

## COMMISSION MEMORANDUM

**TO:** Mayor Steven Meiner and Members of the City Commission

**FROM:** Ricardo J. Dopico, City Attorney



**SECOND READING**

**DATE:** February 3, 2025

**SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE II, ENTITLED "CARE AND MAINTENANCE OF TREES AND PLANTS," BY AMENDING DIVISION 2, "TREE PRESERVATION AND PROTECTION"; BY AMENDING SECTION 46-58, ENTITLED "TREE REMOVAL REQUIREMENTS, EXEMPTIONS AND PROHIBITED SPECIES," TO PROVIDE THAT AN EXISTING PALM TREE MAY BE REPLACED WITH A NEW PALM TREE AT THE SAME LOCATION WITH NO ADDITIONAL MITIGATION REQUIREMENT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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### **BACKGROUND**

The attached Ordinance, which is sponsored by Mayor Steven Meiner, has been placed on the February 3, 2025 City Commission meeting agenda for Second Reading/Public Hearing. The Ordinance was adopted at First Reading on February 1, 2023.

Under Chapter 46 of the City Code, the removal of a tree or palm on public or private property requires a tree removal permit. Currently, the replacement of an existing palm tree with a new palm tree at the same location may trigger an additional mitigation requirement under Chapter 46 of the City Code.

### **ANALYSIS**

The Ordinance amends the landscape mitigation requirements in Section 46-58 of the City Code to provide that an existing palm tree may be replaced with a new palm tree at the same location (i.e. "a palm for a palm") with no additional mitigation requirement. The ordinance was discussed at the January 11, 2023 Public Safety and Neighborhood Quality of Life Committee, which unanimously recommended the proposed Ordinance.

In order to implement the amendments in this Ordinance, an amendment to Chapter 4 of the Land Development Regulations ("LDRs") will also be required. Specifically, the provision in Sec. 4.2.3.a.3 of the Resiliency Code, which provides that "[p]alms shall not count towards the required number of street trees." Accordingly, a companion Ordinance amending the LDRs has been placed on the February 3, 2025 agenda for Second Reading. Second Reading of both Ordinances would need to occur at the same City Commission meeting in order to avoid creating a conflict between the Code and the LDRs.

Given that the City's landscape requirements must be consistent with the landscape requirements in the Miami-Dade County Code, the Ordinance has been revised for Second Reading to provide that, notwithstanding the amendments, "any permit for the removal of a tree or palm shall be consistent with the minimum standards in Chapter 24, Article IV, Division 2 or any other applicable provision of the Miami-Dade County Code, as may be amended."

**FINANCIAL IMPACT**

N/A