



City of Miami

Legislation Ordinance

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.miamigov.com

File Number: 07-00100

Final Action Date:

AN ORDINANCE OF THE CITY COMMISSION AMENDING CHAPTER 62, ARTICLE X, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ZONING AND PLANNING/TREE TRUST FUND, " BY PROVIDING FOR DEPOSITS OF FINES COLLECTED FOR ILLEGAL TREE REMOVAL, FOR THE USE OF THE TRUST FUNDS TO RELOCATE TREES WITHIN THE CITY OF MIAMI ("CITY"), AND FOR PERIODIC DISTRIBUTION OF SAPLINGS AND SHRUBBERY TO THE PUBLIC TO ENHANCE TREE CANOPY COVERAGE AND GREENERY IN THE CITY; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. Chapter 62, Article X, of the Code of the City of Miami, Florida, as amended, entitled "Zoning and Planning/Tree Trust Fund," is amended in the following particulars:{1}

"Chapter 62

ZONING AND PLANNING

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ARTICLE X. TREE TRUST FUND*

Sec. 62-301. Intent.

It is intended that the "Tree Trust Fund" be established in order to facilitate the compliance of tree ~~mitigation~~ replacement requirements according to Article 8.1 Tree Protection, of Ordinance 11000, as amended, the Zoning Ordinance of the city (the "Zoning Ordinance"), to facilitate the receipt of equitable contributions for replacement trees, to enhance the tree canopy coverage throughout the City and to restore the loss of tree canopy cover in the city. Expenditures from this trust fund shall require authorization by the city manager, or his designee, upon written recommendations from the directors of the departments of planning and zoning and/or public works.

Sec. 62-302. Trust fund payments.

Payments into the trust funds shall include, but shall not be limited to, monies collected pursuant to Section 8.1.6.6 of ~~Article 8.1 of the Zoning Ordinance~~ and fines collected pursuant to Sec. 8.1.10.1. of Article 8.1 of the Zoning Ordinance.

Sec. 62-303. Established.

(a) There is hereby established a trust fund to be entitled the "Tree Trust Fund", (the "trust fund") to be maintained and administered by the city, into which funds shall be deposited and from which funds

shall be withdrawn pursuant to this article to pay the procurement of replacement trees to restore the loss of tree canopy cover in the city and to enhance tree canopy coverage and shrubs through means which may include, but are not limited to the following activities by the city or its authorized agents:

(1) Not less than 80 percent of the trust fund shall be expended on tree replacement and restoration and enhancement of tree canopy coverage throughout the City during each fiscal year. These funds may be used for periodic distribution of saplings and shrubs to the public to enhance tree canopy coverage in the City. However, if the city manager, or his designee, determines that there are insufficient reserves in the trust fund to implement a viable tree replacement program, funds may be carried over to the next fiscal year.

(2) Not more than ten percent of the trust fund shall be expended on activities directly related to tree replacement and restoration and enhancement of tree canopy coverage throughout the City during each fiscal year, including, but not limited to, survey work, site inventory and analysis, landscape architectural design services, inspection services for new plantings, and other related project expenses and incidentals.

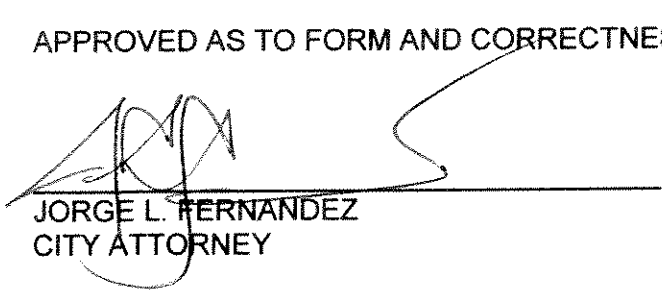
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Section 2. All Ordinances or parts of Ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

Section 3. If any section , part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective immediately upon its adoption and signature of the Mayor.{2}

APPROVED AS TO FORM AND CORRECTNESS



JORGE L. FERNANDEZ
CITY ATTORNEY

Footnotes:

{1} Words/and or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

{2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.