ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 4 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED "LANDSCAPE REQUIREMENTS," BY AMENDING ARTICLE II, ENTITLED "REQUIREMENTS," BY AMENDING SECTION 4.2.3, ENTITLED "MINIMUM STANDARDS," BY ALLOWING PALMS TO COUNT TOWARD MINIMUM STREET TREE REQUIREMENTS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, a well-maintained and aesthetically pleasing landscape enhances property values and contributes to the overall attractiveness and livability of neighborhoods and communities; and

WHEREAS, palm trees are iconic and culturally significant to our region, contributing to its unique identity and aesthetic appeal; and

WHEREAS, well-placed palm trees can enhance property values and contribute to the overall attractiveness and character of neighborhoods and communities; and

WHEREAS, the City desires to allow palm trees to count towards the minimum street tree requirements; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

<u>**SECTION 1.**</u> That Chapter 4 the Miami Beach Resiliency Code, entitled "Landscape Requirements," is hereby amended as follows:

CHAPTER 4
LANDSCAPE REQUIREMENTS

*   *   *

ARTICLE II. REQUIREMENTS

*   *   *

4.2.3 Minimum standards.

The following standards shall be considered minimum requirements unless otherwise indicated in the land development regulations:
a. *Trees.*
   Tree size: All trees except street trees, shall be a minimum of 12 feet high with a minimum crown spread of six feet and have a minimum caliper of two inches at time of planting.

3. Palms as street trees: Palms as street trees are not permitted, except as specified <u>herein and</u> in section 4.2.5<u>, entitled "Landscape Neighborhood Overlays."</u> Palms shall be planted per the following requirements. Single trunk palm species with a minimum of ten inches diameter at breast height (DBH) and a minimum of 15 feet of clear or grey wood at time of planting may be planted in addition to the required number of street trees. The maximum spacing of palms as street trees shall be 20 feet on center. ~~Palms shall not count towards the required number of street trees~~. <u>Palms that meet the requirements of this paragraph may count as a required street tree on the basis of two (2) palms per required street tree</u>. The city may require an increase in the maximum spacing due to site-specific constraints, such as, but not limited to, visibility triangles, signage, utilities view corridors, or the use of large canopy or diameter trees.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Miami Beach Resiliency Code. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2024.

PASSED and **ADOPTED** this _____ day of _____, 2024.

_____
Steven Meiner, Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk

First Reading: September 11, 2024
Second Reading: October 30, 2024

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____
City Attorney   NK

8/21/2024
Date