

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 126 OF THE MIAMI BEACH CITY CODE, ENTITLED "LANDSCAPE REQUIREMENTS," BY AMENDING SECTION 126-6 THEREOF, ENTITLED "MINIMUM STANDARDS" TO INCLUDE THE PALMS IDENTIFIED IN APPENDIX F OF THE URBAN FORESTRY MASTER PLAN FOR PURPOSES OF CALCULATING THE NUMBER OF REQUIRED STREET TREES, AND THE MINIMUM NUMBER OF TREES REQUIRED PER LOT OR PER ACRE OF NET LOT AREA; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, in an effort to develop and maintain a healthy and sustainable urban tree canopy, the Urban Forestry Master Plan ("UFMP") generally recommends shifting to a higher percentage of non-palm canopy trees citywide in order to improve the resiliency of the City's urban forest, which will result in reducing the percentage of palms citywide by certain dates, including through certain targeted removals of palms; and

**WHEREAS**, the City encourages historic preservation, including preservation of iconic historic landscaping features; and

**WHEREAS**, amendments to minimum standards for landscape requirements are necessary to accommodate preservation concerns of palm tree landscapes iconic to Miami Beach's culture and history.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** That Chapter 126, "Landscape Requirements," Section 126-6, entitled "Minimum standards" of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 126**

**LANDSCAPE REQUIREMENTS**

\* \* \*

**Sec. 126-6. - Minimum standards.**

The following standards shall be considered minimum requirements unless otherwise indicated in the land development regulations:

(a) *Trees.*

*Tree size:* All trees except street trees, shall be a minimum of 12 feet high with a minimum crown spread of six feet and have a minimum caliper of two inches at time of planting, except that 30 percent of the tree requirement may be met by

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native species with a minimum height of ten feet and a minimum caliper of one and a half inches at time of planting.

- (1) *Street tree size and spacing:* Street trees shall be of a species typically grown in Miami Beach which normally mature to a height of at least 20 feet. Street tree plantings shall comply with ADA clearance requirements. Furthermore, street trees shall have a minimum clear trunk of four feet, an overall height of 12 to 14 feet and a minimum caliper of three inches at time of planting and shall be provided along all roadways at a maximum average spacing of 20 feet on center, except as otherwise provided in this ordinance.

The 20-foot average spacing requirement for townhouse or multi-family units 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 environment and sustainability department. Street trees planted along roadways shall be placed consistent with the American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide with respect to edge of roadway pavement and/or where unable to locate within the right-of-way within seven feet of the property line on private property.

The city may require an increase the maximum average spacing due to site-specific constraints such as, but not limited to, visibility triangles, signage, utilities, view corridors, or the use of large canopy or diameter trees. However, the total number of required trees for this requirement shall be as per a 20-foot average spacing and any required street trees that cannot be provided along the roadway due to a required increase in the maximum average spacing shall be planted elsewhere on the site, or the applicant shall utilize the tree and shrub compliance options, pursuant to section 126-7.

- (2) *Palms as street trees:* Single trunk palm species with a minimum of ten inches diameter at breast height (DBH) and a minimum of 15 feet of clear or grey wood at time of planting may be planted in addition to the required number of street trees. The maximum spacing of palms as street trees shall be 20 feet on center. Except for Palms identified in Appendix F to the Urban Forestry Master Plan, Palms shall not count towards the required number of street trees. The city may require an increase in the maximum spacing due to site-specific constraints, such as, but not limited to, visibility triangles, signage, utilities view corridors, or the use of large canopy or diameter trees.

\* \* \*

- (c) *Minimum number of trees.* Minimum number of required trees per lot or per acre of net lot area (not including street trees) and maximum allowable percentage of lawn grass/sod areas within the subject property is referenced in table A. More

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specific information may be found at subsections (1) through (12), following the table, for more specific requirements.

Table A				
Zoning District	Number of Trees Required			Maximum Lawn Area
	Per Lot (Front Yard)	Per Lot (Back Yard)	Per Acre of Net Lot Area	Percent of Required Open Space
<b>CAT 1*: Single Family Home and Townhome *</b>				
RS-1	2	3		50%
RS-2	2	3		50%
RS-3	2	3		50%
RS-4	2	3		50%
TH	2	3		50%
<b>CAT 2: Multifamily Residential, Hospital Districts</b>				
RM-1			28	30%
RM-2			28	30%
RM-3			28	30%
HD			28	30%
RM-PRO			28	30%
RMPRD-2			28	30%
RO			28	30%
<b>CAT 3: Commercial, Urban Light Industrial, Mix-Use Districts, Waterway District, Residential and Commercial Standard</b>				
CD-1			22	20%
CD-2			22	20%
CD-3			22	20%
1-1			22	20%
MXE			22	20%
WD-1			22	20%
WD-2			22	20%
RPS-1			22	20%
RPS-2			22	20%
RPS-3			22	20%

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C-PS1			22	20%
C-PS2			22	20%
C-PS3			22	20%
C-PS4			22	20%
RM-PS1			22	20%
SPE			22	20%
TC-1			22	20%
TC-2			22	20%
TC-3			22	20%
CAT 4: Institutional/Recreational; Marine Recreational, Civic/Government Use, Convention Center				
MR			22	20%
GU			22	20%
CCC			22	20%
GC			22	20%
* CAT 1: Single-Family Home and Townhome districts up to 6,000 square feet lot area. Refer to section 126-6(c)(4) for number of trees required for larger properties.				

- (1) Multifamily residential and commercial zones. In multifamily residential, RM-1, RM-2, RM-3, RPS-1, RPS-2, RPS-3, RPS-4, RO, TC-3 or commercial zones, CD-1, CD-2, CD-3, C-PS-1, C-PS-2, C-PS-3, C-PS-4, 1-1, MXE, TC-1, TC-2, if the minimum number of trees required cannot be planted on the ground level of the subject property, the applicant may plant 25 percent of the required trees on upper levels such as open recreation areas, roofs, and exposed decks.
- (2) Lawn grass/sod areas that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating maximum lawn area requirements.
- (3) Trees shall be planted to provide shade to residential structures of a height of 35 feet or less. At least two required lot trees shall be positioned in the energy conservation zone. All exterior ground floor air conditioning units shall be shaded by trees and/or shrubs.
- (4) The number of required trees listed in table A for category 1 residential zoning districts are intended for properties up to 6,000 square feet lot area. Provide one additional tree for each additional 1,000 square feet of lot area. If the total lot area is a fraction over the additional 1,000 square feet then, the number of required trees will be rounded up.

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- (5) Existing trees required by law to be preserved on site and that meet the requirements of minimum tree size may be counted toward fulfilling the minimum tree requirements.
- (6) Prohibited and controlled tree species: Prohibited and controlled trees shall not be planted or counted toward fulfilling minimum tree requirements. Prohibited and controlled trees included within section 24-49(f)I and II of the Miami-Dade County Code shall be identified and listed on a tree survey and tree disposition plan prior to removals.
- (7) No less than 30 percent of the required trees shall be native species.
- (8) No less than 50 percent of the required trees shall be low maintenance or drought and salt tolerant species.
- (9) Diversity of required tree species. In order to avoid a mono-species appearance and to circumvent significant tree loss due to disease to a specific tree species, the number of different tree species to be planted is as follows:
  - a. One to five required trees: Two tree species.
  - b. Six to ten required trees: Three tree species.
  - c. 11 to 15 required trees: Four tree species.
  - d. 16 to 20 required trees: Five tree species.
  - e. 21 to 30 required trees: Six tree species.
  - f. 31 or more required trees: Seven tree species.
- (10) Palms of a ten-foot minimum overall height and minimum caliper of three inches at time of planting may be planted in addition to the tree requirement. Except for Palms identified in Appendix F to the Urban Forestry Master Plan, Palms shall not count towards the minimum number of required trees.

\* \* \*

### **SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

### **SECTION 3. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

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### **SECTION 4. SEVERABILITY.**

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

### **SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Steven Meiner)

Underlines denote additions

Doublelines denote additions at the second reading

~~Strikethrough~~ denotes deletions

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CREATING “APPENDIX F” IN THE URBAN FORESTRY MASTER PLAN (“UFMP”), OUTLINING A LIST OF APPROVED HISTORIC LANDSCAPING FEATURES LOCATED WITHIN THE CITY OF MIAMI BEACH THAT SHOULD BE PRESERVED, NOTWITHSTANDING OTHER POTENTIALLY CONFLICTING CONCLUSIONS OR RECOMMENDATIONS OFFERED BY THE UFMP.**

**WHEREAS**, in an effort to develop and maintain a healthy and sustainable urban tree canopy, the Urban Forestry Master Plan (“UFMP”) generally recommends shifting to a higher percentage of non-palm canopy trees citywide in order to improve the resiliency of the City's urban forest, which will result in reducing the percentage of palms citywide by certain dates, including through certain targeted removals of palms;

**WHEREAS**, the City encourages historic preservation, including preservation of iconic historic landscaping features;

**WHEREAS**, the UFMP also recognizes the "iconic" historical significance of palms in the City of Miami Beach, and acknowledges the challenge of facilitating adaptive change, while preserving clear established neighborhood identities, particularly when those neighborhood identities are founded in palms; and

**WHEREAS**, palms always have been, and remain an iconic part of Miami Beach's landscape; and

**WHEREAS**, as such, the Mayor and City Commission desire to create Appendix F to the UFMP, attached hereto as Exhibit 1, that lists geographic areas with historic landscaping features that should be preserved notwithstanding other potentially conflicting conclusions or recommendations offered by the UFMP.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby create “Appendix F” in the Urban Forestry Master Plan (“UFMP”), outlining a list of approved historic landscaping features located within the City of Miami Beach that should be preserved, notwithstanding other potentially conflicting conclusions or recommendations offered by the UFMP.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk  
(Sponsored by Commissioner Steven Meiner)

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### **Appendix F**

#### **List of Approved Historic Landscaping Features**

The City of Miami Beach recognizes that certain landscaping features located within the City carry unique and important social, cultural, and historic significance, and that those features should be preserved notwithstanding other potentially conflicting conclusions or recommendations offered by this Urban Forestry Master Plan. The list of such approved historic landscaping features is as follows:

1. La Gorce Island's Historic Palm Lined Streets
2. Palms lining 41st Street