

Modifications To Landscape Requirements For Small Additions

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," 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.

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 applicability of the current ordinance is very broad in its requirement for a property to come into compliance with the current regulations when any addition is made to existing buildings; and

WHEREAS, the city recognizes that an undue burden may be placed on a property owner to comply with the current landscape requirements when only minor additions are proposed to existing buildings which do not impact or reduce existing landscaping on a property; and

WHEREAS, the proposed amendments would provide an exemption for such additions from the 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. 126-3. 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 118 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 section 126-4(a), in order to ensure that valuable existing trees are not damaged or destroyed.

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

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND LANGUAGE AND FOR EXECUTION

 11/24/2020

City Attorney NK Date

First Reading: December 9, 2020
Second Reading: January 13, 2021

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