

C4 B REFERRAL TO THE PLANNING BOARD – MINIMUM LANDSCAPE
REQUIREMENTS FOR SINGLE FAMILY PROPERTIES THAT EXCEED THE 50%
RULE.

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: March 19, 2025

TITLE: REFERRAL TO THE PLANNING BOARD – MINIMUM LANDSCAPE REQUIREMENTS FOR SINGLE FAMILY PROPERTIES THAT EXCEED THE 50% RULE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) refer the attached draft ordinance to the Planning Board.

BACKGROUND/HISTORY

On December 11, 2024, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the item (C4 G) to the Land Use and Sustainability Committee (LUSC). On February 20, 2025, the LUSC discussed the proposal and recommended that the City Commission refer the attached ordinance to the Planning Board.

ANALYSIS

The attached amendment to the Land Development Regulations of the City Code (LDRs) provides relief from the City's minimum landscaping requirements for renovations to single family homes that exceed 50% of the value of the existing building. In general, the landscape requirements set forth in Chapter 4 of the LDRs exceed the requirements in the Miami-Dade County (County) landscape code. The following are some examples of differences between the City and County landscape regulations:

Lot Trees

The Miami Beach code requires that lot and street trees, at a minimum, be 12 feet in height, with a minimum 6-foot canopy spread and 2-inch caliper. The County code allows for a minimum height of 10 feet and that up to 30 percent of the tree requirement may be met by native species with a minimum height of 8- feet and a minimum caliper of one and one-half (1½) inches at time of planting.

Shrubs

The Miami Beach code requires a minimum of 12 shrubs per the number of required lot and street trees, and that no less than 50 percent of the required shrubs shall be native species. Additionally, 100 percent of shrubs shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach, and no one species of shrub shall constitute more than 20 percent of the required shrubs.

The County code specifies that shrubs shall be provided at a ratio of 10 shrubs per required tree, and that at least 30 percent of required shrubs consist of native species. Additionally, 50 percent of all shrubs shall be low maintenance and drought tolerant.

Large Shrub/Small Trees

Currently, the County has no minimum requirements for large shrubs/small trees. The City code requires all large shrubs or small trees to be a minimum of 6-feet in height, with a minimum crown spread of 4-feet at time of planting and 10 feet high at mature growth. The minimum number of large shrubs or small trees must also be ten percent of the required number of shrubs for the specific project.

The proposed ordinance amendment would allow for single family projects exceeding the 50% rule to revert to the minimum requirements of the County code. The proposal complies with the applicable minimum landscaping requirements in the County code, which apply to both unincorporated and incorporated areas of the County.

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive 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.

Should this proposal be referred to the Planning Board, the Administration recommends that the City Commission determine that the proposed amendment is necessary based on circumstances unique to the proposed amendment and waive the applicable fees.

FISCAL IMPACT STATEMENT

No Fiscal Impact

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

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends the following:

1. The City Commission refer the attached draft ordinance to the Planning Board.
2. 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)

Commissioner Kristen Rosen Gonzalez

Co-sponsor(s)

Condensed Title

Ref: PB - Minimum Landscape Requirements, Single Family Properties Exceeding 50% Rule.
(KRG) PL

Previous Action (For City Clerk Use Only)

**Minimum Landscape Requirements for Single Family Home Renovations Exceeding the
50% Rule**

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 I,
ENTITLED "INTENT AND APPLICABILITY," BY AMENDING
SECTION 4.1.2, ENTITLED "SHORT TITLE AND
APPLICABILITY," BY MODIFYING THE MINIMUM LANDSCAPE
REQUIREMENTS FOR SINGLE FAMILY HOME PROJECTS
EXCEEDING THE 50% RULE; 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, the City desires to provide flexibility from minimum landscape requirements for single family home projects that exceed the 50% rule; 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:**

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

**CHAPTER 4
LANDSCAPE REQUIREMENTS**

* * *

ARTICLE I. INTENT AND APPLICABILITY

* * *

4.1.2 Short title and applicability

* * *

c. Exemptions. The following exemptions from the regulations in Chapter 4 shall apply:

1. As applicable to additions to existing buildings that do not expand or enlarge the footprint of the existing building, and where such additions do not require the review and approval of a land use board, and are not a substantial rehabilitation, the landscape review requirements in this chapter may be waived by the planning director or designee.

2. As applicable to the renovation and/or expansion of single-family homes in RS districts that exceed the 50% rule, as determined by the Building Official, existing as of January 1, 2025, including attached or detached additions, the landscape requirements in this chapter shall not be applicable, provided the minimum requirements set forth in the Miami-Dade

County landscape regulations are met.

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 _____, 2025.

PASSED and **ADOPTED** this _____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2025
Second Reading: _____, 2025

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

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