank you for reading our current advice and comments and taking seriously our involvement and interest to improve and upgrade the sustainability, resilience, and values for the landscape and urban forest that reaches across all parts of the City of Fort Lauderdale. Both Fred Stresau and I would like to meet with each of you to go over our comments and answer any questions you may have. We will contact you shortly to see if you have any questions or interest in meeting.

On behalf of the Advisory Group,

C. Douglas Coolman, FASLA, RLA

**NOTE:** In answer to the question about the qualifications and experience of key members of our Advisory Group, we have provided the following short biographies for each of us. If requested, we can provide resumes or CVs for more complete professional qualifications of our Advisory Group, many of whom have been working in the Green Industry for projects within the City of Fort Lauderdale for over 30 years or more.

Mr. Alex Fenech, RLA, ASLA, Practicing Landscape Architect for 11 years, graduate of Michigan State University BLA-2010, Vice President at EDSA, Immediate Past President for the Florida of the American Society of Landscape Architects.

Ms. Natalia Barranco, RLA, Practicing Landscape Architect for 15 years, graduate of University of Florida, BLA - 2006, business owner Barranco rla, inc. and working with KCI TECHNOLOGIES INC.

Mr. John A. Harris, Landscape Economist, MS, MBA, BS, AAS: John is an Urban Forester and Consulting Arborist for over 35 years, graduate of SUNY College of Environmental Science and Forestry and Syracuse University, and is currently the President of Earth Advisors Inc, and Principal of Landscape Economics LLC.

Ms. Emily O'Mahoney, FASLA, RLA, LEED & AP, BD&C, Practicing Landscape Architect for 40 years, graduate of University of Florida, BLA - 1980, Fellow in the American Society of Landscape Architects, Class of 2017, partner in the firm 2GHO, Inc. Landscaper Architects, Planners, Environmental Consultants (Jupiter Florida), President Elect Designate 2021 of the American Society of Landscape Architects with its 15,000 members and 2016 ASLA Service Award Recipient..

Mr. C. Douglas Coolman, FASLA, RLA, Practicing Landscape Architect for 53-years, graduate of Michigan State University, BLA -1968 , Fellow in the American Society of Landscape Architects, Class of 2002, semi-retired from EDSA in 2010 after 42 years, and currently President of DKNR Trading Company LLC, Land Planners and Landscape Architects, and a current member of Broward Workshop and Vice-Chair of the Broward County Independent Surtax Oversight Board.

Mr. Fred Stresau, FASLA ,RLA, Practicing Landscape Architect for 55 years, graduate of N.C. State School of Design, Fellow in the American Society of Landscape Architects, Class of 2013 retired owner/president Fredrich Stresau & Associates, and former member of City Boards for 56 years, including the Community Appearance Committee, Board of Adjustments, Utility Advisory Committee, Infrastructure Task Force. Awarded in 2009 the City of Fort Lauderdale Distinguished Citizen of the Year.

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From: [cdouglascoolman@aol.com](mailto:cdouglascoolman@aol.com)  
To: [Glen Hadwen](#)  
Cc: [Ella Parker](#); ["Fred Stresau"](#); ["Natalia Barranco"](#); ["Earth Advisors"](#); [emily@2gho.com](mailto:emily@2gho.com); ["Alex Fenech"](#); ["Jeremy Chancey"](#); [cdouglascoolman@aol.com](mailto:cdouglascoolman@aol.com)  
Subject: [-EXTERNAL-] Advisory Group draft Landscape Ordinance Review Summary as of 12/3/21  
Date: Friday, December 03, 2021 4:49:08 PM  
Attachments: [Landscape Ordinance Review Summary as of 12/3/21 \(002\) - Last of Fred's \(003\).docx](#)

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Glen:

Here is the second part of our comments, to date, per my previous email of 4:37 PM today. If you have any questions or comments please advise.

Doug

**12/03/2021 NOTE: complete consensus has not been reached by the Advisory Group on all issues nor final editing, due to time constraints**

**SECTION 1.**

**Section 47-21.1, Intent and purpose. pages 2 thru 4**

(Sec. 47-21.1. B.), pages 3 and 4. **Code:** *The purpose of this section to enact regulation that establish standards that...* **Comment:** Portions of this section totally miss the mark on Intent, especially B.4. Establish diversity except if you're a Palm tree. Google Fort Lauderdale –Our landscape is defined by palm trees. Are we redefining what tourist come here to experience? and B.7. This is the key word missed throughout the ordinance. MINIMUM standards...the required landscape is over prescribed leaving no room for creative design.

**SECTION 2.**

**Section 47-21.2. - Definitions. pages 5 thru 19**

**Comment:** Most definitions acceptable. However, some definitions will require more information, clarification. Example: *Net Lot Area (#50)* page 12, needs to exclude retention/detention areas as per (Sec. 47-21.8. D.) page 32 and (Sec. 47-21.8. W.5.b.) page 36, and tree protection areas (Sec. 47-21.2. A.17. *Critical Root Zone #17*) page 7, from area as both these areas are prohibited to be landscaped.

**Comment:** If Florida Friendly (#26) page 8 and 9 is the goal- Definitions should be coordinated and include all plant material. (shrubs have been limited in height, grasses excluded from Definitions, ground cover is too vague)

**Comment:** (#58) page 13, pervious area can include pervious hardscape

**Comment:** (#59) page 13, pervious landscape would be pervious area that reserved for landscape materials also include synthetic turf areas.

**Comment:** (#60) page 14, that permit flow of air and water.

**Comment:** (#70) page 15, by canopy definition...large palms trees are shade trees. If this ordinance is about canopy palms need to be included. Palms are part of the character and definitely have a use in our landscape especially in tight places, next to utilities.

**Comment:** (#72 and #73) page 15, Sod needs to include plugs and seeding. Height of sod should be maintained as per the best practice of the species – not a vague “short height”.

**Sec. 47-21.2.A.78.** - Definitions. 78. Sub-grade soil medium. page 17

**Code:** A subsurface material, usually a mixture of crushed stone and soil...**Comment:** It would seem that the definition should define what this material consists of.

The sample of this material submitted at the Nov. 2021 PZB hearing did not have any “soil” in the exhibit.



### **SECTION 3.**

#### **Sec. 47-21.3. - General provisions and design standards. pages 19 thru 22**

(Sec. 47-21.3. I.) page 20 and 21, **Code:** *The landscape plan should consider the soil requirements for trees based on their size at maturity and their distance from any adjacent paved/hardscape areas and utility infrastructure. Larger soil volumes lead to greater tree size, better tree health, longer tree life, greater environmental benefits, and fewer costs, such as those associated with tree replacement and damage by roots to property improvements and infrastructure. Where the required soil volumes at grade or separation from adjacent paved/hardscape areas and utility infrastructure cannot be provided for trees, then the use of modular suspended pavement systems or sub-grade soil mediums may be required as provided in the regulations, herein.*

**Comment:** If this section and many others voice concern over the close proximity of trees to utility infrastructure, why do I see large trees located on top of and next to fire hydrants, storm drainage structures and light standards? If a suitable area doesn't exist than maybe code is over prescriptive in the of trees required for a site or should permit more flexibility in the spacing of Street trees.

**Comment:** If the soil volumes don't exist than the formula the city is using to determine # of trees per site is not the minimum and should be reviewed/revised. Engineered soils/cells are a great design tool for site or to create special places but should not be thought of as requirement for development.

*NOTE: Starting here, **SECTION 4.** Is where the **Sec. 47-21.5** numbers do not coincide within the Ordinance. "If the 11/5/21 Ordinance is ready to go to the City Commission why are these inconsistencies still in the Ordinance"*

### **SECTION 4.**

#### **Sec. 47-21.5. – Landscape Permit required. page 22**

**No Comments:**

## **SECTION 5.**

**Sec. 47-21.6. – Landscape and Tree Document Packet Required** pages 22 thru 30 with pages 27 thru 30 all deletions

**(Sec. 47-21.6.A.3.) Landscape plan required** page 24, **Code:** *The landscape plan prepared by a Florida landscape designer or a Florida landscape architect...*

**Comment:** This subject was discussed with staff and while the Florida landscape designer can apparently author Landscape Plans for Single/Duplex Family projects, but they cannot sign and seal plans for larger projects and that should be made clear in the Ordinance.

**Comment:** Term Landscape and Tree Document Packet (Sec. 47-21.6.A.) is inconsistent with reality. Landscape is required for certain submittals and not all items required at the same time. The Landscape and Tree Document Packet (**Sec. 47-21.6 A. 1 thru A. 8.**) pages 22 thru 27 in general are a completely overreach and unduly burdensome to the general public/private sector/homeowners and require deletion or a complete review and rewrite. Sub-section A. 5., 6., 7., and 8 are especially onerous, page 26 and 27.

**Comment:** (2.i) an arborist can determine if a tree or palm is relocatable but should not be planning/design where it is going.

**Comment:** (5) Irrigation plans are schematic. The tree protection areas are part of the landscape plan and therefor included already, redundant

**Comment:** (5) Site Lighting. Needs to differentiate between Site and Landscape lighting. Site is required by code. Landscape lighting is aesthetic.

## **SECTION 6**

**Sec. 47-21.7. - Soils.** pages 30 and 31

No Comments

## **SECTION 7.**

**Sec. 47-21.8. - Appropriate tree, palm, plant, lawn/turf, or sod selection, location, and arrangement.** pages 31 thru 37

**Comment:** In general, this section of the Ordinance is determining the “appropriate” tree and over prescribing the “MINIMUM” requirement.

**Sec. 47-21.8.C - Appropriate plant, sod, and tree selection - page 32**

**Code:** *Plants shall be grouped in accordance with their respective water and maintenance needs...* **Comment:** If minor plantings that require a higher water use are isolated from a low usage hydrozone, does that grouping as for a hedge require a separate section of the irrigation system. Secondly, suggesting the consideration for the limitation of gas-powered maintenance equipment in the selection of plantings is not enforceable and should be eliminated.

**Sec. 47-21.8.D. - Appropriate plant, sod, and tree selection - page 32**

**Code:** *The combined areas size of all high-water use hydrozones, other than living turfgrass lawn/turf or sod areas, shall be limited to twenty percent (20%) of the total landscaped area.* **Comment:** The second sentence in this paragraph is repetitive and is not needed. See below. “These high-water use limits do not apply to landscaped areas requiring large amounts of grass, lawn/turf or sod for their primary functions.”

(**Sec. 47.21.8. G.**) page 32, **Code:** *50% of all plants required to be native...* **Comment:** City should consider increasing the percentage but to also include native and/or Florida Friendly plants, as native plant material palette is limited with availability in nurseries.

**Comment:** (**Sec. 47.21.8. G.**) page 32, How does one calculate the percentage of all plants and include trees and ground cover? Secondly, is the vegetation that exceeds the minimum required plantings excluded from this 50% requirement?

**Comment:** (**Sec. 47-21.8. H.**) page 32 and 33, Large shade tree with clear trunks of 8’ is realistic. It does become a challenge for medium trees, which will lead to poor pruning. Palms should be included in this requirement.

**Comment:** (Sec. 47-21.8. I) page 33, Why when grouping small trees/palms do combined canopy have to exceed 30’ when in the definition of shade tree equal 20’ or greater? Limiting the combination only if a Shade tree cannot be planted – what about creativity and design.

**Comment:** (**Sec. 47-21.8. J.**) page 33, Palms here count as one Large Tree requirement. This needs to be consistent with definition #70 for a large SHADE TREE.

**Comment:** **Sec. 47-21.8.O.)** page 34, **Code:** *Where Large or Medium Trees are to be planted within six (6) feet of any proposed sidewalk, hardscape, or utility, then a modular suspended pavement system shall be installed... A sub-grade soil medium (or structural soil) may be installed to connect open soil space areas. Cost considerations shall not be considered a sufficient sole reason for use of structural soils.* **Comment:** It would seem that the ordinance is justifying the use of a Modular Suspended System or Structural Soils without considering the installation cost in order to promote the requirement for the large quantities of soil quantities.

**Comment:** (**Sec. 47-21. 8. O.**) page 34, Cost is always a design consideration for the designer. However, the text as proposed in this section, will make the cost of planting trees by the City in its own R.O.W. prohibitive.

**Section 47-21.8.O - Appropriate plant, sod, and tree selection** - page 34

**Code:** All trees listed as Large or Medium trees ... installed within 6' of an existing sidewalk or Public infrastructure shall use a root barrier system as approved by the Department.

**Comment:** Does this section require the Parks and Recreation Department to install a root barrier in all Street Tree installations that meet the intent of this section.

Secondly, will the Tree Canopy Trust fund pay for this installation?

**(Sec. 47-21.8. P.)** pages 34 and 35, **Comment:** Credit for existing tree- equivalent value should be given. If it will take 4 trees to replace you should get equal credit if it remains. Also, no credit for trees in poor health should also translate to no mitigation to remove a tree in poor health. Not sure why it has to be more complicated than equivalent value.

**SECTION 8.**

**Sec. 47-21.9. - Installation.** pages 37 thru 44

**(Sec.47-21.9. E)** page 38, **Code:** *New trees required to be installed shall be planted so normal growth and aesthetic appearance will not be impaired, and so...*

**Comment:** Minimum spacing has now been established in **(Sec. 47-21.12 A.6.b)** page 50 and **(Sec. 47-21.12.C.3.)** page 53, similar to Orlando in this Ordinance, helping to eliminate the overplanting that is currently occurring. Large Tree 25 feet, Medium Tree 20 feet and Small Tree 15 feet, between like trees.

However, this text must be added into the definition section under as a new definition, *Tree Spacing*, after definition #89, page 19, plus expanded and clarified as below:

The text needs to state: the larger of the minimum tree spacing takes precedence; meaning no Medium or Small Tree can be closer than 25 feet from a Large Tree or Small Tree can be no closer than 20 feet from a Medium Tree.

**Comment:** This section is intended to promote the proper spacing between tree types and wouldn't it be better to spell out minimum installation spacing such as 15' between Large trees and Small trees rather than leave approvals to the Plans Examiner's discretion. Examination of current installations do not exhibit that the staff is requiring any adequate spacing at all.

**Comment:** Why does the Ordinance include a second required spacing of tree/palms from light poles in (Sec. 47-21.9.F) page 38, Eliminate this section as the pole locations are easier to adjust than tree/palm locations.

**(Sec. 47-21.9. F.)** page 38, **Comment:** No definition on height of light pole...difference if it's a pedestrian light pole and under the canopy of tree, distance should not make an impact. Ordinance must reference height of light pole.

**Sec. 47-21.9. H. - Installation** - page 38, **Code:** *Large Trees and Large Palms shall be located a minimum of twenty (20) feet away from structures. Medium Trees shall be located a minimum of fifteen (15) feet away from structures. Small Trees shall be located a minimum of ten (10) feet away from structures.* **Comment:** This tree spacing where a 25' front yard building setback exists, will require the use of Structural Soil under the sidewalk, thereby requiring the removal and replacement of any existing sidewalk and most likely be in conflict with the placing requirement for the Street Trees listed below in (Sec. 47-21.9.I.) page 38.

**(Sec. 47-21.9.I.) - Minimum Tree Spacing Requirements.** page 38, **Comment:** Current installations seemingly do not meet this criterion. Secondly, when Front yard or site area trees and Street trees are required there will likely be a spacing conflict between the required tree types (sizes). Front yard Large Tree and the Street Tree(s). Thirdly, shouldn't there be a spacing requirement between trees of different sizes.

**Sec. 47-21.9.K.1. - Installation - Cutouts in a non-pervious surface** - page 39  
**Code:** *Provide eight feet (8') by eight feet (8') for trees having an average mature canopy spread of greater than thirty (30) feet.* **Comment:** How does this requirement work in the RCA where sidewalks are less than 12' wide and what are the handicap, ADA, requirements for a clear passage width? Secondly, given a ROW swale of 8' in width with a 4' tree setback from the curb, what is required design of the cutout for a (large tree) in the adjacent sidewalk?

**(Sec. 47-21.9. L.)** page 40, **Comment:** Soil Volume should not be represented in volume as most our tree roots grow in the first 18-24". This needs to be the minimum planting area (square feet) with a minimum dimension. A shade tree ideally would be 18' x 18' minimum. City should refer to IFAS area requirements.

**(Sec. 47-21.9.L.1.,2. and 3) Minimum soil volume requirements for Large Trees** - page 40  
**Code:** *Minimum soil volume requirements for Large trees shall be Twelve-hundred cubic feet (1,200 ft<sup>3</sup>) with a minimum of three feet (3') depth....* Somewhat less for smaller trees/palms.  
**Comment:** It is unlikely that most Large Tree installations in the VUA or Right of Way swales where Street Trees are required cannot meet the currently proposed soil volumes in this Ordinance and will require the installation of either Structural Soil or a Modular Suspended Pavement system. Current cost estimates for either of these two options for the VUA, provided by local nursery industries, are estimated between \$5,000.00 to \$8,000.00 per landscape area. Tree cost is not included.

The new verbiage in **(Sec. 47-21.9.L.5.)** page 40 and 41 that, **Code:** *Cost considerations shall not be considered a sufficient sole reason for use of structural soils* **Comment:** doesn't make any sense but seems to convey that one cannot use the costs for installing either of the suggested solutions can be used as an excuse to avoid their use.

Please explain how this quantity of soil for each tree size was derived at because it seems excessive and extremely expensive. Consider in response the following:

For Large trees, twelve hundred cubic feet of soil would seem to represent a space that is generally 20' x20' by 3' deep or perhaps a smaller area if the soil depth was say 6'

deep as there does not seem to be a limitation on depth in the code. Is the use of a deeper soil pocket acceptable?

The available options where soil volumes cannot not be provided seem as follows:

- Increase the landscape area or:
- Incorporate the use of a mechanical method such as Structural Soil or modular suspended pavement systems to provide the required volume either of which are extremely expensive.

It seems doubtful, based on my information that the soil depth needs to be excavated to 36" deep unless the original sandy loam has been removed or drainage is not acceptable.

**Soil requirements when a landscape area is located in a VUA**, there are two choices to provide the soil quantity.

**Choice #1.** Increasing the pervious area as required in this section for each Large Tree would require the at least three (3) parking spaces. Deducting dimensional allowances for the required curbing and support for the edge of the asphalt adjacent to the pervious area would yield approximately 400 sf and at 3' of depth the minimum soil volume can be provided.

**Choice #2.** If Structural Soil is required in the two spaces flanking the original 9' x 18' island to meet the soil requirement for a large tree, the area for these two spaces = 270 sf. With a three (3') depth, the soil volume would be approximately 800 cu. ft. or 30 cu. yds. of soil. With the original island at a depth of 3' = 460 cu. ft. the total of all the areas would contribute the total volume to satisfy the new Draft code requirement. The anticipated installation cost for this landscape area would be the wholesale cost for the Structural Soil @ \$80/yd or the installed cost for the two spaces would be perhaps \$7,000.00. If the minimum depth is revised to 24" which would more likely provide the requirements of our South Florida tree roots, the minimum soil volume requirements could be reduced and thus a reduction of the cost. **(Sec.47-21.9.E.)** page 38 .... *new trees are to be installed so uppermost roots are visible and level with grade.* **Comment:** This requirement encourages root growth in the upper level of the surrounding soil and supports the 24" minimum depth input.

**Comment:** Without an adequate explanation of why the large soil volumes are proposed in this Ordinance, consider the following suggestions. There are many examples of successful tree growth and maturity in landscape areas of a lesser dimension and staff might be considered to reduce the soil volume to something like 500 Cu. Ft for large trees. Utilizing just two VUA parking spaces, deleting areas for curbing and edge support for the adjacent asphalt, the area would be approximately 260 SF. Reducing the soil depth to 24" rather than 36", the soil quantity would be 500 Cu. Ft. There should be similar soil reductions for the other tree sizes.

**Comment:** With reference to required soil volumes, **(Sec. 47-21.9.L. 1,2,3 & 4)** page 40, please explain how the staff established the quantities and why a depth of three 3' when another section requires excavation to 24".

**Comment:** (Sec. 47-21.9.L.5) pages 40 and 41, cost is a factor. Obviously, it's not for the City but for the residence it is. If code didn't over prescribe then required landscape would fit on site and not require engineered soil. Cost of develop shouldn't go up because of poor ordinance.

**Comment:** (Sec. 47-21.9. Q.) pages 42 and 43, *Synthetic Turf* - City is over prescribing the installation method and length of blades (putting green not permitted). This whole section is way over done and prescriptive.

**SECTION 9.** Note here is where staff has chosen not to include this SECTION nor make a reference in the Ordinance. Assumed to be **Sec. 47-21.10?**

**Comment:** Yes, Section 9. (Sec.47-21.10) is not included as it is IRRIGATION and supposedly no changes by staff. How can they re-write an Ordinance, exclude a SECTION, and not even reference it. They should at least reference it, in the Ordinance. NOTE: However, staff has referred to Irrigation in **(Sec. 47-21.6.A.4. a. thru f.)** page 26,

## **SECTION 10.**

**Sec. 47-21.11. - Maintenance.** pages 44 thru 46

**(Sec. 47-21.11.B.)** page 45, **Code:** *Large trees shall be maintained at an average mature crown spread of thirty (30) feet* **Comment:** The primary goal of the Ordinance was to increase the tree canopy in the City. This requirement, maintained, is completely contrary to this goal and should be deleted.

## **SECTION 11.**

**Sec. 47-21.12. - Landscape requirements for vehicular use areas (VUA).** pages 46 thru 55

**Comment:** (Sec. 47-21.12. A. 2.a.) page 47, Palms omitted from diversity of trees, must be included.

**Comment:** (Sec. 47-21.12.A. 5.a.ii.) a bigger island doesn't translate to more shade.

**Comment:** (Section 47-21.12.4.a.b. and 47-21.12. 5.a.i.ii.a.b.c.d. and 5.b.c.d.) pages 48 and 49 Interior Landscape area needs to be clearer. Terminal Island and Intermediate Island might be clearer/better than Peninsular and Internal Island. Peninsular as defined in **(Sec. 47-21.12.5.a.)** page 48, can only occur at end of a row of parking.

**(Sec. 47-21.12.3.d.) Code:** *Where a business uses a VUA as display area...* page 48

**Comment:** This section has not changed other than adding requirement for Street Trees. It would be much clearer what area is described if the verbiage were to read: Where a business uses a VUA as display area, the first twenty-five percent (25%) of the ~~width~~ depth of the VUA along the major street...

(Sec. 47-21.12.A.5. a.ii.d.) **Peninsular and island landscape areas.** Page 49, **Code:** *It is recommended that the placement of the peninsular islands within the interior of the VUA be staggered, if possible.* **Comment:** The recommendation of the section cannot be implemented defining that the peninsular island location be staggered. See definition # 56 of a Peninsular island- Page 13.- *Peninsular or island landscape area.* A pervious area set aside for landscaping, located at the end of a parking row where it abuts an aisle or driveway. Because the Peninsular islands are located at the end of the parking bays, it is unlikely their location can be staggered. At the very least, the location requirements for each should be separated into two different recommendations.

(Sec. 47-21.12.5.c.) page 49, **Code:** *Peninsular and island landscape areas shall be the same length and width of the adjacent parking space and no less than eight (8) feet in width.*

**Comment:** Correct the width dimension to current Engineering specifications.

(Sec. 47-21.12.A.6.a.) page 50, **Code:** *Driveways facing the public right-of-way shall provide a pervious landscape area with a minimum of one (1) Large or Medium tree per forty (40) feet-*

**Comment:** The large or medium tree required in this section appears to be in conflict with the distance spacing required for the adjacent Street tree(s).

(Sec. 47-21.12.A.6.b.) page 50, **Code:** *Driveways shall have a minimum separation of eight (8) feet from an adjacent driveway within the same development ...shall provide a landscaped pervious area with a minimum of one (1) Large or Medium tree per forty (40) feet.* **Comment:**

The large or medium tree required in this section appears to be in conflict with the distance spacing required for the adjacent Street tree(s). Is this tree requirement in addition to the required Site/VUA trees?

(Sec. 47-21.12.A.6.c.) page 50, **Code:** *Small Trees or palms may be used only if it is not feasible to plant a Large or Medium Tree species in the landscaped pervious area, and at the discretion of the Department.* **Comment:**

Utilizing small trees should be an option rather than the installation of the required structural soil or the modular paving system as required by sub-section (A.6.e.) It should not be required or advisable to need Department discretion.

**Sec.47-21.12.B.4.** page 51, **Code:** *Lighting fixtures with an overall height of more than ten (10) feet shall be located a minimum of fifteen (15) feet away from Large and Medium trees.....and 7.5 feet away from Small trees and Palms.* **Comment:**

Consider spacing palms at least 10' from light poles as palms generally will block the light from anticipated distribution pattern.

Alternatively, the palms could require to be installed with a greater clear trunk that the adjacent light pole.



**(Sec. 47-21.12.C.1.b.)** page 52, **Code:** *Twenty-five percent (25%) of the required trees shall be tree species listed as Medium Trees in the City's Tree Classification List.*

**Comment:** The section requires the use of trees that are listed as Medium Trees and as such precludes the use of trees that are in the large tree category. Again, a prescriptive requirement.

**Comment: (Sec. 47-21.12. A.6.d.)** page 50, **Code:** *Driveways* **Comment:** this is a lot of required trees. VUA includes driveway for # of trees calculated. This is in addition to the site trees, via, perimeter, street, and buffer. This is a new requirement.

Additionally, it needs to state that the larger of the minimum tree spacing takes precedence, meaning no Medium or Small Tree can be closer than 25 feet from a Large Tree or Small Tree can be no closer than 20 feet from a Medium Tree. The use of the Orlando sketch should also be considered, not sure why staff is resistance to using graphics

**Comment: (Sec. 47-21.12.B.4)** page 51, This is also a very good criteria for the Ordinance. It needs to be incorporated in and throughout the ordinance as it defines height of light pole and clear zone required, and consistent with **(Sec. 47-21.9.F.)** page 38,

**(Sec. 47-21.12.C.1.c.)** page 52, **Code:** *Small trees...Palms trees shall be installed.....maintained for maximum canopy spread to offset the urban heat effect.* **Comment:** Why do Small trees and palms need to be maintained?

**(Sec. 47-21.12.C.3.)** page 53. **Code:** *The minimum tree spacing requirements in perimeter landscape areas. Large Trees and Large Palms shall be spaced a minimum of twenty-five (25) feet apart; Medium Trees spaced a minimum of twenty (20) feet apart; and Small Trees and Small Palms spaced a minimum of fifteen (15) feet apart.* **Comment:** This section requires perimeter VUA trees to be installed in the landscape area between the sidewalk and the paved area of the parking lot. It is very unlikely that this landscape area will have sufficient width to provide the minimum soil volumes set forth in this Ordinance and consequently structural soil or a modular suspended pavement systems will be required for most trees in this perimeter landscape area. **Comment:** finally standards for minimum tree spacing: Large Tree 25 feet, Medium Tree 20 feet, Small Tree 15 feet. This is a very good criteria for the Ordinance but needs to be added into the definition section under a new definition, *Tree Spacing*, after definition #89, page19.

Additionally, it needs to state that the larger of the minimum tree spacing takes precedence, meaning no Medium or Small tree can be closer than 25 feet from a Large Tree or Small Tree can be no closer than 20 feet from a Medium Tree.

The use of the Orlando sketch should also be considered, not sure why staff is resistance to using graphics

## **SECTION 12.**

### **Sec. 47-21.13. - Landscape requirements for all zoned districts. Pages 55 thru 63**

**Comment:** Large palms should be considered a Large Tree per canopy definition. If this ordinance is about increasing shade to reduce heat island than include palms.

**Comment:** Species diversity. Canopy is canopy. Why limit palms to 20% of required when canopy of large palms exceeds the definition of shade tree? Once again – google FTL and see how many photos of palms you see...more than 20%, I am sure.

**(Section 47-21.13.B.5.)** page 58, **Code:** *A minimum forty percent (40%) of the gross lot square footage shall be in landscaping... etc.* **Comment:** this may not be physically possible and opens the City to lawsuits. B.3. also, page 57

**(Sec. 47-21.13.B.16.a.,f.& g.) Soil requirements when Street Trees are located in a swale.** page 61 and 62, **(B.16.a.)** page 61, **Code:** *Street trees shall be required along the length of a parcel...in the area located between the street and the property line abutting a street.* **Comment:** The 1,200 Cu. Ft. of soil requirement for Large Trees would require meeting the above section and, in many instances, necessitate the removal and replacement of an existing sidewalk. In the case of the adjacent Street Tree, (40' on center), the removal of the entire sidewalk will be required to provide the required soil quantity. The anticipated installation cost for the sidewalks removal/replacement and the Structural Soil might be perhaps \$1,700.00 per tree.

**Sec. 47-21.13.B.16.b. Code:** *Street trees shall be required along the length of a parcel the property abutting a street. A minimum of seventy-five percent (75%) of the required street trees shall be trees listed as Large Trees or Medium Trees ..and the remaining twenty-five percent (25%) of the required street trees may be a combination of Small Trees, flowering trees, fruiting trees, and/or Large palm species.* page 61. **Comment:** Why was the use of Sabal palms, (grouped in a minimum of three palms left off this list? **Comment:** The tree spacing requirement for Street Trees will, when adjacent to the required trees for the VUA perimeter tree plantings would seem to create a conflict with the required tree spacing as set forth in the Draft.

**(B.16.f.)** page 62, **Code:** *Where the minimum required soil volume cannot be provided ...then a modular suspended pavement system shall be installed under the paved area adjacent to the tree.* **Comment:** If an existing swale width is 6-8', then it appears that this section of code, **requires** the use of a modular suspended pavement system **-Explain** how the usage of the suspended system under the paved area helps provide the required soil volume

**(B.16.g.)** page 62, **Code:** *Where the minimum required soil volume cannot be provided... then a sub-grade soil medium (or structural soil) may be installed to connect open soil space areas between the street and the adjacent sidewalk.*

**Comment:** The verbiage doesn't make any sense?

(Sec.47-21.13.B.16.f.g.) page 61 and 62, **Code:** *Where the minimum required soil volume cannot be provided in the landscape area between the street and the sidewalk.* **Comment:** These sections are mandating the use of modular suspended pavement systems or structural soil and these areas are mostly City owned and cost prohibitive unless otherwise determined by the Department. Text as worded lets the City off the hook but not the public!

## **SECTION 13.**

### **Sec. 47-21.14. - Additional landscape requirements for specific uses. Pages 63 thru 70**

**Sec. 47-21.13.B.16.b.** page 61, **Code:** *Street trees shall be required along the length of a parcel the property abutting a street... A minimum of seventy-five fifty percent (75) (50%) of the required street trees shall be shade trees.* **Comment:** The tree spacing requirement for Street Trees will when adjacent to the required trees for the VUA perimeter tree plantings, conflict with the required tree spacing as set forth in the Ordinance. Some alternative use of smaller trees can resolve the spacing issue but may result in a chaotic landscape design.

**Comment: (Sec. 47-21.14.A.1.a.)** page 63 and 64, still list Gumbo Limbo as a permitted street tree, one of the most aggressive root systems and not a good choice for a mandated RAC street tree. **Comment: Sec. 47-21.14.A.1.b and c.)** have the same cut outs and minimum soil requirements that appear in **Sec. 47-21.12.** and if modified there should be modified here.

**Sec. 47-21.14.A.4.a.i, ii, & iii.** page 67, **Code:** *A.4.a. Structures which enclose parking shall provide a landscape area between the street and that portion of structure...A.4.a.i.- Landscape area square footage shall be determined by multiplying the lineal street frontage of the parking garage structure by five (5). A.4.a. iii. - Landscape area shall contain a combination of continuous trees, shrubs, and ground cover.* **Comment:** The wording of these sections is very ambiguous. The wording: "continuous" does not address the area but the plant material. The code does not define where this landscape area is to be located. Is the landscape area to be continuous and located in the right of way which meets the requirement of "between the structure and the street"? Must the landscape area to be attached to the structure? Can the area be divided into individual cutouts as long as the area of the cutouts provides the total required area?

If the landscape area between the structure and the street is required to be 5' wide, depending on the requirements of the above questions. How can **A.4.iii.** require trees when the minimum separation of trees and the face of a structure is determined by (**Sec. 47-21.9.H.**) page 38. Large tree separation 20', Medium tree separation 15', Small tree separation 10', If the objective is to require sufficient landscape Area?

**Sec. 47-21.14.A.4.b. - Parking garages constructed in residentially zoned districts -** page 68.

**Code:** *Parking garages constructed in residentially zoned districts shall meet the landscape requirement of the district in which the garage is located, in addition to Sec. 47-21.14 A. 4. a.*

**Comment:** Does the code permit parking garages "in residentially zoned districts"?

If the current zoning requires a setback to the structure, why would this section require

**Sec. 47- 21.14.A.4?**

## **SECTION 14.**

**Sec. 47-21.15. – Regulations for the preservation of trees and palms.** pages 70 thru 93 with pages 88 thru 93 all deletions

(Sec. 47-21.15.) pages 82 thru 88, **Comment:** There appears to be a disconnect related to Trees and Palms: Equivalent value of existing trees should be given to the site if it is to remain and/or relocate. Code just gives credit as one tree toward the site. Palms should remain 1:1 replacement. The canopy is the same canopy...therefore it should be 1:1 mitigation. If not condition rating should be included in palms.

(Sec. 47-21.15.3.a.i.,ii.,iii.,iv.,1),2),3),4), and 5.) **Protection Barriers** page 71 and 72, **Comment:** As barricades are one of the most protective and recognizable methods, to protect existing trees the Ordinance should include the sketch already in use by City and required on all landscape plan submittals. A picture is worth 1000 words, why not include?

(Sec.47-21.15. G.9.b.ii.ii and 10.e.) pages 84 and 85, **Comment:** appears to allow for a Tree Inventory under the Urban Forestry Master Plan, which was to be excluded from use of the TCTF. The UFMP must have a minimum time frame for updates, no more than every 10 years, and due to the controversial use of monies to be spent on non-planting of trees, the maximum annual expenditure should not be increased from 20% to 25% but remain at 20%.

**Comment:** Staff had agreed that because a Tree Credit Section of the Ordinance, was not possible to include in this revision, it would be placed in the UFMP, however no line item for Tree Credits is noted to be addressed in (Sec.-21.15.G. 9. or 10.)

## **SECTION 15.**

**Sec. 47-21.16. - Removal of Nuisance Trees and Palms** pages 93 and 94

No Comments:

## **SECTION 16.**

**Sec. 47-21.17. – Public Street Tree Planting Projects.** pages 94 thru 97

No Comments:

## **SECTION 17.**

**Sec. 47-21.18. - Prohibited landscaping.** page 97

**Comment:** Why is the Pongam tree not on the prohibited list, like our neighboring city's

From: [Ella Parker](#)  
To: [Karlanne Grant](#); [Glen Hadwen](#)  
Subject: FW: Comments from the Advisory Group relative to the P & Z Hearing scheduled for December 15th 2021,  
Date: Monday, December 06, 2021 5:27:49 PM  
Attachments: [images zc.png](#)

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FYI

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**From:** John Barranco <[john@bgarchitecture.com](mailto:john@bgarchitecture.com)>  
**Sent:** Monday, December 6, 2021 1:03 PM  
**To:** Ella Parker <[EParker@fortlauderdale.gov](mailto:EParker@fortlauderdale.gov)>  
**Subject:** [-EXTERNAL-] FW: Comments from the Advisory Group relative to the P & Z Hearing scheduled for December 15th 2021,

FYI



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**From:** [cdouglascoolman@aol.com](mailto:cdouglascoolman@aol.com) <[cdouglascoolman@aol.com](mailto:cdouglascoolman@aol.com)>  
**Sent:** Saturday, December 4, 2021 4:01 AM  
**To:** John Barranco <[john@bgarchitecture.com](mailto:john@bgarchitecture.com)>; Brad Cohen <[bmc@floridajusticefirm.com](mailto:bmc@floridajusticefirm.com)>; [marycfertig@gmail.com](mailto:marycfertig@gmail.com); 'BILL ROTELLA' <[wjr@rotellagroup.com](mailto:wjr@rotellagroup.com)>; Jay Shechtman <[jayshec@gmail.com](mailto:jayshec@gmail.com)>; [mike@lasolas.com](mailto:mike@lasolas.com)  
**Cc:** 'Fred Stresau' <[stresau@bellsouth.net](mailto:stresau@bellsouth.net)>  
**Subject:** FW: Comments from the Advisory Group relative to the P & Z Hearing scheduled for December 15th 2021,

Good morning: John, Brad, Mary, Bill, Jay, and Mike,

I am sending you the following information:

**First**, as Fred and I had meet with you personally prior to the November 17<sup>th</sup> P & Z Hearing. Thanks again for your time and interest.

**Second**, I was not sure staff would, include this information in your packet, we provided them late yesterday prior to the self-imposed deadline of 5:00 PM.

**Third**, if it is included in your packet for the 17<sup>th</sup> of December P & Z Hearing, it probably will not be received by you until the 8<sup>th</sup> and we wanted you to have a few more days to review.

**Fourth**, as you always have a vast amount of material to review, we wanted you to note that if you just read the **HIGHLIGHTED IN YELLOW** text in the letter directed to the members of the P & Z Board, you will get a fairly good overview of our concerns with the current Ordinance.

I am not sure what is going to happen on the 15<sup>th</sup> of December, but I wanted to point out one issue that was very apparent at the meeting on the 17<sup>th</sup> of November. \*\*\*\*\*Noted in the 4<sup>th</sup> paragraph of our letter to the Board. Unfortunately, the current Ordinance, adopted in 2015 or the 11/5/21 draft Ordinance will have little or no effect on this increase in the loss of the City's tree canopy. Why do we say this? Earlier this year the Florida Legislature passed Statute 163.045 that permitted a homeowner/property owner to get an "opinion letter" from an Arborist or Landscape Architect. This "opinion letter", stating the condition and/or danger of this tree (s) would allow for its removal, without a permit, and with no recourse for the prevailing governmental body having jurisdiction.

This situation is further acerbated by the proverbial "fly by night" yard/gardener contractor that has little or no regard for any ordinance and removes trees on weekends or in the middle of the night. In addition, the effect of sea level rise is requiring all new constructions to make major changes in the elevation of a property. Raising the grade significantly, from the existing street level, is also impacting the loss of all vegetation and our tree canopy.

This situation with the State Statute 163.045, does not negate the necessity to have our Landscape and Tree Preservation Ordinance, appropriately reviewed. Therefore, take the time to get it right, even if it takes a few more months. If you have any questions or would like to meet personally and individually, please contact Fred at 954-629-3133 or myself at 954-240-7000 .

Doug

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**From:** [cdouglascoolman@aol.com](mailto:cdouglascoolman@aol.com) <[cdouglascoolman@aol.com](mailto:cdouglascoolman@aol.com)>  
**Sent:** Friday, December 03, 2021, 4:37 PM  
**To:** 'Glen Hadwen' <[GHadwen@fortlauderdale.gov](mailto:GHadwen@fortlauderdale.gov)>  
**Cc:** Ella Parker ([EParker@fortlauderdale.gov](mailto:EParker@fortlauderdale.gov)) <[EParker@fortlauderdale.gov](mailto:EParker@fortlauderdale.gov)>; 'Fred Stresau' <[stresau@bellsouth.net](mailto:stresau@bellsouth.net)>; 'Natalia Barranco' <[natalia@b-rla.com](mailto:natalia@b-rla.com)>; 'Earth Advisors' <[eai@earthadvisors.com](mailto:eai@earthadvisors.com)>; 'emily@2gho.com' <[emily@2gho.com](mailto:emily@2gho.com)>; 'Alex Fenech' <[afenech@edsaplan.com](mailto:afenech@edsaplan.com)>; 'Jeremy Chancey' ([jeremytchancey@gmail.com](mailto:jeremytchancey@gmail.com))



**DRAFT**

**PLANNING AND ZONING BOARD MEETING MINUTES  
CITY HALL COMMISSION CHAMBERS**

**100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301  
WEDNESDAY, NOVEMBER 17, 2021 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

**June 2021-May 2022**

<b>Board Members</b>	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Jacquelyn Scott, Chair	P	6	0
Brad Cohen, Vice Chair (d. 6:38)	P	4	2
John Barranco (arr. 6:03)	P	5	1
Mary Fertig	P	6	0
Steve Ganon	P	6	0
Shari McCartney	P	6	0
William Rotella	P	5	1
Jay Shechtman	P	5	1
Michael Weymouth	P	5	1

It was noted that a quorum was present at the meeting.

**Staff**

Ella Parker, Urban Design and Planning Manager  
D'Wayne Spence, Assistant City Attorney  
Shari Wallen, Assistant City Attorney  
Trisha Logan, Historic Preservation Planner  
Jim Hetzel, Principal Planner  
Christian Cervantes, Urban Design and Planning  
Karlanne Grant, Urban Design and Planning  
Glen Hadwen, Sustainability Manager  
Mark Williams, Urban Forester  
Adam Schnell, Urban Design and Planning  
Istvan Virag, Transportation and Mobility  
Tedra Allen, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Chair Scott called the meeting to order at 6:00 p.m. Roll was called and the Pledge of Allegiance was recited. The Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

**II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM**

~~**APPLICANT:** City of Fort Lauderdale  
**GENERAL LOCATION:** Citywide  
**CASE PLANNER:** Jim Hetzel~~

~~Mr. Hetzel advised that this Item would correct two sections of Code: Section 47-13.20, which addresses the Downtown Regional Activity Center (RAC) review process, and Section 47-24, which involves development permits and procedures. Both items would correct scrivener's errors and other minor mistakes.~~

~~Ms. Fertig recalled that on September 16, 2020, the Board proposed a number of amendments to the Downtown Master Plan, which were sent to the City Commission. The minutes of the November 4, 2020 City Commission meeting indicate that Staff informed the Commission they had not had sufficient time to research these proposed amendments. She asked if this research has been completed.~~

~~Ms. Fertig further clarified that the proposed amendments addressed the following:~~

- ~~• Tower separation~~
- ~~• Minimum unit size~~
- ~~• Parking~~

~~Ms. Parker replied that Staff adopted a parking standard which has come before the Planning and Zoning Board some months ago. Staff also addressed the remaining items and sent a communication to the City Commission identifying a number of issues on which they were not moving forward, based on analysis. This included tower separation, which was adopted with a proposed separation distance of 60 ft.~~

~~There being no other questions from the Board at this time, Chair Scott opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.~~

~~**Motion** made by Ms. McCartney, seconded by Mr. Ganon, to approve. In a roll call vote, the **motion** passed 8-0.~~

**5. CASE: UDP-T21002**  
**REQUEST:** \* Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-21, Landscape and Tree Preservation Requirements  
**APPLICANT:** City of Fort Lauderdale  
**GENERAL LOCATION:** Citywide  
**CASE PLANNER:** Glen Hadwen and Mark Williams | Public Works Sustainability Division

Glen Hadwen, Sustainability Manager, showed a presentation on proposed amendments to Section 47-21 of the ULDR, which address landscape and tree



preservation. These revisions were initiated in response to City Commission concerns with the preservation of specimen growth trees and the application of existing tree preservation Code to tree removal during development.

A previous draft of this Ordinance was presented to the Planning and Zoning Board on March 30, 2021. In response to the direction provided at the March 2021 meeting, the City has retained consultant Calvin, Giordano and Associates to provide additional expertise in the area of landscape architecture. They have led the revision process and facilitated stakeholder meetings.

This effort is aligned with the City's Strategic Plans and is intended to address urban forestry concerns in a comprehensive manner, with the goal of having a more streamlined and consistent application of regulations and strengthening tree preservation as a whole. The 2020 Strategic Plan, Press Play, emphasizes cross-departmental collaboration. The updates also align with the Advance Fort Lauderdale 2040 Comprehensive Plan's Future Land Use, Conservation, and Urban Design elements.

Mr. Hadwen recalled that Staff presented an introduction to the concepts under consideration for amendment at a November 2019 City Commission Conference Agenda meeting. The Commission then directed Staff to proceed with the revisions. The first draft was shared for public review in June 2020. Since that time, proposed changes have been presented to various stakeholders, including many industry professionals, developers, internal Staff, and the general public.

Based on stakeholder feedback, Staff revised the text incorporated in these changes prior to the March 2021 Planning and Zoning Board meeting. There were 30 meetings with both internal and external stakeholders, including a number of stakeholder groups listed in the Staff Report. Three additional such meetings have been held since the March 2021 Planning and Zoning Board meeting.

Mike Conner, representing consultant Calvin, Giordano and Associates, explained that the firm was engaged by the City of Fort Lauderdale in April 2021. After an extensive review of documentation, they developed a list of 30 major issues based on the input of the stakeholder advisory group. Three additional meetings were held in May and June 2021 for further discussion, and documentation was further reviewed with City Staff.

At the end of this process, a first draft of proposed changes to the Ordinance was distributed to stakeholder groups, Broward County, and the City Attorney's Office in late June 2021. The City Attorney's Office included a number of additional comments that necessitated further meetings between consultants and Staff. Another draft was prepared in October 2021, and distributed to the stakeholder group on October 15. Subsequently, final revisions were made in response to comments from the City Attorney's Office and the Department of Sustainable Development (DSD). The final

Ordinance included in the Board members' backup materials was distributed on November 5, 2021.

Some of the significant changes to the draft Ordinance address the following:

- Revision of definitions to address concerns with caliper versus diameter
- Definition of "specimen trees" and the criteria required for this term
- Updated tree classification list to reflect amended definitions and criteria
- Percentage of allowed lawn, turf, or sod areas with respect to water conservation
- Use of modular/extended pavement systems and structural soils
- Shade tree usage and required percentage
- Equivalent replacement and value calculations for removed trees
- Criteria for the spacing of shade trees from buildings, streets, and each other
- Requirement of more information in the landscape/tree document packet required at the time of permitting, including irrigation and lighting/electrical plans
- Use and installation of synthetic turf
- Stronger tree protection barricade and signage requirements

**Motion** made by Mr. Weymouth, seconded by Mr. Ganon, to make the Staff Report part of the record. In a voice vote, the **motion** passed unanimously.

Ms. Fertig requested clarification of when the most recent public meeting with the advisory group was held. It was confirmed that this was in June 2021. Any further communications were sent via emails to the group and the City Attorney's Office. The final report was provided to the community in November 2021, although Mr. O'Connor noted that there were no significant changes to the proposed Ordinance since it was first sent to the City Attorney.

Ms. Fertig also requested clarification of the changes recommended by the City Attorney's Office. Mr. Conner replied that one of the focus items addressed the phrase "to be determined by Department Staff." The City Attorney recommended that the team be more specific in determining criteria rather than leaving them to the discretion of Staff.

Mr. Barranco commented that the revised Ordinance is very lengthy, and he was not comfortable voting upon it at this time, as he has not yet been able to review the entire document in detail. He expressed concern that the stakeholders may also have lacked sufficient time to adequately review the document. Ms. Fertig also noted the importance of allowing the City's neighborhoods to review the proposed Ordinance and become comfortable with its specifications.

Ms. Fertig continued that she also felt it was extremely important to move the Ordinance forward. She pointed out that as the issue continues to be discussed, the City is losing more and more of its tree canopy. She emphasized that there may be no concerns sufficiently critical to continue to delay passage of the revised Ordinance.

Mr. Shechtman commented that this Ordinance is very important to a broad and diverse range of people and neighborhoods, and it is not possible to craft a version that will win everyone's approval. He felt it is the Board's role to listen to proposals on all sides of the issue and arrive at a compromise.

There being no further questions from the Board at this time, Chair Scott opened the public hearing.

Nancy Long, president of the River Oaks Civic Association, advised that the Ordinance has been discussed at length by this group. She expressed concern with the proliferation of development in her neighborhood and its effect on the shade canopy, and urged the Board to approve the proposed Ordinance, with amendments to be made at a later time if necessary.

Ms. Fertig asked if Ms. Long felt the Ordinance would address some of the issues her neighborhood has experienced in recent years. Ms. Long replied that while the Association feels some of the aspects of the Ordinance could be stronger, they believe it can be helpful. She specifically recommended stronger penalties for the illegal removal of specimen trees.

Mr. Conner advised that he understood all trees are treated equally under the current Code, regardless of whether or not they are classified as specimen trees. The proposed language will require that specimen trees of a certain size and condition require evaluation and appraisal by a certified arborist to determine their value prior to any removal.

Assistant City Attorney D'Wayne Spence stated that he has been involved in the crafting of this Ordinance since 2019. He addressed the penalty and/or fee as well, as this was an issue that was discussed at length by Staff early in the process. The state of Florida considers any fee that is not a regulatory or user fee to be a tax or penalty, which means the City may not impose what the state views as "illegal taxes" unless authorized to do so by the state.

Attorney Spence continued that the fee structure proposed in the Ordinance is established as regulatory fees, which are paid into a trust fund. The formula developed by the consultant is based on the value of the tree that is being removed. The actual fee is capped at this value.

Bianca Bryant, private citizen, provided a photograph for the record, stating that developers and builders in the River Oaks neighborhood often remove oak trees that have been alive for many years. She pointed out that fully mature oaks cannot be adequately replaced, and emphasized the importance of passing the proposed Ordinance. She also stated that developers sometimes proceeded with attempted removal of existing trees without permission.

Ms. Fertig asked if the proposed Ordinance would help prevent the issues described by Ms. Bryant. Mr. Conner confirmed this, stating that the additional enhancements required at the time a landscape or tree permit is issued would help DSD Staff better evaluate the condition of existing trees. If the developer cannot work around the existing trees, they might be asked to relocate them if possible. If not, they would have to seek a tree removal permit and/or provide replacement trees or the placement of the equivalent value of the tree into a trust fund, which would permit the City to plant new trees elsewhere in the City to offset the loss of canopy. Mr. Conner concluded that the value of a specimen oak tree would be significantly increased by the proposed Ordinance.

Ms. Fertig also asked Attorney Spence if he felt the proposed Ordinance would address the concerns raised thus far during public comment. Attorney Spence replied that Mr. O'Connor's explanation of how the Ordinance addresses removal and replacement of trees was accurate. Mr. Shechtman noted, however, that while the Ordinance would increase the burden placed on developers who removed trees, it may not actually prevent that removal.

Mark Williams, Urban Forester, advised that the City has proposed a set criteria package that must be followed when reviewing plans for tree removal. The proposed Ordinance would require that the owner or developer of a property seeking to remove a tree must provide a valid reason to do so, such as poor condition of the tree, damage to existing property or foundations, or other considerations.

Mark Cantor, private citizen, stated that while the proposed Ordinance would be an improvement over the existing one, it could also be better. He hoped to stop the removal of specimen oak trees without permitting, pointing out that this has been done in the past on Riverland Road. He did not feel the proposed fines for this type of activity would be a meaningful deterrent to builders.

Chair Scott asked Mr. Conner to describe how fines are addressed within the proposed Ordinance. Mr. Conner replied that he could not speak to fines, but reiterated what is required for tree removal permits and the replacement or equivalent value payment of trees.

Attorney Spence addressed fines, again pointing out the limitations that are placed by the state of Florida on the City's ability to increase them. Fines are established by State Statute Chapter 162, which places an upper limit on fines for specific violations.

Ms. Fertig asked what the penalty would be if an individual developer removes trees without a permit. Mr. Hadwen explained that this is addressed within the Ordinance: there is a \$1000 for the first offense, and the responsible party must pay the equivalent value of the tree. The fine increases to \$2000 plus twice the equivalent value for a repeat offense.

Chair Scott asked what a citizen could do to stop this activity if it is witnessed. Mr. Hadwen replied that they should call Code Enforcement. It was further clarified that Code Enforcement has a 24-hour hotline that can be contacted in this case. Action would depend on what is being done with regard to trees, such as complete removal, pruning, or other activity.

Ms. Fertig noted that every public speaker thus far has been able to provide examples of this type of activity occurring in their neighborhoods. She asserted that the Ordinance should put a process in place to prevent the removal of trees by developers.

It was further clarified that while a fine for tree removal is set by State Statute, the equivalent value of a tree is not. This value can now be up to \$100,000 per tree, and is multiplied for repeat offenses.

Chair Scott asked if the Ordinance addresses improper pruning or trimming. It was noted that this ties into a County Ordinance regulating tree trimming. All tree trimmers must be licensed and insured to work within Fort Lauderdale and must follow appropriate procedures for structural pruning. If responsible parties do not follow the correct procedures, they will be subject to citations and/or fines. This was not previously included in any Ordinance.

Karlanne Grant, representing Urban Design and Planning, clarified that the property owner would be the party to receive a citation of this type. Broward County pursues the issue with the tree trimmer or other party.

Ms. Fertig asked which parts of the Ordinance the public would like to see strengthened further. It was pointed out that while Code Enforcement is asked to enforce the Ordinance, they are not on duty 24 hours per day. While the Ordinance is an improvement, an unscrupulous developer may still find ways around it.

With regard to penalties and the value of the trees, Mr. Williams further clarified that fines for the illegal removal of a tree would be levied in addition to requiring the responsible party to pay the value of the tree or trees they removed. Attorney Spence referred the Board members to the tree mitigation calculation requirements on p.82 of the Ordinance.

Charlie Lachoff, private citizen, felt Staff and the consultants have done a good job developing the proposed Ordinance, and emphasized the need to take stronger action against developers who remove trees illegally.

Mr. Barranco addressed the section of the Ordinance reflected on p.82, pointing out that the monetary value of an illegally removed tree is multiplied by a delta factor. Mr. Williams explained that this multiplier is clarified under Section J.1.A.2.

It was also noted that a percentage of the Tree Canopy Trust Fund into which these payments are made can be used toward auxiliary needs as well as tree planting. One suggestion is that these monies go toward the creation of an Urban Forestry Master Plan for the City. This would allow all City Staff to determine their specific roles regarding trees, including Code Enforcement. The first goal would be for developers to find ways to work around trees on a site; if this is not possible, they would then be permitted to relocate, replace, or reimburse the value of the tree.

It was further clarified that an Urban Forestry Master Plan would provide for improved communication among various City Departments that are involved with trees, including DSD, Engineering and Public Works, Code Enforcement, the Police Department, and others.

Doug Coolman, private citizen, stated that one reason for a recent increase in lost trees is a change in Florida law which allows homeowners to remove trees without permits if the removal is accompanied by a report. There is no action the City can take to dissuade this.

Mr. Coolman continued that the proposed Ordinance that came before the Board in March 2021 was incomplete and required modification. He felt the current proposed Ordinance is a significant improvement; however, he felt this updated document is also incomplete and must be reviewed further, particularly by stakeholders and Staff. He asserted that at least two more weeks would be necessary to complete this review and reach consensus.

Fred Stresau, private citizen, recalled that a question was asked regarding which portions of the proposed Ordinance stakeholders felt should be strengthened. He cited a section of the Ordinance that now permits landscape designers to participate in the preparation of plans as well, which he felt was a problem, as landscape designers may not be permitted to sign these plans.

Mr. Stresau continued that another issue is the requirement of 50% native plants, shrubs, trees, or other ground cover. He felt this limitation would hamper professionals' ability to create appropriate design. He also addressed spacing between trees of similar sizes, pointing out that there are no guidelines for the spacing between trees of different sizes.

Mr. Stresau also referred to soil requirements for individual trees. He provided the Board with a document prepared by a soil consultant, which states that some material may inhibit the growth of plants. He concluded that there are additional portions of the Ordinance that require further review.

Mr. Conner pointed out that the majority of the changes made in consultation with the advisory group occurred during their three meetings. Staff then revised the Ordinance based on comments provided from Broward County and by the City Attorney's Office.

He felt the group has had sufficient time to review the significant changes to the Ordinance. He also cautioned that sending the proposed Ordinance back to the advisory group could result in “start[ing] the process all over again” and postponing its adoption for months.

Ms. Fertig asked when the Ordinance would go before the City Commission if it is approved at tonight’s meeting. Attorney Spence replied that this would be approximately six to eight weeks. He added that the communication between Staff and the advisory entity has also involved the City Commission and City Manager’s Office, and these parties are familiar with the discrepancies between what is proposed by Staff and what was suggested by the working group.

Chair Scott advised that her greatest fear is for the continued delay of the proposed Ordinance, and noted that it is unlikely for all parties to reach full consensus on the finished product.

Mr. Shechtman pointed out that some of the issues raised by members of the advisory group, including spacing between different-sized trees and structural soils, were of interest to the Board. He requested additional information on these. It was clarified that the section referring to tree spacing is new language, and what is currently in the Ordinance was agreed upon by the advisory group as a whole.

With respect to structural soils vs. suspended pavement systems, Staff and the advisory group discussed this at length without reaching unanimous agreement and determined that developers should be required to provide sufficient space for trees to grow naturally. If this is not possible, they must then look at the suspended pavement system, and finally, under limited circumstances, structural soils would be a last resort.

Ms. McCartney commented that the section of the Ordinance addressing synthetic turf could be perceived as micromanaging the issue. It was clarified that this turf could be used in certain areas to help conserve water. It was also noted that the reference to 50% native plants has been in the existing Ordinance for some time, and that licensing law permits landscape designers to prepare plans in some cases.

The following individuals provided public comment via Zoom.

Trudy Jermanovich, private citizen, observed that it may be significantly more expensive to plant new trees than to leave existing old growth trees in place. She felt climate change should be a consideration of the Ordinance.

Jane Kish, private citizen, expressed concern that it may be some time before action is taken on the Ordinance, and recommended that it be moved forward in some way. She did not object to the two-week time frame previously suggested during public comment.



As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Ms. Fertig asked if there are incentives for the protection of specimen trees. It was clarified that these include replacement of the tree, payment of equivalent value, and creation of an Urban Forestry Master Plan to improve coordination between Departments.

Chair Scott asked if it would be possible to provide incentives to developers who maintain existing trees, such as amending setback requirements. Ms. Fertig commented that she would like to see a system of incentives for preservation of specimen trees.

Ms. Fertig also addressed the Urban Forestry Master Plan, stating that she would like to see language in the Ordinance requiring the creation of this document using money from the Tree Canopy Trust Fund. She continued that tree spacing should be taken into consideration in order to enhance the City's tree canopy, and that the City should explore grants to help preserve old growth trees. She concluded that she would like to see the Ordinance advanced with specific recommendations from the Planning and Zoning Board.

Attorney Spence advised that the Board's recommendations and directives should be sufficient, with the possible exception of the spacing issue. He stated that Staff can attempt to address this issue further before the Ordinance goes to the City Commission.

Ms. Fertig concluded that while she felt the Ordinance could be deferred for one month to make improvements, she would not be in favor of a longer deferment.

Mr. Shechtman observed that he was more confident in the proposed Ordinance than he had been in March 2021 when it first came before the Board.

Mr. Weymouth commented that one month's deferment of the issue could provide the needed time for the advisory group to review issues of concern in the proposed Ordinance. Mr. Rotella agreed that the two weeks requested by the advisory group did not seem unreasonable, as its members seemed close to arriving at an agreement.

Mr. Barranco offered a number of suggestions relating to the proposed Ordinance:

- Use the phrase "per the adopted Code" throughout the Ordinance
- Clarify definitions of "grass" and "grasses"
- Remove references to arbors and pergolas from the section on hardscapes, as these are overhead structures rather than part of a hardscape
- Clarify the perimeter referred to in the definition of interior parking
- Definitively determine whether or not a landscape and tree packet will be required at the time of permitting, as referred to on p.11; also further clarify what may be included in this packet
- Clarify the term "soft engineering"



- Clarify language referring to “nuisance trees”
- Clarify definition of “ornamental plant”
- Clarify what is meant by “structures” in the phrase “distance from structures,” and make “tree distance from structures” more specific
- Address how the rights of a property owner may be affected by the rights of an adjacent property owner, as with a tree whose branches or roots may cross property lines
- Clarify references to utility infrastructure in relation to distance from trees

Mr. Barranco added that he understood structural soil to refer to a patented material including clay and other natural materials. Because it is proprietary, Code cannot describe its composition. He recommended that the City Attorney’s Office provide more information to the Board or address the definition of this material in Code.

Ms. Fertig observed that many of the Board members may have items they would like to see addressed or included within the proposed Ordinance, and asked if it would be possible for the members to provide Staff with a list of their comments and/or concerns, which Staff could bring back to the December 2021 meeting for additional discussion. Mr. Conner replied that it was not feasible to complete this for the December meeting, as Staff would need to meet and discuss all the submitted comments, include any agreed-upon changes into the document, send it to the City Attorney’s Office, Broward County, and other Department heads, and then submit it to the Board.

Ms. Fertig asked if the proposed Ordinance could be moved forward with the list of comments, so Staff and the consultant may review them before the Ordinance goes before the Commission. She pointed out that most of the suggested changes seem to be clarifications rather than substantive amendments. She also expressed concern that the Board may eventually hear an item that involves one of the elements they felt should have been addressed within the Ordinance.

Mr. Conner further clarified that Staff and the consultants would not be able to act on the Board members’ comments due to procedural time limits. Work on the Ordinance has already been underway for roughly eight months, while nine months is the time frame in which Ordinances are typically prepared and passed. Another issue is the consultant’s contract, which would need to be extended to include this additional time.

Chair Scott requested clarification of the time frame of the City Commission approval process, asking if there may be time for amendments or corrections to be made within that time frame. Attorney Spence advised that the Board is functioning as a local planning agency (LPA) in this case, with their recommendations forwarded to the City Commission for consideration.

Mr. Barranco stated that his intent was to ensure the items within the Ordinance that concerned him are part of the record. He added that there should be a way to pass these, and the other members’ concerns, along to the consultants without making it part

of the public process. He suggested that the consultants be allowed to reach out to the Board members for their feedback in advance of a public hearing, as this could make the process less time-consuming.

Attorney Wallen stated that Staff has been informed that it is preferable for the Board to pass the proposed Ordinance on to the City Commission with a recommendation for either approval or denial, along with their comments. Ms. Fertig requested the source of this directive, expressing concern that the Board would not be fulfilling its charge as LPA if they pass items on to the City Commission without addressing comments and concerns raised during discussion of the items.

Attorney Wallen reminded the Board that a document including their individual recommendations may be passed on to the City Commission as an exhibit, along with their recommendation regarding the Ordinance. She also noted that City Commissioners may or may not be in attendance at Planning and Zoning Board meetings, where all comments are made in a public format. She reiterated that it is requested that the Item be sent to the City Commission with a recommendation of either approval or denial.

Mr. Barranco asked if Planning and Zoning Board members have personal liability: for instance, whether or not they can be held liable for decisions they make as a function of their Board membership. Attorney Spence replied that they have no such liability. Mr. Barranco explained that he was concerned with whether or not the Board should “push things along.” He added that he would like to attach his concerns in written form so they can be seen by the Commission and are part of the public record.

Mr. Barranco continued that while the intent of the Ordinance is good, he felt there are sections that could be made clearer and/or more definitive. He also expressed concern that some portions of the Ordinance are too specific. He cautioned against tying the hands of landscape designers through over-regulation.

Mr. Weymouth commented that the Board should determine a time by which their written comments on the Ordinance must be submitted. These would be included in the members’ backup materials prior to the December 15, 2021 meeting, at which time they would have reviewed the materials and would be prepared to vote on it.

**Motion** made by Mr. Shechtman that we move this forward for approval, along with our original comments that we would like to add to that. The **motion** died for lack of second.

**Motion** made by Mr. Weymouth, seconded by Mr. Rotella, to defer this to a time certain of the December Planning and Zoning Board meeting, at which time all submitted requests of modifications or considerations to the Ordinance be attached to the Ordinance for the City Commission to consider.

Mr. Weymouth further clarified that this meant the Board members' comments would be attached to the Ordinance. Ms. Fertig noted that this would provide the Board members with an opportunity to see their fellow members' comments in an organized way. Chair Scott stated that she was concerned with any further delay of the Ordinance.

In a roll call vote, the **motion** passed 6-2 (Chair Scott and Ms. McCartney dissenting).

It was clarified that the Board members would submit their written comments to Ms. Parker's Office no later than 5 p.m. on December 3 for inclusion in the information packet and consideration at the December 16, 2021 meeting.

**7. CASE: UDP-T21010**

~~**REQUEST:** \* Amend the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Establishing Section 47-23.16, Affordable Housing Regulations; Amend Section 47-13.30 SRAC, Table of Dimensional Requirements; Amend Section 47-13.31 NWRAC MU Table of Dimensional Requirements; Amend Section 47-13.51, SRAC-Sa Special Regulations; Amend Section 47-13.52, NWRAC-MU Special Regulations; Amend Section 47-20.3, Reductions and Exceptions; Amend Section 47-24.1, General Table 1. Development Permits and Procedures; and Section 47-37b.3, Applicability and General Regulations.~~

~~**APPLICANT:** City of Fort Lauderdale~~

~~**COMMISSION DISTRICT:** Citywide~~

~~**CASE PLANNER:** Adam Schnell~~

~~Adam Schnell, representing Urban Design and Planning, showed a presentation on proposed affordable housing text amendments. The intent of these regulations is to provide incentives to developers for the construction of affordable housing. He noted that this is also known as "workforce housing," as it targets individuals and families earning incomes of between 60% and 100% of area median income (AMI).~~

~~The target areas for this housing are primary corridors of the City's the Regional Activity Centers (RACs), including the Uptown Urban Village area. These areas permit development with higher density, walkability, and access to multimodal transportation options.~~

~~The Department of Housing and Community Development (HCD) already focuses on providing housing to families who earn between 30% and 60% of median family income (MFI); however, the state traditionally cuts off funding for housing for families earning 60% or greater of MFI. In addition, housing costs have increased significantly over the last 10 years while wages have remained stagnant. This leaves many households without access to affordable housing. The intent of the City's regulations is to focus on~~

**Motion** made by Ms. Fertig, seconded by Mr. Weymouth, to approve it. In a voice vote, the **motion** passed unanimously.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:18 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

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Chair

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Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]