



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

#22-0053

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: March 1, 2022

TITLE: Second Reading – Ordinance Amending the City of Fort Lauderdale
Unified Land Development Regulations Sec. 47-21, Relating to
Landscaping and Tree Preservation Requirements - **(Commission
Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission approve an ordinance, on Second Reading, amending the City of Fort Lauderdale Unified Land Development Regulations Sec. 47-21, relating to Landscaping and Tree Preservation Requirements.

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 (now the Development Services Department) has been noting concerns expressed by stakeholders 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. The proposed ordinance before you today take the following steps to advance tree preservation in the City.

At the November 5, 2019, City Commission Conference Meeting (CAM #19-1082, **Exhibit 1**), 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. Since that time, staff has gone through a thorough process to develop the ULDR 47-21 revisions including an extensive internal and external outreach process. In order to obtain stakeholder input, the proposed changes have been presented to multiple stakeholder groups, including the general public, certified arborists, consulting arborists, landscape contractors, landscape architects, landscape inspectors, land developers, engineers, and internal staff (**Exhibit 2** - List of Stakeholder Meetings).

ULDR AMENDMENTS

Below is a detailed summary of each proposed ULDR amendment section. The ULDR Section 47-21:

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 condition 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 clarity 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 system options, highlighted tree protection, and 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 and 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, and 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, and 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, and increased parking waiver to allow for enhanced 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 large and medium canopy trees, and required structural soil and modular suspended pavement systems for street trees.

Section 47-21.14 Landscape for special districts.

Removed Black Olive (*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 'Regulations for the preservation of trees and palms', and 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 requirements, tree removal permitting, licensing, preservation and mitigation requirements for a natural forest community, tree permit requirements, tree services and arborists requirements, 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 Nuisance Trees and Palms', with text clarifying what constitutes a public nuisance.

Section 47-21.17 Street tree planting.

Adjusted title to state 'Public Street Tree Planting Projects'. Added language to clarify different projects that constitute street tree planting.

Section 47-21.18 Prohibited landscaping.

Updated reference language.

On March 30, 2021, staff presented the ULDR 47-21 revisions to the Planning and Zoning Board (PZB) described in the Staff Report (**Exhibit 3**). Based on comments received during that meeting, predominantly from local landscape architects, the PZB passed a motion deferring approval of the revisions pending further conversations between staff, landscape architects, and others in the community (**Exhibit 4**). Consequently, in April 2021, the City contracted with Calvin, Giordano & Associates, Inc. (CGA) to provide landscape architect consulting services to assist with the review and drafting of the City's Landscape Ordinance revisions and with the facilitation of several stakeholder meetings. Based on this process, a new draft of the ULDR 47-21 amendments was prepared

addressing many of the concerns raised by stakeholders at the March PZB meeting. The updated amendments were presented to the PZB on November 17, 2021. Highlights of the revisions are listed below:

- Caliper versus diameter at breast height definitions clarified
- Specimen Tree definition and criteria revised
- City's Tree Classification List updated
- Tree Canopy Trust Fund usage revised
- Requirements for percentages of turf/lawn or sod areas revised
- Shade Tree usage was replaced with Large Medium and Small Trees to allow more flexibility
- Equivalent replacement and equivalent value calculations were updated
- Tree spacing criteria was revised and added to allow more flexibility
- Landscape & Tree Document Packages items were revised
- Synthetic Turf section was added
- Tree Protection Barricades requirements were strengthened

At that meeting following the closure of the public hearing on the item, a motion was made and passed to defer action to the December meeting to allow Board members time to submit comments on the ordinance revisions. The November 17, 2021, PZB Staff Report, and meeting minutes are attached as **Exhibit 5 and 6**, respectively.

At the December 15, 2021, PZB meeting, staff and their consultant, CGA, provided a brief update to the Board. All comments received since the November PZB meeting had been reviewed and, as a result, staff recommended 14 additional changes to the ordinance to provide clarification and correct scrivener's errors. PZB, acting as the local planning agency, reviewed the application and recommended approval (by a vote of 4-2), finding it consistent with the applicable ULDR criteria. Further, PZB also recommended that the City mandate development of an Urban Forestry Master Plan. The December 15, 2021, PZB Staff Report with additional comments on the proposed ordinance and the meeting minutes are attached as **Exhibit 7 and Exhibit 8**, respectively. The comments from PZB members and from the public which were included with the December Staff Report are attached as **Exhibits 9 and 10**, respectively. Subsequent to the December PZB meeting, staff conducted a final review of the document and recommended the following additional clarifying changes: (1) edited the definition of "interior landscape area"; (2) changed the tree spacing language to allow appropriate distances for smaller trees next to larger ones; and (3) revised references to the *Guide for Plant Appraisal* document to consistently refer to the most current edition throughout the ordinance.

Staff would like the Commission to consider adopting the proposed revision on Second Reading. To review the proposed amendments that were passed on First Reading on February 1, 2022, please refer to **Exhibit 11**.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *2022 Top Commission Priority*, advancing the Parks and Public Places initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Infrastructure Focus Area
- Goal 1: Build a sustainable and resilient community
- Objective: Grow and enhance the urban forest

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

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

- The Neighborhood Enhancement Focus Area
- The Conservation Element
- Goal 3: Conserve, protect, and appropriately utilize the City's terrestrial and marine habitats.

Attachments

Exhibit 1 – November 5, 2019, Commission Agenda Memo #19-1082 and Associated Minutes

Exhibit 2 – List of Stakeholder Meetings

Exhibit 3 – March 30, 2021, Planning and Zoning Board Staff Report

Exhibit 4 – March 30, 2021, Planning and Zoning Board Minutes

Exhibit 5 – November 17, 2021, Planning and Zoning Board Staff Report

Exhibit 6 – November 17, 2021, Planning and Zoning Board Minutes

Exhibit 7 – December 15, 2021, Planning and Zoning Board Staff Report

Exhibit 8 – December 15, 2021, Planning and Zoning Board Minutes

Exhibit 9 – December 15, 2021, Planning and Zoning Board Member Comments

Exhibit 10 – December 15, 2021, Planning and Zoning Board Public Comments

Exhibit 11 – Proposed Ordinance

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