

## **December 15, 2021, Planning and Zoning Board Public Comments**

UDP-T21002

**EXHIBIT 2**

**Ordinance Comments from the General Public Received Since November 17, 2021,  
PZB meeting**

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 OMMISSIONS 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 MAINTENANCE 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 SEVERLY 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 \(002\) with CDC edits \(002\) 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. 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 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 fifty 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: [image002.png](#)

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FYI

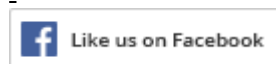
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**From:** John Barranco <[john@bgarchitecture.com](mailto:john@bgarchitecture.com)>  
**Sent:** Monday, December 6, 2021 1:03 PM  
**To:** Ella Parker <[EParker@fortlauderdale.gov](mailto:EParker@fortlauderdale.gov)>  
**Subject:** [-EXTERNAL-] FW: 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)>

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