

ORDINANCE NO. 21-274

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”, CREATING SECTION 13-1703, “ARTIFICIAL TURF”, 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. (CID)

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 the Miami Dade County Code with regards to landscaping regulations; and

WHEREAS, the Town Council desires to permit 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 March 3, 2020, 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 with, and in harmony with, the purpose and intent of the Comprehensive Master 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 All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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.

¹ Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~. Additions shall be UNDERLINED, all deletions shall appear ~~STRICKEN~~, during first reading. All changes between first and second reading shall be DOUBLE UNDERLINED, all deletions between first and second reading shall appear ~~DOUBLE STRICKEN~~.

FIRST READING

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

Mayor Manny Cid	Yes
Vice-Mayor Luis E. Collazo	Yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Jeffrey Rodriguez	Yes
Councilmember Marilyn Ruano	Yes

Passed on first reading this 9th day of February 2021.

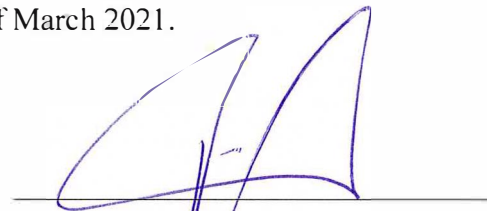
Additions shall be UNDERLINED, all deletions shall appear ~~STRICKEN~~, during first reading. All changes between first and second reading shall be DOUBLE UNDERLINED, all deletions between first and second reading shall appear ~~DOUBLE STRICKEN~~.

SECOND READING

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

Mayor Manny Cid	Yes
Vice-Mayor Luis E. Collazo	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Jeffrey Rodriguez	Yes
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 9th day of March 2021.



Manny Cid
Mayor

Attest:



Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
Town Attorney

Additions shall be UNDERLINED, all deletions shall appear ~~STRICKEN~~, during first reading. All changes between first and second reading shall be DOUBLE UNDERLINED, all deletions between first and second reading shall appear ~~DOUBLE STRICKEN~~.

EXHIBIT A

ARTICLE VII. – ALTERNATIVE ENERGY SYSTEMS AND ENVIRONMENTAL REGULATIONS

* * * * *

13-1703. - 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 and non-waterfront development;
 - (3) On roof top terraces;
 - (4) On non-waterfront residential lots in the rear setback and side setback wherever otherwise an impervious deck would be allowed by Section 13-1507; or
 - (5) In non-waterfront areas of multifamily residential developments as part of a recreation or amenity area, five 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) 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);
 - (4) Installed on any waterfront property.
- (e) *Minimum material standards.* All artificial turf shall comply with each of the following minimum standards:

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- (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
 - a. be non-flammable and lead free;
 - b. include an infill material of silica sand variety. Rubber crumb infill shall be prohibited.
 - (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) Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water.
 - (5) Artificial turf shall be visually level, with the grain pointing in a single direction.

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

(7) 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.

(8) 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.

(9) 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.