



## **TOWN OF GOLDEN BEACH**

**One Golden Beach Drive  
Golden Beach, FL 33160**

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**Official Agenda for the November 15, 2016  
Regular Town Council Meeting called for 7:00 P.M.**

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**A. MEETING CALLED TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. PRESENTATIONS / TOWN PROCLAMATIONS**

SWEARING-IN OF PART-TIME OFFICER CARLOS BALASINO

**E. MOTION TO SET THE AGENDA**

ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT  
AGENDA/ AND CHANGES TO AGENDA

**F. GOOD AND WELFARE**

**G. MAYOR'S REPORT**

**H. COUNCIL COMMENTS**

**I. TOWN MANAGER REPORT**

**J. TOWN ATTORNEY REPORT**

**K. ORDINANCES – SECOND READING**

- 1. An Ordinance of the Town Council Amending the “Land Development Regulations” to Address Landscaping and Drainage Requirements in Town.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, TO AMEND SUBPART B, “LAND DEVELOPMENT REGULATIONS” OF THE TOWN’S CODE OF ORDINANCES TO ADDRESS LANDSCAPING AND DRAINAGE REQUIREMENTS BY AMENDING CHAPTER 50 “BUILDINGS AND BUILDING REGULATIONS”; CREATING CHAPTER 52 “LANDSCAPING”; AMENDING CHAPTER 58 “DEVELOPMENT STANDARDS” AND CHAPTER 66 “ZONING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Ordinance No. 571.16

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 571.16

## **M. ORDINANCES - FIRST READING**

None

## **N. QUASI JUDICIAL RESOLUTIONS**

### **2. A Variance Request for 495 Ocean Boulevard to Permit a Side Setback.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 495 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT A SIDE SETBACK OF 7'-6" AT THE NORTH AND SOUTH SIDE PROPERTY LINES, WHERE 10' IS PERMITTED.

**Exhibit:** Agenda Report No. 2  
Resolution No. 2469.16

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2469.16

### **3. A Variance Request for 587 Ocean Boulevard to Permit a Side Setback.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 587 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT A SIDE SETBACK OF 7'-6" AT THE NORTH AND SOUTH SIDE PROPERTY LINES, WHERE 10' IS PERMITTED.

**Exhibit:** Agenda Report No. 3  
Resolution No. 2470.16

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2470.16

**O. CONSENT AGENDA**

- 4. Official Minutes of the September 20<sup>th</sup>, 2016 Special Town Council Meeting & Final Budget Hearing**
- 5. Official Minutes of the October 25, 2016 Special Town Council Meeting**
- 6. A Resolution of the Town Council Approving the Agreement with David T. Caserta Government Relations, Inc.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA RETROACTIVELY APPROVING AN AGREEMENT WITH DAVID T. CASERTA GOVERNMENT RELATIONS, INC. FOR CONSULTING SERVICES FOR THE PERIOD BEGINNING OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016 AND APPROVING A NEW AGREEMENT WITH DAVID T. CASERTA GOVERNMENT RELATIONS, INC. FOR CONSULTING SERVICES FOR THE PERIOD BEGINNING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6  
Resolution No. 2471.16

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2471.16

- 7. A Resolution of the Town Council Approving A Mutual Aid Agreement Between the Town and the City of Miami Beach.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN AND THE CITY OF MIAMI BEACH; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Resolution No. 2472.16

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2472.16

- 8. A Resolution of the Town Council Approving the Agreement between the Office of the State Attorney and the Town.**

A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING THE AGREEMENT BETWEEN THE OFFICE OF THE STATE ATTORNEY OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA AND THE TOWN OF GOLDEN BEACH; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Resolution No. 2473.16

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2473.16

**9. A Resolution of the Town Council Authorizing the Use of LETF Monies to Purchase Fully-Automatic “Cardiac Science” Defibrilators (AEDs).**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF SEVEN FULLY-AUTOMATIC “CARDIAC SCIENCE” DEFIBRILATORS (AEDs) WITH THE USE OF THE LETF TO PURCHASE AND EQUIP POLICE OFFICERS AND ASSIGNED LOCATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 9  
Resolution No. 2474.16

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2474.16

**P. TOWN RESOLUTIONS**

**10. A Resolution of the Town Council Authorizing the General Obligation Refunding Bond, Series 2016.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$14,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF TOWN OF GOLDEN BEACH, FLORIDA GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016, TO REFUND AND DEFEASE THE TOWN’S GENERAL OBLIGATION BONDS, SERIES 2008 AND PAY COSTS OF ISSUANCE; PROVIDING THAT SUCH GENERAL OBLIGATION REFUNDING BONDS SHALL CONSTITUTE GENERAL OBLIGATIONS OF THE TOWN AND THAT THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWN SHALL BE IRREVOCABLY PLEDGED FOR THE

PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON SUCH GENERAL OBLIGATION REFUNDING BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING CERTAIN DETAILS OF THE BONDS; DELEGATING CERTAIN MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS TO THE MAYOR AND/OR TOWN MANAGER; AUTHORIZING THE NEGOTIATED SALE OF THE BONDS TO THE UNDERWRITERS; APPOINTING A PAYING AGENT AND A BOND REGISTRAR; APPOINTING AN ESCROW AGENT; APPROVING THE FORM AND EXECUTION OF A BOND PURCHASE AGREEMENT; APPROVING THE FORM AND EXECUTION OF AN ESCROW DEPOSIT AGREEMENT; PROVIDING FOR A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION OF AN OFFICIAL STATEMENT; AUTHORIZING OBTAINING A BOND INSURANCE POLICY AND ANY NECESSARY COVENANTS WITH RESPECT THERETO; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE BONDS IN ACCORDANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AUTHORIZING A BOOK-ENTRY REGISTRATION SYSTEM FOR THE BONDS; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWN TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE OF THE BONDS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 10  
Resolution No. 2475.16

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2475.16

**Q. DISCUSSION & DIRECTION TO TOWN MANAGER**

Mayor Glenn Singer:  
None Requested

Vice Mayor Kenneth Bernstein:  
None Requested

Councilmember Bernard Einstein:  
None Requested

Councilmember Amy Isackson-Rojas:  
None Requested

Councilmember Judy Luskin:  
None Requested

Town Manager Alexander Diaz:  
• Presentation on Loggia Beach Park Renovations

## **R. ADJOURNMENT:**

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### **DECORUM:**

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COUNCIL SHALL BE BARRED FROM THE COUNCIL CHAMBERS BY THE PRESIDING OFFICER. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACE CARDS SHALL BE ALLOWED IN THE COUNCIL CHAMBERS. PERSONS EXITING THE COUNCIL CHAMBERS SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COUNCIL CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS.

PURSUANT TO FLORIDA STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IF YOU NEED ASSISTANCE TO ATTEND THIS MEETING AND PARTICIPATE, PLEASE CALL THE TOWN MANAGER AT 305-932-0744 EXT 224 AT LEAST 24 HOURS PRIOR TO THE MEETING.

RESIDENTS AND MEMBERS OF THE PUBLIC ARE WELCOMED AND INVITED TO ATTEND.



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** October 25, 2016

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,  
Town Manger

A handwritten signature in blue ink that reads "Alex B." with a circled "B" at the end.

**Subject:** Ordinance No. 571.16 – Amending Code, Subpart B, “Land Development Regulations” to Address Landscaping and Drainage Requirements

Item Number:

1

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### **Recommendation:**

It is recommended that the Town Council adopt the attached Ordinance No. 571.16 as presented.

### **Background:**

The Town’s Landscape Ordinance has always been an area of concern for the Administration, and with the completion of the Capital Improvement Projects we would like to ensure that the aesthetics of the Town’s curb appeal be one that enhances the value of our community.

During the last few months we have held workshops on a complete replacement of the Town’s Landscape Ordinance. This Ordinance is a working product of the discussions we held during the workshops. We hope that between first and second reading we can fine tune any final concerns that you may have.

We strongly recommend that you adopt this Ordinance as presented.

### **Fiscal Impact:**

None.

1  
2 **TOWN OF GOLDEN BEACH, FLORIDA**

3  
4 **ORDINANCE NO. 571.16**

5  
6 **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN**  
7 **BEACH, FLORIDA, TO AMEND SUBPART B, “LAND DEVELOPMENT**  
8 **REGULATIONS” OF THE TOWN’S CODE OF ORDINANCES TO**  
9 **ADDRESS LANDSCAPING AND DRAINAGE REQUIREMENTS BY**  
10 **AMENDING CHAPTER 50 “BUILDINGS AND BUILDING**  
11 **REGULATIONS”; CREATING CHAPTER 52 “LANDSCAPING”;**  
12 **AMENDING CHAPTER 58 “DEVELOPMENT STANDARDS” AND**  
13 **CHAPTER 66 “ZONING”; PROVIDING FOR SEVERABILITY;**  
14 **PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE**  
15 **CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

16  
17 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,  
18 Florida Statutes, provide municipalities the authority to exercise any power for municipal  
19 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such  
20 authority; and

21 **WHEREAS**, the Town Council of the Town of Golden Beach (“Town Council”) finds  
22 it periodically necessary to amend its Code of Ordinances and Land Development Code  
23 (“Code”) in order to update regulations and procedures to implement municipal goals and  
24 objectives; and

25 **WHEREAS**, the Town of Golden Beach (“Town”) has adopted goals and policies  
26 through its Comprehensive Plan related to the development of landscaping standards;  
27 and

28 **WHEREAS**, the Town desires to provide landscape regulations consistent with the  
29 aesthetic goals and conditions of the Town; and

30 **WHEREAS**, the Town desires to consolidate all landscaping requirements in a  
31 single location; and



32           **WHEREAS**, Town staff recommends approval of the proposed changes; and

33           **WHEREAS**, the Town’s Local Planning Agency has reviewed this Ordinance, and  
34 has determined that it is consistent with the Town’s Comprehensive Plan; and

35           **WHEREAS**, pursuant to Section 166.041 (c)(2), Florida Statutes, notice has been  
36 given by publication in a paper of general circulation in the Town, notifying the public of  
37 this proposed Ordinance and of the time and dates of the public hearings; and

38           **WHEREAS**, two (2) public hearings were held before the Town Council pursuant  
39 to the published notice described above; and

40           **WHEREAS**, the Town Council finds that adoption of this Ordinance through its  
41 police powers will protect the public health, safety, and welfare of the residents of the  
42 Town, and furthers the purpose, goals, objectives, and policies of the Town’s  
43 Comprehensive Plan.

44           **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**  
45 **GOLDEN BEACH, FLORIDA**<sup>1</sup>:

46           **Section 1.** That the preceding “Whereas” clauses are ratified and incorporated as  
47 a record of the legislative intent of this Ordinance.

48           **Section 2.** That Chapter 50 “Buildings and Building Regulations” of the Town of  
49 Golden Beach Land Development Code is amended to read as follows:

50           **Subpart B - LAND DEVELOPMENT REGULATIONS**  
51           **Chapter 50 - BUILDINGS AND BUILDING REGULATIONS**

52   \*       \*       \*

53           **Sec. 50-7. - Approval of plans, permits.**  
54

1 Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~. Changes made between first and second reading are highlighted in yellow.

55 (a) All building plans, permits or other construction authorization shall be  
56 approved in writing by the Town Building Official.

57  
58 (b) The Town Building Official shall review with the builder all plans submitted  
59 for the construction of new buildings or alteration of existing buildings. If the  
60 plans meet all code requirements of the Town and other applicable  
61 governmental authority, the Building Official shall approve the plans.  
62

63 (1) All zoning approvals and variances are to be submitted pursuant to  
64 section 66-31 et seq.

65  
66 (2) Final working drawings and engineer's plans are not required for  
67 zoning and variances approval or recommendation of the Building  
68 Regulation Advisory Board provided ~~that~~ there is no substantial  
69 change or deviation from the approved plan prior to issuance of  
70 permit or during construction.

71  
72 (3) All submissions of plans shall include as a minimum, the following  
73 items:

74  
75 a. An artist's or architect's colored drawing of front elevations of  
76 the building as completed.

77  
78 b. An architect's drawing of the parking plan, drainage, pervious  
79 calculations ~~landscape plan~~ and description and actual  
80 samples of all materials to be used on the exterior of the  
81 home, including roof tile if not white in color.

82  
83 c. An architect's computation of the structure's lot coverage,  
84 square footage and height of finished first floor.

85  
86 d. A plat and survey sealed within the last six months, showing  
87 compliance with platting, replatting or waiver of plat  
88 requirements of this Code.

89  
90 e. A Landscape Plan prepared by a State of Florida registered  
91 Landscape Architect in accordance with the provisions of  
92 Chapter 52 "Landscaping".

93  
94 \* \* \*

95  
96 **Sec. 50-11. - Demolition of structures.**

97  
98 (a) Demolition permit required. It shall be unlawful to remove or demolish any  
99 building or structure, or any part thereof without first applying for and  
100 receiving a demolition permit from the Town. Any Person requiring a

101 demolition permit, in addition to filing an application therefore, shall pay all  
102 fees as required in this article. The actual time of demolition, cleanup, and  
103 where applicable, regarding and revegetation shall not exceed 90 days from  
104 the date of issuance.

105  
106 (b) Submission of plans, bond. Prior to the issuance of any demolition permit  
107 the applicant shall submit to the Town Building Official for review and  
108 approval two copies of a demolition plan, a regrading ~~regarding~~ and  
109 revegetation plan, and a cash performance bond in the amount of 150  
110 percent of the estimated cost of implementing the regarding and  
111 revegetation plan.

112  
113 (c) Demolition plan. The demolition plan shall include:

114  
115 (1) A written description and/or graphic display of the buildings and/or  
116 portions of buildings to be demolished.

117  
118 (2) A description of the means of demolition to be utilized.

119  
120 (3) The expected date for demolition to begin.

121  
122 (4) The estimated number of days necessary to complete the demolition  
123 and remove the resulting debris.

124  
125 (5) Any additional documentation that may be required by the Building  
126 Department.

127  
128 (d) ~~Regrading~~ Re-grading and revegetation plan. The ~~regarding~~ re-grading and  
129 revegetation plan shall be prepared by a State of Florida registered  
130 landscape architect and shall include:

131  
132 (1) A regrading plan providing for the regrading of the site so that it will  
133 be generally smooth and level so that there are no drop-offs, holes  
134 or other features which might pose a safety hazard or threaten to  
135 damage adjacent property or any areas likely to hold standing water  
136 that might pose a potential health or safety hazard.

137  
138 (2) A revegetation plan providing that the site shall be revegetated by  
139 being properly treated with topsoil, ~~sprigged or~~ sodded with a lawn  
140 grass commonly used in Miami-Dade County, and maintained until  
141 growth is self-sustaining consistent with the requirements of chapter  
142 52. If the demolition site is beachfront property and the landscape  
143 architect determines that portions of the site are not suitable for  
144 revegetation with any of the lawn grasses commonly used in Miami-  
145 Dade County, then the Town Manager or designee Building  
146 Official may approve revegetation of those portions of the demolition

147 site with appropriate native vegetation suitable for coastal conditions.  
 148 The Town will not approve any proposed landscape east of the  
 149 Coastal Construction Control Line (CCCL) line without prior approval  
 150 from the State of Florida Department of Environmental Protection.  
 151 plants from the following list:  
 152

Scientific Name	Common Name
Cakile	Sea rocket
Hetrotheca subaxillaris	Camphorweed
Ipomoea pes-carprae	Railroad vine/beach morning glory
Panicum amarularum	Dune panic grass
Paspalum vaginatum	Salt jointgrass
Scaevola plumieri	Inkberry
Sesuvium portulacastrum	Sea purslane
Smilax spp.	Bamboo vine
	Horsebriar
	Greenbriar
Spartina patens	Saltmeadow cordgrass
Uniola planiculata	Sea oats

153 ~~or any other plants certified by a registered landscape architect as being equivalent to the~~  
 154 ~~species listed in this subsection. These plants shall also be maintained until they become~~  
 155 ~~self-sustaining.~~  
 156

157 \* \* \*

158 **Section 3.** That Chapter 52 "Landscaping" of the Town of Golden Beach Land  
 159 Development Code is created to read as follows:  
 160

161 **Chapter 52 - LANDSCAPING**

162  
 163 **ARTICLE I. - IN GENERAL**

164  
 165 **Sec. 52-1. - Definitions.**

166  
 167 The following words, terms and phrases, when used in this chapter, shall have the  
 168 meanings ascribed to them in this section, except where the context clearly indicates a  
 169 different meaning:

170  
171 ANSI A300 Standards means Industry-developed standards of practice for tree  
172 care. Acronym for American National Standards Institute.  
173

174 Artificial turf means an artificial product manufactured from synthetic materials that  
175 simulates the appearance of natural turf, grass, sod or lawn.  
176

177 Best Management Practices means best-available, industry-recognized courses of  
178 action, in consideration of the benefits and limitations, based on scientific research and  
179 current knowledge.  
180

181 Branch collar means area where branch joins another branch or trunk that is  
182 created by the overlapping vascular tissue from both the branch and the trunk.  
183

184 Caliper means for trees under four (4) inches in diameter, the trunk diameter  
185 measured at a height of six (6) inches above natural grade. For trees four (4) inches and  
186 greater in diameter, the trunk diameter measured at twelve (12) inches above natural  
187 grade.  
188

189 Canopy means the upper portion of a tree consisting of limbs, branches and  
190 leaves.  
191

192 Clear trunk means the distance between the top of the root all along the vertical  
193 trunk or trunks of a tree to the point at which lateral branching or fronds begin.  
194

195 Corner Lot means a lot located at the intersection of two streets and abutting such  
196 streets on two adjacent sides.  
197

198 Diameter at breast height (DBH) means the diameter of a tree's trunk measured at  
199 a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk  
200 trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four  
201 and one-half (4.5) feet above natural grade.  
202

203 Drip line means an imaginary vertical line extending from the outermost horizontal  
204 circumference of a tree's branch to the ground.  
205

206 Florida-Friendly Landscaping means practices, materials or actions developed by  
207 the Florida Yards and Neighborhood Program that help to preserve Florida's natural  
208 resources and protect the environment.  
209

210 Florida Yards and Neighborhood Program is a partnership of the University of  
211 Florida/Institute of Food and Agricultural Sciences, Florida's Water Management Districts,  
212 the Florida Department of Environmental Protection, the National Estuary Program, the  
213 Florida Sea Grant College Program and other agencies, managed locally by the Miami-  
214 Dade Cooperative Extension Division of the Consumer Services Department.  
215

216 Grey wood means the area of trunk on a palm from ground level to the palm frond  
217 sheath.

218  
219 Groundcover means plant material which is a dense, extensive growth of low-  
220 growing plants, other than turfgrass, normally reaching a maximum height of not more  
221 than 24 inches at maturity.

222  
223 Hatrack means to flat-cut the top of a tree, severing the leader or leaders, or the  
224 removal of any branch three (3) inches or greater in diameter at any point other than the  
225 branch collar.

226  
227 Hedge means a landscape barrier consisting of a continuous, dense planting of  
228 shrubs, not necessarily of the same species.

229  
230 Hydrozone means a zone in which plant material with similar water needs are  
231 grouped together.

232  
233 Landscape feature means trellis, arbor, fountain, pond, garden sculpture, garden  
234 lighting, decking, patio, decorative paving, gazebo, and other similar elements.

235  
236 Landscape material means plants such as grass, groundcover, forbs, shrubs,  
237 vines, hedges, trees and non-living material such as rocks, pebbles, sand, mulch, or  
238 pervious decorative paving materials.

239  
240 Landscape Manual means the Miami-Dade County Landscape Manual adopted  
241 under Chapter 18A of the Code of Miami-Dade County which is to be used as a guide to  
242 this section.

243  
244 Landscape Plan means a plan indicating all landscape areas, stormwater  
245 retention/detention areas, areas which qualify to be excluded from maximum permitted  
246 lawn area, existing vegetation to be retained, proposed plant material, landscape legend,  
247 landscape features, planting specifications, details, and all other relevant information in  
248 compliance with this chapter.

249  
250 Lawn area means a planted species normally grown as permanent lawn in the  
251 vicinity of South Florida.

252  
253 Mulch means organic, arsenic free, material such as wood chips, pine straw or  
254 bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and  
255 enrich the soil.

256  
257 Native habitat means an area enhanced or landscaped with an appropriate mix of  
258 native tree, shrub and groundcover species that resembles a native plant community or  
259 natural forest community in structure and composition or is naturally occurring.

260

261 Native plant species means plant species with a geographic distribution indigenous  
262 to South Florida. Plants which are described in the Florida Yards and Neighbors  
263 Publication: Native Plants for South Florida.

264  
265 Native plant community means a natural association of plants dominated by one  
266 (1) or more prominent native plant species, or a characteristic physical attribute.

267  
268 Patio or pool deck means a paved outdoor area, whether of wood or other  
269 construction, adjoining a house.

270  
271 Pervious Area means pervious area as defined in section 58-1.

272  
273 Planting detail means a graphic representation of the plant installation depicting  
274 the materials to be used and dimensions to be met in the placement of plants and other  
275 landscape materials.

276  
277 Prohibited plant species means those plant species listed in the Miami-Dade  
278 Landscape Manual which are demonstrably detrimental to native plants, native wildlife,  
279 ecosystems, or human health, safety, and welfare.

280  
281 Shrub means a self-supporting woody perennial plant normally growing to a height  
282 of twenty-four (24) inches or greater, characterized by multiple stems and branches  
283 continuous from the base.

284  
285 Specimen tree means a tree with any individual trunk which has a DBH of eighteen  
286 (18) inches or greater, but not including the following:

287  
288 (a) All trees listed in Section 24-49(4)(f) of the Code of Miami-Dade County;

289  
290 (b) Non-native fruit trees that are cultivated or grown for the specific purpose of  
291 producing edible fruit, including, but not limited to, mangos, avocados, or  
292 species of citrus;

293  
294 (c) Non-native species of the genus Ficus, and

295  
296 (d) All multi-trunk trees in the palm family, except Acoelorrhaphe wrightii and  
297 Phoenix reclinata which have a minimum overall height of fifteen (15) feet.

298  
299 Sight distance triangle means a triangular area of land occurring at the intersection  
300 of two (2) streets or a driveway and street which is maintained free of visual obstructions  
301 so as to provide adequate visibility of oncoming pedestrians or vehicles.

302  
303 Substantial improvement means any repair, reconstruction, rehabilitation or  
304 improvement of a structure, the cost of which equals or exceeds, over a one-year period,  
305 a cumulative total of 50 percent of the current assessed value as provided by the Miami-  
306 Dade County Property Appraiser, of the structure either:

- 307 (1) Before the improvement or repair is started; or  
308 (2) If the structure has been damaged and is being restored, before the damage  
309 occurred.

310  
311 Swale means swale as defined in section 66-1.

312  
313 Tree means a self-supporting, woody perennial plant, usually with one vertical  
314 stem or main trunk, which naturally develops a distinct, elevated crown and provides, at  
315 maturity, natural characteristics of the species.

316  
317 Tree abuse shall include:

318  
319 (a) Damage inflicted upon any part of a tree, including the root system, by  
320 machinery, construction equipment, cambium layer penetration, storage of  
321 materials, soil compaction, excavation, chemical application or spillage, or  
322 change to the natural grade.

323  
324 (b) Hatracking, flat-cutting the top of a tree, severing leader or leaders of a tree.

325  
326 (c) Cutting upon a tree which destroys its natural habit of growth.

327  
328 (d) Girdling or bark removal of more than one-third (1/3) of the tree diameter.

329  
330 (e) Tears and splitting of limb ends or peeling and stripping of bark resulting  
331 from improper pruning techniques not in accordance with the current ANSI  
332 A300 Standards.

333  
334 Tree canopy means the aerial extent of the branches and foliage of a tree as  
335 defined by the drip line.

336  
337 Turf means the upper layer of soil matted with roots of grass and covered by viable  
338 grass blades.

339  
340 Vegetation survey means a drawing provided at the same scale as the landscape  
341 plan which includes relevant information as required by this chapter.

342  
343 Vine means a plant with a flexible stem which normally requires support to reach  
344 mature form.

345  
346 **Sec. 52-5. - Purpose and Intent.** It is the intent of this section to establish and require  
347 enforcement of minimum landscape standards that will enhance, improve, and maintain  
348 landscaping through the application of the following principles:

349  
350 (a) To create and enhance the aesthetic subtropical character and identity  
351 distinctiveness of the Town of Golden Beach.

352



- 353 (b) To improve the aesthetic appearance of the Town through the use of plant  
354 material, thereby protecting and increasing property values within the  
355 community.  
356
- 357 (c) To design landscaping to enhance architectural features, relate structure  
358 design to the site, visually screen unsightly views, and strengthen important  
359 vistas.  
360
- 361 (d) To promote the use of more wind tolerant trees and proper horticultural  
362 planting methods in order to maintain a more sustainable landscape.  
363
- 364 (e) To promote the use of Florida Yards & Neighborhoods (FYN) "Florida-  
365 friendly" landscaping principles by using drought-tolerant plants, grouping  
366 plant material by water requirements, using irrigation systems that conserve  
367 the use of potable and non-potable water supplies, maximizing the use of  
368 mulch and restricting the amount of lawn areas.  
369
- 370 (f) To prevent the destruction of the Town's existing tree canopy and promote  
371 its expansion.  
372
- 373 (g) To provide for the preservation of specimen trees in conformance with  
374 section 24-49 of the Code of Miami-Dade County, as may be amended from  
375 time to time.  
376
- 377 (h) To re-establish the native habitat along the beach, and encourage the  
378 use of native plant material.  
379
- 380 (i) To promote the use of trees and shrubs for energy conservation.  
381
- 382 (j) To reduce the negative impacts of invasive plant species as identified  
383 by the Florida Exotic Pest Plant Council and prohibit the use of noxious  
384 exotic plants which invade native plant communities.  
385
- 386 (k) To promote the FYN "Florida-friendly" landscaping principle of planting  
387 the appropriate tree in the correct location to avoid problems such as  
388 clogged sewers, damage to paved areas, power service interruptions  
389 and impact on neighboring properties.  
390
- 391 (l) To promote the FYN "Florida-friendly" landscaping principle of replacing  
392 high-maintenance and/or problem-prone plants with low-maintenance plant  
393 species that have low water and fertilizer requirements and are relatively  
394 free from pests and diseases.  
395

396 **Sec. 52-10. – Standards.**  
397

- 398           (a) The Miami-Dade County Landscape Ordinance is hereby adopted and is  
399           applicable to all property within the Town.
- 400
- 401           (b) Further, due to the Town's coastal location and the community's desire to  
402           achieve a higher quality landscape appearance, in addition to the minimum  
403           standards set forth in the Miami-Dade County Landscape Code the  
404           supplemental landscape standards provided in this Chapter that exceed or  
405           supplement the Miami-Dade standards shall be applicable to all property  
406           within the Town.
- 407
- 408           (c) All property owners are responsible for ensuring that landscaping required  
409           to be planted pursuant to this chapter or any other applicable ordinance(s),  
410           is installed and maintained in compliance with applicable ordinances.
- 411

412 **Sec. 52-15. - Applicability.**

413

- 414           (a) It is the express intent and desire of the Town Council that all properties  
415           and swales comply with and meet the minimum requirements set forth in  
416           the Miami-Dade County Landscape Code and Town supplemental  
417           standards stated herein.
- 418
- 419           (b) All properties within the Town, including their swales, are subject to the  
420           provisions of this Chapter except as provided in section 52.70  
421           “Nonconforming Landscaping Requirements”. All existing landscaping and  
422           swales, whether conforming or non-conforming with this chapter, must be  
423           maintained consistent with the requirements of section 52.40 “Landscape  
424           Maintenance”.
- 425
- 426           (c) New construction. All provisions of this chapter shall be considered  
427           minimum standards for all new construction projects.
- 428
- 429           (d) Substantial Improvements. Substantial Improvements shall be subject to  
430           all provisions of this chapter. This provision regarding compliance for  
431           properties undergoing Substantial Improvements shall be applicable to the  
432           greatest extent reasonably possible as determined by the Town Manager  
433           or designee.
- 434
- 435           (e) Landscaping improvements. If landscape in excess of 50 percent of total  
436           site landscaping, as determined by the Town Manager or designee, is  
437           voluntarily being replaced, the Town Manager may, as reasonably possible,  
438           require additional improvements or landscape changes in order to increase  
439           compliance with this Chapter. This provision regarding compliance for  
440           properties undergoing landscape improvements shall be applicable to the  
441           greatest extent reasonably possible as determined by the Town Manager  
442           or designee.
- 443

444 (f) Swales. In addition to the compliance requirements above, the property  
445 owner responsible for any swale which is not in compliance with this  
446 chapter, shall meet the requirements of Section 52-45 "Swale Regulations".

447 **Sec. 52-20. - Landscape Approval Required.** Prior to review by the Building Regulation  
448 Advisory Board, or issuance of a building permit, a landscape plan and vegetation survey  
449 shall be submitted to the Town and approved by the Town Manager or designee. No  
450 building permit shall be issued until the applicant submits and has approval of a landscape  
451 plan and vegetation survey that meet the requirements of this Code of Ordinances. All  
452 landscape plans must be signed and sealed by a State of Florida Registered Landscape  
453 Architect. Such materials shall be complete and comply with this section unless waived  
454 in whole or in part by the Town Manager or designee upon a determination that such  
455 information is not applicable or not essential to the review of a specific project.

456  
457 (a) A landscape plan including the following components shall be provided:

458  
459 (1) Drawn to a suitable scale indicating property boundaries,  
460 dimensions, north arrow, graphic scale, date and street names.  
461 Recommended scale to be one inch equals 8 feet.

462  
463 (2) Location, condition, names, sizes, DBH of existing trees and site  
464 improvements along any abutting properties within 20 feet of the  
465 property lines, including right of ways.

466  
467 (3) Delineate proposed structures, overhangs, vehicular use areas,  
468 fences, mechanical equipment, sidewalks, decks, pools, locations of  
469 utilities and similar features.

470  
471 (4) Location and outline of existing structures and site improvements to  
472 remain.

473  
474 (5) Designate common and scientific name, location, size (in  
475 height, spread and trunk caliper), quantity, and quality of  
476 living plant material proposed to be installed or maintained  
477 on the site.

478  
479 (6) Identify and describe the location and characteristics of all non-living  
480 landscape materials.

481  
482 (7) Show all landscape features, areas of vegetation required to be  
483 preserved by law, (including but not limited to trees, plants,  
484 shrubs, native habitats, wetlands, and mangroves), in context  
485 with the location and outline of existing and proposed buildings,  
486 fences, and other structural improvements being contemplated  
487 on the site.

488  
489 (8) Location of existing and proposed easements, right of ways,

490 drainage structures, overhead utility wires, underground  
491 utilities, above ground electrical elements, and transformers.

492  
493 (9) All planting detail and specifications including but not limited to  
494 staking, method of vine attachment, fertilization, topsoil,  
495 planting soil, mulching, applicable drainage, root barriers, tree  
496 protection, and any other subsurface treatments specifications  
497 and general notes.

498  
499 (10) Indicate method to protect trees during construction in  
500 accordance with Section 52-65 "Tree Protection Requirements  
501 During Construction".

502 (11) Indicate method(s) to relocate trees during construction.

503  
504 (12) Include a landscape tabulation indicating the minimum  
505 requirements under this Chapter; plant material and the  
506 quantity, quality, size, and species of all plant material to be  
507 planted, preserved, or relocated; net lot area; square footage  
508 of paved area; square footage of pervious area, street  
509 lengths, property lines, percentages of sod, native/drought  
510 tolerant percentages; and such other information as may be  
511 required by the Town Manager or designee to make a  
512 determination that the landscape plan meets the  
513 requirements of this section.

514 (13) An in-ground irrigation plan meeting the requirements of section  
515 52-50 "Irrigation Requirements".

516 (14) Such other information that may be required to give a  
517 complete understanding of the proposed plan.

518  
519 (b) Vegetation survey. A vegetation survey shall be provided for all sites at the  
520 same scale as the landscape plan. The vegetation survey shall be  
521 accompanied by an aerial photograph which outlines the subject site without  
522 obscuring its features. The vegetation survey must be signed and sealed by  
523 a State of Florida Registered Landscape Architect and shall provide the  
524 following information:

525  
526 (1) The accurate location and graphic representation, in relation to  
527 existing development, of all existing trees of a minimum two-inch  
528 DBH or ten-foot height or, for native trees, of a minimum one and  
529 one-half (1½) DBH or eight-foot height, including those which are  
530 proposed to be removed, relocated or preserved on site in  
531 accordance with the requirements of Section 18-A and Section 24-  
532 60 of the Miami-Dade County Code.

533

- 534           (2)   The boundaries of any native habitat, native plant community,  
535           native plant species, as determined by the Department of  
536           Regulatory and Economic Resources (DRER).
- 537
- 538           (3)   A table showing the following information:
- 539
- 540           a.   The common and scientific name of each tree, each of which  
541           shall be numbered.
- 542
- 543           b.   The diameter at breast height (DBH) of each tree, or if a  
544           multiple trunk tree, the sum DBH for all trunks.
- 545
- 546           c.   An estimate of the height, canopy cover, and physical  
547           condition of each tree, and whether specimen tree(s) exist on  
548           site.
- 549

550   **Sec. 52-25. - Minimum Landscape Requirements.** The following standards shall be  
551   considered minimum requirements:

552

553           (a)   Required Placement.

554

555           (1)   On-site Trees.

556

557           a.   Single-family home sites located in Zones One, Two and  
558           Three are required to have a minimum of one (1) tree per  
559           2,500 square feet of lot area or fraction thereof. A minimum  
560           of two canopy trees or grouping of palms meeting the code  
561           requirements must be located within the front setback area.

562

563           b.   Community facilities/parks are required to meet the minimum  
564           tree quantity requirements provided in the Code of Miami-  
565           Dade County.

566

567           (2)   Street Trees: Street trees or palms shall be required at one shade  
568           tree/palm per twenty-five (25) linear feet of street frontage, excluding  
569           driveways, thereof along all public or private street right-of-ways.

570

571           (3)   Shrubs: Shrubs shall be provided at a ratio of twenty (20) per  
572           required tree.

573

574           (4)   Prohibited and Abused Trees shall not be counted toward fulfilling  
575           the minimum tree requirements.

576

577           (b)   All residential properties, whether developed or vacant shall have grass,  
578           groundcover or landscaping material maintained in a living condition on  
579           all portions of residential property where no structural improvements are

- 580 located.
- 581
- 582 (c) Property Owner's shall restore the grass groundcover and/or
- 583 landscaping on his property in a manner keeping with the residential
- 584 nature of the Town should such groundcover and/or landscaping be
- 585 destroyed or impaired.
- 586
- 587 (d) On-site Trees – Minimum Requirements: All trees, except street trees shall
- 588 be a minimum height of twelve (12) feet and in compliance with the Florida
- 589 Grades and Standards for Nursery Plants (FL. No. 1) at time of planting;
- 590 however thirty (30) percent of the minimum tree height requirement may be
- 591 met by native species with a minimum height of eight (8) feet and in
- 592 compliance with the Florida Grades and Standards for Nursery Plants (FL.
- 593 No. 1) at time of planting. When selecting tree species, preference shall be
- 594 given to those species listed as being medium or highly tolerant to wind as
- 595 listed in the Miami-Dade County Landscape Manual. Of the required trees
- 596 at least fifty (50) percent shall be native species; fifty (50) percent shall be
- 597 low maintenance and drought tolerant; and no more than forty (40) percent
- 598 shall be palms.
- 599
- 600 (e) Street Trees – Minimum Requirements: Street trees shall be of a species
- 601 typically grown in South Florida that normally matures to a height of at least
- 602 twenty (20) feet. Street trees shall have a clear trunk of over six (6) feet, an
- 603 overall height of fourteen (14) feet and in compliance with the Florida
- 604 Grades and Standards for Nursery Plants (Florida No. 1) at time of planting.
- 605 Palm trees utilized as street trees shall have a minimum of twelve (12) feet
- 606 grey wood and six (6) inches caliper at time of planting. Taller palms may
- 607 be required in order to match existing nearby palms in right-of-ways as
- 608 determined by Town Manager or designee. Street trees shall be placed
- 609 within the swale area or shall be placed on private property where
- 610 demonstrated to be necessary due to right-of-way obstructions as
- 611 determined by the Town. The Town reserves the right to designate a
- 612 common species for a roadway or portion of certain roadway segments to
- 613 achieve a uniformity of appearance.
- 614
- 615 (f) Shrubs: Shall be a minimum of (18) inches in height, full to base, at time of
- 616 planting and planted two feet on center maximum. No less than thirty (30)
- 617 percent of the shrubs shall be native species and no less than fifty (50)
- 618 percent shall be low maintenance and drought tolerant. Shrubs shall be
- 619 planted so not to touch building walls or walkways at the time of planting.
- 620
- 621 (g) Palms: On-site Palm trees shall have a minimum of eight feet grey
- 622 wood and shall constitute no more than 40 percent of the required
- 623 trees. All palms with the exception of Roystonea elata/regia, Phoenix
- 624 canariensis, Phoenix dactylifera, Phoenix sylvestris, Phoenix
- 625 reclinata, Bismarkia nobilis and other similar large palms as

626 determined by the Town Manager or designee, shall be counted at  
627 three palms per one canopy tree and planted with staggered heights.  
628 All proposed coconut palms shall be certified to be resistant to lethal  
629 yellowing.

630  
631 (h) Prohibited trees per Sec. 24-49(4)(f) of the Code of Miami-Dade  
632 County and street trees shall not be counted towards meeting the on-  
633 site tree requirement. Prohibited trees shall not be planted and shall be  
634 removed from any site which is subject to the requirements of this chapter.

635  
636 (i) Bamboo: Due to its spreading habit and leaf litter Bamboo shall only be  
637 used as an accent plant and shall not be planted within 10 feet of any  
638 property line, in the side yards, or in any way where it acts as a Hedge.

639  
640 (j) Vines: Vines shall be full and a minimum of 30 inches in supported height  
641 immediately after planting.

642  
643 (k) Lawn: All lawn areas including, but not limited to swales, shall be St.  
644 Augustine, Bermuda, Seashore Paspalum, Zoysia, or another species well  
645 adapted to localized growing conditions in Miami-Dade County as approved  
646 by the Town Manager or designee. Turf areas may not be plugged,  
647 sprigged, hydromulched or seeded. Turf shall be solid sod laid on a smooth  
648 topsoil base with tight joints at 100 percent coverage at time of planting and  
649 cut to fit all areas. Turf shall not be treated as a fill-in material, but rather as  
650 a major planned element of the landscape and shall be placed so that it can  
651 be irrigated separately from planting beds. Turf shall not be allowed to  
652 exceed six inches in height.

653  
654 (l) Groundcover: May be used in lieu of grass. Groundcovers shall be full and  
655 planted with a minimum of 75 percent coverage with 100 percent coverage  
656 occurring within three months of installation. All groundcover shall be  
657 planted so as not to touch building walls or walkways at the time of planting.

658  
659 (m) Artificial turf. Artificial turf may be used as follows:

660  
661 (1) On roof top terraces.

662  
663 (2) Within Zones One, Two and Three, except that the quantity of  
664 artificial turf to be incorporated into any street yard visible from the  
665 roadway shall not exceed thirty (30) percent of the applicable yard  
666 area.

667  
668 (3) In all areas of installation, artificial turf which is installed consistent  
669 with the quality, installation and location requirements of this section  
670 shall be treated as pervious surface area.

671

- 672 (4) With the exception of those circumstances in which artificial turf is  
673 installed consistent with subsection (l)(2) above, artificial turf shall  
674 not be:  
675  
676 a. Installed within permanent drainage features (e.g., French  
677 drains; swales);  
678  
679 b. On any swale area without approval of the Town Manager or  
680 designee upon a finding that no alternate live plantings are  
681 feasible.  
682
- 683 (5) Minimum material standards. All artificial turf shall comply with the  
684 following minimum standards:  
685  
686 a. Artificial turf shall consist of green lifelike individual blades of  
687 grass that emulate natural turf in look and color and shall have  
688 a minimum pile height of 1.5 inches and shall have a minimum  
689 tufted weight of 80 ounces per square yard.  
690  
691 b. Where artificial turf is utilized for institutional recreational uses  
692 (e.g., playgrounds, athletic fields), the artificial turf product  
693 installed shall be designed for the intended use and meet the  
694 appropriate additional standards.  
695  
696 c. Artificial turf installations shall have a minimum permeability  
697 of 30 inches per hour per square yard.  
698  
699 d. All artificial turf shall have a minimum ten year manufacturer's  
700 warranty that protects against color fading and a decrease in  
701 pile height.  
702  
703 e. Artificial turf shall be lead free.  
704  
705 f. Artificial turf shall be flame retardant.  
706  
707 g. Artificial turf shall be manufactured from polyethylene  
708 monofilament, Dual Yarn System.  
709  
710 h. All materials must include test documentation which declares  
711 that the artificial turf yarn and backing materials are  
712 disposable under normal conditions, at any US landfill station  
713 (Total Content Leach Protocol (TCLP) test).  
714  
715 i. The use of indoor or outdoor plastic or nylon carpeting as a  
716 replacement for artificial turf or natural turf shall be prohibited.  
717



- 718 j. Artificial turf shall not be treated as a fill in material, but rather  
719 as a planned element of the landscape.  
720
- 721 (6) Installation, maintenance and repair.  
722
- 723 a. All artificial turf shall, at a minimum, be installed by a licensed  
724 professional pursuant to the manufacturer's specifications.  
725
- 726 b. All artificial turf installations shall be anchored to ensure that  
727 the turf will withstand the effects of wind.  
728
- 729 c. All seams shall be joined in a tight and secure manner, nailed  
730 or glued, not sewn, and edges shall be trimmed to fit against  
731 all regular and irregular edges to resemble a natural look.  
732
- 733 d. If artificial turf is planned to be installed immediately adjacent  
734 to a seawall, the artificial turf shall be pinned or staked behind  
735 the seawall. No artificial turf or installation mechanism shall  
736 be attached directly to or placed on a seawall or seawall cap.  
737
- 738 e. All artificial turf shall be installed over a subgrade prepared to  
739 provide positive drainage and an evenly graded mass of  
740 compacted, porous crushed rock aggregate material. Base  
741 comprising of sand only is not permitted.  
742
- 743 f. Proper drainage shall be provided for all artificial turf  
744 installations to prevent excess runoff or pooling of water.  
745
- 746 g. An infill medium consisting of clean silica sand or other  
747 approved mixture shall be brushed into the fibers to ensure  
748 that the fibers remain in an upright position and to provide  
749 ballast that will hold the turf in place and provide a cushioning  
750 effect. Artificial turf shall be visually level, with the grain  
751 pointing in a single direction.  
752
- 753 h. An appropriate solid barrier device (e.g., concrete mow strip,  
754 bender board, or other barrier with a minimum 3/8" thickness)  
755 is required to prevent intrusion of living plant material into the  
756 artificial turf areas.  
757
- 758 i. Precautions for installation around existing trees shall be  
759 monitored and may be restricted to ensure tree roots are not  
760 damaged with the installation of the base material and that the  
761 overall health of the tree will not be compromised.  
762

763 j. All artificial turf shall be maintained in a green fadeless  
764 condition and shall be maintained free of dirt, mud, stains,  
765 weeds, debris, tears, holes, and impressions. Maintenance  
766 shall include, but not be limited to cleaning, brushing, debris  
767 removal; repairing of depressions and ruts to maintain a  
768 visually-level surface; elimination of any odors, flat or matted  
769 areas, weeds, and evasive roots; and all edges of the artificial  
770 turf shall not be loose and must be maintained with  
771 appropriate edging or stakes.

772  
773 k. All artificial turf must be replaced if it falls into disrepair with  
774 fading or holes or lose areas. Replacement and/or repairs  
775 shall be done with like materials from the same manufacturer  
776 and done so in a manner that results in a repair that blends in  
777 with the existing artificial turf.

778  
779 (7) Material Specifications and Plans

780  
781 a. Material specifications and plans shall be provided to the  
782 Town for review and approval prior to the installation of  
783 artificial turf.

784  
785 b. The submittal shall include:

786  
787 (a) A landscape plan showing the area of synthetic turf,  
788 area of living plant material, and separation between  
789 these areas;

790  
791 (b) A dimensioned cross section of proposed materials  
792 and installation details, including subgrade, drainage,  
793 base or leveling layer, and infill;

794  
795 (c) Edge material and detail for seams;

796  
797 (d) Material description and specifications, including  
798 manufacturer,

799  
800 (e) installer (with contact information), and warranty  
801 information.

802  
803 (f) A sample of the turf proposed that meets these  
804 standards.

805  
806 (g) Product to be made, assembled and warranted in the  
807 United States of America.

808

- 809 (h) Consideration of the percentage of living plants versus  
810 percentage of artificial turf shall be part of the review  
811 process.  
812
- 813 c. An owner or applicant shall obtain a building permit from the  
814 Town prior to the installation of any artificial turf.  
815
- 816 (n) Mulch: Mulches shall be applied and maintained in accordance with the  
817 most recent edition of the Florida Yards and Neighborhoods Handbook  
818 entitled “A Guide to Florida Friendly Landscaping” by the University of  
819 Florida, Institute of Food and Agricultural Sciences (UF/IFAS) and available  
820 online at <http://www.floridayards.org/landscape/FYN-Handbook.pdf>.  
821 Cypress mulch shall not be used because its harvest degrades cypress  
822 wetlands.  
823
- 824 (o) Root barriers: The Town shall require root barriers for trees planted  
825 within the right-of-way or less than 15 feet from a road right-of-way,  
826 sidewalk, utility or seawall. The intent of this requirement is to protect  
827 infrastructure, including sidewalks from trees known to create root  
828 problems.  
829
- 830 (p) The use of wind tolerant trees and palms are encouraged due to the  
831 high risk of hurricanes in South Florida. Every effort should be utilized  
832 to reduce the risk of damage and liability by utilizing more wind  
833 tolerant landscaping.  
834
- 835 (q) Landscape materials shall be selected based on suitability to the  
836 nearby oceanfront location and generally salt tolerant. Landscape  
837 materials should be planted at locations that take into account future  
838 mature growth of the selected materials so as not to interfere with  
839 utilities, sidewalks and roads (roots), structures and adjacent  
840 neighboring properties. Because of the existing coastal soil  
841 composition, the soils where the landscape materials are to be  
842 planted shall be modified as necessary to allow all plantings to  
843 survive.  
844
- 845 (r) The use of landscaping that is very poisonous, has a major pest or  
846 insect problem, thorny spines, drops messy fruit or has an aggressive  
847 root system is discourage and will be reviewed on a case by case.  
848
- 849 (s) The use of plant materials that reinforce the ambience of the Town’s  
850 distinctive, lush, subtropical character is encouraged.  
851
- 852 (t) All proposed landscape east of the Coastal Construction Control Line  
853 (CCCL) line must be approved by the State of Florida Department of  
854 Environmental Protection.

- 855  
856 (u) All landscaping including shrubs and groundcover shall be  
857 guaranteed for one year after final landscape inspection.  
858  
859 (v) No certificate of occupancy or certificate of completion shall be issued  
860 until such time as all of the required landscaping is installed and  
861 approved by the Town. However, nothing herein shall prevent the  
862 issuance of a temporary certificate of occupancy so long as at least  
863 a majority of the landscape including the sod portion of the  
864 landscaping has been installed as approved by the Town Manager  
865 or designee.  
866  
867 (w) All landscape substitutions including shrubs and groundcover shall  
868 require Town Manager or designee approval prior to installation.  
869

870 **Sec. 52-30. - Plant Quality.**

- 871  
872 (a) Plants installed pursuant to this section shall conform to, or exceed,  
873 the minimum standards for Florida Number One as provided in the  
874 most current edition of Florida "Grades and Standards for Nursery  
875 Plants," prepared by the State of Florida Department of Agriculture  
876 and Consumer Services. Additional information not addressed in the  
877 Florida Grades and Standards for Nursery Plants may be obtained  
878 from ANSI Standards Z60.1.  
879  
880 (b) All plants shall be clean and free of noxious pests and/or disease.  
881  
882 (c) Sod shall be green, healthy, clean and visibly free of weeds, noxious  
883 pests and diseases.  
884  
885 (d) The Town Manager or designee shall establish and the Town shall  
886 maintain a Preferred Species List, including native and drought  
887 tolerant species. This list shall be periodically revised, as needed. At  
888 least (50) percent of the required trees and plants shall be selected  
889 from the Preferred Species List.  
890

891 **Sec. 52-35.- Hedges.**

- 892  
893 (a) Height restrictions.  
894  
895 (1) In Zone One no hedge between estates or lots shall be constructed  
896 or altered to exceed in height the following: Parallel to the side  
897 property line in between estates or lots adjacent to the main structure  
898 Hedges shall not be restricted in height; within 60 feet of the west  
899 property line, Hedges shall be restricted to a height of six feet; thence  
900 easterly along patios and main house structure to height of six feet;

901 thence easterly for 30 feet, a height of four feet; thence easterly to  
902 the ocean front, a height of two feet. No Hedge higher than two feet  
903 may be erected on the east (Ocean Front) property line. No Hedge  
904 higher than six feet above the crown of the road may be erected on  
905 the (Ocean Boulevard) property line.

906  
907 (2) In Zone Two, Hedges parallel to the side property line within the front  
908 yard setback shall not exceed twenty feet. Parallel to the side  
909 property line in between estates or lots adjacent to the main structure  
910 and along rear property line, hedges shall not be restricted in height.  
911 Hedges parallel to the front property line may not exceed 10 feet in  
912 height. An appropriate hedge material listed in the Town's Preferred  
913 Species List shall be approved by the Town Manager or designee.

914  
915 (3) In Zone Three, Hedges parallel to the side property line within the  
916 front yard setback shall not exceed twenty (20) feet. Parallel to the  
917 side property line in between estates or lots adjacent to the main  
918 structure or rear patio, hedges shall not be restricted in height .  
919 Hedges parallel to the side property from the rear of the patio to the  
920 rear of the lot and along the rear property line shall not exceed a  
921 height of six (6) feet. Hedges parallel to the front property line may  
922 not exceed 10 feet in height. An appropriate hedge material listed in  
923 the Town's Preferred Species List shall be approved by the Town  
924 Manager or designee.

925  
926 (4) No Hedges may be erected in such manner, planted and permitted  
927 to grow so as to block the view of a driver of a vehicle or bicycle  
928 operating on any road within the Town as provided by section 52-  
929 45(e) "Sight obstruction at intersections".

930  
931 (5) Landscaping including hedges or vines may be utilized to fully screen  
932 the full height of fences erected along right-of-way.

933 (6) No berm shall be permitted in the street right-of-way.

934 (7) Throughout Zones One, Two and Three, live Hedges may be grown  
935 in lieu of masonry built walls or fences, subject to the same height  
936 restrictions applicable to a fence or wall in the zone as provided in  
937 chapter 66.

938 (b) Any Hedge which has a height restriction, as permitted in this section, shall  
939 be sheared, shaped and manicured uniformly and consistently.

940  
941 (c) All Hedges shall be maintained in accordance with the landscaping plan as  
942 approved by the Town.

943  
944 **Sec. 52-40. - Landscape Maintenance**

- 946 (a) Maintenance. The owner shall be responsible for the continued  
947 maintenance and upkeep of all required landscaping so as to present a  
948 healthy plant in a condition representative of the species. All landscapes  
949 shall be kept free of refuse, debris, disease, pests, and weeds and shall be  
950 fertilized and irrigated to maintain plants in a healthy condition. Special  
951 maintenance requirements necessary to preserve the professional's design  
952 intent shall be noted on the landscape plan.
- 953
- 954 (b) Replacement of trees. If any specimen or required tree dies or is  
955 removed, such tree or plant shall be replaced with another tree  
956 consistent with the requirements of the Chapters 18 and 24 of the Miami-  
957 Dade County Code. All stumps shall be removed below the surface of  
958 the ground.
- 959
- 960 (c) Trees may not be painted and shall be maintained in their natural state  
961 as to color.
- 962
- 963 (d) Removal of damaged or nuisance trees and plants. Ongoing maintenance  
964 to prohibit the establishment of prohibited exotic species is required.  
965 Any plant materials of whatsoever type or kind required by these  
966 regulations shall be replaced within 30 days of their demise and/or  
967 removal.
- 968
- 969 (e) Disposal of landscape materials. Landscape materials, including but not  
970 limited to tree branches, palm fronds, dead or diseased plant materials  
971 and grass clippings shall be disposed of properly. Grass clippings shall  
972 be collected and removed from all sites and shall not be placed on public  
973 right-of-way or allowed to enter the stormwater system. In no instance  
974 shall grass clippings be accumulated and/or swept into stormwater  
975 catch basins.
- 976
- 977 (f) Irrigation of landscape materials. Landscape materials shall be properly  
978 watered to ensure survival. Irrigation systems shall be maintained to  
979 eliminate water loss due to damaged, missing or improperly operating  
980 sprinkler heads, emitters, pipes and other portions of the irrigation  
981 system.
- 982
- 983 (g) Fertilizers and pesticides. Landscape materials shall be properly  
984 fertilized and, if necessary, pesticides applied to ensure survival. Such  
985 products shall be used in accordance with Best Management Practices  
986 and the manufacturer's recommended specifications for application,  
987 storage and disposal. In no instance shall such products be disposed  
988 of through the stormwater system and efforts shall be made to limit  
989 runoff into the Town's stormwater system. Alternatives to the use of  
990 pesticides are encouraged.
- 991

- 992           (h) Fertilizer Management. Fertilizer application shall be in accordance with  
993           the following:  
994  
995           (1) Fertilizer applied to turf shall be applied in accordance with  
996           requirements and directions provided by Rule 5E-1.003(2), Florida  
997           Administrative Code, Labeling Requirements for Urban Turf  
998           Fertilizers.  
999           (2) Phosphorous fertilizer shall not be applied to turf or landscape plants  
1000           except as provided in (a) above for turf, or in UF/IFAS  
1001           recommendations for landscape plants, vegetable gardens, and fruit  
1002           trees and shrubs, unless a soil or tissue deficiency has been verified  
1003           by an approved test.  
1004           (3) The provisions of (1) and (2) above shall apply to all fertilizer  
1005           applications except for fertilizer applications for parks and athletic  
1006           fields provided that the provisions of Rule 5E-1.003(2)(d), Florida  
1007           Administrative Code, as amended, are followed and for newly  
1008           established Turf and/or Landscape Plants for the first 60-day period  
1009           after installation.  
1010  
1011           (i) Lawn and groundcover areas. Except in periods of officially declared  
1012           drought, lawn areas shall be maintained by adequate irrigation so as to  
1013           remain healthy and present a good appearance. Adequate pest control  
1014           shall be applied to prevent the spread of cinch bugs or other grass-  
1015           damaging pests. Lawn and groundcover areas shall be maintained so  
1016           as to prevent excessive growth and unsightly conditions, ensuring that  
1017           edges are neatly trimmed, and that grass runners or weeds will not grow  
1018           over adjacent drives, curbs, or public sidewalks.  
1019  
1020           (j) Hedges. Hedges shall be maintained so as to have a solid appearance,  
1021           with no gaps or spaces. Grass or other growths shall not be allowed to  
1022           grow up into the hedge. All hedges shall be kept neatly trimmed and  
1023           maintained at a height as provided for in Section 52-35 "Hedges".  
1024  
1025           (k) Prohibited species. On properties where any construction permit is  
1026           issued, prohibited species must be removed.  
1027  
1028           (l) Town rights-of-way; utility easements. Trees, shrubs or hardscape  
1029           located within the Town's right-of-way or utility easements, regardless  
1030           of when such items were installed or who they were installed or  
1031           purchased by, shall be removed at the expense of the property owner  
1032           upon request or necessity of the Town.  
1033  
1034           (m) Sight distance. Trees, shrubs, hedges, and bushes shall not be  
1035           maintained or allowed to exist in such a way that the plant material  
1036           interferes with the sight distance triangle relative to vehicles, or  
1037           interferes with the passage of any vehicles along the Town's roadways

1038 as provided for in Section 52-45(e) "Sign obstruction at intersections".

1039  
1040 (n) Pruning. Trees shall be pruned by property owners to promote healthy,  
1041 uniform, natural growth of the vegetation. Pruning shall be performed in  
1042 accordance with the current edition of pruning standards published by  
1043 the American National Standard Institute (ANSI) A300 Pruning  
1044 Standards and ANZI Z133.1 Safety Standards. Trees shall not be  
1045 hatracked or severely pruned in a manner that would damage the  
1046 vegetation and permanently restrict the growth or height. Severely  
1047 pruned trees are considered damaged and a public nuisance, which  
1048 shall be replaced with trees equal to the number and height of damaged  
1049 trees. A plant's growth habit shall be considered to determine the extent  
1050 of pruning necessary to maintain healthy growth.

1051  
1052 (o) Canopy and root pruning. When activities affect public or private trees  
1053 so that more than 50 percent of the area within the dripline is disturbed,  
1054 or when pruning must be performed on the crown of a public or private  
1055 tree, the following arboriculture techniques are required:

1056 (1) When the area within the dripline will be disturbed, the affected  
1057 roots must be severed by clean pruning cuts where the activity  
1058 impacts the roots. Roots may be pruned by utilizing trenching  
1059 equipment that is specifically designed for this purpose or by hand  
1060 digging a trench and pruning roots with a chain saw, pruning saw or  
1061 other equipment designed for tree pruning. Roots within the  
1062 dripline shall be pruned to a depth of 12 inches below existing  
1063 grade or to the depth of the disturbance if less than 12 inches from  
1064 the existing grade. When underground utilities are to be installed  
1065 through the dripline, root pruning requirements may be waived by  
1066 the Town Manager or designee if the lines are installed via  
1067 tunneling or directional boring.

1068  
1069 (2) It shall be a violation of this section to perform the techniques of  
1070 topping, hatracking or other pruning techniques that remove the  
1071 vertical leader stems or other pruning which results in an  
1072 unnecessary reduction of shade of public or private trees.

1073  
1074 (p) Drainage and Mosquito Control. The existence of depressions or  
1075 excavations or any other condition on such premises wherein water  
1076 may accumulate and stand in such manner or fashion as to make  
1077 possible the propagation of mosquitoes therein, is prohibited.

1078  
1079 (q) Vacant lot right-of-way landscaping. Throughout Zones One, Two,  
1080 and Three, the yard and any swale area along a right-of-way frontage



1081 of a vacant lot, shall be planted with accent plant material and/or sod  
1082 and watered and maintained so as to prevent browning, disease,  
1083 weeds, overgrowth or dead spots.

1084  
1085 (r) Any trees and/or palms that are diseased (including dead palms with lethal  
1086 yellowing) or trees and/or palms causing a possible safety hazard as  
1087 determined by the Town are considered to be a public nuisance. In  
1088 accordance with Section 11D – Diseased Palm Trees, of the code of Miami-  
1089 Dade County, any property owners of any lot or parcel of land in the Town  
1090 shall promptly remove any such tree, at property owner’s expense, after  
1091 being notified by the Town.

1092  
1093 The Town shall have the right to impose such additional maintenance  
1094 requirements that are consistent with the standards of the community.

1095  
1096 **Sec. 52-45. - Swale Regulations.**

1097  
1098 (a) Responsibility for landscaping. The property Owner, tenant and/or  
1099 resident living in the property or his agent shall be jointly and severally  
1100 responsible for the maintenance of all landscaping in Swale Areas. The  
1101 landscaping shall be maintained in good plant health so as to ensure  
1102 safety, functional use and a healthy plant appearance. The landscaping  
1103 shall be pruned and free of dead limbs and branches. All dead growth  
1104 shall be removed immediately and replaced. No swale landscaping shall  
1105 be maintained in such manner as to constitute a nuisance.

1106  
1107 (b) Plants, sod.

1108  
1109 (1) Plants to be placed in the Swale Area shall be approved by the  
1110 Building Regulation Advisory Board and shall conform to the  
1111 State agricultural standards. Grass sod shall be clean and  
1112 reasonably free of weeds and noxious pests or diseases. Trees  
1113 or shrubs shall be of a species whose roots are known not to  
1114 cause damage to public roadways or other public works and shall  
1115 be planted in the swale only after approval by the Building  
1116 Regulation Advisory Board. A permit is required for the planting  
1117 of any tree in the swale area.

1118  
1119 (2) Sod of a species normally grown as a permanent lawn grass  
1120 consistent with section 52-25(j) shall be used in swales or other  
1121 areas subject to erosion and shall be planted so as to extend to  
1122 the abutting Street pavement. All sodded areas between the  
1123 Street pavement and the property line shall be maintained in a  
1124 clean and healthy growing condition, free of trash, debris, refuse,  
1125 litter, ruts and potholes. No swale shall have grass exceeding six  
1126 inches in height.

- 1127  
1128 (c) Prohibited materials. The following materials shall not be permitted in  
1129 any swale:  
1130 (1) Lawn markers.  
1131 (2) Boulders.  
1132 (3) Poles, chains, stakes, berms, retaining walls, or other devices or  
1133 materials intended to create physical access barriers.  
1134 (4) Any other obstructions which may be hazardous to the welfare of the  
1135 general public.  
1136  
1137 (d) Walls, fences generally. No wall or fence of whatever substance, or  
1138 series of shrubs, bushes, Hedges or series of other growing matter, may  
1139 be placed or maintained in such a manner as to constitute a wall or a  
1140 fence, and no other structure or plant shall be constructed, maintained  
1141 or otherwise allowed in the Swale Area adjacent to the front or side  
1142 Street, or in the public right-of-way or easement area unless approved  
1143 by the Building Regulation Advisory Board.  
1144  
1145 (e) Sight obstruction at intersections. The safe sight distance triangle at  
1146 intersections formed by two or more public roads shall be formed by lines  
1147 connecting points of 25 feet from the edge of the paved roads. The safe  
1148 sight distance at intersections of driveways and public roads shall be formed  
1149 by lines connecting points of 10 feet from the edge of the driveway and edge  
1150 of public road. The safe sight distance triangle at the intersection of  
1151 driveways and public sidewalks shall be formed by lines connecting points  
1152 of 10 feet from the edge of the driveway and edge of public sidewalk. The  
1153 safe sight distance triangle area shall not contain obstructions to cross-  
1154 visibility at a height of two and one-half (2.5) feet and eight (8) feet above  
1155 established grade; potential obstructions include, but are not limited to,  
1156 structures, grass, groundcovers, shrubs, vines, hedges, trees, rocks, walls  
1157 and fences. Property owners shall be responsible for maintaining all  
1158 landscaping within the cross-visibility triangle. All sight distance triangles  
1159 shall be indicated on the site plan and landscape plan. In addition to  
1160 requirements above, safe sight distance triangles for driveways intersecting  
1161 State Road A1A shall be provided in accordance with the standards of the  
1162 Florida Department of Transportation.  
1163  
1164 (f) Maintenance of swale areas. All lot Owners within the Town shall:  
1165  
1166 (1) maintain all trees, shrubs or hardscape located in the Swale Areas  
1167 abutting their lots regardless of when such items were installed or  
1168 who they were installed or purchased by;  
1169  
1170 (2) mow the lawn in the Swale Area at least once every 15 days and  
1171 maintain grass or lawn at a height of not more than six inches or  
1172 more from the ground; and

- 1173  
1174           (3) not permit nuisances to occur within such Swale Areas.
- 1175           (g) Compliance of nonconforming swales. All swales must be brought into full  
1176           compliance with this chapter at the time the property is required to comply  
1177           with this chapter under section 52.15. In addition, the property owner  
1178           responsible for any swale which is not in compliance with this chapter, shall:
- 1179           (1) Prior to or upon the sale or transfer of the property to a new property  
1180           owner, by any mechanism, remove any non-compliant features and  
1181           bring the swale area into full compliance with this chapter;
- 1182           (2) Remove all prohibited materials identified in section 52-45(c) above  
1183           no later than January 31, 2021;
- 1184           (3) Ensure all changes to swale landscaping increase, to the greatest  
1185           extent reasonable, the conformity of the swale with this chapter, and  
1186           if along Golden Beach Drive, with the "typical swale design"  
1187           approved by the Town provided in XXX, and this chapter.  
1188

1189 **Sec. 52-50. - Irrigation Requirements.** All properties required to submit a landscape  
1190 plan shall also provide an in-ground irrigation plan. Required irrigation plans shall:

- 1191
- 1192           (a) Be drawn at the same scale as the landscape plan.  
1193
- 1194           (b) Delineate the areas that are to be landscaped.  
1195
- 1196           (c) Delineate existing and proposed structures, sidewalks, driveways, the  
1197           location of utilities and easements, and similar features.  
1198
- 1199           (d) Include water source, design operating pressure and flow rate per zone,  
1200           total volume required for typical depths of application, and application rate.  
1201
- 1202           (e) Include locations of pipes, controllers, valves, sprinklers, backflow  
1203           prevention devices and electrical supply.  
1204
- 1205           (f) Be designed, operated and maintained to meet the needs of all of the  
1206           plants in the landscape.  
1207
- 1208           (g) Be designed to minimize the application of water onto sidewalks,  
1209           driveways, streets, and other impervious areas.  
1210
- 1211           (h) Be designed and installed in accordance with the Florida Irrigation  
1212           Society's Standards and Specifications for Turf and Landscape Irrigation  
1213           Systems (as amended).  
1214

- 1215 (i) Conserve water by allowing differential operation schedules based on  
1216 hydrozones.
- 1217
- 1218 (j) Use low trajectory spray heads, and/or low volume water distributing or  
1219 application devices.
- 1220
- 1221 (k) Provide rain switches or other devices with automatic controls.  
1222

1223 **Sec. 52-55. - Tree Removal Permit Required.** It is the intent and desire of the Town  
1224 to preserve and enhance the tree canopy in the Town for aesthetic and environmental  
1225 reasons. No Person shall cut down, destroy, remove, relocate, destructively damage or  
1226 cause to be cut down, destroyed, removed, relocated or destructively damage any tree  
1227 without first obtaining a permit from the Town as required by chapter 24 of the Miami-  
1228 Dade County Code of Ordinances. Tree Removal Permits shall be processed by the  
1229 Town in the same manner, pursuant to the same requirements and guidelines as provided  
1230 by Section 24.49 of the Miami-Dade County Code of Ordinances. All tree removal permit  
1231 exemptions provided therein shall also apply. The issuance of a tree removal permit  
1232 from the Town shall require proof that a permit has been obtained from the Miami-  
1233 Dade County Department of Regulatory & Economic Resources, if such permit is  
1234 required by Division 2 "Tree Preservation and Protection" of Chapter 24 of the Miami-  
1235 Dade County Code of Ordinances. No trees shall be removed from any public land  
1236 including, but not limited to rights-of-way and swale areas, without the approval of the  
1237 Town Manager or designee. Under no circumstances may any Person remove a tree  
1238 where the resulting number of trees (excluding any prohibited trees) on the property  
1239 is less than the number of trees required by this Code.

1240

1241 **Sec. 52-60. - Preservation of Pervious Lot Area.** All lots shall maintain compliance  
1242 with the pervious surface requirements of Section 58-33.

1243

1244 **Sec. 52-65. - Tree Protection Requirements During Construction.** During site  
1245 development, protection requirements for trees designated for preservation or relocation  
1246 shall include, but not be limited to, the following:

- 1247
- 1248 (a) Protective barriers shall be placed around each tree, cluster of trees, or the  
1249 edge of the preservation area no less than six (10) feet (in radius) from the  
1250 trunk of any protected tree, cluster of trees, or preservation area unless a  
1251 certified arborist otherwise determines in writing that a smaller or larger  
1252 protected area is acceptable or necessary for each tree, or an alternate tree  
1253 protection method is approved. Protective barriers shall be a minimum of  
1254 four (4) feet above ground level and shall be constructed of wood, plastic or  
1255 metal, and shall remain in place until development is completed and the  
1256 Town has authorized their removal. Protective barriers shall be in place  
1257 prior to the start of any construction. Barriers may be removed temporarily  
1258 to accommodate construction needs, provided that the manner and purpose  
1259 for such temporary removal will not harm the tree.
- 1260

- 1261 (b) Understory plants within protective barriers shall be protected.
- 1262
- 1263 (c) No excess oil, fill, equipment, building materials or building debris shall be
- 1264 placed within the areas surrounded by protective barriers, nor shall there be
- 1265 disposal of any waste material such as paints, oils, solvents, asphalt,
- 1266 concrete, mortar or any other material harmful to trees or understory plants
- 1267 within the areas surrounded by protective barriers.
- 1268 (d) Trees shall not be braced in such a fashion as to scar, penetrate, perforate
- 1269 or otherwise inflict damage to the tree.
- 1270
- 1271 (e) No attachments other than those of a protective or non-damaging nature
- 1272 shall be attached to any tree except those trees approved to be removed.
- 1273
- 1274 (f) Natural grade shall be maintained within protective barriers. In the event
- 1275 that the natural grade of the site is changed as a result of site development
- 1276 such that the safety of the tree may be endangered, tree wells or retaining
- 1277 walls are required.
- 1278
- 1279 (g) Underground utility lines shall be placed outside the areas surrounded by
- 1280 protective barriers. If said placement is not possible, disturbance shall be
- 1281 minimized by using techniques such as tunneling.
- 1282
- 1283 (h) Fences and walls shall be constructed to avoid disturbance to any protected
- 1284 tree. Post holes and trenches located close to trees shall be dug by hand
- 1285 and adjusted as necessary, using techniques such as discontinuous
- 1286 footings, to avoid damage to major roots.
- 1287
- 1288 (i) The trees shall be properly irrigated throughout the building process.
- 1289

**Sec. 52-70. – Nonconforming Landscaping Requirements.** The Town recognizes that many of the properties in the Town were constructed prior to the enactment of either the County or Town supplemental code requirements.

- 1293
- 1294 (a) Nonconforming designation. Property owners whose properties do not
- 1295 meet the minimum requirements of this code shall be designated as
- 1296 Nonconforming Landscape Properties.
- 1297
- 1298 (b) Nonconforming Landscape Properties must comply with all requirements of
- 1299 this chapter except:
- 1300
- 1301 (1) the required installation of new plant materials pursuant to section
- 1302 52-25(a);
- 1303
- 1304 (2) the mandatory installation of an irrigation system under section 52-
- 1305 50 “Irrigation Requirements”; and
- 1306

- 1307                   (3)    the mandatory installation of an on-site drainage system, provided  
1308                   that where improvements are made, all efforts shall be made to  
1309                   ensure that proper drainage mechanisms, in particular, grading,  
1310                   planting and maintenance tools, are implemented to the greatest  
1311                   extent feasible.  
1312
- 1313                   (c)    The forgoing provisions notwithstanding, all Nonconforming Landscape  
1314                   Properties are encouraged to meet the most recent minimum standards, if  
1315                   possible.  
1316
- 1317                   (d)    Any new landscaping installed on a Nonconforming Landscape Property  
1318                   must:  
1319
- 1320                    (1)    meet the Minimum Landscape Requirements of subsections 52-  
1321                    25(b)-(v) as applicable;  
1322
- 1323                    (2)    meet the Plant Quality standards of section 52-30;  
1324
- 1325                    (3)    be installed pursuant to all applicable location and installation  
1326                    requirements of this chapter; and  
1327
- 1328                    (4)    be approved by the Town Manager or designee.  
1329
- 1330                   (e)    Any new irrigation system must be approved pursuant to and consistent  
1331                   with the requirements of section 52-50 "Irrigation Requirements."  
1332
- 1333                   (f)    Once a Nonconforming Landscape Property has been improved, it shall  
1334                   thereafter be maintained at the new level of landscaping or consistent with  
1335                   any applicable landscape plan, pursuant to the maintenance requirements  
1336                   of this chapter.  
1337

**Sec. 52-75. - Violations, Abatement.**

1339 Failure to maintain groundcover and/or landscaping as required by this chapter or  
1340 applicable Miami-Dade County Code or according to the approved landscape plan is  
1341 declared to be a public nuisance. The Town may implement abatement or other  
1342 actions permitted by law against any Property Owner who refuses to maintain his  
1343 property in accordance with applicable ordinances or the approved landscape plan  
1344 after notice of violation. Any notice of violation may be appealed to the Town Council.

- 1345                   (a)    Prohibitions. It shall be unlawful for any owner of any vacant lot, parcel  
1346                   or tract of land within the Town to commit tree abuse, permit weeds,  
1347                   grass or undergrowth to grow thereon or on any adjacent swale to a  
1348                   height of six inches or more from the ground; or to permit rubbish, trash,  
1349                   debris, dead trees or other unsightly or unsanitary matter to remain  
1350                   thereon; or to permit the existence of depressions or excavations or any  
1351                   other condition on such premises wherein water may accumulate and

1352 stand in such manner or fashion as to make possible the propagation of  
1353 mosquitoes therein.

1354 (b) Failure to Comply; form of notice to property Owner or Owners.

1355 (1) Upon the failure of the owner of any vacant lot, parcel or tract of  
1356 land within the Town keep such premises free of weeds, grass or  
1357 undergrowth of a height of six inches or more from the ground or  
1358 of rubbish, trash, debris, dead trees or other unsightly or  
1359 unsanitary matter, or to keep premises free of excavations,  
1360 depressions, or nuisances as provided in this chapter, it shall be  
1361 the duty of the Town Manager or designee to give notice, as  
1362 provided herein, requesting the owner or owners of such property  
1363 to remedy the condition within 15 days after service of such  
1364 notice.

1365 (2) Such notice shall be given by registered or certified mail,  
1366 addressed to the Owner of the property described, to the home of  
1367 record, as recorded in the current county tax rolls, or may be  
1368 posted upon the premises by affixing in any conspicuous place  
1369 on any structure located on such premises or by leaving such  
1370 notice of violation with any Person over the age of 15 years having  
1371 charge of the premises. and shall be deemed complete and  
1372 sufficient notice when so addressed and deposited in the United  
1373 States mail with proper postage prepaid, posted or personally  
1374 delivered. The notice shall be in substantially the following form:

1375 Date: \_\_\_\_\_

1376 Name of owner: \_\_\_\_\_

1377 Address of owner: \_\_\_\_\_

1378 Our property records indicate you to be the owner(s) of the  
1379 following described property in the Town of Golden Beach:

1380 An inspection of this property discloses, and the Town Manager  
1381 has found and determined, it to be in such condition as to be in  
1382 violation of chapter 52, section (cite individual section violated) of  
1383 the Code of the Town of Golden Beach, because (state why  
1384 property is in violation, i.e., height of weeds, grass or  
1385 undergrowth, debris, dead trees, specific nuisance etc.).

1386 Section 52-75(a) of the Code of the Town of Golden Beach  
1387 provides that it shall be unlawful for you to permit this condition to  
1388 continue, and you are hereby notified that unless this condition is  
1389 remedied so as to make it nonviolative of section 52-75(a) of the  
1390 Code of the Town of Golden Beach, within 15 days from the date  
1391 hereof, the Town of Golden Beach will proceed to remedy such

1392 condition, and the cost of such work will be imposed as a lien  
1393 upon this property. The estimated cost to remedy this condition  
1394 would be \_\_\_\_\_, plus \$50.00 for administrative charges,  
1395 for a total cost of \_\_\_\_\_.

1396 This notice will be the only notice given to you in a period of one  
1397 year from this date. Any other violations occurring under this  
1398 section shall be remedied by the Town without further notice.

1399 Very truly yours,

1400 \_\_\_\_\_  
Town Manager

1401 (c) Cost of Clearing as Lien on Property—Collection, foreclosure and sale.  
1402 Upon failure of the owner of property to remedy the conditions existing  
1403 in violation of the requirements of this section within 15 days after  
1404 service of notice to do so, then the Town Manager or designee shall  
1405 proceed to have such condition remedied by contract or direct labor, or  
1406 both, and the cost thereof shall be and become a lien against such  
1407 property 30 days after notice of completion of work by the Town, to the  
1408 same extent and character as the lien for special assessments, and with  
1409 the same penalties and with the same rights of collections, foreclosure,  
1410 sale and forfeiture as obtained for special assessment liens. The cost  
1411 chargeable to the Owner shall not exceed the amount of cost as set forth  
1412 in the notice served to the property Owner or Owners required herein  
1413 under section 52-75.

1414 (d) Same—Due date, delinquency interest rates. The lien for the cost of  
1415 clearing lots, parcels or tracts of land or of removing or remedying the  
1416 conditions thereof found to be in violation of this section, plus any other  
1417 administrative charges, shall become due and payable 30 days after  
1418 publication of the notice of completion of such work, except in cases  
1419 wherein a petition is filed within such period as provided for in section  
1420 52-75(h) and where, upon consideration of such petition, the Council  
1421 has changed and corrected the amount of lien as filed in the Office of  
1422 the Clerk of the Circuit Court of the County; in such cases the lien shall  
1423 become due and payable 30 days after such Council action. After the  
1424 respective due dates above fixed, all unpaid liens shall become  
1425 delinquent and shall thereafter bear interest at the rate of six percent per  
1426 annum. This lien may be enforced and satisfied by the Town pursuant  
1427 to F.S. ch. 173, as amended from time to time, or by any other method  
1428 permitted by law. The lien provided for in this section shall not be  
1429 deemed to be in lieu of any other legal remedies for recovery of such  
1430 fee, late charges, and accrued interest available to the Town.

1431 (e) Same—Installment payments; waiver of irregularities, interest rates.

1432 (1) The lien for the cost of clearing any lot, parcel or tract of land or



1433 of removing or remedying the condition thereof found to be  
1434 violative of this section, if the same is in excess of \$100.00, may  
1435 be paid in two equal installments due, respectively, on the first  
1436 day of November following the due date prescribed above, and  
1437 on the first day of November of the year following; provided, that  
1438 the Owner or Owners of such lot, parcel or tract of land shall file  
1439 with the Town Manager, on or before the due date, a written  
1440 undertaking waiving any and all irregularities or illegality in  
1441 connection with the imposing of such lien.

1442 (2) Such deferred installments shall bear interest at the rate of ten  
1443 percent per annum from and after the due date of the lien, but any  
1444 such lien or installment thereof may be paid at any time when  
1445 accompanied by the payment of interest due upon the entire  
1446 unpaid balance of the lien to date of payment.

1447 (3) Failure to pay any such installment when the same shall become  
1448 due shall, without notice or other proceeding, cause the entire  
1449 unpaid balance of the lien to become due and payable forthwith.

1450 (f) Lien books, information. Upon notification that the proper notice has  
1451 been served due to the determination that certain described lots, tracts  
1452 or parcels of land are in such condition as to be in violation of the  
1453 requirements of this chapter, the Town Manager or designee shall cause  
1454 to be filed in the Office of the Clerk of the Circuit Court of the County,  
1455 the legal description of the land involved, the total estimated cost and  
1456 date of the notice.

1457 (g) Statement of costs, filing; publication of work, cost and lien. As soon as  
1458 practicable after completion of the work, if such work be done by the  
1459 Town, the Town Manager or designee shall execute, or cause to be  
1460 executed, and file with the Town Clerk, a statement of costs and  
1461 completion of work, which shall certify the completion thereof. The Town  
1462 Clerk shall thereafter cause to be published in a newspaper of general  
1463 circulation in the County or Town, a notice giving the description of the  
1464 property, the amount of the cost of the work, the date of completion of  
1465 the work and the fact that the cost thereof is a lien against the property.

1466 (h) Interested persons may petition Council to dispute assessed costs,  
1467 Council inquiry.

1468 (1) Any person owning all or any interest in property which has been  
1469 found to be in violation of this section, and upon which remedial  
1470 work by the Town has been done, shall have the right, at any time  
1471 within 30 days after publication of the notice of completion of work  
1472 under this section, to present to the Town Clerk a sworn petition  
1473 stating his interest in the property and alleging that in the opinion  
1474 of the petitioner the cost of the work as entered in the sanitary lien

1475 book exceeds the actual cost thereof or is otherwise erroneous.

1476 (2) Such petition shall be presented to the Council for its  
1477 consideration at its next regular meeting, provided at least ten  
1478 days have intervened between the time of the filing of such  
1479 petition and the date of such meeting, at which time and place the  
1480 Council shall consider the same and make due inquiry into the  
1481 questions involved. If it shall appear to the satisfaction of the  
1482 Council that the cost as entered is erroneous, then the Council  
1483 shall by resolution so declare and shall have the entry thereof in  
1484 the County records corrected, and shall fix and confirm the  
1485 amount to be charged against such lot, parcel or tract of land as  
1486 it shall find just and proper, and the amount so fixed shall stand  
1487 as the amount of the lien, effective as of the date of completion of  
1488 the work aforesaid, or the Council may confirm the lien in the  
1489 amount as originally entered in the public records.

1490 (l) The remedies provided for in this section shall not be deemed to be in  
1491 lieu of any other legal remedies for violation, or for recovery of monies  
1492 due, available to the Town.

1493  
1494 **Section 4.** That Chapter 58 "Development Standards" of the Town of Golden  
1495 Beach Land Development Code is amended to read as follows:

1496 **Chapter 58 - DEVELOPMENT STANDARDS**

1497  
1498 **ARTICLE I. - IN GENERAL**

1499  
1500 **Sec. 58-1. - Definitions.**

1501  
1502 The following words, terms and phrases, when used in this chapter, shall have the  
1503 meanings ascribed to them in this section, except where the context clearly indicates a  
1504 different meaning:

1505 \* \* \*

1506  
1507 ~~Pervious Area means that area maintained in its natural condition, or covered by~~  
1508 ~~a material, is planned in the adopted 2010 Highway water directly into the ground. a~~  
1509 ~~permeable area of land within the Building Lot which permits the drainage and percolation~~  
1510 ~~of water.~~

1511 \* \* \*

1512  
1513  
1514 ~~Sec. 58-33. - Landscaping.~~

1515 In addition to the landscaping requirements of sections 66-116 and 66-171, each lot  
1516 shall provide, concurrently with construction of a new residence permitted after October  
1517 4, 1989, not less than three trees on the lot and one tree in the swale area adjoining the  
1518 subject lot. Corner lots shall plant at least two trees in the adjoining swale. Every tree  
1519 planted shall be a minimum of 12 to 14 feet in height (minimum 2½ D.B.H.) at the time of  
1520 planting and shall be Florida Grade Number One or better. At least 75 percent of the  
1521 minimum required trees must be native Florida species. The following native trees are  
1522 recommended but do not represent an exhaustive list:

- 1523 *Bucida buceras* (Black Olive)
- 1524 *Bursera simaruba* (Gumbo Limbo)
- 1525 *Coccoloba diversifolia* (Pidgeon Plum)
- 1526 *Coccoloba uvifera* (Sea Grape)
- 1527 *Conocapsus erectus* (Silver Buttonwood)
- 1528 *Cordia Sebestena* (Geiger Tree)
- 1529 *Hibiscus tiliaceus* (Mahoe)
- 1530 *Lysiloma bahamensis* (Wild Tamarind)
- 1531 *Quercus virginiana* (Live Oak)
- 1532 *Roystonea elata* (Royal Palm)
- 1533 *Sabal palmetto* (Sabal Palm)
- 1534 *Simarouba glauca* (Paradise Tree)

1535  
1536 **Sec. 58-34. -- Removal of certain species.**  
1537 Concurrent with the construction of any new residence, the following exotic species  
1538 shall be removed from the lot:

- 1539 *Casuarina equestriforma* (Australian Pine)
- 1540 *Melaleuca quinquenervia* (Punk Tree, Cajeput or Paper Bark)
- 1541 *Moraceae* (Ficus)
- 1542 *Schinus terebinthifolius* (Brazilian Pepper or Florida Holly)

1543  
1544 **Sec. 58-335. - Preservation of lot area.**

1545  
1546 A minimum of 35 percent of the area of each lot, including the swale adjacent thereto,  
1547 shall be maintained as pervious surface. The use of pervious pavers will be considered  
1548 in the calculation to the extent the applicant provides credible evidence of the permeability  
1549 of the surface. Pervious area calculations shall be provided by a State of Florida  
1550 registered Architect, Engineer or Landscape Architect.

1551 \* \* \*

1552  
1553  
1554 **Section 5.** That Chapter 66 "Zoning" of the Town of Golden Beach Land

1555 Development Code is amended to read as follows:

1556 **Chapter 66 - ZONING**

1557 \* \* \*

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**ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \*

**DIVISION 3. - SWALE REGULATIONS Drainage.**

Sec. 66-116. – Drainage Requirements.

All Properties must provide adequate drainage facilities and drainage fields and all well and drainage locations must be shown on a site plan in accordance with all applicable regulations. At a minimum:

- (a) All stormwater runoff shall be retained on-site.
- (b) All properties shall be graded and maintained so as to prevent ponding or any collection of standing or stagnant water.
- (c) Depressions, excavations or any other condition wherein water may accumulate and stand in such manner or fashion as to make possible the propagation of mosquitoes therein are prohibited.
- (d) A paving and drainage plan which conforms to this Division shall be provided including all areas of hardscape”, and includes engineering calculations confirming that all stormwater runoff will be retained on-site and that the proposed development will not create flooding issues on adjacent properties.

~~Sec. 66-116. – Responsibility for landscaping.~~

~~The property Owner, tenant and/or resident living in the property or his agent shall be jointly and severally responsible for the maintenance of all landscaping in Swale Areas. The landscaping shall be maintained in good plant health so as to insure safety, functional use and a healthy plant appearance. The landscaping shall be pruned and free of dead limbs and branches. All dead growth shall be removed immediately and replaced. No swale landscaping shall be maintained in such manner as to constitute a nuisance.~~

~~Sec. 66-117. - Plants, sod.~~

~~(a) Plants to be placed in the Swale Area shall be approved by the Building Regulation Advisory Board and shall conform to the State agricultural standards. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Trees or shrubs shall be of a species whose roots are known not to cause damage to public roadways or other public works and shall be planted in the swale only after approval by the Building Regulation Advisory Board.~~

~~(b) Sod of a species normally grown as a permanent lawn grass shall be used in swales or other areas subject to erosion and shall be planted so as to extend to the abutting Street pavement. All sodded areas between the Street pavement and the property line shall be maintained in a clean and healthy growing condition, free of~~

1604 trash, debris, refuse, litter, ruts and potholes. No swale shall have grass exceeding  
1605 six inches in height.

1606 ~~Sec. 66-118. - Lawn markers.~~

1607 ~~All lawn markers utilized in front of residential lots abutting any Street or other public~~  
1608 ~~way shall not exceed nine inches in diameter, nor ten pounds, and shall be~~  
1609 ~~hemispheric shape. Rocks may not be used as a substitute for lawn markers. Each~~  
1610 ~~lot shall be limited to no more than four lawn markers per 50 feet of Street Frontage.~~

1611 ~~Sec. 66-119. - Walls, fences generally.~~

1612 ~~No wall or fence of whatever substance, or series of shrubs, bushes, Hedges or~~  
1613 ~~series of other growing matter that is capable of exceeding six inches in height after~~  
1614 ~~time of planting, may be placed or maintained in such a manner as to constitute a~~  
1615 ~~wall or a fence, and no other structure or plant shall be constructed, maintained or~~  
1616 ~~otherwise allowed in the Swale Area adjacent to the front or side Street, or in the~~  
1617 ~~public right of way or easement area unless approved by the Building Regulation~~  
1618 ~~Advisory Board.~~

1619 ~~Sec. 66-120. - Sight obstruction at intersections.~~

1620 ~~No wall, fence or other structure or tree, plant or other vegetation shall be permitted~~  
1621 ~~within the triangular area formed by lines connecting points 25 feet from the edge of paved~~  
1622 ~~roads at any intersection formed by two or more public roads which or which would in any~~  
1623 ~~way limit visibility for vehicles or pedestrians.~~

1624 ~~Sec. 66-121. - Notice of violation, abatement.~~

1625 ~~Notices of violations of this division may be mailed to the Owner of record as shown~~  
1626 ~~on the tax roll of the County or may be posted upon the premises by affixing in any~~  
1627 ~~conspicuous place on any structure located on such premises or by leaving such~~  
1628 ~~notice of violation with any Person over the age of 15 years having charge of the~~  
1629 ~~premises. Any Person receiving such notice may appeal to the Town Council~~  
1630 ~~pursuant to section 66-43. Should any Owner, agent or Person having charge of or~~  
1631 ~~occupying any lot or premises covered by this division refuse or neglect, for a period~~  
1632 ~~of 15 days after receiving notice from the Town of any violation of this division, fail to~~  
1633 ~~cure such violation, or appeal to the Town Council pursuant to section 66-43, the~~  
1634 ~~Town may at its option act to cure such violation without further notice. The Town~~  
1635 ~~may cause the structure or plantings to be abated and the cost of removal,~~  
1636 ~~replacement or cutting of such work shall be forthwith paid by such Owner, agent or~~  
1637 ~~other Person.~~

1638 ~~Sec. 66-122. - Lien for Town's expense.~~

1639 ~~Upon failure of the Owner, or other responsible Person to promptly pay the cost of~~  
1640 ~~such work, the Town Manager shall cause an affidavit to be placed upon the public~~  
1641 ~~records of the County describing the work done and the amount of the cost incurred~~  
1642 ~~by the Town. Such affidavit shall constitute a claim of lien against the property,~~  
1643 ~~foreclosable in the manner of assessment liens or as permitted by law. All costs of~~  
1644 ~~the action and reasonable attorney's fees incurred by the Town shall be determined~~  
1645 ~~by the court and assessed against the property.~~

1646 ~~Sec. 66-123. - Mowing.~~

1647 ~~All lot Owners within the Town shall maintain the Swale Areas abutting their lots by~~  
1648 ~~mowing the lawn in the Swale Area at least once every 30 days, and shall not permit~~  
1649 ~~nuisances to occur within such Swale Areas.~~

1650  
1651 \* \* \*

1652 **DIVISION 6. – LANDSCAPING RESERVED.**

1653 **~~Sec. 66-171. – Required.~~**

1654 ~~All residences and vacant lots in the Town shall have grass, groundcover or~~  
1655 ~~landscaping maintained in a living condition on all portions of residential property~~  
1656 ~~where no structural improvements are located.~~

1657 **~~Sec. 66-172. – Responsibility of Owner.~~**

1658 ~~The property Owner shall restore the grass groundcover and/or landscaping on his~~  
1659 ~~property in a manner keeping with the residential nature of the Town should such~~  
1660 ~~groundcover and/or landscaping be destroyed or impaired.~~

1661 **~~Sec. 66-173. – Landscaping plan.~~**

1662 ~~(a) — Prior to the issuance of any building permit by the Town the applicant for the~~  
1663 ~~building permit shall submit and have approved in accordance with this Code of~~  
1664 ~~Ordinances a landscaping plan describing the type of landscaping and/or~~  
1665 ~~groundcover to be implemented on the property in conjunction with the requested~~  
1666 ~~Construction.~~

1667 ~~(b) — The Town may decline to issue a building permit or a certificate of occupancy~~  
1668 ~~for the Construction of any new structure or addition thereto should the Owner or~~  
1669 ~~contractor not submit a landscape plan and implement it in accordance with this Code~~  
1670 ~~of Ordinances.~~

1671 **~~Sec. 66-174. – Violations, abatement.~~**

1672 ~~Failure to maintain groundcover and/or landscaping according to the approved~~  
1673 ~~landscape plan is declared to be a public nuisance. The Town may implement~~  
1674 ~~abatement or other actions permitted by law against any property Owner who refuses~~  
1675 ~~to maintain his property in accordance with the approved landscape plan after notice~~  
1676 ~~of violation. Any notice of violation may be appealed to the Town Council.~~

1677 **~~Sec. 66-175. – Weeds, wild growth, rubbish, and debris.~~**

1678 ~~(a) — Prohibitions. It shall be unlawful for any owner of any vacant lot, parcel or tract~~  
1679 ~~of land within the Town to permit weeds, grass or undergrowth to grow thereon to a~~  
1680 ~~height of six inches or more from the ground; or to permit rubbish, trash, debris, dead~~  
1681 ~~trees or other unsightly or unsanitary matter to remain thereon; or to permit the~~  
1682 ~~existence of depressions or excavations or any other condition on such premises~~  
1683 ~~wherein water may accumulate and stand in such manner or fashion as to make~~  
1684 ~~possible the propagation of mosquitoes therein.~~

1685 ~~(b) — Failure to Comply; form of notice to property Owner or Owners.~~

1686 ~~(1) — Upon the failure of the owner of any vacant lot, parcel or tract of land within the~~

1687 ~~Town to keep such premises free of weeds, grass or undergrowth of a height of six~~  
1688 ~~inches or more from the ground or of rubbish, trash, debris, dead trees or other~~  
1689 ~~unsightly or unsanitary matter, or to keep premises free of excavations or~~  
1690 ~~depressions, as provided in this section, it shall be the duty of the Town Manager to~~  
1691 ~~give notice, as provided herein, requesting the owner or owners of such property to~~  
1692 ~~remedy the condition within 15 days after service of such notice.~~

1693 ~~(2) — Such notice shall be given by registered or certified mail, addressed to the~~  
1694 ~~Owner of the property described, to the home of record, as recorded in the current~~  
1695 ~~county tax rolls, and shall be deemed complete and sufficient notice when so~~  
1696 ~~addressed and deposited in the United States mail with proper postage prepaid. The~~  
1697 ~~notice shall be in substantially the following form:~~

1698 ~~Date: \_\_\_\_\_~~

1699 ~~Name of owner: \_\_\_\_\_~~

1700 ~~Address of owner: \_\_\_\_\_~~

1701 ~~Our property records indicate you to be the owner(s) of the following described~~  
1702 ~~property in the Town of Golden Beach:~~

1703 ~~An inspection of this property discloses, and the Town Manger has found and~~  
1704 ~~determined, it to be in such condition as to be in violation of section 66-175(a) of the~~  
1705 ~~Code of the Town of Golden Beach, because (state why property is in violation, i.e.,~~  
1706 ~~height of weeds, grass or undergrowth, debris, dead trees, etc.).~~

1707 ~~Section 66-175(a) of the Code of the Town of Golden Beach provides that it shall be~~  
1708 ~~unlawful for you to permit this condition to continue, and you are hereby notified that~~  
1709 ~~unless this condition is remedied so as to make it nonviolative of section 66-175(a)~~  
1710 ~~of the Code of the Town of Golden Beach, within 15 days from the date hereof, the~~  
1711 ~~Town of Golden Beach will proceed to remedy such condition, and the cost of such~~  
1712 ~~work will be imposed as a lien upon this property. The estimated cost to remedy this~~  
1713 ~~condition would be \_\_\_\_\_, plus \$50.00 for administrative charges, for a total~~  
1714 ~~cost of \_\_\_\_\_.~~

1715 ~~This notice will be the only notice given to you in a period of one year from this date.~~  
1716 ~~Any other violations occurring under this section shall be remedied by the Town~~  
1717 ~~without further notice.~~

1718 ~~Very truly yours,~~

1719 ~~— Town Manager —~~

1720 ~~(c) — Cost of Clearing as Lien on Property — Collection, foreclosure and sale. Upon~~  
1721 ~~failure of the owner of property to remedy the conditions existing in violation of the~~  
1722 ~~requirements of this section within 15 days after service of notice to do so, then the~~  
1723 ~~Town Manager shall proceed to have such condition remedied by contract or direct~~  
1724 ~~labor, or both, and the cost thereof shall be and become a lien against such property~~

1725 ~~30 days after notice of completion of work by the Town, to the same extent and~~  
1726 ~~character as the lien for special assessments, and with the same penalties and with~~  
1727 ~~the same rights of collections, foreclosure, sale and forfeiture as obtained for special~~  
1728 ~~assessment liens. The cost chargeable to the Owner shall not exceed the amount of~~  
1729 ~~cost as set forth in the notice served to the property Owner or Owners required herein~~  
1730 ~~under section 66-175(a).~~

1731 ~~(d) — Same — Due date, delinquency interest rates. The lien for the cost of clearing~~  
1732 ~~lots, parcels or tracts of land or of removing or remedying the conditions thereof found~~  
1733 ~~to be in violation of this section, plus any other administrative charges, shall become~~  
1734 ~~due and payable 30 days after publication of the notice of completion of such work,~~  
1735 ~~except in cases wherein a petition is filed within such period as provided for in section~~  
1736 ~~66-175(h) and where, upon consideration of such petition, the Council has changed~~  
1737 ~~and corrected the amount of lien as filed in the Office of the Clerk of the Circuit Court~~  
1738 ~~of the County; in such cases the lien shall become due and payable 30 days after~~  
1739 ~~such Council action. After the respective due dates above fixed, all unpaid liens shall~~  
1740 ~~become delinquent and shall thereafter bear interest at the rate of six percent per~~  
1741 ~~annum until sold. This lien may be enforced and satisfied by the Town pursuant to~~  
1742 ~~F.S. ch. 173, as amended from time to time, or by any other method permitted by law.~~  
1743 ~~The lien provided for in this section shall not be deemed to be in lieu of any other~~  
1744 ~~legal remedies for recovery of such fee, late charges, and accrued interest available~~  
1745 ~~to the Town.~~

1746 ~~(e) — Same — Installment payments; waiver of irregularities, interest rates.~~

1747 ~~(1) — The lien for the cost of clearing any lot, parcel or tract of land or of removing or~~  
1748 ~~remedying the condition thereof found to be violative of this section, if the same is in~~  
1749 ~~excess of \$100.00, may be paid in two equal installments due, respectively, on the~~  
1750 ~~first day of November following the due date prescribed above, and on the first day~~  
1751 ~~of November of the year following; provided, that the Owner or Owners of such lot,~~  
1752 ~~parcel or tract of land shall file with the Town Manager, on or before the due date, a~~  
1753 ~~written undertaking waiving any and all irregularities or illegality in connection with~~  
1754 ~~the imposing of such lien.~~

1755 ~~(2) — Such deferred installments shall bear interest at the rate of ten percent per~~  
1756 ~~annum from and after the due date of the lien, but any such lien or installment thereof~~  
1757 ~~may be paid at any time when accompanied by the payment of interest due upon the~~  
1758 ~~entire unpaid balance of the lien to date of payment.~~

1759 ~~(3) — Failure to pay any such installment when the same shall become due shall,~~  
1760 ~~without notice or other proceeding, cause the entire unpaid balance of the lien to~~  
1761 ~~become due and payable forthwith.~~

1762 ~~(f) — Lien books, information. Upon notification that the proper notice has been~~  
1763 ~~served due to the determination that certain described lots, tracts or parcels of land~~  
1764 ~~are in such condition as to be in violation of the requirements of this Article, the Town~~  
1765 ~~Manager shall cause to be filed in the Office of the Clerk of the Circuit Court of the~~  
1766 ~~County, the legal description of the land involved, the total estimated cost and date~~



1767 of the notice.

1768 (g) ~~Statement of costs, filing; publication of work, cost and lien. As soon as~~  
1769 ~~practicable after completion of the work, if such work be done by the Town, the Town~~  
1770 ~~Manager shall execute, or cause to be executed, and file with the Town Clerk, a~~  
1771 ~~statement of costs and completion of work, which shall certify the completion thereof.~~  
1772 ~~The Town Clerk shall thereafter cause to be published in a newspaper of general~~  
1773 ~~circulation in the County or Town, a notice giving the description of the property, the~~  
1774 ~~amount of the cost of the work, the date of completion of the work and the fact that~~  
1775 ~~the cost thereof is a lien against the property.~~

1776 (h) ~~Interested persons may petition Council to dispute assessed costs, Council~~  
1777 ~~inquiry.~~

1778 (1) ~~Any person owning all or any interest in property which has been found to be~~  
1779 ~~in violation of this section, and upon which remedial work by the Town has been done,~~  
1780 ~~shall have the right, at any time within 30 days after publication of the notice of~~  
1781 ~~completion of work under this section, to present to the Town Clerk a sworn petition~~  
1782 ~~stating his interest in the property and alleging that in the opinion of the petitioner the~~  
1783 ~~cost of the work as entered in the sanitary lien book exceeds the actual cost thereof~~  
1784 ~~or is otherwise erroneous.~~

1785 (2) ~~Such petition shall be presented to the Council for its consideration at its next~~  
1786 ~~regular meeting, provided at least ten days have intervened between the time of the~~  
1787 ~~filing of such petition and the date of such meeting, at which time and place the~~  
1788 ~~Council shall consider the same and make due inquiry into the questions involved. If~~  
1789 ~~it shall appear to the satisfaction of the Council that the cost as entered is erroneous,~~  
1790 ~~then the Council shall by resolution so declare and shall have the entry thereof in the~~  
1791 ~~County records corrected, and shall fix and confirm the amount to be charged against~~  
1792 ~~such lot, parcel or tract of land as it shall find just and proper, and the amount so fixed~~  
1793 ~~shall stand as the amount of the lien, effective as of the date of completion of the~~  
1794 ~~work aforesaid, or the Council may confirm the lien in the amount as originally entered~~  
1795 ~~in the public records.~~

1796 **Secs. 66-1716—66-185. - Reserved.**

1797 **DIVISION 7. - WALLS, AND FENCES AND HEDGES**

1798

1799 **Sec. 66-186. - Height restrictions.**

1800

1801 (a) In Zone One no wall, ~~hedge~~, or fence between estates or lots shall be  
1802 constructed or altered to exceed in height the following: Parallel to the side  
1803 property line within 60 feet of the west property line, a height of six feet;  
1804 thence easterly along patios and main house structure to height of six feet;  
1805 thence easterly for 30 feet, a height of four feet; thence easterly to the ocean  
1806 front, a height of two feet. No wall, ~~Hedge~~, or fence higher than two feet may  
1807 be erected on the east (Ocean Front) property line. No wall, ~~Hedge~~, or fence

1808 higher than six feet above the crown of the road may be erected on the  
 1809 (Ocean Boulevard) property line.  
 1810  
 1811 (b) In Zones Two and ~~Three~~, no wall ~~Hedge~~, or fence between estates or lots  
 1812 shall be constructed or altered to exceed a height of six feet in height.  
 1813  
 1814 (c) In Zone Three, no wall or fence between estates or lots shall be constructed  
 1815 or-altered to exceed a height of six feet.  
 1816  
 1817 (d) No walls, ~~Hedges~~, or fences higher than, two feet may be erected along the  
 1818 waterways, except that open metal or chain link fences may be four feet  
 1819 high.  
 1820  
 1821 (e) No walls, ~~Hedges~~, or fences higher than, four feet may be erected on the  
 1822 Street property line, nor erected in such manner, ~~planted and permitted to~~  
 1823 ~~grow~~ so as to block the view of a driver of a vehicle or bicycle operating on  
 1824 any road within the Town as provided by section 52-45(e)66-120.  
 1825  
 1826 (f) Throughout Zones One, Two and Three, any wall, ~~Hedge~~, or fence  
 1827 constructed within a Setback area other than on a property line shall not  
 1828 exceed the height permitted for Construction of walls, ~~Hedges~~ or fences  
 1829 allowed on the nearest property line within the zones. In no event shall  
 1830 walls, ~~Hedges~~ or fences within building Construction areas exceed six feet  
 1831 in height.  
 1832  
 1833 (g) All heights stated in this section are measured from the finished ground floor  
 1834 of the site where the fence is to be built. For fences abutting a street, the  
 1835 maximum level of the top of the fence shall be four feet above the finished  
 1836 site elevation without any berming or six feet above the maximum elevation  
 1837 of the crown of the road adjacent to the property whichever is the highest.  
 1838 Pilasters may exceed the maximum fence height by up to one foot, and  
 1839 operable gates may exceed the maximum fence height by three feet.  
 1840 Ornamental features, such as lights or decorative castings, a maximum 24  
 1841 inches in height may be erected on top of a maximum of four pilasters. No  
 1842 berm shall be permitted in the street right-of-way. Fences erected along the  
 1843 right-of-way must be fully screened with landscaping including hedges or  
 1844 vines screening their full height.  
 1845 (h) Vacant lots.  
 1846 (1) Throughout Zones One and ~~Two~~, vacant lots ~~within the Town~~ shall  
 1847 be secured on all four sides. A white vinyl picket fence at least  
 1848 four ~~three~~ feet in height shall be placed along the perimeter of the  
 1849 property adjacent to a right-of-way. Along the right-of-way frontage,  
 1850 the yard area outside the fence shall be ~~improved with basic irrigation~~  
 1851 ~~and planted with accent plant material and/or sod~~ and watered and  
 1852 maintained so as to prevent browning, disease, weeds,  
 1853 overgrowth or dead spots.

1854 (2) Throughout Zone Two, along the right-of-way frontage of vacant lots,  
1855 the yard area shall be planted with accent plant material and/or sod  
1856 and watered and maintained so as to prevent browning, disease,  
1857 weeds, overgrowth or dead spots.

1858 (3) Throughout Zone Three, vacant lots shall be secured on either the  
1859 water side or the street side from side property line to side property  
1860 line with a white vinyl picket fence at least four feet in height. Along  
1861 the right-of-way frontage of vacant lots, the yard shall be planted with  
1862 accent plant material and/or sod and watered and maintained so  
1863 as to prevent browning, disease, weeds, overgrowth or dead  
1864 spots.

1865

1866 **Sec. 66-187. - Construction materials.**

1867 Throughout Zones One, Two and Three, live Hedges may be grown in lieu of masonry  
1868 built walls or fences, subject to the same height restrictions applicable in the zone. Walls  
1869 and fences of plywood, composition materials, simulated wood, or sheet metal are  
1870 prohibited. However, a rail type open fence may be permitted if the wood rails are set  
1871 between piers not less than 21 inches square built of brick or stone or in the alternative  
1872 wooden uprights of a minimum size of six inches by six inches and spaced not more than  
1873 12 feet apart. Rails may not be smaller than four inches by four inches. Chain-link wire  
1874 fences are permitted along rear and side yards where all fence components, including  
1875 framing members, are covered in green or black vinyl. Alternatively, rear and side yards  
1876 may be enclosed by white vinyl picket or solid panel fencing. Where chain-link, picket, or  
1877 solid panel fencing is used, such fencing shall be fully screened by hedge plant material  
1878 for the full height of the fence. In Zones Two and Three, piling shall be required under all  
1879 piers, pilasters and walls for fences and for flower boxes which may not be cantilevered  
1880 from beams, except that wooden uprights as referenced above, shall not need pilings, but  
1881 shall penetrate into the ground a minimum of three feet and be encased in a concrete  
1882 footing with a minimum thickness of one foot measured from the edge of the wooden  
1883 upright. All fences shall be finished or constructed in such manner as to have the same  
1884 appearance, design and finish on each side.

1885 **Sec. 66-188. - Maintenance.**

1886 All Hedges, walls and fences shall be maintained in accordance with the landscaping plan  
1887 or permitted Construction plan approved by the Building Regulation Advisory Board.

1888 **Secs. 66-189—66-200. - Reserved.**

1889

1890 \* \* \*

1891

1892 **Sec. 66-251. - Cabanas/Gazebos.**

1893 ~~(a) In Zone One a cabana or similar structure separate from the main house~~  
1894 ~~structure may be permitted to be erected only on the oceanfront of a~~  
1895 ~~property provided it contains not more than 250 square feet of roofed area~~

1896 and not more than one story in height. However, no part thereof shall be  
1897 east of a line joining the corners of nearest existing similar structures nor  
1898 shall may [any] part be within 50 feet of the Mean High Water Line; and no  
1899 part of the roof thereof shall be more than 15 feet above MGVD which floor  
1900 level is hereby established as a base line. Such structure may be built to  
1901 the lot lines. Side line and east lot line clearance is not required. No more  
1902 than one such structure is permitted to be erected for each residence. The  
1903 roof of the Cabanas shall not be used as solarium or for any other similar  
1904 use by persons.

1905 ~~(b) In Zone Two and Zone Three, one Gazebo separate from the main house~~  
1906 ~~structure may be permitted to be erected, subject to the following~~  
1907 ~~requirements:~~

1908 ~~(1) The Gazebo shall not be more than one story in height and must~~  
1909 ~~contain matching roof slopes and detailing similar to the principal~~  
1910 ~~structure;~~

1911 ~~(2) The roof of the Gazebo shall not be used as a solarium or for any~~  
1912 ~~similar purposes; and~~

1913 ~~(3) The Gazebo must comply with the following setback requirements:~~

1914 ~~a. Zone Two: A Gazebo in Zone Two must be placed at least ten~~  
1915 ~~feet from the side lot line and ten feet from the rear lot line.~~

1916 ~~b. Zone Three: A Gazebo in Zone Three must be placed at least~~  
1917 ~~ten feet from the side lot line and 15 feet from the rear lot line.~~

1918 ~~(4) The maximum size of a Gazebo shall be 150 square feet of roofed~~  
1919 ~~area.~~

1920  
1921 (a) In Zones One, Two and Three one, and only one, cabana or similar  
1922 structure separate from the main house structure may be permitted to be  
1923 erected only within the rear yard. The roofed area of such structure shall  
1924 not exceed 2% of the net lot area up to a maximum of 500 square feet.

1925 (b) Within Zone One, no part thereof shall be east of a line joining the corners  
1926 of the nearest existing similar structures nor shall any part be within 50 feet  
1927 of the Mean High Water Line. Such structure may be built to the lot lines.  
1928 Side line and east lot line clearance is not required.

1929 (c) In Zone Two the structure must be placed at least ten feet from the side lot  
1930 line and ten feet from the rear lot line.

1931 (d) In Zone Three the structure must be placed at least ten feet from the side  
1932 lot line and 15 feet from the rear lot line.

1933 (e) No structure permitted under this section shall exceed one story or a height  
1934 of 15 feet above BFE.

1935 (f) Structures under this section must contain matching roof slopes and  
1936 detailing similar to the principal structure;

1937 (g) The roof of the structure shall not be used as a solarium or for any similar  
1938 purposes.

1939  
1940 **Section 6.** That if any section, clause, sentence or phrase of this Ordinance is  
1941 for any reason held invalid or unconstitutional by a court of competent jurisdiction, the  
1942 holding shall not affect the validity of the remaining portions of this Ordinance.

1943 **Section 7.** That all ordinances or parts of ordinances in conflict with the  
1944 provisions of this Ordinance are repealed to such extent of the conflict.

1945 **Section 8.** That this Ordinance shall be codified in accordance with the  
1946 foregoing. It is the intention of the Town Council that the provisions of this Ordinance shall  
1947 become and be made a part of the Town of Golden Beach Code of Ordinances; and that  
1948 the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance”  
1949 may be changed to “section”, “article” or such other appropriate word or phrase in order  
1950 to accomplish such intentions.

1951 **Section 9.** That this Ordinance shall take full effect immediately upon its  
1952 passage and adoption.

1953 The Motion to adopt the foregoing Ordinance was offered by Councilmember  
1954 Rojas, seconded by Councilmember Lusskin, and on roll call the following vote ensued:

1955	Mayor Glenn Singer	<u>Aye</u>
1956	Vice-Mayor Kenneth Bernstein	<u>Aye</u>
1957	Councilmember Amy Isackson-Rojas	<u>Aye</u>
1958	Councilmember Judy Lusskin	<u>Aye</u>
1959	Councilmember Bernard Einstein	<u>Absent</u>

1960  
1961  
1962 **PASSED AND ADOPTED** on first reading on this 25<sup>th</sup>, day of October, 2016.

1964 The Motion to adopt the foregoing Ordinance was offered by \_\_\_\_\_,  
1965 seconded by \_\_\_\_\_, and on roll call the following vote ensued:

1966 Mayor Glenn Singer \_\_\_\_\_  
1967 Vice-Mayor Kenneth Bernstein \_\_\_\_\_  
1968 Councilmember Amy Isackson-Rojas \_\_\_\_\_  
1969 Councilmember Judy Lusskin \_\_\_\_\_  
1970 Councilmember Bernard Einstein \_\_\_\_\_

1971  
1972  
1973 **PASSED AND ADOPTED** on second reading this 15<sup>th</sup>, day of November, 2016.

1974  
1975  
1976 \_\_\_\_\_  
1977 MAYOR GLENN SINGER

1978 ATTEST:  
1979  
1980  
1981 \_\_\_\_\_  
1982 LISSETTE PEREZ  
1983 TOWN CLERK

1984  
1985 APPROVED AS TO FORM  
1986 AND LEGAL SUFFICIENCY:  
1987  
1988  
1989  
1990 \_\_\_\_\_  
1991 STEPHEN J. HELFMAN  
1992 TOWN ATTORNEY  
1993