

CITY OF MIAMI BEACH NON-SPECIMEN TREES

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY AMENDING CHAPTER 46, "ENVIRONMENT", ARTICLE II, "CARE AND MAINTENANCE OF TREES AND PLANTS", DIVISION 2, "TREE PRESERVATION AND PROTECTION," BY TO MODIFY THE DIAMETER AT BREAST HEIGHT OF NON-SPECIMEN TREES; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, it is the City's intent to prevent the destruction of the City's existing tree canopy and promote its expansion; and

WHEREAS, it is in the best interest of the City to improve the aesthetic appearance of new development and protecting designated historic landscapes; and

WHEREAS, the City seeks to promote the use of canopy trees to sequester carbon dioxide emissions and that increase climate change; and

WHEREAS, the adoption of the provisions set forth below are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Chapter 46 - ENVIRONMENT

ARTICLE II. - CARE AND MAINTENANCE OF TREES AND PLANTS

DIVISION 2. - TREE PRESERVATION AND PROTECTION

Sec. 46-56. - Definitions.

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Prohibited tree species: Those tree species listed in Chapter 24 of the Miami Dade County Code, as amended, whose sale, propagation, planting, importation or transportation shall be prohibited under Miami-Dade County regulations.

Non-specimen tree: Any tree that is not designated by the City of Miami Beach as an exempt tree, and which:

- a. Is located on public land or ~~zoning districts other than single family districts~~ private land, having no less than a three-inch DBH or ten-foot mature height; or

- b. Is a replacement tree or any non-exempt tree that is represented or identified in a planning or development document for the purposes of securing an approved city building or demolition permit.

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Specimen tree: A tree with an individual trunk that has a DBH of 12 inches or greater, or any multiple-trunk tree in which the sum of the diameters of all the trunks at DBH is 12 inches or greater, but not including non-native species of the genus Ficus.

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Sec. 46-58. - Scope, exemptions and prohibited species.

It shall be unlawful for any person, unless otherwise permitted by the provisions of this division, to perform tree removal work or effectively destroy any non-specimen tree, specimen tree or heritage tree located within the boundaries of the City of Miami Beach, on either public or private property, without first obtaining a tree work permit.

- (1) Exemptions. The following shall be exempt from the provisions of this division, and do not require a tree work permit:
 - (a) Removal of prohibited species that do not have a heritage tree designation or are located in a designated historic district.
 - (b) Removal of dead trees or trees destroyed by an act of God. This exemption does not apply to any trees or palms effectively destroyed through violations of those provisions set forth herein.
 - (c) Any tree that, as the result of damage, disease or other cause, poses imminent danger to health, safety or property, and therefore requires immediate removal, may be removed without obtaining a tree work permit: provided that the owner of the property can establish that such hazardous condition(s) existed prior to the removal.
 - (d) Removal of trees within the yard area of an existing single-family residence in a single family zoning district; provided the trees are not-specimen trees with a DBH of less than nine six (6) inches or greater. This exemption does not apply to trees that are growing on public rights-of-way adjoining existing single family residences.

Sec. 46-59. - Tree work permit application processing, requirements, and review.

- (1) Permit, when required. A tree work permit shall be required:

- (a) For the removal or relocation of any non-specimen tree, specimen tree or heritage tree within the City of Miami Beach that is subject to review as specified in section 46-58.

No person, agent or representative thereof, directly or indirectly, shall cut down, remove, relocate, or effectively destroy any non-specimen, specimen or heritage tree situated on any property described in section 46-58, without first obtaining a tree work permit as hereinafter provided. No building permit shall be issued by the city's building department, and no right-of-way permit shall be issued by the public works department, for any work that has the potential to affect trees, including new construction, additions, carports, pools, decks, fences, driveways, parking lots, tennis courts, demolition, or similar work, unless it

has been determined that no tree work permit is required, or a valid tree work permit has been issued in accordance with this division.

- (2) Application requirements. Applications for tree work permits shall be made on the form provided for that purpose by the public works department. The application shall include a written statement indicating the reasons for the removal or relocation of each tree and shall describe the proposed tree work. The following documentation and any applicable fees shall accompany applications:
 - (a) Applications for all locations except for existing single-family homes. Applications for tree work, in conjunction with any new construction, including new single-family homes and additions, shall include a tree survey drawn to scale identifying the species and listing the height, spread and DBH of all existing trees shall be provided. The tree survey shall be prepared by and bear the seal of a professional land surveyor, licensed in the State of Florida. In addition, a tree disposition and site plan drawn to scale identifying and listing all existing trees and specifying the condition of each tree and whether such trees are to remain, to be removed or to be relocated, shall be provided. This plan shall also illustrate the location of all existing structures and/or all proposed new construction, as applicable, the location of any overhead and/or underground utilities, the new locations of existing trees to be relocated on site, and all areas affected by construction-related activities. such as access routes to the property, and staging area. The plan shall be prepared by and bear the seal of a landscape architect currently licensed to practice in the State of Florida.
 - (b) Applications for existing single-family homes. Applications for tree work at existing single-family homes shall require a site sketch indicating the approximate location and disposition of the tree(s).
 - (c) A tree replacement plan prepared in accordance with section 46-61.
 - (d) The public works department shall determine the completeness of an application pursuant to this subsection. and provide notification to the applicant of any material that is required for the issuance or denial of the tree work permit.
- (3) Review of application. Upon receipt of a completed application, the public works department shall review the application for compliance with the regulations as set forth in this division. Such review may include a field inspection of the site. The public works department shall issue an intended decision approving, denying or approving with conditions the application within 30 calendar days from the date the application is deemed completed.
- (4) Issuance of permit. The tree work permit, if approved by the public works department, shall be issued. The property owner shall be responsible for insuring that the tree work permit is displayed until the authorized work is completed. If the permitted work is not completed within one year from the issuance date, the permit shall become subject to revocation.
- (5) Fees. Fees for tree work permits shall be established by the city commission. Applications from government agencies for tree removals solely in areas dedicated to public use may, at the discretion of the city commission, be exempted from application and permit fees.
- (6) Final inspection. No later than six months following the completion of the authorized work, the applicant shall schedule a final inspection with the public works department for verification and acceptance of the final authorized work. The inspection shall be

conducted by the urban forester or his/her designee. All new, relocated or mitigation trees within the project area shall be replaced, if they are not alive and viable one year after the final inspection. The final inspection requirements for replacement or relocated trees installed at off-site locations pursuant to section 46-61(5) shall require written approval from the public works department.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or reentered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

PASSED and ADOPTED this _____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2016
Second Reading: _____, 2016

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strike through~~ denotes deleted language

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