

**ORDINANCE NO. 2024-06**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XXIV ENTITLED “ZONING AND LAND DEVELOPMENT” BY AMENDING ARTICLE XI ENTITLED “LANDSCAPING” SPECIFICALLY SECTION 24-119 “MINIMUM LANDSCAPING REQUIREMENTS FOR ALL ZONING DISTRICTS”; AMENDING SECTION 24-121 ENTITLED “TREE REMOVAL PERMIT” TO PROVIDE FOR CLEARER AND MORE CONCISE SPECIFICATIONS AND GUIDELINES FOR APPLICANTS; BY CREATING SECTION 24-125 ENTITLED “RIGHT-OF-WAY TREES REGULATIONS”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Zoning and Land Development Code (ZLDC) of the City of North Miami Beach (“City”) Code of Ordinances (“code”) provides authority to the City Commission to amend, change, supplement, or repeal sections of the Code from time to time; and

**WHEREAS**, it is the City’s intent to prevent the destruction of the City’s existing tree canopy and promote its experiential landscape; and

**WHEREAS**, the City seeks to promote sound landscaping principles through the use of drought and salt tolerant plant species and also promote planting the right tree and plant in the right place; and

**WHEREAS**, the City seeks to promote the use of trees for energy conservation, thereby helping to offset global warming and local heat island effects; and

**WHEREAS**, the City seeks to increase tree canopy in order to provide shade and coolness in order to encourage pedestrian activity and reduce reliance on single occupancy vehicles; and

**WHEREAS**, the City seeks to promote the use of canopy trees to sequester carbon dioxide emissions and ground level ozone; and

**WHEREAS**, pursuant to Florida Statute section 163.3174 (4)(c), the Planning and Zoning Board of the City of North Miami Beach, sitting as the Local Planning Authority, considered this item at a public meeting on March 11, 2024, and voted six (6) to zero (0), recommending approval of the proposed text amendment, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the ZLDC; and

**WHEREAS**, the Mayor and City Commission of the City of North Miami Beach find that it is in the best interests of the citizens to adopt this Ordinance.

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

**Section 1.** The foregoing whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2.** That Chapter XXIV entitled “Zoning and Land Development Regulations” is hereby amended by modifying section 24-119 entitled “Minimum Landscaping Requirements for all Zoning Districts” as follows (underline is added; stricken through is deleted):

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**Sec. 24-119 - Minimum Landscaping Requirements for All Zoning Districts.**

(A) *Tree Specifications.*

- (1) Required trees shall be of a species, which normally grow to a minimum height of twenty-five (25) feet and have a mature crown spread of not less than twenty (20) feet with trunks, which can be maintained, with over six (6) feet of clear wood. The Director shall maintain a list of acceptable species.
- (2) All required trees shall be ~~field grown and~~ have a minimum caliper or diameter at breast height (D.B.H) of ~~three (3) inches~~ two (2) inches and be a minimum of eight (8) to twelve (12) feet in height and five (5) feet in spread at time of planting except for palms. A list of approved required trees is available from the Director of the Community Development Department. A list of acceptable species can be found in the City’s Urban Forestry Master Plan.
- (3) Required palms shall be ~~field grown and have a minimum of sixteen (16) feet in height and six (6) feet of clear wood~~ be a minimum of ten (10) ft in height.
- (4) ~~At least~~ maximum twenty-five (25) percent of all required trees shall be of a palm species.
- (5) Three (3) small palms shall be clustered to equal one (1) required tree, the three (3) palm trees in the cluster shall be of differing heights, with a minimum two (2) foot stagger between adjacent palms ~~but, in no case smaller than sixteen (16) feet in height. One large palm species shall count as a required tree.~~ Below is a list of recommended species categorized into large and small palms.

<b><u>Small Palms</u></b>	<b><u>Large Palms</u></b>
<u>Florida Thatch Palm</u>	<u>Bismarck Palm</u>
<u>Buccaneer Palm</u>	<u>Coconut Palm</u>
<u>Broom Thatch Palm</u>	<u>African Oil Palm</u>
<u>Windmill Palm</u>	<u>Latan Palm</u>

<u>Hurricane Palm</u>	<u>Wild Date Palm</u>
<u>Bottle Palm</u>	<u>Cabbage Palm</u>
<u>Thatch Palm</u>	<u>Royal Palm</u>

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(9) As part of the site plan review for proposed projects, additions and renovations, the proposed landscaping shall be reviewed to determine if the proposed locations of any of the trees are in proximity to overhead or underground electric facilities. This section of the Code shall also be used when selecting the replacement planting for replacement of dead, diseased, destroyed or otherwise removed vegetation from a site.

(a) No tree shall be planted where at mature height it may conflict with overhead electric facilities, and visibility. Large trees (trees with a mature height of thirty (30) feet or more) shall be planted no closer than a horizontal distance of thirty (30) feet from any overhead electric facility. Medium size trees (trees with a mature height of twenty (20) to thirty (30) feet) shall be planted no closer than a horizontal distance of twenty (20) feet from any overhead electric facility. Small trees and shrubs, with a mature height of less than twenty (20) feet, may be planted adjacent to electric power facilities. Below is a list of recommended species categorized into large, medium, and small trees.

<u>Small Trees</u>	<u>Medium Trees</u>	<u>Large Trees</u>
<u>Crape Myrtle</u>	<u>Satin Leaf Tree</u>	<u>Red Maple</u>
<u>Wild Cinnamon</u>	<u>Calabash Tree</u>	<u>Pink Shower</u>
<u>Cinnecord</u>	<u>Fiddlewood</u>	<u>Kapok Tree</u>
<u>Jamaica Caper</u>	<u>Bridalveil Tree</u>	<u>Star Apple</u>
<u>White Stopper</u>	<u>Milkbark</u>	<u>Royal Poinciana</u>
<u>Spanish Stopper</u>	<u>Black Ironwood</u>	<u>Wild Tamarind</u>
<u>Wax Myrtle</u>	<u>Sabicu</u>	<u>Common Persimmon</u>
<u>Silver Buttonwood</u>	<u>Madagascar Olive</u>	<u>South Florida Slash Pine</u>
<u>Loquat</u>	<u>Pitch Apple</u>	<u>Queen’s Crape Myrtle</u>

**Section 3.** That Chapter XXIV entitled “Zoning and Land Development Regulations” is hereby amended by modifying Section 24-121 entitled “Tree Removal Permit” as follows (underline is added; stricken through is deleted):

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**Sec. 24-121 – Tree Removal Permit.**

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(B) Tree that are to be relocated shall be consistent with the following minimum standards:

- (1) Tree roots shall be severed a minimum of ~~six (6)~~ ten (10) to twelve (12) weeks prior to relocation and in such a manner to provide a root ball, which is sufficient to ensure survival of the tree when relocated.
- (2) After relocation, tree(s) shall be watered ~~a minimum of three (3) times a week until tree(s) are established~~ almost daily for the first three (3) to four (4) weeks, then reduced to four (4) to five (5) times a week for the next four (4) weeks, and then reduced to a minimum 3 times a week until established.

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(C) A tree removal may be authorized when one (1) of the following conditions exist:

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- (3) An application fee of \$25 per tree has been submitted to the City, and an amount of money equal to an equivalent replacement value is placed in the City Landscaping Account. Value shall be determined by the Director. Value is determined by guidelines outlined in Miami-Dade County I.O. No. 4-42, made effective October 1, 2013.
- (4) The tree to be removed is examined by the Director and is determined to be dead, severely damaged, or a safety hazard. A tree on residential property is deemed by an ISA certified arborist or a Florida licensed landscape architect to be dead, or otherwise pose an immediate risk to persons or property. Such documentation will need to be submitted to the Community Development Department.

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**Section 4.** That Chapter XXIV entitled “Zoning and Land Development Regulations” is hereby amended by creating Section 24-125 entitled “Right-of-way Trees Regulations” as follows (underline is added; stricken through is deleted):

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**Sec. 24-125 – Right-of-way Trees Regulations**

A Right-of-Way Tree is any tree located on land which is open to travel by the public, including, but not limited to, a street, highway, sidewalk, swales, or alleyway. This section will outline standards and provide regulations for the management of Right- of-way Trees.

(A) No right-of-way tree shall be removed/installed without first obtaining a permit from the Public Works Department. In evaluating whether to grant a tree removal permit, the City requires two (2) sets of plans/drawings packaged and stapled together, along with the signed and notarized permit application form. These plans must show existing right-of-way boundaries with all work clearly highlighted, as well as all buried utilities and overhead powerlines.

- (1) Replacement trees shall be a minimum range between eight (8) to twelve (12) feet high with a range of minimum crown spread between three (3) to five (5) feet at time of planting. Required Trees shall also be of a species which normally grow to a minimum height of twenty-five (25) feet and have a mature crown spread of not less than twenty (20) feet with trunks, which can be maintained, with over six (6) feet of clear wood.
- (2) A minimum of three (3) clustered small palms or one (1) large palm must be planted as replacement for each approved palm removal. Replacement trees/palms shall also adhere to the corridor characteristics outlined in this section.
- (3) All replacement trees shall comply with applicable vision clearance triangles, overhead and underground utilities, and right tree right place guidelines.
- (4) Replacement trees shall include frequent watering until established and a minimum one (1) year warranty.
- (5) Any tree which cannot be replaced shall be mitigated via a monetary equivalent to the City’s Landscape Account. The City shall have the authority to determine how many trees they would like installed and how many mitigated as a cost equivalent.

(B) All new trees planted in any right-of-way shall utilize the urban tree planting strategies outlined in the City’s Urban Forestry Master Plan (Fig 1).

Fig 1

<u>Right-Of-Way</u>	<u>Typical Conditions</u>	<u>Recommended Trees/Palms</u>
<p><u>Commercial Corridors</u></p> <p><u>(NE 163<sup>rd</sup> St from NE 19<sup>th</sup> Ave to W Dixie Hwy)</u></p>	<p><u>Large expanses of hardscape</u></p> <p><u>Large number of small businesses that depend on visibility.</u></p> <p><u>Extensive curbside parking</u></p> <p><u>Heavy commuter traffic</u></p>	<p><u>Wild</u></p> <p><u>Tamarind</u></p> <p><u>Red Bay</u></p> <p><u>Live Oak</u></p> <p><u>Green Buttonwood</u></p> <p><u>Bismarck Palm</u></p> <p><u>Sylvester Date Palm</u></p> <p><u>White Stopper</u></p>
<p><u>Neighborhood-Connector Corridors</u></p> <p><u>(W. Dixie Hwy from NE 167<sup>th</sup> St to NE 172<sup>nd</sup> St)</u></p>	<p><u>Highly transited corridors</u></p> <p><u>Large numbers of overhead utility wires</u></p> <p><u>High demands for curbside parking</u></p> <p><u>Preferred corridors for cyclists, less used by vehicular traffic</u></p>	<p><u>Gumbo Limbo</u></p> <p><u>Strangler Fig</u></p> <p><u>Live Oak</u></p> <p><u>Green buttonwood</u></p> <p><u>Pitch Apple</u></p> <p><u>Blolly</u></p> <p><u>Buttercup Tree</u></p>

<u>Right-Of-Way</u>	<u>Typical Conditions</u>	<u>Recommended Trees/Palms</u>
<p><u>Urban Residential Areas</u></p> <p><u>(NE 165<sup>th</sup> from NE 19<sup>th</sup> Ave to W Dixie Hwy)</u></p>	<p><u>Excessively high demands for parking</u></p> <p><u>Buildings have very shallow setbacks.</u></p> <p><u>Right-of-way corridors are some of the narrowest in the City</u></p>	<p><u>Red Bay</u></p> <p><u>Gumbo Limbo</u></p> <p><u>Indian</u></p> <p><u>Tamarind Crape</u></p> <p><u>Myrtle</u></p> <p><u>Bismarck Palm</u></p> <p><u>Wild Date Palm</u></p> <p><u>Simpson's Stopper</u></p>
<p><u>Suburban Residential Areas</u></p>	<p><u>Large expanses of swale and pervious landscape areas</u></p> <p><u>Overhead utilities serving many homes.</u></p> <p><u>Swale Parking</u></p>	<p><u>Royal Poinciana</u></p> <p><u>Paradise Tree</u></p> <p><u>Red Mulberry</u></p> <p><u>Madagascar Olive</u></p> <p><u>Crape Myrtle</u></p> <p><u>Spanish Stopper</u></p> <p><u>Pink Trumpet Tree</u></p>


A complete list of recommended trees can be found in the City's Urban Forestry Master Plan.

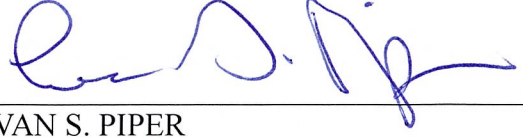
[SIGNATURE PAGE TO FOLLOW]

**APPROVED** on the first reading this 16<sup>th</sup> day of April, 2024.

**APPROVED AND ADOPTED** on second reading this 21<sup>st</sup> day of May, 2024.

ATTEST:

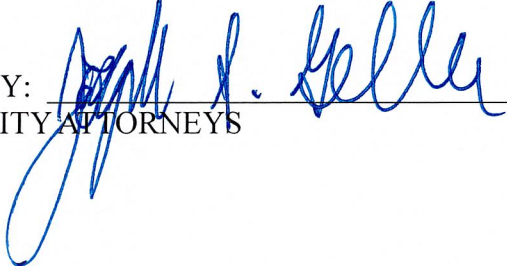
  
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ANDRISE BERNARD, MMC  
CITY CLERK

  
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EVAN S. PIPER  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR THE USE AND  
RELIANCE OF THE CITY OF NORTH  
MIAMI BEACH:

GREENSPOON MARDER, LLP

BY:   
\_\_\_\_\_  
CITY ATTORNEYS

Sponsored by: Mayor & Commission