



Memorandum

Memorandum No: 24-140

Date: September 20, 2024

To: Honorable Mayor, Vice Mayor, and Commissioners

From: Susan Grant, Acting City Manager *Susan Grant*

Re: October 1, 2024, Agenda Publication Preview of Substantive Documents

In the interest of providing additional review time for items with substantive documentation in the upcoming agenda, the below draft backup documents are being shared prior to official publication:

- CAM 24-00836: First Reading – Ordinance Amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-21, Landscape and Tree Preservation Requirements – Case No. UDP-T24007 (Commission Districts 1, 2, 3 and 4)

We anticipate this item will be presented on the October 1, 2024, agenda. Please note, these documents are in draft form and the content, along with the anticipated agenda date, are subject to change. In addition to the backup provided, the draft ordinance for consideration by the Commission will be provided with the publication of the agenda.

Please let us know if you need any clarification as you review the draft materials.

c: Anthony G. Fajardo, Assistant City Manager
Ben Rogers, Acting Assistant City Manager
Laura Reece, Acting Assistant City Manager
Christopher Cooper, Acting Assistant City Manager
Thomas J. Ansbro, City Attorney
David R. Soloman, City Clerk
Patrick Reilly, City Auditor
Department Directors
CMO Managers



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

#24-0836

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

FROM: Susan Grant, Acting City Manager

DATE: October 1, 2024

TITLE: First Reading – Ordinance Amending the City of Fort Lauderdale Unified
Land Development Regulations (ULDR) Section 47-21, Landscape and
Tree Preservation Requirements – Case No. UDP-T24007 (**Commission
Districts 1, 2, 3 and 4**)

Recommendation

Staff recommends the City Commission consider an amendment to the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-21, Landscape and Tree Preservation Requirements.

Background

At the November 5, 2019, City Commission Conference Meeting, staff presented information regarding proposed ordinance amendments to ULDR Section 47-21, Landscape and Tree Preservation Requirements. Staff expressed issues related to tree preservation requirements, particularly in terms of trees removed during site development, noting the lack of penalties for loss of old-growth specimen trees, along with conflicts and other issues with the existing regulations. Since the last major revision to the ordinance, in 2015, the Development Services Department has worked on recommended changes to improve this section. Subsequently, the Commission directed staff to amend Section 47-21 to strengthen the existing regulations in a comprehensive way. Minutes from the November 5, 2019, City Commission Conference Meeting are provided as Exhibit 1.

On December 15, 2021, the proposed ordinance was presented to the Planning and Zoning Board (PZB) and received a recommendation for approval (4-2) to the City Commission with a recommendation to require an Urban Forestry Master plan with incentives to maintain specimen trees and old growth forests. The (PZB) Staff Report and meeting minutes are attached as Exhibit 2 and Exhibit 3, respectively.

At the February 15, 2022, City Commission meeting, the ordinance passed (5-0) on First Reading, with direction for staff to meet with stakeholders to address comments and concerns made at the meeting. Subsequently, staff held two joint meetings to review and

address the concerns point-by-point. The presentation shared at the joint meetings is attached as Exhibit 4.

The ordinance was revised to include recommendations from stakeholders and the following changes were incorporated into the ordinance:

- Increase acceptable tree evaluation percentage requirements for large trees and medium trees;
- Increase flexibility for where trees are located for single-family and duplex homes;
- Modify language selection requirements to allow for a broader plant palette;
- Increase allowances to substitute palms for large or medium trees;
- Remove palms as a category of specimen tree;
- Clarify language for modular suspended pavement systems and structural soil;
- Modify planting area and soil volume requirements to allow more flexibility;
- Remove specification of contents of Urban Forestry Master Plan;
- Delete allowances for fruiting trees in some instances;
- Delete prohibition on putting greens in front yard, allow broader use of synthetic turf for recreational activities and clarify usage of synthetic turf;
- Amend references to Section 163.045 of the Florida Statutes to be consistent with recently adopted changes to the Statute.

Thereafter, on Second Reading at the June 7, 2022, City Commission meeting, the motion to approve failed (2-2). The ordinance proposed at the June 7, 2022, Commission meeting is attached as Exhibit 5.

As this attempt to amend the ordinance was unsuccessful, staff reconvened meetings with the Advisory Group and suggested bifurcating the ordinance amendments to focus on tree preservation regulations.

The proposed amendments to the tree preservation regulations were initially presented to PZB on June 19, 2024. PZB deferred the item to the August 21, 2024, meeting, to allow staff to address comments from the advisory group with a request for a status update at the July 17, 2024, PZB meeting. The June 19, 2024, PZB Staff Report is attached as Exhibit 6. For consistency to the public information sharing process Exhibits 1-5 presented with this memorandum are Exhibits 1-5 of the June 19, 2024, Staff Report. The ordinance proposed at the June 19, 2024, PZB meeting is attached as Exhibit 7. The June 19, 2024, Meeting Minutes are attached as Exhibit 8.

At the July 17, 2024, PZB meeting, staff provided an updated, amended ordinance to the Board addressing 15 of the 16 items from the advisory group, which is reflected in the current proposed amendments. The remaining item is related to proposed language for tree preservation credits, commonly referred to as incentives. The advisory group proposed a different option for tree preservation credits which staff prefers more discussion and analysis, and also believes the best approach to the development of tree credits would be best applied during the installation phase of the ordinance amendments.

On August 21, 2024, the PZB, acting as the local planning agency (“LPA”), reviewed the subject ordinance and recommended approval (by a vote of 7-0), finding the proposed changes are consistent with the City of Fort Lauderdale Comprehensive Plan. The August 21, 2024, PZB Staff Report, and meeting minutes are attached as Exhibit 9 and Exhibit 10, respectively. Please be advised that the exhibits from the August 21, 2024, Staff Report are presented in this memorandum as Exhibit 8 and the proposed ordinance is attached as Exhibit 11.

Below is a summary of amendments to each ordinance section:

Section 47-21.1 Intent and Purpose

Language has been added to minimize the removal or loss of trees and palms and to ensure that trees and palms within the City are maintained in healthy and non-hazardous conditions, encouraging the planting of landscape species that are sustainable and appropriate for existing site conditions.

Section 47-21.2 Definitions

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

Section 47-21.3. General provisions.

Added language regarding making it unlawful to abuse trees or to allow removal of City Commission Protected Trees or Palms, and tree removal requirements after a state of emergency due to natural disaster.

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 47-21.15 Tree preservation.

Adjust title to “Regulations for the Preservation of Trees and Palms” and reordered sections based on priority with tree protection being first, with the following subsections:

- Tree and Palm Protection Requirements;
- Root Cutting Requirements;
- Tree and Palm Relocation Requirements;
- Tree and Palm Pruning Requirements;
- Tree Removal Permitting, Licensing, Preservation and Mitigation Requirements for a Natural Forest Community;
- Tree Permit Requirements;
- Tree and Palm Mitigation Calculations Requirements;
- Tree Services and Arborists Requirements;
- Tree Abuse;
- Enforcement/Civil Remedies;
- Tree Preservation Credits.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Public Places Focus Area.
- Goal 4: Build a beautiful and welcoming community.

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

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan, specifically advancing:

- 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.
- Climate Change Element 1.1.7: Expand tree canopy citywide to help reduce the heat island effect. The City of Fort Lauderdale shall continue to expand tree canopy coverage to 33% by 2040 and reduce heat island effects.
- 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

Attachments

Exhibit 1 – November 5, 2019, Minutes of City Commission Conference Meeting

Exhibit 2 – December 15, 2021, PZB Staff Report

Exhibit 3 – December 15, 2021, PZB Meeting Minutes

Exhibit 4 – Joint Meeting Presentation, March 18, 2022, and April 21, 2022

Exhibit 5 – Ordinance Presented to City Commission, June 7, 2022

Exhibit 6 – June 19, 2024, PZB Staff Report

Exhibit 7 – Ordinance Presented to PZB, June 19, 2024

Exhibit 8 – June 19, 2024, PZB Meeting Minutes

Exhibit 9 – August 21, 2024, PZB Staff Report

Exhibit 10 – August 21, 2024, PZB Meeting Minutes

Exhibit 11 – Ordinance

Development Services Department

Acting Department Director: Alfred G. Battle Jr., Development Services Department

DRAFT



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

Case Number	UDP-T24007	
Applicant	City of Fort Lauderdale	
GENERAL LOCATION	City-Wide	
ULDR Section	Section 47-21, Landscape and Tree Preservation Requirements	
Notification Requirements	10-day legal ad	
SECTION 166.033, FLORIDA STATUES	N/A	
Action Required	Recommend approval or denial to City Commission	
Authored By	Karlanne Devonish, Principal Urban Planner	<i>KD</i> <i>EP</i>

BACKGROUND:

The subject ordinance is intended to amend and address aspects of the Unified Land Development Regulations (ULDR) Section 47-21, Landscape and Tree Preservation. This ordinance amendment has been an ongoing effort spanning several years to improve the tree preservation regulations to preserve and enhance the City's tree canopy. A background with a timeline of this effort is outlined below.

At the November 5, 2019, City Commission Conference Meeting, staff presented information related to and proposed ordinance amendments to ULDR Section 47-21, Landscape and Tree Preservation Requirements. Staff expressed issues related to tree preservation requirements, particularly in terms of trees removed during site development, noting the lack of penalties for loss of old-growth specimen trees, along with conflicts and other issues with the existing regulations. Since the last major revision to the ordinance, in 2015, the Development Services Department has worked on recommended changes to improve and strengthen this section. Subsequently, the Commission directed staff to amend Section 47-21 to strengthen the existing regulations in a comprehensive way. Minutes from the November 5, 2019, City Commission Conference Meeting are provided as **Exhibit 1**.

On December 15, 2021, a proposed ordinance was presented to the Planning and Zoning Board and received a recommendation for approval (4-2) to the City Commission with a recommendation to require an Urban Forestry Master plan with incentives to maintain specimen trees and old growth forests. The Planning and Zoning Board staff report and meeting minutes are attached as **Exhibit 2** and **Exhibit 3**, respectively.

At the February 15, 2022, City Commission meeting, the ordinance passed (5-0) on First Reading, with direction for staff to meet with stakeholders to address comments and concerns made at the meeting. Subsequently, staff held two joint meetings facilitated by former City Commissioner Ben Sorenson to review and address the concerns point-by-point. The presentation shared at the joint meetings is attached as **Exhibit 4**.

The ordinance was revised to include recommendations from stakeholders and the following changes were incorporated into the ordinance:

- Increase flexibility in percentage requirements for large trees and medium trees;
- Increase flexibility for where trees are located for single-family and duplex homes;
- Modify language selection requirements to allow for a broader plant palette;
- Increase allowances to substitute palms for large or medium trees;
- Remove palms as a category of specimen tree;

- Clarify language for modular suspended pavement systems and structural soil;
- Modify planting area and soil volume requirements to allow more flexibility;
- Remove specification of contents of Urban Forestry Master Plan;
- Delete allowances for fruiting trees in some instances;
- Delete prohibition on putting greens in front yard, allow broader use of synthetic turf for recreational activities and clarify usage of synthetic turf;
- Amend references to Section 163.045 of the Florida Statutes to be consistent with recently adopted changes to the Statute.

Thereafter, on the Second Reading at the June 7, 2022, City Commission meeting, the motion to approve failed (2-2). The ordinance proposed at the June 7, 2022, Commission meeting is attached as **Exhibit 5**.

Since then, staff bifurcated the ordinance amendments to primarily focus on tree preservation regulations. The currently proposed ordinance amendments are provided as **Exhibit 6**. Below is a detailed summary of each section:

Section 47-21.1 Intent and Purpose

Language has been added to minimize the removal or loss of trees and palms and to ensure that trees and palms within the City are maintained in healthy and non-hazardous conditions, encouraging the planting of landscape species that are sustainable and appropriate for existing site conditions.

Section 47-21.2 Definitions

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

Section 47-21.3. General provisions.

Added language regarding making it unlawful to abuse trees or to allow removal of City Commission Protected Trees or Palms, and tree removal requirements after a state of emergency due to natural disaster.

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 47-21.15 Tree preservation.

Adjust title to "Regulations for the Preservation of Trees and Palms" and reordered sections based on priority with tree protection being first, with the following subsections:

- Tree and Palm Protection Requirements;
- Root Cutting Requirements;
- Tree and Palm Relocation Requirements;
- Tree and Palm Pruning Requirements;
- Tree Removal Permitting, Licensing, Preservation and Mitigation Requirements for a Natural Forest Community;
- Tree Permit Requirements;
- Tree and Palm Mitigation Calculations Requirements;
- Tree Services and Arborists Requirements;
- Tree Abuse;
- Enforcement/Civil Remedies;
- Tree Preservation Credits.

PUBLIC OUTREACH:

Throughout this effort, staff presented the proposed changes to various stakeholders, including the general public, landscape architects, certified arborists, consulting arborists, and landscape contractors. The latest proposed ordinance was vetted and sent to a group of citizen volunteers that engaged with staff in an advisory role, that consists of stakeholders actively engaged since the first attempt to amend the ordinance in 2022. Below is a list of all stakeholder meetings for the proposed ordinance's current version.

Meetings with Stakeholders	
Meeting Date	Stakeholder Group
January 25, 2023	Advisory Group and Staff
January 31, 2024	Advisory Group and Staff
February 9, 2023	Advisory Group and Staff
March 2, 2023	Advisory Group and Staff
March 16, 2024	River Oaks Civic Association
July 12, 2023	Advisory Group and Staff
August 1, 2023	Advisory Group and Staff
February 23, 2024	Advisory Group and Staff
February 27, 2024	Public Participation Meeting
April 19, 2024	Advisory Group and Staff

Multiple meetings with the advisory group resulted in an ordinance that is primarily supported by the advisory group for the most part, with one exception. The areas of agreement between staff and the advisory group include changing the net lot area calculations to incorporate the critical root zone of trees, modifications of the minimum funding thresholds for the Tree Canopy Trust Fund, and updating the language for protective measures for trees and palms. However, there remains one item where there is a difference of opinion, the proposed language for tree preservation credits.

In summary, the advisory group proposes a credit for the equivalent value of the tree being preserved, and a credit for landscaping requirements by preserving the tree. Adding an equivalent value credit would allow developers to reduce their tree planting requirements and based on our analysis may provide too large of a credit. For example, if the Department's current valuation of specimen trees, \$15, 000 - \$30, 000, is given as a credit to the developer and would be deducted from the required number of trees. In addition, the proposed language by the advisory group would adversely affect single-family development because if one tree is preserved, no other tree would be required to be planted, and the reduced requirement would impact the long-term growth of the City's urban tree canopy throughout the City. Lastly, the proposed credits by the advisory group may also impact urban forestry succession planning, if one tree preserved were to die, a property would be left with zero trees. Therefore, staff believes the proposed language from the advisory group is inconsistent with the City's Comprehensive Plan, specifically Conservation Element 3.1 and Climate Change Element 1.1.7, both focused on preserving and increasing the urban tree canopy in the City of Fort Lauderdale.

Staff proposes a more conservative tree preservation credit approach where the maximum credit of one preserved tree would give a developer/owner credit towards three site tree requirements. For example, a single-family development site improvement plan with only two trees would meet the minimum planting requirements. Additionally, staff plans on incorporating the recommendations that will result from Urban Forestry Master Plan (UFMP) that is currently underway.

COMPREHENSIVE PLAN CONSISTENCY

The proposed amendments align with the City's Comprehensive Plan as follows:

- 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.
- Climate Change Element 1.1.7: Expand tree canopy citywide to help reduce the heat island effect. The City of Fort Lauderdale shall continue to expand tree canopy coverage to 33% by 2040 and reduce heat island effects.
- 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.

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. December 15, 2021, PZB Staff Report
3. December 15, 2021, PZB Meeting Minutes
4. Joint Meeting Presentation, March 18, 2022, and April 21, 2022
5. Ordinance Presented to City Commission, June 7, 2022
6. Amendments to ULDR, Section 47-21, Landscape and Tree Preservation Requirements

EXHIBITS 1-5 FROM THE JUNE 19, 2024,
PLANNING AND ZONING BOARD (PZB) STAFF
REPORT HAS BEEN REMOVED FROM THIS
DOCUMENT AND PRESENTED IN THE
COMMISSION AGENDA MEMORANDUM #24-0836
AS EXHIBITS 1-5 AND EXHIBIT 7.

ORDINANCE NO. C-24-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-21, LANDSCAPING AND TREE PRESERVATION REQUIREMENTS, OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS; AND FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature finds that Florida-Friendly Landscaping™, as the term is defined in Section 373.185(1)(b), Florida Statutes (2023), contributes to the conservation, protection, and restoration of water and that in an effort to meet the water needs of this state in a manner that will supply adequate and dependable supplies of water where needed, intends Florida-Friendly Landscaping™ be an essential part of water conservation and water quality protection and restoration planning; and

WHEREAS, the Florida Legislature finds that the use of Florida-Friendly Landscaping™ and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration; and

WHEREAS, the Florida Legislature requires the governing body of each municipality to consider enacting ordinances, consistent with Section 373.185, Florida Statutes (2023), requiring the use of Florida-Friendly Landscaping™ as a water conservation or water quality protection or restoration measure; and

WHEREAS, the Broward County Board of County Commissioners finds that in order to protect and preserve the quality of air, water, soil, wildlife habitats and other natural resources of Broward County, as well as the health, safety and welfare of its citizens, and declares that the preservation of trees is integral to the prevention of air and water pollution and must be regulated; and

WHEREAS, the Broward County Board of County Commissioners enacted Article XIV. – Tree Preservation and Abuse Ordinance to regulate tree protection and preservation within Broward County; and

WHEREAS, the Broward County Board of County Commissioners recognizes that other municipal and county agencies have adopted rules for the regulation or management of landscape design and materials which may include trees and has implemented a municipal

certification program that permits a municipality to apply for and certification from Broward County of municipal tree preservation regulations that are at least as stringent as the tree preservation regulations enforced by Broward County pursuant to Chapter 27, Article XIV of the Broward County Code of Ordinances; and

WHEREAS, Broward County shall relinquish its authority to enforce Article XIV only within those municipalities which have valid municipal certification, as provided for in Chapter 27, Article XIV, Section 27-407 of the Broward County Code of Ordinances; and

WHEREAS, the Fort Lauderdale City Commission finds that landscaping and trees are vital parts of the City of Fort Lauderdale's environment and infrastructure, providing numerous environmental, economic, and social benefits through the provision of natural processes for managing water and creating healthier urban environments that create habitat, provide flood protection, cleaner air, and cleaner water; and

WHEREAS, Sustainable landscape and trees improve air quality, save energy by reducing air conditioning costs, ameliorate high urban temperatures, reduce stormwater runoff, increase property values, improve productivity, reduce stress and crime, and beautify residential and commercial neighborhoods; and

WHEREAS, Sustainable landscape and trees decrease urban noise, encourage tourism and economic growth, preserve community character and identity, provide habitat for wildlife, and shade pedestrian walkways; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of _____ (PZ Case _____) found that the proposed text amendments for Sections 47-21.1, 47-21.2, 47-12.3, 47-12.6, and 47-12.15 of the ULDR are consistent with the City's Comprehensive Plan and the Planning and Zoning Board did recommend approval of said proposed text amendments to the City Commission; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on _____, and _____, at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

C-24-

SECTION 1. That Section 47-21.1, Intent and purpose, of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter referred to as “ULDR”), is hereby amended as follows:

Sec. 47-21.1. - Intent and purpose.

- A. The intent of these regulations is to protect, preserve and enhance the natural environment and beauty of the City and promote better quality of life by creating, preserving, and protecting a safe, healthy, and sustainable landscape that also helps to conserve, protect, and restore the City’s water resources. These regulations are also intended to be as stringent as the tree preservation regulations enforced by Broward County pursuant to Chapter 27, Article XIV of the Broward County Code of Ordinances. ~~This will be achieved by reducing the use of fertilizers and pesticides through the use of Florida-Friendly Landscaping™ principles in landscaped areas containing trees, nectar-producing plants for wildlife pollinators, and other plants and arranging them by irrigation needs in a pleasing manner in relation to paved areas and structures. These regulations are to establish minimum standards for the development, installation, and maintenance of Florida-Friendly Landscaping™ without inhibiting creative landscape design, construction, and management.~~
- ~~B. These objectives are defined in general terms and their realization can only be attained by proper design.~~
- B. The purpose of Section 47-21. - Landscape and Tree Preservation Requirements is to establish standards through regulations that:
 - 1. Promote the establishment and maintenance of tree canopy cover on public and private lands; and
 - 2. Minimize the removal or loss of trees and palms; and
 - 3. Ensure that trees and palms within the City of Fort Lauderdale are maintained in a healthy and non-hazardous condition through implementation of landscape and arboriculture industry standards and best management practices; and encourage the planting of landscape species that are sustainable and appropriate for existing site conditions; and

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4. Establish and maintain diversity in landscape and tree species and age classes to provide a stable and sustainable urban forest; and
 5. Reduce the use of fertilizers and pesticides through the use of Florida-Friendly Landscaping™ principles; and
 6. Preserve the community's character and quality of life well into the future through the appropriate use of landscaping; and
 7. These regulations are to establish minimum standards for the development, installation, and maintenance of Florida-Friendly Landscaping™ without inhibiting creative landscape design, construction, and management.
- C. Documents Incorporated by Reference. The following documents are adopted as standards and are incorporated in this section by reference: American Association of State Highway and Transportation Officials (AASHTO), *Standard Specifications for Highway Bridges, 17th Edition, 2002*; American Forests, *National Registry of Champion Trees, 2020*; Betrock Information Systems, Inc. *Plant Finder, 2021*; Council of Tree and Landscape Appraisers (CTLA), *Guide for Plant Appraisal, Revised 10th Edition, Third Printing 2020*; Dr. George K. Rogers, *Landscape Plants for South Florida: A Manual For Gardeners, Landscapers & Homeowners, 1st Edition, 2009*; Fast Forward Fort Lauderdale *Design and Construction Manual for a Sustainable and Resilient Community and Cohesive Public Realm (DCM), 2019*; Florida Department of Agriculture, Division of Plant Industry, *Grades and Standards for Nursery Plants, 2021*; Florida Invasive Species Council *List of Invasive Species, 2019*; Florida Power and Light *Plant the Right Tree in the Right Place* brochure, 2021; Gary W. Watson and E.B. Himelick, *Principles and Practices of Planting Trees and Shrubs, 1997*; Gary Watson, Dan Neely, *The Landscape Below Ground I & II, 1994*; Gary Watson, Dan Neely, *Trees & Building Sites, 1995*; Gary Watson, *Best Management Practices – Tree Planting, Second Edition, 2014*; Nelda Matheny and Jim Clark, *Trees and Development: A Technical Guide to Preservation of Trees During Land Development, 1998*; Richard Harris, James Clark, Nelda Matheny, *Arboriculture: Integrated Management of Landscape Trees, Shrubs and Vines, Fourth Edition, 2004*; Susan Day, Susan Dickinsen, *Managing Stormwater for Urban Sustainability using Trees and Structural Soils, 2008*; The American National Standards Institute (ANSI) A300 all parts, 2023 and Z-133, 2017 and all parts of ANSI Z535, 2023; Timothy K. Broschat & Alan W. Meerow, *Betrock's Reference Guide to Florida Landscape Plants, Third Printing, 1994*; University of Arkansas, Community Design Center, *Low Impact Development, A*

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Design Manual for Urban Areas, 2010; University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), The Florida Friendly Landscaping™ Guide to Plant Selection & Landscape Design, 2015; UF/IFAS Florida Yards & Neighborhoods Handbook, 2015; UF/IFAS Florida-Friendly Landscaping™ Pattern Book Zones 10a, 10b, and 11, 2020; UF/IFAS GI-BMP Manual, 2020. In the event of a conflict in the standards required in the above reference material, the more restrictive standards shall take precedence over directly conflicting and less restrictive standards.

SECTION 2. That Section 47-21.2, Definitions of the City of Fort Lauderdale, Florida ULDR is hereby amended as follows:

Sec. 47-21.2. - Definitions.

A. For the purpose of this section, the following terms and words shall have the meanings herein prescribed unless the context clearly requires otherwise:

1. Arborist. An individual who is a specialist in the care and maintenance of trees and is a certified arborist by the International Society of Arboriculture (ISA).
2. Arborist report. The formal written opinion on trees, palms, or both from an Arborist that includes, at minimum, the species, size, and condition rating or risk assessment for each tree, palm, or both and a proposed disposition of each tree on a property, justification for any recommendation for removal or relocation of any trees.
3. Arbor Street. A street designated by the City, at the request of adjacent property owners, as suitable for extensive planting of street trees.
- ~~4.1.~~ Berm. A mound of earth configured in a manner which supports landscaping.
- ~~5.2.~~ Biological control. A component of an integrated pest management strategy. It is defined as the reduction of pest populations by natural enemies and typically involves an active human role.
- ~~6.3.~~ Bioretention. An engineered process to manage stormwater runoff using the chemical, biological, ~~and/or~~ physical, or any combination of the three, properties found in natural, terrestrial-based communities of plants, microbes, and soils.

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7.4. Bufferyard. An area or areas located on nonresidential property which ~~extend~~ extends the full length of the property lines abutting residential property which meet the requirements for a bufferyard as provided in Sec. 47-25.3

8.5. Caliper. ~~The measurement used in specifying nursery stock for new landscape installations with a diameter less than seven (7) inches being the straight-line distance of the diameter of a tree measured horizontally and perpendicular to the trunk from one side of the tree trunk to the opposite side. The measurement is taken at a height of six (6) inches above ground for trees less than and including four (4) inches in diameter and at a height of twelve (12) inches above the ground for trees with a diameter greater than four (4) inches but smaller than seven (7) inches in diameter. Diameter measurement of nursery size tree trunks. Trunk caliper is measured six (6) inches from the ground on trees up to and including four (4) inches in diameter, and twelve (12) inches above the ground for trees that are larger than four (4) inches but smaller than seven (7) inches. As part of this ordinance, trees with diameters of seven (7) inches or greater is measured at four and one-half (4 ½) feet above grade. See Diameter the definition for Diameter at Breast Height for measuring trees with caliper diameters greater than or equal to seven (7) inches.~~

9.6. Canopy. The upper portion of a tree consisting of limbs, branches, and leaves.

10. City Commission Protected Tree(s) or Palm(s). A tree(s) or palm(s) which due to its size, shape, character, age, aesthetic value, species, historical value or any combination thereof declared by the City Commission by resolution to be a locally unique example of a species.

11.7. Clear trunk. The distance between the top of the root ball along the vertical trunk or trunks of a tree or palm to the point at which lateral branching begins or ~~fronds begin~~ where the lowest untrimmed leaf base emerges from the trunk.

12. Condition rating. The qualitative expression of plant health, structure, and form using a scale of numbers, percentages, or both used in analyzing plant condition.

13.8. Conifer. Cone-bearing seed plant.

14.9. Conspicuous flowering. A plant which exhibits a contrasting display of reproductive parts of size, quantity and duration.

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15. Critical Root Zone (CRZ). The area of soil surrounding a tree's trunk extending in a radius measured from the center point of the tree's trunk deemed necessary for the protection of tree roots located therein and that are critical for the future health and survival of the tree.
16. Desirable tree or desirable palm. A tree or palm that does not meet the criteria for specimen trees but requires additional regulatory protection because it is adapted to the cultural and physical conditions at the planting site as determined by plant function and shape, aesthetics, form, longevity, ornamental traits, rarity, and other desirable attributes. Tree or palms determined to be 'heritage', 'champion', 'distinction', 'memorial', 'historic', 'old growth', 'ancient', 'veteran' and similar, as defined by the American Forests *National Registry of Champion Trees*, may also be considered desirable trees or desirable palm.
- 17.40. Diameter at Breast Height (DBH). The measurement used in specifying existing trees, or newly installed trees with a diameter greater than seven (7) inches being the straight-line distance measured perpendicular to the angle of the direction of the upward trunk from the outside of the bark from one side of the tree trunk to the opposite side, at breast-height (4.5 feet above ground-line more specifically illustrated in the *CTLA Guide for Plant Appraisal*. See 'Caliper' definition for Caliper for measuring new trees less than seven (7) inches in diameter. ~~The diameter of a dicot or conifer tree trunk seven (7) inches or greater in diameter, is measured at four and one half (4 ½) feet above grade or ground level. The diameter of a monocot is the diameter of the tree trunk measured one (1) foot above grade or ground level.~~
- 18.44. Dripline. The natural outside end of the branches of a tree, palm, or shrub projected vertically to the ground.
19. Effectively destroy. To cause, suffer, allow or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of one (1) year from the date of the act. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is fifty (50) percent or greater of the circumference of the trunk, or the removal of sufficient canopy to cause the unnatural decline of the tree.

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20.12. Equivalent replacement. A tree or palm considered to be equal in species and size to the tree or palm removed. ~~A tree (or trees) which due to its classification (based on the table of tree evaluation of the department) in the case of dicot or conifer, condition, size and location, is determined by the department to be the equivalent to the tree (or trees) which it replaces. In making this determination, the department shall be guided by the standards established by the International Society of Arboriculture.~~

21.13. Equivalent value. A monetary value that reflects the calculated cost of the equivalent replacement of a tree or palm, as provided in Sec. 47-21.15.G. ~~An amount of money, which reflects the cost of replacing a dicot or conifer tree, determined by multiplying the cross-sectional surface area measured at four and one-half (4 ½) feet above grade commonly known as "diameter at breast height (DBH)" of the tree (measured in square inches) by the following values (based on the cost of obtaining an equivalent replacement according to classification of the tree as listed in the table of tree evaluation of the department):~~

- ~~a. Class A—Twenty five dollars (\$25.00) per square inch.~~
- ~~b. Class B—Twenty dollars (\$20.00) per square inch.~~
- ~~c. Class C—Fifteen dollars (\$15.00) per square inch.~~
- ~~d. Class D—Ten dollars (\$10.00) per square inch.~~
- ~~e. Class E—Five dollars (\$5.00) per square inch.~~
- ~~f. Class F—Zero dollars per square inch.~~
- ~~g. Equivalent value of a monocot is determined by multiplying the number of trunk feet to the terminal bud by thirty dollars (\$30.00) per foot.~~

22.14. Excavation. To make a hole, unearth, scrape, or dig out for the purpose of construction, demolition, or removal in relation to with specific relation to a tree or palm drip line, critical root zone, and root system.

23.15. Florida Friendly Landscaping™. Quality landscapes that conserve water, protect the environment, are appropriate for local conditions, and are drought, wind, and/or salt tolerant, or any combination of the three. Principles of Florida-Friendly Landscaping™ include planting the right plant in the right place, efficiently watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components of Florida-Friendly Landscaping™ include

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planning and design, soil analysis, use of solid waste compost, practical use of turf, and proper maintenance.

- ~~24.16. *Ground cover.* A planting of low growing plants that covers the ground in place of grass, lawn, or turf. Within the dripline of a tree, two (2) to three (3) inches of mulch may be used instead of plants.~~
- ~~25.17. *Hattracking.* To flat-cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood; or reducing the total circumference or canopy spread not in conformance with the American National Standards Institute, A300 standards or other accepted standards as published.~~
- ~~26.18. *Hedge.* A row of evenly spaced shrubs or other vegetation planted to form a dense, continuous, unbroken visual screen.~~
- ~~27.19. *Hydrozone.* A distinct grouping of plants with similar water needs and climatic requirements. Also referred to as water use zone.~~
- ~~20. *Interior landscape area.* That landscape area located within a vehicular use area further than twenty-eight (28) feet from the perimeter and not attached to the perimeter landscape area.~~
- ~~28.21. *Integrated pest management.* A pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as encouraging biological control, use of resistant plant varieties, and adoption of alternate cultural practices to make the habitat less conducive to pest development. Pesticides are used only when careful monitoring indicates they are needed, or to prevent pests from significantly interfering with the purposes for which plants are being grown.~~
29. *Interior landscape area.* The landscape area located within a vehicular use area further than twenty-eight (28) feet from the perimeter landscape area and not attached to the perimeter landscape area.
30. 22. *Interior parking.* Parking spaces not contiguous to, nor directly abutting a perimeter.

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- 31.23. *Irrigation system*. A constructed watering system designed to transport and distribute water to plants.
- 32.24. *Irrigation zone*. A grouping of soakers, sprinkler heads, bubblers, or micro-irrigation emitters operated simultaneously by the control of one (1) valve.
- 33.25. *Landscape or landscaping*. Any combination of living plants (such as ~~grass~~, groundcover, shrubs, vines, hedges, palms, or trees) and non-living landscape material (such as rocks, pebbles, sand, or mulch), ~~walls, fences, or decorative paving materials~~ installed ~~for functional or aesthetic reasons~~ at ground level and open to the sky.
- 34.26. *Landscape area*. An area where landscaping has been or shall be installed.
- 35.27. *Landscape area, required*. Landscape areas that are directly permeable to the subgrade through a natural drainage system unless otherwise specifically permitted by the ULDR.
36. *Landscape and Tree Document Packet*. A packet consisting of documents used to communicate technical information necessary for the review of a landscape or tree permit application as provided in Sec. 47-21.6.
- 37.28. *Lawn/turf/sod*. An area of land planted with grasses or (rarely) other durable plants, which are maintained at a short height and used for aesthetic and recreational purposes.
- 38.29. *Low Impact site design practices*. Practices that minimize changes to the site's soil levels and composition by preserving existing landscape, shrubs, ~~and/or trees,~~ or both, and other natural features.
- 39.30. *Monocotyledonous (monocot) tree*. A tree having fronds with parallel venation and an indistinct, tightly held trunk surface (a palm).
- 40.31. *Mulch*. An organic soil additive or topping such as compost, wood chips, wood shavings, seasoned sawdust, bark, leaves or straw, used to reduce evaporation, prevent erosion, control weeds, enrich the soil and lower soil temperature.

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- ~~41.32.~~ Native vegetation. Any plant species with a geographic distribution indigenous to all, or part, of the state of Florida as identified in the Guide to the Vascular Plants of Florida, 3rd edition, R. P. Wunderlin & B. F. Hansen, 2011, 1998, University Press of Florida, Gainesville.
- ~~42.~~ Natural Forest Communities. A vegetated area generally comprised of a canopy, subcanopy and groundcover, and which meets the criteria for the classification of an area as a Natural Forest Community under Chapter 27, Article XIV, Section 27-411 of the Broward County Code of Ordinances.
- ~~43.33-~~ Nectar-producing plant. A plant that serves as a food source by producing nectar within their flowers for mainly nectar-consuming pollinators such as butterflies, moths, bees, hummingbirds and bats.
- ~~44.34.~~ Net lot area. The total square footage of a parcel of land after subtracting the square footage area of any vehicular use area including the VUA required landscaping, building footprint, walls, curbs, walks, public utility easements, swimming pools, CRZ of any existing trees proposed to remain on site or any other impervious area.
- ~~45.35-~~ One-family residence. A building and its surrounding lot intended to be occupied by one (1) family.
- ~~46.~~ Nuisance tree. Any tree or palm, dead tree or stump upon any parcel of land within the city which threatens or endangers the public health, safety or welfare, or which could foreseeably cause the spread of disease or infestation to surrounding plant life.
- ~~47.36-~~ Ornamental shrub. A multi-stemmed woody plant with several permanent stems used for ornamental purposes.
- ~~48.~~ Overall height. Highest point in the canopy on a tree or palm measured vertically from grade, determined at the base of the trunk, to the natural position of the last fully expanded leaf.
- ~~49.~~ Overlift. The removal of the majority of the inner lateral branches and foliage of a tree thereby displacing weight and mass to the ends of the branches.

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50. ~~37.~~ *Palm*. A plant belonging to the monocot order of the family Palmae, distinguished by having unbranched single or multi-trunks crowned by large, compound pinnate, or palmate leaves/fronds.
51. ~~38.~~ *Parking garage*. A building or structure consisting of more than one (1) level and used to park vehicles.
52. ~~39.~~ *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, and also intermittently located within parking rows.
53. ~~40.~~ *Perimeter*. The boundary line separating one (1) parcel of land from another or a parcel of land from a right-of-way. If the property is on a waterway, the perimeter shall be the bulkhead line.
54. ~~41.~~ *Perimeter landscape area*. The landscape area directly abutting the perimeter of a VUA and within twenty-eight (28) feet of the property line.
55. ~~42.~~ *Perimeter parking*. Parking spaces contiguous to or directly abutting a perimeter landscape area.
56. ~~43.~~ *Pervious area*. That non-compacted land located at ground level, open to the sky allowing passage of air and water to the subsurface used or set aside for landscaping.
57. ~~44.~~ *Pervious paving materials*. A porous asphaltic, concrete, or other surface having a high-void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to paved surfaces.
58. ~~45.~~ *Plant bed*. A grouping of trees, shrubs, groundcover, perennials, or annuals growing together in a defined area devoid of turfgrass, normally using mulch around the plants.
59. ~~46.~~ *Plant communities*. An association of native plants that are dominated by one (1) or more prominent species or a characteristic physical attribute.
60. ~~47.~~ *Plant palette*. A list of site appropriate plant species of various colors, textures, and mature sizes chosen to be used in the landscape design.

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- ~~61.48.~~ *Planting plan*. Specifications, and installation details for plants, soil amendments, mulch, edging, gravel, staking materials, and other similar materials.
- ~~62. 49.~~ *Point of connection ("POC")*. The location where an irrigation system is connected to a water supply.
- ~~63. 50.~~ *Protected tree or protected palm*. A tree or palm which due to its size, shape, character, age, aesthetic value, species, historical value or any combination thereof declared by the city commission to be a locally unique example of the species.
- ~~64. 51.~~ *Protective barrier*. Fences or like structures at least four (4) feet in height that are conspicuously colored and are erected to prevent or obstruct passage.
- ~~65.~~ *Protection barricade*. A fence or similar structure that encloses the critical root zone of existing trees, palms, and vegetation, and is designed to protect the roots and prevent the disturbance and compaction of the soil within the dripline of a tree .
- ~~66.52.~~ *Prune*. The selective removal of plant parts to meet specific goals and objectives. To remove, cut off, or cut back parts of a tree or plant which will alter the natural shape.
- ~~67.~~ *Public lands*. Any land and interest in land, within the City of Fort Lauderdale, owned by the United States, any state of the United States, the State of Florida, a political subdivision, or agency of the State of Florida, Broward County, the Broward County School District, single and multipurpose special district, single and multipurpose public authority, the City Fort Lauderdale or a separate legal entity or administrative entity created under the Florida Interlocal Cooperation Act of 1969.
- ~~68.~~ *Registered Landscape Architect (RLA)*. A person who holds a license to practice landscape architecture in the State of Florida pursuant to Chapter 481, Part II, Florida Statutes (2023).
- ~~69. 53.~~ *Right-of-way*. Land provided by dedication, deed or easement which is devoted to, required for or intended for the use by the public as a means of public traverse.

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70.54. *Runoff.* The water that results from and occurs following a rain event, or following an irrigation event, because the water is not absorbed by the soil or landscape and flows off from the area.

71.55. *Shock.* A state of irregular retarded plant growth or degeneration of the vital processes resulting from, but not limited to, transplant, root damage, wounds, impact, partial or total girdling, or improper cutting.

72.56. *Shade tree.* A single-trunked dicot or conifer tree which by virtue of its natural shape provides at maturity a minimum shade canopy thirty (30) feet in diameter as listed in the table of tree evaluation.

73.57. *Shrub.* A multi-stemmed woody plant with several permanent stems usually maturing at less than 15 feet in height.

74.58. *Site appropriate plant.* A plant that, after establishment, will thrive within the environmental conditions that are normal for a specific location without artificial inputs or supplements such as irrigation.

75. *Soil amendments.* Materials added to soil to improve its physical or chemical properties.

~~59. *Specimen tree.* Any tree which has a diameter of eighteen (18) inches or greater and is well shaped and in good health. Exceptions are the following trees which are not specimen trees:~~

- ~~a. Fruit trees that are capable of producing potentially edible fruit, including, but not limited to: mangos, avocados, or species of citrus;~~
- ~~b. Species of the genus Ficus except F. aurea (strangler fig), F. citrifolia (short leaf fig), F. lyrata (fiddle leaf fig), F. rubiginosa (patio fig or rustyleaf fig);~~
- ~~c. *Acoelorrhaphe wrightii* (paurotis palm) and *Phoenix reclinata* (Senegal date palm) which have less than eight (8) feet of wood height;~~
- ~~d. All other multi-trunked palms not mentioned above;~~
- ~~e. Australian pine, Brazilian pepper, melaleuca, pencil tree and poison wood, carrotwood, schefflera; and~~

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f. ~~Trees which are "Class D" or lower.~~

76. Specimen tree. Any tree which meets all of the following criteria:

- a. Specifically listed in the City's Tree Classification List as maintained by the Department.
- b. a condition rating of 60%, or greater, as calculated using the CTLA Guide for Plant Appraisal, 10th edition.
- c. a diameter at breast height (DBH) in accordance with the following:
 - i. Eighteen (18) inches or greater for Large Trees; or
 - ii. Thirteen (13) inches or greater for Medium Trees; or
 - iii. Eight (8) inches or greater for Small Trees.
- d. Trees within any of the following categories are not considered specimen trees for the purposes of this Section:
 - i. Fruit trees grown for the commercial production of fruit;
 - ii. Trees and palms planted and grown in a state-certified plant nursery or botanical garden for sale to the general public;
 - iii. Trees and palms classified as invasive pursuant to the Department of Agriculture and Consumer Services, Chapter 5B-57, Florida Administrative Code (FAC), as amended, and the Florida Invasive Species Council (FISC) Invasive Plant Species List, Category 1, as amended;
 - iv. Trees which are Class D and lower, as listed in the City's Tree Classification List as maintained by the Department;
 - v. City Commission Protected Trees and Palms.

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- 77.60. *Standard.* A woody perennial plant with a number of stout stems, all but one (1) of which has been removed. The remaining stem then has been trained into an upright, small, tree-like form having a rounded crown usually supported by a stake.
- 78.62. *Street tree.* A tree which is located within twelve (12) feet of the edge of pavement or curb of a street or such other distance as determined by the department in accordance with this section.
- 79.63. *Table of tree classification evaluation.* A table prepared by the Department city and ~~amended from time to time~~ listing tree and palm species, size classification, and corresponding information relevant pertinent to each such species, on file with the Department.
- 80.64. *Tree.* A woody perennial plant, possibly ~~shrubby~~ shrub-like in form when young, with one (1) main stem or trunk which naturally develops diameter and height characteristics of a particular species.
- 81.65. *Tree abuse.* Any action or inaction which does not follow acceptable ~~trimming~~ practices as established by the American National Standards Institute, A300 standards, or as prescribed in the regulations, herein, ~~or other accepted standards as published.~~ Abuse also includes, but is not limited to, damage inflicted upon the roots by machinery, changing the natural grade within the drip line, destruction of the natural shape or any action which causes infection, infestation or decay.
82. *Tree and Palm Survey.* A document prepared by, signed, and sealed by land surveyor licensed by the State of Florida which must provide, at a minimum: the location, plotted by accurate techniques, of all existing trees and palms; a numbering system designating each tree and palm location on the survey; a corresponding list providing the tree and palm number; identification of each tree and palm; the trunk diameter of each tree; and the overall height of each palm.
- 83.66. *Tree Canopy Trust Fund.* The fund maintained by the City to which funds received by the City for the equivalent value of trees removed shall be deposited. ~~Money from the fund shall be used to enhance tree canopy coverage. Trust funds shall be expended, utilized and disbursed for the planting of trees and any other ancillary costs associated with the planting of trees on public lands. Ancillary costs shall not exceed twenty percent (20%) of the cost of the particular tree planting~~

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project, and may include landscape design services, irrigation, mulch, tree grates, porous surfacing, or other materials necessary for the proper installation and maintenance of tree planting projects. These monies may also be used for the relocation of trees to public lands and for periodically distributing saplings to the public to increase tree canopy coverage.

84. Tree inventory. A document, prepared by an ISA Certified Arborist or a Florida Registered Landscape Architect, that lists existing trees and palms depicted on a tree survey and identifies each tree and palm by number, common and botanical name, the trunk diameter at breast height (DBH), the overall and clear trunk height of each palm, the condition rating of each tree and palm as calculated using the *CTLA Guide for Plant Appraisal, 10th edition*, and the disposition status of each existing tree and palm on site (i.e., whether the tree or palm is to remain and protect in place, to be relocated, to be removed).
85. Tree protection zone (TPZ). An area identified around a tree or palm in which construction activities are prohibited or restricted to prevent injury to trees and palms.
86. Tree protection. Activities designed to preserve and protect tree health by avoiding damage to a tree's roots, trunk, and branches.
87. Tree relocation. To change the location of a tree or palm.
88. ~~67.~~ Tree service/arborist. Any qualified person, company, corporation or service performing the removal of branches more than one inch in diameter from a tree or the removal of live palm fronds from any type of palm tree with six feet or more of clear trunk, or cutting down, digging up, destroying, effectively destroying, removing, relocating, or grinding roots of any tree. ~~which does regularly, for compensation or fee, transplant, remove, prune, trim, repair, inject, or perform surgery upon a tree.~~
89. ~~68.~~ Tree removal. Any act to eliminate a tree or palm. ~~To change the location of a tree, or to cause damage to or destruction of a tree or root system so as to cause a tree to die.~~
90. ~~69.~~ Trim. To reduce, shorten or gradually diminish the size of a plant by removal of parts of a plant without altering the natural shape.

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91. Understory. The underlying, vegetative layer of trees and shrubs between the urban forest canopy and the ground cover.

92. Unnatural decline. Deterioration of plant health due to non-natural factors.

93. Urban forest. A collection of trees that grow within a city.

94. Urban forestry. The sustained planning, planting, protection, maintenance, and care of trees, forests, greenspace and related resources in and around the city for economic, environmental, social, and public health benefits for people.

95.70. Vehicular use area (~~also referred to as "VUA"~~). Any area used by vehicles including, but not limited to, areas for parking, display, storage or traverse of any and all types of motor vehicles, bicycles, watercraft, trailers, airplanes or construction equipment, but shall not include areas used exclusively as an airport ramp or apron.

96.71. Vine. A plant whose natural growth characteristic produces climbing stems.

SECTION 3. That Section 47-21.3 - General provisions and design standards of the City of Fort Lauderdale, Florida, ULDR is hereby amended as follows:

Sec. 47-21.3. - General provisions and design standards.

...

- I. 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, and greater environmental benefits, ~~and fewer costs~~, such as those associated with tree replacement and damage by roots to property improvements and infrastructure.

- J. Unless otherwise authorized by Section 47-21, it is unlawful for any person to cause, suffer, permit or allow:
 - 1. The removal of any City Commission Protected Tree or Protected Palm without first obtaining approval from the City Commission to conduct the removal; and

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2. The removal of any tree or palm without first obtaining a Tree Permit from Department as herein provided; and
3. Tree abuse as defined in Section 47-21.2.A.; and
4. Any encroachments, excavations, or change of the natural grade within the drip line of a tree unless it can be demonstrated to the Department prior to the commencement of said activity, that the activity will not negatively impact any tree; and
5. Land clearing or the operation of heavy equipment in the vicinity of a tree without placing and maintaining a protective barrier around the drip line of the tree. The protective barrier shall be conspicuous enough and high enough to be seen easily by operators of trucks and other equipment; and
6. The storage or use of materials or equipment within the drip line of any tree, or attachments, other than those of a protective and non-damaging nature, to any tree; and
7. Land clearing, including the removal of understory, in an area designated as a Natural Forest Community without first obtaining an appropriate license from Broward County.

K. General exemptions.

1. During a state of emergency for a natural emergency declared by the Governor pursuant to Section 252.363 or a local emergency declared for a natural emergency pursuant to Article IX – Emergency Preparedness Task Force, Chapter 2 of the Code of Ordinances the City Manager may suspend the enforcement of provisions of Section 47-21.
2. Reserved.

SECTION 4. That Section 47-21.6 - Landscape plan required of the City of Fort Lauderdale, Florida ULDR is hereby amended as follows:

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Sec. 47-21.6. - Landscape and Tree plan Document Packet required.

A. Prior to the issuance of a Landscape Permit, a ~~landscape plan~~ Landscape and Tree Document Packet shall be submitted to the Department. The ~~landscape plan~~ Landscape and Tree Document Packet shall include, as applicable to the scope of work as proposed, but not be limited to, the following:

1. Tree and Palm Survey. A document signed, sealed, and prepared by a Florida licensed land surveyor which must provide, at a minimum:
 - a. The location, plotted by accurate techniques, of all existing trees and palms;
 - b. A numbering system designating each existing tree and palm location on the survey;
 - c. A list containing the names of each tree, palm, or both identified by a number corresponding with the number as assigned on the survey.
 - d. The trunk diameter at breast height (DBH) of each existing tree;
 - e. The overall height of each existing palm; and
 - f. Be prepared at no less than a one (1) inch equal to thirty (30) feet scale, and include property boundaries, north arrow, graphic scale, and date.
2. Tree and Palm Inventory. A document, prepared by an ISA Certified Arborist or a Florida Registered Landscape Architect, that contains at a minimum:
 - a. The existing tree and palm survey;
 - b. A corresponding list of existing trees and palms numbered to match the existing tree and palm survey;
 - c. A graphic representation of all existing trees and palms inclusive of the canopy dripline;
 - d. The common and botanical name of each existing tree and palm;

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- e. The trunk diameter at breast height (DBH) of each existing tree;
- f. The overall height and clear trunk of each existing palm;
- g. Be prepared at a maximum of thirty (30) scale, and include the property boundaries, north arrow, graphic scale, and date;
- h. The signature, contact information, and certification number of ISA Certified Arborist or seal of Florida Registered Landscape Architect; and
- i. An Arborist Report for all existing specimen trees and desirable trees or desirable palms. The Arborist report shall be prepared by an ISA Certified Arborist and provided on ISA Certified Arborist business letterhead with contact information and ISA Certification number clearly stated, prepared within six (6) months of date being submitted, and original signature by same ISA Certified Arborist. If a state of emergency for a natural disaster is declared pursuant to Chapter 252, Florida Statutes, or pursuant Section 2-274, of the City of Fort Lauderdale Code of Ordinances that impacts the City after the report has been submitted but prior to tree permit issuance, then the ISA Certified Arborist must update the report and resubmit it to the Department. This report shall reference the tree survey or tree disposition sheet with numbered trees and palms, a corresponding table which includes tree/palm number, botanical name and common name, trunk diameter at breast height (DBH) for trees in inches, clear trunk height for palms in feet, condition rating stated as a percentage using a whole number, the disposition of the tree, and a written assessment of the existing tree's characteristics explaining how and why the above information was reached. This report may also provide descriptive information on recommendations for prescriptive tree maintenance activities.

B. Landscape Plan shall:

- 1. Be designed so that landscaping shall not be adversely affected by factors such as salt exposure, prevailing winds, tidal occurrence, overhead obstructions, poor sun exposure, unusual soil conditions, etc. At a minimum, such plan shall include the following:
 - a. Prepared at a scale no less than one (1) inch equals thirty (30) feet. An overall project plan may be provided at a smaller scale when using it to reference section sheets provided;

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- b. Title block including name and address of project, RLA contact information, RLA seal and dated signature, original and sequential revision delta with revision date and narrative, north indicator;
 - c. Plan sheets layout shall be in landscape orientation.
 - d. Tree protection zones, including the critical root zone, illustrated, and labeled;
2. The tree and palm protection requirements as specified in 47-21.15.
3. The tree and palm protection zones shall be illustrated on all plan sheets that include any underground installations, including, but not limited to, irrigation, plumbing, electrical, telecommunication or streetlight lines. The tree and palm protection zones shall be shown on all drawings that include structural installations that will require excavation(s), and for above-ground installations that may include, but not limited to, walkways, streetlights, overhead wires or other types of infrastructure.
4. Any amendments to the Landscape and Tree Document Packet that result in the modification of tree and palm protection zones require revisions to tree and palm protection plans and re-submittal to the Department for approval prior to permit issuance.
- ~~1. Name, address and telephone number of the person who has prepared the landscape plan. Landscape plans submitted for approval must be prepared by a registered landscape architect, dated, signed and stamped with his or her seal. A property owner may prepare plans or drawings for their own property. A nurseryman or nursery stock dealer may also prepare plans or drawings but only as an adjunct to merchandising his products.~~
- ~~2. A landscape plan drawn at a scale no less than one (1) inch equal to thirty (30) feet showing the location, size, description and specifications of materials, grade of plantings, mulch specifications, protective structures such as curbs, the number of interior parking spaces and the square foot area of the VUA, and perimeter and interior landscape area. New trees shown shall be spaced so as not to conflict with normal canopy development. An existing desirable tree proposed to be retained on site shall be left with a root pervious area surrounding it sufficient to support the species and canopy.~~

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3. ~~The landscape plan shall:~~

- a. ~~Be designed so that landscaping shall not be adversely affected by factors such as salt exposure, prevailing winds, overhead obstructions, utility services, deep shadows, unusual soil conditions and shall identify and show location of existing trees on and adjacent to the development site, and;~~
- b. ~~Take into consideration existing solar access for photovoltaic solar systems when determining appropriate areas on the development site for proposed tree locations.~~

5.~~4.~~ A site plan drawn at a scale of not less than one (1) inch equal to thirty (30) feet showing the property boundaries and dimensions, existing and proposed structures, pools, walks, walls, patios, VUA's, lot orientation, utility services, light poles, pad mounted transformer locations, fire hydrants, Siamese connections, existing and proposed elevations and any other factor affecting the proposed use of the property, including the use and zoning of adjacent property.

6.~~5.~~ A current survey when construction or alteration to a structure, or change of use or construction related to a VUA is proposed. The survey shall depict site utilization and improvements thereon and may be submitted in place of the landscape plan and site plan described in this section when the survey provides sufficient information to determine compliance with the requirements of this section.

7. ~~6-~~The location of all underground and overhead utilities.

8. ~~7.~~ A landscape material schedule listing all plants being used with their botanical, common, and, where applicable, cultivar names; spacing; quantities; size of each type of plant by container size, mature height, and spread; degree of drought tolerance (as determined by the most recent edition of the South Florida Water Management District's guide *Waterwise: South Florida Landscapes*); and indication of whether native to Florida that will thrive in South Florida consistent with Florida-Friendly Landscaping™ principles.

9. ~~8~~ The hydrozones, as determined by the most recent edition of the South Florida Water Management District's guide *Waterwise: South Florida Landscapes* , shall be shown on irrigation and planting plans, as required.

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10.9. A table showing the total square footage(s) of the various landscape hydrozones on the plan. If more than one (1) water meter serves the site, the total hydrozone square footages of the various hydrozones must be identified with each POC and meter providing water service.

11.40 A layer of organic mulch three (3) inches deep is required and shall be noted on plans in plant beds, except annual beds, and individual trees in turfgrass areas. Mulch rings should extend at least three (3) feet around freestanding trees and shrubs. Mulch should be at least six (6) inches away from any portion of a building or structure, or the trunks of trees, and at least three (3) inches away from the base of shrubs.

12.44 If an irrigation plan is required it must include:

- a. A minimum scale of one (1) inch equals thirty (30) feet;
- b. The location of existing trees, vegetation, and ecological communities to remain, if applicable;
- c. The location of existing buildings, paving, and site improvements to remain;
- d. The location of proposed trees, vegetation, and ecological communities;
- e. The location of proposed buildings, paving, site improvements, and water bodies;
- f. The irrigation POCs and design capacity;
- g. The water service pressure at irrigation POCs;
- h. The water meter location and size;
- i. The major components and location of the irrigation system, including all pumps, filters, valves, and pipe sizes and lengths;
- j. Reduced-pressure-principle backflow-prevention devices for each irrigation POC on potable water systems and specifications;

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- k. The locations and specifications of controllers of rain shut-off devices and soil moisture sensors;
- l. An irrigation legend with the following elements:
 - i. Separate symbols for all irrigation equipment with different spray patterns and precipitation rates and pressure compensating devices;
 - ii. General description of equipment; manufacturer's name and model number for all specified equipment;
 - iii. Recommended operating pressure per nozzle and bubbler and low-flow emitter;
 - iv. Manufacturer's recommended overhead and bubbler irrigation nozzle rating in gallons per minute or gallons per hour for low flow point applicators;
 - v. Minimum (no less than seventy-five percent (75%) of maximum spray radius) and maximum spray radius per nozzle; and
 - vi. Manufacturer's rated precipitation rate per nozzle at specified pounds per square inch ("psi"); and
- m. Zone layout plan (minimum scale of one (1) inch equals twenty (20) feet):
 - i. Indicating headtype, specifications, and spacing; and
 - ii. Indicating methods used to achieve compliance with landscape irrigation design standards as required by Section 373.228, Florida Statutes, as amended.

SECTION 5. That Section 47-21.15, Tree preservation, of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 47-21.15. – Regulations for the preservation of trees and palms ~~Tree preservation~~

~~A. Tree removal.~~

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- ~~1. It shall be unlawful to remove a tree described as follows without first obtaining a tree removal permit:~~
- ~~a. A dicot or conifer tree having a diameter of three (3) inches or more or a monocot having eight (8) feet or more of wood, on other than a developed one family residential lot;~~
 - ~~b. On a developed one family residential lot, if:

 - ~~i. The tree is to be removed in anticipation of redevelopment and it is a dicot or conifer tree having a diameter of three (3) inches or more or a monocot having eight (8) feet or more of wood;~~
 - ~~ii. No redevelopment is anticipated and the tree to be removed is a dicot or conifer having a diameter of eight (8) inches or more measured four and one half (4½) feet above grade; or~~
 - ~~iii. A palm in the genus of Cocos, Roystonea and Phoenix (except roebellini) with eight (8) feet or more of wood.~~~~

~~For the purposes of this section, redevelopment is defined as a change of use, an added use such as an additional living unit or an office, or remodeling or demolition of more than fifty (50) percent of the existing interior. Room additions to a structure, which will continue as a one family use do not constitute redevelopment. An application for a building permit to redevelop a one family property within twelve (12) months of previously unpermitted tree removal shall be construed as anticipation of redevelopment and will require tree removal permits and equivalent replacement.~~

- ~~2. Application for a tree removal permit shall be made to the department. Upon receipt of an application for tree removal, the department shall determine the equivalent replacement or equivalent value of each tree to be removed. No permit nor replacements shall be required for removal of Schinus spp. (Pepper Trees, Florida Holly), Metopium toxiferum (Poison Wood), Casuarinas spp. (Australian Pine, Beefwood), Melaleuca spp. quinquinervia and M. leucadendron (Paper Bark Trees), Euphorbia tirucalli (Pencil Tree), Bischofia javanica (Bischofia, Bishopwood), Acacia auriculaeformis (Earleaf Acacia), Araucaria excelsia (Norfolk Island Pine), Cupaniopsis anacardioides (Carrotwood) or Brassia actinophylla (Schefflera).~~

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- ~~3. Effort shall be made to design around existing, large, desirable trees. If, as determined by the department, there are large desirable existing tree(s) and the proposed placement of the site plan elements will not save such tree(s) and sufficient root system to support the tree(s), and such tree(s) are capable of being protected by a reasonable modification of said plan, then a tree removal permit may be denied by the department. In addition, if a permit is sought to remove an existing, large, desirable tree because its root system is causing damage to the associated sidewalks, paved areas, or septic systems, or if falling tree debris is staining nearby surface area, then the tree removal permit may be denied by the department if alternatives such as sidewalk bridging, canopy reduction, or trimming have not been considered or attempted, and such action would address the problem while preserving the tree. An alternative or redesigned site plan shall then be submitted.~~
- ~~4. The department shall issue a tree removal permit when the applicant for such permit has agreed to fulfill one (1) of the following requirements:~~
- ~~a. That the tree, if transplanted, will be moved by the applicant following the American National Standards Institute A-300 standards or similar accepted standards as published, to another location within the city and guaranteed by the permit holder for one (1) year for trees of less than or equal to six (6) inches in caliper and for two (2) years for trees greater than six (6) inches in caliper.~~
 - ~~b. That the tree, if destroyed, will be replaced by trees of equivalent replacement, as determined by the department, planted on the site from which the tree was removed. Sufficient room shall remain on the site to allow replacements to establish a mature canopy spread, based on usual growth characteristics of the species. A replacement planting plan may be required.~~
 - ~~c. That the tree, if destroyed, will be replaced by new trees of equivalent replacement upon public lands and guaranteed by the donor for three hundred sixty five (365) days. The replacement species, size and planting location shall be determined by the department.~~
 - ~~d. That a tree, if destroyed, will be replaced by a container grown tree or trees of equivalent replacement delivered to the city nursery or other location. The delivery location, as well as the replacement species and size, shall be determined by the department.~~

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- e. ~~That the tree, if destroyed, will be replaced by the applicant by providing the equivalent value to the city's tree canopy trust fund.~~
- f. ~~That a specimen tree having a caliper measurement of eighteen (18) inches or more shall be limited to the option of providing equivalent value by cash only deposited to the tree canopy trust fund at the time the removal permit is issued.~~
5. ~~Any tree removed without a permit having first been issued by the department shall be replaced by equivalent replacement or equivalent value. If the tree removed was a tree required by ordinance, the equivalent replacement shall be made by planting the largest tree reasonably available upon the site. Any remainder of equivalent replacement shall be planted on public property by the violator, at a location determined by the department and guaranteed for three hundred sixty-five (365) days. If the tree removed was a nonrequired tree, equivalent replacement or value shall be provided in accordance with subsection A.4.~~
6. ~~In the event that insufficient trunk remains of the removed tree so that equivalency cannot be determined thereby, size and equivalency shall be estimated based upon trees of the same species existing in the vicinity, considering, among other things, aerial photographic records and other available data relative to the area.~~
7. ~~Failure of an applicant to replace a removed tree within sixty (60) days after being notified by the department shall be a violation of this section. Removals necessitated by permitted construction may be replaced after the sixty day limit, but prior to the issuance of a certificate of occupancy or final use approval.~~
8. ~~Trees which have been planted and are being grown in a state-certified plant nursery or botanical garden for sale to the general public and are being transplanted in order to be utilized as landscape material do not require tree removal permits.~~
9. ~~A monetary guarantee may be required to insure compliance with requirements. This bond, cash, letter of credit, or certificate of deposit in favor of the city shall be computed based upon the equivalent value of the tree or trees in question. The subsequent deposit of this monetary guarantee into the tree canopy trust fund shall immediately fulfill tree replacement requirements. Otherwise, when tree planting is used to fulfill the tree replacement conditions, the security shall be held by the city and the guarantee period shall extend at least three hundred sixty-five (365) days past the replacement planting~~

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~~date. The monetary guarantee shall be in addition to any bond required by any other governmental entity.~~

- ~~10. In the event of storms, accidents or other acts of God of an emergency nature by reason of which life, limb or property is in immediate jeopardy, or for trees which have died due to lightning, disease, storm damage, or other natural causes, part or all of the terms and provisions of this section may be waived by the department.~~

~~B. *Tree services and arborists.*~~

- ~~1. All tree services working within Fort Lauderdale shall have a current Broward Tree Trimmer License and comply with all applicable Broward Tree Trimmer license regulations.~~
- ~~2. Vehicles used by a tree service/arborist operating within the city shall be clearly marked with the name of the tree service/arborist. Certified arborists shall display the certified logo and registration number, if any.~~
- ~~3. A photocopy of the current business tax receipt shall be available for inspection at each job site.~~
- ~~4. Standards for cutting on or repair to dicotyledonous species shall be in accordance with the American National Standards Institute A-300 standards or similar accepted standards as published.~~
- ~~5. Persons engaged in business as a tree service in the city shall adhere to the American National Standards Institute, A-300 standards or similar accepted standards as published on all tree species within the City of Fort Lauderdale.~~

~~C. *Tree protection.*~~

- ~~1. Trees retained on a site shall be protectively barricaded before and during construction activities as approved by the department. A monetary performance assurance instead of or in addition to a protective barricade may be required to ensure protection of a tree or trees or to guarantee restoration of an equivalency. The amount of said assurance shall be based upon the equivalent value of the tree or trees specifically covered. Any assurance required for a "protected tree" shall be four (4) times the equivalent value for that tree.~~

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- ~~2. Underground utility lines shall be routed around existing trees to the outside of the dripline. If this is not possible, as determined by the department, a tunnel made by a power-driven soil auger may be used under the tree.~~
- ~~3. Installation of fences and walls shall take into consideration the root systems of existing trees. Post holes and trenches located close to trees shall be dug by hand and adjusted as necessary to avoid damage to major roots. Continuous footers for masonry walls shall be ended at locations where larger roots are encountered and the roots bridged.~~
- ~~4. Any tree which has been declared by resolution of the city commission to be a "protected tree" shall not be removed unless such removal has been approved by resolution of the city commission. When a protected tree is on or adjacent to a site to be developed or redeveloped, the owner, developer or contractor shall take all reasonable measures to prevent damage to the tree and root system out to the natural dripline. The extent of the dripline will be based on diameter and species without respect to previous pruning activities.~~
- ~~5. Any owner, tenant, contractor or agent thereof who fails to provide tree protection as stated herein shall be guilty of tree abuse.~~

~~D. Tree abuse.~~

- ~~1. Tree abuse is prohibited. Abused trees may not be counted toward fulfilling landscape requirements. Tree abuse shall include:
 - ~~a. Damage inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.~~
 - ~~b. Damage inflicted to or cutting upon a tree which permits infection or pest infestation.~~
 - ~~c. Cutting upon any tree which permanently reduces the function of the tree or causes it to go into shock;~~
 - ~~d. Cutting upon a tree which alters the natural shape.~~
 - ~~e. Hatracking.~~~~

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- ~~f. Bark removal of more than one-third (1/3) of the tree diameter.~~
- ~~g. Tears and splitting of limb ends or peeling and stripping of bark.~~
- ~~h. Use of climbing spikes on any species of tree for any purpose other than total tree removal.~~
- ~~i. Severe neglect of tree nutrition or adequate irrigation necessary for continued growth.~~
- ~~j. Pruning of live palm fronds, which initiate above the horizontal plane.~~

~~2. Trees shall be cut in the following manner:~~

- ~~a. All cuts shall be clean and at junctions, laterals or crotches. Tunneling or drop crotch trimming for overhead utility lines shall be followed.~~
- ~~b. Removal of dead wood, crossing branches, weak or insignificant branches, and suckers shall be accomplished simultaneously with any reduction in crown.~~

~~3. An owner of a parcel of land upon which tree abuse has occurred may be required to replant an equivalent replacement upon such parcel, or at a different location selected by the department, within sixty (60) days after being notified by the department.~~

A. Tree and Palm Protection Requirements.

1. *General.* Property owners, tenants, contractor or agents thereof shall make best efforts to prevent the destruction or damaging of trees and palms for which no Tree Permit has been issued on private or public property. Trees and palms destroyed or incurring irreparable damage must be replaced by trees and palms of equivalent value, as specified herein, prior to the issuance of the certificate of occupancy or certificate of use, unless removal of the trees and palms has been authorized pursuant to a Tree Permit. Tree and palm protection zones must be established for all trees and palms that remain in place on-site and for any trees and palms relocated within or to the site. When proposed development activities may damage the root systems or canopies of trees and palms to be retained or relocated on-site, alternatives to the proposed activities, or effective protective measures, shall be identified and used.

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2. Landscape and Tree Document Packet. Landscape and tree documents shall be provided as required in 47-21.6.

3. Tree and Palm Protection Measures. The following tree and palm protection measures are required to be incorporated in all development plans submitted for permitting.

a. Protection Barricades.

i. Protection barricades are required to be placed around each existing and relocated tree or palm, cluster of trees or palms, and preservation areas. The placement is to include the critical root zone to the drip line or having a minimum radius of one (1) foot for every one (1) inch in trunk DBH, whichever is greater.

ii. All protection barricades must be installed prior to the start of any construction or site development, including but not limited to tree or palm removal, demolition and land-clearing activities, and cannot be removed until development is completed, and the Department authorizes removal after a site inspection.

iii. Protection barricades must:

1) Be a minimum height of five (5) feet above grade; and

2) Be constructed of either a continuous sturdy chain link fence with minimum two (2) inch diameter metal posts installed in the ground at a maximum five (5) foot spacing, or two-by-four (2x4) inch wood posts installed in the ground at a maximum eight (8) foot spacing with three (3) equally spaced two-by-four (2x4) inch wood rails; and

3) Be sturdy with vertical posts driven firmly into the ground so as to prevent any horizontal movement; and

4) Have a colored material enclosing the barricade structure according to ANSI Z535; and

5) Display signage on the protection barricade to indicate that the area within the protection barricade is a tree protection zone in which activities listed

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in subsection b are limited. A minimum of two (2) signs shall be posted and signs shall be between one hundred and ninety-six (196) and four hundred eighty (480) square inches.

- b. Activity within tree and palm protection zones enclosed by protection barricades are limited as follows:
- i. No placement or storage of oil, fill, equipment, building materials, building debris, or any other construction materials is allowed in the enclosure.
 - ii. No disposal of any waste materials including but not limited to paint, oil, solvents, asphalt, concrete, mortar, or any other chemical materials is allowed in the enclosure.
 - iii. The natural grade of the area that existed prior to its enclosure by the protection barricades is required to be maintained in its original, pre-enclosure state.
 - iv. Grading activity within the tree and palm protection zone is limited to hand digging and hand grading activities. All areas surrounding and abutting the tree and palm protection zone are required to be graded in a manner that provides for the smooth transition of grade from the abutting area outside of the tree protection zone to the nature grade within the tree protection zone.
 - v. Best effort will be made to place underground lines, including, but not limited to, irrigation, plumbing, electrical, infrastructure, or telecommunication lines, outside the areas enclosed by protective barriers. If such placement is not possible, techniques such as tunneling, hand digging, excavation with an air spade, or other options determined acceptable by the Department shall be used to limit soil disturbance and avoid root damage.
 - vi. No vehicles or equipment are permitted within the tree and palm protection zones.
- c. The Department may require supplemental protection measures to ensure the protection of trees and palms including but not limited to retaining walls and drywells. Retaining walls and drywells are required in accordance with ANSI A300 standards and best management practices to protect any tree, palm, or both from impacts

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resulting from changes to the natural grade of the site as a result of site development and are anticipated to impact the health or condition of a tree palm, or both.

d. The applicants will provide the Department with authorization to enter the property subject of the development plan for the purposes of ensuring compliance with required tree and palm protection measures.

e. Any tree, palm, or both designated for preservation, which is damaged during construction shall be repaired at the direction of the Department by an ISA Certified Arborist to include:

i. Corrective pruning of canopy or root damages or both to tree or palm;

ii. Irrigation, fertilization, soil amendments, and other treatment to support recovery.

4. Fences, walkways, and walls shall be constructed to avoid disturbance to any tree and palm to remain. Post holes and trenches located within the CRZ shall be dug by hand and adjusted as necessary to avoid damage to major roots.

5. No attachments, signs, chains, ropes, or wires shall be attached to any trees or palms on any property in a manner that penetrates the surface of the trunk or inhibits growth at any time.

6. Any tree and palm which has been declared by resolution of the City Commission to be a City Commission Protected Tree shall not be removed or relocated, unless such action has been approved by resolution of the City Commission. When a protected tree and palm is on or adjacent to a site to be developed or redeveloped, the owner or agent, developer or contractor shall take all reasonable measures to prevent damage to the tree and palm and root system to the extent of the natural dripline.

B. Root Cutting Requirements. The cutting of roots with a diameter of two (2) inches or larger is prohibited, unless there is no feasible alternative, as determined by the Department. Construction activities, such as trench lines and walkway construction, shall be redirected

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away from tree and palm critical root zones. Root cutting shall be done according to approved techniques as outlined herein:

1. Trees and palms shall be evaluated by the Department, in accordance with ANSI A300 and companion BMP publications to determine whether the root cutting will destabilize the tree and palm or cause unacceptable damage to the tree and palm.
2. Root cut within the CRZ shall be made at a distance from the trunk not less than five (5) times the DBH of the trunk.
3. Roots shall be cleanly severed with sharp hand saw or power root saws. Roots shall not be torn off with power equipment, and cut roots shall not be left with ripped, ragged or shredded ends.
4. When tunneling or otherwise avoiding roots is not possible, a trench shall be carefully excavated by hand or machine and, when a root with a diameter of two (2) inches or greater is encountered, a final clean cut shall be made with a saw. The cut shall be made flush with the side of the trench closest to the tree. The root pruning trench shall be backfilled with soil.
5. When adjacent to new curbing, uncurbed paved areas, or areas of grade changes, roots shall be cut no more than eighteen (18) inches towards the tree from the back of the curb, the edge of the pavement, or the point of intersection of old and new grades, respectively. After root pruning, no excavation for the installation of forms or for any other reason may be performed any closer than six (6) inches outside of the root pruning cut. The root pruning trench shall be backfilled with soil and root barriers installed as appropriate.

C. Tree and Palm Relocation Requirements.

1. The issuance of a Tree Permit for tree and palm relocation is required for trees, palms, or both.
2. Any tree or palm shall be relocated on site unless it is demonstrated that relocation on site is not a viable alternative for the particular tree or palm.
3. Relocated trees or palms shall be transplanted to a location within the City. Tree and palm may be approved by the Department for relocation outside of the City limits.

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however, such relocation shall be considered a tree removal and all required equivalent replacements or equivalent value requirements shall apply.

4. Tree, palm, or both relocation activities shall not unnecessarily damage any other tree and/or palm to remain on the property.
5. Any tree, palm or both being relocated shall not be unnecessarily damaged during its removal, transport, or replanting.
6. Irrigation must be present and applied effectively for two (2) to four (4) weeks prior to root pruning, through the period of root pruning, and after root pruning and transplantation until the tree and palm has been completely reestablished at the new planting space. Irrigation shall be operated by automatic timer with water being applied directly to and just outside of the remaining intact root system. Watering frequency shall be such so as to ensure that free water is available to the root system at all times. Any temporary disruption in automatic operation shall be supplemented by hand watering.
7. Before transplanting, a relocated tree, palm or both shall be root pruned in accordance with ANSI A300 and companion BMP publications.
8. A tree or palm on public property shall be relocated to another public property upon demonstration that the property on which the trees and palms are located lacks available space for its relocation. If relocated to another public property, written authorization from the owner of the public property is required.
9. The tree, palm, or both when relocated, will be transplanted by the applicant following the ANSI A300 and Best Management Practices companion publications. This requirement includes all procedures, techniques, standards for minimum root ball size, and any other standards included in ANSI A300 Standards.
10. The relocated tree , palm, or both will be guaranteed by the permit holder for one (1) year from relocation installation date as verified by landscape inspector for trees of less than or equal to six (6) inches in DBH; two (2) years from the relocation installation date as verified by landscape inspector for trees greater than six (6) inches in DBH; one (1) year from the relocation date for palms.
11. A monetary assurance deposit may be required by the Department to ensure compliance with requirements. This monetary assurance deposit in favor of the City of

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Fort Lauderdale shall be computed based upon the equivalent value as defined in Section 47-21.2 and calculated in Section 47-21.15. G of the tree or palm in question. The monetary assurance deposit shall be held by the City one (1) year from relocation date for trees of less than or equal to six (6) inches in DBH; two (2) years from the relocation date for trees greater than six (6) inches in DBH; one (1) year from the relocation date for palms. The monetary assurance deposit shall be in addition to any bond required by any other governmental entity.

12. Release of monetary assurance deposit will occur upon successful completion of guaranteed date, and tree or palm has a sixty percent (60%) condition rating or better. If the tree or palm is determined to have a thirty-nine percent (39%) condition rating or less, and no maintenance efforts have been made to complete a successful relocation, and no replacements have been proposed, the monetary assurance deposit will be deposited into the Tree Canopy Trust Fund.
13. Replace, within sixty (60) days, a relocated tree or palm that dies within one (1) year of relocation installation date as previously verified by landscape inspector. The one (1) year maintenance period shall begin again whenever a tree or palm is replaced. The replacement trees or palms are to be determined from the equivalent value given for each at time of permitting or by the Department.

D. Tree and Palm Pruning Requirements.

1. Tree pruning is to be performed in accordance with ANSI A300 and Best Management Practices companion publications. Tree abuse is prohibited. The Department may require that construction activities minimize negative impacts to tree and palm canopy.
2. Trees and palms shall be pruned in the following manner:
- a. All cuts shall always be made to the outside of the branch bark ridge and angled away from trunk. Cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch bark ridge, branch collar or leaving a protruding stub. Tree limb reduction cuts shall be the preferred option with tree limb removal cuts performed only as a last resort.
- b. Removal of dead wood, cross branches, branches with poor angles of attachment and thinning of suckers shall be accomplished simultaneously without any reduction in crown.

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- c. Pruning of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall not be permissible.
 - d. Lifting of lower branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.
 - e. No more than twenty-five percent (25%) of a tree's living canopy shall be removed within a one (1) year period.
3. Tree pruning shall comply with Broward County Code of Ordinances tree trimming regulations and ANSI A300 best practices.

E. Tree Removal, Permitting, Licensing, Preservation and Mitigation Requirements for a Natural Forest Community:

- 1. A Broward County Resilient Environmental Department (BCRED) tree removal license must be obtained prior to the removal of any tree or trees from a site in areas designated as a Natural Forest Community. Damage to any tree or trees on the site in areas designated as a Natural Forest Community is prohibited.
- 2. Removal of trees in areas designated as a Natural Forest Community shall be pursuant to the Broward County preservation requirements to the extent determined to be practicable by BCRED.
- 3. Any proposed development activity which would negatively impact the Natural Forest Community must be mitigated through a resource management plan approved by BCRED.
- 4. In an area designated as a Natural Forest Community by Broward County where preservation is required, a conservation easement shall be granted by the applicant to Broward County.

F. Tree Permit Requirements.

- 1. A development permit application for new development or redevelopment must be submitted prior to issuance of a Tree Permit for removal of all trees onsite.

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2. A Tree Permit is required for demolition and land clearing activities unless site has been previously verified by the department to be devoid of any trees utilizing site inspection, aerial photographic records and other available historic data relative to the area.
3. The issuance of a Tree Permit for any tree and palm is required prior to the removal of:
 - a. A dicot or conifer tree having a DBH of three (3) inches or more; and
 - b. A monocot having eight (8) feet or more of clear trunk; and
 - c. Desirable trees and palms; and
 - d. City Commission protected trees and palms; and
 - e. Specimen trees.
4. Application for a Tree Permit for removal shall be made to the Department. Upon receipt of an application for tree or palm removal, the Department shall determine the equivalent replacement or equivalent value of each tree and palm to be removed, and may request such calculations to be provided by applicant.
5. No permit nor replacements shall be required for removal of a plant species identified as prohibited and controlled pursuant to the Department of Agriculture and Consumer Services, Chapter 5B-57, Florida Administrative Code (FAC), as amended, and the Florida Invasive Species Council (FISC) Category I Invasive Plant Species List, as amended, and Araucaria heterophylla (Norfolk Island Pine).
6. No permit will be required for the removal of a dead tree or palm on any developed property. Any dead tree or palm on developed property shall result in the complete removal including the stump and roots. If a dead tree or palm fulfilled a requirement, a replacement tree or palm is required to be installed to meet that requirement.
7. The Department shall approve a Tree Permit for removal of a tree or palm upon reviewing the following findings:

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- a. That the tree or palm removal is necessary to accommodate a proposed development after the proposed development has provided evidence that the tree or palm cannot remain, be relocated on site, or both despite every reasonable effort made to incorporate the tree or palm proposed to be removed into the development and to minimize the number of trees removed.
 - b. That the tree or palm proposed to be removed is abused, diseased, injured, or otherwise of poor condition not greater than a forty percent (40%) condition rating.
 - c. That the tree or palm proposed to be removed is obstructing safe vehicular cross visibility.
 - d. That the tree or palm proposed to be removed is too close to an existing structure so as to endanger the structure, or otherwise is creating ongoing safety problems for existing development.
 - e. That the development plan designs around existing, large, desirable trees. A tree removal permit may be denied by the Department if it has been determined that large desirable existing tree(s) will be displaced by proposed site plan elements and or the placement of such site plan elements does not provide sufficient root system support for the tree(s), and such tree(s) are capable of being protected by a reasonable modification of said plan.
 - f. That if a permit is sought to remove an existing, large, desirable tree because its root system is causing damage to the associated sidewalks, paved areas, or septic systems, or if falling tree debris is staining nearby surface area, then the tree removal permit may be denied by the department if alternatives such as sidewalk bridging, canopy reduction, or trimming have not been considered or attempted, and such action would address the problem while preserving the tree. An alternative or redesigned site plan shall then be submitted.
8. After the Department has issued a Tree Permit for tree or palm removal, the applicant for such permit shall fulfill one (1) or more of the following requirements:
- a. That the tree or palm will be replaced by trees or palms of equivalent replacement planted on the site from which the tree or palm was removed. Sufficient area

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must be reserved on the site to allow replacements to establish a mature canopy spread, based on usual growth characteristics of the species. A replacement planting plan may be required. In the event that less than the required amount of equivalent replacement trees or palms are planted to satisfy the above, the remaining quantity of the equivalent replacement trees or palms may be addressed by payment into the Tree Canopy Trust Fund as calculated by equivalent value described in Section 47-21.15.G.

b. That the tree or palm will be replaced by the applicant by providing the equivalent value to the City's Tree Canopy Trust Fund.

c. That a specimen tree having a diameter at breast height measurement (DBH) of eighteen (18) inches or greater for Large Trees, thirteen (13) inches or greater for Medium Trees, and eight (8) inches or greater for Small Trees, as listed in the City's Tree Classification List as maintained by the Department and having a condition rating of sixty percent (60%), or greater, as calculated using the CTLA Guide for Plant Appraisal, 10th edition, shall provide equivalent value deposited to the Tree Canopy Trust Fund at the time the Tree Permit for removal is issued. There shall be no size requirements for palms to be considered desirable palms. A written request to install replacement trees on site for a portion or all of the equivalent value shall be presented to the Department for review and approval prior to Tree Permit issuance.

9. Activities associated with authorized tree or palm removal shall not result in the cutting down, destroying, removing, relocating, or damaging of any other tree or palm on the site unless such action is authorized by a Tree Permit.

10. Any tree or palm removed without a tree permit having first been issued by the Department shall be replaced by equivalent replacement or equivalent value. The equivalent replacement(s) shall be made by planting onsite the largest tree(s) or palm(s) available.

11. In the event that insufficient trunk remains of the removed tree or palm so that equivalency cannot be determined thereby, size and equivalency shall be estimated based upon trees or palms of the same species existing within 500 feet of the location of the removed tree, considering, among other things, aerial photographic records and other available historic data relative to the area.

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12. Failure of an applicant to replace a removed tree or palm within sixty (60) days after being notified in writing by the Department shall be a violation of this section. Removals necessitated by permitted construction may be replaced after the sixty (60) day limit, but prior to the issuance of a certificate of occupancy, certificate of completion, or final use approval.
13. Tree Permit is not required for the removal of trees or palms planted and grown in a state-certified plant nursery or botanical garden for sale to the general public for transplanting as landscape material.
14. A monetary assurance deposit may be required to ensure compliance with code requirements. This monetary assurance deposit, in favor of the City of Fort Lauderdale, shall be computed based upon the equivalent value of the trees or palms in question and shall be held by the City for a minimum of three hundred sixty-five (365) days past the replacement planting date. The monetary assurance deposit shall be in addition to any bond required by any other governmental entity.
15. In the event of storms, accidents, or other acts of nature of an emergency status by reason of which life, limb or property is in immediate jeopardy, or for trees or palms which have died due to lightning, disease, storm damage, or other natural causes, part or all of the terms and provisions of this section may be waived by the Department.
16. Mitigation for trees removed within the right-of-way shall be calculated and provided separately from onsite mitigation for the Landscape and Tree Document Packet submittal and plan review. Replacement within the right-of-way shall maximize caliper inches installed with trees that have a minimum twelve (12) foot height.

G. Tree and Palm Mitigation Calculation Requirements.

1. The equivalent replacement for non-specimen trees is determined by multiplying the existing trunk diameter at breast height (DBH) in inches, by the tree condition rating, by the percentage assigned below according to the species classification (based on the Classification List on file with the Department) percentage as follows. The product of this calculation indicates the total caliper inches of trees to be provided as equivalent replacement. The minimum height of replacement tree shall be twelve (12) feet overall.

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- a. Class A – 100%
 - b. Class B – 80%
 - c. Class C – 60%
 - d. Class D – 40%
 - e. Class E – 20%
 - f. Class F- 0%
2. The equivalent replacement for a palm with a clear trunk greater than eight (8) feet shall be a palm with a minimum eight (8) foot clear trunk. Palms with less than eight (8) feet of clear trunk and Desirable Palms are exempt from the requirement of this subsection 47-21.15.G.2.
 3. The equivalent replacement for Desirable Trees and Palms is determined by using a method outlined in the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal*, 10th edition.
 4. The equivalent replacement for City Commission Protected Trees and Palms is determined by using a method outlined in the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal*, 10th edition.
 5. The equivalent replacement for specimen trees is determined by subtracting the retail cost of the replacement tree or trees (wholesale cost multiplied by two and one half [wholesale x 2.5]) from the equivalent value of the specimen tree. The remainder of the equivalent value shall be provided by cash deposited to the Tree Canopy Trust Fund prior to Tree Permit issuance. The minimum height of replacement tree shall be twelve (12) feet overall.
 6. The equivalent value for non-specimen trees is determined by multiplying the diameter at breast height (DBH) in inches, by the tree condition rating, by the retail cost of trees (wholesale cost multiplied by two and one half [wholesale cost x 2.5] to be not less than two hundred and fifty dollars [\$250.00] per inch) expressed in dollars per inch, and by the percentage assigned below according to the species classification (based on the Classification List on file with the Department). The

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product of this calculation indicates the dollar amount to be deposited into the Tree Canopy Trust Fund.

- a. Class A— 100%.
- b. Class B— 80%.
- c. Class C— 60%.
- d. Class D— 40%.
- e. Class E— 20%.
- f. Class F— 0%.

7. The equivalent value of a palm, which is not protected under Desirable Palm status by the Department and has a minimum of eight (8) feet clear trunk, is determined by multiplying the clear trunk measurement of the palm to be removed by the retail cost per clear trunk foot (wholesale cost per clear trunk foot multiplied by two and one half [wholesale cost x 2.5] to be not less than twenty-five dollars [\$25.00] per foot) expressed in dollars per clear trunk foot. The product of this calculation indicates the dollar amount to be deposited into the Tree Canopy Trust Fund.

8. Equivalent value of a Desirable Tree and Palm is determined by using a method outlined in the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal*, 10th edition, and conducted by an ISA Board Master Arborist or ASCA Registered Consulting Arborist.

9. The equivalent value for City Commission Protected Trees and Palms is determined by using a method outlined in the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal*, 10th edition, and conducted by an ISA Board Master Arborist or ASCA Registered Consulting Arborist.

10. Money from the Tree Canopy Trust Fund shall be expended, utilized, and disbursed for:

- a. Enhancing tree canopy coverage within the City through the means below:
 - i. Planting of trees or palms on public lands and rights-of-way;

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- ii. Relocating trees or palms to public lands;
 - iii. Distributing trees or palms to the publics; and
 - iv. Replacement of hazardous trees on City projects or from within City property or rights of way as defined by Section 27-408(a)(3)(b) of the Broward County Code of Ordinances.
- b. Funding of ancillary costs associated with the planting of trees or palm on public lands shall not exceed twenty percent (20%) of any tree planting project for services and materials directly in support of tree or palm planting, which may include landscape design services, irrigation, soil amendments, or other materials necessary for the proper and successful installation and establishment of a tree planting project.
- c. Developing, publishing, and updating an Urban Forestry Master Plan to protect, preserve, and enhance the City's urban tree canopy and implementing the Master Plan recommendations. Cumulatively, the cost expenditures for this item shall not exceed fifteen percent (15%) of the Fund's balance in any given fiscal year.
- d. The cumulative expenditures from subsection b. and c. shall not exceed twenty percent (20%) of the total fund balance in any fiscal year.
11. The Urban Forestry Master Plan (UFMP) is a strategic and long-term investment in the City's urban tree canopy. Funding from the Tree Canopy Trust Fund shall be allocated to publish and regularly update the UFMP.

H. Tree Services and Arborist Requirements.

1. All tree services working within the City of Fort Lauderdale shall comply with all Broward County Tree Trimmer regulations, as applicable, and ANSI A300 practices.
2. Vehicles used by a tree service/arborist operating within the City shall be clearly marked with the name of the tree service/arborist. ISA Certified arborists shall display the certified logo and registration number, if any.

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3. A photocopy of the current business tax receipt shall be available for inspection at each job site.
4. Standards for cutting on or repair to tree and palm species shall be in accordance with the ANSI A300 standards as published.
5. Persons engaged in business as a tree service in the City shall adhere to the ANSI A300 standards on all tree species within the City of Fort Lauderdale.

I. Tree Abuse.

1. Tree abuse of any species of trees and palms for any purpose is prohibited. Abused trees may not be counted toward fulfilling landscape requirements. Tree abuse shall include:
 - a. All actions not in conformance with ANSI A300 and Z-133, 2017; and
 - b. Any action which effectively destroys a tree or palm, which permanently reduces the function of the tree, or causes unnatural decline; and
 - c. Unpermitted removal and relocation of a tree or palm; and
 - d. Damage inflicted upon any part of a tree within the dripline, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application, change to the natural grade, or other; and
 - e. Damage inflicted to or cutting upon a tree which permits infection or pest infestation; and
 - f. Damage caused by nailing or screwing to the trunk of any tree or palm to attach lights, signs, flags, ornaments, birdhouses, etc.; and
 - g. Damage caused by using inappropriate equipment, including but not solely limited to, inappropriate tool for cuts being made, inadequate tool for size cuts being made, dull cutting tool, and anvil-type pruners; and
 - h. Damage inflicted to trunk tissue caused by string trimmers; and

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- i. Unapproved cutting upon a tree which permanently alters the natural shape; and
- j. Hatracking; and
- k. Overlifting; and
- l. Bark removal of more than one-third (1/3) of the DBH; and
- m. Tearing and splitting of tree parts; and
- n. Use of climbing spikes other than for total tree removal; and
- o. Intentional neglect of tree nutrition; and
- p. Inadequate irrigation necessary for establishment and continued growth; and
- q. Damage caused from improper installation of and failure to remove guying and staking materials; and
- r. Pruning of live palm fronds initiating at or above the horizontal plane.

2. Any owner of a parcel of land upon which tree abuse has occurred may be required to remove an abused tree or palm and replant an equivalent replacement upon such parcel, or at a different location selected by the Department, or, be required to make a payment into the Tree Canopy Trust Fund in the amount determined by the Department, within sixty (60) days after being notified by the Department. Additional corrective actions may also be required as determined by the Department which may include, but not be limited to, corrective structural pruning, installation and maintenance of tree protection barriers, corrective root pruning, or obtaining a written tree evaluation from an ISA certified arborist.

J. Enforcement/Civil Remedies.

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1. Enforcement and penalties for not obtaining a Tree Permit.

- a. Civil fine for violators. The following civil fines shall be imposed for a violation of any parts of this section for those violations incurred for not obtaining a Tree Permit:
 - i. First offense committed within a twelve (12)-month period: \$1,000.00, per tree plus a monetary payment made to the Tree Canopy Trust Fund for the equivalent value of the tree or palm;
 - ii. Repeat offense within a twelve (12)-month period: \$2,000.00, per tree plus a monetary payment made to the Tree Canopy Trust Fund for twice the equivalent value of the tree or palm;
- b. Enforcement procedures shall be governed by the City of Fort Lauderdale Code of Ordinances Chapter 11 Article III.

2. Reserved

K. Tree Preservation Credits.

1. Desirable or Specimen tree(s) that are retained and protected throughout construction pursuant to this section, may be credited toward the landscape requirements for the site based on the following:

- a. For one (1) preserved existing tree between twelve (12) inches to twenty-four (24) inches DBH, the one (1) preserved tree may be counted towards two (2) onsite required trees. Equivalent value of preserved trees will be credited towards the site requirements, but not towards mitigation for trees removed or VUA required trees.
- b. For one (1) preserved existing tree with twenty-four (24) inches or more DBH, the one (1) preserved tree may be counted towards three (3) onsite required trees. Equivalent value of preserved trees will be credited towards the site requirements, but not towards mitigation for trees removed or VUA required trees.

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- c. Trees which have been retained and are visibly in decline as a result of construction will not be considered for credit.

2. Reserved

SECTION 6. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

SECTION 7. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 9. That this Ordinance shall be in full force and effect on _____ X, 2024.

PASSED FIRST READING this _____ day of _____, 2024.

PASSED SECOND READING this _____ day of _____, 2024.

DRAFT

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

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CITY OF FORT LAUDERDALE

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

Board Members	Attendance	Present	Absent
Michael Weymouth, Chair	P	1	0
Brad Cohen, Vice Chair	P	1	0
John Barranco	P	1	0
Brian Donaldson	P	1	0
Steve Ganon	P	1	0
Marilyn Mammano	P	1	0
Shari McCartney	P	1	0
Patrick McTigue	P	1	0
Jay Shechtman	P	1	0

Staff

Ella Parker, Urban Design and Planning Manager
Chris Cooper, Director of Development Services
Shari Wallen, Assistant City Attorney
Jim Hetzel, Principal Urban Planner
Karlanne Devonish, Principal Urban Planner
Laura Tooley, Urban Forester
Mark Koenig, Urban Landscape Designer
J. Opperee, Recording Clerk, Prototype, Inc.

Communication to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Weymouth called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. The Chair introduced the Board and Staff members present, including new Board member Brian Donaldson.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

(Revised Minutes for April 17, 2024, PZB Meeting “attendance correction,” and Draft Minutes for May 15, 2024, PZB Meeting)

Motion made by Ms. Mammano, seconded by Vice Chair Cohen, to approve the April minutes. In a voice vote, the **motion** passed unanimously.

~~Mr. Barranco stated his intent to abstain from voting on approval of the May 15, 2024 meeting minutes, as he had not been present at that meeting. Assistant City Attorney~~

~~Motion made by Ms. Mammano, seconded by Mr. Donaldson, to recommend approval of Case Number T23007, and the Board hereby finds that the text amendments to the ULDR are consistent with the Comprehensive Plan. In a roll call vote, the motion passed unanimously (9-0).~~

6. CASE: UDP-T24007

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

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: City-Wide

COMMISSION DISTRICT: I, II, III, IV

CASE PLANNER: Karlanne Devonish

Ms. Devonish explained that this Item is a ULDR amendment to Section 47-21, which addresses landscaping and tree preservation requirements, particularly focusing on tree preservation. This has been an ongoing effort in the City since 2018. In November 2019, this Item was brought before the City Commission in a workshop format, and the Commission directed Staff to move forward with amendments to the City's tree preservation and installation requirements.

The first attempt at processing the amendments came before the Planning and Zoning Board in March 2021, at which time the Item was deferred to allow time to seek additional feedback and bring a landscape architect on board to assist with the amendments. Staff brought the Item back in November 2021, and the Item was again deferred so the Board members would have additional time to review the proposed Ordinance, which was lengthy.

When the Item came back in December 2021, it was approved by a 4-2 vote, with the recommendation to require an Urban Forestry Master Plan that would include incentives to maintain old growth forests. The Item went to the City Commission in February 2022, at which time there was discussion of a workshop between City Commissioners and other stakeholders in order to hear more input. The workshop was held and the Item went before the Commission once again in June 2022; however, a motion to pass the Ordinance failed at that time.

Staff addressed the comments received from the June 2022 City Commission on the Item and a presentation was made to the Planning and Zoning Board in December 2022 in order to keep moving the Item forward. They were advised to hear additional input from stakeholders. . Since that time, Staff has bifurcated the Ordinance to focus primarily on tree preservation.

Some of the proposed changes include terms and definitions such as critical root zones, desirable trees, desirable palms, and protection barricades. Another proposed change was to the protection needed for trees and palms: for example, the critical root zones of

existing trees must now be provided within permitting plans. There must be limited impacts to tree protection zones during construction, and activities allowed and prohibited within that area are listed. Informational signage will also be required to show what is prohibited within the tree protection zone.

Prohibited activities include:

- No equipment, debris, or building materials may be placed within the areas surrounded by protective barriers
- No disposal of any waste material, such as paint or solvents
- No vehicles or equipment is allowed within protective barriers

The following would be allowed within the tree and palm protection zone:

- Hand-digging and grading activities
- Areas must be graded to a point that meets the outside of the tree protection zone
- Underground lines
- Infrastructure such as plumbing, electrical, irrigation, and telecommunication lines

Another change within the current proposal is an incentive known as a tree credit. Staff proposes that desirable or specimen trees that are retained would be based on the inches of diameter at breast height (DBH). One existing tree preserved at between 12 in. and 24 in. DBH would be counted toward two required on-site trees. If a preserved existing tree has more than 24 in. DBH, it would count toward three on-site required trees.

The proposed amendments would also lower condition rating thresholds. Existing Code has a condition rating of 70%, which would be reduced to 60%. This would allow inclusion of trees with slower growth rates and smaller size at maturity. Trees that meet size requirements with a condition rating of over 60% would now be considered specimen trees. Staff has also included large, medium, and small categories. Palms will be categorized as large or small and considered desirable.

Another proposed change would include enforcement and civil remedies, which do not currently exist within Code. If a violation is committed within a 12-month period, there will be a \$1000 fine per tree, plus a monetary payment into the Tree Canopy Trust Fund for the equivalent value of the tree or palm. If the offense is repeated within the same 12-month period, the fine would increase to \$2000 per tree, with another payment into the Tree Canopy Trust Fund at twice the equivalent value of the tree or palm.

Funding for the Tree Canopy Trust Fund goes toward the planting of trees on public land and rights-of-way, distributing trees to the public, and replacing hazardous trees on City properties or rights-of-way. The proposed amendments would provide a framework for market-based replacement value of trees permitted for removal. The formula for the existing equivalent value would be updated based upon today's market.

Within the time that the amendments were in process, Staff awarded a contract for an Urban Forestry Master Plan, which will define the status of the City's urban forest. Staff

also hopes to be able to establish clear priorities and objectives and guide appropriate tree planting, enhancement, maintenance, management, and regulation of trees throughout the City. They also hope the Urban Forestry Master Plan will recommend incentives for the preservation of existing trees. These incentives would most likely be brought back as amendments to Code at a later date.

Vice Chair Cohen asked if the amount of the fine for unpermitted tree removal should be related to the size of the tree, as the \$1000 fine may not be sufficient to deter a builder from removing it. Ms. Devonish noted that in addition to the fine per tree, there is also a monetary payment for the equivalent value of the tree which would be paid into the Tree Canopy Trust Fund. The equivalent value is determined using a new formula proposed within the amendments.

Mr. Donaldson asked if the fine per offense within a 12-month period is calculated per property or per developer. He pointed out that some developers may calculate the cost of unpermitted tree removal within their business model. Ms. Devonish replied that fines would be tied to the individual parcel. Chris Cooper, Director of Development Services, further clarified that the reason the fine is calculated per parcel rather than per developer is because the Code Enforcement process is also applied per parcel.

Mr. Donaldson also noted that the values of the City's urban forest have not been updated in roughly 20 years, and asked if Staff is comfortable that the proposed figures are tied to realistic values. Ms. Devonish explained that the formula would be based upon current market value, which means it would continue to work a number of years into the future.

Ms. Mammano requested additional information on new proposed regulations for tree abuse. Laura Tooley, Urban Forester, advised that tree abuse has been illegal in Fort Lauderdale for several years; the new regulations expand the definition of tree abuse to include issues such as changes in grade. This section of the proposed amendments was re-numbered and moved.

Ms. Mammano noted a regulation regarding intentional neglect of tree nutrition, asking if this would include failure to feed palms. Ms. Tooley explained that while proving intent would likely be difficult, actions can be taken which could inhibit a tree's ability to absorb nutrients from soil, resulting in nutritional deficiencies. This would be different from actions which attempt to kill a tree.

Ms. Mammano stated that part of her concern with the section was the difficulty of proving intent, as well as what party would investigate this issue. Mr. Donaldson observed that enforcement of this regulation would be done by Staff, and pointed out that if the regulations are not sufficiently stringent, the City could not enforce cases in which individuals have taken action that could harm or kill old-growth trees.

Ms. Mammano also noted a reference to City Commission-protected trees, requesting clarification of how many of these trees remain in the City. It was clarified that there are 11 of these trees.

Ms. Mammano asked if there are any natural forest areas, as designated by Broward County, in Fort Lauderdale. Ms. Devonish replied that there are none in Fort Lauderdale, but Staff wished to include this category in case these areas are designated in the future.

Mr. Barranco requested identification of the section of Code where equivalent values were discussed. Ms. Tooley advised that Exhibit 6 refers to two ways to calculate equivalent replacement value which apply to specimen and non-specimen trees respectively. She reviewed the formulae for this calculation, noting that specimen tree values are substantially higher.

Mr. Barranco commented that the proposed amendments include a great deal of information which the Board members may not have had sufficient time to review. He recalled that in the past, when significant Code changes have been proposed, the Board has met in workshop format to discuss the changes in depth with Staff. He concluded that the members will either need more time to review the proposal, or Staff will need to undertake more comprehensive education of the Board members so they clearly understand what is being brought forward.

At this time Chair Weymouth opened the public hearing.

Brucie Cummings, private citizen, expressed concern with the price calculation for trees, pointing out that it can be easy for a property owner to remove a tree without the City having any knowledge of its circumference. She felt \$1000 per tree for a first offense was insufficient to deter development. She concluded that there should be more time to review the proposed amendments.

Ted Inserra, president of the River Oaks Civic Association, stated that when the proposed amendments were discussed by the City Commission, there were repeated remarks about the difficulties within the Ordinance, including burdens of proof as well as the varying effects of large and small trees on the environment. He also agreed that \$1000 was an insufficient fine, and recommended that the permitting process for tree removal be revisited.

Chair Weymouth noted that the Board members had received a letter from the next speaker, which was sent to them by the City.

Doug Coolman, representative of an advisory group, stated that the Item should be deferred, as the group believes additions are necessary to the current draft. These would include current arboriculture and landscaping industry standards, as well as increased measures for old growth tree protections, which were previously requested by both the Board members and community stakeholders.

Mr. Coolman continued that there has been little consideration of the inclusion of incentives for the further protection of the City's tree canopy. He expressed concern that the completion of an Urban Forestry Master Plan, which could help identify these incentives, may be years away, and urged the City to take action now. He expressed concern with specific technical items addressed in the proposals which he felt should be addressed before the Item is sent to the City Commission.

Mr. Coolman concluded that the advisory group was not allowed sufficient time for internal review of the document or to meet with Staff and/or members of the Planning and Zoning Board in advance of tonight's presentation. He asked that the Item be deferred and that the Board request further Staff consideration of the advisory group's comments and recommendations.

Natalia Barranco, private citizen, stated that she is also a member of the advisory group to which Mr. Coolman had referred. She suggested that input from landscape architects, civil engineers, land use attorneys, and other professionals would be necessary to address this issue. She concluded that trees can only be protected by assigning value that would keep them in place.

Ms. Mammano requested additional information on how the value of a tree could be determined. Ms. Barranco explained that current Code only allows the mitigation of a specimen tree by dollar value, as that tree cannot be adequately replaced by smaller trees.

Mark Koenig, Urban Landscape Designer with the Development Services Department, confirmed that the only mitigation option for removal of a specimen tree under the City's current tree preservation Ordinance is a monetary donation. The proposed new Ordinance includes other options, such as mitigation through on-site planting in lieu of payment. This allows for the planting of a much smaller tree rather than requiring replacement of one specimen tree with another.

Ms. Barranco asserted that a tree to be removed should be given its rightful value by Ordinance. Ms. Mammano pointed out that property owners must also be given a way to use their property within their own property rights, which is the difficulty presented by Ordinances of this nature.

Mr. Cooper explained that when the proposed Ordinance was not passed by the Commission in 2022, Staff chose to bifurcate the Ordinance, separating tree preservation from tree installation. He pointed out that issues such as incentivization are more properly tree installation issues rather than preservation. Incentives such as allowing a setback reduction or extra height to encourage a property owner to retain a tree will be addressed in a separate phase of the process. An Urban Forestry Master Plan will also provide better information about what should be incentivized for preservation of the City's tree canopy.

Mr. Cooper concluded that any issues not addressed in the proposed Ordinance before the Board at tonight's meeting may be part of the next phase.

Ms. Barranco stated that there are still items within the proposed Ordinance which need more work, and suggested that if it goes forward, only the expanded definition of specimen trees and the monetary value should be approved.

Ms. Mammano recalled that Mr. Coolman had suggested the advisory group could prepare a checklist of its comments and suggestions for the proposed Ordinance within a two-week time frame. Mr. Coolman replied that the group could provide the Board with an overview of their recommended changes within two weeks, and cited examples of areas in which he believed the Ordinance could be further improved with respect to tree preservation.

Mr. Donaldson expressed concern that work has been done toward a new Ordinance for several years, but as there has been no resulting Ordinance thus far, trees continue to be cut down. He cautioned that further delay would not be the right action, and suggested that the Item be deferred to a specific date so the Board and others have sufficient time to review it. He also recommended to Staff that the process may need an additional phase.

Mr. Coolman asserted that the advisory group could work with Staff to address many of the issues he had raised. He also recommended a workshop between the advisory group and the Planning and Zoning Board. Mr. Donaldson emphasized that the Ordinance should go before the City Commission when they return from their August recess and should not be too complicated to pass at that time.

Mr. Barranco stated that the Board needs to have a clear understanding of the issues on which they are asked to vote. Chair Weymouth advised that after hearing a significant amount of public comment, the Board should close this public hearing and make a decision on how they wish to proceed.

Barbie Pearson, private citizen, recommended that the Board receive a list of bullet points and/or an intensive workshop with Staff to help them understand the document before them.

As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Vice Chair Cohen, seconded by Ms. Mammano, to defer for 60 days until the August meeting, and I would ask that the packet for this specifically be given to us at least two weeks before that August meeting.

Ms. Mammano suggested that the Item be deferred for 30 days rather than 60. Vice Chair Cohen stated that he wanted two weeks to read the Item's documentation before it comes before the Board once again.

Mr. Cooper asked if the Board would like a more thorough presentation of the Item at their July meeting. Vice Chair Cohen advised that while he would still like the Item to be deferred until August, he would be in favor of hearing a status update on it in July.

Vice Chair Cohen requested that the Board members be provided with the Ordinance's information packet by August 1 so they would have time to review it.

Chair Weymouth also requested that the Board be informed, at the July meeting, of the specific areas on which the City and the advisory group have worked.

Attorney Wallen explained that Staff is required to give the Board the entire Ordinance when it is presented for a vote. Mr. Donaldson suggested that there be a presentation at the July meeting to review the items on which Staff and the advisory group have come to some agreement. It was also noted that the Ordinance must be reviewed by the City's Legal Department before it can be brought before the Board.

In a roll call vote, the **motion** passed unanimously (9-0).

~~VI. COMMUNICATION TO THE CITY COMMISSION~~

None.

~~VII. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE~~

~~Vice Chair Cohen proposed that there be further discussion of allowing offsite parking to be counted toward a site's parking requirement if it is located within a certain distance of that site. This may include parking that is privately owned or operated.~~

~~Ms. Parker clarified that in the case of a formal parking reduction, offsite parking can be included in the applicant's analysis; however, it cannot be considered as part of Code, as this would require formal agreements.~~

~~There being no further business to come before the Board at this time, the meeting was adjourned at 8:08 p.m.~~

~~Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.~~

Mike Seymour

Chair

Leslie Hermon, Jr.

Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]



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

CASE NUMBER	UDP-T24007
APPLICANT	City of Fort Lauderdale
GENERAL LOCATION	City-Wide
ULDR SECTION	Section 47-21, Landscape and Tree Preservation Requirements
NOTIFICATION REQUIREMENTS	10-day legal ad
SECTION 166.033, FLORIDA STATUES	N/A
ACTION REQUIRED	Recommend approval or denial to City Commission
AUTHORED BY	Karlanne Devonish, Principal Urban Planner <i>KD</i> <i>[Signature]</i>

BACKGROUND:

The proposed amendments to the City's Unified Land Development Regulations (ULDR), Section 47-21, Landscape and Tree Preservation Requirements were presented to the Planning and Zoning Board (PZB) on June 19, 2024. The Board deferred the item to the August 21, 2024, meeting, to allow staff to address comments from the advisory group with a request for a status update at the July 17, 2024, PZB meeting. The June 19, 2024, PZB meeting minutes are attached as Exhibit 1.

At the July 17, 2024, PZB meeting, staff provided an update to the Board that staff was able to address 15 of the 16 items from the advisory group, which is reflected in the current proposed amendments. The only outstanding item is related to the proposed language for tree preservation credits. The advisory group proposed a different option for tree preservation credits which staff is amenable to continue discussing with the advisory group but believes that this option would be best applied to the installation phase of the landscape amendments efforts.

The proposed amendments are attached as Exhibit 2.

COMPREHENSIVE PLAN CONSISTENCY

The proposed amendments align with the City's Comprehensive Plan as follows:

- 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.
- Climate Change Element 1.1.7: Expand tree canopy citywide to help reduce the heat island effect. The City of Fort Lauderdale shall continue to expand tree canopy coverage to 33% by 2040 and reduce heat island effects.
- 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.

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. June 19, 2014, PZB Meeting Minutes
2. Amendments to ULDR, Section 47-21, Landscape and Tree Preservation Requirements

DRAFT

EXHIBIT 1 EXHIBIT 2 FROM THE AUGUST 21,
2024, PLANNING AND ZONING BOARD (PZB)
STAFF REPORT HAS BEEN REMOVED FROM
THIS DOCUMENT AND PRESENTED IN THE
COMMISSION AGENDA MEMORANDUM #24-0836
AS EXHIBIT 8 AND EXHIBIT 11, RESPECTIVELY.