

Landscape Neighborhood Overlays (Reso Version)

ORDINANCE NO. _____

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,” BY CREATING SECTION 126-8, ENTITLED “LANDSCAPE NEIGHBORHOOD OVERLAY,” TO ESTABLISH PROVISIONS FOR LANDSCAPE NEIGHBORHOOD OVERLAYS WITHIN EXISTING NEIGHBORHOODS; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, in 2016 the City adopted major changes to the City’s Landscape Ordinance; and

WHEREAS, the city recognizes that certain neighborhoods have a established and iconic landscape features within the streetscape that contributes to the unique character of a particular neighborhood; and

WHEREAS, the proposed amendments would create provisions that will identify special neighborhood overlays within City of Miami Beach Landscape Ordinance; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

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

Section 1. Chapter 126, entitled “Landscape Requirements,” is hereby amended as follows:

Sec. 126-8. – Landscape Neighborhood Overlays

(a) Purpose. The purpose of this section is to identify unique neighborhoods and areas of the City, which contain distinct and character defining landscaping features that contribute to the special identity of the particular neighborhood or area of the City.

(b) Creation. A Landscape Neighborhood Overlay shall be created by Resolution, approved at a public hearing by the City Commission, and pursuant to the minimum standards and criteria within this subsection.

(c) Minimum standards and criteria.

(1) The creation of a Landscape Neighborhood Overlay shall be applicable to a defined area or neighborhood in the City.

(2) The species of the particular plant material, trees, palms and/or significant landscape features shall be identified within the overlay.

(3) Areas of the City identified in a Landscape Neighborhood Overlay shall not be exempt from all of the applicable regulations of Chapter 126 or Chapter 46 of the City Code. Where there is a

conflict with the remaining provisions of Chapter 126 and/or Chapter 46, the provisions set forth in subsection 126-8 shall control.

(4). The provisions set forth within a specific Landscape Neighborhood Overlay shall be adhered to during all forms of construction that take place within the overlay.

(d) Landscape Neighborhood Overlays

NOTE: The following neighborhood overlay is not a part of this ordinance and is shown for informational purposes only; this overlay will be included pursuant to a separate Resolution at the date of adoption of this ordinance:

- (1) *La Gorce Island Neighborhood.* Royal palms and Canary Island Date palms planted within the rights of way have created an established iconic landscape feature within the streetscape and provide a unique character to this particular this neighborhood. All development and improvements within the rights of way of this overlay shall retain the established and iconic features of the original streetscape design, and shall comply with the following.
- a. No other species of tree or palm other than Royal Palms and Canary Island Date Palm shall be planted within the rights of way of this overlay.
 - b. Existing Royal Palms and Canary Island Date Palms shall be preserved and protected during any proposed construction.
 - c. Alterations to the rights of way within the overlay that impact the location of existing palms shall require the relocation of such palms with the neighborhood rights of way.
 - d. Newly planted Royal Palms and Canary Island Date Palms shall be consistent with the dimensions and spacing of the existing species within this overlay, as determined by the City's Urban Forester.

SECTION 2. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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.

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 ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

City Attorney _____ Date _____

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

3