



City of Coral Gables
CITY COMMISSION MEETING
December 5, 2017

ITEM TITLE:

Ordinance on Second Reading. City Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida amending the City Code, Chapter 82, entitled "Vegetation"; to include additional measures to review and protect trees; to set procedures to evaluate tree protection and removal; to set an appeals process for a Tree Permit denial; to establish a Tree Trust Fund for the purposes of maintaining and increasing the City tree canopy from tree mitigation fund fees; and other measures as deemed as necessary for the preservation and enhancement of the City's tree coverage; providing for repealer provision, severability clause, codification, and providing for an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

BOARD RECOMMENDATION:

NA

BRIEF HISTORY:

Summary changes made between 1st and 2nd Readings:

1. Clarify the pruning of fruit trees to a height of 14-15 feet does not constitute tree abuse. (page 2)
2. Includes additional species in the replacement tree table. (pages 8-9)
3. Provides twice the amount of tree mitigation with increased tree height to mitigate unauthorized tree removal, in addition to the fines provided. (page 10)
4. Provides tree permit or variance request within an historic district or on an historic property to be reviewed by the Historic Resources and Cultural Arts Department, which may be appealed to the Historic Preservation Board. (pages 12, 16, 17)

The City Code regulations addressing tree protection have not been updated since 1991. Recently, the issue of tree protection and preservation of existing tree coverage has received renewed interest with the submittal of a number of redevelopment projects. Unfortunately, the City Code lacks a process to systematically evaluate these projects when specimen trees are located on-site. This amendment attempts to address this and other issues as summarized below:

1. Requires a Tree Permit whenever involving the trimming of tree limbs over 10 inches in diameter under the direction of a licensed tree trimmer.
2. Prohibits trimming of trees on public property and in right-of-way, unless expressly approved in advance by the tree preservation agency (Landscape Services Department).
3. Requires a tree survey for the following applications: Development Review Committee, Board of Architects, Building Permit, Building Site Determination, Tentative Plat, and Demolition Permit.
4. Includes more specificity on the information required for the tree survey.
5. Requires the tree survey to be prepared by a licensed professional surveyor and mapper in

coordination with a certified arborist to determine specifications on trees and their location.

6. Allows applicants of smaller projects and owner/builder permits as determined by the Miami-Dade County Code and the Florida Statutes to prepare their own tree survey.
7. Requires all affected property owners to apply for the tree permit if the tree survey indicates the tree trunk is located on the property line and shared between two or more property owners.
8. Requires the applicant to follow a series of steps to determine whether a specimen tree can be modified, with its removal as the last resort. (Tree modification is generally trimming limbs 10 inches in diameter or larger, or cutting roots two inches in diameter or larger.) A sequence of steps is required to be supported by documentation that all efforts have been taken by the applicant to incorporate the existing tree in the proposed design as follows:
 - a. Preserve the specimen tree on-site;
 - b. Modify the specimen tree by pruning the tree or its roots;
 - c. Relocate the specimen tree on-site;
 - d. Remove the specimen tree but only after demonstrating that the site constraints and design limitation of an alternate plan would cause a hardship such as a reduction of developable area. Removal of such specimen tree will require new mitigation measures.
9. Establishes a tree mitigation method to calculate the number of replacement trees by using a tree canopy method. If tree canopy cannot be determined, a tree diameter calculation method is provided as an alternate.
10. Lists various industry best practices standards for modifying, moving and replacing a tree. If a relocated tree does not survive 12 months of staff's inspection of the transplantation, it shall be replaced with another suitable replacement tree.
11. Includes greater tree protection measures for construction sites.
12. Provides for, at no charge to the applicant, an administrative variance of 20% of the Zoning Code requirements such as setbacks, building height and ground area coverage for the purposes of preserving a specimen tree on-site, so long as the applicable maximum floor area is not exceeded.
13. Directs any appeals of the tree preservation agency's denial of a tree permit:
 - a. On private property to the Board of Adjustment (BOA) with newly established criteria, whose decision may be appealed to the City Commission. (Currently, tree permit appeals go to the Tree Protection Appeals Committee, which is staffed by various department representatives.)
 - b. On public property and right-of-way to the City Manager or designee, whose decision may be appealed to the City Commission. Only an applicant denied a permit is an affected party that may file an appeal. The City retains sovereign immunity for trees on public property.
14. Includes a new section for enforcement either by court of competent jurisdiction, the Code Enforcement Board or the Code Enforcement Hearing Officer.
15. Increases the maximum fine of a tree code violation from \$500 to \$5000. For willful acts to cause permanent damage on a specimen tree on public property the fine will be up to \$15,000, the City may sue for monetary value of the tree and is entitled to attorney's fees. Upon conviction in court, the violator may be subject to imprisonment in county jail for a period not to exceed 60 days.
16. Includes a provision in Civil Remedies that the City is entitled to an award of its attorney's fees and costs for enforcement, including for any civil suit in which it is the prevailing party.
17. Establishes a Tree Trust Fund from funds collected for tree replacement coverage at a ratio of \$1,500 per every 500 square feet of lost tree canopy. Monies from the Trust Fund will be at the City Manager's disbursement and appropriation for the purpose of planting and managing trees on public property or for creating the infrastructure to plant trees on public property.

PUBLIC NOTIFICATION(S):

Date	Form of Notification
11.30.17	City Commission meeting agenda posted on City web page.

EXHIBIT(S):

- A. Draft Tree Code Ordinance.