



City of Miami

Legislation

Ordinance

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.ci.miami.fl.us

File Number: 04-00674a

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62, "ZONING AND PLANNING" OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY CREATING ARTICLE XII ENTITLED, "TREE TRUST FUND;" ADDING AN INTENT STATEMENT AND PROVIDING FOR ADMINISTRATION AND REGULATIONS; AND PROVIDING FOR TRUST FUND PAYMENTS AS SPECIFIED IN SECTION 8.1.6.6 OF ZONING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this ordinance is for the purpose of acquiring, protecting, and restoring the tree canopy cover in the City of Miami for aesthetic and environmental reasons; and

WHEREAS, in order to facilitate the compliance of tree mitigation requirements, when the total number of replacement trees cannot be reasonably planted on a subject property (on-site) or on alternative off-site locations; and

WHEREAS, it was determined by the Department of Planning and Zoning that there existed a need to establish a trust fund to provide the full monetary equivalent to the City of Miami for the planting of replacement trees not feasible for replacement on-site or on alternative off-site locations; and

WHEREAS, the City Commission wishes to implement the City of Miami Tree Trust Fund, as the mechanism that receives equitable contributions for the irreplaceable loss of the aesthetic and environmental values of existing trees; and to facilitate the procurement of replacement trees to restore the loss of tree canopy cover in the City of Miami.

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

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 62 Article XII of the Code of the City of Miami, Florida, as created, entitled "The City of Miami Tree Trust Fund," is established in the following particulars:

"Chapter 62 Zoning and Planning"

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ARTICLE XII

TREE TRUST FUND

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Sec. 62-1. Intent.

It is intended that the "Tree Trust Fund" be established in order to facilitate the compliance of tree mitigation requirements according to Article 8.1 Tree Protection, of Ordinance 11000, as amended, the Zoning Ordinance of the City of Miami, Florida (the "Zoning Ordinance"), to facilitate the receipt of equitable contributions for replacement trees and to restore the loss of tree canopy cover in the City of Miami. 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. 62-2. 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.

Sec. 62-3. 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 of Miami, 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 during each fiscal year. 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 10 percent of the Trust Fund shall be expended on activities directly related to tree replacement and restoration 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.

(3) Not more than 10 percent of the Trust Fund shall be expended during each fiscal year to provide training for Code Inspectors and for administrative costs directly related to the notice requirements of Section 8.1.8.3 of the Zoning Ordinance. Said training shall be directly related to the implementation of Article 8.1 of the Zoning Ordinance, including, but not limited to, training to properly identify the different tree and palm species and to properly grade the quality standards for new trees and palms, including the knowledge of proper planting, pruning, and landscape maintenance techniques.

(b) Allowable expenditures undertaken pursuant to this chapter may be made by the City Manager, or his designee, except that any Trust Fund expenditures in excess of fifty thousand (\$50,000.00) dollars will require approval by the City Commission.

(c) It is the intent of this article that prior to the expenditure of funds for the above listed items by the

City Manager, that due consideration is given to written recommendations from the directors of the departments of Planning and Zoning and/or Public Works.

Sec. 62-4. Funds made available; financial report.

(a) Funds deposited in the Trust Fund shall be made available to the City Manager for implementation purposes; all disbursements of Trust Fund monies shall be made by the City Manager, or his designee, in accordance with this chapter and Article 8.1 of the Zoning Ordinance, and after due consideration is given to the written recommendations of the directors of the Departments of Planning and Zoning and/or Public Works.

(b) A financial report on Trust Fund receipts and expenditures shall be prepared annually at the close of the fiscal year by the City Manager or his designee and presented to the City Commission.

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Section 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

Section 4. 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 5. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof. {1}

APPROVED AS TO FORM AND CORRECTNESS:

JORGE L. FERNANDEZ *RJR*
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.