



# **Landscape Ordinance Amendments**

**City Commission**

**Department of Sustainable Development**

**August 24, 2023**





# Vision 2030

# Sustainable Environment



## Strategic Goals

1. Protect open space
2. Encourage businesses and community members to adopt green initiatives
3. Plan ahead for progressive technologies and business methods
4. **Focus on climate change and resilience**
5. Update and accomplish the goals established in the City of Coconut Creek Green Plan





# Vision 2030

# Sustainable Environment

Having a sustainable environment means:

- Creating and preserving opportunities and land where residents can readily access nature
- **Continuing a strong focus on exceptional natural resource stewardship and ecologically sound and sustainable operations**
- **Addressing abrupt and long-term climate changes increasing business risk to supply chains, infrastructure, and facilities**
- Protecting and improving the quality of air, water, and night skies
- **Conserving resources, including energy and water, and cultivating a healthy ecosystem**
- Careful stewardship of, and access to, open lands and natural areas
- A comprehensive and connected system of natural areas and open space
- Partnerships with local, regional, state, and national affiliates to achieve desired goals and outcomes
- Integrating renewable energy technologies for the electric grid
- Solid waste reduction and diversion
- Promoting the use of sustainable building and site design techniques





# Request



- Amend City's Landscape Code: Chapter 13, "Land Development Code," Article III, "Zoning," Division 4, "Accessory Uses And Structures," Subdivision IV, "Landscape Standards And Requirements."
- Amend Article 1, "Administration, Regulations, and Procedures," Division 4, "Fee Schedules," Section 13-84, "Nonrefundable Building Permit Fees."



# Purpose



- Last major update to Landscape Code was 2010.
- Ensure consistency with landscaping best practices and techniques since last major update.
- Incorporate changes to County, State, and regional agency statutes and rules.
- Clarify code language, definitions, and add new figures for illustration purposes.
- Adjustments to Tree Removal/Relocation Fees.



# Background



2023 Vulnerability Assessment – Initial findings indicate, among other things, that Coconut Creek will likely reach between 54-123 days per year of 95-degree temperatures or over by 2080\*. For reference, during the period from 1981-2010, only 2.6 days per year were at 95 degrees or over.

Maintaining existing tree canopy is an imperative tool in combating extreme heat. While it is important to plant new trees, they take many, many years to create adequate canopy.

Trees and vegetation lower surface and air temperatures by providing shade and through evapotranspiration. Shaded surfaces, for example, may be 20–45°F (11–25°C) cooler than the peak temperatures of unshaded materials.

\*US Climate Resilience Toolkit, The Climate Explorer

\*\* US EPA



# Background



- Greenhouse Gas Emissions (GHG) – The community-wide GHG inventory has shown that transportation makes up 49% of GHG emissions in our community. The most economical response to GHG emissions is maintaining the existing tree canopy and increasing tree canopy throughout the community. Indeed, this will be a part of the City’s strategy to meet our GHG goals under Resolution 2022-012, Race to Zero (emissions).



# Background



*“(Code) Standards are not limiting development, (climate) conditions are limiting development. Standards are responding to conditions.”* Dr. Jennifer Jurado, Broward County Chief Resilience Officer

Tree canopy and open space aren’t required just because they look nice. All of our findings indicate that tree canopy is imperative in the fight against extreme heat and greenhouse gasses which directly effect the health and well-being of our community.





# Background



- Landscape regulations from multiple jurisdictions were researched to evaluate recent code changes, fees, and practices, and staff utilized the City's landscape consultant who has experience with multiple jurisdictions and expertise with county and regional code application and interpretation.
- This ordinance, as presented, has been reviewed and approved by Broward County.



# Minimum Landscaping requirements for Residential Developments



- Reduces percentage of landscaping required in a front yard from 75% to 50%.
- Clarifies that residential community club houses, country clubs or other amenities are subject to the same landscaping requirements as commercial structures.
- Clarifies locational requirements for trees and shrubs around single-family/duplex, multi-family building facades.
- Adds minimum perimeter landscaping for a Multi-Family development.



# Minimum Landscaping requirements for Nonresidential Developments



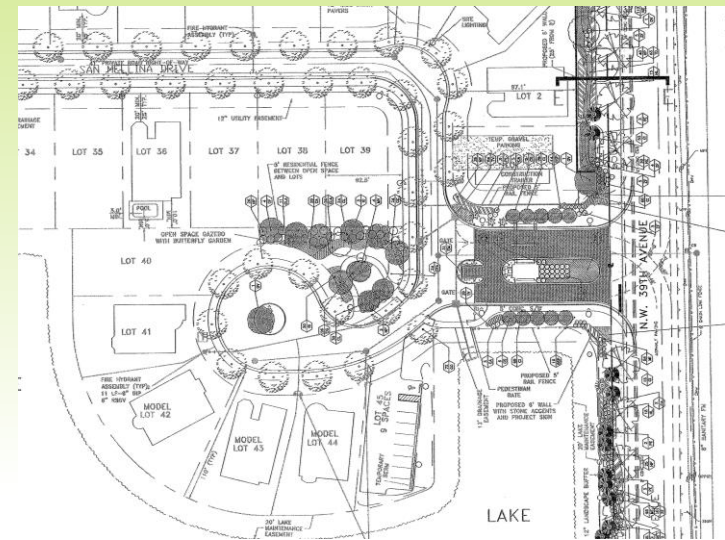
- Combines various subsections to reduce repetitive and lengthy code language.
- Adds a perimeter landscape requirement between multi-family residential and nonresidential properties and adjacent properties.
- Adds requirements for a 6FT wall when B, O, IO, or IM districts abut residential districts and a waiver for such wall when additional landscaping is added.
- Eliminates conflicting requirement for landscape islands in parking lots to require an island every 12 parking spaces.



# Street Trees in Single-Family Neighborhoods



- Revised this section to make it easier to read and to reflect Right Tree, Right Place, and other landscaping best practices.
- Added tree replacement and canopy mitigation options for homeowners and identified the Recommended Tree List, previously codified but now to be maintained by the City's Urban Forester.
- Adds waiver procedure so the Sustainable Development Director may approve a like-tree substitution (native for native) from the Neighborhood Street Tree Substitution List maintained by the City's Urban Forester that is more appropriate species, size, or disease resistance for the location and consistent with Right Tree, Right Place principles.

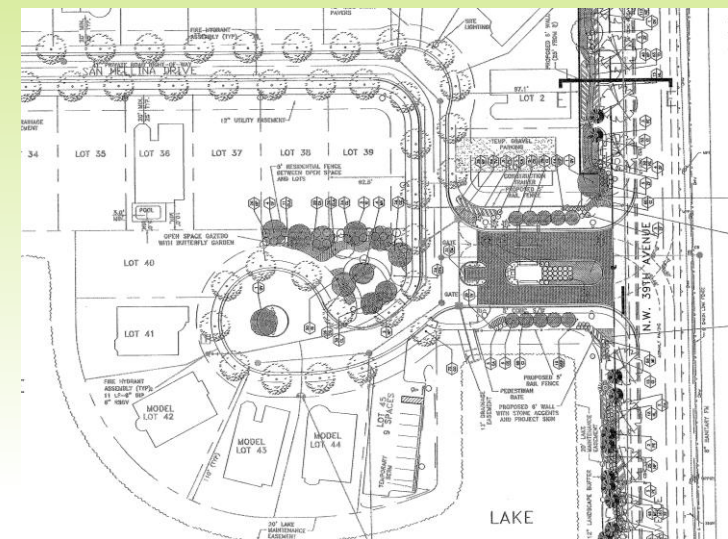




# Street Trees in Single-Family Neighborhoods – P&Z Request



- Adds waiver procedure so the Sustainable Development Director may approve a like-tree substitution (native for native) from the Neighborhood Street Tree Substitution List maintained by the City's Urban Forester that is more appropriate species, size, or disease resistance for the location and consistent with FPL's Right Tree, Right Place principles.
- December 2022, P&Z Board asked to consider a waiver to apply to “nuisance” trees. The term “nuisance” in the landscape industry and with Broward County is applied to invasive species. The Board intended to mean trees that drop flowers, nuts, leaves, or other debris. Broward County will not allow trees to be removed for these purposes. In these circumstances, a homeowner continues to have the option of reaching out to an arborist for a consultation of the risks associated with the tree. This is consistent with Broward County standards.





# Minimum Soil Requirements and Planting Area.



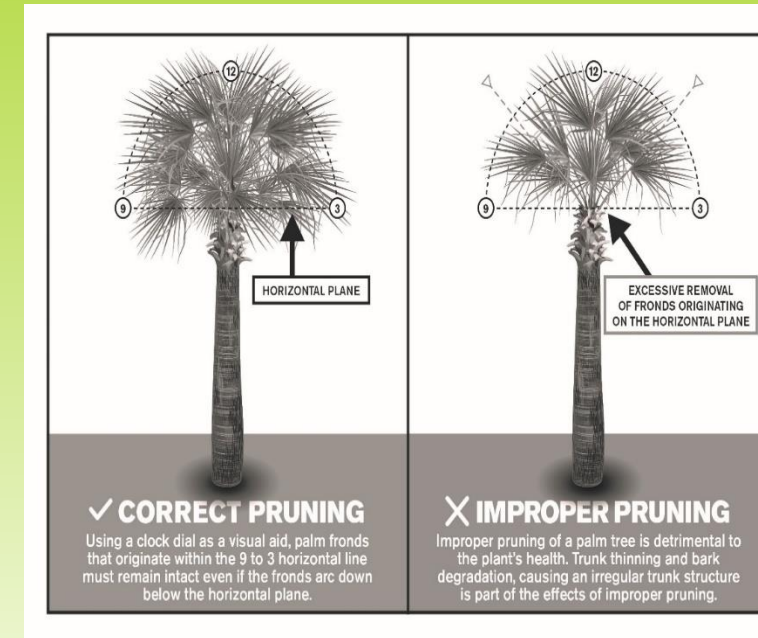
- Added a minimum soil area for planting of small, medium, and large trees to ensure adequate planting areas, protect adjacent improvements, and allow for flexibility when using structural soil system technologies.
- Suspended pavement systems or structural soils shall be used to meet soil volume requirements in areas where the surface must be covered by pavement for parking lots, driveways, or sidewalks.



# Tree, Palm Abuse and Pruning



- Vehicles used by tree services/arborists operating within the city shall be clearly marked with the name and telephone number of the tree service/arborist. A photocopy of the local business tax receipt and certificate of insurance shall be available for inspection at each job site.
- Clarified tree abuse exemptions to be consistent with state law preemption on tree removal.
- Added new figures and requirements showing Correct and Improper Palm Pruning.





# Artificial or Synthetic Turf



- Added new regulations classifying it as hardscape, requiring setbacks, locational requirements, and that it not be visible from streets or sidewalks.
- Added minimum installation and design standards.
- The allowance of artificial turf under this section of code does not constitute the negation of any other code requirements, specifically landscape, trees, zoning, and engineering drainage requirements.







# Artificial or Synthetic Turf

## P&Z Request



- Added new regulations classifying it as hardscape, requiring setbacks, locational requirements, and that it not be visible from streets or sidewalks.
- December 2022 P&Z Board asked staff to consider a waiver allowing artificial turf into the setbacks. Discussions with Engineering determined that this would alter site drainage and have the potential to create unwanted flood issues. Staff then reviewed the proposed code and modified the requirements to be less cumbersome. For proper drainage, however, the turf must remain outside of normal patio/deck setbacks.
- Elements removed from installation requirements: warranty requirements, type and height, weight, permeability, positive drainage standards, and specific requirements relative to the infill medium. Reference is instead made to meet the manufacturer's specifications.



# Nonconforming Landscaping



- A property which does not comply with this Article or with an approved site plan or landscape plan, as applicable, must be brought into full compliance with this Article or the approved site plan or landscape plan if any one of the following occur:
  - The addition or remodeling improvement increases the amount of impervious surface area on the lot;
  - The cost of the addition or remodeling improvement exceeds 25% of the assessed value of all the existing structures on the property;
  - The project requires a site plan amendment.



# Tree Removal and Replacement



- Tree Removal Permit Expiration time shortened from 2 years to 3 months or, for construction projects, prior to the earlier of final inspection or the issuance of a certificate of occupancy as applicable.
- Exemption from the City's tree replacement requirement under state law does not relieve a property owner from compliance with any applicable approved site plan requirements or Homeowner's Association minimum landscape requirements.
- Standards for Tree Replacement. "Recommended Tree" list and "Recommended Trees Under Power Lines" list have been removed from the Code (they were an Appendix) and will be maintained by the City's Urban Forester.
- Payment in lieu of replacement/relocation formula.



# Variations and Waivers



- Provided waiver and variance procedures to address the lack of availability of approved plant materials, adjustments necessary to address road construction, right-of-way and easement changes, and adjustment to street trees based on current conditions.
  - Variations to other code requirements to support tree preservation.
  - Waiver during installation of approved landscaping for new development or redevelopment.
  - Waiver to landscape requirements.
  - Waiver to street tree requirements.



# Fines for Violation of this Subdivision



- \$500 fine per tree removed without a permit on single-family or duplex property;
- Up to \$5,000.00 fine for irreparable damage per tree removed from any other type of property.
- Both fines are in addition to existing tree replacement and mitigation requirements.
- Improper palm and tree abuse or pruning at \$150 for the first offense and \$250 for subsequent offenses.
- Clarified requirements for the operation and maintenance of the Tree Preservation Trust Fund and how funds are to be spent.

<b>Table XY – Fines for violation of Subdivision</b>			
<b><u>Violation</u></b>	<b><u>Fine</u></b>	<b><u>Required Mitigation</u></b>	<b><u>Code Section</u></b>
<u>Removal of a tree without a permit on a single family or duplex property or right of way adjacent thereto, where a permit is required</u>	\$500.00	All tree replacement, canopy replacement, and mitigation requirements shall apply in addition to the fine	13-448(b) 13-448(c)
<u>Removal of a tree on any property other than single family or duplex, without a permit where a permit is required</u>	\$2,000.00	All tree replacement, canopy replacement, and mitigation requirements shall apply in addition to the fine	13-448(b) 13-448(c)
<u>Any violation of Section 13-444 or 13-448 unless cited under the</u>	\$150 - first offense \$250 - second and subsequent offenses	All required remediation requirements shall apply in addition to the fine	13-444 13-448
<u>All other violations of this Subdivision</u>	Section 1-8		
<u>In addition to any fines noted above, any violation deemed irreparable or irreversible in nature by order of the special magistrate shall be subject to a fine not to exceed five thousand dollars (\$5,000.00) per violation.</u>			



# Staff Recommendation



Staff is presenting this ordinance to the City Commission for review, discussion, and approval.

