



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

Case Number	UDP-T24007	
Applicant	City of Fort Lauderdale	
GENERAL LOCATION	City-Wide	
ULDR Section	Section 47-21, Landscape and Tree Preservation Requirements	
Notification Requirements	10-day legal ad	
SECTION 166.033, FLORIDA STATUES	N/A	
Action Required	Recommend approval or denial to City Commission	
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BACKGROUND:

The subject ordinance is intended to amend and address aspects of the Unified Land Development Regulations (ULDR) Section 47-21, Landscape and Tree Preservation. This ordinance amendment has been an ongoing effort spanning several years to improve the tree preservation regulations to preserve and enhance the City's tree canopy. A background with a timeline of this effort is outlined below.

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

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

At the February 15, 2022, City Commission meeting, the ordinance passed (5-0) on First Reading, with direction for staff to meet with stakeholders to address comments and concerns made at the meeting. Subsequently, staff held two joint meetings facilitated by former City Commissioner Ben Sorenson to review and address the concerns point-by-point. The presentation shared at the joint meetings is attached as **Exhibit 4**.

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

- Increase flexibility in percentage requirements for large trees and medium trees;
- Increase flexibility for where trees are located for single-family and duplex homes;
- Modify language selection requirements to allow for a broader plant palette;
- Increase allowances to substitute palms for large or medium trees;
- Remove palms as a category of specimen tree;

- Clarify language for modular suspended pavement systems and structural soil;
- Modify planting area and soil volume requirements to allow more flexibility;
- Remove specification of contents of Urban Forestry Master Plan;
- Delete allowances for fruiting trees in some instances;
- Delete prohibition on putting greens in front yard, allow broader use of synthetic turf for recreational activities and clarify usage of synthetic turf;
- Amend references to Section 163.045 of the Florida Statutes to be consistent with recently adopted changes to the Statute.

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

Since then, staff bifurcated the ordinance amendments to primarily focus on tree preservation regulations. The currently proposed ordinance amendments are provided as **Exhibit 6**. Below is a detailed summary of each section:

Section 47-21.1 Intent and Purpose

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

Section 47-21.2 Definitions

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

Section 47-21.3. General provisions.

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

Section 47-21.6 Landscape plan required.

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

Section 47-21.15 Tree preservation.

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

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

PUBLIC OUTREACH:

Throughout this effort, staff presented the proposed changes to various stakeholders, including the general public, landscape architects, certified arborists, consulting arborists, and landscape contractors. The latest proposed ordinance was vetted and sent to a group of citizen volunteers that engaged with staff in an advisory role, that consists of stakeholders actively engaged since the first attempt to amend the ordinance in 2022. Below is a list of all stakeholder meetings for the proposed ordinance's current version.

Meetings with Stakeholders	
Meeting Date	Stakeholder Group
January 25, 2023	Advisory Group and Staff
January 31, 2024	Advisory Group and Staff
February 9, 2023	Advisory Group and Staff
March 2, 2023	Advisory Group and Staff
March 16, 2024	River Oaks Civic Association
July 12, 2023	Advisory Group and Staff
August 1, 2023	Advisory Group and Staff
February 23, 2024	Advisory Group and Staff
February 27, 2024	Public Participation Meeting
April 19, 2024	Advisory Group and Staff

Multiple meetings with the advisory group resulted in an ordinance that is primarily supported by the advisory group for the most part, with one exception. The areas of agreement between staff and the advisory group include changing the net lot area calculations to incorporate the critical root zone of trees, modifications of the minimum funding thresholds for the Tree Canopy Trust Fund, and updating the language for protective measures for trees and palms. However, there remains one item where there is a difference of opinion, the proposed language for tree preservation credits.

In summary, the advisory group proposes a credit for the equivalent value of the tree being preserved, and a credit for landscaping requirements by preserving the tree. Adding an equivalent value credit would allow developers to reduce their tree planting requirements and based on our analysis may provide too large of a credit. For example, if the Department's current valuation of specimen trees, \$15, 000 - \$30, 000, is given as a credit to the developer and would be deducted from the required number of trees. In addition, the proposed language by the advisory group would adversely affect single-family development because if one tree is preserved, no other tree would be required to be planted, and the reduced requirement would impact the long-term growth of the City's urban tree canopy throughout the City. Lastly, the proposed credits by the advisory group may also impact urban forestry succession planning, if one tree preserved were to die, a property would be left with zero trees. Therefore, staff believes the proposed language from the advisory group is inconsistent with the City's Comprehensive Plan, specifically Conservation Element 3.1 and Climate Change Element 1.1.7, both focused on preserving and increasing the urban tree canopy in the City of Fort Lauderdale.

Staff proposes a more conservative tree preservation credit approach where the maximum credit of one preserved tree would give a developer/owner credit towards three site tree requirements. For example, a single-family development site improvement plan with only two trees would meet the minimum planting requirements. Additionally, staff plans on incorporating the recommendations that will result from Urban Forestry Master Plan (UFMP) that is currently underway.

COMPREHENSIVE PLAN CONSISTENCY

The proposed amendments align with the City's Comprehensive Plan as follows:

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

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, Minutes of City Commission Conference Meeting
2. December 15, 2021, PZB Staff Report
3. December 15, 2021, PZB Meeting Minutes
4. Joint Meeting Presentation, March 18, 2022, and April 21, 2022
5. Ordinance Presented to City Commission, June 7, 2022
6. Amendments to ULDR, Section 47-21, Landscape and Tree Preservation Requirements