

MEMORANDUM

MSC
Agenda Item No. 1(G)1

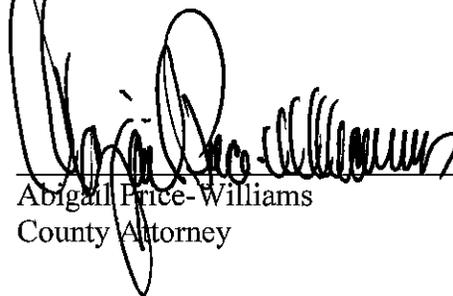
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 9, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance pertaining to minimum standards for landscaping and trees; amending section 18A-6 of the Code; revising current minimum standards for tree size and providing new minimum standards for tree size effective a certain future date; creating minimum standards for tree species diversity; eliminating requirement for hose bib when an irrigation system is not provided

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



Abigail Price-Williams
County Attorney

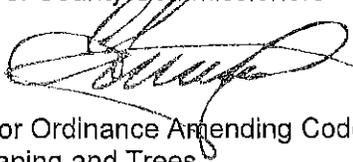
RAC/cp

Memorandum



Date: December 6, 2016

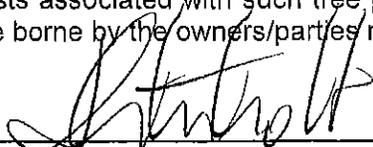
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Impact for Ordinance Amending Code to Revise Current Minimum Standards for Landscaping and Trees

The proposed ordinance amends Section 18A-6 of the Code to revise current minimum standards for tree size. Currently, the Code includes a minimum number of trees that are to be planted along streets, and at newly constructed sites based on zoning classification. The existing Code also sets the minimum height and caliper (circumference of the trunk) of the trees to be planted. The proposed ordinance revises the minimum height and caliper requirements effective May 1, 2018 to meet the standards provided in the Florida Grades and Standards for Nursery Plants. The proposed ordinance will also amend the Code to establish a minimum standard for trees species to ensure diversity and also removes the existing requirement to have a hose bib (outdoor water faucet) within a certain distance for irrigation given that existing County landscaping standards call for more drought resistant species.

A specific social equity benefit or burden cannot be determined at this time. However, the proposed ordinance will match the State of Florida's minimum standards, as well as ensure more diversity of trees species, which are intended to increase the County's tree canopy by planting larger, sturdier and more resilient trees. To the extent that requirements call for taller or larger trees, there is a potential for higher costs associated with such tree plantings. Any costs to comply with the existing and revised standards are borne by the owners/parties responsible for meeting these standards, either private or public.



Jack Osterholt
Deputy Mayor

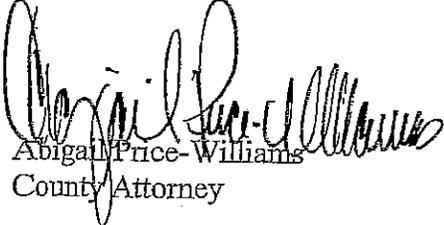


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 7, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(F)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 4(F)

Veto _____

9-7-16

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO MINIMUM STANDARDS FOR LANDSCAPING AND TREES; AMENDING SECTION 18A-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING CURRENT MINIMUM STANDARDS FOR TREE SIZE AND PROVIDING NEW MINIMUM STANDARDS FOR TREE SIZE EFFECTIVE A CERTAIN FUTURE DATE; CREATING MINIMUM STANDARDS FOR TREE SPECIES DIVERSITY; ELIMINATING REQUIREMENT FOR HOSE BIB WHEN AN IRRIGATION SYSTEM IS NOT PROVIDED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, due to the warm climate and long, hot summers, residents in Miami-Dade County rely upon trees and landscaping to provide much-needed shade and shelter; and

WHEREAS, trees also serve an important purpose by enhancing the County's aesthetics and beautification, making it a more desirable place for our residents to live and for tourists from around the world to visit; and

WHEREAS, under the current landscape code requirements, trees and landscaping are not fully achieving these aims; and

WHEREAS, to address this issue, there is a need to revise the landscape code to improve tree quality and aesthetics so that trees will provide the necessary cover, canopy, and beautification that this community requires; and

WHEREAS, in addition, there is a need to revise the landscape code so that it more closely follows the approach by the State of Florida, set forth in the Grades and Standards for Nursery Plants, prepared by the State of Florida Department of Agriculture and Consumer Services, Division of Plant Industry, which emphasizes tree health, robustness, and quality in order to achieve more uniformity and consistency in landscaping throughout the state; and

WHEREAS, accordingly, this Board wishes to revise the County's requirements for trees and landscaping, as set forth herein,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 18A-6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 18A-6. Minimum standards.

The following standards shall be considered minimum requirements unless otherwise indicated:

* * *

(B) *Irrigation.*

* * *

~~[(5) If an irrigation system is not provided, a hose bib shall be provided within seventy five (75) feet of any landscape area.]]~~

(C) *Trees.*

(1) *Tree size.* ~~[[All trees, except street trees, shall be a minimum of ten (10) feet high and have a minimum caliper of two (2) inches at time of planting except that thirty (30) percent of the tree requirement may be met by native species with a minimum height of eight (8) feet and a minimum caliper of one and one half (1½) inches at time of planting]].~~

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>

	<u>Standards effective through April 30, 2018</u>	<u>Standards effective beginning May 1, 2018</u>
<u>Minimum tree height and caliper at time of planting</u>	<u>Ten (10) feet high and two (2) inches of caliper</u>	<u>Twelve (12) feet high and conforming to, or exceeding, the minimum standards for Florida No. 1 grade or equivalent in the most current edition of Florida Grades and Standards for Nursery Plants</u>
<u>Native tree minimum height and caliper at time of planting</u>	<u>Eight (8) feet high and one and one half (1½) inches of caliper</u>	<u>Eight (8) feet high and conforming to, or exceeding, the minimum standards for Florida No. 1 grade or equivalent in the most current edition of Florida Grades and Standards for Nursery Plants</u>
<u>Street trees' clear trunk and mature height</u>	<u>Four (4) feet of clear trunk at time of planting and of a species that normally matures to a height of at least twenty (20) feet</u>	<u>Four (4) feet of clear trunk at time of planting and of a species that normally matures to a height of at least twenty (20) feet</u>

<<

- (2) *Street tree* ~~[[size and]]~~ >>*location and*<< *spacing*.
~~[[Street trees shall be of a species typically grown in Miami-Dade County which normally mature to a height of at least twenty (20) feet.]]~~ Street trees ~~[[shall have a clear trunk of four (4) feet, an overall height of twelve (12) feet and a minimum caliper of two (2) inches at time of planting, and]]~~ shall be provided along all roadways at a maximum average spacing of thirty-five (35) feet on center, except as otherwise provided in this chapter. Street trees are not required when a colonnade open to the public is located within four (4) feet of the edge of the roadway. The thirty-five (35) foot average spacing requirement for multiple single family units

such as zero-lot-line and townhouse shall be based on the total lineal footage of roadway for the entire project and not based on individual lot widths. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the >>Transportation and<< Public Works Department >>, or its successor,<< or the appropriate authority within the municipality. Street trees planted along private roadways shall be placed within seven (7) feet of the edge of roadway pavement and/or where present within seven (7) feet of the sidewalk.

- (3) >>Trees near power<< [[Power]] lines. Where the height and location of overhead powerlines requires the planting of low growing trees, street trees shall have a minimum height of eight (8) feet [[, a minimum caliper of one and one-half (1½) inches]] >>and shall conform to, or exceed, the minimum standards for Florida No. 1 grade or equivalent in the most current edition of Florida Grades and Standards for Nursery Plants<< at time of planting, and shall meet >>all of<< the following requirements:

- (a) Single trunk trees clear of lateral branches to four (4) feet and/or multitrunk trees or tree/shrubs, as referenced in the Landscape Manual, cleared of foliage to a height of four (4) feet.
- (b) A maximum average spacing of twenty-five (25) feet on center.
- (c) Maturing to a height and spread not encroaching within five (5) feet of overhead power distribution lines.
- (d) Under high voltage (50kV and above) transmission lines installed independent of underbuilt distribution lines, >>mature<< tree height and spread shall not exceed the minimum approach distances specified in the current ANSI (American National Standards Institute) Z133.1 Standards, as referenced in the Landscape Manual.

* * *

>>(17) Minimum tree species diversity standards. When more than ten (10) trees are required to be planted pursuant to the provisions of this chapter, a diversity of tree species shall be required. The minimum number of different tree species to be planted shall be based on the overall number of trees required and shall be proportional in relation to the total number of species planted, pursuant to the following table:

<u>Required Number of Trees</u>	<u>Minimum Number of Tree Species</u>	<u>Percentage of Each Tree Species</u>
<u>11-20</u>	<u>2</u>	<u>50 percent</u>
<u>21-50</u>	<u>4</u>	<u>25 percent</u>
<u>51 or more</u>	<u>6</u>	<u>16 percent</u>

Nothing in this subsection shall preclude the planting of additional tree species beyond the minimum numbers indicated in the table above, provided that the proportionality of each species planted is maintained.<<

* * *

(K) *Plant quality.*

~~[(1)]~~ Plants installed pursuant to this Code shall conform to, or exceed, the minimum standards for Florida >>No. 1 grade or equivalent<< ~~[[Number One as provided]]~~ in the most current edition of >>Florida<< ~~[[¹]]~~Grades and Standards for Nursery Plants,[[Part I and II,"]] prepared by the State of Florida Department of Agriculture and Consumer Services.

~~[(2)]~~ ~~Trees installed pursuant to this Code shall have one (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.]~~

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James Eddie Kirtley

Prime Sponsor: Commissioner Juan C. Zapata

