



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: May 3, 2016

**Subject: Miami-Dade County Proposed
Landscape Code Update**

**Prepared By: Maria C. Camara, Interim Village
Manager**

Sponsored By: Staff

Background

Miami-Dade County is proposing to update the countywide landscaping regulations set forth in Chapter 18A of the Code of Miami-Dade County. This section of the Code establishes minimum landscaping standards for both the unincorporated and incorporated areas of the county. As such, we are providing you with a copy of the draft ordinance for your review and comment along with the current regulations (See attached).

The proposed ordinance seeks to update the minimum requirements for trees, including tree height and caliper at time of planting. It also incorporates the minimum species diversity standards currently found in the County's "Environmental Code" (Chapter 24) and fertilization criteria in accordance with Rule 5E-1.003(2) of the Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers.

Municipalities have until May 16, 2016 to review the ordinance and provide written comments.

May 3, 2016

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Miami-Dade County Proposed Landscape Code Update

Recommendation

For the Village Commission to discuss and assign either/both the Code Review Board and Parks & Parkway Advisory Board to review the proposed language and provide their written comments on behalf of the Village.

Attachments

- E-mail from Miami-Dade County Department of Regulatory and Economic Resources
- Proposed Landscape Code Update – Chapter 18A – April 2016 Draft

Maria Camara

From: Davis, Rosa (RER) <davisro@miamidade.gov>
Sent: Monday, April 25, 2016 9:43 AM
To: 'jcarr@cityofventura.com'; 'manager@balharbourfl.gov';
'amartinez@bayharborislands.net'; Maria Camara; 'rtrias@coralgables.com';
'klyon@cutlerbay-fl.gov'; 'PlanningandZoning@cityofdoral.com';
'flacityclerk@floridacityfl.gov'; 'lepperson@goldenbeach.us'; 'DStorch@hialeahfl.gov';
'mlima@icvps.org'; 'jkurlancheek@keybiscayne.fl.gov';
'rmconachie@townofmedley.com'; 'fgarcia@miamigov.com';
'ThomasMooney@miamibeachfl.gov'; 'rtaylor@miamigardens-fl.gov';
'schaadb@miamilakes-fl.gov'; 'dacquistod@miamishoresvillage.com';
'gonzaleze@miamisprings-fl.gov'; 'yvonne.hamilton@nbvillage.com';
'spizzillo@northmiamifl.gov'; 'Richard.lorber@citynmb.com'; 'ggay@opalockafl.gov';
'ddelsalle@palmettobay-fl.gov'; 'planning@pinecrest-fl.gov';
'planning@southmiamifl.gov'; 'chasbun@sibfl.net'; 'snovoa@townofsufsidefl.gov';
'clanza@cityofsweetwater.fl.gov'; 'mfernandez@virginiagardens-fl.gov';
'juanpena@cityofwestmiami.org'; Davis, Rosa (RER); Lodi, Gianni (RER)
Subject: Request for comments: Amendment to the Miami-Dade County Landscaping Ordinance, Chapter 18A
Attachments: Proposed Landscape Code Update - Chapter 18A - April 2016 Draft.pdf

Dear Municipal Planner:

This email serves to inform you that Miami-Dade County is proposing to update the countywide landscaping regulations set forth in Chapter 18A of the Code of Miami-Dade County. This section of the Code establishes minimum landscaping standards for both the unincorporated and incorporated areas of the county. As such, we are providing you with a copy of the draft ordinance for your review and comment along with the current regulations (See attached).

The proposed ordinance seeks to update the minimum requirements for trees, including tree height and caliper at time of planting. It also incorporates the minimum species diversity standards currently found in the County's "Environmental Code" (Chapter 24) and fertilization criteria in accordance with Rule 5E-1.003(2) of the Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers.

Municipalities have until May 16, 2016 to review the ordinance and provide written comments. The comments should be submitted to Gianni Lodi (glodi@miamidade.gov) or Rosa Davis (davisro@miamidade.gov). You may also send your comments to the following address:

Department of Regulatory and Economic Resources
Development Services Division
Attention: Gianni Lodi
111 NW 1st Street, 11th Floor
Miami, FL 33128

Thank you for your cooperation.

Sincerely,

Nathan Kogon, AICP, Assistant Director
p.p. Rosa Davis
Department of Regulatory and Economic Resources
Development Services Division
111 NW First Street, 11th Floor

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

Draft 4/22/2016

ORDINANCE NO. _____

ORDINANCE RELATING TO LANDSCAPING REGULATIONS OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; UPDATING THE MINIMUM REQUIREMENTS FOR TREES, INCLUDING TREE HEIGHT, AT TIME OF PLANTING; ESTABLISHING FERTILIZATION CRITERIA IN ACCORDANCE WITH THE FLORIDA STATUTES; AMENDING SECTION 18A-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 18A-6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 18A-6. Minimum standards.

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

* * *

(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.

* * *

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~[(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]].~~

	<u>>>Standards effective until April 30, 2018</u>	<u>Standards effective May 1, 2018</u>
<u>Minimum tree height and caliper at time of planting</u>	<u>Ten (10) feet high and two (2) inches of caliper</u>	<u>Twelve (12) feet high and in compliance with the Florida Grades and Standards for Nursery Plants (Florida No. 1)</u>
<u>Native tree minimum height and caliper at time of planting</u>	<u>Eight (8) feet high and one and one half (1½) inches of caliper</u>	<u>Eight (8) feet high and in compliance with the Florida Grades and Standards for Nursery Plants (Florida No. 1)</u>
<u>Street trees' clear trunk and mature height</u>	<u>Four (4) feet of clear trunk at time of planting and of a species that normally matures to a height of at least twenty (20) feet</u>	<u>Four (4) feet of clear trunk at time of planting and of a species that normally matures to a height of at least twenty (20) feet<<</u>

(2) *Street tree* ~~[[size and]]~~ >>location 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 >>and Waste Management<<Department >>, or its successor,<< 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) >>Trees near power<< [~~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~~] >>and in compliance with the Florida Grades and Standards for Nursery Plants (Florida No. 1)<< at time of planting, and shall meet >>all of<< the following requirements:
- (a) Single trunk trees clear of lateral branches to four (4) feet and/or multitrunk trees or tree/shrubs, as referenced in the 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, >>mature<< 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.

* * *

>>(17) Minimum species diversity standards. When more than ten (10) trees are required to be planted in accordance with the provisions of this chapter, a diversity of species shall be required. The number of species to be planted shall be based on the overall number of trees required, as follows:

<u>Required Number of Trees</u>	<u>Minimum Number of Species</u>
<u>11-20</u>	<u>2</u>
<u>21-50</u>	<u>4</u>
<u>51 or more</u>	<u>6</u>

The number of trees of each species planted shall be proportional to the number of species required.<<

* * *

(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 H;~~]" 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.]~~

* * *

>>(M) Fertilizer Management.

(1) Fertilizer application shall be in accordance with the following:

(a) Fertilizer applied to turf shall be applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers.

(b) Phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

(2) The provisions of this Subsection (M) shall apply to all fertilizer applications, subject to the following exceptions:

(a) Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes, as amended, provided that fertilizers are applied in accordance with the appropriate *Best Management Practices* manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agriculture Water Policy, for the crop in question.

(b) Fertilizer applications for golf courses, parks, and athletic fields, provided that the provisions of Rule 5E-1.003(2)(d), Florida Administrative Code, as amended, are followed.

(c) Newly established Turf and/or Landscape Plants for the first 60-day period after installation.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Assistant County Attorney's Names