

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: October 30, 2024 First Reading

TITLE: SHADE AND PALM TREE REQUIREMENTS - CHAPTER 4 LDR
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.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission ("City Commission") not approve the subject ordinance at First Reading.

BACKGROUND/HISTORY

On February 1, 2023, at the request of then Commissioner Steven Meiner, the City Commission referred a proposal (C4 C) regarding the ratio of palms to canopy trees to the Land Use and Sustainability Committee (LUSC) and the Planning Board. At the March 1, 2023, LUSC meeting, the item was deferred to April 19, 2023, with no discussion. On April 19, 2023, the item was deferred to the June 20, 2023, LUSC meeting, at the request of the sponsor.

On June 20, 2023, the item was deferred to the September 27, 2023, LUSC meeting, at the request of the sponsor. On September 27, 2023, the item was deferred to the January 2024 LUSC meeting, with no discussion. While the LUSC was reconstituted on January 31, 2024, no meeting was held in January 2024. On February 26, 2024, the item was deferred to the June 10, 2024, LUSC meeting, with no discussion.

On June 10, 2024, the LUSC moved the proposed ordinance to the Planning Board with a recommendation to modify the palm to canopy tree ratio to two (2) palms for every one (1) required canopy tree.

ANALYSIS

The proposed text amendment to Chapter 4 of the Land Development Regulations of the City Code (LDRs) would allow palms to count as required street trees on the basis of two (2) palms per required canopy tree, provided such palms meet the following minimum size and spacing requirements:

1. A minimum of ten (10) inches in diameter at breast height (DBH).
2. A minimum of 15 feet of clear or grey wood at time of planting.

3. A maximum spacing of 20 feet on center.

This proposed amendment is intended to conform the landscaping requirements in the LDRs to a separate amendment proposed for Chapter 46, which is pending before the City Commission, and would also allow palms to count toward the minimum number of required street trees.

Attached is a fact sheet pertaining to the Miami Beach Tree Preservation Code and Urban Forestry Master Plan. In addition to the information provided in this fact sheet, the following is noted regarding the proposed ordinance amendment, as well as the importance of maintaining and promoting healthy tree canopy citywide:

- If the City Commission decides to amend the current requirements of Chapter 46 and 126 and allow palms to count as the required number of street trees, the City will still need to meet the minimum requirements of the Miami-Dade County Landscape Code. While Miami-Dade County allows palms as street trees, municipalities within the County have different requirements. For example, Pinecrest does not allow palms at all, and other cities restrict the type or number of palms that are allowed.
- Palms as street trees offer less shade for pedestrians and less environmental benefits in comparison to canopy trees that are native and Florida Friendly canopy trees.
- The standard recommendation for tree canopy coverage in cities is 30%. Unfortunately, the City of Miami Beach was only at 17% with the last full inventory and the City's goal is 22% canopy coverage by 2040 based on planting in 50% of available areas.
- Palms require more maintenance and fertilizer than canopy trees, as well as more frequent upkeep. Excessive or incorrect fertilizer use has been found to lead to algae blooms in Biscayne Bay, our aquatic preserve that is in peril, as fertilizers are carried as run-off into the bay when it rains. Additionally, canopy trees are usually pruned on a 3-to-4-year cycle, while palms are trimmed 3 to 4 times per year.

It is also important to note that nothing in Chapter 4 of the LDRs precludes specifying palms in landscape designs. In fact, palms are included in most development projects, in addition to the minimum number of street and lot trees. Chapter 4 was substantially updated in 2016 with the express intention of increasing our urban tree canopy citywide. The current regulations further the resiliency and sustainability goals of the City by creating shady and walkable neighborhoods and contributing to stormwater management.

Palms have historically played an important role in landscape design in the City and are emblematic of the City's image and brand. While understanding of the intent of the proposal to recognize and foster the use of more palms in the city, the need for increased canopy in the City is significant. Based upon the foregoing, the Administration does not recommend in favor of the revisions to Chapter 4 as proposed herein.

PLANNING BOARD REVIEW

On July 24, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with an unfavorable recommendation (5-1).

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 8/14/2024.
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

N/A

CONCLUSION

The Administration recommends the following:

1. The Administration recommends that the City Commission not approve the subject ordinance at first reading.
2. Should the City Commission approve the subject ordinance at First Reading, Second Reading public hearing shall be scheduled for January, 2025.
3. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

Applicable Area

Citywide

**Is this a "Residents Right to Know" item,
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond
Project?**

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Mayor Steven Meiner

Co-sponsor(s)

Condensed Title

1st Rdg, Shade and Palm Tree Requirements – Ch. 4 LDR. (Meiner) PL 5/7