



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager

DATE: November 14, 2012

SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE:
DISCUSSION OF THE CITY'S DRAFT TREE ORDINANCE PREPARED
BY THE PARKS AND RECREATION DEPARTMENT'S GREEN SPACE
MANAGEMENT DIVISION**

ADMINISTRATION RECOMMENDATION

Refer the item to the Land Use and Development Committee for discussion.

BACKGROUND

The City of Miami Beach adopted the current version of the *Article II. Care and Maintenance of Trees and Plants Division 2 Trees* code on November 8, 2001. Since that time there has been substantial positive growth of the City's urban forest. A major reforestation effort was approved and initiated in FY 2006/2007 and has continued since. This effort, combined with neighborhood tree installations in conjunction with CIP improvements, has planted over 9,000+ reforestation trees in the city's streetscapes, parks and other public spaces.

The primary goal for any urban forestry program is sustainability. In order to adequately sustain, protect and increase the value of the urban forest the development of a strong tree ordinance is of paramount importance. The City of Miami Beach is currently subject to Miami Dade County's tree preservation and protection ordinance. The present City tree code does not qualify for an exemption due to a lack of adequate specifications and is therefore not officially recognized. In that light the tree code was redrafted to incorporate many of the tenants present in the current Miami Dade County tree preservation and protection ordinance, with additional specifications uniquely tailored for the City of Miami Beach's urban forest. Adoption of the revised code will allow for official exemption from Miami Dade County tree removal permitting regulations, and also provide a potential urban forest management funding source.

Some of the key revision and comparison points include:

- Miami Beach gains control over its urban forest. The city has qualified professional staff to manage the city's tree inventory, but at present, the city must obtain Environmental Resource Management (ERM) approval and an ERM permit to relocate or remove trees. This delays recommended management activities and costs money every time the city applies for an ERM permit.
- Defines the duties and authority of the city Urban Forester, establishing this person as individually responsible for managing the city's trees. The Urban Forester is the City official who is responsible for the management of the City's urban forest and

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who is assigned to carry out the enforcement of this ordinance. In matters of tree planting, maintenance, removal, relocation, fertilization, bracing and all other activities and practices that require knowledge of trees and expertise in arboricultural practices, the Urban Forester is the City's designated authority.

- Creates a Tree Preservation Trust Fund to collect fees, penalties and donations. This fund shall solely be used for the planting of trees in Miami Beach and any other ancillary costs associated with the planting, establishment or preservation of trees.
- All fees, mitigation payments, and penalties will be paid to Miami Beach, rather than the county.
- Adopting the revised code would streamline permitting for tree removals and relocations by eliminating the need to involve and or obtain permission from county Environmental Resources Management (ERM) personnel which in turn saves time and costs for City residents.
- The revised code creates a Heritage Tree designation to recognize and protect trees of unique character and high value. This allows the City to protect any tree, palm or tree grouping with a historical value and also includes a strong mechanism to help prevent any unauthorized removals of the trees and understory. The process to determine the removal of Heritage Trees would be developed as the discussions of the draft Tree Ordinance progress.

At this time the draft Tree Ordinance has been submitted to Miami-Dade County Department of Regulatory and Economic Resources, Environmental Resources Management Division's Tree Program for review and comments. Ultimately, the City's proposed Tree Ordinance will need to be approved by the Miami-Dade – Board of County Commissioners and the City of Miami Beach City Commission prior to enactment.

CONCLUSION

The Administration recommends that the Mayor and City Commission refer the matter to the Land Use and Development Committee for discussion and further direction.


KGB/MAS/KS/JO/MW
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