

ORDINANCE NO. 16-____

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES,
FLORIDA, AMENDING THE TOWN LAND
DEVELOPMENT CODE BY AMENDING ARTICLE VII,
SECTION 13-1701, LANDSCAPE REQUIREMENTS;
PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
INCLUSION IN 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, the Town Council desires to modify allowed hedge heights on single-family and two-family residences where an abutting property includes a structure of two or more stories; and

WHEREAS, the Town's Planning and Zoning Board, as the Local Planning Agency (LPA), will review and make a recommendation on the proposed amendments at a duly advertised Public Hearing on August 16, 2016; 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 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 All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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.

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

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 Michael A. Pizzi, Jr.	_____
Vice Mayor Tim Daubert	_____
Councilmember Manny Cid	_____
Councilmember Tony Lama	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on first reading this 26th day of July, 2016.

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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 Michael A. Pizzi, Jr.	_____
Vice Mayor Tim Daubert	_____
Councilmember Manny Cid	_____
Councilmember Tony Lama	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on second reading this ____ day of _____, 2016.

Michael A. Pizzi, Jr.
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT “A”

Chapter 13 – Land Development Code

Article VII. Environmental Regulations.

Sec. 13-1701. Landscape requirements.

- (a) All single-family and two-family residences shall comply with Chapter 18A, Landscape Ordinance (see Section 13-1), and the following minimum standards.

* * *

(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 the required front or side street~~ yard, a hedge shall include any plant grouping, parallel to ~~a the front or side street~~ 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) below.
- 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) below.
- 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 or along the rear property line within the side yard facing a street 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 of this section shall apply.

45. 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 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.