

ORDINANCE NO. 04-65

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT CODE; CREATING ARTICLE 7, ENVIRONMENTAL REGULATIONS; PROVIDING FOR ADOPTION OF LANDSCAPE REQUIREMENTS FOR SINGLE-FAMILY AND TWO-FAMILY DISTRICTS, ALL AS INCLUDED IN EXHIBIT "A" HEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town") upon incorporation adopted Chapter 33 "Zoning" of the Code of Miami-Dade County to serve as the Town's Land Development Code; and

WHEREAS, the Town desires to update and streamline the existing Town Land Development Code and to tailor it to the Town's particular needs and community vision; and

WHEREAS, the Town has undertaken a comprehensive rewriting of the Land Development Code, after having conducted workshops and public hearings regarding the Code, and having adopting its Comprehensive Plan pursuant to state statutes; and

WHEREAS, as part of the ongoing work to revise the Town Land Development Code, environmental regulations have been drafted providing for adoption of landscape requirements for single-family and two-family districts, all as included in Exhibit "A" hereto; and

WHEREAS, after conducting a properly noticed public hearing the Town Local Planning Agency has recommended that the referenced regulations are consistent with the Town Comprehensive Plan; and

WHEREAS, after conducting a properly noticed hearing and considering the recommendations of the public, the Local Planning Agency and the Town staff, the Town

Council wishes to adopt the regulations for including in the Land Development Code as attached hereto as Exhibit "A."

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

Section 1. Adoption of Environmental Regulations. The Town Council hereby adopts new environmental regulations providing for adoption of landscape requirements for single-family and two-family districts for inclusion in the Town Land Development Code, which are attached as Exhibit "A" hereto and are incorporated herein.

Section 2. 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 All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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 3. 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 4. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained that the provision of this Ordinance shall become and made part of the Town of Miami Lakes, Florida Code of Ordinances; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

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

Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on first reading this 16th day of December, 2004.

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

Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on second reading this 18th day of January, 2004⁵

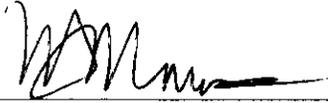
Wayne Slaton
Wayne Slaton
MAYOR

ATTEST:

TOWN CLERK



Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:



Weiss, Serota, Helfman, Pastoriza, Guedes
Cole & Boniske, P.A.
TOWN ATTORNEY

ARTICLE 7 ENVIRONMENTAL REGULATIONS

Division 7.1 Landscape Requirements

- A. All single family and two family residences shall comply with the following minimum standards.
1. Trees: Each lot shall have a minimum of three yard trees not including those planted in swale areas. They shall be native (native plant species) trees with either a minimum diameter at breast height of 1 1/2 inches or a minimum height of 8 feet measured at time of planting. Two native palms of 10 foot overall height or of a minimum diameter at breast height of 3 inches at time of planting each may be substituted for one of the three shade trees. One tree or two native palms shall be in the front yard.
 2. Landscaped areas: Shall comprise a minimum of 40% of the required front yard setback. A minimum of 50% 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 seven (7) shrubs of a minimum of 18 inches in height when measured immediately after planting.
 4. Hedges:
 - (a) Hedges shall not be permitted parallel to the front or side street property line within the required front or side street required yards.
 - (b) The maximum height of hedges located within a required yard shall not exceed six (6) 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 (2 ½) feet.
 - (2) Hedges facing arterial or collector roadways shall have a maximum height of ten (10) 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 (2 ½) feet.

(c) Hedges for waterfront properties

- (1) Hedges along the side property lines shall not be permitted within ten (10) feet of the water's edge. The water's edge is defined as the average high ground water elevation.
 - (2) Hedges shall not be permitted to be placed parallel to the waters edge waterward of the top of the slope.
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 within one year of the adoption of this ordinance.
 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 and of the same size.
- B. Existing nonconforming properties which have legally permitted improvements that do not allow the property to meet the minimum landscape standards shall be allowed to remain as is. The existing landscape area of these non-conforming properties shall not be reduced any further.
- 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 plantings in each lot shall be kept trimmed and free of weeds, dead plant material, garbage and other debris which detracts from the appearance of the lot.
- 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 (3) 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. 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.
- G. Ornamental landscape features such as statues or fountains less than four (4) feet high and decorative ponds less than 24 inches deep are permitted as accessory structures within any required yard.