

**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>	47-21.1 Intent and Purpose 47-21.2 Definitions 47-21.3 General Provisions 47-21.5 Permit Required 47-21.6 Landscape Plan Required 47-21.7 Soils 47-21.8 Appropriate Plant Selection, Locations, and Arrangement 47-21.9 Installation 47-21.11 Maintenance 47-21.12 Landscape Requirements for VUA 47-21.13 Landscape Requirements for Zoning Districts 47-21.14 Landscape for Special Districts 47-21.15 Tree Preservation 47-21.16 Removal of Trees and Dead Trees Constituting a Public Nuisance 47-21.17 Street Tree Planting 47-21.18 Prohibited Landscaping	
<b>Notification Requirements</b>	10-day legal ad	
<b>Action Required</b>	Recommend approval or denial to City Commission	
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		<i>ER</i>

**BACKGROUND:**

In 2019, the City Commission expressed concerns related to the loss of old growth specimen trees, particularly in terms of trees approved for removal during site development. Since the last major revision to the Unified Land Development Regulations (ULDR) Section 47-21 - Landscape and Tree Preservation Requirements in 2015, the Department of Sustainable Development has been noting concerns and developing recommended changes to improve and strengthen this section. In addition, an interdepartmental working group was formed in 2018 to identify conflicts internal to the Code of Ordinances and to develop language to amend Chapter 25, clarifying definitions and responsibilities related to trees. This effort to review and to address urban forestry concerns in a comprehensive way will result in a more streamlined and consistent application of the City's landscape regulations while strengthening tree preservation as a whole.

At the November 5, 2019 City Commission Conference Meeting, staff presented an introduction to the concepts under consideration for text amendments to ULDR Sections 47-21 and Chapter 25 of the Code of Ordinances. Minutes from the November 5, 2019 City Commission Conference Meeting are provided as **Exhibit 1**.

Since that time, staff has presented the proposed changes to various stakeholders, including the general public, certified arborists, consulting arborists, landscape contractors, landscape architects, landscape inspectors, land developers, engineers, and internal staff. Two weeks prior to the first public presentation, the proposed amendment document was posted for public review, accessible on the [City's website](#). Based on the stakeholder feedback, staff revised text to

incorporate language. Feedback that has been received electronically has been compiled as **Exhibit 2** and is available [online](https://www.fortlauderdale.gov/departments/sustainability/landscape-and-tree-preservation-ordinance) (<https://www.fortlauderdale.gov/departments/sustainability/landscape-and-tree-preservation-ordinance>).

On December 15, 2020, the City Manager sent a memo to City Commission providing an update on the ULDR 47-21 Landscape and Tree Preservation ordinance revision effort, provided as **Exhibit 3**. This memo highlighted the most significant outstanding topics from feedback received and recommended language not to be included for revision because of lack of compliance with other regulations or requirements, substantial expansion of the scope and/or timeline of the revisions, and lack of alignment with the goals of the revision. The memo also addressed stakeholders' requests to remove percentage limitations for sod, native materials, and *Florida Friendly* Landscaping materials, stating that the language was modified, but the percentage requirements were not eliminated because of the need to maintain consistency with the City's Consumptive Use Permit and with County and State regulations.

#### **ULDR AMENDMENTS:**

Below is a detailed summary of each proposed ULDR amendment section. The ULDR 47-21 Proposed Ordinance Amendments are provided as **Exhibit 4**.

#### **Section 47-21.1 Intent and Purpose**

The purpose of this section is to enact regulations that establish standards. Language has been added to minimize the removal or loss of tree and palms and to ensure that trees and palms within the City are maintained in a healthy and non-hazardous conditions through the implementation of landscape and arboriculture industry Best Management Practices.

#### **Section 47-21.2 Definitions**

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

#### **Section 47-21.3. General provisions.**

Clarified sod areas in Florida Friendly Landscaping™, added the use of structural soil and modular suspended pavement options, highlighted tree protection, exempted tree removal included in Florida State Statute 163.045.

#### **Section 47-21.5 Permit required.**

Included the word 'landscaping' in the title and included the word 'relocation' in the text.

#### **Section 47-21.6 Landscape plan required.**

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

#### **Section 47-21.7 Soils.**

Added language for soil analysis performed by testing lab and the use of soil amendments.

#### **Section 47-21.8 Appropriate plant selection, location and arrangement.**

Added language to boost Florida Friendly Landscaping™ hydrozone, clarified native vs. Florida Friendly Landscaping™, material requirements, specified minimum height for street trees.

#### **Section 47-21.9 Installation.**

Added Certificate of Completion to landscape installation requirement, updated non-pervious surface cut-out requirements for trees, updated soil volume requirements, clarified percent of non-living groundcover allowance.

#### **Section 47-21.11 Maintenance.**

Includes areas within property lines and adjacent right-of way areas, adds language requiring property owners to maintain landscaping within property lines and adjacent right-of-way areas, requires property to be maintained in accordance with approved plan on file with city.

**Section 47-21.12 Landscape requirements for a vehicular use area (VUA).**

Incorporated Crime Prevention Through Environmental Design (CPTED) language, increased parking waiver to allow for tree protection.

**Section 47-21.13 Landscape requirements for zoning districts.**

Clarified tree planting requirements, clarified species diversity based on required number of trees, increased percentage of street trees to be canopy trees, required structural soil and modular pavement systems for street trees.

**Section 47-21.14 Landscape for special districts.**

Removed Bucida buceras language prohibiting planting, removed tree grate allowance, separated landscape requirements for back out parking and landscaping at front of parking space.

**Section 47-21.15 Tree preservation.**

Adjust title to state 'Tree and Palm Regulations', reordered sections based on priority with tree protection being first. Added the following sections: Tree and Palm Protection requirements during construction, root cutting, tree and palm relocation, tree and palm pruning, tree removal permitting licensing preservation and mitigation requirements for a natural forest community, tree permit, tree services and arborists, tree abuse, enforcement and civil remedies.

**Section 47-21.16 Removal of trees and dead trees constituting a public nuisance.**

Adjusted title to state 'Removal of Public Nuisance Trees and Palms', with text clarifying what constitutes a public nuisance.

**Section 47-21.17 Street tree planting.**

Added language to clarify different projects that constitute street tree planting.

**Section 47-21.18 Prohibited landscaping.**

Updated reference language.

**PUBLIC OUTREACH:**

To date, staff has met with thirty-one (31) different stakeholder groups and has held thirty-three (33) meetings and presentations, allowing for a detailed discussion of the proposed amendments. Table 1 captures all stakeholder groups, listed in alphabetical order.

**Table 1: List of stakeholder groups**

<b>Stakeholder Groups</b>
1. American Association of Consulting Arborists
2. Architects
3. Broward County
4. Certified Arborists
5. City Attorney Office
6. Comprehensive Plan Team
7. Contractors
8. Council of Fort Lauderdale Civic Associations
9. Developers
10. Engineers
11. Florida Chapter International Society of Arboriculture
12. Florida Department of Agriculture and Consumer Services
13. Florida Forest Service
14. Florida Native Plant Society

15. Florida Nursery, Growers & Landscape Association
16. General Public
17. Green Team Membership
18. Green Your Routine Volunteers
19. Internal Working Group
20. Landscape Architects
21. Landscape Inspectors Association of Florida
22. Landscape Team
23. Parks & Recreation Department
24. Public Works Department
25. Riverland Preservation Society Representatives
26. South Florida Water Management District
27. Strategic Communications
28. Streetscape & Enhancement Committee
29. Sustainability Advisory Board
30. Sustainable Development Department
31. Tropical Arborist Guild

Because of the Covid-19 meeting restrictions, virtual presentations and meetings were required, providing an additional benefit of having multiple meetings and also reaching neighbors who would not otherwise be able to attend. The feedback deadline for comments was extended multiple times to ensure ample time was given for thorough stakeholder review and comments. Table 2 provides a summary of the stakeholder engagement that has occurred to date.

**Table 2: Summary of Stakeholder Engagement**

<b>Date</b>	<b>Stakeholder Meeting</b>
June 15, 2018	Internal Working Group Review Meeting
August 8, 2018	Internal Working Group Review Meeting
February 27, 2019	Internal Working Group Review Meeting
November 5, 2019	City Commission Conference Meeting Presentation
February 25, 2020	Certified Arborist Review Meeting
April 23, 2020	City Attorney Office Review Meeting
June 22, 2020	Sustainability Advisory Board Presentation
June 24, 2020	Internal Stakeholder Presentation
June 25, 2020	Green Team Presentation
June 29, 2020	Architect, Contractor, Developer Presentation
July 8, 2020	Public Works Director Review Meeting
July 9, 2020	Internal Stakeholder Chapter 25 Review Meeting
July 9, 2020	General Public Presentation
July 13, 2020	Internal Landscape Team Presentation
July 13, 2020	General Public Presentation
July 15, 2020	Comprehensive Plan Team Presentation
July 15, 2020	Streetscape & Tree Enhancement Committee Presentation
July 29, 2020	1:1 Resident and Public Works Director Review
July 30(am), 2020	General Public Presentation
July 30(pm), 2020	General Public Presentation
August 10, 2020	Green Your Routine Presentation
September 14, 2020	District 1 Pre-Agenda Meeting Presentation
September 29, 2020	General Public Presentation
October 1, 2020	General Public Presentation
October 26, 2020	Sustainability Advisory Board Update Presentation
October 29, 2020	Public Works Director Review Meeting

<b>November 11, 2020</b>	Public Works Director Review Meeting
<b>January 7, 2021</b>	Department of Sustainable Development Presentation
<b>January 15-25, 2021</b>	Broward County Meeting for Review
<b>February 3, 2021</b>	Landscape Architect Stakeholder Group Meeting
<b>February 10, 2021</b>	Landscape Architect Stakeholder Group Meeting
<b>February 17, 2021</b>	Planning & Zoning Board Presentation
<b>February 18, 2021</b>	Department of Sustainable Development Presentation

Staff has incorporated stakeholder comments that are consistent with the scope and goals of this effort, recognizing that all revisions to the ordinance must balance the input from these thirty-one stakeholder groups, each with very diverse applications of the code. Staff considered all feedback to represent each stakeholder group with the goal of proposing updated ordinance language which can be consistently applied, interpreted, represented, and enforced. In some cases, particular issues received substantial and/or divergent comments on topics including the following:

- Caliper vs Diameter interpretation
- Enforcement and Civil remedies strength
- Requirements for percentages of sod, native, and Florida Friendly Landscaping™
- Soil volume and plating space
- Specimen tree definition and qualification
- Tree Canopy Trust Fund usage

Wherever possible, staff reviewed all stakeholder comments received and attempted to incorporate stakeholder comments into the proposed ordinance revisions that are consistent with the scope and goals of the revisions, and comply with relevant City, County, State, and Federal regulations. However, in some cases where suggested changes did not meet the criteria or conflicted with other stakeholder input, staff recommended alternative changes or will be deferring the changes to a later process. Staff provided recommendations which are intended to balance the input of all stakeholders in a fair and equitable manner.

**COMPREHENSIVE PLAN CONSISTENCY:**

The proposed amendments align with the City’s Comprehensive Plan, Goal 1, Objective 1.5, Subdivision Regulations, which states that the City’s subdivision regulations shall be consistent with Broward County regulations, including platting requirements and adhere to policy 1.5.1 to comply with Broward County Land Use Plan Goals, Objectives and Policies and with the Broward County Planning Council Administrative Rules document.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

Staff has determined the proposed amendments align with the City’s Comprehensive Plan as follows:

- Future Land Use Element 2.2.1: Increase protection of residential areas and neighborhoods through the support of green design guidelines and/or form-based codes for new development and major renovation residential areas, historic neighborhoods, and areas vulnerable to flooding.
- Future Land Use Element 2.7.2: The development review process shall consider the presence of environmentally sensitive lands in formulating these recommendations for development approvals.
- Urban Design Element 1.2.3: Encourage the incorporation of resilient design elements in new development and adopt design guidelines to address sea level rise mitigation, coordinated with Florida Building Code requirements.

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

**STRATEGIC ALIGNMENT:**

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

This item is a *Press Play Fort Lauderdale Strategic Plan 2024* initiative:

- Infrastructure Focus Area:
  - Goal 1: Build a sustainable and resilient community
    - Objective: Grow and enhance the urban forest
- Public Places Focus Area:
  - Goal 3: Build a healthy and engaged community
    - Objective: Improve water quality and our natural environment

This item is a Sustainability Action Plan 2011 initiative:

- Built & Natural Environment Chapter
  - Goal 1: Encourage and plan green buildings and development
  - Goal 2: Preserve and expand natural spaces

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendments are consistent with the City of Fort Lauderdale’s Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.

**EXHIBITS:**

1. November 5, 2019 City Commission Conference Meeting Minutes
2. Stakeholder Feedback provided via [link](https://www.fortlauderdale.gov/departments/sustainability/landscape-and-tree-preservation-ordinance)  
(<https://www.fortlauderdale.gov/departments/sustainability/landscape-and-tree-preservation-ordinance>)
3. December 15, 2020 City Manager Memo
4. Proposed ULDR Amendments