



## Memorandum

### Memorandum No: 20-121

**Date:** December 15, 2020

**To:** Honorable Mayor and Commissioners

**From:** Chris Lagerbloom, ICMA-CM, City Manager

**Re:** Update on Revision of ULDR Section 47-21  
Landscape and Tree Preservation Ordinance

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Since Fall 2019, City staff have been working on revising ULDR Section 47-21 Landscape & Tree Preservation Ordinance. The goal of the revision is to strengthen tree preservation within the ULDR and have a more streamlined and consistent application of the City's tree and landscaping regulations.

Staff released the first revised draft ordinance to the public on June 22, 2020. Since that time, staff has made 19 presentations to over 24 internal and external stakeholder groups, seeking input. The feedback deadline for comments was extended twice to ensure ample time was given for thorough stakeholder review and comments. In the most recent feedback deadline of October 22, 2020, there was substantial number of comments from interested parties, including a group of local landscape architects, and the Florida Nursery Growers and Landscape Association (FNGLA). Wherever possible, staff attempted to incorporate all stakeholder comments into the proposed ordinance revision that are consistent with the scope and goals of the revisions, and comply with relevant City, County, State, and Federal regulations. However, in some cases where suggested changes did not meet the criteria, staff recommended alternative changes or deferring the changes to a later process.

The attached Table 1 highlights and summarizes the most significant outstanding topics from the October 22, 2020 feedback received. While staff has incorporated most of the feedback received, the following outstanding unresolved issues are not recommended for revision or for an alternative revision because of the following reasons:

- Lack of compliance with other regulations or requirements;
- Substantial expansion of the scope and/or timeline of the revisions; and
- Lack of alignment with the goals of the revision.

As to the Stakeholder's requests to remove percentage limits for sod, native materials, and Florida Friendly Landscaping materials, the language was modified, but the percentage requirements was not eliminated because of the need to maintain consistency with the City's Consumptive Use Permit and with County and State regulations.

At this time, all revisions have been transmitted to the Attorney's office for review. Provided there are no major issues, the revisions should be ready for presentation at the February 2021 Planning and Zoning Board meeting, and then to City Commission in March 2021.

Attachment:

Table 1: Outstanding Topics in Proposed Landscaping & Tree Preservation Ordinance Revisions

c: Tarlesha Smith, Assistant City Manager / HR Director  
Greg Chavarria, Assistant City Manager  
Alain Boileau, City Attorney  
Jeffrey A. Modarelli, City Clerk  
John C. Herbst, City Auditor  
Department Directors  
CMO Managers  
Ella Parker, Urban Design & Planning Manager, Dept of Sustainable Development  
Glen Hadwen, Manager, Public Works  
Kimberly Pearson, Coordinator Public Works

**Table 1: Outstanding Topics in Proposed Landscape & Tree Preservation Ordinance Revisions**

<b>Outstanding Topics from October 22 feedback</b>	<b>Stakeholder Comments Received</b>	<b>Staff Recommendation</b>	<b>Status (Addressed, Pending)</b>
Re-Ordering Section 47-21.	Recommend reordering of Section 47-21 for a more logical and efficient sequence of parts and topics.	In the interest of finalizing the current scope of revisions, staff does not recommend this action at this time. This would require substantially greater amount of time and effort by staff and City Attorney’s Office to accommodate. May require revision of other Sections of ULDR that reference 47-21. Could be considered as a next step for future revisions.	Pending but Staff is not recommending pursuing at this time
Extensive revision of entirety of Section 47-21.	Recommend a comprehensive review of entirety of Section 47-21. Offered to form stakeholder working group to assist.	In the interest of finalizing the current scope of revisions, staff does not recommend this action at this time. This would expand scope and timeline well beyond current direction. Could be considered as a next step for future revisions.	Pending but Staff is not recommending pursuing at this time
Landscape Designer vs Landscape Architect	Allow Landscape Plans to be prepared by Landscape Designer in addition to Landscape Architects.	Revise to mirror County language which references Florida State Statute requirements for landscape plans.	Addressed
Tree Canopy Trust Fund (TCTF) usage	Concerned with any TCTF usage other than planting trees.	Keep language as proposed to maximize the beneficial uses of the fund to plan for and enhance the tree canopy while reducing the amount of unspent funds.	Addressed
Florida Friendly Landscaping (FFL) vs. Native landscaping <ul style="list-style-type: none"> <li>• Why the 50% limit</li> <li>• Why the limit of sod areas</li> </ul>	Concerned with ANY percentage requirements for sod, native materials or FFL.	Revise FFL and native requirement language to match County and State requirements and to be consistent with the City’s Consumptive Use Permit. Revise sod language to exclude non-irrigated, drought-tolerant sod species installed in retention areas from the sod calculation	Addressed

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Outstanding Topics from October 22 feedback	Stakeholder Comments Received	Staff Recommendation	Status (Addressed, Pending)
Clarify clear trunk requirements on trees and palms <ul style="list-style-type: none"> <li>Where is the CT required to be measured from?</li> </ul>	The clear trunk is relative to pedestrian clearance where the branch hangs. However, clear trunk for nursery standards is based on where the branch grows. Recommend adopting the FDOT or a city standard to clarify this issue.	Revise section to incorporate FDOT language for pedestrian clearance. Otherwise will rely on Florida Grades & Standards to dictate branch arrangement and structure.	Addressed
Clarify Structural Soil/Suspended Pavement systems requirements <ul style="list-style-type: none"> <li>Required for specific reasons</li> <li>Based on tree species?</li> </ul> When is it inspected?	Concerns about structural soil and suspended pavement are proposed to be required when trees are adjacent to paved surfaces.	Revise language based on manufacturer's specification. Moving forward, the proposed language can include soil volume limits based on tree species. Also, the inspection will be worked out with DSD as to who and when is best.	Addressed
Prohibited landscaping	Concerned with references to FLEPPC list for prohibited landscaping. Recommend use of Dept of Agriculture and Consumer Services Chapter 5B-57.	Revise language to include match Broward County Code Section 39-83(a) which references DACSC 5B-57.	Addressed
Protecting single family home (SFH) rights	Concerned with recognizing single family homeowners' rights and not overreaching.	Have addressed specific comments related to SFH in comments received.	Addressed
Stormwater Management or Mitigation	Concerned that no Sections address Storm Water Management or Mitigation.	Revise to include County language on Stormwater Management <b>Sec. 39-86. - Stormwater and water body shoreline considerations.</b>	Addressed
Specimen Tree size and categories	Recommend increasing minimum trunk diameter from 10 to 13 inches for specimen tree.	Increase minimum trunk diameter criteria for specimen trees to 13 inches	Addressed

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