

Landscape Neighborhood Overlays (Resolution Version)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION 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 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 adopted significant 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**

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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. The City Commission may, from time to time, create landscape neighborhood overlays by resolution, following a duly noticed public hearing, and pursuant to the minimum standards and criteria in this section.

(c) Minimum standards and criteria.

(1) Each landscape neighborhood overlay shall be applicable to a defined area or neighborhood 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.

(d) Landscape neighborhood overlays. A list of all landscape neighborhood overlays approved by resolution shall be maintained by the Urban Forestry Division. The removal or modification of any landscape neighborhood overlay shall require approval by resolution, following a duly noticed public hearing.

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:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

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

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney NK
Date 10-1-21

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