



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

#19-1082

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: November 5, 2019

TITLE: Landscape and Tree Preservation - Proposed Ordinance Amendment
Concepts Presentation – **(Commission Districts 1, 2, 3, and 4)**

Over the last few months, the City Commission has expressed a concern 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 of Section 47-21 - Landscape and Tree Preservation Requirements of the Urban Land Development Regulations (ULDR) in 2015, the Department of Sustainable Development has been noting concerns and developing recommended changes to improve and strengthen that section. In addition, an interdepartmental working group was formed in 2018. The participants had job duties which include interactions with and stewardship of the City's urban forest. The working group has been identifying conflicts internal to the Code of Ordinances and developing language to amend Section 9 and Section 25, clarifying definitions and responsibilities related to trees. This effort to review and to address urban forestry concerns in a comprehensive way should result in a more streamlined and consistent application of our regulations while strengthening tree preservation as a whole.

This presentation will provide the Commission with an introduction to the concepts under consideration for text amendments to Sections 9, 25, and 47 of the Code of Ordinances.

Resource Impact

There is no fiscal impact associated with this item at this time.

Strategic Connections

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

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

- Public Places Focus Area
- Goal 3: Build a healthy and engaged community
- Objective: Improve water quality and our natural environment
- Objective: Enhance the City's identity through public art, well-maintained green spaces, and streetscapes

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

Attachment

Exhibit 1 – Proposed Landscape and Tree Preservation Ordinance Amendment Concepts Presentation

Prepared by: Kimberly Pearson, Public Works

Department Director: Paul Berg, Public Works Department



CITY OF FORT LAUDERDALE

Tree Preservation - Proposed Ordinance Amendment Concepts





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INTERNAL COLLABORATION FOR UNIFIED APPROACH

- Sustainable Development
 - Building Services
 - Community Enhancement and Compliance
 - Urban Design and Planning
- Public Works
 - Engineering
 - Sustainability
 - Utilities
- Parks and Recreation
- Transportation and Mobility
- City Attorney's Office





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CODE SECTIONS PROPOSED TO BE MODIFIED

- Code of Ordinances
 - Section 9-52. Landscaping and tree removal permit fees
 - Section 25-147-150. Trees, Shrubs
- Urban Land Development Regulations
 - Section 47.21. Landscape and Tree Preservation Requirements





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PROPOSED CONCEPT - INTENT AND PURPOSE

- Promote, Establish, and Maintain Tree Canopy
- Minimize Tree Removal or Loss
- Maintain Tree Health and Non-hazardous Conditions
- Minimize Maintenance Costs and Damage to Infrastructure
- Establish and Maintain Species Diversity
- Reduce Fertilizer and Pesticide Use
- Preserve Existing Community Character





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PROPOSED CONCEPT - DEFINITIONS AND TERMS

- Certified Arborist Report
- Tree Survey
- Critical Root Zone
- Low Impact Design
- Protected Trees
- Increased Equivalent Value of Specimen Trees
- Specimen Tree Qualification Size Reduced
- Tree and Palm Species to Include Large and Desirable





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PROPOSED CONCEPT - TREE PRESERVATION

- Tree Protection Zone - Construction Drawings
- Tree Protection Specifications
- Tree Protection Zones Activities Specified
- Tree Relocation Promotion
- Prohibitions
- Root Activity Allowances





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PROPOSED CONCEPT - TREE PRUNING

- Tree Pruning Specifications
- Tree Pruning Limitations - Growing Season
- Construction Activity - Minimize Impacts
- Tree Pruning Activities - Arborist Present
- Construction Project - Arborist Report
- Construction - Require Arborist Monitoring





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PROPOSED CONCEPT - TREE REMOVAL

- Vacant Property - No Tree Removal Permit
- Development Approval - Prior to Tree Removal
- Site Design - Required to Accommodate Large and Desirable Trees
- Existing Trees - Protection of Trees to Remain





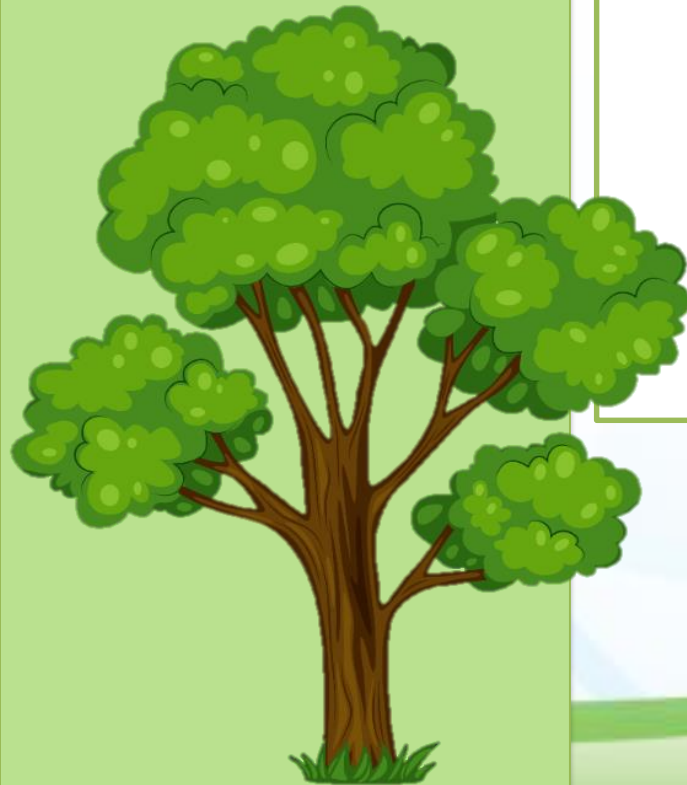
CITY OF FORT LAUDERDALE

PROPOSED CONCEPTS - REVISED PENALTIES AND ENFORCEMENT

- Civil Fines Imposed for Non-Permitted Activity with Escalating Fines

Example:

- 1st Offense within 12-month Period: \$1,000/Tree
 - 2nd Offense within 12-month Period: \$2,000/Tree
 - 3rd Offense and Subsequent Offenses within 12-month period: \$3,000/Tree
- Enhanced Penalties Imposed in Addition to Fines

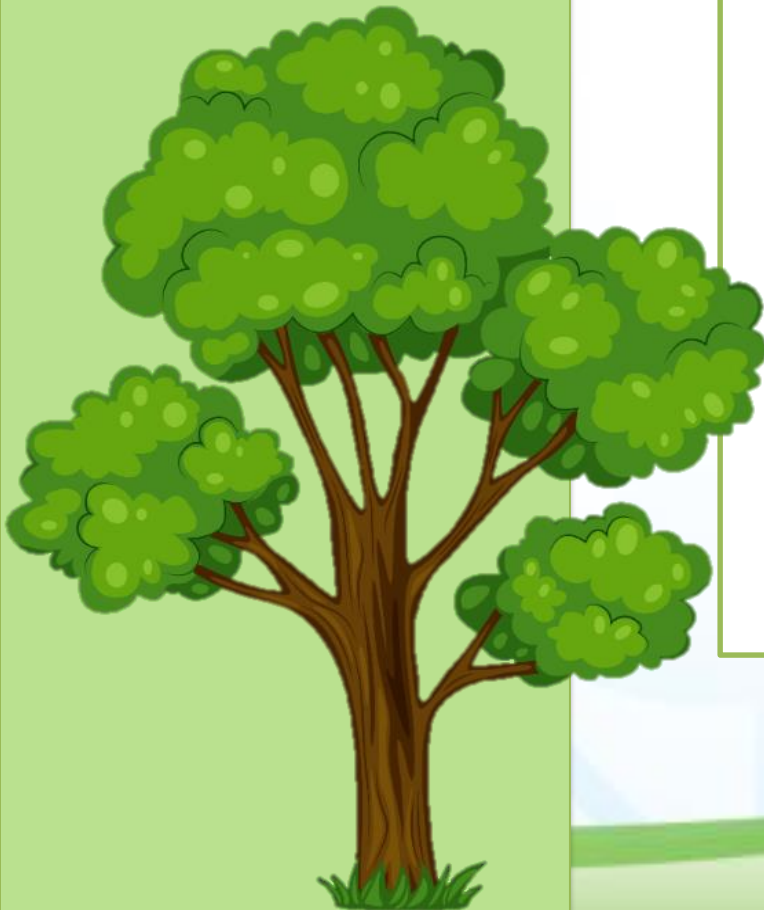




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PROPOSED CONCEPTS - ADDITIONAL ITEMS

- Condensed and Simplified Irrigation Requirements
- Limited Fertilizer Application - Seasonal Requirements
- Clarify Percentage of Florida Friendly and Native Plant Requirements
- Clarify Requirements for Single-Family Residential
- Update Chapter 9 and Chapter 25 Language





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STATE LEGISLATION

Section 163.045, Florida Statutes (2019)

- Limits local government's ability to regulate the trimming, pruning or removal of trees on residential property deemed to present a danger to persons or property.
- Prevents local governments from requiring the replanting of trees pruned, trimmed, or removed in accordance with this section.
- This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.



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CONCEPTUAL TIMELINE AND POSSIBLE NEXT STEPS

- **December** - send draft to impacted departments
- **January** - meet with individual departments
 - **February** - prepare and hold Stakeholder Open House, provide update at Commission Conference
 - **March** - finalize draft with City Attorney's Office
 - **April** - present to Planning and Zoning Board
 - **May/June** - present to City Commission, 1st and 2nd Readings





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QUESTIONS?



City of Fort Lauderdale

*City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov*



Meeting Minutes

Tuesday, November 5, 2019

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

ROBERT L. McKINZIE Vice Mayor - Commissioner - District III

HEATHER MORAITIS Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

BEN SORENSEN Commissioner - District IV

CHRIS LAGERBLOOM, City Manager

JOHN HERBST, City Auditor

JEFFREY A. MODARELLI, City Clerk

ALAIN E. BOILEAU, City Attorney

CALL TO ORDER

Mayor Trantalis called the meeting to order at 1:40 p.m.

QUORUM ESTABLISHED

Commission Members Present: Commissioner Heather Moraitis, Commissioner Steven Glassman, Vice Mayor McKinzie, Commissioner Sorensen, and Mayor Dean J. Trantalis

Also Present: City Manager Chris Lagerbloom, City Clerk Jeffrey A. Modarelli, City Attorney Alain E. Boileau, City Auditor John Herbst, and Sergeant at Arms Heather Lee

City Auditor John Herbst arrived at 1:40 p.m.

Vice Mayor McKinzie arrived at approximately 1:50 p.m.

Commissioner Sorensen arrived at approximately 3:00 p.m.

~~CITY COMMISSION REPORTS~~

~~Members of the City Commission announced recent and upcoming events and matters of interest.~~

~~In response to Commissioner Moraitis' question regarding upcoming holiday plans with the Broward County Partnership for the Homeless, Mayor Trantalis confirmed upcoming meetings and commented on related meetings with Staff and details.~~

~~Commissioner Moraitis commented on an Airbnb article regarding large vacation party homes. City Manager Lagerbloom confirmed his review of the article. Further comment and discussion ensued on the Code restricting Airbnb usage based upon the size of the rental. Mayor Trantalis commented on previous similar situations, confirming the need to report violations to the Office of the City Manager.~~

~~Commissioner Moraitis discussed an article in *Florida Trend* magazine entitled *Emerald Trail* that she handed out to members of the Commission. The article outlines the City of Jacksonville's partnership with a non-profit organization for an urban trail system surrounding its city. She commented on similar opportunities and the recent Downtown~~

~~replacement water treatment plant. City Manager Lagerbloom discussed details regarding maintaining Fiveash until a suitable replacement becomes available. Further comment ensued. Commissioner Glassman noted the need to plan for the future. City Manager Lagerbloom expounded on Staff efforts to bring recommendations to the Commission for policy direction.~~

~~Vice Mayor McKinzie requested he receive the Fiveash Report well in advance of the associated Conference Meeting.~~

~~Mayor Trantalis noted the need to harden these types of infrastructure facilities to meet the requirements associated with severe weather conditions.~~

~~City Attorney Boileau confirmed that Staff from the Office of the City Manager and the Office of the City Attorney are on parallel tracks to move forward with the C 51 Project Agreement.~~

BUS-1 19-1082

Landscape and Tree Preservation - Proposed Ordinance Amendment Concepts Presentation - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis recognized Kimberly Pearson, Sustainability Coordinator, Department of Public Works. Ms. Pearson narrated a slide presentation entitled *Tree Preservation - Proposed Ordinance Amendment Concepts*.

A copy of the presentation is attached to these minutes.

In response to Mayor Trantalis' question regarding addressing the removal of diseased trees on the vacant property to prevent the impact on healthy surrounding trees, Ms. Pearson confirmed Staff would address this moving forward.

In response to Commissioner Glassman's question regarding compliance enforcement, Ms. Pearson confirmed ongoing work with the Office of the City Attorney. City Attorney Boileau noted it would be addressed under the parameters outlined in Chapter 20 of the Code of Ordinances. Ms. Pearson confirmed compliance includes all trees, including those on private property. City Attorney Boileau commented on common law concerns that need to be considered.

Commissioner Sorensen commented on increasing fine amounts for unauthorized tree removal. City Attorney Boileau discussed having a range and two schedules dependent upon the desired goal, expounding on related details and citing examples. Further comment ensued. City

Attorney Boileau said that fines are up to the discretion of the independent Special Magistrate. Commissioner Sorensen discussed the ability to tie a narrow range to numerous components, citing examples. Discussion ensued on various scenarios.

Commissioner Glassman commented on the Working Group addressing this subject and benefiting from community input. He recommended the inclusion of community members and moving this item forward in a shorter timeframe. Ms. Pearson confirmed receipt and inclusion of community input, expounding on details moving forward. She confirmed that drafts of updated ordinance amendments sent to impacted departments would be shared with community members.

Commissioner Moraitis noted tree replacement concerns on the community side of Lockhart Stadium and along Galt Ocean Mile. Ms. Pearson said that as long as projects are appropriately permitted, they would not be subject to tree removal penalties, explaining details of site plan survey requirements.

Commissioner Sorensen recommended having a comprehensive City-wide tree survey. Discussions ensued on costs. Vice Mayor McKinzie noted that anyone applying for a permit is required to do a tree survey. Ms. Pearson confirmed. Comments ensued on the ability to remove trees before permit application. Ms. Pearson confirmed the ability to view a property tree canopy using Google and GIS technology that would allow an evaluation of tree requirements. Further comment and discussion ensued. Ms. Pearson noted that the City's tree canopy has increased to 20.2 percent (20.2%).

Commissioner Sorensen discussed consideration of a mandate regarding the protection of certain tree species of trees that would not allow their removal.

Mayor Trantalis recognized Matt Tilghman on behalf of the Riverside Park Residents Association. Mr. Tilghman discussed his support of a tree ordinance to ensure the unique aspects of the neighborhood, expounding on details.

Mayor Trantalis recognized Way Hoyt, 966 NE 42nd Court, a consultant arborist. Mr. Hoyt discussed numerous efforts over the years to ensure tree canopy coverage. He commented on the impact of Florida Statute 163.045 that relates to tree pruning, trimming, or removal on residential property, explaining the impact on the tree canopy and expounding on related details.

Mayor Trantalis recognized Mary Fertig, 511 Poinciana Drive. Ms. Fertig spoke on behalf of Ann Wiley, discussing Ms. Wiley's input regarding enhancing the tree canopy and the importance of expediency. She recommends including members of the community in Working Group discussions. Ms. Fertig requested a review of the Conservation Section of the proposed Comprehensive Plan that is going before the Planning and Zoning Board on November 20, 2019. She confirmed a request for members of the community to take pictures of their favorite tree canopy or special trees in their neighborhoods that would serve to aid community tree inventory efforts.

Mayor Trantalis recognized Brucie Cummings, 830 SW 9th Street. Ms. Cummings commented on concerns regarding Staff not reviewing sites that have requested permitting, citing an area of development in Riverside Park. She discussed concerns regarding the conservation of the rain tree, confirming a previous decision for its protection and the potential for development on the site.

Mayor Trantalis recognized Mark Cantor, Riverland Preservation Society. Mr. Cantor thanked the Working Group for their efforts, recommending a tree survey. He recommended increasing fines, citing details and emphasizing the need for community input and involvement regarding potential development. Mr. Cantor recommended petitioning the State for an exemption on the Florida Statute discussed earlier.

In response to Commissioner Sorensen's question, Ms. Pearson reviewed Staff included in the Working Group. City Manager Lagerbloom suggested the Working Group bring a work product to the community for input, acknowledging the need for urgency.

BUS-3 [19-0976](#)

~~Analysis of Potential Annexation of Central Area and Broadview Park
(Commission Districts 1, 2, 3 and 4)~~

~~Mayor Trantalis left the meeting at 3:55 p.m.~~

~~Mayor Trantalis recognized Laura Reece, Budget Director. Ms. Reece introduced Phil Gonot of PMG Associates, Inc. Mr. Gonot has worked with Staff to analyze the operating impacts for the potential annexation of Central Area and Broadview Park.~~

~~In response to Vice Mayor McKinzie's question, Mr. Gonot confirmed there are five neighborhoods included in the Central Area and Broadview Park. Vice Mayor McKinzie noted the high level of importance of this item as represented in the Commission Goal Setting Session. He~~

~~requested this item be deferred to a later date.~~

~~Mayor Trantalis returned to the meeting at 4:00 p.m.~~

~~City Manager Lagerbloom noted that this item could be deferred. Comment and discussion ensued. Mayor Trantalis confirmed the deferment of this item to a subsequent Commission Conference Meeting.~~

~~CITY MANAGER REPORTS~~

~~None.~~

~~Mayor Trantalis discussed a request from City Attorney Boileau regarding Commission direction to file an amicus brief in support of legal action by Florida municipalities regarding State preemption of municipal equal rights ordinances that differ from the State Statute. City Attorney Boileau expounded on details of related cases in Orange County and Leon County. Further comment and discussion ensued on legal aspects of filing an amicus brief. Mayor Trantalis confirmed the position of the Commission to proceed with the filing of an amicus brief.~~

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 4:20 p.m.