

**Landscape Neighborhood Overlays (LDR Overlay 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 OVERLAYS," TO ESTABLISH PROVISIONS FOR LANDSCAPE NEIGHBORHOOD OVERLAYS WITHIN EXISTING NEIGHBORHOODS, AND CREATE THE LA GORCE ISLAND LANDSCAPE NEIGHBORHOOD OVERLAY; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

**WHEREAS**, in 2016, the City Commission adopted major amendments to the City's Landscape Ordinance, set forth in Chapter 126 of the City Code; and

**WHEREAS**, the City recognizes that certain neighborhoods are defined by established and iconic landscape features within their streetscape that contribute to the unique character of the neighborhood; and

**WHEREAS**, this Ordinance creates a framework for the City to identify special neighborhood overlays within the City's 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:

**CHAPTER 126  
LANDSCAPE REQUIREMENTS**

\* \* \*

**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) Minimum standards and criteria.

(1) The City Commission may, by ordinance amending this section, establish landscape neighborhood overlays applicable to defined areas or neighborhoods of the City.

(2) 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.

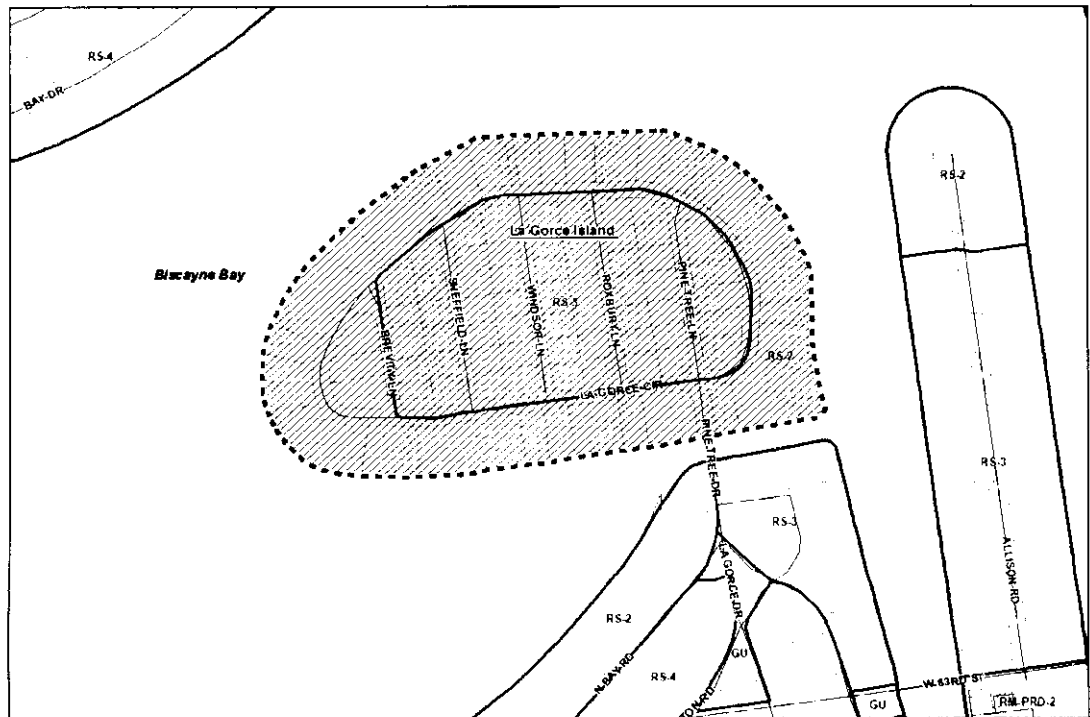
(3) Areas of the City identified in landscape neighborhood overlays shall be subject to all applicable regulations in Chapter 126 and Chapter 46 of this Code. Notwithstanding the foregoing, in the event of a conflict between the provisions of this section and the provisions of Chapter 126 and/or Chapter 46, the provisions of this section 126-8 shall control.

(4) Landscape neighborhood overlay regulations shall be adhered to during all types of construction that take place within the overlay.

(c) Landscape Neighborhood Overlays

(1) La Gorce Island Landscape Neighborhood Overlay.

- a. **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:



- b. **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:

- i. 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.
- ii. Existing royal palms and Canary Island date palms shall be preserved and protected during any proposed construction.
- iii. 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.
- iv. 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.

ATTEST:

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

First Reading: October 13, 2021  
Second Reading: December 8, 2021

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

\_\_\_\_\_  
City Attorney NK  
10-1-21  
Date