

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

<b>Case Number</b>	UDP-T21002	
<b>Applicant</b>	City of Fort Lauderdale	
<b>ULDR Section</b>	Section 47-21, Landscape and Tree Preservation Requirements	
<b>Notification Requirements</b>	10-day legal ad	
<b>Action Required</b>	Recommend approval or denial to City Commission	
<b>Authored By</b>	Glen Hadwen, Sustainability Manager Mark Williams, Urban Forester	

**BACKGROUND:**

In 2019, the City Commission expressed concerns related to the loss of old growth specimen trees, particularly in terms of trees approved for removal during site development. Since the last major revision to the Unified Land Development Regulations (ULDR) Section 47-21 - Landscape and Tree Preservation Requirements in 2015, the Department of Sustainable Development has been noting concerns and developing recommended changes to improve and strengthen this section. In addition, an interdepartmental working group was formed in 2018 to identify conflicts internal to the Code of Ordinances and to develop language to amend Chapter 25, clarifying definitions and responsibilities related to trees. This effort to review and to address urban forestry concerns in a comprehensive way will result in a more streamlined and consistent application of the City's landscape regulations while strengthening tree preservation as a whole.

At the November 5, 2019, City Commission Conference Meeting, staff presented an introduction to the concepts under consideration for text amendments to ULDR Sections 47-21 and Chapter 25 of the Code of Ordinances. Minutes from the November 5, 2019, City Commission Conference Meeting are provided as **Exhibit 1**.

Since that time, staff has presented the proposed changes to various stakeholders, including the public, certified arborists, consulting arborists, landscape contractors, landscape architects, landscape inspectors, land developers, engineers, and internal staff. Two weeks prior to the first public presentation, the proposed amendment document was posted for public review. Based on the stakeholder feedback, staff revised text to incorporate language.

On March 30, 2021, staff presented a draft of the ULDR 47-21 revisions to the Planning and Zoning Board (PZB). The minutes of that meeting are attached as **Exhibit 2**. Based on comments received during that meeting, the PZB passed a motion deferring approval of the revisions until further discussion took place between staff, landscape architects and others in the community. Consequently, in April 2021, the City contracted with Calvin, Giordano & Associates, Inc. (CGA) to provide landscape architect consulting services to assist with the review and drafting of the City's Landscape ordinance revisions and with facilitation of stakeholder meetings. CGA staff reviewed existing documents including the draft ordinance and written summaries of stakeholder concerns. In May and June 2021, CGA facilitated multiple meetings with a stakeholder group, comprised primarily of landscape architects, and with City staff to resolve remaining concerns with the ordinance. Subsequently, CGA submitted a revised draft of the ordinance, which was routed for approval by Broward County and final internal review. In the following months the ordinance was reviewed and revised to prepare the current draft (**Exhibit 3**). This version includes many changes to the URLD 47-21 revisions as a result of these efforts. Highlights of the most recent revisions are listed below:

- Caliper versus diameter at breast height definitions clarified

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

Some changes that were discussed but outside the current scope and/or capacity of staff to address and are recommended for consideration within the next revision of the ULDR 47-21 are:

- Further enhancement of Tree Protections in the City including providing credits and or additional incentives for preserving trees
- Reordering Section ULDR 47-21 in a more logical and efficient manner
- Extensive revision of all sections of ULDR 47-21

Adoption of the currently proposed ULDR 47-21 revisions will allow funding and initiation of a Citywide Urban Forestry Master Plan. This effort will seek public input and will provide strategic recommendations to enhance and grow the City's urban forest. Recommendations such as those above can be considered and discussed as part of this process.

### **ULDR AMENDMENTS**

Below is a detailed summary of each proposed ULDR amendment section. The ULDR 47-21 Proposed Ordinance Amendments are provided as **Exhibit 3**.

#### **Section 47-21.1 Intent and Purpose**

The purpose of this section is to enact regulations that establish standards. Language has been added to minimize the removal or loss of tree and palms and to ensure that trees and palms within the City are maintained in a healthy and non-hazardous conditions through the implementation of landscape and arboriculture industry Best Management Practices.

#### **Section 47-21.2 Definitions**

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

#### **Section 47-21.3. General provisions.**

Clarified sod areas in Florida Friendly Landscaping™, added the use of structural soil and modular suspended pavement system options, highlighted tree protection, exempted tree removal included in Florida State Statute 163.045.

#### **Section 47-21.5 Permit required.**

Included the word 'landscaping' in the title and included the word 'relocation' in the text.

#### **Section 47-21.6 Landscape plan required.**

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

#### **Section 47-21.7 Soils.**

Added language for soil analysis performed by testing lab and the use of soil amendments.

#### **Section 47-21.8 Appropriate plant selection, location, and arrangement.**

Added language to boost Florida Friendly Landscaping™ hydrozone, clarified native vs. Florida Friendly Landscaping™ material requirements and specified minimum height for street trees.

**Section 47-21.9 Installation.**

Added Certificate of Completion to landscape installation requirement, updated non-pervious surface cut-out requirements for trees, updated soil volume requirements, clarified percent of non-living groundcover allowance.

**Section 47-21.11 Maintenance.**

Includes areas within property lines and adjacent right-of way areas, adds language requiring property owners to maintain landscaping within property lines and adjacent right-of-way areas, requires property to be maintained in accordance with approved plan on file with city.

**Section 47-21.12 Landscape requirements for a vehicular use area (VUA).**

Incorporated Crime Prevention Through Environmental Design (CPTED) language, increased parking waiver to allow for enhanced tree protection.

**Section 47-21.13 Landscape requirements for zoning districts.**

Clarified tree planting requirements, clarified species diversity based on required number of trees, increased percentage of street trees to be large and medium canopy trees, required structural soil and modular suspended pavement systems for street trees.

**Section 47-21.14 Landscape for special districts.**

Removed Black Olive (*Bucida buceras*) language prohibiting planting, removed tree grate allowance, separated landscape requirements for back out parking and landscaping at front of parking space.

**Section 47-21.15 Tree preservation.**

Adjust title to 'Regulations for the preservation of trees and palms', reordered sections based on priority with tree protection being first. Added the following sections: Tree and Palm Protection requirements during construction, root cutting, tree and palm relocation, tree and palm pruning requirements, tree removal permitting, licensing, preservation and mitigation requirements for a natural forest community, tree permit requirements, tree services and arborists requirements, tree abuse, enforcement, and civil remedies.

**Section 47-21.16 Removal of trees and dead trees constituting a public nuisance.**

Adjusted title to state 'Removal of Nuisance Trees and Palms', with text clarifying what constitutes a public nuisance.

**Section 47-21.17 Street tree planting.**

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

**Section 47-21.18 Prohibited landscaping.**

Updated reference language.

**PUBLIC OUTREACH:**

To date, staff has met with thirty-one (31) different stakeholder groups and has held thirty-seven (37) meetings and presentations, allowing for a detailed discussion of the proposed amendments. Table 1 captures all stakeholder groups, listed in alphabetical order.

**Table 1: List of stakeholder groups**

Stakeholder Groups
1. American Association of Consulting Arborists
2. Architects
3. Broward County
4. Certified Arborists
5. City Attorney Office
6. Comprehensive Plan Team

7. Contractors
8. Council of Fort Lauderdale Civic Associations
9. Developers
10. Engineers
11. Florida Chapter International Society of Arboriculture
12. Florida Department of Agriculture and Consumer Services
13. Florida Forest Service
14. Florida Native Plant Society
15. Florida Nursery, Growers & Landscape Association
16. General Public
17. Green Team Membership
18. Green Your Routine Volunteers
19. Internal Working Group
20. Landscape Architects
21. Landscape Inspectors Association of Florida
22. Landscape Team
23. Parks & Recreation Department
24. Public Works Department
25. Riverland Preservation Society Representatives
26. South Florida Water Management District
27. Strategic Communications
28. Streetscape & Enhancement Committee
29. Sustainability Advisory Board
30. Sustainable Development Department
31. Tropical Arborist Guild

Due to Covid-19 meeting restrictions, virtual presentations and meetings were required, providing an additional benefit of having multiple meetings and reaching neighbors who would not otherwise be able to attend. The feedback deadline for comments was extended multiple times to ensure ample time was given for thorough stakeholder review and comments. Table 2 provides a summary of the stakeholder engagement that has occurred to date.

**Table 2: Summary of Stakeholder Engagement**

<b>Date</b>	<b>Stakeholder Meeting</b>
<b>June 15, 2018</b>	Internal Working Group Review Meeting
<b>August 8, 2018</b>	Internal Working Group Review Meeting
<b>February 27, 2019</b>	Internal Working Group Review Meeting
<b>November 5, 2019</b>	City Commission Conference Meeting Presentation
<b>February 25, 2020</b>	Certified Arborist Review Meeting
<b>April 23, 2020</b>	City Attorney Office Review Meeting
<b>June 22, 2020</b>	Sustainability Advisory Board Presentation
<b>June 24, 2020</b>	Internal Stakeholder Presentation
<b>June 25, 2020</b>	Green Team Presentation
<b>June 29, 2020</b>	Architect, Contractor, Developer Presentation
<b>July 8, 2020</b>	Public Works Director Review Meeting
<b>July 9, 2020</b>	Internal Stakeholder Chapter 25 Review Meeting
<b>July 9, 2020</b>	General Public Presentation
<b>July 13, 2020</b>	Internal Landscape Team Presentation
<b>July 13, 2020</b>	General Public Presentation
<b>July 15, 2020</b>	Comprehensive Plan Team Presentation
<b>July 15, 2020</b>	Streetscape & Tree Enhancement Committee Presentation

July 29, 2020	1:1 Resident and Public Works Director Review
July 30(am), 2020	General Public Presentation
July 30(pm), 2020	General Public Presentation
August 10, 2020	Green Your Routine Presentation
September 14, 2020	District 1 Pre-Agenda Meeting Presentation
September 29, 2020	General Public Presentation
October 1, 2020	General Public Presentation
October 26, 2020	Sustainability Advisory Board Update Presentation
October 29, 2020	Public Works Director Review Meeting
November 11, 2020	Public Works Director Review Meeting
January 7, 2021	Department of Sustainable Development Presentation
January 15-25, 2021	Broward County Meeting for Review
February 3, 2021	Landscape Architect Stakeholder Group Meeting
February 10, 2021	Landscape Architect Stakeholder Group Meeting
February 17, 2021	Planning & Zoning Board Presentation
February 18, 2021	Department of Sustainable Development Presentation
March 30, 2021	Planning and Zoning Board Presentation
May 17, 2021	Landscape Architect Stakeholder Group Meeting
May 25, 2021	Landscape Architect Stakeholder Group Meeting
June 3, 2021	Landscape Architect Stakeholder Group Meeting

**COMPREHENSIVE PLAN CONSISTENCY**

The proposed amendments align with the City’s Comprehensive Plan, Goal 1, Objective 1.5, Subdivision Regulations, which states that the City’s subdivision regulations shall be consistent with Broward County regulations, including platting requirements and adhere to policy 1.5.1 to comply with Broward County Land Use Plan Goals, Objectives, and Policies and with the Broward County Planning Council Administrative Rules document.

Staff has determined the proposed amendments align with the City’s Comprehensive Plan as follows:

- Future Land Use Element 2.2.1: Increase protection of residential areas and neighborhoods through the support of green design guidelines and/or form-based codes for new development and major renovation of residential areas, historic neighborhoods, and areas vulnerable to flooding.
- Future Land Use Element 2.7.2: The development review process shall consider the presence of environmentally sensitive lands in formulating these recommendations for development approvals.
- Urban Design Element 1.2.3: Encourage the incorporation of resilient design elements in new development and adopt design guidelines to address sea level rise mitigation, coordinated with Florida Building Code requirements.
- Urban Design Element 3.1.3: Encourage pedestrian and transit-oriented developments with greater emphasis on sidewalk width, accommodation of multi-modal transportation options, incorporation of street trees and shading devices, and bicycle facilities.
- Urban Design Element 3.2.5: Maintain an approved plants list derived from the Florida Friendly Landscaping program for usage for streetscaping.
- Conservation Element 3.1: **Sustainable Landscape and Tree Canopy.** Preserve and enhance the natural environment and beauty of the city, improve infrastructure, and promote better quality of life by creating a safe, healthy, and sustainable landscape. The

City shall continue to enhance its tree canopy with a goal of 33% Citywide canopy coverage by 2040.

**STRATEGIC ALIGNMENT:**

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

This item is a *Press Play Fort Lauderdale Strategic Plan 2024* initiative:

- 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

This item is a Sustainability Action Plan 2011 initiative:

- Built & Natural Environment Chapter
  - Goal 1: Encourage and plan green buildings and development
  - Goal 2: Preserve and expand natural spaces

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendments are consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.

**EXHIBITS:**

1. November 5, 2019, Minutes of City Commission Conference Meeting
2. March 30, 2021, PZB Minutes
3. Amendments to ULDR, Section 47-21, Landscape and Tree Preservation Requirements