

Chapter 4

LANDSCAPE REQUIREMENTS

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ARTICLE I – INTENT AND APPLICABILITY

4.1. Intent

It is the intent of these regulations to establish minimum landscape standards for the City of Miami Beach that enhance, improve and maintain the quality of the landscape, and to:

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- a. Prevent the destruction of the city's existing tree canopy and promote its expansion.
 - b. Improve the aesthetic appearance of new development and protecting designated historic landscapes.
 - c. Promote sound landscaping principles through the use of drought and salt tolerant plant species and also to promote planting the right tree and plant in the right place.
 - d. Promote the use of trees and shrubs for energy conservation, thereby helping to offset global warming and local heat island effects.
 - e. Provide shade.
 - f. Improve stormwater management and address flooding and hurricane management.
 - g. Ameliorate noise impacts and light pollution.
 - h. Promote the use of canopy trees to sequester carbon dioxide emissions.
 - i. Improve urban ecology and protect beach ecology.

4.1.2 Short title and applicability

- a. *Title.* This regulation shall be known and may be cited as the "City of Miami Beach Landscape Ordinance".
- b. *Applicability.* All building permits for new construction, substantial rehabilitation or additions to existing buildings, and projects that are reviewed under the conditional use, variance, design review, and/or certificate of appropriateness processes, inclusive of city projects. The planning director, or designee shall conduct all landscape reviews pursuant to the regulations set forth in this chapter and consistent with the design review or certificate of appropriateness regulations, as applicable and as set forth in **chapter 2** of these land development regulations. The landscape review shall include, but not be limited to, parking decks, all required yards, decks associated with recreational facilities, or any open space areas that are visible to the public.
- c. *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.
- d. *New development and permits for demolition or wrecking.* Permits for new development and for demolition or wrecking shall require a vegetation survey pursuant to **subsection 4.2.1.a.**, in order to ensure that valuable existing trees are not damaged or destroyed.

ARTICLE II - REQUIREMENTS

4.2.1 Plans required

All plans required in this chapter shall be reviewed by the planning department in accordance with the Code of the City of Miami Beach, the guidelines and illustrations provided in the Miami-Dade County Landscape Manual, as well as the Guide to Florida Friendly Landscaping provided by the Florida Yards and Neighborhoods Program. The following shall be required:

- a. *Vegetation survey.* Vegetation survey(s) shall be prepared by, and bear the seal of, a professional land surveyor, licensed to practice in the State of Florida.

Vegetation survey(s) shall provide the accurate location, identification and graphic representation of all existing trees inclusive of the canopy dripline that are a minimum of ten feet in height and a minimum of three inches in diameter at breast height (DBH) and existing palms that are a minimum of ten feet in height and a minimum of four inches DBH.

Existing trees and palms shall not be removed until it has been determined that no tree removal permit is required or that a valid tree removal permit has been issued in compliance with [chapter 46 of General Ordinances](#) of the Code of the City of Miami Beach.

- b. *Tree disposition plan.* Tree disposition plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida.

Where a vegetation survey and landscape plan is required, a tree disposition plan shall be submitted concurrently and shall:

- i. Be drawn to scale and include property boundaries, north arrow, graphic scale, and date;
 - ii. Identify, locate, and list all existing trees and specify the condition of each tree and whether such trees are to remain, to be removed or to be relocated on the plan;
 - iii. Illustrate the location of all existing structures and/or all proposed new construction, as applicable, the location of any overhead and/or underground utilities, the new locations of existing trees to be relocated on site, and all areas affected by construction-related activities, such as access routes to the property, and staging areas;
 - iv. Graphically show the location of the tree protection fence to the dripline for existing trees and palms to remain on the plan;
 - v. Provide a drawing of the city approved tree protection fence detail on the plan; and
 - vi. Illustrate the temporary construction parking layout as required by the parking department.
- c. *Landscape plans.* Landscape plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida.

Prior to the issuance of a building permit, the planning department shall review a landscape plan; at a minimum, such plan shall include the following:

- i. The plan shall be drawn to scale and include property boundaries, north arrow, graphic scale, and date;
- ii. All existing and proposed structures, parking spaces, driveways and other vehicular use areas, public sidewalks, right-of-way swale/parkway, curbs, street edge of pavement, easements, and utilities on the property or adjacent property, shall be clearly delineated;
- iii. All landscape features and non-living landscape materials shall be identified;
- iv. All geologic, historic and archeological features to be preserved shall be illustrated;
- v. The common and scientific name, as well as the quantity and size specifications of all plant materials to be installed shall be clearly indicated; and
- vi. The critical layout dimensions for all trees, plant beds and landscape features shall be provided;
- vii. Method(s) to protect and relocate trees and native plant communities during construction;
- viii. Planting details and specifications; and
- ix. The landscape legend form shall be affixed to the plan and shall include, but not be limited to, the following:
 - 1. The minimum number of required trees per lot, pursuant to [section 4.2.3](#);
 - 2. The minimum number of required street trees, pursuant to [section 4.2.3](#);

3. Provided trees per lot;
 4. Provided street trees;
 5. Provided shrubs; and
 6. Maximum allowable percentage of sod within the property.
- d. *Irrigation plans.* Irrigation plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by F.S. ch. 481, to prepare irrigation plans or drawings.

Where a landscape plan is required, an irrigation plan shall be submitted concurrently and shall:

- i. Be drawn on a base plan at the same scale as the landscape plan(s);
 - ii. Delineate landscape areas, major landscape features and hydrozones;
 - iii. Include water source, design operating pressure, flow rate/volume required per zone and application rate;
 - iv. Include locations of pipes, controllers, valves, sprinklers, back flow prevention devices, rain switches or soil moisture sensors, electric supply; and
 - v. Irrigation details and specifications.
- e. *Site and landscape lighting plans.* Site and landscape lighting plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by F.S. ch. 481, to prepare site and landscape lighting plans or drawings.

Where a landscape plan is required, a site and landscape lighting plan may be submitted concurrently and shall:

- i. Be drawn on a base plan at the same scale as the landscape plan(s);
- ii. Delineate landscape areas, major landscape features and electrical zones;
- iii. Include existing and proposed lighting equipment and fixture locations with sizes and mounting heights; and
- iv. Lighting equipment details and specifications.

4.2.2 Tree removal and preservation

No person, agent, or representative thereof, directly or indirectly, shall cut down, destroy, move or effectively destroy through damaging any tree except pursuant to the procedures and requirements of [chapter 46 of General Ordinances](#) of the Code of the City of Miami Beach.

No permit for development activity shall be issued until it has been determined that no tree work permit is required or that a valid tree work permit has been issued in compliance with [chapter 46 of General Ordinances](#) of the Code of the City of Miami Beach. The environment and sustainability department is responsible for administering and enforcing this provision in accordance with [chapter 46 of General Ordinances](#) of the Code of the City of Miami Beach.

4.2.3 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

- i. *Soil volume:* A minimum volume of 1200 cubic feet, at a depth not to exceed three (3) feet, of non-compacted, open soil (not covered by paving) shall be required for tree planting to provide adequate space for tree roots under pavements. Where more than one tree shares the same planting area, the volume may be reduced to a minimum of 900 cubic feet of soil per tree. When trees are planted in open planting areas, Structural Soil shall be permitted, however when trees are planted in pavement, a suspended paving system, such as Silva Cells or equivalent, shall be required to meet the necessary soil volumes
- ii. *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 4.2.4](#).

- iii. *Palms as street trees:* Palms as street trees are not permitted, except as specified in [section 4.2.5 Landscape Neighborhood Overlays](#). Palms shall be planted per the following requirements. 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. 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.
- iv. *Power lines:* Under high voltage transmission lines installed independent of underbuilt distribution lines, tree height and spread shall not exceed the minimum approach distances specified in the FPL Plant the Right Tree in the Right Place guidelines and illustrations. The maximum spacing of appropriate and allowed tree species planted under power lines shall be 20 feet on center.

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 4.2.4](#).

- b. *Lawn grass/sod area/artificial grass.*

- i. Grass areas, including lawn and sod areas, shall be planted with natural growing species well adapted to localized growing conditions in the city. Grass areas shall be sodded and used in swales or other areas subject to erosion.
 - ii. Exclusions from maximum permitted lawn areas:
 1. Stabilized grassed areas used for parking.
 2. Grassed areas designated on landscape plans and actively used for sports, playgrounds or picnic areas.
 3. Grassed areas in the right-of-way.
 4. Stormwater retention/detention areas planted in grasses which are very drought tolerant, as well as tolerant to wet soils.
 5. Very drought tolerant grasses and low growing native plants, including grasses and forbs may be used as groundcover beyond the maximum permitted grass areas.
 - iii. Artificial grass areas may be permitted within required rear yards in single-family zoning districts, in accordance with the following:
 1. Artificial grass shall be allowed as an alternative to lawn grass and shall count towards the maximum lawn area as described in Table A.
 2. Artificial grass shall be installed as a system that is pervious and contributes to storm drainage. The permeability shall be equal to or greater than that of natural grass.
 3. Landscape permit plans shall be provided with artificial grass system specifications, sections and details for review and approval by planning department staff.
 4. Applicants shall provide an owner affidavit agreeing to perpetually maintain the artificial grass system in good working order in order to ensure that there is continued ground permeability.
 5. The artificial grass system shall utilize organic plant-derived and other natural infill components to the maximum extent feasible, including, but not limited to, cork, coconut, corn husk, rice husk, and sand. The use of crumb rubber and other synthetic materials shall be minimized.
 - iv. Maximum permitted lawn grass/sod areas for all zoning districts are referenced in Table A.
- 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 specific information may be found at [subsections i. through xii.](#), 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
CAT 1*: Single Family Home and Townhome *				
RS-1	2	3		50%
RS-2	2	3		50%
RS-3	2	3		50%
RS-4	2	3		50%
TH	2	3		50%
CAT 2: Multifamily Residential, Hospital Districts				
RM-1			28	30%
RM-2			28	30%

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RM-3			28	30%
HD			28	30%
RM-PRO			28	30%
RMPRD-2			28	30%
RO			28	30%
CAT 3: Commercial, Urban Light Industrial, Mix-Use Districts, Waterway District, Residential and Commercial Standard				
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%
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 4.2.3.c.iv. for number of trees required for larger properties.				

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.

- v. 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.
 - vi. 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.
 - vii. No less than 50 percent of the required trees shall be native species.
 - viii. 100% percent of the required trees shall be low maintenance or drought and salt tolerant species.
 - ix. 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:
 - 1. One to five required trees: Two tree species.
 - 2. Six to ten required trees: Three tree species.
 - 3. 11 to 15 required trees: Four tree species.
 - 4. 16 to 20 required trees: Five tree species.
 - 5. 21 to 30 required trees: Six tree species.
 - 6. 31 or more required trees: Seven tree species.
 - x. Palms may be planted in addition to the tree requirement. Palms shall not count towards the minimum number of required trees.
 - xi. All of the trees shall be listed in the Miami-Dade County Landscape Manual, the Miami-Dade County Street Tree Master Plan, the University of Florida's Low-Maintenance Landscape Plants for South Florida list, or other list approved by the City of Miami Beach Urban Forester.
 - xii. Where the state, county or municipality determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, the city may require that said trees and landscape material be placed on private property.
- d. *Shrubs.* Shrubs shall be a minimum of 18 to 24 inches high at time of planting and spaced not to exceed 30 inches on center. The minimum number shall be 12 shrubs per the number of required lot and street trees. No less than 50 percent of the required shrubs shall be native species, and 100% of shrubs shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach. No one species of shrub shall constitute more than 20 percent of the shrubs required by these regulations.

Shrubs shall be planted to visually screen ground level equipment such as air conditioning units and pool equipment and shall be planted at the height of the adjacent equipment. Alternatives to shrubs screening ground level equipment include masonry walls, fences or screens that are planted with vines. The aforementioned alternatives must receive approval from the planning department.

- e. *Large shrubs or small trees.* All large shrubs or small trees shall be a minimum of six feet high with a minimum crown spread of four feet at time of planting and ten feet high at mature growth. The minimum number of large shrubs or small trees shall be ten percent of the required number of shrubs for the specific project. The minimum number of large shrubs or small trees required shall be in addition to the minimum number of shrubs required. No less than 50 percent of the required large shrubs or small trees shall be native species, and 100% of large shrubs or small trees shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach. Large shrubs or small trees may be planted as understory to large trees and with the required smaller shrub and groundcover plantings, in order to achieve a layering of plants.

- f. *Vines.* Vines shall be a minimum of 30 inches high at time of planting and may be used in conjunction with fences, screens or walls. Vines will be considered as shrubs on a one-to-one basis as part of the required number of shrubs for the specific project. No less than 25 percent of the required vines shall be native species, and 100% of shrubs shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach.
- g. *Groundcover and grasses.* Groundcover and grasses shall be used in lieu of lawn grass/sod area in whole or in part shall be planted with a minimum of 75 percent coverage with 100 percent coverage occurring within three months of installation.
- h. *Soil and fertilizer.* All plant materials shall be planted with the soil and fertilizer specified in the City of Miami Beach Landscape Installation Specifications and Standards.

Any other soil mix or fertilizer must be submitted to the environment and sustainability department prior to delivery on site.

When Soil Cells and/or structural soil are installed as required by [section 4.2.3.a.i](#), drip irrigation shall also be required to be installed under pavement for full coverage of the subject area.
- i. *Mulch.* Mulch shall be shredded pine, eucalyptus or Florimulch (100 percent melaleuca mulch). Planting areas not covered by lawn grass/sod shall be mulched to a minimum depth of three inches, in order to present a finished appearance.

Cypress mulch, red colored mulch, and rubber mulch is prohibited. Any other mulch must be submitted to the environment and sustainability department prior to delivery on site.
- j. *Off-site tree planting.* If the minimum number of trees, large shrubs, and shrubs required cannot be planted on the subject property, the applicant may enter into an agreement with the city, as approved by the planning department, to plant the excess number of required trees, large shrubs, and shrubs on public property.

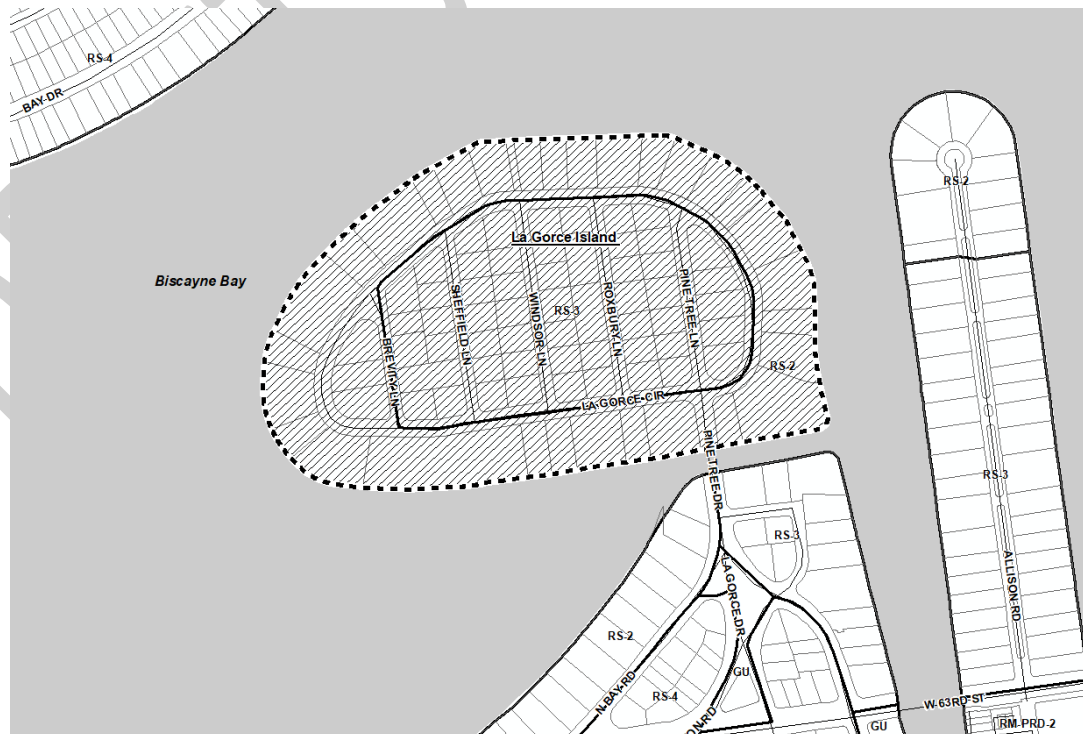
4.2.4 Tree and shrub compliance options

- a. If the minimum number of trees required cannot be planted on the subject property, the applicant/property owner is provided the following options:
 - i. Seek authorization from the city to install the trees off-site, on public land near or adjacent to the applicant's property. This option shall only be available at the discretion of the city; and/or
 - ii. Contribute into the city's tree trust fund the sum of \$2,500.00 for each two-inch caliper tree required in accordance with table A of [section 4.2.3](#).

However, city residents with current proof of residency and homestead status under state law, if opting to utilize this option, shall be required to contribute the lesser amount of \$1,000.00 for each tree that is not provided, as required in accordance with table A of [section 4.2.3](#).
- b. If the minimum number of large shrubs, small trees and shrubs required cannot be planted on the subject property, the applicant/property owner is provided the following options:
 - i. Seek authorization from the city to install the large shrubs and small trees and shrubs off-site on public land near or adjacent to the applicant's property. This option shall only be available at the discretion of the city; and/or
 - ii. Contribute into the city's tree trust fund the sum of \$100.00 for each shrub required and \$300.00 for each large shrub/small tree required in [section 4.2.3](#).
- c. *Annual review and adjustment:* These fees shall be evaluated and adjusted annually based on the consumer price index for all urban consumers (CPI-U).

4.2.5 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. *Minimum standards and criteria.*
 - i. The City Commission may, by ordinance amending this section, establish landscape neighborhood overlays applicable to defined areas or neighborhoods of the City. There shall be no fees associated with the Planning Board’s review and/or transmittal of any such ordinance.
 - ii. The species of the particular plant material, trees, palms and/or significant landscape features that define the neighborhood shall be identified within the regulations for each landscape neighborhood overlay.
 - iii. Areas of the City identified in landscape neighborhood overlays shall be subject to all applicable regulations in **Chapter 4 of these land development regulations and Chapter 46 of General Ordinances**. Notwithstanding the foregoing, in the event of a conflict between the provisions of this section and the provisions of **Chapter 4 of these land development regulations and/or Chapter 46 of General Ordinances**, the provisions of this **section 4.2.5** shall control.
 - iv. Landscape neighborhood overlay regulations shall be adhered to during all types of construction that take place within the overlay.
- c. *Landscape Neighborhood Overlays*
 - i. *La Gorce Island Landscape Neighborhood Overlay.*
 1. *Location:* The regulations for the “La Gorce Island Landscape Neighborhood Overlay” shall apply to properties and rights-of-way located on La Gorce Island, as indicated in the map below:



2. *Regulations:* 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 neighborhood. All development and improvements in the rights-of-way within this overlay shall retain the established and iconic features of the original streetscape design and shall comply with the following regulations:
 - a. No species of tree or palm other than royal palms and Canary Island date palms shall be planted in the rights-of-way within this overlay.
 - b. Existing royal palms and Canary Island date palms shall be preserved and protected during any proposed construction.
 - c. Any alteration to a right-of-way within the overlay that impacts the location of existing palms shall require the relocation of such palms within the neighborhood's rights-of-way.
 - d. Newly planted royal palms shall have a minimum of 30 feet of clear or grey wood and Canary Island date palms shall have a minimum of 15 feet of clear or grey wood at the time of planting and shall be consistent with the spacing of the existing species within this overlay, to be reviewed and approved by staff.

4.2.6 Plant quality

All plant materials shall be equal to or better than "Florida No. 1," as classified by "Grades and Standards for Nursery Plants" by the Division of Plant Industry, Florida Department of Agriculture. Plant materials shall have a growth habit that is normal to the species, healthy, vigorous, free from insects, disease and injury.

Exceptions to the "Florida No. 1," classification will require approval from the City of Miami Beach Urban Forester.

4.2.7 Buffers between dissimilar land uses

Where a nonresidential zoning district abuts a residential zoning district, and where such areas will not be entirely visually screened by an intervening building or structure from the abutting property, the abutting property line shall be provided by the nonresidential property if applying for new construction with a buffer consisting of the following:

- a. A landscaped buffer strip shall consist of trees with understory evergreen shrubs and groundcovers within a minimum five-foot wide landscaped strip, regardless of minimum allowable setback.
- b. Trees with a minimum height of 12 feet shall be planted at a maximum average spacing of 20 feet on center. No less than 50 percent of the required trees shall be native species, and 100% of trees shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach.
- c. Evergreen shrubs at a minimum of 24 to 36 inches high at time of planting may be used as a buffer and shall form a continuous screen between the dissimilar land uses within one year after planting. No less than 50 percent of the required shrubs shall be native species, and 100% of shrubs shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach.
- d. Groundcovers shall be planted as understory to the trees and shrubs within the landscaped buffer strip. No less than 50 percent of the required groundcovers shall be native species, and 100% of groundcovers shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach.

- e. Where site limits or constraints do not allow the five-foot wide landscaped buffer strip, provide a six-foot high wall or approved fence with a life expectancy of at least ten years. Vines may be used in conjunction with fences, screens or walls, in order to soften blank wall conditions.

4.2.8 Landscaped areas in permanent parking lots

- a. At-grade parking lots. For the purpose of this section, the term "at-grade" parking lot shall encompass commercial parking lots and noncommercial parking lots as described in [Chapter 1, Article II](#) whether they are primary or accessory uses and that portion of a lot which is underneath the building and is at-grade which is utilized for parking. Notwithstanding the requirements in this section, in no instance shall the required landscaped area be less than 35 percent of the total area.
- b. A landscape plan that specifies and quantifies the existing and/or proposed plant material inclusive of mature shade trees, hedge material, ground cover and in-ground irrigation shall be submitted for review and approval by the planning department, according to the following criteria:
 - i. A landscaped area with a tree shall be required at the end of all parking rows, particularly when abutting an aisle or building. Planting areas for each tree shall have a minimum width of eight feet, six inches, exclusive of the curb dimension, and shall be planted or covered with other landscape materials. Structural soil shall be required under the adjacent parking stalls to meet the minimum required soil volumes per [section 4.2.3](#).
 - ii. For each row of parking there shall be landscaped areas with trees within the first 90 linear feet, and one landscaped area provided with a tree for each additional 80 linear feet. When a minimum eight-foot, six-inch clear landscape area is provided between two rows of parking, the landscape areas with trees every 80 linear feet is not required. This eight-foot, six-inch wide landscape area shall be planted with trees no greater than 20 feet on-center.
 - iii. For each row of parallel parking there shall be a minimum of two landscape areas, such as in a curbed bulb out, for every three parking spaces. The landscape areas shall be equally spaced wherever possible. Parallel parking landscape area/tree place details such as curbed bulb outs shall be approved by the public works department.
 - iv. All required trees shall be of an approved shade tree variety which shall attain a minimum mature crown spread greater than 20 feet.
 - v. Landscaped areas shall require protection from vehicular encroachment. Car stops shall be placed at least two feet, six inches from the edge of the paved area.
 - vi. Where a landscape area is provided between two rows of parking, continuous curbs will not be permitted. Curb breaks/inlets shall be provided, and grading shall be such that stormwater is directed to the landscape areas to accommodate stormwater infiltration.
 - vii. All parking stalls, access aisles and driveways in residential uses shall be separated from any building by a minimum of 30 inches and landscaped with shrubs, groundcover, or other suitable plant materials.
 - viii. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting layer of trees, shrubs, and groundcover.
 - ix. A landscape area that is a minimum of five feet in width shall be provided when parking stalls, access aisles, or driveways are located along any side or rear lot line. The landscape areas shall be planted with a continuous hedge and with trees spaced a maximum of 20 feet on center. Where compliance with the minimum width requirement is not possible, a solid and continuous masonry six-foot high wall may be approved and used in lieu of a landscape area. The approved wall surface shall be covered in vines and stuccoed, painted, tiled, or textured in such a way to provide a decorative effect.
 - x. These requirements are in addition to any applicable required open space as provided in these regulations.

- xi. Parking stalls shall be installed with pervious pavement materials, while the drive aisles may be installed with impervious pavement materials.
- xii. All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a permanent parking lot, the applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation. This maintenance plan shall be approved by the planning department.

4.2.9 Temporary and provisional parking lot standards

- a. *Temporary parking lot: Required landscaping.* A landscape plan that specifies and quantifies the existing and/or proposed plant material inclusive of mature shade trees, hedge material, ground cover and in-ground irrigation shall be submitted for review and approval by the planning department, according to the following criteria:
 - i. At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along a property line, street, alley or sidewalk. All landscape areas along the perimeter of the property shall be planted with one native canopy tree for every 20 feet of the landscape areas adjacent to the perimeter and within the interior of the property, subject to the minimum tree size standards specified in [section 4.2.3](#). Optional smaller native tree species may be considered at a height of no less than eight feet, and a diameter at breast height (DBH) of no less than one inch at the time of planting. Palms may be planted in addition to the minimum number of required lot trees. Palms do not count towards the minimum number of lot trees. The areas fronting an alley shall be landscaped with one native canopy tree every 20 feet of frontage. All landscaped areas shall be planted with native ground covers and shrubs, subject to the review and approval of the planning department.
 - ii. A hedge that is at least 36 inches (three feet) in height at the time of planting shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 42 inches (three feet, six inches) in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and shall not exceed 60 inches (five feet) at maturity. No less than 50 percent of the required shrubs shall be native species, and 100% of shrubs shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach.
 - iii. For temporary parking lots seeking an extension of time from the planning board, the interior landscaping of lots exceeding 55 feet in width, shall be a minimum of five percent of net interior area. One native canopy tree shall be planted for each 100 square feet or fraction thereof of required landscaped area. Such landscaped areas shall be located and designed in such a manner as to divide and break up the expanse of paving. Parking lots that are 55 feet wide or less shall not be required to provide interior landscaping.
 - iv. Landscaped areas shall require protection from vehicular encroachment. Car stops, bollards, or similar barriers, as approved by the planning department, shall be placed at least two feet, six inches from the edge of the paved area. The required protection shall not be continuous, and grading shall direct stormwater runoff to the landscape areas to promote infiltration. A concrete curb with curb breaks/inlets to may also be considered as permitted by [subsection 5.3.2.a](#).
 - v. Notwithstanding the dimensions of a parking lot, an in-ground irrigation system that covers 100 percent of the landscaped areas shall be required and shown on the landscape plan. Such irrigation system shall include an automatic rain sensor that is compatible with the water requirements of the proposed plantings and shall be subject to the review and approval of the planning department.
 - vi. All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a temporary parking lot, the applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to,

cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation. This maintenance plan shall be approved by the planning department.

b. *Provisional parking lot: Landscaping requirements.*

- i. A landscape plan that specifies and quantifies the proposed and/or existing plant material inclusive of mature shade trees, hedge material and ground cover shall be submitted for review and approval by the planning department.

At a minimum, the plan shall indicate five (5) feet wide landscaped area bordering the surfaced area along all property lines. All landscaped areas shall utilize planted material acceptable to the planning department that is no less than 50 percent native species, and 100% of which shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; the side or sides of the lot that face a street or an alley shall not exceed 42 inches in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and 60 inches (five feet) at maturity. No less than 50 percent of the required shrubs shall be native species, and 100% of shrubs shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach.

- ii. The areas fronting a right-of-way or an alley shall be landscaped with one canopy tree every 20 feet of frontage.
- iii. An in-ground irrigation system that covers 100 percent of the landscaped areas shall be required.
- iv. Landscaped areas shall require protection from vehicular encroachment. Car stops shall be placed at least two feet, six inches from the edge of the paved area. The required protection shall not be continuous, and grading shall direct stormwater runoff to the landscape areas to promote infiltration. A concrete curb with curb breaks/inlets may also be considered as permitted by [subsection 5.3.2.a](#).
- v. All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a provisional parking lot, the applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation. This maintenance plan shall be approved by the planning department.

4.2.10 Landscape installation

Landscape installation procedures are pursuant to the City of Miami Beach Landscape Installation and Specifications Standards.

When landscape cannot be installed due to pending public works or road reconfiguration projects expected over the next three years a bond process may be used to secure funds for landscape installation following completion of the public works.

4.2.11 Irrigation

All newly-planted and relocated plant material shall be watered by a permanent irrigation system. The following methods are encouraged to conserve water:

- a. Cisterns and rain barrels are encouraged to conserve water, supplement irrigation systems, and as components of permanent irrigation systems.
- b. Brown and grey water irrigation is encouraged as follows:
 - i. *Brown water turf irrigation:* After treatment of effluent from toilets and kitchen, recycled water may be used to irrigate the lawn grass/sod areas. Subsurface dripline irrigation may be used throughout the lawn grass/sod areas and soil moisture sensors contribute to control the watering regime.

- ii. *Grey water irrigation:* Grey water from showers and hand basins is treated to a secondary standard and then pumped out to irrigation. Grey water may be used to irrigate trees and plants. Subsurface dripline irrigation may be used with the purple piping and similar to lawn/sod area irrigation, this system is split into zones to control the watering regime.
- c. Where structural soil or suspended pavement systems are required, drip irrigation shall be installed under the pavement.

4.2.12 Site and landscape lighting

- a. Site lighting is considered pedestrian scale lighting with luminaires/fixtures mounted on individual poles located along walkways and open spaces on a site.
- b. Landscape lighting is considered accent lighting for trees, palms, understory plantings, and pathways. Low voltage landscape lighting is encouraged.
- c. This section does not include architectural/building type lighting or sports field, vehicular or parking lot type lighting.
- d. Site and landscape lighting shall be controlled with timers or sensors, in order to avoid electrical use all night.
- e. Any lighting facing a waterway shall adhere to all turtle-friendly light requirements, per [section 46-203](#)
- f. of this Code.

4.2.13 Landscape maintenance

- a. The owner and occupant is responsible to ensure that landscaping required to be planted pursuant to this chapter is installed in compliance with the landscape requirements; maintained as to present a healthy, vigorous, and neat appearance free from refuse and debris; and sufficiently fertilized and watered to maintain the plant material in a healthy condition.
- b. If any tree or plant dies which is being used to satisfy current landscape code requirements, such tree or plant shall be replaced with the same landscape material or an approved substitute.
- c. Trees shall be pruned in the following manner:
 - i. All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.
 - ii. Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously without any reduction in crown.
 - iii. Cutting of lateral branches that results in the removal of more than one-third of all branches on one side of a tree shall only be allowed if required for hazard reduction or clearance pruning.
 - iv. Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds of the tree.
 - v. No more than one-third of a tree's living canopy shall be removed within a one-year period.
 - vi. Trees shall be pruned according to the current ANSI A300 Standards.
- d. All street trees as well as any other landscape material in the right-of-way are the responsibility of the adjacent property owner to maintain up to the edge of pavement for the travel lanes or the centerline of the right-of-way if no travel lanes are present.

ARTICLE III – ENFORCEMENT AND PENALTIES

4.3.1 Penalties

A violation of [chapter 4](#), cited pursuant to the City of Miami Beach Landscape Ordinance, must be subject to the following fines. The special magistrate must not waive or reduce fines set by this article. The code compliance department shall provide a 30-day cure period for violations which can be cured, such as maintenance issues, prior to issuing a citation.

- a. If the violation is the first violation: \$500.00.
- b. If the violation is the second violation within the preceding 12 months: \$1,000.00.
- c. If the violation is the third violation within the preceding 12 months: \$1,500.00.
- d. If the violation is the fourth or subsequent violation within the preceding 12 months: \$2,000.00.

4.3.2 Enhanced penalties

The following enhanced penalties shall be imposed, in addition to any mandatory fines set forth in [section 4.3.1](#) above, for violations of this chapter:

- a. *Enhanced penalties for [section 4.3.1](#):*
 - i. If the offense is a fourth offense within the preceding 12-month period of time, in addition to the fine set forth in [section 4.3.1](#), the property owner, landscape company or any affiliates shall be prohibited from receiving a landscaping approval for a three-month period of time.
 - ii. If the offense is a fifth offense within six months following the fourth offense, in addition to any fine set forth in [section 4.3.1](#), the property owner, landscape company or any affiliates shall be prohibited from receiving a landscape approval for a six-month period of time. The property owner, landscape company or permittee shall be deemed a habitual offender.
 - iii. The planning department may decline to issue future landscape approval to such person, individual, entity, business, company or any affiliates that have been deemed habitual offenders pursuant to this section for a period of up to one year.
 - iv. The planning director may withhold approval of a final building inspection if landscape installations do not comply with the approved landscape plans and details.

4.3.3 Enforcement

The code compliance department shall enforce the provisions of this chapter. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this chapter, and all applicable laws. If an enforcing officer finds a violation of this chapter, the officer may issue a notice of violation to the violator. The notice of violation must inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within ten days after service of the notice of violation, and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a waiver of the right to a hearing.

- a. No certificate of completion, occupational license, or final certificate of occupancy shall be issued unless the planning department has determined that the installed landscaping substantially meets the requirements as listed in the approved landscape plan(s) and as certified by the landscape architect of record.

- b. Modifications to the approved landscape plan(s) and approved landscape installations are not allowed and will be considered a violation of this Code, unless such modifications are approved by the planning director or designee, or the design review or historic preservation board, as applicable.
- c. The planning department shall have the right to inspect the lands affected by this Code, at any time, and is authorized to advise the code compliance department of any violations.
- d. Failure to maintain landscaping according to the terms of this chapter shall constitute a violation of this Code. Also, failure to plant, preserve or maintain each individual tree and plants shall be considered to be a separate violation of this Code.

4.3.4 Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal

- a. A violator who has been served with a notice of violation must elect to either:
 - i. Pay the civil fine in the manner indicated on the notice of violation; or
 - ii. Request an administrative hearing before a special magistrate to appeal the notice of violation, which must be requested within ten days of the issuance of the notice of violation.
- b. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of the city Code.
- c. If the named violator, after issuance of the notice of violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special magistrate, the special magistrate may be informed of such failure by report from the officer. Failure of the named violator to appeal the decision of the officer within the prescribed time period must constitute a waiver of the violator's right to an administrative hearing before the special magistrate, and must be treated as an admission of the violation, which fines and penalties to be assessed accordingly.
- d. A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes.
- e. Any party aggrieved by a decision of a special magistrate may appeal that decision to a court of competent jurisdiction.
- f. The special magistrate shall be prohibited from hearing the merits of the notice of violation or the consideration of the timeliness of a request for an administrative hearing, if the violator has failed to request the administrative hearing within ten days of the issuance of the notice of violation.
- g. The special magistrate shall not have discretion to alter the penalties prescribed in this article.