

**City of Lauderhill
Planning & Zoning Board Meeting
Tuesday, April 30, 2024
City Commission Chambers
5581 West Oakland Park Boulevard
Lauderhill, Florida 33313**

MINUTES

A. CALL TO ORDER

Chairperson Lynch called the meeting to order at 7:09 p.m.

B. PLEDGE OF ALLEGIANCE

Chairperson Lynch led the Pledge of Allegiance.

C. ROLL CALL

Ms. Fearon called the roll:

MEMBERS	PRESENT	ABSENT
Chairperson Ruth Roman-Lynch	X	
Clyde Grey	X* 7:19 p.m.	
Kelvin Haynes	X	
Michelle Pinder	X* 7:14 p.m.	
Bob Schankweiler	X	
Aryeh Shender		X
Aaron Whitfield	X	

***Arrived Late**

A quorum was declared.

ALSO PRESENT:

Daniel Keester O'Mills, Director, Planning & Zoning (P&Z)
Zach Davis-Walker, Assistant City Attorney
Molly Howson, City Planner, P&Z
Nadine Fearon, Associate Planner, P&Z

D. PROOF OF PUBLICATION: NONE

E. APPROVAL OF MINUTES:

- **January 30, 2024**

MOTION by Mr. Haynes,

**To approve the minutes of
January 30, 2024, as presented,**

SECOND by Mr. Whitfield.

The motion passed 4-0

F. PLANNING DIRECTOR'S REMARKS:

Mr. Keester-O'Mills Informed board members that P&Z staff and he were working on rewriting some city codes; after delving into the City's present codes, he felt the need to update and reorganize, so he was working with his staff to propose changes to make codes easier for developers, the public, and staff to understand. He expected at either the next or subsequent Commission workshop they would present some proposed code changes to introduce the Commission to a number of these elements; the revised code would have a similar feel to the City's current Land Development Regulations (LDR), though not with as many schedules and attachments, to streamline the code process; they would present the P&Z Board with the proposed changes.

Chairperson Lynch expressed being happy and appreciative to see P&Z staff revising the code, as it was frustrating at times trying to find information in the existing code's format; the board looked forward to reviewing the proposed changes with staff.

G. PUBLIC HEARING (ALL PERSONS MUST BE SWORN)

1. **AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA, TO AMEND THE CODE OF ORDINANCES CHAPTER 6 - BUILDING AND BUILDING REGULATIONS, ARTICLE 1. IN GENERAL, SECTION. 6-10. ENUMERATION OF PERMIT FEES, REGULATIONS AND INSPECTIONS FEES. III PLANNING AND ZONING REVIEW TO REMOVE THE FEE SCHEDULE LISTED IN SECTION III. A TO Y, AND TRANSFER TO THE LAND DEVELOPMENT REGULATIONS, ARTICLE I - GENERAL PROVISIONS, SEC 1.8 PLANNING AND ZONING REVIEW FEE SCHEDULE WITH UPDATED FEES AND CATEGORIES; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY CITY MANAGER DESORAE GILES-SMITH)**

P&Z Director Keester-O'Mills presented the proposed ordinance, as detailed in the backup, highlighting the following:

- The P&Z Department's fee schedule had not been updated for 14 years; the last, significant revision was done in 2010; updates over the last few years included how city staff reviewed each application
- Ms. Howson and he worked together to examine each application, gained an understanding of the updated process, which staff reviewed applications, and how long

it usually took to complete each step in an effort to devise with comparable fees for the time it took the staff disciplines to do the required work

- Staff briefly reviewed other cities to learn about their fee schedules, and how they were determined, comparing those findings with Lauderhill's fee schedules, etc.
- Staff felt the proposed fees were more comparable to neighboring cities, and they would better compensate staff for the time spent in the execution of their duties
- Staff worked to ensure single-family homeowners were not burdened with regard to permit fees for improvements they might seek to make at their residential property
- Staff urged the board to approve the proposed fee schedule changes, as presented, along with a recommendation to the City Commission to approve them accordingly.

Chairperson Lynch observed the fee changes staff proposed appeared to affect all the subject fees the City currently charged.

Mr. Keester-O'Mills affirmed they would.

Mr. Schankweiler recalled, regarding the tree removal permit, there once was a tree-removal permit that was much less onerous than the amount of the current fee. He stated the fee schedule for tree removal was not just for the city's cost recovery, as a portion of the fee went into the City's tree trust fund; the larger the tree being removed, the more canopy that was lost. The funds in the tree trust fund had to be used to replenish/plant trees in Lauderhill to improve the City's tree canopy, or for plant design projects related to trees. He said State legislation precluded local governments from having any application, or control over removal of trees on single-family residential lots; the legislation was later amended, whereby, once it just said residential property, but this was found to be very open ended, so the language now stated single-family, detached homes, and included specific guidelines that were easy to understand. Mr. Schankweiler commented, as the tree removal fee only went up to ten inches, with an added fee for going up between ten to 18 inches, he recommended for every six inches above caliper ten inches, or a part thereof, that there be an additional \$25.00 fee, along with the base \$50.00 tree removal fee. Thus, the larger the tree removed, the more funds that would go into the tree trust fund. He specified his recommendation was for trees on commercial property. For single-family residents, the tree-removal permit fee should be less burdensome.

Mr. Keester-O'Mills indicated there were currently two fees for tree-removal permits: a base fee, along with \$25.00 up to caliper tree, per tree, and over ten inches in caliper was \$50.00. Thus, if a single-family homeowner was removing two trees, they would pay the \$50.00 base permit fee; If a commercial property owner was removing five trees, it would depend on the size of the caliper tree.

Ms. 12:49 asked if how condominiums were classified with regard to tree removal.

Mr. Keester-O'Mills replied condominiums were considered multifamily, residential property. There was no distinction between residential and commercial properties with regard to tree removal fees. He asked if there was a consensus among the P&Z Board members to propose establishing a base tree-removal fee for single-family homeowners, as staff was not proposing such a fee. Most residential property owners removed only one or two trees at a time.

Mr. Schankweiler concurred, as residential sites were usually smaller than commercial sites.

Mr. Keester-O'Mills suggested adopting a flat fee for tree-removal permits for single-family properties, possibly viewing single-family, multifamily, and other residential properties separately.

Chairperson Lynch thought there should be a flat tree-removal permit fee for all single-family residential properties.

Mr. Schankweiler remarked that the City's landscape code had a list of invasive and nuisance plant species that were exempted from permitting, such as Brazilian Pepper, and Melaleuca, so their removal warranted no permit; certain plants could not be planted in Lauderhill.

Ms. 15:47 asked if the tree removal fee was separate from a mitigation canopy fee.

Ms. Howson answered yes, adding that when a tree was removed, in addition to the fee for the tree-removal permit, the City could impose an additional mitigation fee depending on how much tree canopy was being removed. The tree mitigation fee was determined by the City's consulting arborist who worked on behalf of the P&Z Department; she believed the City charged \$350.00 for every 300 square feet of canopy removed.

Mr. Schankweiler added this was determined through the site plan process.

Ms. Howson observed, in practicality, single-family residential uses were separated from multifamily and commercial properties, as in most instances multifamily and commercial properties tended to do remove larger numbers of trees.

Assistant City Attorney Zach Davis-Walker 17:01 commented there was a State statute that had some level of preemption to the City's ability to require permits for tree mitigation, and replanting in specified situations where a certified arborist provided documentation that a tree was an unacceptable risk to a person. In such situations, tree-removal, or mitigation permits would not apply; for example, if a single-family homeowner's property had a large, dying, or dead tree with falling limbs, etc. that posed a safety hazard. He said the homeowner had only to provide documentation of the tree(s) being certified as a safety hazard by a certified arborist.

Mr. Schankweiler said the language should state the single-family property owner must acquire the certified arborist's recommendation for the tree's removal prior to removing the tree, and the arborist's finding must be that the tree's presence posed a moderate to hard risk.

Mr. Davis-Walker noted the specific State Statue was Chapter 163, section 045.

Ms. Howson added the City always made special provisions during hurricane times to allow property owners to remove trees damaged by a strong weather system.

Mr. Whitfield expressed concern about the numerous mango trees around Lauderhill, many of which grew very large over the years; in some instances, the property owners were seniors on a fixed income; and many large fruit trees needed to be removed or cut back.

Ms. Howson commented as to fruit trees, in general, noting Lauderhill did not allow property owners to factor in fruit trees to meet minimum landscape requirements; thus, no new construction could add a fruit tree to help meet that requirement, though nothing prevented a homeowner from planting fruit trees. The City had no path by which to offer specific assistance regarding tree removal, as it did with roof repairs, etc. through the P&Z Department.

Mr. Keester-O'Mills added if a senior, residential property owner was concerned about the removal of a very large tree, including a fruit tree(s), they could apply for a tree removal permit,

and if they were already meeting the tree canopy requirement elsewhere on the property, there might be little need for them to be charged a tree mitigation fee.

Mr. Schankweiler said there was a provision in the ordinance stating if a tree was planted purely for its ability to bear fruit, and not for canopy purposes, the tree could be removed without the need for a tree removal permit.

MOTION TO APPROVE by Mr. Schankweiler, with the added condition for a \$50.00 base fee for tree removal permits on commercial properties, with a \$25.00 for every additional six inches above caliper of the standard ten inches; adding a less burdensome base fee for tree-removal permits for single-family, residential property owners; and for the P&Z Board to recommend approval of the proposed ordinance by the City Commission.

SECOND by Mr. Haynes.

ROLL CALL VOTE:

MEMBERS	YES	NO
Chairperson Lynch	X	
Mr. Grey	X	
Mr. Haynes	X	
Ms. Pinder	X	
Mr. Schankweiler	X	
Mr. Whitfield		X

The motion passed 5-1.

H. NEW BUSINESS: NONE

I. UNFINISHED BUSINESS: NONE

J. NEXT MEETING DATE:

The next P&Z Board meeting would be held on Tuesday, May 28, 2024 @ 7:00 p.m.

K. ADJOURNMENT

The meeting adjourned at 7:32 p.m.