



Department of Community Development
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Staff Analysis and Recommendation

To: Honorable Mayor and Members of the Town Council
From: Alex Rey, Town Manager
Subject: Tree Canopy Protection
Date: January 15, 2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO LANDSCAPING; AMENDING SECTION 13-1701, ENTITLED "REQUIRED LANDSCAPING," OF THE LAND DEVELOPMENT CODE; ESTABLISHING PROVISIONS REGARDING MINIMUM LANDSCAPE REQUIREMENTS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Ceaser Mestre)

A. BACKGROUND

On January 10, 2017, Town Council directed the Town Manager to explore the possibility of an ordinance to provide for provisions that address tree canopy protection throughout the Town, and to adopt the Town's Beautification Master Plan. The desire was to ensure the integrity of the Town signature appeal, its tree canopy, is properly maintained, restored in areas where it has diminished, and (re)planted with the appropriate materials (right tree right place). This effort is a reflection of a continuum of efforts to protect and reinforce the Town's image. The proposed ordinance builds upon the Town's Chapter 42 which seeks to preserve existing canopy, and it serves as the regulatory arm for the Town's more recently adopted Beautification Master Plan and Tree Management Plan. The provisions are intended to supplement existing landscape code requirements provided at Section 18A of Miami-Dade County's¹ code and to provide greater clarity of planting requirements within Section 13-1701 of the Town's code. The attached ordinance has been reviewed by Miami-Dade County and was found to be acceptable.

¹ Section 18A of the Miami-Dade County code requires all municipalities within Miami-Dade to conform to the minimum landscape requirements therein. Miami-Dade County does permit its municipalities to adopt more stringent standards. The Town has adopted by reference Miami-Dade County Code Section 18A and the provisions at section 13-1701 and Chapter 42 reflect a higher standard than that provided by the County.

B. PROPOSED CHANGES

The following described elements are presented in the same order that they appear in the proposed ordinance.

13-1701(a) – Compliance with “Beautification Master Plan” and “Tree Management Plan.” This section provides regulatory support to the two plans by requiring compliance with any future plantings.” The provision also reaffirms compliance with Miami-Dade Code at Section 18A.

13-1701(b) – Tree Plantings for single family and two-family homes. The provision requires that of the three required trees, one (1) must be planted in the front yard area of the home. For new construction, that tree must be a hardwood. For existing construction, where possible a list of permitted trees is provided to choose from.

13-1701(c) – Existing Conforming Properties. No improvement shall be permitted which reduces landscape area below the minimum requirement.

13-1701(g) – Reference to Article 42. The provision points to Article 42 regarding tree removal regulations.

13-1701(h) – Desired Trees. The provision lists those trees that are most desired for planting within the Town.

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending Section 13-1701 as it relates to tree plantings within the Town.

E. ANALYSIS

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. The provision provides for ensuring minimum canopy is provided within the Town and that the Town’s essential character is maintained. As proposed, and presented in Section “A”, and “B”, above, the amendment conforms to the following policy of CDMP below.

Policy 1.3.1: Implement the Beautification Master Plan to enhance landscaping in public rights-of-way and neighborhoods and make the overall natural aesthetic appeal of the Town even better.

Policy 1.5.4: Protect and enhance the lush flora and fauna of the Town through strong community landscaping guidelines, land development regulations and code enforcement.

Finding: Complies

2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. The amendment attempts to prevent loss of tree canopy while also providing for standards for future development. The provision implements the Beautification Master Plan and the Tree Management Plan by incorporation. The provisions were reviewed by Miami-Dade County and found to be consistent with their provisions at Section 18A. The proposed amendment does not conflict with any of the Town’s provisions.

Finding: Complies.

3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.

Analysis See Sections “A”, Background; and “B”, Proposed Changes, of this report. Over the years, the Town has lost some of its valued tree canopy. The reason for the loss is due in part to a number of issues including, disease, accidents, acts of nature, and illegal removals. Post Development improvements in some areas have also resulted in loss of pervious area needed to support a healthy tree growth. Further, some initial plantings were never appropriately sited within the original development plan. This provision tries to remedy these challenges by requiring a minimum of one (1) front yard tree, halting loss of minimum required landscape area, and providing a list of acceptable trees that may be considered for future plantings.

Finding: Complies.

4. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed amendment does not change the list of permitted uses within any zoning district.

Finding: Complies.

5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed ordinance does not impact the above systems.

Finding: Complies.

- 6. Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. The intent of the ordinance is to protect the Town’s tree canopy and provide a mechanism to ensure replanting in areas where it is diminished. In so doing, the ordinance will have a net positive affect on the Town’s natural environment.

Finding: Complies.

- 7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. The Town’s tree canopy is at the very essence of the Town’s character. It is what draws so many people to want to invest in this community. It is that investment that creates value within the Town of Miami Lakes. As such, the proposed ordinance is in the interest of the general welfare of the Town and its residents.

Finding: Complies.

- 8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

Analysis: See Sections “A”, Background; and “B”, Proposed Changes; and Criteria 1, 2, and 4, of this report.

Finding: Complies.

- 9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.**

Analysis: See Sections “A”, Background; and “B”, Proposed Changes; and Criteria 1, 2, 4, 6, and 7 of this report.

Finding: Complies.

- 10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.**

Analysis: See all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed amendment is appropriate and consistent with the public interest.

Finding: As determined by the Town Council.