

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael Paz, Acting City Attorney



DATE: October 13, 2021

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE MIAMI BEACH CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE II, ENTITLED "CARE AND MAINTENANCE OF TREES AND PLANTS," BY AMENDING DIVISION 2, ENTITLED "TREE PRESERVATION AND PROTECTION," BY AMENDING SECTION 46-58, ENTITLED "TREE REMOVAL REQUIREMENTS, EXEMPTIONS, AND PROHIBITED SPECIES" TO PROHIBIT REMOVAL OF TREES AND PALMS IDENTIFIED IN LANDSCAPE NEIGHBORHOOD OVERLAYS LISTED WITHIN CHAPTER 126 FROM PUBLIC PROPERTY; AMENDING SECTION 46-63 THEREOF, ENTITLED "CRITERIA AND CONDITIONS FOR HERITAGE TREE DESIGNATION AND HERITAGE TREE REMOVAL AND RELOCATION," TO PERMIT PALMS OR GROUPING OF PALMS TO QUALIFY FOR DESIGNATION AS HERITAGE TREES IN THE SAME MANNER AS OTHER SPECIMEN TREES; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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Pursuant to the request of Commissioner Steven Meiner, the above-referenced Ordinance is submitted on First Reading for consideration by the Mayor and City Commission at the October 13, 2021 City Commission meeting.

### **BACKGROUND**

On March 17, 2021, the Mayor and City Commission adopted Resolution No. 2021-31653, sponsored by Commissioner Steven Meiner, requiring palm tree removals be held in abeyance until legislation is considered regarding the preservation of palm landscapes iconic to Miami Beach's culture and history. Additionally, the intent of the Resolution was to accommodate preservation concerns, while minimizing any delays to City construction projects currently in process.

On March 17, 2021, and also at the request of Commissioner Meiner, the City Commission referred a proposal to the Neighborhood and Quality of Life Committee, to consider an amendment to Chapter 46 of the City Code, which governs the regulatory process for tree removals in the City.

**The objective of the proposed Ordinance is to identify areas of the City where palm trees would be provided with heritage tree designation, in order to encourage the preservation of palm trees as part of the distinctive and historic landscaping feature of the City of Miami Beach.**

Commissioner Meiner also sponsored a companion ordinance amendment, which was referred to the Land Use and Sustainability Committee and the Planning Board, to amend the minimum landscaping standards set forth in Chapter 126 of the City Code, to create Landscape Neighborhood Overlays, to achieve the foregoing purposes.

The proposed Ordinance amends Section 46-58 of the City Code to specify that any trees, including palm trees identified in Landscape Neighborhood Overlays authorized pursuant to Chapter 126 of the City Code, shall be permitted and encouraged to remain. The proposed Ordinance would also accommodate preservation concerns of palm tree landscapes iconic to Miami Beach's culture and history by designating palms in Landscape Neighborhood Overlays neighborhoods as heritage trees, and provides that any such palm trees may be replaced with the same species at the same location, with no additional mitigation requirement.

On July 21, 2021, the NQLC discussed the proposed amendment to Chapter 46, and directed staff to add the proposed amendment to the July 28, 2021 City Commission meeting for consideration as part of the discussion of companion amendment to Chapter 126 of the City Code, which has also been placed on the October 13, 2021 City Commission agenda. As presented at the July 21, 2021 NQLC meeting, the Administration did not recommend adopting this Ordinance due to concerns that by their nature, individual palms are replaceable and do not have the unique characteristics ordinarily associated with heritage designation.

If the proposed Ordinance is adopted, it is anticipated that an Overlay will be created to protect the significant palm tree groupings located on La Gorce Island.

RAP/FA/ag