

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: November 17, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB20-0405. Landscape Exemptions for small additions.**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 126, ENTITLED "LANDSCAPE REQUIREMENTS," SECTION 126-3, ENTITLED "SHORT TITLE AND APPLICABILITY," TO PROVIDE EXEMPTIONS TO THE CITY OF MIAMI BEACH LANDSCAPE ORDINANCE FOR ADDITIONS TO EXISTING BUILDINGS UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

#### **RECOMMENDATION**

Transmit the proposed ordinance to the City Commission with a favorable recommendation.

#### **HISTORY**

On October 14, 2020, at the request of Commissioner Micky Steinberg, the City Commission referred the item to the Planning Board (Item R9Q).

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Consistent** – The proposed amendment does not change the boundaries of existing districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed change is not out of scale with the needs of the city's neighborhoods.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable** – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to avoid an undue burden of requiring a fully compliant property wide landscape plan for minor additions that do not expand the footprint of a building make the passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the city's neighborhoods.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change will not create or increase traffic congestion from what is currently permitted.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will have no impact on light and air.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not Applicable**

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal should not have an impact on the resiliency of the City.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal should not impact the City's sea level rise mitigation and resiliency efforts.

**ANALYSIS**

In 2016, major changes were made to chapter 126 of the LDR's, which are the City's landscape regulations. The applicability of the current ordinance is very broad in its requirement for a property to come into compliance with the current landscape regulations when any addition is made to an existing building. This can be burdensome for a single family homeowner who may only seek to add a partial second floor addition or to enclose a ground floor patio area. A landscape architect is often required, including surveying of existing landscaping.

The proposed ordinance would allow an exemption to the landscape requirement as follows:

*Exemptions. As applicable to additions to existing buildings that do not expand or enlarge the footprint of the existing building, and where such additions do not require the review and approval of a land use board, and are not a substantial rehabilitation, the landscape review requirements in this chapter may be waived by the planning director or designee.*

As the exemption would not reduce any existing landscaping on a property, no negative impacts on the city's overall greenspace are anticipated. Additionally, a fully compliant landscape plan would still be required for a substantial rehabilitation.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.