

13. PB25-0760. Minimum Landscape Requirements for Single Family Home Renovations Exceeding the 50% Rule.

# MIAMI BEACH

## Land Use Boards

### Planning Board

TO: Planning Board  
FROM: Thomas Mooney, Director  
DATE: May 6, 2025  
TITLE: PB25-0760. MINIMUM LANDSCAPE REQUIREMENTS FOR SINGLE FAMILY HOME RENOVATIONS EXCEEDING THE 50% RULE.

#### **PROPERTY**

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

#### **FILE NO.**

PB25-0760

#### **APPLICANT**

City of Miami Beach

#### **IN RE:**

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.

#### **PRIOR ORDER NUMBER:**

#### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**NEW COMPREHENSIVE PLAN & CODE AMENDMENTS (Filed pursuant to Chapter 2,  
Arti... 1**

# MIAMIBEACH

## PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: [www.miamibeachfl.gov/planning](http://www.miamibeachfl.gov/planning)

### LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

<b>Application Information</b>			
FILE NUMBER PB25-0760		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
<b>Board of Adjustment</b> <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		<b>Design Review Board</b> <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<b>Planning Board</b> <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input checked="" type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order		<b>Historic Preservation Board</b> <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<input type="checkbox"/> Other:			
<b>Property Information – Please attach Legal Description as "Exhibit A"</b>			
ADDRESS OF PROPERTY N/A			
FOLIO NUMBER(S)			
<b>Property Owner Information</b>			
PROPERTY OWNER NAME N/A			
ADDRESS		CITY	STATE
BUSINESS PHONE		CELL PHONE	EMAIL ADDRESS
<b>Applicant Information (if different than owner)</b>			
APPLICANT NAME City of Miami Beach			
ADDRESS 1700 Convention Center Drive		CITY Miami Beach	STATE FL
BUSINESS PHONE 3056737550		CELL PHONE	EMAIL ADDRESS N/A
<b>Summary of Request</b>			
PROVIDE A BRIEF SCOPE OF REQUEST SEE AFFIDAVIT			

<b>Project Information</b>			
Is there an existing building(s) on the site?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.		SQ. FT.	
Provide the gross floor area of the new construction (including required parking and all usable area).		SQ. FT.	
<b>Party responsible for project design</b>			
NAME		<input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE      ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
<b>Authorized Representative(s) Information (if applicable)</b>			
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE      ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE      ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE      ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

**Please note the following information:**

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

**Please read the following and acknowledge below:**

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
  - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☐ Owner of the subject property

☒ Authorized representative

**SIGNATURE**

David Martinez

**PRINT NAME**

4/28/25

**DATE SIGNED**



**AFFIDAVIT**

I, David Martinez, being duly sworn, depose and say that I am the Assistant City Manager of the City of Miami Beach and as such, have been authorized by the city, to file the following application for a Planning Board public hearing:

**PB25-0760. Minimum Landscape Requirements for Single Family Home Renovations Exceeding the 50% Rule.** 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

This instrument is executed pursuant to the requirements of the Planning Department and attests to the accuracy of the above statement. Execution hereof does not constitute approval or disapproval of the application which it addresses.

  
\_\_\_\_\_  
ASSISTANT CITY MANAGER'S SIGNATURE

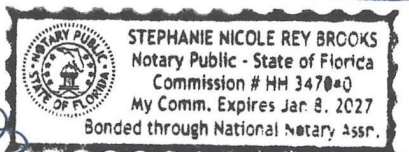
STATE OF FLORIDA)

) SS

COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this 28 day of April, 2025. The foregoing instrument was acknowledged before me by David Martinez, who is personally known to me and who did/did not take an oath.

My commission expires: 1/8/2027



SPub/B  
NOTARY PUBLIC  
STATE OF FLORIDA  
(Type, print or stamp name)

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 6, 2025

FROM: Thomas R. Mooney, AICP  
Planning Director

<sup>DS</sup> For TRM  


SUBJECT: **PB25-0760. Minimum Landscape Requirements for Homes Exceeding 50% Rule**

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the Mayor and City Commission (City Commission) with a favorable recommendation.

#### **HISTORY**

On December 11, 2024, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred a discussion pertaining to minimum landscape requirements for single family homes (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.

On March 19, 2025, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the ordinance to the Planning Board (C4 B).

#### **REVIEW CRITERIA**

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed LDR amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as proposed to be amended.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Consistent** – The proposed amendment does not create isolated districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment is not out of scale with the needs of the neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and**



**infrastructure.**

**Consistent** – The proposed amendment will not tax the existing load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not Applicable**

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The desire to minimize the financial burden for the renovation of an existing home, while still complying with the county landscaping standards, makes the passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change will not create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change will not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not Applicable**

13. **Whether it is impossible to find other adequate sites in the city for the proposed**

**use in a district already permitting such use.**

**Not Applicable**

### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – Although the landscape requirements are proposed to be reduced, the proposal will increase the resiliency of the City in accordance with County standards.

- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

### **ANALYSIS**

The attached amendment to the Land Development Regulations of the City Code (LDR's) 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.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation.

**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

F:\PLAN\SPLB\2025\05-06-2025\ORD PB25-0760. Min Landscape for Homes Exceeding 50% Rule\PB25-0760 - Minimum Landscape Requirements for SF Homes Exceeding 50% Rule PB ORD 5-6-2025.docx