



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES  
DEVELOPMENT SERVICES DEPARTMENT  
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311  
WEDNESDAY, AUGUST 21, 2024 – 6:00 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Michael Weymouth, Chair	A	2	1
Brad Cohen, Vice Chair	P	2	1
John Barranco	P	3	0
Brian Donaldson	P	3	0
Steve Ganon	P	3	0
Marilyn Mammano	P	3	0
Shari McCartney	A	2	1
Patrick McTigue	P	2	1
Jay Shechtman (arr. 6:06)	P	2	1

**Staff**

Shari Wallen, Deputy City Attorney  
Ella Parker, Urban Design and Planning Manager  
Jim Hetzel, Principal Urban Planner  
Karlanne Devonish, Principal Urban Planner  
Michael Ferrera, Urban Planner,  
K. Cruitt, Recording Clerk, Prototype, Inc.

**Communication to City Commission**

**Motion** made by Ms. Mammano, seconded by Mr. Shechtman, that we send a communication to the City Commission asking the City Commission to direct the City Manager to advance the next portion of the Tree Preservation Ordinance, including incentives, as soon as possible. In a roll call vote, the **motion** passed unanimously (7-0).

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

Vice Chair Cohen called the meeting to order at 6:02 p.m. and the Pledge of Allegiance was recited. The Vice Chair introduced the Board and Staff members present.

Roll was called and it was noted a quorum was present.

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

**Motion** made by Ms. Mammano, seconded by Mr. Ganon, to approve the minutes of the last meeting. In a voice vote, the **motion** passed unanimously.

**III. PUBLIC SIGN-IN / SWEARING-IN**

~~**Motion** made by Mr. Donaldson recommending this Site Plan Level III application to the City Commission for their approval, with the stipulations that were given by the City Attorney representative and any other Staff Reports, as the Case Number UDP-S22055, based upon the findings of facts from this Board, and the Board hereby finds that the Application meets standards and requirements of the ULDR and criteria for the proposed use as in the Resolution.~~

~~Attorney Wallen explained that there were additional conditions to which the Applicant had voluntarily agreed, as well as all the conditions listed in the Staff Report. Ms. Toothaker added that the Applicant has also agreed to work with representatives of the Riverwalk Trust between now and the Application's hearing before the City Commission regarding the two caveats mentioned by Ms. Ellis. They will also review the trees on the west side of the site to determine whether or not they can be relocated.~~

~~Attorney Wallen emphasized that the Applicant is not required to relocate the trees: they have voluntarily agreed to work with EDSA and look at the trees again to determine what can be done with them.~~

~~Mr. Shechtman further clarified his recommendation, which was that the Applicant will work with the City to relocate the trees to an entity that would be willing to receive them. Ms. Toothaker added that the Applicant would donate the trees to the entity if the City would pay to relocate them.~~

~~Ms. Toothaker continued that another voluntary condition was the dedication of the area surrounding the raintree if the City were willing to receive it. Attorney Wallen recommended that this not be included, however, as the raintree is attached to a different Site Plan. Ms. Toothaker confirmed that the Applicant was willing to make this dedication in any case.~~

~~Ms. Toothaker also noted that the Riverwalk Trust had requested that the Applicant continue to negotiate a potential railroad crossing with FEC Railway. They will also continue the stamped concrete from the paseo all the way to the riverfront along the east side of the project.~~

~~Mr. McTigue **seconded** the **motion**. In a roll call vote, the **motion** passed 5-2 (Mr. Barranco and Ms. Mammano dissenting).~~

~~The Board took a brief recess from 8:16 p.m. to 8:22 p.m.~~

**4. CASE: UDP-T24007**

**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:** City-Wide

**COMMISSION DISTRICT:** I, II, III, IV  
**CASE PLANNER:** Karlanne Devonish

Karlanne Devonish, representing Urban Design and Planning, recalled that this Item proposes an amendment to the City's Unified Land Development Regulations (ULDR) Section 47-21. It was presented to the Board in June 2024 and then deferred until August.

Ms. Devonish advised that the updated presentation includes more detail regarding the amended sections of 47-21, the Tree Canopy Trust Fund, the Urban Forestry Master Plan, and next steps. Staff has held several public meetings. The current version of the amendment bifurcates the original Tree Ordinance to focus on tree preservation regulations, providing more descriptive regulations for site development.

Language has been added to the Intents and Purposes portion of Section 47-21.1 to ensure that the goal is to minimize the removal of trees, ensure that trees are maintained in healthy and non-hazardous conditions and encourage the planting of species which are sustainable and appropriate for site conditions.

The next subsection addresses definitions, adding roughly 26 new terms and updating, strengthening, and/or expanding the definitions of some existing terms to provide greater clarity. Examples of new terms include "critical root zone," and "desirable tree or desirable palm."

The next subsection provides general provisions and design standards. Some revisions for this section included addition of language regarding the removal of City Commission-protected trees or palms, as well as requirements during states of emergency or following natural disasters.

Section 47-21.6 addresses landscape plan requirements, adding language which requires a landscape and tree document packet to be submitted with most landscape permits. Documents that will need to be included in these packets include tree and palm surveys, tree and palm inventories, and an arborist's report, among other necessary documentation.

The final subsection to be revised, Section 47-21.15, addresses tree preservation. Its title will be changed to "Regulations for the Preservation of Trees and Palms." Requirements in this section include Tree and Palm Protection Requirements, Root Cutting Requirements, Tree and Palm relocation 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 Arborist Requirements, Tree Abuse, Enforcement/Civil Remedies, and Tree Preservation Credits.

Ms. Devonish continued that some of the new regulations address tree and palm protection regulations, construction work within tree and palm protection zones, activities

that will be restricted within protection zones, and signage that must be posted at the boundaries of protection zones.

Items prohibited within tree protection zones include equipment and building materials, waste materials such as paint or solvents, any type of concrete, and vehicles. Limited activities permitted within tree protection zones include hand-digging and ensuring safety associated with underground utility lines.

Ms. Devonish recalled that the proposed amendment also addresses condition ratings for trees which allow more trees to be considered specimen trees. It also increases specimen tree requirements in order to save more old-growth trees. Trees may be categorized as large, medium, or small and palms will be categorized as Large or Small and can be considered desirable trees. The tree credits presented at the June 2024 meeting remain the same.

Funds from the Tree Canopy Trust Fund will be used toward the planting of trees on public land, distribution of trees to the public, replacing hazardous trees on City properties, and implementation of the Urban Forestry Master Plan.

Ms. Mammano recalled that the uses discussed in June included limitations on how money from the Tree Canopy Trust Fund for the Urban Forestry Master Plan could be used for planning. Ms. Devonish confirmed that these limitations remain in place.

Equivalent values of trees were also modified in the updated amendments, using a market-based formula. This funding would go into the Tree Canopy Trust Fund.

Civil remedies remain the same as proposed in June: one offense within a 12-month period would carry a penalty of \$1000 to be paid into the Tree Canopy Trust Fund along with the equivalent value of the tree or palm. Repeat offenses within a 12-month period increase the penalty from \$1000 to \$2000 per tree, plus monetary payments.

Next steps include focusing on the installation phase, which addresses the subsections not mentioned in today's presentation. Staff hopes to begin work on that phase once the amendments proposed tonight have been approved by the City Commission. Part of the next phase includes working on additional tree credits, providing regulations for synthetic and artificial turf, landscaping, installation requirements for all zoning districts, and updating the Tree Classification List. Stakeholder engagement will continue to be part of this process.

Mr. Donaldson recommended that the proposed amendments, including incentives from the advisory group sent the Board member, be brought before the City Commission as soon as possible, preferably before the November elections. He felt it could benefit residents to know their elected officials' positions on the amendments, as well as other changes that the advisory group may have recommended.

Attorney Wallen asked if the current draft of the proposed amendments is consistent with what the advisory group recommended. Ms. Devonish clarified that the current draft does not include what the advisory group recommended. Attorney Wallen emphasized that there should be no significant changes between the current draft and what will be presented to the City Commission because significant changes would require the Ordinance to come back before the Board for a recommendation.

Mr. Donaldson noted that he would be in favor of additional incentives or tree credits from the advisory group. Vice Chair Cohen asked if Staff would be comfortable adding the advisory group's recommendations in a separate section. Ms. Devonish advised that Staff would not be comfortable with this addition at this time, as they have not yet had time to flush out the group's recommendations. She reiterated that the group's recommendations are more closely aligned with the installation requirements which will come with the next phase of the project.

Vice Chair Cohen asked if the Board's recommendation to the City Commission could specify that they would like the advisory group's input to be considered by the Commission as well. Ms. Parker reiterated that Staff's intent for the next phase is to include the group's recommendations. Vice Chair Cohen explained that he wanted the Commission to understand there are additional recommendations from the advisory group.

Ms. Mammano cautioned that she would not be comfortable sending incentive recommendations that Staff has not yet finalized to the Commission. Mr. Donaldson explained that his intent was to recommend the current recommendations to the City Commission for a vote, and to discuss the recommendations not yet included in the amendments at a Conference Agenda meeting in order to hear feedback from the Commission.

Ms. Mammano suggested that the Board may wish to send a communication to the City Commission advising them that the Board feels they should discuss the advisory group's other recommendations at a Conference Agenda meeting.

At this time Vice Chair Cohen opened the public hearing.

Doug Coolman, member of the advisory group, stated that there are two options for moving forward at this time: one would approve the Item before the Board tonight in its current form, without considering any incentives or tree credits from the advisory group, while the second option would bring forward recommended incentives and/or tree credits from the advisory group to be included in the proposed Ordinance.

Mr. Coolman continued that tree protection should be considered during the design process so a property owner will know the applicable criteria. He emphasized the importance of including this information in any Tree Preservation Ordinance.

Fred Stresau, member of the advisory group, provided a handout prepared by that group to the Board members. He asserted that the proposed Ordinance before the Board reflects a realistic compromise, with incentives as the only undetermined items. He agreed that the issue of incentives would not be solved tonight and recommended sending the Ordinance on to the City Commission in its current form.

Mr. Stresau noted that while the advisory group disagrees with including the incentives in the installation portion of the Ordinance, he felt it was best to move at least the first phase of the Ordinance to the Commission. Staff has proposed only one incentive thus far, which relates to credit given related to the size of trees, and there has been no discussion between Staff and the advisory group of the group's proposed incentives.

Vice Chair Cohen requested clarification that Mr. Stresau's recommendation was to approve the Ordinance and send it on to the Commission in its current form. Mr. Stresau confirmed this, reiterating that this should be done with the knowledge that there is no incentive clause at this time.

Ms. Mammano asked if Mr. Stresau was comfortable with the incentives proposed by the advisory group. Mr. Stresau confirmed this as well, but added that he felt Staff, as well as the City Attorney's Office, should review and agree to the advisory group's proposed incentives as well.

Natalia Barranco, member of the advisory group, advised that progress has been made on the proposed Ordinance, as it will now address site inventories of trees, the condition and dollar value of trees, and the size of trees based on their health. These can be used to determine the equivalent value of every tree. She stated that the Ordinance should include these equivalent values, which should be increased for specimen trees and should ensure that it is more expensive to remove a tree instead of transplanting it. She concluded that the credits available to a developer should be defined now.

Ryan Emmer, member of the advisory group, offered two proposals which he felt could make a significant difference to the Ordinance, one of which addressed critical root zones and one of which relates to the size of specimen trees. He proposed devising a chart to show the growth rate of slow-growth trees. He also noted that the other members of the advisory group may not be in agreement with him on these suggestions.

Mr. Emmer also addressed incentives, proposing that an equivalent one-to-one value be given in a tree credit bank so a developer can either use their own credits or sell them to the developers of other sites. He felt the Ordinance as currently proposed would do nothing to protect old-growth trees. He added that trees on the edge of a development could be given greater value than those in the center of the parcel.

With no other individuals wishing to speak at this time, Vice Chair Cohen closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Mammano, seconded by Mr. Donaldson, to recommend approval of Case UDP-T24007 based on the testimony heard, and the Board hereby finds that the Application meets the applicable criteria of the ULDR as cited in the Staff Report without any conditions.

Ms. Mammano added that she would also like to send a communication to the City Commission regarding how to proceed as soon as possible with the next phase of the Tree Preservation Ordinance, including incentives.

In a roll call vote, the **motion** passed unanimously (7-0).

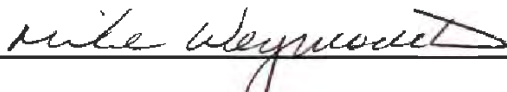
#### **V. COMMUNICATION TO THE CITY COMMISSION**

**Motion** made by Ms. Mammano, seconded by Mr. Shechtman, that we send a communication to the City Commission, asking the City Commission to direct the City Manager to advance the next portion of the Tree Preservation Ordinance, including incentives, as soon as possible. In a roll call vote, the **motion** passed unanimously (7-0).

#### ~~**VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**~~

There being no further business to come before the Board at this time, the meeting was adjourned at 9:07 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.]