



TOWN OF MIAMI LAKES, FLORIDA

AGENDA

Planning and Zoning Board Meeting

March 3, 2020

6:30 PM

Government Center

6601 Main Street Miami Lakes, FL33014

1. **Call To Order**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
 - a. **Approval of Minutes**
 - **January 7, 2020 Planning and Zoning Meeting Minutes**

4. Business Requiring Board Action

QUASI-JUDICIAL PUBLIC HEARINGS -

Please be advised that the following items on the Board's agenda are quasi-judicial in nature. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.

- a. Varh2020-0102 Applicant: Randy Cano

AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; DENYING A VARIANCE REQUEST FROM SECTION 13-1509(B) TO PERMIT A FENCE TO ENCROACH FIFTEEN (15) FEET INTO THE MINIMUM REQUIRED 15-FOOT STREET SIDE YARD SETBACK, FOR THE PROPERTY LOCATED AT 7201 MIAMI LAKEWAY SOUTH, MIAMI LAKES, FLORIDA, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR DENYING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Ordinances

- a. Landscape and Artificial Turf

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO LANDSCAPE REGULATIONS; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VII, "ALTERNATIVE ENERGY SYSTEMS AND ENVIRONMENTAL REGULATIONS" PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

- b. West Lakes Driveways

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO DRIVEWAYS IN RESIDENTIAL DISTRICTS ; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE V, "ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS" PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

6. New Business Items

- a. Cul-de Sac Driveways (Board Member Dehghani Yanes)
- b. Town Signage (Board Member J.C. Fernandez)
- c. Canopies (Board Member Dehghani Yanes)
- d. Infinity Edge Pools (Board Member Dehghani Yanes)

7. Director's Report

8. Adjournment

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at www.miamilakes-fl.gov and is available at Town of Miami Lakes Town Hall, 6601 Main Street, Miami Lakes, FL 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting. Anyone wishing to appeal any decision made by the Miami Lakes Planning and Zoning Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.



Town of Miami Lakes Memorandum

To: Planning & Zoning Board

From: Ashley Shepple, Deputy Town Clerk

Subject: Approval of Minutes

Date: March 3, 2020

Recommendation:

Attached please find the following minutes for your review and approval.

- January 7, 2020 Planning and Zoning Board Meeting Minutes

MINUTES
Planning and Zoning Minutes
January 7, 2020
6:30 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Chairman Robert Julia called the meeting to order at 6:40 p.m.

2. Roll Call:

The Deputy Town Clerk, Ashley Shepple, called the roll with the following Board Members being present: Fred Senra, Raul De La Sierra, Juan Carlos Fernandez, Avelino Leoncio, Mariam Yanes, Vice Chairman Lynn Matos, and Chairman Robert Julia. All were present.

3. Pledge of Allegiance/Moment of Silence:

Chairman Robert Julia led the Pledge of Allegiance and the Invocation.

4. Approval of Minutes:

- December 3, 2019 Planning and Zoning Meeting minutes

Chairman Julia motion to approve the amended December minutes. Board Member Juan Carlos Fernandez was included in the December minutes that he was present, but he was not. The Deputy Clerk, Ashley Shepple, said this will be corrected. Board Member Senra seconded the motion and all present were in favor.

5. Business Requiring Board Action:

- A. AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; GRANTING A VARIANCE FROM SECTION 13-426(7) TO PERMIT A SWIMMING POOL TO ENCROACH FOUR FEET AND SIX INCHES WATERWARD OF THE TOP OF THE SLOPE/TIE LINE, AND GRANTING A VARIANCE FROM SECTION 13-1605(C)(7) TO PERMIT A SWIMMING POOL WATERWARD OF THE TOP OF THE SLOPE/TIE LINE, FOR THE PROPERTY LOCATED AT 16691 NW 82 AVENUE, MIAMI LAKES, FLORIDA, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST WITH CONDITIONS; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Deputy Town Attorney, Lorenzo Cobiella, read the title of the resolution for the variance into the record.

The Deputy Town Clerk swore in those wishing to speak.

Susana Alonso, Principal Town Planner, explained and answered questions regarding the variance permitting an encroachment beyond the tie-line for the applicant to construct a new pool with an infinity edge. The applicant explained the pool currently right now is not functioning.

The Applicant Judith Padilla and the pool contractor presented the request and answered questions posed by the Board.

The Board mentioned the letters of support were missing from the agenda. Susana Alonso, Principal Planner, confirmed she had received letters of support, but they were just not attached.

Board Member Leoncio motioned to approve with recommendations by staff and Board Member Yanes seconded. All were in favor.

B. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ALLOWABLE USES IN COMMERCIAL DISTRICTS; REORGANIZING, REFORMATTING, CONSOLIDATING, AND AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE IV. "ZONING DISTRICT REGULATIONS", AT DIVISION 20. "BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICT MASTER LIST" PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE (PIDERMANN).

Chairman Julia read the title of the Ordinance into the record.

Susana Alonso, Principal Town Planner, explained the Ordinance and the staff report and answered questions posed by the Board.

Board Member De la Sierra motioned to approve with the changes that have been made by staff and Board Senra seconded the motion. All were in favor.

6. Director's Report:

Susana Alonso, the Principal Planner, stated she is working on the Mobility Fee Ordinance in First Reading for the upcoming January 21st Regular Council Meeting. The 8-Foot Fence Ordinance passed in the Second Reading at the last council meeting. There will not be a February Planning and Zoning Board meeting. The next meeting will be Tuesday, March 3rd.

7. Adjournment:

There being no further business to come before the Board, the meeting adjourned at 7:35 P.M.

Robert Julia
Chairman

Attest:

Gina M. Inguanzo
Town Clerk



Department of Planning, Zoning and Code Compliance
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Planning and Zoning Board
From: Susana Alonso, AICP
Principal Planner
Re:
HEARING NUMBER: VARH2020-0102
APPLICANT: Randy Cano
FOLIO: 32-2023-003-0480
LOCATION: 14410 Tabebuia Lane
MIAMI LAKES, FLORIDA 33014
ZONING DISTRICT: RU-1
Date: March 3, 2020

A. Request

In accordance with the Town of Miami Lakes Land Development Code (the “Town’s LDC”), Randy Cano (the “Applicant”) is requesting the following variance:

A variance from Section 13-1509 to allow a fence at the property line in a side yard facing a street where a 15-foot setback is required.

B. Background

The Applicant is proposing to build a six (6) horizontal Durafence fence around the side yard facing Tabebuia Lane of an existing single-family home located on 14410 Tabebuia Lane. The main house is setback 13.82 feet from the street-side property line. The provision requiring the minimum fifteen (15) foot setback was adopted in 2004 (Ordinance No. 04-63). Replacing the prior County Code which permitted fences to be built to the property line, the new provision adopted by the Town reflected the prevailing development pattern of single family homes, principally east side of the Palmetto Expressway, as was required by underlying private deed restrictions¹. This prevailing development pattern is evident when viewed in context of the fencing of the Applicant’s neighbor to the South. That property has a fence setback fifteen (15) feet from the street side yard. It is worth

¹ Subsequent amendments to the code (Ord. Nos. 08-102 and 13-156) provided exemptions to certain areas, principally west of the Palmetto Expressway, that were not developed under such covenants. The Applicant’s property is east of the Palmetto Expressway.

noting, however, that the neighbor with the compliant fence has signed a letter in support of the applicant's request.

The property had an existing chain link fence at the property line for which no permit can be found, but which is seen to be present in aerials as far back as 1999.

C. Staff Recommendation

Staff recommends denial for the proposal as shown in the attached plans, consisting of one page, and stamped received on February 12, 2020, as it does not meet the variance criteria at section 13-305(f)(1).

D. Property Information and Permit History

Zoning District of Property: RU-1 – Single-Family Residential District

Future Land Use Designation: Low Density Residential

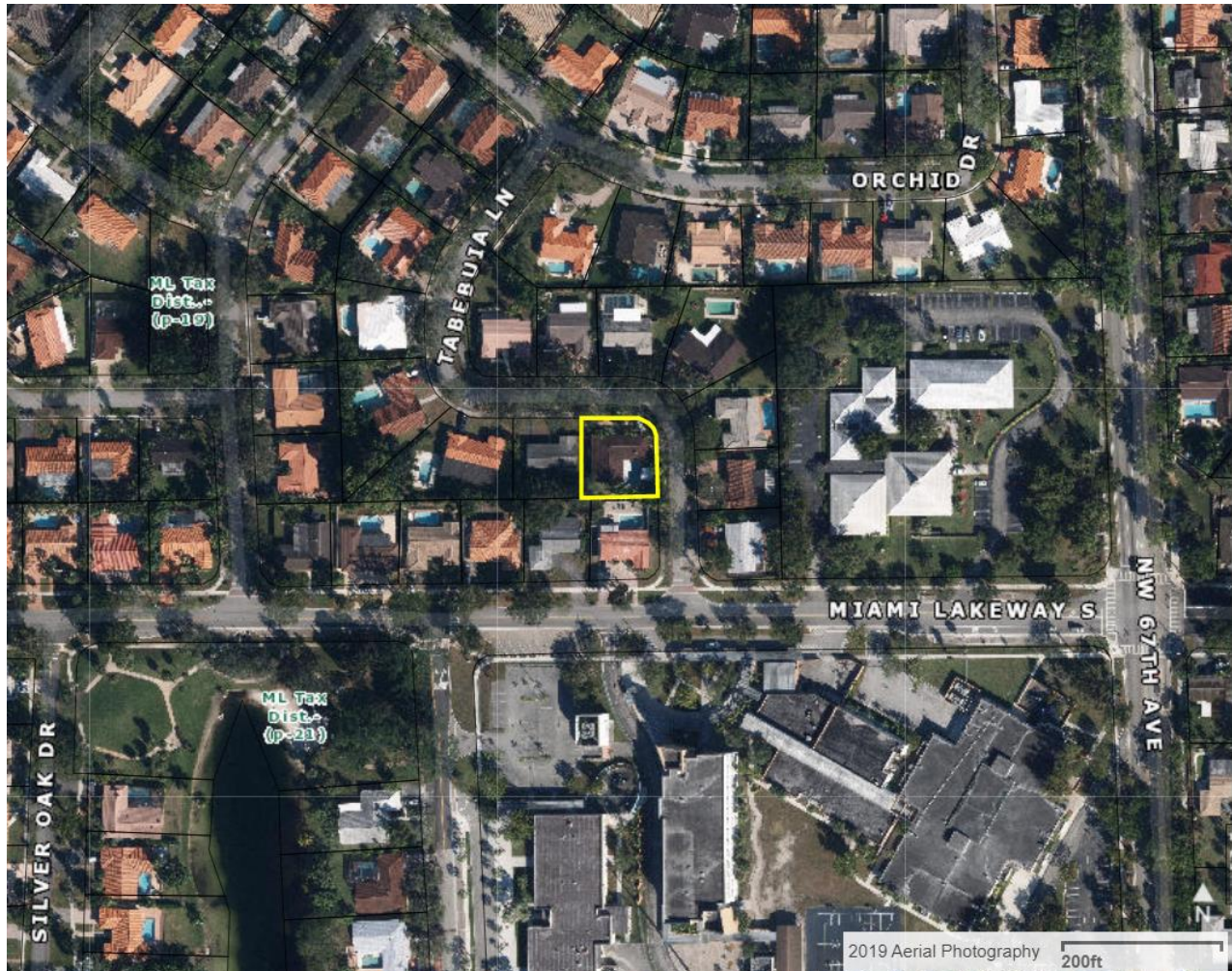
Subject Property:

The subject parcel is a 9,019-square foot lot on the curve of Tabebuia. The site is improved with a single-family home constructed in 1966 according to Miami Dade County records. It is located at 14410 Tabebuia Lane within the Low Density Residential Future Land Use Designation and is zoned RU-1 (Single-Family Residential District).

Surrounding Property:

	Future Land Use Category	Zoning District
North:	Low Density Residential	Single-Family Residential District, (RU-1)
South:	Low Density Residential	Single-Family Residential District, (RU-1)
East:	Low Density Residential	Single-Family Residential District, (RU-1)
West:	Low Density Residential	Single-Family Residential District, (RU-1)

Subject Property Location Map



not to scale

Open Building Permit(s) / Open Code Compliance Violation(s) / Zoning History:

There are currently no open permits or code violations on this property.

E. Analysis

Subsection 13-305(f)1 of the Town LDC allows the Planning and Zoning Board to approve non-use variance request(s) on the basis of practical difficulty on part of the Applicant by a majority vote of the members of the Planning and Zoning Board present. In order to authorize any variance on the basis of practical difficulty, the Planning and Zoning Board members at the meeting shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of the Land Development Code based on an evaluation of the factors below. All of the factors should be considered and given their due weight; however, no single factor is dispositive.

a) The Town has received written support of the specifically identified variance requests from adjoining property owners.

Analysis: The Town has received written support for this request from both adjacent neighbors and other neighbors on the same block. All the letters have been included as an attachment to this staff report.

Finding: Complies.

b) The Variance would be compatible with development patterns in the Town.

Analysis: See Section B, Background. The surrounding neighborhood was developed to provide for a fifteen (15) foot clear between any fencing along all side streets. This requirement was part of the deed restrictions that regulated development in the area prior to Town's incorporation and was later incorporated into the code in 2004.

Finding: Does not comply.

c) The essential character of the neighborhood would be preserved.

Analysis: See Section B, Background, and criteria "b" above. This configuration would be a departure from the existing development pattern of the neighborhood.

Finding: Does not comply.

d) The Variance can be approved without causing substantial detriment to adjoining properties.

Analysis: See Section B, Background, and criteria "b" and "c". The neighboring property to the north is fenced following the 15-foot setback requirement. Approval of this application would allow the fence for this property to project an additional fifteen (15) feet beyond the fence line established by the neighbor.

Finding: Does not comply.

e) The Variance will do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief.

Analysis: See Section B, Background, and criteria "b", "c" and "d".

Finding: Does not comply.

f) The plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome.

Analysis: See Section B, Background, and criteria "b", "c" and "d". The lot is of typical size and configuration for the neighborhood. Based on the submittals of the applicant, the configuration of the property, and the analysis provided in this report, no unique circumstances that exist with regard to the property and/or

the Applicant that would make conformance with Code provisions unnecessarily burdensome.

Finding: Does not comply.

g) The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

Analysis: See Section B, Background, and criteria “b”, “c”, “d”, and “f”. Based on the submittals of the Applicant, the analysis provided by this report ,there are no special conditions or circumstances which exist that are the result of actions beyond the control of the Applicant.

Finding: Does not comply.

**TOWN OF MIAMI LAKES
PLANNING AND ZONING BOARD
PZB NO: 2020-__**

AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; DENYING A VARIANCE REQUEST FROM SECTION 13-1509(B) TO PERMIT A FENCE TO ENCROACH FIFTEEN (15) FEET INTO THE MINIMUM REQUIRED 15-FOOT STREET SIDE YARD SETBACK, FOR THE PROPERTY LOCATED AT 7201 MIAMI LAKEWAY SOUTH, MIAMI LAKES, FLORIDA, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR DENYING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1: Applicant

Hearing Number: Varh2020-0102
Applicant: Randy Cano
Folio: 32-2023-003-0480
Location: 14410 Tabebuia Lane
Miami Lakes, Florida 33014
Zoning District: RU-1

Section 2. Request:

The Applicant requested the following variance from the Land Development Code:

A variance from Section 13-1509 to allow a fence at the property line in a side yard facing a street where a 15-foot setback is required.

Section 3. Findings:

1. In accordance with Section 13-305(f)(1) of the Town's Land Development Code (LDC), the Planning and Zoning Board, having considered the testimony and evidence in the record presented by all parties, finds that the Applicant's request does not comply with the variance criteria at Section 13.305(f)(1)(a) through (g) of the Town LDC, which are as follows:
 - a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;
 - b. Whether approval of the Variance would be compatible with development patterns in the Town;
 - c. Whether the essential character of the neighborhood will be preserved;
 - d. Whether the Variance can be approved without causing substantial detriment to adjoining properties;

- e. Whether the Variance would do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief;
- f. Whether the plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome; and
- g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

Section 4. Denial of Request

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Tuesday, March 3, 2020 at 6:30 P.M. upon findings outlined herein, the Planning and Zoning Board hereby denies the request described in Section 2 above.

Section 5. Appeal

The Applicant, or any affected party, may appeal the decision of the Planning and Zoning Board according to the provisions of Section 13-203 or Section 13-310, of the Land Development Code, as applicable.

Section 6: Order

This is a Final Order.

Section 7: Effective Date.

This Order shall take effect 30 days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Planning and Zoning Board is appealed as provided in the Town LDC and/or the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Order until said appeal is resolved by a court of competent jurisdiction.

The foregoing Order was approved on initial vote by motion as provided herein by _____ and seconded by _____ by a vote of _____ with each Planning and Zoning Board Member voting as follows:

Chairman Robert Julia	_____
Vice Chairman Lynn Matos	_____
Board Member Fred Senra	_____
Board Member Juan-Carlos Fernandez	_____
Board Member Raul De La Sierra	_____
Board Member Avelino Leoncio	_____
Board Member Mariam Yanes	_____

PASSED AND ADOPTED this 3rd of March 2020.

ROBERT JULIA

Chairman, Planning and Zoning Board

ATTEST:

GINA INGUANZO

Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR USE ONLY BY THE TOWN OF MIAMI LAKES:

LORENZO COBIELLA

TOWN ATTORNEY

This Order was filed in the Office of the Town Clerk on this ____day of _____, 2020.

GINA INGUANZO

Town Clerk



Town of Miami Lakes Memorandum

To: Honorable Chairman and Board Members

From: Susana Alonso, AICP

Subject: Landscape and Artificial Turf Ordinance

Date: March 3, 2020

Recommendation:

Town Staff recommends approval of the proposed ordinance adopting a landscape ordinance and allowing artificial turf in rear and side yards of private properties.

Background:

On October 8, 2019, the Town Council approved a New Business Item directing staff to explore the possibility of allowing residential properties to use artificial turf within rear yards.

Upon consideration of the item, staff concluded that in order to make the changes necessary to allow the artificial turf, the Town first needed to adopt a landscape ordinance compatible with Chapter 18A of the Miami Dade County Code.

The attached ordinance is an adaptation of the existing Miami Dade County Chapter 18A Landscape Regulations currently enforced by the Town. The only changes to the regulations at this time refer to the introduction of Artificial Turf as an allowable material and regulations regarding its proper use.

Attachment:

Ordinance

ORDINANCE NO. 20-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO LANDSCAPE REGULATIONS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE VII, “ALTERNATIVE ENERGY SYSTEMS AND ENVIRONMENTAL REGULATIONS” PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Objective 1.2 of the Town’s Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

WHEREAS, since its inception, The Town has been referring to and enforcing chapter 18A of Miami Dade County Code with regards to landscaping regulations; and

WHEREAS, the Town Council desires to adopt a landscape ordinance that may be further tailored to the needs and vision of the Town; and

WHEREAS, the Town Council desires to allow the use of artificial turf in private property under some limited circumstances; and

WHEREAS, the Town’s Planning and Zoning Board, as the Local Planning Agency (LPA), reviewed the proposed amendments at a duly advertised Public Hearing on _____ and voted to recommend adoption of the proposed ordinance; and

WHEREAS, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency (LPA) and Town staff, the Town Council wishes to adopt the amendments to the Town LDC attached hereto as Exhibit A; and

WHEREAS, the proposed amendments are in conformance with all applicable requirements of the Town’s Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of the Comprehensive Plan; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby adopts the amendments to Chapter 13 at Article VII, of the Town LDC, which are attached as Exhibit “A” hereto and are incorporated herein¹.

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article,” “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2020.

¹ Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2020.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

EXHIBIT A

ARTICLE VII. – ALTERNATIVE ENERGY SYSTEMS AND ENVIRONMENTAL REGULATIONS

DIVISION 1. - ALTERNATIVE ENERGY SYSTEMS

Sec. 13-1701. - ~~Landscape requirements~~ Reserved.

- (a) ~~All development within the Town shall comply with Chapter 18A of the Miami Dade County Code of Ordinances at the time of its original construction, except as may be otherwise required by the Town's Code of Ordinances.~~
- (1) ~~All plantings installed as of February 5, 2019 shall be consistent with the "Beautification Master Plan", the "Tree Management Plan", and as provided below, and follow ANSI 300 (Part 6), Planting and Transplanting Standards and ANSI Z60.1 as a Florida Grade no. 1 standard. Pursuant to this section, replanting will be required of any tree that is deemed unacceptable by the Town.~~
- (2) ~~No building permit for development and/or exterior construction shall be approved unless it is found to comply with the planting of official, approved street trees within the adjacent swale and median in conformity with the Town's adopted "Beautification Master Plan" and "Tree Management Plan" and under the Town's supervision.~~
- a. ~~Exterior construction, for purposes of this section shall mean any new construction, addition or substantial improvement to the existing structure, as defined by Florida Building Code.~~
- b. ~~All requests for permits, as defined above, shall require a tree disposition survey prepared by a professional surveyor, or, if unfeasible, an initial inspection of the existing plant material both within the property and adjacent swales and medians with corresponding fees associated.~~
- c. ~~Relief from this section may be provided through the public hearing variance process, as provided in Article III.~~
- (3) ~~All tree removals shall comply with Chapter 42 of the Town of Miami Lakes Code of Ordinances, as may be amended from time to time.~~
- (b) ~~All single family and two family residences shall comply with Chapter 18A, Landscape Ordinance (see Section 13-1), and the following minimum standards.~~
- (1) ~~Trees. Each lot shall have a minimum of three yard trees in addition to those planted in swale areas, one of which shall be planted within the front yard area and comply with the criteria listed below. Shade trees shall have a minimum diameter at breast height of two inches and a minimum height of twelve feet measured at time of planting.~~
- a. ~~Two palms of twelve foot overall height or of a minimum caliper of three inches at time of planting may be substituted for only one of the three required shade trees.~~

- b. ~~For new development, front yard trees shall comply with the species list provided at Section 13-1701(i), and a minimum of at least one front yard tree shall be a hardwood.~~
 - c. ~~Existing nonconforming properties which have legally permitted improvements that prevent them from complying with the minimum landscape standards shall be allowed to remain as is. However, where planting is possible within the front yard, it shall be required that the tree be chosen from Section 13-1701(i) or Section 13-17(h). The existing landscape area of nonconforming properties shall not be reduced any further. Relief from this section may be provided through an administrative variance.~~
- (2) ~~Landscaped areas shall comprise a minimum of 40 percent of the required front yard setback. A minimum of 50 percent of the balance of the total required setback area for the main residence shall be landscaped. Landscaping can include all natural native plant materials including grass, ground cover, flowers, shrubs, hedges and others including xeriscape. Impervious areas, including brick pavers set in sand, will not be considered landscaped.~~
 - (3) ~~Shrubs. Each lot shall have, within the landscaped areas thereof, no less than ten shrubs of a minimum of 18 inches in height when measured immediately after planting, per required lot tree.~~
 - (4) ~~Hedges.~~
 - a. ~~Hedges shall not be permitted parallel to the front, side or rear street property line within the required front, side or rear street required yards except as provided in this section.~~
 - b. ~~Within a required yard, a hedge shall include any plant grouping, parallel to a property line, that is greater than ten feet in length or which is less than ten feet from any other plant grouping. A plant grouping shall include, but not be limited to, plant materials such as, grasses, ground covers, shrubs, vines, trees and rocks.~~
 - c. ~~In zero lot line developments, where a side and/or rear yard faces a street, a hedge shall be permitted, with a zero setback, along the required side and rear yard property line facing a street, set back a minimum of 20 feet from the front property line. Any such hedge shall comply with the corner visibility requirements in Subsection (h).~~
 - d. ~~In non-zero lot line developments, where a side and/or rear yard faces a street, a hedge shall be permitted, with a zero setback, along the required side and rear property line facing a street, provided that:~~
 - 1. ~~The property is located in one of the following two areas:~~
 - ~~West of the Palmetto Expressway and north of NW 154th Street; or~~
 - ~~West of the Palmetto Expressway, south of 154th Street and west of NW 87th Avenue.~~
 - 2. ~~The hedge shall be set back a minimum of 25 feet from the front property line.~~

- ~~3. Any such hedge shall comply with the corner visibility requirements in Subsection (h).~~
- ~~e. The maximum height of hedges located within a required yard, as may be otherwise allowed by this section, shall not exceed six feet with the following exceptions:~~
 - ~~1. For waterfront properties, hedges located waterward of the top of the slope or tie line shall not exceed a height of two and one-half feet.~~
 - ~~2. Hedges that are within a required street side yard or required rear yard along a street, and facing arterial or collector roadways shall have a maximum height of ten feet. Hedges that are within a required street side yard or required rear yard along a street, and facing a local street shall have a maximum height of eight feet. Hedges facing state roadways shall not have a height limit but must be maintained neat and trimmed.~~
 - ~~3. Hedges along the side property lines within the required front yard shall not exceed a height of two and one-half feet.~~
 - ~~4. Where a single family or two family property has a common lot line that is shared with a property that includes a single family or two family structure of two or more stories, the maximum hedge height along that common property line within the required yard shall be eight feet; provided, however, the height limitation of hedges along a side property line within the required front yard as specified in Subsection (a)(4)e.3. shall apply.~~
 - ~~5. Height between different districts. Where an RU District abuts another district, a hedge on the RU property may be erected or maintained on the common property line at the height permitted in the abutting district.~~
- ~~f. Hedges for waterfront properties:~~
 - ~~1. Hedges along the side property lines shall not be permitted within ten feet of the water's edge. The water's edge is defined as the average high groundwater elevation.~~
 - ~~2. Hedges shall not be permitted to be placed parallel to the water's edge waterward of the top of the slope.~~
 - ~~3. Landscaping or hedges waterward of the top of slope but landward of the water's edge are allowed; however, hedges or plant groupings shall be placed no closer than ten feet from the water's edge. No hedge or plant groupings shall exceed two and one-half feet in height waterward of the top of the slope. Fences, wall[s] or rocks arranged to form a fence or wall or objects which restrict access or block views from adjacent properties are not permitted beyond the top of the slope toward the lake, or waterside of the survey tie line.~~
- ~~(5) All existing hedges that do not comply with the above regulations shall either be removed if no longer permitted or trimmed to comply with the maximum height requirements.~~

- ~~(6) All planted materials shall be maintained, trimmed and irrigated as required to maintain a neat and safe landscape environment. If any tree or plant which is being used to satisfy current landscaping requirements dies, such tree or plant shall be replaced with the same landscape material of the same size.~~
- ~~(c) Existing properties that comply with these regulations shall not be permitted to construct any improvement which would reduce the existing landscaped area below the minimum required by these regulations unless a variance to these regulations is granted.~~
- ~~(d) All other existing conforming properties shall not be permitted to construct any improvement which would reduce the existing landscaped area below the minimum required by these regulations unless a variance to these regulations is granted.~~
- ~~(e) Hatracking of trees shall be prohibited. Hatracking is defined as flat cutting the top of a tree, severing the leader or leaders, or the removal of any branch three inches or greater in diameter at any point other than the branch collar.~~
- ~~(f) The swale areas shall be maintained by the abutting property owner. No structures or improvements of any kind, with the exception of mailboxes approved by the United States Postal Service, sod, annuals or perennials, driveway approaches and shade trees approved by the Town, shall be permitted within the swale areas.~~
- ~~(1) Trees planted in the swale area are the property of the Town and may not be removed or trimmed by the abutting property owner without approval of the Town.~~
- ~~(2) Requests for tree removal within the swale area shall be made pursuant to Article 42 of the Town's Code of Ordinances, as may be amended from time to time.~~
- ~~(g) Ornamental landscape features such as statues or fountains less than four feet high and decorative ponds less than 24 inches deep are permitted as accessory structures within any required yard.~~
- ~~(h) Corner visibility. No hedge, shrub or planting which obstructs sight lines at elevations between 2.5 and eight feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the outer edge of the paved streets extended and a line connecting them at points 25 feet from the intersection of the extended street lines. The same height sight line limitations shall apply on any lot within ten feet from the intersection of a street right-of-way line with the edge of a driveway pavement. No tree shall be permitted to remain within such distances or such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. Waivers of the corner visibility requirements may be administratively approved by the Public Works Director.~~
- ~~(i) List of approved shade trees. Trees denoted with "*" are native species.~~
- ~~(1) Hardwood Canopy Trees.~~
- ~~a. *Live Oak/Quercus virginiana.~~
- ~~b. Japanese Fern tree/Filicium decipiens.~~
- ~~c. *Gumbo Limbo/Bursera simaruba.~~
- ~~d. *Green Buttonwood/Conocarpus erectus.~~

- e.—~~Golden Shower/Cassia fistula.~~
- f.—~~Floss Silk/Chorisia speciosa.~~
- g.—~~Beauty Leaf/Calophyllum brasiliense.~~
- h.—~~*East Palakta Holly/Ilex Attenuata.~~
- i.—~~*Ironwood/Krugiodendron ferreum.~~
- j.—~~*Pigeon Plum/Coccoloba diversifolia.~~
- k.—~~*Wild Tamarind/Lysiloma latisliqua.~~
- l.—~~*Satin Leaf/Chrysophyllum oliveforme.~~
- m.—~~*Paradise tree/Simarouba glauca.~~
- n.—~~*Allspice tree/Pimenta dioica.~~
- o.—~~Golden Rain tree/Koelreuteria paniculate.~~
- p.—~~Pink Trumpet/Tabebuia heterophylla.~~
- q.—~~Jacaranda/Jacaranda mimosifolia.~~
- r.—~~Japanese blueberry/Elaeocarpus decipiens.~~

(2)—~~Palm Trees.~~

- a.—~~Alexander Palm/Ptychosperma elegans.~~
- b.—~~Bismark Palm/Bismarkia nobilis.~~
- e.—~~Canary Island Date/Phoenix canariensis.~~
- d.—~~Hurricane Palm/Dietyosperma album.~~
- e.—~~*Paurotis Palm/Acoelorrhaphe wrightii.~~
- f.—~~*Sabal Palm/Sabal palmetto.~~
- g.—~~Senegal Island Date/Phoenix reclinata.~~
- h.—~~Red or Blue Latan/Iatania lontaroides.~~
- i.—~~Sylvestris Palm/Phoenix sylvestris.~~

~~(LDC 2008, Div. 7.1; Ord. No. 08-102, § 2(Div. 7.1), 6-17-2008; Ord. No. 13-156, § 3, 4-23-2013; Ord. No. 16-195, § 2, 9-6-2016; Ord. No. 19-235, § 3(Exh. A), 2-5-2019)~~

Sec. 13-1703 thru 13-1709 - Reserved

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DIVISION 2. – LANDSCAPE REGULATIONS

Sec. 13-1710. – Short title and applicability.

(A) [Title.] This division shall be known and may be cited as the "Town of Miami Lakes Landscape Ordinance".

(B) Applicability. - All development within the Town shall comply with either this division or Chapter 18A of the Miami-Dade County Code of Ordinances at the time of its original construction, except as may be otherwise required by the Town's Code of Ordinances.

(a) All plantings installed as of February 5, 2019 shall be consistent with the "Beautification Master Plan", the "Tree Management Plan", and as provided below, and follow ANSI 300 (Part 6), Planting and Transplanting Standards and ANSI Z60.1 as a Florida Grade no. 1 standard. Pursuant to this section, replanting will be required of any tree that is deemed unacceptable by the Town.

(b) No building permit for development and/or exterior construction shall be approved unless it is found to comply with the planting of official, approved street trees within the adjacent swale and median in conformity with the Town's adopted "Beautification Master Plan" and "Tree Management Plan" and under the Town's supervision.

(1) Exterior construction, for purposes of this section shall mean any new construction, addition or substantial improvement to the existing structure, as defined by Florida Building Code.

(2) All requests for permits, as defined above, shall require a tree disposition survey prepared by a professional surveyor, or, if unfeasible, an initial inspection of the existing plant material both within the property and adjacent swales and medians with corresponding fees associated.

(3) Relief from this section may be provided through the public hearing variance process, as provided in Article III.

(c) All tree removals shall comply with Chapter 42 of the Town of Miami Lakes Code of Ordinances, as may be amended from time to time.

Section 13.1711. – Purpose and Intent

It is the intent of this division to establish minimum landscape standards for the Town of Miami Lakes that enhance, improve and maintain the quality of the landscape, and to:

(A) Promote Florida Friendly landscaping principles through the use of drought-tolerant plant species, grouping of plant material by water requirements, the use of irrigation systems that conserve the use of potable and non-potable water supplies and restrictions on the amount of lawn areas. Florida Friendly landscape principles also promote planting the right plant in the right place and appropriate fertilization and mulching.

(B) Use landscape material, specifically street trees, to visually define the hierarchy of roadways, and to provide shade and a visual edge along roadways.

(C) Prevent the destruction of the community's existing tree canopy and promote its expansion.

(D) Provide for the preservation of existing natural forest communities and specimen sized trees in conformance with Miami Dade County Section 24-60, as may be amended from time to time; re-establish native habitat where appropriate and encourage the appropriate use of native plant material in the landscape.

(E) Promote the use of trees and shrubs for energy conservation by encouraging cooling through the provision of shade and the channeling of breezes, thereby helping to offset global warming and local heat island effects through the added absorption of carbon dioxide and reduction of heat islands.

(F) Contribute to the processes of air movement, air purification, oxygen regeneration, ground water recharge, and stormwater runoff retention, while aiding in the abatement of noise, glare, heat, air pollution and dust generated by major roadways and intense use areas.

(G) Improve the aesthetic appearance of commercial, industrial and residential development through the use of plant material, thereby protecting and increasing property values within the community, and protecting designated historic landscapes.

(H) Reduce the negative impacts of exotic pest plant species and prohibit the use of noxious exotic plants which invade native plant communities.

(I) Promote the use of trees to protect and buffer the effects of high winds on structures.

(J) Promote the concept of planting the right tree or plant in the right place to avoid problems such as clogged sewers, cracked sidewalk and power services interruptions.

Section 13.1712 – Definitions.

The definitions contained in Chapters 1, 13, and 42 of the Code of the Town of Miami Lakes shall apply to this chapter except as otherwise changed herein:

Accessways: The maximum width of an accessway through the perimeter landscaped strip to an off-street parking or other vehicular use area shall be determined according to the Public Works Manual, Part I, Standard Details. No more than one (1) two-way accessway shall be permitted or any street frontage up to one hundred (100) lineal feet or no more than two (2) one-way accessways shall be permitted for any street frontage up to one hundred (100) lineal feet, such standards to be applicable to any property under one (1) ownership. Where such ownership involves over one hundred (100) feet of street frontage, one (1) additional two-way or two (2) additional one-way drives may be permitted for each additional one hundred (100) feet of frontage or major fraction thereof. The balance of such street frontage not involved with accessways shall be landscaped in accordance with the provisions of this chapter.

ANSI A300 Standards: Industry-developed standards of practice for tree care. Acronym for American National Standards Institute.

Automatic irrigation system: An irrigation system with a programmable controller or timing mechanism.

Bona fide agricultural activities: Land used for the growing of food crops, nurseries for the growing of landscape material, the raising of livestock, horse farms, and other good faith agricultural uses, except any portion of the property not eligible for agricultural exemption.

Buffer, perimeter landscape: An area of land which is set aside along the perimeter of a parcel of land in which landscaping is required to provide an aesthetic transition between different land uses and to eliminate or reduce the adverse environmental impact, and incompatible land use impacts.

Caliper: For trees under four (4) inches in diameter, the trunk diameter measured at a height of six (6) inches above natural grade. For trees four (4) inches and greater in diameter, the trunk diameter measured at twelve (12) inches above natural grade.

Clearance pruning: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Colonnade: A roof or building structure, extending over the sidewalk, open to the street and sidewalk, except for supporting columns or piers.

Common open space: Area required as open space under Chapter 13 for various zoning districts.

Controlled plant species: Those plant species listed in the Landscape Manual which tend to become nuisances because of their ability to invade proximal native plant communities or native habitats, but which, if located and cultivated properly may be useful or functional as elements of landscape design.

Diameter at breast height (DBH): Diameter of a tree's trunk measured at a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half (4.5) feet above natural grade.

Differential operation schedule: A method of scheduling an irrigation system to apply different quantities of water, and/or apply water at different frequencies as appropriate, for different hydrozones.

Dissimilar land uses: Proximate or directly associated land uses which are contradictory, incongruous, or discordant such as higher intensity residential, commercial or industrial uses located adjacent to lower intensity uses.

Drip line: An imaginary vertical line extending from the outermost horizontal circumference of a tree's branches to the ground.

Duplex dwelling: A residence building designed for or used as the separate homes or residences of two (2) separate and distinct families but having the appearance of a single-family dwelling house. Each individual unit in the duplex shall comply with the definition for a one-family dwelling.

Emitters: Devices which are used to control the discharge of irrigation water from lateral pipes.

Existing development: Shall mean a site with structures that were legally approved through the issuance of a certificate of use and occupancy or a certificate of completion as of the effective date of this chapter.

Energy conservation zone: A zone located no more than twenty-two (22) feet from a structure in a one hundred eighty (180) degree band from due east of the northeast point of the structure, to due south, to due west of the northwest point of the structure.

Environmentally Endangered Lands: Lands that contain natural forest, wetland or native plant communities, rare and endangered plants and animals, endemic species, endangered species habitat, a diversity of species, outstanding geologic or other natural features, or land which functions as an integral and sustaining component of an existing ecosystem.

Facultative: Plants with a similar likelihood of occurring in both wetlands and uplands, which are not recognized indicators of either wetland or upland conditions.

Florida Friendly Landscaping: Practices, materials or actions developed by the Florida Yards and Neighborhood Program that help to preserve Florida's natural resources and protect the environment.

Florida Yards and Neighborhood Program: Is a partnership of the University of Florida/Institute of Food and Agricultural Sciences, Florida's water management districts, the Florida Department of Environmental Protection, the National Estuary Program, the Florida Sea Grant College Program and other agencies, managed locally by the Miami-Dade Cooperative Extension Division of the Consumer Services Department.

Forbs: Herbaceous plants other than grasses.

Geologic feature: A natural rock or mineral formation.

Graywater: That portion of domestic sewage emanating from residential showers, residential baths, residential bathroom washbasins, or residential clothes washing machines.

Ground cover: A dense, extensive growth of low-growing plants, other than turfgrass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

Hatrack: To flat-cut the top of a tree, severing the leader or leaders, or the removal of any branch three (3) inches or greater in diameter at any point other than the branch collar.

Hazard pruning: The removal of dead, diseased, decayed, or obviously weak branches two (2) inches in diameter or greater.

Heat island: An unnaturally high temperature microclimate resulting from radiation from unshaded impervious surfaces.

Hedge: A landscape barrier consisting of a continuous, dense planting of shrubs, not necessarily of the same species.

Herbaceous plant: A plant having little or no woody tissue.

Hydromulch: A sprayed application of seed, mulch and water.

Hydrozone: A zone in which plant material with similar water needs are grouped together.

Included bark: Bark that is embedded in a crotch between a branch and trunk or between co-dominant stems, causing a weakened structure.

Irrigation detail: A graphic representation depicting the materials to be used and dimensions to be met in the installation of the irrigation system.

Irrigation plan: A plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by this chapter.

Irrigation system: A system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.

Landscape feature: Trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo, and other similar elements.

Landscape material: Plants such as grass, ground cover, forbs, shrubs, vines, hedges, trees and non-living material such as rocks, pebbles, sand, mulch, or pervious decorative paving materials.

Landscape plan: A plan indicating all landscape areas, stormwater retention/detention areas, areas which qualify to be excluded from maximum permitted lawn area, existing vegetation to be retained, proposed plant material, landscape legend, landscape features, planting specifications, and details, and all other relevant information in compliance with this chapter.

Lawn area: An area planted with lawn grasses.

Manual irrigation system: An irrigation system in which control valves and switches are manually operated rather than operated by automatic controls.

Mixed use: A mixture of land uses such as provided in Traditional Neighborhood Development (TND), Planned Area Development (PAD), and Planned Development (PD).

Moisture and rain sensor switches: Devices which have the ability to switch off an automatic irrigation controller after receiving a predetermined amount of rainfall or moisture content in the soil.

Mulch: Materials customarily used in landscape design to retard erosion, weed infestation, and retain moisture and for use in planting areas.

Multifamily residential development: Any residential development other than attached or detached single-family or duplex.

Multiple single-family developments: Attached and detached single-family developments that are planned as a total project and not as a single-family unit on a single lot.

Native habitat: An area enhanced or landscaped with an appropriate mix of native tree, shrub and groundcover species that resembles a native plant community or natural forest community in structure and composition or is naturally occurring.

Native plant species: Plant species with a geographic distribution indigenous to all or part of Miami-Dade County. Plants which are described as being native to Miami-Dade County in botanical manuals such as, but not limited to, "A Flora of Tropical Florida" by Long and Lakela, are native plant species within the meaning of this definition. Plant species which have been introduced into Miami-Dade County by man are not native plant species.

Native plant community: A natural association of plants dominated by one (1) or more prominent native plant species, or a characteristic physical attribute.

Natural Forest Community: All assemblages of vegetation designated as Natural Forest Communities on the Miami-Dade County Natural Forest Community Maps and approved by the Board of County Commissioners, pursuant to Resolution No. R-1764-84 and further defined in Section 24-5 of the Miami-Dade County Code.

Net lot area: For the purpose of this chapter, net lot area shall be the area within lot boundaries of all lands comprising the site. Net lot area shall not include any portion of the abutting dedicated streets, alleys, waterways, canals, lakes or any other such dedications.

One family dwelling: A private residence building used or intended to be used as a home or residence in which all living rooms are accessible to each other from within the building and in which the use and management of all sleeping quarters, all appliances for sanitation, cooking, ventilating, heating or lighting are designated for the use of one (1) family only.

Overhead irrigation system: A high pressure, high volume irrigation system.

Planting detail: A graphic representation of the plant installation depicting the materials to be used and dimensions to be met in the placement of plants and other landscape materials.

Prohibited plant species: Those plant species listed in the Miami-Dade Landscape Manual which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.

Shrub: A self-supporting woody perennial plant normally growing to a height of twenty-four (24) inches or greater, characterized by multiple stems and branches continuous from the base.

Site plan: A comprehensive plan drawn to scale indicating appropriate site elevations, roadways, and location of all relevant site improvements including structures, parking, other paved areas, ingress and egress drives, landscaped open space and signage.

Specimen tree: A tree with any individual trunk which has a DBH of eighteen (18) inches or greater, but not including the following:

- (1) All trees listed in Section 24-49(4)(f);
- (2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus;
- (3) Non-native species of the genus Ficus, and
- (4) All multi-trunk trees in the palm family, except Acoelorrhaphe wrightii and Phoenix reclinata which have a minimum overall height of fifteen (15) feet.

Spray head: An irrigation device which applies water to the soil or plant surface by fixed spray or mist nozzles.

Sprinkler head: a sprinkler head that provides aboveground or overhead irrigation.

Stabilized lawn area: An area of ground underlain with structural support in the form of grass pavers or stabilized soil prepared to withstand the load of intended vehicular use, such as automobiles, fire trucks and garbage trucks.

Stormwater retention/detention area: An area designed, built and used for temporary storage of stormwater. For purposes of this chapter, these areas are intended to be permanently exempt from wetland regulations.

Street Tree Master Plan: A greenprint for Miami-Dade County as adopted by the Board of County Commissioners on March 6, 2007 as may be amended from time to time.

Tree abuse: Tree abuse shall include:

(1) Damage inflicted upon any part of a tree, including the root system, by machinery, construction equipment, cambium layer penetration, storage of materials, soil compaction, excavation, chemical application or spillage, or change to the natural grade.

(2) Hatracking.

(3) Girdling or bark removal of more than one-third (1/3) of the tree diameter.

(4) Tears and splitting of limb-ends or peeling and stripping of bark resulting from improper pruning techniques not in accordance with the current ANSI A300 Standards.

Tree canopy: The aerial extent of the branches and foliage of a tree as defined by the drip line.

Temporary irrigation systems: A system including surface distribution elements (hose, pipe, etc.) which may be easily removed when landscape is established.

Understory: The complex of woody, fibrous, herbaceous and graminoid plant species that are typically associated with a natural forest community, native plant community, or native habitat.

Vegetation required to be preserved by law: Portions of a site, including but not limited to specimen trees, natural forest communities and native vegetation which are clearly delineated on site plans, plats, or recorded restrictions, or in some other legally binding manner that are to be protected from any tree or understory removal or effective destruction and maintained without any development.

Vegetation survey: A drawing provided at the same scale as the landscape plan which includes relevant information as required by this chapter.

Vehicular use area: A hard surface area designed or used for off-street parking and/or an area used for loading, circulation, access, storage, including fire trucks, garbage trucks, or display of motor vehicles.

Vine: A plant with a flexible stem which normally requires support to reach mature form.

Section 13.1713. – Plans Required

(A) General. Landscape plan(s) shall be approved by the Zoning Official and, where required pursuant to this section, an irrigation plan shall be approved by the Building Department, prior to the issuance of any building permit or paving for new parking areas or expansion of existing parking areas.

(B) Landscape plans.

(1) Owner - builder single-family or duplex dwelling: Landscape plan(s) submitted for new one (1) family or duplex dwellings may be in the form of a plot plan or drawing prepared by the owner or the owner's representative, provided however, developments,

requiring site plan approval pursuant to administrative site plan review or public hearing by Chapter 13 shall meet the requirements of subsection (2) below and Chapter 481, Florida Statutes.

(2) All other development: The landscape plan for development other than provided for in subsection (1) above, shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by Chapter 481, Florida Statutes, to prepare landscape plans or drawings. Preliminary landscape plans shall be provided as part of the submission for site plan approval and shall:

(a) Be drawn to scale and include property boundaries, north arrow, graphic scale, and date.

(b) Include a vegetation survey, including an aerial photograph which outlines the subject site, provided at the same scale as the landscape plan.

(c) Delineate existing and proposed structures, parking spaces, accessways and other vehicular use areas, sidewalks, utilities, easements, height and voltage of power lines on the property or adjacent property.

(d) Indicate the common and scientific name and quantity of plants to be installed using "Landscape Legend" code format as prescribed by the Director of the Department of Planning and Zoning.

(e) Identify all landscape features and non-living landscape materials.

(f) Show all areas of vegetation required to be preserved by law, including but not limited to trees, specimen trees, native plant species, Natural Forest Communities, native habitats and wetlands.

(g) Illustrate geologic, historic and archeological features to be preserved.

(h) Depict stormwater retention/detention areas and areas excluded from maximum permitted lawn area.

(i) Document zoning district, net lot area, required open space, and maximum permitted lawn area.

(j) Show building coverage and the location and dimension of greenbelt and water areas proposed for business and industrial zones, if required by Chapter 33.

(k) Complete "Preparer's Certification of Landscape Compliance."

(3) Final landscape plans submitted for permit shall include all of the above, as well as the following:

- (a) A fully completed, permanently affixed "Landscape Legend" as prescribed by the Director of the Department of Planning and Zoning.
- (b) Critical layout dimensions for trees, plant beds and landscape features.
- (c) Method(s) to protect and relocate trees and native plant communities during construction.
- (d) Planting details and specifications.
- (e) Irrigation plans, as required by the zoning district.
- (f) Irrigation details and specifications, as required above.
- (g) Notarized "Preparer's Certification of Landscape Compliance" at time of final inspection."

(C) Vegetation survey. A vegetation survey shall be provided for all sites at the same scale as the landscape plan. The vegetation survey shall be accompanied by an aerial photograph which outlines the subject site without obscuring its features. Surveys shall be verified by the Administrative Official and shall provide the following information:

- (1) The accurate location and graphic representation, in relation to existing development, of all existing trees of a minimum two-inch DBH or ten-foot height or, for native trees, of a minimum one and one-half (1½) DBH or eight-foot height, including those which are proposed to be removed, relocated or preserved on site in accordance with the requirements of this Division.
- (2) The boundaries of any native habitat, native plant community, native plant species, and/or Natural Forest Community and associated understory that exists on site, as determined by the Department of Environmental Resources Management.
- (3) A table showing the following information:
 - (a) The scientific and common name of each tree, each of which shall be numbered.
 - (b) The diameter at breast height (DBH) of each tree, or if a multiple trunk tree, the sum DBH for all trunks.
 - (c) An estimate of the height, canopy cover, and physical condition of each tree, and whether specimen tree(s) exist on site.

(D) Irrigation plans. An irrigation plan shall be submitted if a sprinkler system is required by this Division, Chapter 13 or where an irrigation system is to be provided regardless of code

requirements. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.

(1) For a new one-family or duplex dwelling the irrigation plan may be indicated on a plot plan or a separate drawing prepared by the owner or the owner's agent indicating area(s) to be irrigated, location and specifications of lines and heads and pump specifications.

(2) All other development other than those provided in a subsection (1) above shall:

(a) Be drawn on a base plan at the same scale as landscape plan(s).

(b) Delineate landscape areas, major landscape features, and hydrozones.

(c) Delineate existing and proposed structures, parking areas or other vehicular use areas, access aisles, sidewalks, driveways, the location of utilities and easements, and similar features,

(d) Include water source, design operating pressure and flow rate per zone, total volume required for typical depths of application, and application rate.

(e) Include locations of pipes, controllers, valves, sprinklers, back flow prevention devices, rain switches or soil moisture sensors, and electrical supply.

(f) Irrigation details.

Sec. 13.1714. - Tree removal and preservation.

Tree removal permits or natural forest community vegetation removal permits are required prior to the removal of trees, specimen trees, or any vegetation in a natural forest community, respectively, pursuant to Chapter 42 of this Code of Ordinances.

Sec. 13.1715. - Minimum standards.

The following standards shall be considered minimum requirements unless otherwise indicated:

(A) Lawn area (turf).

(1) Grass areas shall be planted in species well adopted to localized growing conditions in Miami-Dade County. Grass areas may be sodded, plugged, sprigged, hydromulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used, overseeding shall be sown for immediate effect and protection until coverage is otherwise achieved.

(2) Exclusions from maximum permitted lawn areas:

- (a) Stabilized grassed area used for parking;
 - (b) Grassed areas designated on landscape plans and actively used for sports, playgrounds or picnic areas;
 - (c) Grassed areas in the right-of-way;
 - (d) Stormwater retention/detention areas planted in grasses which are very drought tolerant, as referenced in the Landscape Manual, as well as tolerant to wet soils.
- (3) The maximum amount of lawn area for residential and mixed uses shall be limited to a maximum of sixty (60) percent of the landscaped open space required. Lawn areas in rear yards of single-family, zero lot, duplex and townhome developments may substitute natural lawn material with artificial turf in accordance with the provisions of Sec. 13.1717. Lawn areas in commercial, office and industrial zones shall be limited to a maximum of twenty (20) percent of the open space required. Very drought tolerant grasses and low growing native plant species, including grasses and forbs, as referenced in the Landscape Manual, may be used as groundcover beyond the maximum permitted grass area.
- (B) Irrigation.
 - (1) All newly-planted and relocated plant material shall be watered by temporary or permanent irrigation systems until such time as they are established and subsequently on as-needed basis to prevent stress and die-off in compliance with existing water use restrictions.
 - (2) Irrigation shall be prohibited within native plant communities and natural forest communities, except for temporary systems needed to establish newly planted material. Temporary irrigation systems shall be disconnected immediately after establishment of plant communities.
 - (3) Irrigation systems shall be designed, operated and maintained to:
 - (a) Meet the needs of all the plants in the landscape.
 - (b) Conserve water by allowing differential operation schedules based on hydrozone.
 - (c) Consider soil, slope and other site characteristics in order to minimize water waste, including overspray or overflow on to impervious surfaces and other non-vegetated areas, and off-site runoff.
 - (d) Minimize free flow conditions in case of damage or other mechanical failure.
 - (e) Use low trajectory spray heads, and/or low volume water distributing or application devices.
 - (f) Maximize uniformity, considering factors such as:

- (1) Emitters types,
- (2) Head spacing,
- (3) Sprinkler pattern, and
- (4) Water pressure at the emitter.

(g) Use the lowest quality water feasible (graywater shall be used where approved systems are available).

(h) Rain switches or other devices, such as soil moisture sensors, shall be used with automatic controls to operate only during hours and on days permitted under Chapter 32 of the Code of Miami-Dade County.

(i) Where feasible, drip irrigation or micro-sprinklers shall be used.

(4) During dry periods, irrigation application rates of between one (1) and one and one-half (1½) inches per week are recommended for turf areas.

(5) If an irrigation system is not provided, a hose bib shall be provided within seventy-five (75) feet of any landscape area.

(C) Trees.

(1) Tree size. All trees, except street trees, shall be a minimum of ten (10) feet high and have a minimum caliper of two (2) inches at time of planting except that thirty (30) percent of the tree requirement may be met by native species with a minimum height of eight (8) feet and a minimum caliper of one and one-half (1½) inches at time of planting.

(2) Street tree size and spacing. Street trees shall be of a species typically grown in Miami-Dade County which normally mature to a height of at least twenty (20) feet. Street trees shall have a clear trunk of four (4) feet, an overall height of twelve (12) feet and a minimum caliper of two (2) inches at time of planting, and shall be provided along all roadways at a maximum average spacing of thirty-five (35) feet on center, except as otherwise provided in this chapter. Street trees are not required when a colonnade open to the public is located within four (4) feet of the edge of the roadway. The thirty-five (35) foot average spacing requirement for multiple single-family units such as zero-lot-line and townhouse shall be based on the total lineal footage of roadway for the entire project and not based on individual lot widths. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the Public Works Department or the appropriate authority within the municipality. Street trees planted along private roadways shall be placed within seven (7) feet of the edge of roadway pavement and/or where present within seven (7) feet of the sidewalk.

(3) Power lines. Where the height and location of overhead powerlines requires the planting of low growing trees, street trees shall have a minimum height of eight (8) feet, a minimum caliper of one and one-half (1½) inches at time of planting, and shall meet the following requirements:

(a) Single trunk trees clear of lateral branches to four (4) feet and/or multi-trunk trees or tree/shrubs, as referenced in Miami-Dade Landscape Manual, cleared of foliage to a height of four (4) feet.

(b) A maximum average spacing of twenty-five (25) feet on center.

(c) Maturing to a height and spread not encroaching within five (5) feet of overhead power distribution lines.

(d) Under high voltage (50kV and above) transmission lines installed independent of underbuilt distribution lines, tree height and spread shall not exceed the minimum approach distances specified in the current ANSI (American National Standards Institute) Z133.1 Standards, as referenced in the Landscape Manual.

(4) Palms. Palms which meet all of the following requirements shall count as a required street tree on the basis of one (1) palm per tree.

(a) Minimum canopy of fifteen (15) feet at maturity.

(b) Provided at an average maximum spacing of twenty-five (25) feet on center.

(c) Fourteen-foot minimum overall height or minimum caliper of four (4) inches at time of planting.

It is provided however that queen palms (Syagrus romanzoffiana) shall not be allowed as street trees.

(5) Minimum number of trees. The minimum number of required trees, in addition to street trees, is referenced in Table A.

<u>LAND USE OR ZONING DISTRICT</u>	<u>NUMBER OF TREES REQUIRED</u>	
	<u>Per Acre of Net Lot Area</u>	<u>Per Lot</u>
<u>SINGLE FAMILY RESIDENTIAL AND DUPLEX</u>	<u>=</u>	<u>3</u>
<u>TOWN HOUSE</u>	<u>28</u>	<u>=</u>

<u>MULTI-FAMILY RESIDENTIAL</u>	<u>28</u>	=
<u>OFFICE</u>	<u>28</u>	=
<u>COMMERCIAL</u>	<u>22</u>	=
<u>INDUSTRIAL</u>	<u>22</u>	=
<u>All Other Zoning Districts</u>	<u>28</u>	=

(6) Grassed areas that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating tree requirements.

(7) Trees shall be planted to provide shade to residential structures of a height of thirty-five (35) feet or less. At least two (2) required lot trees shall be positioned in the energy conservation zone as defined herein. All exterior air conditioning units, except for air conditioning units placed on the roof, shall be shaded by trees and/or shrubs as referenced in the Landscape Manual.

(8) Palms of a ten-foot minimum overall height or minimum caliper of three (3) inches at time of planting shall count as a required tree on the basis of two (2) palms-per tree, except as provided herein for palms used as of street trees. No more than thirty (30) percent of the minimum tree requirements may be met by palms.

(9) Existing trees required by law to be preserved on site and that meet the requirements of Section 13.1715 (C), may be counted toward fulfilling the minimum tree requirements.

(10) Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.

(11) Of the required trees at least:

(a) Thirty (30) percent shall be native species; and

(b) Fifty (50) percent shall be low maintenance and drought tolerant; and

(c) No more than thirty (30) percent shall be palms.

(12) Eighty (80) percent of the trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

(13) In order to prevent adverse environmental impacts to existing native plant communities, cabbage palms (Sabal palmetto) that are harvested from the wild shall not be used to satisfy minimum landscaping requirements. Only existing cabbage palms, which are rescued from government approved donor sites, transplanted within the site, or commercially grown from seed shall be counted towards the minimum tree and native plant requirements.

(14) When trees are planted within the right-of-way, the owners of land adjacent to the areas where street trees are planted must maintain those areas including the trees, plants and sod, using pruning methods specified in this Code. A covenant executed by those owners is required, or a special taxing district must be created to maintain these areas. Where the Administrative Official determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, they may require that said trees and landscape material be placed on private property.

(15) Consideration shall be given to the selection of trees, plants and planting site to avoid serious problems such as clogged sewers, cracked sidewalks, and power service interruptions.

(D) Shrubs.

(1) All shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Shrubs shall be provided at ratio of ten (10) per required tree. Of the provided shrubs at least:

(a) Thirty (30) percent shall be native species; and

(b) Fifty (50) percent shall be low maintenance and drought tolerant; and

(c) Eighty (80) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

(2) When used as a visual screen, buffer, or hedge, shrubs shall be planted at a maximum average spacing of thirty (30) inches on center or if planted at a minimum height of thirty-six (36) inches, shall have a maximum average spacing of forty-eight (48) inches on center and shall be maintained so as to form a continuous, unbroken and solid visual screen within one (1) year after time of planting. Shrubs used as a buffer, visual screen, or hedge need not be of the same species.

(E) Vines. Vines shall be a minimum of twelve (12) inches in length immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. Planting of perimeter walls with vines is recommended as a deterrent to painting of graffiti.

(F) Ground covers. Ground cover plants used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

(G) Mulch.

(1) Mulches shall be applied and maintained in accordance with the most recent edition of the Florida Yards and Neighborhoods Handbook titled "A Guide to Florida Friendly Landscaping" by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) and available online at <http://www.floridayards.org/landscape/FYN-Handbook.pdf>.

(2) Cypress mulch shall not be used because its harvest degrades cypress wetlands.

(H) Buffers between dissimilar land uses. Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a buffer consisting of a six (6) foot wall or fence with a life expectancy of at least ten (10) years, or shrubs which normally grow to a minimum height of six (6) feet. Where chain link fencing is used, shrubs shall also be required. Shrubs used as a buffer shall be a minimum of thirty (30) inches in height at time of planting, and shall be planted at a maximum average spacing of thirty-six (36) inches on center, or a minimum of thirty-six (36) inches in height at time of planting and planted at a maximum average spacing of forty-eight (48) inches on center. Said buffer shall form a continuous screen between the dissimilar land uses within one (1) year after planting. Buffers screening dissimilar uses shall include trees planted at a maximum average spacing of thirty-five (35) feet on center within a minimum five (5) foot landscaped strip.

(I) Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3) foot high wall with a seven (7) foot landscaped strip incorporating said planting and/or wall on private property. Planting material at time of planting shall be either a minimum height of eighteen (18) inches with a maximum average spacing of thirty (30) inches on center, or a minimum height of thirty-six (36) inches with a maximum average spacing of forty-eight (48) inches on center.

(J) Landscaped areas in parking lots. Ten (10) square feet of landscaped area per parking space shall be provided within a parking lot. In order to maximize the distribution of shade, trees shall be planted throughout the interior of the parking lot at a minimum density of one (1) tree per eighty (80) square feet of landscaped area, exclusive of parking lot buffers. Planting areas for each tree shall have a minimum width of five (5) feet, exclusive of the curb dimension, and shall be planted or covered with other landscape materials. This requirement is in addition to any applicable required open space as provided in Chapter 13 of this Code of Ordinances.

(K) Plant quality.

(1) Plants installed pursuant to this Code shall conform to, or exceed, the minimum standards for Florida Number One as provided in the most current edition of "Grades and Standards for Nursery Plants, Part I and II," prepared by the State of Florida Department of Agriculture and Consumer Services.

(2) Trees installed pursuant to this Code shall have one (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.

(L) Stormwater retention/detention areas.

(1) Stormwater retention/detention areas shall be designed to maximize the perimeter dimension, where feasible.

(2) Stormwater retention/detention areas shall be planted throughout with native herbaceous facultative plants, with the following exceptions:

(a) In areas that are designated and actively used for play and/or picnic areas, overflow parking, or sports shall be planted with grasses which are very drought tolerant, as referenced in the Landscape Manual, as well as tolerant to wet soils.

(b) In areas where the minimum required stormwater retention capacity would be adversely affected.

(3) The minimum required number of native herbaceous facultative plants shall be one (1) plant per square foot of retention/ detention area, including the slope. Minimum required herbaceous plant container size shall be one and one-half (1½) inches, commonly, referred to as a liner. Sprigging, seeding, plugging, hydro-mulching or sodding with native herbaceous facultative plants grown from local seed sources may be used in lieu of liners. Herbaceous plants shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

(4) Native facultative trees or shrubs may be used in lieu of native herbaceous facultative plants, provided that the minimum required stormwater retention capacity is not adversely affected.

(M) All single-family and two-family residences shall comply with all sections of this division, and the following minimum standards.

(a) Trees. Each lot shall have a minimum of three (3) yard trees in addition to those planted in swale areas, one of which shall be planted within the front yard area and comply with the criteria listed below. Shade trees shall have a minimum diameter at breast height of two inches and a minimum height of twelve feet measured at time of planting.

1. Two palms of twelve-foot overall height or of a minimum caliper of three inches at time of planting may be substituted for only one of the three required shade trees.

2. For new development, front yard trees shall comply with the species list provided at Section 13-1701(i), and a minimum of at least one front yard tree shall be a hardwood.

3. Existing nonconforming properties which have legally permitted improvements that prevent them from complying with the minimum landscape standards shall be allowed to remain as is. However, where planting is possible within the front yard, it shall be required that the tree be chosen from subsection (9). The existing landscape area of nonconforming properties shall not be reduced any further. Relief from this section may be provided through an administrative variance.

(b) Landscaped areas shall comprise a minimum of 40 percent of the required front yard setback. A minimum of 50 percent of the balance of the total required rear and side setback areas for the main residence shall be landscaped. Landscaping can include all-natural native plant materials including grass, ground cover, flowers, shrubs, hedges and others including xeriscape. Gravel and decorative rocks may be used on 20 percent or less of the required landscaped areas in any setback. Lawn areas in rear yards of single-family, zero lot, duplex and townhome developments may substitute natural lawn material with artificial turf in accordance with the provisions of Sec. 13.1717. Impervious areas, including brick pavers set in sand, will not be considered landscaped.

(c) Shrubs. Each lot shall have, within the landscaped areas thereof, no less than ten shrubs of a minimum of 18 inches in height when measured immediately after planting, per required lot tree.

(d) Hedges.

1. Hedges shall not be permitted parallel to the front, side or rear street property line within the required front, side or rear street required yards except as provided in this section.

2. Within a required yard, a hedge shall include any plant grouping, parallel to a property line, that is greater than ten feet in length or which is less than ten feet from any other plant grouping. A plant grouping shall include, but not be limited to, plant materials such as, grasses, ground covers, shrubs, vines, trees and rocks.

3. In zero lot line developments, where a side and/or rear yard faces a street, a hedge shall be permitted, with a zero setback, along the required side and rear

yard property line facing a street, set back a minimum of 20 feet from the front property line. Any such hedge shall comply with the corner visibility requirements in Subsection (h).

4. In non-zero lot line developments, where a side and/or rear yard faces a street, a hedge shall be permitted, with a zero setback, along the required side and rear property line facing a street, provided that:

a. The property is located in one of the following two areas:

i. West of the Palmetto Expressway and north of NW 154th Street;
or

ii. West of the Palmetto Expressway, south of 154th Street and west of NW 87th Avenue.

b. The hedge shall be set back a minimum of 25 feet from the front property line.

c. Any such hedge shall comply with the corner visibility requirements in Subsection (8).

5. The maximum height of hedges located within a required yard, as may be otherwise allowed by this section, shall not exceed six feet with the following exceptions:

a. For waterfront properties, hedges located waterward of the top of the slope or tie line shall not exceed a height of two and one-half feet.

b. Hedges that are within a required street side yard or required rear yard along a street and facing arterial or collector roadways shall have a maximum height of ten feet. Hedges that are within a required street side yard or required rear yard along a street and facing a local street shall have a maximum height of eight feet. Hedges facing state roadways shall not have a height limit but must be maintained neat and trimmed.

c. Hedges along the side property lines within the required front yard shall not exceed a height of two and one-half feet.

d. Where a single family or two family property has a common lot line that is shared with a property that includes a single family or two family structure, the maximum hedge height along that common property line within the required interior and rear yard shall be eight feet; provided, however, the height limitation of hedges along a side property line within the required front yard as specified in Subsection (a)(4)e.3. shall apply.

e. Height between different districts. Where an RU District abuts another district, a hedge on the RU property may be erected or maintained on the common property line at the height permitted in the abutting district.

6. Hedges for waterfront properties.

a. Hedges along the side property lines shall not be permitted within ten feet of the water's edge. The water's edge is defined as the average high groundwater elevation.

b. Hedges shall not be permitted to be placed parallel to the water's edge waterward of the top of the slope.

c. Landscaping or hedges waterward of the top of slope but landward of the water's edge are allowed; however, hedges or plant groupings shall be placed no closer than ten feet from the water's edge. No hedge or plant groupings shall exceed two and one-half feet in height waterward of the top of the slope. Fences, wall[s] or rocks arranged to form a fence or wall or objects which restrict access or block views from adjacent properties are not permitted beyond the top of the slope toward the lake, or waterside of the survey tie line.

(e) All existing hedges that do not comply with the above regulations shall either be removed if no longer permitted or trimmed to comply with the maximum height requirements.

(f) All planted materials shall be maintained, trimmed and irrigated as required to maintain a neat and safe landscape environment. If any tree or plant which is being used to satisfy current landscaping requirements dies, such tree or plant shall be replaced with the same landscape material of the same size.

(N) Existing properties that comply with these regulations shall not be permitted to construct any improvement which would reduce the existing landscaped area below the minimum required by these regulations unless a variance to these regulations is granted.

(O) All other existing conforming properties shall not be permitted to construct any improvement which would reduce the existing landscaped area below the minimum required by these regulations unless a variance to these regulations is granted.

(P) Hatracking of trees shall be prohibited. Hatracking is defined as flat-cutting the top of a tree, severing the leader or leaders, or the removal of any branch three inches or greater in diameter at any point other than the branch collar.

(Q) The swale areas shall be maintained by the abutting property owner. No structures or improvements of any kind, with the exception of mailboxes approved by the United States Postal

Service, sod, annuals or perennials, driveway approaches and shade trees approved by the Town, shall be permitted within the swale areas.

(a) Trees planted in the swale area are the property of the Town and may not be removed or trimmed by the abutting property owner without approval of the Town.

(b) Requests for tree removal within the swale area shall be made pursuant to Article 42 of the Town's Code of Ordinances, as may be amended from time to time.

(R) Ornamental landscape features such as statues or fountains less than four feet high and decorative ponds less than 24 inches deep are permitted as accessory structures within any required yard.

(S) Corner visibility. No hedge, shrub or planting which obstructs sight lines at elevations between 2.5 and eight feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the outer edge of the paved streets extended and a line connecting them at points 25 feet from the intersection of the extended street lines. The same height sight-line limitations shall apply on any lot within ten feet from the intersection of a street right-of-way line with the edge of a driveway pavement. No tree shall be permitted to remain within such distances or such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. Waivers of the corner visibility requirements may be administratively approved by the Public Works Director.

Sec.13.1716 - List of approved shade trees. Trees denoted with "*" are native species.

(a) Hardwood Canopy Trees.

1. *Live Oak/Quercus virginiana.
2. Japanese Fern tree/Filicium decipiens.
3. *Gumbo Limbo/Bursera simaruba.
4. *Green Buttonwood/Conocarpus erectus.
5. Golden Shower/Cassia fistula.
6. Floss Silk/Chorisia speciosa.
7. Beauty Leaf/Calophyllum brasiliense.
8. *East Palakta Holly/Ilex Attenuata.
9. *Ironwood/Krugiodendron ferreum.
10. *Pigeon Plum/Coccoloba diversifolia.
11. * Wild Tamarind/Lysiloma latisliqua.
12. * Satin Leaf/Chrysophyllum oliveforme.
13. * Paradise tree/Simarouba glauca.
14. * Allspice tree/Pimenta dioica.
15. Golden Rain tree/Koelreuteria paniculate.
16. Pink Trumpet/Tabebuia heterophylla.
17. Jacaranda/Jacaranda mimosifolia.
18. Japanese blueberry/Elaeocarpus decipiens.

(b) Palm Trees.

1. Alexander Palm/Ptychosperma elegans.
2. Bismark Palm/Bismarkia nobilis.
3. Canary Island Date/Phoenix canariensis.
4. Hurricane Palm/Dictyosperma album.
5. *Paurotis Palm/Acoelorrhaphe wrightii.
6. * Sabal Palm/Sabal palmetto.
7. Senegal Island Date/Phoenix reclinata.
8. Red or Blue Latan/latania lontaroides.
9. Sylvestris Palm/Phoenix sylvestris.

Sec. 13.1717. - Artificial turf.

(a) The use and location of artificial turf shall be limited to the following:

- (1) The construction of non-city-owned athletic fields and playgrounds associated with a non-city-owned community center, park, school, or university;
- (2) As part of the construction of any nonresidential development;
- (3) On roof top terraces;
- (4) On residential lots in the rear setback and side setback three feet from any interior property line; or
- (5) In multifamily residential developments as part of a recreation or amenity area three feet from any interior property line.

(b) Artificial turf proposed under the provision of subsection (a) above shall only be installed upon approval of a zoning permit issued by the Zoning Official.

(c) In all areas of installation, artificial turf shall be treated as impervious surface area. The quantity of artificial turf to be incorporated into a project shall be limited by the maximum percentage of impervious surface for the subject property within the applicable zoning district.

(d) With the exception of those circumstances in which artificial turf is installed pursuant to subsection (a) above, artificial turf shall not be:

- (1) A part of any landscape buffers required by this article;
- (2) Visible from a road or street;
- (3) Installed within permanent drainage features (e.g., ponds, swales).

(e) Minimum material standards. All artificial turf shall comply with each of the following minimum standards:

(1) Artificial turf shall consist of green lifelike individual blades of grass that emulate natural turf in look and color.

(2) Where artificial turf is utilized for institutional recreational uses (e.g., playgrounds, athletic fields), the artificial turf product installed shall be designed for the intended use and meet the appropriate additional standards.

(3) Artificial turf installations shall have a minimum permeability of 30 inches per hour per square yard.

(4) All artificial turf shall have a minimum eight-year manufacturer's warranty that protects against color fading and a decrease in pile height.

(5) Artificial turf shall be lead free.

(6) All materials must include test documentation which declares that the artificial turf yarn and backing materials are disposable under normal conditions, at any U.S. landfill station (Total Content Leach Protocol (TCLP) test). Documentation must also be provided that identifies all components that are recyclable and all components that consist of recycled material.

(7) The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.

(f) Installation, maintenance and repair.

(1) All artificial turf shall, at a minimum, be installed according to the manufacturer's specifications.

(2) All artificial turf installations shall be anchored to ensure that the turf will withstand the effects of wind.

(3) All seams shall be secured, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.

(4) If artificial turf is planned to be installed immediately adjacent to a seawall, the artificial turf shall be pinned or staked behind the seawall. No artificial turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.

(5) Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water.

(6) Artificial turf shall be visually level, with the grain pointing in a single direction.

(7) An appropriate solid barrier device (e.g., concrete mow strip, bender board) is required to separate artificial turf from soil and live vegetation.

(8) Precautions for installation around existing trees shall be monitored and may be restricted to ensure tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised

(9) All artificial turf shall be maintained in a green fadeless condition and shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to cleaning, brushing, debris removal; repairing of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matted areas, weeds, and invasive roots; and all edges of the artificial turf shall not be loose and must be maintained with appropriate edging or stakes.

(10) All artificial turf must be replaced if it falls into disrepair with fading or holes or loose areas. Replacement and/or repairs shall be done with like for like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf.

(g) An owner or applicant shall obtain a duly-authorized zoning permit from the Building and Zoning department prior to the installation of any artificial turf.

Sec. 13.1718. - Landscape plan review criteria.

All landscape plans shall be reviewed by the Zoning Official, and where existing trees or Natural Forest Communities or Environmentally Endangered Lands are involved, the Department of Environmental Resources Management. Landscape plans shall be reviewed in accordance with the following goals and objectives and the guidelines and illustrations provided in the Miami Dade Landscape Manual as well as the Guide to Florida-Friendly Landscaping provided by the Florida Yards and Neighborhoods Program:

(A) Landscape design shall enhance architectural features; relate structure design to the site; visually screen dissimilar uses and unsightly views; reduce noise, glare and heat gain from paved areas, major roadways and incompatible uses; strengthen important vistas and reinforce neighboring site design and architecture.

(B) Existing specimen trees, native vegetation (including canopy, understory, and ground cover) and Natural Forest Communities shall be preserved to the maximum extent possible and all requirements of Section 24-49 of the Code of Miami-Dade County shall be met. Preserved Natural Forest Community areas shall be deducted from the total area used to calculate minimum landscaping requirements. Native vegetation in these Natural Forest Community areas shall not be used to satisfy minimum landscape requirements.

(C) In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource inputs. Plants with similar water needs shall be grouped in hydrozones. Adequate growth area, including rooting space, based on natural mature shape and size shall be provided for all plant materials.

(D) The plan shall include the use of native plant species in order to reestablish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape plan.

(E) Trees and shrubs shall be planted in the energy conservation zone where feasible, in order to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.

(F) Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.

(G) Special attention shall be given to the use of appropriate species located under, or adjacent to overhead power lines, and near native plant communities and near underground utility lines. Adequate growth area shall be provided for all plant materials.

(H) Landscaping shall be designed in such a way as to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks in accordance with Section 33-11 of the Code.

(I) Historic landscapes and landscape features designated by local, State or federal governments shall be preserved.

Sec. 13.1719. - Preparer's certification of landscape compliance.

(A) A preparer's Certification of Landscape Compliance bearing the original letterhead of the designing firm and licensing number shall be submitted to and approved by the Department of Planning and Zoning prior to issuance of any final Certificate of Use and Occupancy or Certificate of Completion. The preparer's Certification of Landscape Compliance shall contain a statement, signed and sealed by the landscape architect or by person(s) authorized to prepare plans by Chapter 481, Florida Statutes, who prepared the approved plans, that the landscape and irrigation plans have been implemented and that all requirements of this chapter have been met. Any changes or substitutions to the approved plan shall be approved by the original designing firm prior to the implementation of said changes and substitutions. All changes or substitutions to the approved plan shall be noted on all copies. Changes and substitutions of plant material shall be of similar quality, quantity and size, as originally approved and shall be in compliance with the intent and requirements of his chapter.

(B) For a new single-family, duplex residence on its own lot or applicable existing development, the owner or owner's agent may certify in writing that landscape and irrigation have been installed according to approved plan(s).

(C) The Department of Building and Zoning shall have the right to inspect all projects for compliance prior to issuance of a Certificate of Use and Occupancy or Certificate of Completion.

(D) Town projects are not required to establish a Preparer's Certification of Landscape Compliance procedure.

Sec. 13.1720. - Landscape maintenance.

(A) An owner is responsible to ensure that landscaping required to be planted pursuant to this chapter, or the ordinances which were in effect prior to the effective date of this chapter, is:

(1) Installed in compliance with the Landscape requirements;

(2) Maintained as to present a healthy, vigorous, and neat appearance free from refuse and debris; and

(3) Sufficiently fertilized and watered to maintain the plant material in a healthy condition.

(B) If any tree or plant dies which is being used to satisfy current landscape code requirements, such tree or plant shall be replaced with the same landscape material or an approved substitute.

(C) Trees shall be pruned in the following manner:

(1) All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.

(2) Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously with any reduction in crown.

(3) Cutting of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.

(4) Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.

(5) No more than one-third (1/3) of a tree's living canopy shall be removed within a one (1) year period.

(6) Trees shall be pruned according to the current ANSI A300 Standards and the Landscape Manual.

Sec. 13.1721. - Prohibitions.

(A) Prohibited plant species. Prohibited species shall not be planted and shall be removed from any site which is subject to the requirements of this chapter.

(B) Controlled plant species. Controlled species shall not be planted within five hundred (500) feet of a Natural Forest Community or native habitats as defined herein.

(C) West Indian Mahogany. West Indian Mahogany, Swietenia mahagoni, shall not be planted within five hundred (500) feet of a rockland hammock or pine rockland.

(D) Tree abuse. Tree abuse is prohibited. Abused trees shall not be counted toward fulfilling the minimum tree requirements.



Town of Miami Lakes Memorandum

To: Honorable Chair and Members of the Local Planning Agency

From: Susana Alonso, AICP, Principal Planner

Subject: Driveways and Curb Cuts in Lots Less Than 50 Feet Wide

Date: March 3, 2020

Recommendation:

Staff recommends approval of the ordinance permitting driveways and continuous curb cuts up to 60% of the lot width in single-family lots less than 50 feet in width.

Background:

At the January 21, 2020, Town Council meeting, a New Business item was introduced directing staff to explore the width of curb cuts in properties within the RU1-Z districts, also known as Zero Lot Properties. The current Town code allows either a single 20-foot curb cut or a circular driveway with two curb cuts that add up to a maximum of 30 feet, with no single curb cut wider than 20 feet. The code also provides that a maximum 60% of the required front yard may be paved (including pavers set in sand).

Zero-lot properties, have the distinction of allowing one side of the home to have a zero “0” or no setback, provided the other side of the home maintains a four-foot maintenance and drainage easement, upon which no structure or paving may be built. With respect to all zero lot properties, the aforementioned 4-foot drainage easement was created and designated during the Plat Process and cannot be modified by Town Ordinance. Of significance, the lots are rather narrow (as narrow as 45 feet) which makes circular driveways impractical.

It is important to note that a few residents residing in the Zero-Lot Properties have expressed concerns regarding existing driveways that are larger than allowed by current code. Some neighbors have attempted to obtain building permits for new driveways, after improvements to the sidewalks in the area made new curb cuts necessary. During the permitting process they have learned that their configuration does not conform to our Code. When an existing structure (such as a paved area) is found to be non-conforming, an attempt is made to establish whether the structure was allowed via site-plan, via a permit under a different code (like Miami-Dade County) or via a variance. Unfortunately, the legality of these paved areas cannot be established.

The attached report and ordinance reflect Town Council direction to staff to provide some regulatory relief to zero-lot line properties regarding driveways. Staff recommends expanding the regulation to all single-family properties with lots less than 50 feet in width.

Attachments:

Ordinance

Staff Report



Department of Planning, Zoning and Code Compliance
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Honorable Chair and Members of the Local Planning Agency
From: Susana Alonso, AICP, Principal Planner
Subject: Driveways and Curb Cuts in Lots Less Than 50 Feet Wide
Date: March 3, 2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO DRIVEWAYS IN RESIDENTIAL DISTRICTS ; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS” PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE..

A. BACKGROUND

At the January 21, 2020, Town Council meeting, a New Business item was introduced directing staff to explore the width of curb cuts in properties within the RU1-Z districts. The current Town code allows either a single 20-foot curb cut or a circular driveway with two curb cuts that add up to a maximum of 30 feet, with no single curb cut wider than 20 feet. The code also provides that a maximum 60% of the required front yard may be paved (including pavers set in sand). Zero-lot properties have the added complication that, although one side allows for zero setback, the other side is encumbered by plat with a four-foot maintenance and drainage easement, upon which no structure or paving may be built; the lots are also rather narrow (as narrow as 45 feet) which make circular driveways impractical. A few residents of zero-lot-line developments have expressed concerns regarding existing driveways that are larger than allowed by current code. Some neighbors have attempted to obtain building permits for new driveways, after improvements to the sidewalks in the area made new curb cuts necessary. During the permitting process they have learned that the previous configuration was not according to code. When an existing structure (such as a paved area) is found to be non-conforming, an attempt is made to establish whether the structure was allowed via site-plan, via a permit under a different code (like Miami-Dade County) or via a variance. Unfortunately, the legality of these paved areas cannot be established.

This report and attached ordinance reflect Town Council direction to staff to provide some regulatory relief to zero-lot line properties regarding driveways. Staff recommends expanding the regulation to all single-family properties with lots less than 50 feet in width.

B. PROPOSED CHANGES

Increase maximum curb cut to 60% of the width of the lot for a single driveway, instead of the current 20 feet, for all lots narrower than 50 feet. This results in allowable curb cuts of 27 feet for 45-foot lots and 30 feet for 50-foot lots. This constitutes the same 30-foot allowance afforded to any single-family home with a circular driveway, which is currently divided into either a 10-foot plus a 20-foot curb cut, or two 15-foot curb cuts. The maximum, however, must be a percentage, as opposed to a fixed number, in order to ensure that the required maximum 60% impermeable area is maintained.

C. EVALUATION

Description of affected properties. The Town's RU-1Z zoned properties are concentrated in the southwest quadrant of the Town in an area commonly referred to as West Lakes. Approximately 1,088 homes within the West Lakes neighborhood are zoned RU-1Z. Zero lot line developments are characterized by a type of housing configuration whereby one portion of the principal building is built to the property line with setbacks provided along the front, rear and the other side of the property. For interior lots, that side yard setback is typically ten (10) feet and includes a four (4) foot platted easement to the benefit of the adjacent neighbor for drainage and for maintenance access. In addition, there exist a number of 50 foot lots dispersed through other residential districts, that must comply with regular setbacks requirements or 5' from every interior property line.

Intent of a limit on curb cut width. The curb cut is the place of intersection between the driveway and the sidewalk where existent, or the road where no sidewalk exists. There is a public interest in maintaining and enforcing a maximum width to the curb cuts for safety, maintenance, drainage and aesthetic reasons. The current maximum width for all single-family residential curb cuts is 20 feet, and this maximum seems to be a typical standard across many municipalities.

Safety considerations. The possibility of conflict between vehicles entering and exiting a driveway and either pedestrians or other vehicles on the public right-of-way increases as the width of the curb cut is increased. A 20-foot curb allows for two vehicle access to parking areas. A 24-foot curb cut allows for three small vehicles. Safety issues are particularly acute for pedestrians transiting the sidewalk.

Maintenance and Cost Considerations. Portions of sidewalks within the curb cut must sustain a higher degree of wear and tear, as they must sustain the higher weight and the impact of the vehicle tires in addition to pedestrians. Furthermore, in order to endure the additional weight and impact, sidewalk slabs along the curb cut are required to be six (6) inches thick and therefore the wider the curb cut the higher the construction and replacement cost.

Drainage considerations. As a functional matter, pervious open space is essential to promote infiltration and to reduce overall site runoff. Even with onsite pervious areas, the natural slope of a property may result in some runoff onto the adjacent rights-of-way. A

property without pervious area will drain all stormwater onto the neighbor's property and onto the rights-of-way. Portions of the West Lake neighborhood have drainage issues that the Town is actively addressing. The neighborhood is identified in the Town's Storm Water Master Plan (originally adopted in 2003 and lastly updated in 2019 by Kimley-Horn) for needed upgrades to the storm water system. A Marlin Engineering study complete in 2012, as precursor to reconstruction of the drainage system designs, found that the existing drainage system is a disjointed-unconnected network, that there are poor drainage soil types (Plantation Muck) within the area, and that very little area of the rights-of-way are pervious. Aside from the fact that larger spans of pavement generate a larger volume of run-off water that must be either absorbed by the adjacent soil or managed by the Town's storm water system, wider curb cuts also mean less areas for swales, and therefore a higher demand on the storm water system.

Aesthetic considerations. Swales provide the opportunity for the planting of shade trees that contribute to the overall tree canopy, which is a hallmark of the Town of Miami Lakes. The visual effect on the Town's streets of long rows of parked vehicles adjacent to the sidewalk, and the lack of swales and therefore street trees will have a detrimental effect on the appearance of the neighborhood.

Summary. Any increase in impervious areas will likely have an impact on the West Lake neighborhood. Nevertheless, the narrowness of the lots present challenges in providing for parking while maintaining required pervious areas. In 2018, the Town Council increased the amount of impermeable area in the neighborhood, when it approved an ordinance allowing corner lots to pave up to three feet from the property line. At just 16% of the homes in the neighborhood, the impact of the 2018 ordinance was likely to be relatively small because it was limited corner lots. The cautionary tale, however, is affording the same accommodations to interior lots. This scenario will most certainly have a greater impact that could increase flooding in the community and hamper the effectiveness of the current drainage project. Therefore, any decision to increase impervious area should be limited in its applicability. For this reason, staff's recommendations do not include an increase of the 60 % impervious area allowed in the required front yard, only a consolidation into a single slab and curb cut.

D. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending the maximum curb cut for all lots narrower than 50 feet.

E. ANALYSIS

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

- 1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.**

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation of this report. As proposed, and presented in Section “A”, “B”, and “C” above, the amendment conforms to the following policy of CDMP below. The proposal does not appear to significantly impact the ongoing drainage projects within the West Lake neighborhood.

Policy 4C.1.2: Utilizing funding obtained from its newly-established Stormwater Utility, the Town will allocate sufficient funds in to address existing stormwater deficiencies identified in the Stormwater Master Plan.

Finding: Complies

2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. The amendment attempts to address narrower lots in single family districts affording them the same length of curb cut otherwise allowed for circular driveways, but in a single cut. In this light, the proposed ordinance conforms with the Town’s LDC’s. A review of the LDC’s found no conflicts.

Finding: Complies.

3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.

Analysis See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation of this report. Many lots with the West Lakes neighborhood have larger driveways and curb cuts than allowed by code. It is difficult to tell how many of those properties did so with the benefit of a permit. Regardless, an appropriate remedy may be to permit some decking to occur, while still providing for pervious and landscaping areas. This ordinance attempts to strike that balance. The proposal appears to have only a minimal impact regarding on site drainage and the ongoing storm water drainage program pursued by the Town appears to implement conservative calculations in designing for storm water runoff capture.

Finding: Complies.

4. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. The proposed ordinance does not change the main permitted use of the property; however, it does provide some consideration regarding curb cut for all lots narrower than 50 feet. There exists driveways in the West Lake neighborhood that may or may not have been built with the benefit of permits. The ordinance seeks to find a remedy with the least amount of impact.

Finding: As determined by the Town Council.

5. **Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.**

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Criteria 1, 2, and 4, of this report. If the approval is limited to not increasing the percentage of impervious area allowed, the impact will likely be minimal to the neighborhoods storm drainage system.

Finding: Complies.

6. **Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

7. **Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Criteria 1, 2, and 4, of this report. If the approval is limited to only corner lots, the impact will likely be minimal to the neighborhoods storm drainage system.

Finding: Complies.

8. **Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. Section “B” provides a full description of the positive and negative effects of the proposal. In summary, if the approval is limited to only corner lots, the impact will likely be minimal to the neighborhoods storm drainage system.

Finding: Complies.

9. **Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.**

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. If approved, it will provide relief to bring properties that installed driveways without permits to come into compliance.

Finding: Complies.

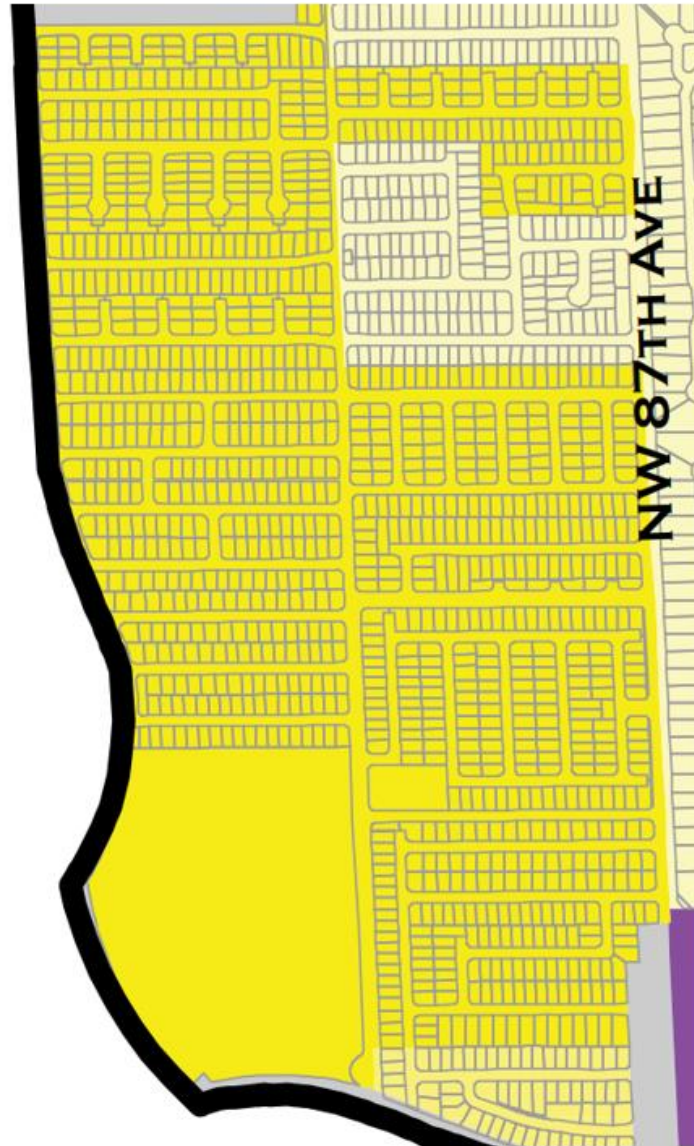
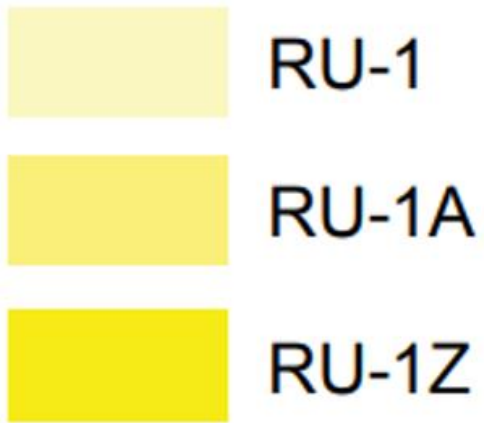
10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed ordinance amendment is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

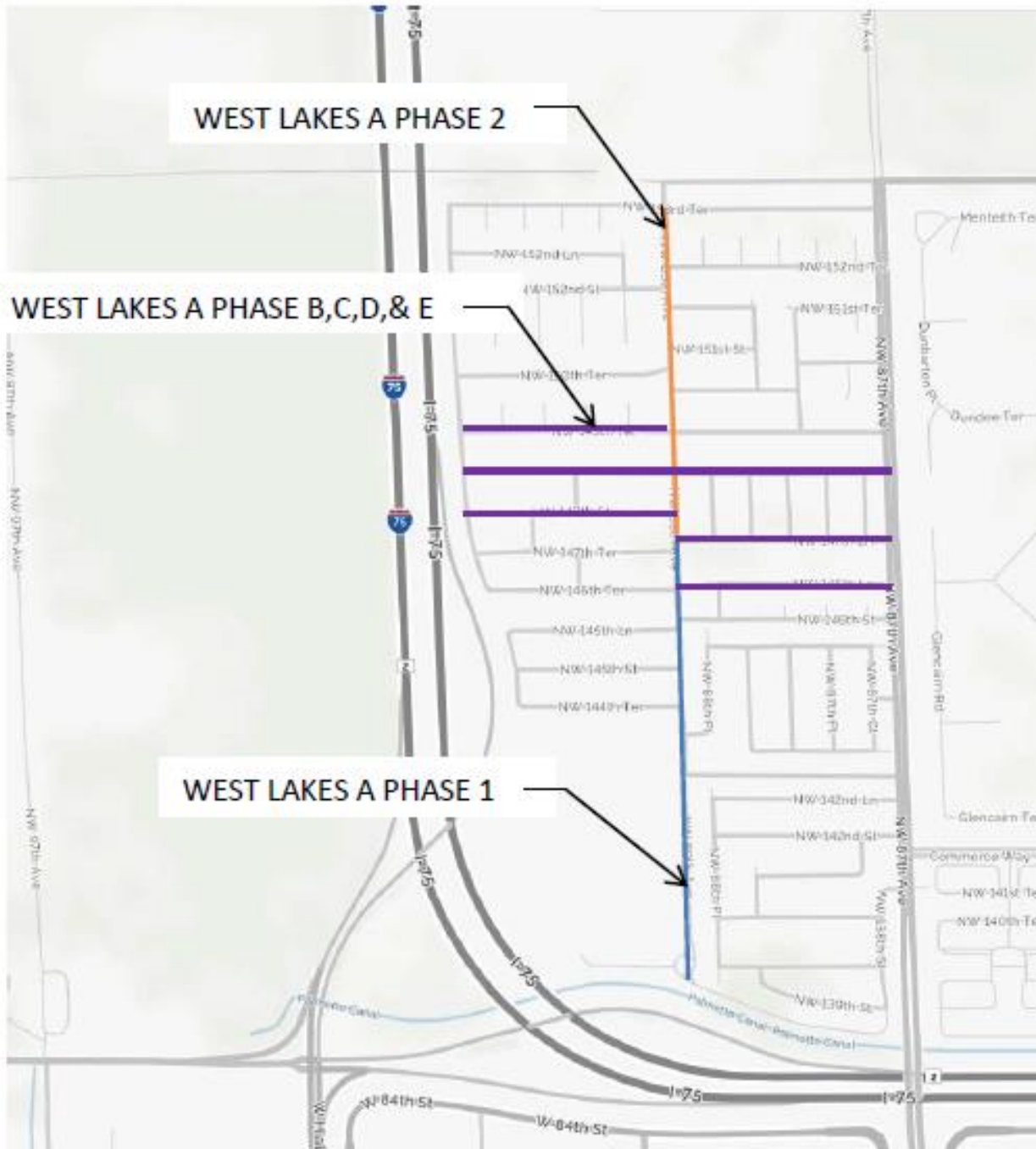
Finding: As determined by the Town Council.

ATTACHMENT A

ZONING MAP



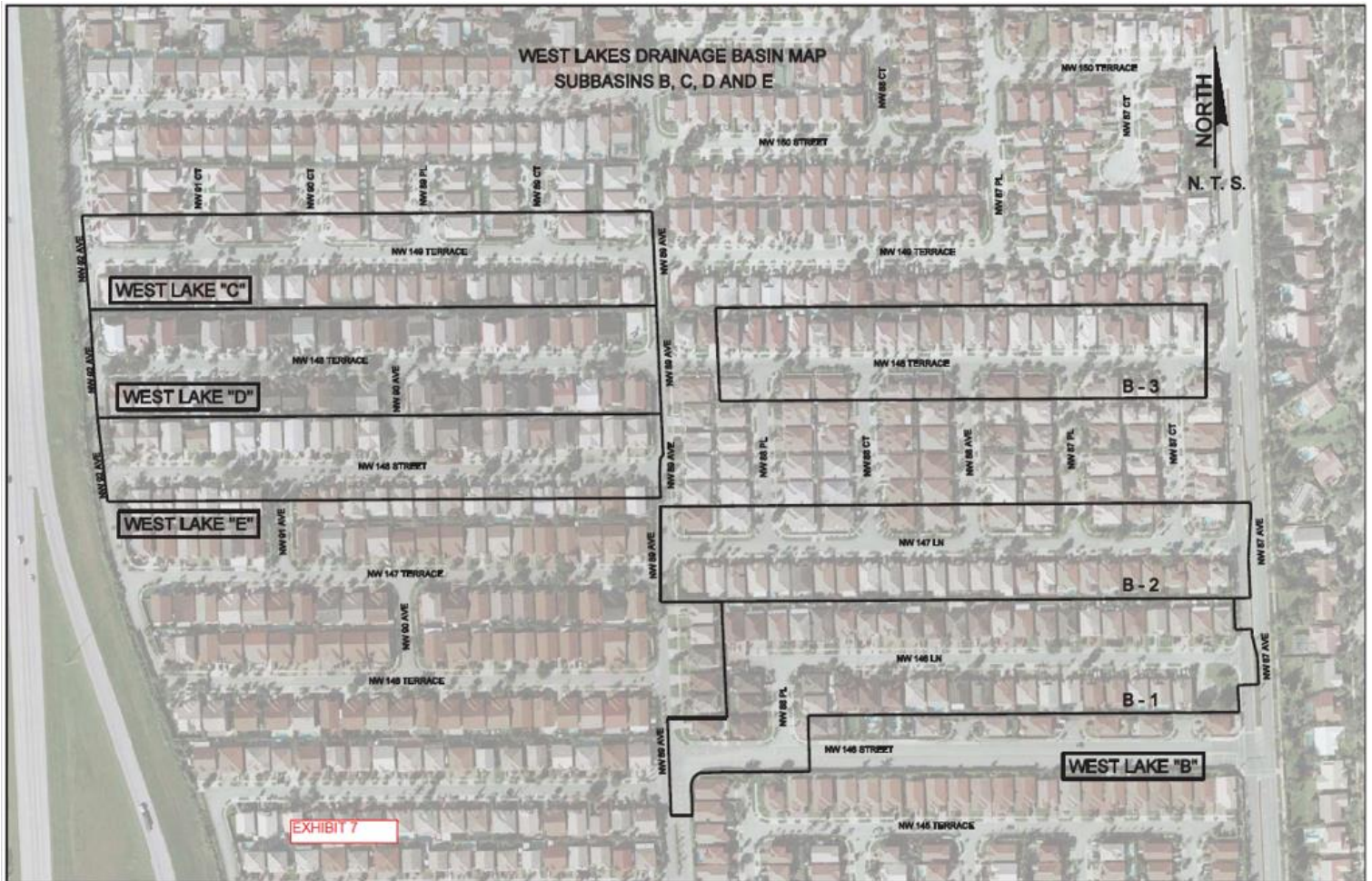
ATTACHMENT B
WEST LAKE MAIN TRUNK LINE
(PHASE 1 and 2)



ATTACHMENT C

UPCOMING DRAINAGE PROJECTS

WEST LAKE



1

¹ "Drainage Report for the design of Miami-Lakes, West" Marlin Engineering, Inc. January 2012.

ATTACHMENT D

WEST LAKE DRAINAGE SITE DATA

Site Development Data (Miami Lakes, West): Part 1

TOWN OF MIAMI LAKES - WEST LAKES DRAINAGE IMPROVEMENTS						
	Pervious/Impervious Area of West Lakes B,C,D and E (ACRES)					
	B-1	B-2	B-3	E	D	C
Private Area	4.9	3.7	3.1	3.2	4.5	3.6
Pervious Private Area (15%)	0.9	0.7	0.6	0.6	0.8	0.6
Green Area	0.3	0.4	0.3	0.3	0.3	0.3
Asphalt Plus Concrete	2.0	1.8	1.3	1.5	1.5	1.6
R/W Area	2.3	2.2	1.6	1.8	1.8	2.0
Total Area	8.0	6.6	5.3	5.1	7.1	6.2
Total Pervious	1.2	1.1	0.9	0.8	1.1	1.0
% Previous	14.5	16.3	16.1	16.1	15.1	15.9
Average % Pervious					15.7	

Site Development Data (Miami Lakes, West) Part: 2

TOWN OF MIAMI LAKES - WEST LAKES DRAINAGE IMPROVEMENTS						
	Elevation Analysis of West Lakes B,C,D and E					
	B-1	B-2	B-3	E	D	C
Ave. edeg of Pavement	6.50	6.94	6.93	6.88	7.28	6.65
Min. Road CL elevation	6.17	6.60	6.76	6.91	6.78	6.34
Avg. Road CL elevation	6.89	7.21	7.18	7.25	7.48	7.08
Max. Road CL elevation	7.39	7.80	7.75	7.85	8.02	7.67
Min. FFE elevation	6.84	7.27	7.43	7.58	7.45	7.01
Avg. FFE elevation	7.56	7.88	7.85	7.92	8.15	7.75
Max. FFE elevation	8.06	8.47	8.42	8.52	8.69	8.34

Note : It is assumed Finish Floor Elevation (FFE)= Road CL ele. +12"

² "Drainage Report for the design of Miami-Lakes, West" Marlin Engineering, Inc. January 2012.

ORDINANCE NO. 20_____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO DRIVEWAYS IN RESIDENTIAL DISTRICTS ; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS” PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 21, 2020, the Town Council of the Town of Miami Lakes directed the Town Manager to explore the feasibility of expanding the width of curb cuts in properties within the RU1-Z districts; and

WHEREAS, Town Staff’s study regarding curb cuts in properties within the RU1-Z districts found that, in the interest of fairness, the evaluation should expand to all properties, including those outside the RU1-Z district that are 50 feet or less in width; and

WHEREAS, this proposed ordinance is reflective of the Town Council’s request and will modify the existing code by allowing driveways and continuous curb cuts to encompass up to 60% of the lot width, for all single-family homes that are less than 50 feet in width, provided that the impervious area of the street side yard does not exceed 60% of the lot width, and the impervious area of all the yards combined does not exceed 60% of the lot size; and

WHEREAS, on _____, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

WHEREAS, on _____, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on _____, the Town Council considered the ordinance at a duly advertised public hearing; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Amendment. Section 13-1508 is hereby amended as provided at Exhibit “A”.

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered

to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2020.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this ____ day of _____, 2020.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

EXHIBIT A

ORDINANCE

CHAPTER 13 – LAND DEVELOPMENT CODE

* * *

ARTICLE V. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS

* * *

Sec. 13-1508. - Driveways and parking spaces.

This section applies to single-family and two-family residences.

(1) Driveways and parking spaces shall be graveled or hard-surfaced. Parking shall not be permitted on sand, lawns, common access areas, rights-of-way, across sidewalks, center islands of culs-de-sac and other nonpaved areas not approved for parking. Overnight parking, any time between the hours of 12:00 midnight and 6:00 a.m., shall not be permitted on swale areas; however overnight parking shall be permitted on driveway approach areas if the vehicle does not block the sidewalk. Unlicensed vehicles and inoperable vehicles may only be placed and kept on a lot in a closed garage.

a. Emergency exceptions to overnight parking for a single vehicle per residence on swale areas may be granted for the temporary parking, no more than 48 hours, under the following circumstances:

1. Automobile maintenance failure; and
2. Parking for a home health care professional engaged in the care of a resident of the property.

b. Upon application to the Town, a hardship waiver to extend overnight parking for a single vehicle per residence on swale areas may be granted by the Administrative Official in compliance with the following provisions:

1. Health care professional. Extended overnight parking (more than 48 hours) may be granted for a home health care professional engaged in the care of a resident of the property upon the provision of a medical prescription for home health care services or other affidavit from a licensed medical professional documenting the need for home health care for a resident of the property.

2. Direct family member. Extended overnight parking (more than 48 hours) may be granted for a person living in the household and interrelated by blood, marriage or legal adoption, occupying a dwelling unit designed as a single-family use.

3. No extended overnight parking hardship waiver may be issued unless all other available parking spaces including the garage and driveway approach are already utilized for parking.

4. Upon provision of an extended overnight parking hardship waiver for parking on the swale, the overnight parking of the vehicle shall be limited to the swale area directly in front of the principal residence.

(2) The maximum driveway approach width shall be 20 feet, measured at the property line. In the case of a circular driveway, the total combined width of both approaches shall not exceed 30 feet, measured at the property line. In case of single-family lots that are 50 feet or less in width, the maximum driveway approach for a single driveway configuration, shall be calculated as 60 percent of the width of the lot. Where there is a sidewalk and/or swale present between the property line and the roadway pavement, an approach may also include an additional flare area between the property line and the paved roadway area. If utilized, each flare shall be no wider than two and one-half feet where it meets the roadway pavement, and shall be curved. The curve shall begin no more than half of the distance between the sidewalk (or property line if either the swale or sidewalk is not present) and the roadway pavement, and shall be a constant, gradual curve. Where a flare is utilized, the maximum driveway approach width shall be 25 feet at the paved roadway and 20 feet at the property line. Where a flare is utilized in the case of a circular driveway, the total combined width of both approaches shall not exceed 40 feet at the paved roadway and 30 feet at the property line. In cases of atypical configurations, the Administrative Official may interpret this subsection to achieve the intended result. However, a driveway approach shall be no closer than ten feet to the base of a swale area tree that is existing or scheduled to be planted, unless the Town Arborist determines that in his professional opinion, the particular tree can grow properly with a smaller separation. Paved driveway areas (excluding approaches) for any garage, including three-car garages, shall not exceed 30 feet in width.

(3) Driveways and parking spaces in the front or side yard shall be set back a minimum of five feet from an interior side property line. For zero lot line developments the driveways and parking spaces shall be set back a minimum of zero feet from the zero-lot line side and a minimum of four feet from the opposite side property line. For all corner lots, the driveways and parking spaces located in the front or side yard shall comply with the required street side setbacks for the main structure, except to cross the setback as needed to provide direct access from the street to the garage. Driveways are not permitted in the side yard except as needed to provide access to a functioning side yard facing garage.

(4) On corner properties when a driveway is located perpendicular to a side facing the street, the driveway or parking space shall be set back 20 feet from the rear property line and 20 feet from the front property line.

(5) Driveways and parking spaces parallel to a front property line or side property line facing a street shall be set back five feet from the front or side street property line.

(6) The maximum impervious area permitted for driveways, walkways, porches, decks, etc. (including brick pavers set in sand), in the required front and side yards facing a street shall be 60 percent for each yard.



Town of Miami Lakes Memorandum

To: Honorable Chairman and Board Members

From: Board Member Mariam Dehghani Yanes

Subject: Cul-de-Sac Driveways

Date: March 3, 2020

I would like to propose consideration by the Board of the following item for transmittal to the Council as a recommendation for their discussion:

An amendment to section 13-1508 of the LDC to allow larger driveway approaches (including circular) as it relates to a cul-de-sac area. I think residences, streets and driveways on a cul-de-sac are unique and the ordinance should not be uniformly applied to them.

The current regulations read as follows:

Sec. 13-1508

* * * *

(2)The maximum driveway approach width shall be 20 feet, measured at the property line. In the case of a circular driveway, the total combined width of both approaches shall not exceed 30 feet, measured at the property line. Where there is a sidewalk and/or swale present between the property line and the roadway pavement, an approach may also include an additional flare area between the property line and the paved roadway area. If utilized, each flare shall be no wider than two and one-half feet where it meets the roadway pavement, and shall be curved. The curve shall begin no more than half of the distance between the sidewalk (or property line if either the swale or sidewalk is not present) and the roadway pavement, and shall be a constant, gradual curve. Where a flare is utilized, the maximum driveway approach width shall be 25 feet at the paved roadway and 20 feet at the property line. Where a flare is utilized in the case of a circular driveway, the total combined width of both approaches shall not exceed 40 feet at the paved roadway and 30 feet at the property line. In cases of atypical configurations, the Administrative Official may interpret this subsection to achieve the intended result. However, a driveway approach shall be no closer than ten feet to the base of a swale area tree that is existing or scheduled to be planted, unless the Town Arborist determines that in his professional opinion, the particular tree can grow properly with a smaller separation. Paved driveway areas (excluding approaches) for any garage, including three-car garages, shall not exceed 30 feet in width.

* * * *



Town of Miami Lakes Memorandum

To: Honorable Chairman and Board Members

From: Board Member J.C.Fernandez

Subject: Town Signage

Date: March 3, 2020

I would like to propose consideration by the Board of the following item for transmittal to the Town Council as a recommendation for their discussion:

Currently there are certain Town Boundary Areas that are not well defined. This causes confusion among certain residents. I would like to discuss possible solutions with my colleagues on ways that this can be addressed by our Town Council.



Town of Miami Lakes Memorandum

To: Honorable Chairman and Board Members

From: Board Member Mariam Dehghani Yanes

Subject: Attached Canopies

Date: March 3, 2020

I would like to propose consideration by the Board of the following item for transmittal to the Council as a recommendation for their discussion:

An amendment to section 13-1506(2) of the LDC to allow larger encroachments by attached canopies and porches in rear yards for properties where a stand alone gazebo or accessory structure is unfeasible.

The current regulations read as follows:

Sec. 13-1506(2)(a)

(1) An attached canopy may project into the required rear yard setback a maximum of seven feet provided that no attached canopy projects any closer than three feet to a property line.

Sec. 13-1502. - Accessory buildings.

(1) Each accessory building, and the total of all accessory buildings and any storage shed, located in the rear yard, shall not exceed 350 square feet of roofed area (including roof overhangs) or cover more than 20 percent of the required rear yard, whichever is less. Enclosed storage areas in each individual accessory building shall not exceed 100 square feet (60 square feet in the zero lot line developments).

(2) Accessory buildings shall be set back a minimum of five feet from a rear or interior side property line or for corner lots shall comply with the side street setbacks for the main structure. Roof overhangs shall be permitted to project a maximum of 12 inches into the required five-foot side and rear setbacks.

(3) Accessory buildings shall be detached a minimum of ten feet from the residence and a minimum of six feet from roof overhangs (detached six feet from the main residence and six feet from any roof overhangs in the zero lot line developments). Accessory buildings shall be spaced apart from each other the same distance requirements as from the main residence.

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Town of Miami Lakes Memorandum

To: Honorable Chairman and Board Members

From: Board Member Mariam Dehghani Yanes

Subject: Infinity-edge pools in waterfront properties

Date: March 3, 2020

I would like to propose consideration by the Board of the following item for transmittal to the Council as a recommendation for their discussion:

An amendment to the LDC to allow infinity-edge pool basins to encroach beyond the tie-line on waterfront properties.