MIAMIBEACH

OFFICE OF THE CITY MANAGER

COMMITTEE MEMORANDUM

TO: **Neighborhood/Community Affairs Committee**
Commissioner Edward L. Tobin, Chair
Commissioner Micky Steinberg, Vice-Chair
Commissioner Deede Weithorn, Member
Commissioner Joy Malakoff, Alternate

FROM: Jimmy L. Morales, City Manager
DATE: April 25, 2014

SUBJECT: MEETING OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE (NCAC) ON FRIDAY, APRIL 25, 2014

A meeting of the Neighborhood/Community Affairs Committee has been scheduled for Friday, April 25, 2014 at 3:00pm in the Commission Chamber, 3rd Floor of City Hall.

The agenda for the meeting is as follows:

OLD BUSINESS

1. **Discussion Of The City's Draft Tree Ordinance Prepared By The Public Works Department Green Space Management Division.**
   Commission Item C4A, November 14, 2012
   (Requested by City Commission)

   Eric Carpenter, Public Works Director

2. **Discussion Regarding A Motion Made By The Committee For Quality Education To Explore An Additional Exit Installed At The Northeast Corner Of The Public Parking Lot At 42nd Street And Royal Palm Avenue Beside North Beach Elementary School.**
   Commission Item C4L, December 13, 2013
   (Requested by Commissioner Ed Tobin)

   Jose Gonzalez, Transportation Manager

3. **Discussion Regarding Sightseeing And Tour Bus Industry Regulations.**
   Commission Item C6B, October 16, 2013
   (Requested by Commissioner Tobin)

   Jose Gonzalez, Transportation Manager

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

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Neighborhood/Community Affairs Committee Meeting
April 25, 2014

DISCUSSION OF THE CITY'S DRAFT TREE ORDINANCE PREPARED BY THE PUBLIC WORKS DEPARTMENT GREEN SPACE MANAGEMENT DIVISION.
Commission Item C4A, November 14, 2012
(Requested by City Commission)

Eric Carpenter, Public Works Director, presented the item.

ITEM #1

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: April 25, 2014

SUBJECT **DISCUSSION OF THE CITY'S DRAFT TREE ORDINANCE PREPARED BY THE PUBLIC WORKS DEPARTMENT GREEN SPACE MANAGEMENT DIVISION**

INTRODUCTION

The above item was referred to the Neighborhood Community Affairs Committee at the January 22, 2014 meeting of the Land Use & Development Committee.

BACKGROUND

The City of Miami Beach (City) 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. This effort, combined with neighborhood tree installations with CIP improvements, has planted over 10,000+ 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, protect and increase the value of the urban forest the development of a strong tree ordinance is of paramount importance. The City is currently subject to the Miami Dade County (County) tree preservation and protection ordinance. The present City tree code lacks adequate specifications and is therefore not officially recognized. The tree code has been redrafted to incorporate many of the tenents 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 an official exemption from the Miami Dade County tree removal permitting regulations, and also provide a potential urban forest management funding source.

ANALYSIS

Key Revision and Comparison Points:

- 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 Miami Dade County, Regulatory and Economic Resources (RER) Environmental Resources Management Tree Program approval and a Tree Removal/Relocation Permit to relocate

or remove trees. This delays recommended management activities and costs money every time the City applies for a tree removal/relocation 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 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. At present there is no mechanism that requires payments collected for Miami Beach properties to be spent in Miami Beach. We can lose trees but get nothing in return. The City can fund much of its tree planting with money collected as a result of implementation of this tree code. Mitigation in the revised code will be based on total trunk diameter of the removed trees, rather than amount of canopy removed as in the County code. Using trunk diameters is a more straightforward approach.

- Adopting the revised code would streamline permitting for tree removals and relocations by eliminating the need to involve and or obtain permission from outside agencies 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 these trees and understory. The process to determine the removal of Heritage Trees would be developed as the discussions of the final draft tree ordinance progress.

- The County defines Specimen Trees as those with a trunk diameter of 18" or greater. Mitigation for the removal of Specimen Trees requires more replacement trees and/or higher mitigation payments than for non-specimen trees. The revised Miami Beach code decreases the trunk diameter of Specimen Trees to 9". Trees of this size provide significant canopy cover, and many of our smaller native species never reach an 18" diameter. One of these trees could be the U.S. champion but still not be considered a specimen tree. This recommended change acknowledges the importance of trees smaller than 18", and is the biggest shift in previous policy concerning permitting and mitigation.

- Although the County code and the revised City code both require tree protection on construction sites, and specify generally the same types of protective measures, the revised City code provides more comprehensive specifications. Detailed requirements remove ambiguity, and promote better compliance. Provisions are included for adjustments to the requirements if authorized by the Urban Forester.

- The revised code would require tree service providers to register with the City. When they register, contractors would be provided with a clearly written document that explains the City's code requirements and proper tree care techniques. They would agree to follow the requirements, and if they violate them would be subject to all penalties included in the code, and might be prohibited from working in the City. This helps shift responsibility for proper tree care and code compliance from the property owners, who may not know the rules, to the professionals, who should know the rules.

- The revised code provides definitions, language and punitive penalties designed to prevent improper tree and palm pruning, effective destruction of trees or palms and any unlicensed tree or palm removals of protected and heritage trees on private and public property.

- The appeals process, enforcement, fines, and civil remedies in the revised code generally follows the existing City policy as stated in the present tree code.

CURRENT STATUS

The final draft of the City of Miami Beach revised tree code has completed the first stage of internal review and commenting from the County RER Environmental Resources Management Tree Program, and has received initial approval for compliance with the minimum requirements for exemption from the County Environmental Code. The final stage of review with County RER Environmental Resources Management Tree Program shall occur prior to official public adoption by the City.

CONCLUSION

The Administration requests the Neighborhood/Community Affairs Committee please discuss this matter and provide further direction.

Attachments: Miami Beach Tree Code Draft

JM/MT/BC/JF/MW

Neighborhood/Community Affairs Committee Meeting
April 25, 2014

DISCUSSION REGARDING A MOTION MADE BY THE COMMITTEE FOR QUALITY EDUCATION TO EXPLORE AN ADDITIONAL EXIT INSTALLED AT THE NORTHEAST CORNER OF THE PUBLIC PARKING LOT AT 42ND STREET AND ROYAL PALM AVENUE BESIDE NORTH BEACH ELEMENTARY SCHOOL.
Commission Item C4L, December 13, 2013
(Requested by Commissioner Ed Tobin)

Saul Frances, Parking Director, presented the item.

ITEM #2

PRESENTATION AT COMMITTEE MEETING

Neighborhood/Community Affairs Committee Meeting
April 25, 2014

DISCUSSION REGARDING SIGHTSEEING AND TOUR BUS INDUSTRY REGULATIONS.
Commission Item C6B, October 16, 2013
(Requested by Commissioner Tobin)

Jose Gonzalez, Transportation Manager, presented the item.

ITEM #3

MEMO TO BE SUBMITTED WITH SUPPLEMENTAL MATERIAL

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE PENDING ITEMS

FOR INFORMATION PURPOSES ONLY

Item #	Commission Referral Date	Title	Referred By	To Handle By	Comments
1	*Item R9G, April 14, 2010*	**Discussion Regarding Belle Isle Traffic And Parking Conditions.**	*Commissioner Wolfson*	*City Attorney's Office*	*Last discussed at NCAC April 27, 2010 – Pending (Remaining topic to have legal prepare a reso for Commission to be notified in the event of a repair or dispute that diminishes services to the community that can be cured pending resolution of the issue).*
2	*Item C4C, June 1, 2011*	**Consideration And Discussion Of Proposed Amendments To The City's Noise Ordinance.**	*City Attorney's office*	*Hernan Cardeno*	*Last Discussed at NCAC June 26, 2013, New Committee to be created and discuss item then bring back to NCAC.*
3	*Item R7A, January 11, 2012*	**Discussion Regarding A Resolution Granting And Authorizing The Mayor And City Clerk To Execute An After-The-Fact Revocable Permit To Asr Berwick Family Ltd Partners, As Owner Of The Commercial Property Located At 335 West 47th Street, To Retain A/C Units, A Utility Room, And A Trash Enclosure, Currently Placed Within The Public City Right-Of-Way On West 47th Court.**	*City Commission*	*City Attorney's Office*	*Deferred to a future meeting of the NCAC pending further discussions amongst interested parties regarding issues related to parking. Last discussed at the May 22, 2012 NCAC meeting.*
4	*Item R9H, June 6, 2012*	**Discussion Regarding Commercial Use Of Residential Property**	*Commissioner Tobin*	*City Attorney's Office*	*Per JGG this is on hold pending Legal*

6	*Item*	**Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies**	*Commissioner Weithorn*	*Eric Carpenter*	*Last heard at the July 30, 2013 NCAC. Referred to the Bicycle Committee and bring back to NCAC in April*
7	*Item C4H October 16, 2013*	**Discussion Regarding A Maintenance Plan Along The 41st Street Business Corridor And Possibly Appointing A Dedicated Liaison To The Corridor (Like Lincoln Road)**	*Commissioner Tobin*	*Eric Carpenter*	*To be discussed at the May NCAC meeting*
8	*Item C4D September11, 2013*	**Discussion Regarding Water Taxis Proposal**	*Max Sklar*	*Jose Gonzalez*	*To be discussed at the May NCAC meeting. Last heard at the October 28, 2013 meeting.*
9	*Item C4B December 11, 2013*	**Discussion Regarding The Andree Juliette Brun Bust And Chuck Hall Bust Formerly On Display At The Jackie Gleason Theater.**	*City Manager*		*To be discussed at a later NCAC meeting. Last heard at the January NCAC meeting.*
10	*Item C4K December 11, 2013*	**Discussion Regarding Creating A Community Vegetable Garden Through Our Parks & Recreation Program For Miami Beach Elderly In Our Senior Centers; To Include Regular Transportation To The Garden.**	*Commissioner Tobin*	*Parks and Recreation*	*Last heard at the February 28, 2014 NCAC. To be brought back to Committee at a later date.*
11	*Item C4B February 12, 2014*	**Discussion Regarding A Request From The North Bay Village Mayor To Discuss North Bay Village Residents' Use Of The Normandy Isle.**	*Parks and Recreation*	*Parks and Recreation*	*Last heard at the February 28, 2014 NCAC. To be brought back to Committee at a later date.*
12	*Item C4F February 12, 2014*	**An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," To Provide Regulations And Standards For Nude Dance Establishments.**	*Commissioner Tobin*	*City Attorney's Office*	*Last heard at the March NCAC meeting. To be brought back at a later date with the penalty provision.*
13	*Item C4L April 23, 2014*	**An Evaluation Of The Calendar Of Events Of The City And The Impact On Quality Of Life**	*City Manager's Office*		

14	*Item C4H* *April 23, 2014*	**Discussion Regarding Bicycle Parking Locations And Adding Attractive Bike Racks Throughout The City.**	*Transportation*		
15	*Item C4J* *April 23, 2014*	**Discussion on Regarding Amendments To The Sidewalk Café Ordinance.**	*City Manager's Office*		
16	*Item R9A* *April 9, 2014*	**Discussion Regarding The Renaming Of The Scott Rakow Youth Center Ice Skating Rink In Memory Of Barbara Medina**	*Commissioner Malakoff*		
17	*Item C4A* *April 9, 2014*	**Discussion Regarding The Commercial Use Of Residential Properties**	*Code Compliance*		