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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

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

- (b) The Town Building Official shall review with the builder all plans submitted for the construction of new buildings or alteration of existing buildings. If the plans meet all code requirements of the Town and other applicable governmental authority, the Building Official shall approve the plans.
 - (1) All zoning approvals and variances are to be submitted pursuant to section 66-31 et seq.

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

 - (3) All submissions of plans shall include as a minimum, the following items:
 - a. An artist's or architect's colored drawing of front elevations of the building as completed.

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

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

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

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

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Sec. 50-11. - Demolition of structures.

- (a) Demolition permit required. It shall be unlawful to remove or demolish any building or structure, or any part thereof without first applying for and

101 receiving a demolition permit from the Town. Any Person requiring a
102 demolition permit, in addition to filing an application therefore, shall pay all
103 fees as required in this article. The actual time of demolition, cleanup, and
104 where applicable, regarding and revegetation shall not exceed 90 days from
105 the date of issuance.
106

107 (b) Submission of plans, bond. Prior to the issuance of any demolition permit
108 the applicant shall submit to the Town Building Official for review and
109 approval two copies of a demolition plan, a regrading regarding and
110 revegetation plan, and a cash performance bond in the amount of 150
111 percent of the estimated cost of implementing the regarding and
112 revegetation plan.
113

114 (c) Demolition plan. The demolition plan shall include:

- 115 (1) A written description and/or graphic display of the buildings and/or
116 portions of buildings to be demolished.
- 117 (2) A description of the means of demolition to be utilized.
- 118 (3) The expected date for demolition to begin.
- 119 (4) The estimated number of days necessary to complete the demolition
120 and remove the resulting debris.
- 121 (5) Any additional documentation that may be required by the Building
122 Department.

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

- 126 (1) A regrading plan providing for the regrading of the site so that it will
127 be generally smooth and level so that there are no drop-offs, holes
128 or other features which might pose a safety hazard or threaten to
129 damage adjacent property or any areas likely to hold standing water
130 that might pose a potential health or safety hazard.
- 131 (2) A revegetation plan providing that the site shall be revegetated by
132 being properly treated with topsoil, ~~sprigged or~~ sodded with a lawn
133 grass commonly used in Miami-Dade County, and maintained until
134 growth is self-sustaining consistent with the requirements of chapter
135 52. If the demolition site is beachfront property and the landscape
136 architect determines that portions of the site are not suitable for
137 revegetation with any of the lawn grasses commonly used in Miami-
138 Dade County, then the Town Manager or designee ~~Building Official~~

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may approve revegetation of those portions of the demolition site with appropriate native vegetation suitable for coastal conditions. The Town will not approve any proposed landscape east of the Coastal Construction Control Line (CCCL) line without prior approval from the State of Florida Department of Environmental Protection.
plants from the following list:

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

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

* * *

Section 3. That Chapter 52 "Landscaping" of the Town of Golden Beach Land

Development Code is created to read as follows:

Chapter 52 - LANDSCAPING

ARTICLE I. - IN GENERAL

Sec. 52-1. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

210
211 Florida Yards and Neighborhood Program is a partnership of the University of
212 Florida/Institute of Food and Agricultural Sciences, Florida's Water Management Districts,
213 the Florida Department of Environmental Protection, the National Estuary Program, the

214 Florida Sea Grant College Program and other agencies, managed locally by the Miami-
215 Dade Cooperative Extension Division of the Consumer Services Department.

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

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

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

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

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

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

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

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

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

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

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

257

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

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

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

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

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

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

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

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

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

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

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

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

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

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

303

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

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

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

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

317
318 Tree abuse shall include:

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

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

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

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

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

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

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

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

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

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

- 350
351 (a) To create and enhance the aesthetic subtropical character and identity
352 distinctiveness of the Town of Golden Beach.
353
354 (b) To improve the aesthetic appearance of the Town through the use of plant
355 material, thereby protecting and increasing property values within the
356 community.
357
358 (c) To design landscaping to enhance architectural features, relate structure
359 design to the site, visually screen unsightly views, and strengthen important
360 vistas.
361
362 (d) To promote the use of more wind tolerant trees and proper horticultural
363 planting methods in order to maintain a more sustainable landscape.
364
365 (e) To promote the use of Florida Yards & Neighborhoods (FYN) "Florida-
366 friendly" landscaping principles by using drought-tolerant plants, grouping
367 plant material by water requirements, using irrigation systems that conserve
368 the use of potable and non-potable water supplies, maximizing the use of
369 mulch and restricting the amount of lawn areas.
370
371 (f) To prevent the destruction of the Town's existing tree canopy and promote
372 its expansion.
373
374 (g) To provide for the preservation of specimen trees in conformance with
375 section 24-49 of the Code of Miami-Dade County, as may be amended from
376 time to time.
377
378 (h) To re-establish the native habitat along the beach, and encourage the
379 use of native plant material.
380
381 (i) To promote the use of trees and shrubs for energy conservation.
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383 (j) To reduce the negative impacts of invasive plant species as identified
384 by the Florida Exotic Pest Plant Council and prohibit the use of noxious
385 exotic plants which invade native plant communities.
386
387 (k) To promote the FYN "Florida-friendly" landscaping principle of planting
388 the appropriate tree in the correct location to avoid problems such as
389 clogged sewers, damage to paved areas, power service interruptions
390 and impact on neighboring properties.
391
392 (l) To promote the FYN "Florida-friendly" landscaping principle of replacing
393 high-maintenance and/or problem-prone plants with low-maintenance plant
394 species that have low water and fertilizer requirements and are relatively
395 free from pests and diseases.

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Sec. 52-10. – Standards.

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

Sec. 52-15. - Applicability.

- (a) It is the express intent and desire of the Town Council that all properties and swales comply with and meet the minimum requirements set forth in the Miami-Dade County Landscape Code and Town supplemental standards stated herein.
- (b) All properties within the Town, including their swales, are subject to the provisions of this Chapter except as provided in section 52.70 "Nonconforming Landscaping Requirements". All existing landscaping and swales, whether conforming or non-conforming with this chapter, must be maintained consistent with the requirements of section 52.40 "Landscape Maintenance".
- (c) New construction. All provisions of this chapter shall be considered minimum standards for all new construction projects.
- (d) Substantial Improvements. Substantial Improvements shall be subject to all provisions of this chapter. This provision regarding compliance for properties undergoing Substantial Improvements shall be applicable to the greatest extent reasonably possible as determined by the Town Manager or designee.
- (e) Landscaping improvements. If landscape in excess of 50 percent of total site landscaping, as determined by the Town Manager or designee, is voluntarily being replaced, the Town Manager may, as reasonably possible, require additional improvements or landscape changes in order to increase compliance with this Chapter. This provision regarding compliance for properties undergoing landscape improvements shall be applicable to the

442 greatest extent reasonably possible as determined by the Town Manager
443 or designee.

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

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

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

- 459
460 (1) Drawn to a suitable scale indicating property boundaries,
461 dimensions, north arrow, graphic scale, date and street names.
462 Recommended scale to be one inch equals 8 feet.
463
464 (2) Location, condition, names, sizes, DBH of existing trees and site
465 improvements along any abutting properties within 20 feet of the
466 property lines, including right of ways.
467
468 (3) Delineate proposed structures, overhangs, vehicular use areas,
469 fences, mechanical equipment, sidewalks, decks, pools, locations of
470 utilities and similar features.
471
472 (4) Location and outline of existing structures and site improvements to
473 remain.
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475 (5) Designate common and scientific name, location, size (in
476 height, spread and trunk caliper), quantity, and quality of
477 living plant material proposed to be installed or maintained
478 on the site.
479
480 (6) Identify and describe the location and characteristics of all non-living
481 landscape materials.
482
483 (7) Show all landscape features, areas of vegetation required to be
484 preserved by law, (including but not limited to trees, plants,
485 shrubs, native habitats, wetlands, and mangroves), in context
486 with the location and outline of existing and proposed buildings,

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fences, and other structural improvements being contemplated on the site.

(8) Location of existing and proposed easements, right of ways, drainage structures, overhead utility wires, underground utilities, above ground electrical elements, and transformers.

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

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

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

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

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

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

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

(1) The accurate location and graphic representation, in relation to existing development, of all existing trees of a minimum two-inch DBH or ten-foot height or, for native trees, of a minimum one and one-half (1½) DBH or eight-foot height, including those which are

531 proposed to be removed, relocated or preserved on site in
532 accordance with the requirements of Section 18-A and Section 24-
533 60 of the Miami-Dade County Code.

534
535 (2) The boundaries of any native habitat, native plant community,
536 native plant species, as determined by the Department of
537 Regulatory and Economic Resources (DRER).

538
539 (3) A table showing the following information:

540
541 a. The common and scientific name of each tree, each of which
542 shall be numbered.

543
544 b. The diameter at breast height (DBH) of each tree, or if a
545 multiple trunk tree, the sum DBH for all trunks.

546
547 c. An estimate of the height, canopy cover, and physical
548 condition of each tree, and whether specimen tree(s) exist on
549 site.

550

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

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554 (a) Required Placement.

555

556 (1) On-site Trees.

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

563

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

567

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

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

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

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- (b) All residential properties, whether developed or vacant shall have grass, groundcover or landscaping material maintained in a living condition on all portions of residential property where no structural improvements are located.
- (c) Property Owner's shall restore the grass groundcover and/or landscaping on his property in a manner keeping with the residential nature of the Town should such groundcover and/or landscaping be destroyed or impaired.
- (d) On-site Trees – Minimum Requirements: All trees, except street trees shall be a minimum height of twelve (12) feet and in compliance with the Florida Grades and Standards for Nursery Plants (FL. No. 1) at time of planting; however thirty (30) percent of the minimum tree height requirement may be met by native species with a minimum height of eight (8) feet and in compliance with the Florida Grades and Standards for Nursery Plants (FL. No. 1) at time of planting. When selecting tree species, preference shall be given to those species listed as being medium or highly tolerant to wind as listed in the Miami-Dade County Landscape Manual. Of the required trees at least fifty (50) percent shall be native species; fifty (50) percent shall be low maintenance and drought tolerant; and no more than forty (40) percent shall be palms.
- (e) Street Trees – Minimum Requirements: Street trees shall be of a species typically grown in South Florida that normally matures to a height of at least twenty (20) feet. Street trees shall have a clear trunk of over six (6) feet, an overall height of fourteen (14) feet and in compliance with the Florida Grades and Standards for Nursery Plants (Florida No. 1) at time of planting. Palm trees utilized as street trees shall have a minimum of twelve (12) feet grey wood and six (6) inches caliper at time of planting. Taller palms may be required in order to match existing nearby palms in right-of-ways as determined by Town Manager or designee. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the Town. The Town reserves the right to designate a common species for a roadway or portion of certain roadway segments to achieve a uniformity of appearance.
- (f) Shrubs: Shall be a minimum of (18) inches in height, full to base, at time of planting and planted two feet on center maximum. No less than thirty (30) percent of the shrubs shall be native species and no less than fifty (50) percent shall be low maintenance and drought tolerant. Shrubs shall be planted so not to touch building walls or walkways at the time of planting.
- (g) Palms: On-site Palm trees shall have a minimum of eight feet grey

623 wood and shall constitute no more than 40 percent of the required
624 trees. All palms with the exception of Roystonea elata/regia, Phoenix
625 canariensis, Phoenix dactylifera, Phoenix sylvestris, Phoenix
626 reclinata, Bismarkia nobilis and other similar large palms as
627 determined by the Town Manager or designee, shall be counted at
628 three palms per one canopy tree and planted with staggered heights.
629 All proposed coconut palms shall be certified to be resistant to lethal
630 yellowing.

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

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

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

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

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

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

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

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

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- i. The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.
 - j. Artificial turf shall not be treated as a fill in material, but rather as a planned element of the landscape.
- (6) Installation, maintenance and repair.
- a. All artificial turf shall, at a minimum, be installed by a licensed professional pursuant to the manufacturer's specifications.
 - b. All artificial turf installations shall be anchored to ensure that the turf will withstand the effects of wind.
 - c. All seams shall be joined in a tight and secure manner, nailed or glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.
 - d. If artificial turf is planned to be installed immediately adjacent to a seawall, the artificial turf shall be pinned or staked behind the seawall. No artificial turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.
 - e. All artificial turf shall be installed over a subgrade prepared to provide positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material. Base comprising of sand only is not permitted.
 - f. Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water.
 - g. An infill medium consisting of clean silica sand or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position and to provide ballast that will hold the turf in place and provide a cushioning effect. Artificial turf shall be visually level, with the grain pointing in a single direction.
 - h. An appropriate solid barrier device (e.g., concrete mow strip, bender board, or other barrier with a minimum 3/8" thickness) is required to prevent intrusion of living plant material into the artificial turf areas.
 - i. Precautions for installation around existing trees shall be monitored and may be restricted to ensure tree roots are not

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damaged with the installation of the base material and that the overall health of the tree will not be compromised.

- j. All artificial turf shall be maintained in a green fadeless condition and shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to cleaning, brushing, debris removal; repairing of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matted areas, weeds, and evasive roots; and all edges of the artificial turf shall not be loose and must be maintained with appropriate edging or stakes.
- k. All artificial turf must be replaced if it falls into disrepair with fading or holes or lose areas. Replacement and/or repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf.

(7) Material Specifications and Plans

- a. Material specifications and plans shall be provided to the Town for review and approval prior to the installation of artificial turf.
- b. The submittal shall include:
 - (a) A landscape plan showing the area of synthetic turf, area of living plant material, and separation between these areas;
 - (b) A dimensioned cross section of proposed materials and installation details, including subgrade, drainage, base or leveling layer, and infill;
 - (c) Edge material and detail for seams;
 - (d) Material description and specifications, including manufacturer,
 - (e) installer (with contact information), and warranty information.
 - (f) A sample of the turf proposed that meets these standards.

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

- 853 (t) All proposed landscape east of the Coastal Construction Control Line
854 (CCCL) line must be approved by the State of Florida Department of
855 Environmental Protection.
- 856
- 857 (u) All landscaping including shrubs and groundcover shall be
858 guaranteed for one year after final landscape inspection.
- 859
- 860 (v) No certificate of occupancy or certificate of completion shall be issued
861 until such time as all of the required landscaping is installed and
862 approved by the Town. However, nothing herein shall prevent the
863 issuance of a temporary certificate of occupancy so long as at least
864 a majority of the landscape including the sod portion of the
865 landscaping has been installed as approved by the Town Manager
866 or designee.
- 867
- 868 (w) All landscape substitutions including shrubs and groundcover shall
869 require Town Manager or designee approval prior to installation.
- 870

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

872

- 873 (a) Plants installed pursuant to this section shall conform to, or exceed,
874 the minimum standards for Florida Number One as provided in the
875 most current edition of Florida "Grades and Standards for Nursery
876 Plants," prepared by the State of Florida Department of Agriculture
877 and Consumer Services. Additional information not addressed in the
878 Florida Grades and Standards for Nursery Plants may be obtained
879 from ANSI Standards Z60.1.
- 880
- 881 (b) All plants shall be clean and free of noxious pests and/or disease.
- 882
- 883 (c) Sod shall be green, healthy, clean and visibly free of weeds, noxious
884 pests and diseases.
- 885
- 886 (d) The Town Manager or designee shall establish and the Town shall
887 maintain a Preferred Species List, including native and drought
888 tolerant species. This list shall be periodically revised, as needed. At
889 least (50) percent of the required trees and plants shall be selected
890 from the Preferred Species List.
- 891

892 **Sec. 52-35.- Hedges.**

893

- 894 (a) Height restrictions.
- 895
- 896 (1) In Zone One no hedge between estates or lots shall be constructed
897 or altered to exceed in height the following: Parallel to the side
898 property line in between estates or lots adjacent to the main structure

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Hedges shall not be restricted in height; within 60 feet of the west property line, Hedges shall be restricted to a height of six feet; thence easterly along patios and main house structure to height of six feet; thence easterly for 30 feet, a height of four feet; thence easterly to the ocean front, a height of two feet. No Hedge higher than two feet may be erected on the east (Ocean Front) property line. No Hedge higher than six feet above the crown of the road may be erected on the (Ocean Boulevard) property line.

(2) In Zone Two, Hedges parallel to the side property line within the front yard setback shall not exceed twenty feet. Parallel to the side property line in between estates or lots adjacent to the main structure and along rear property line, hedges shall not be restricted in height. Hedges parallel to the front property line may not exceed 15 feet in height. An appropriate hedge material listed in the Town's Preferred Species List shall be approved by the Town Manager or designee.

(3) In Zone Three, Hedges parallel to the side property line within the front yard setback shall not exceed twenty (20) feet. Parallel to the side property line in between estates or lots adjacent to the main structure or rear patio, hedges shall not be restricted in height. Hedges parallel to the side property from the rear of the patio to the rear of the lot and along the rear property line shall not exceed a height of six (6) feet. Hedges parallel to the front property line may not exceed 15 feet in height. An appropriate hedge material listed in the Town's Preferred Species List shall be approved by the Town Manager or designee.

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

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

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

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

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

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

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Sec. 52-40. - Landscape Maintenance

- (a) Maintenance. The owner shall be responsible for the continued maintenance and upkeep of all required landscaping so as to present a healthy plant in a condition representative of the species. All landscapes shall be kept free of refuse, debris, disease, pests, and weeds and shall be fertilized and irrigated to maintain plants in a healthy condition. Special maintenance requirements necessary to preserve the professional's design intent shall be noted on the landscape plan.
- (b) Replacement of trees. If any specimen or required tree dies or is removed, such tree or plant shall be replaced with another tree consistent with the requirements of the Chapters 18 and 24 of the Miami-Dade County Code. All stumps shall be removed below the surface of the ground.
- (c) Trees may not be painted and shall be maintained in their natural state as to color.
- (d) Removal of damaged or nuisance trees and plants. Ongoing maintenance to prohibit the establishment of prohibited exotic species is required. Any plant materials of whatsoever type or kind required by these regulations shall be replaced within 30 days of their demise and/or removal.
- (e) Disposal of landscape materials. Landscape materials, including but not limited to tree branches, palm fronds, dead or diseased plant materials and grass clippings shall be disposed of properly. Grass clippings shall be collected and removed from all sites and shall not be placed on public right-of-way or allowed to enter the stormwater system. In no instance shall grass clippings be accumulated and/or swept into stormwater catch basins.
- (f) Irrigation of landscape materials. Landscape materials shall be properly watered to ensure survival. Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and other portions of the irrigation system.
- (g) Fertilizers and pesticides. Landscape materials shall be properly fertilized and, if necessary, pesticides applied to ensure survival. Such products shall be used in accordance with Best Management Practices and the manufacturer's recommended specifications for application, storage and disposal. In no instance shall such products be disposed of through the stormwater system and efforts shall be made to limit

runoff into the Town's stormwater system. Alternatives to the use of pesticides are encouraged.

(h) Fertilizer Management. Fertilizer application shall be in accordance with the following:

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

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

(3) The provisions of (1) and (2) above shall apply to all fertilizer applications except for fertilizer applications for parks and athletic fields provided that the provisions of Rule 5E-1.003(2)(d), Florida Administrative Code, as amended, are followed and for newly established Turf and/or Landscape Plants for the first 60-day period after installation.

(i) Lawn and groundcover areas. Except in periods of officially declared drought, lawn areas shall be maintained by adequate irrigation so as to remain healthy and present a good appearance. Adequate pest control shall be applied to prevent the spread of cinch bugs or other grass-damaging pests. Lawn and groundcover areas shall be maintained so as to prevent excessive growth and unsightly conditions, ensuring that edges are neatly trimmed, and that grass runners or weeds will not grow over adjacent drives, curbs, or public sidewalks.

(j) Hedges. Hedges shall be maintained so as to have a solid appearance, with no gaps or spaces. Grass or other growths shall not be allowed to grow up into the hedge. All hedges shall be kept neatly trimmed and maintained at a height as provided for in Section 52-35 "Hedges".

(k) Prohibited species. On properties where any construction permit is issued, prohibited species must be removed.

(l) Town rights-of-way; utility easements. Trees, shrubs or hardscape located within the Town's right-of-way or utility easements, regardless of when such items were installed or who they were installed or purchased by, shall be removed at the expense of the property owner upon request or necessity of the Town.

(m) Sight distance. Trees, shrubs, hedges, and bushes shall not be

1036 maintained or allowed to exist in such a way that the plant material
1037 interferes with the sight distance triangle relative to vehicles, or
1038 interferes with the passage of any vehicles along the Town's roadways
1039 as provided for in Section 52-45(e) "Sign obstruction at intersections".

1040
1041 (n) Pruning. Trees shall be pruned by property owners to promote healthy,
1042 uniform, natural growth of the vegetation. Pruning shall be performed in
1043 accordance with the current edition of pruning standards published by
1044 the American National Standard Institute (ANSI) A300 Pruning
1045 Standards and ANZI Z133.1 Safety Standards. Trees shall not be
1046 hatracked or severely pruned in a manner that would damage the
1047 vegetation and permanently restrict the growth or height. Severely
1048 pruned trees are considered damaged and a public nuisance, which
1049 shall be replaced with trees equal to the number and height of damaged
1050 trees. A plant's growth habit shall be considered to determine the extent
1051 of pruning necessary to maintain healthy growth.

1052
1053 (o) Canopy and root pruning. When activities affect public or private trees
1054 so that more than 50 percent of the area within the dripline is disturbed,
1055 or when pruning must be performed on the crown of a public or private
1056 tree, the following arboriculture techniques are required:

1057 (1) When the area within the dripline will be disturbed, the affected
1058 roots must be severed by clean pruning cuts where the activity
1059 impacts the roots. Roots may be pruned by utilizing trenching
1060 equipment that is specifically designed for this purpose or by hand
1061 digging a trench and pruning roots with a chain saw, pruning saw or
1062 other equipment designed for tree pruning. Roots within the
1063 dripline shall be pruned to a depth of 12 inches below existing
1064 grade or to the depth of the disturbance if less than 12 inches from
1065 the existing grade. When underground utilities are to be installed
1066 through the dripline, root pruning requirements may be waived by
1067 the Town Manager or designee if the lines are installed via
1068 tunneling or directional boring.

1069
1070 (2) It shall be a violation of this section to perform the techniques of
1071 topping, hatracking or other pruning techniques that remove the
1072 vertical leader stems or other pruning which results in an
1073 unnecessary reduction of shade of public or private trees.

1074
1075 (p) Drainage and Mosquito Control. The existence of depressions or
1076 excavations or any other condition on such premises wherein water
1077 may accumulate and stand in such manner or fashion as to make
1078 possible the propagation of mosquitoes therein, is prohibited.

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- (q) Vacant lot right-of-way landscaping. Throughout Zones One, Two, and Three, the yard and any swale area along a right-of-way frontage of a vacant lot, shall be planted with accent plant material and/or sod and watered and maintained so as to prevent browning, disease, weeds, overgrowth or dead spots.

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

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

Sec. 52-45. - Swale Regulations.

- (a) 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 ensure 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.

- (b) Plants, sod.
 - (1) 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. A permit is required for the planting of any tree in the swale area.

 - (2) Sod of a species normally grown as a permanent lawn grass consistent with section 52-25(j) 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

1124 Street pavement and the property line shall be maintained in a
1125 clean and healthy growing condition, free of trash, debris, refuse,
1126 litter, ruts and potholes. No swale shall have grass exceeding six
1127 inches in height.

1128
1129 (c) Prohibited materials. The following materials shall not be permitted in
1130 any swale:

- 1131 (1) Lawn markers.
1132 (2) Boulders.
1133 (3) Poles, chains, stakes, berms, retaining walls, or other devices or
1134 materials intended to create physical access barriers.
1135 (4) Any other obstructions which may be hazardous to the welfare of the
1136 general public.

1137
1138 (d) Walls, fences generally. No wall or fence of whatever substance, or
1139 series of shrubs, bushes, Hedges or series of other growing matter, may
1140 be placed or maintained in such a manner as to constitute a wall or a
1141 fence, and no other structure or plant shall be constructed, maintained
1142 or otherwise allowed in the Swale Area adjacent to the front or side
1143 Street, or in the public right-of-way or easement area unless approved
1144 by the Building Regulation Advisory Board.

1145
1146 (e) Sight obstruction at intersections. The safe sight distance triangle at
1147 intersections formed by two or more public roads shall be formed by lines
1148 connecting points of 25 feet from the edge of the paved roads. The safe
1149 sight distance at intersections of driveways and public roads shall be formed
1150 by lines connecting points of 10 feet from the edge of the driveway and edge
1151 of public road. The safe sight distance triangle at the intersection of
1152 driveways and public sidewalks shall be formed by lines connecting points
1153 of 10 feet from the edge of the driveway and edge of public sidewalk. The
1154 safe sight distance triangle area shall not contain obstructions to cross-
1155 visibility at a height of two and one-half (2.5) feet and eight (8) feet above
1156 established grade; potential obstructions include, but are not limited to,
1157 structures, grass, groundcovers, shrubs, vines, hedges, trees, rocks, walls
1158 and fences. Property owners shall be responsible for maintaining all
1159 landscaping within the cross-visibility triangle. All sight distance triangles
1160 shall be indicated on the site plan and landscape plan. In addition to
1161 requirements above, safe sight distance triangles for driveways intersecting
1162 State Road A1A shall be provided in accordance with the standards of the
1163 Florida Department of Transportation.

1164
1165 (f) Maintenance of swale areas. All lot Owners within the Town shall:

- 1166
1167 (1) maintain all trees, shrubs or hardscape located in the Swale Areas
1168 abutting their lots regardless of when such items were installed or
1169 who they were installed or purchased by;

- 1170
1171 (2) mow the lawn in the Swale Area at least once every 15 days and
1172 maintain grass or lawn at a height of not more than six inches or
1173 more from the ground; and
1174
1175 (3) not permit nuisances to occur within such Swale Areas.
- 1176 (g) Compliance of nonconforming swales. All swales must be brought into full
1177 compliance with this chapter at the time the property is required to comply
1178 with this chapter under section 52.15. In addition, the property owner
1179 responsible for any swale which is not in compliance with this chapter, shall:
- 1180 (1) Prior to or upon the sale or transfer of the property to a new property
1181 owner, by any mechanism, remove any non-compliant features and
1182 bring the swale area into full compliance with this chapter;
- 1183 (2) Remove all prohibited materials identified in section 52-45(c) above
1184 no later than January 31, 2021;
- 1185 (3) Ensure all changes to swale landscaping increase, to the greatest
1186 extent reasonable, the conformity of the swale with this chapter, and
1187 if along Golden Beach Drive, with the "typical swale design"
1188 approved by the Town provided in XXX, and this chapter.
1189

1190 **Sec. 52-50. - Irrigation Requirements.** All properties required to submit a landscape
1191 plan shall also provide an in-ground irrigation plan. Required irrigation plans shall:
1192

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

- 1212 (h) Be designed and installed in accordance with the Florida Irrigation
1213 Society's Standards and Specifications for Turf and Landscape Irrigation
1214 Systems (as amended).
- 1215
- 1216 (i) Conserve water by allowing differential operation schedules based on
1217 hydrozones.
- 1218
- 1219 (j) Use low trajectory spray heads, and/or low volume water distributing or
1220 application devices.
- 1221
- 1222 (k) Provide rain switches or other devices with automatic controls.
- 1223

1224 **Sec. 52-55. - Tree Removal Permit Required.** It is the intent and desire of the Town
1225 to preserve and enhance the tree canopy in the Town for aesthetic and environmental
1226 reasons. No Person shall cut down, destroy, remove, relocate, destructively damage or
1227 cause to be cut down, destroyed, removed, relocated or destructively damage any tree
1228 without first obtaining a permit from the Town as required by chapter 24 of the Miami-
1229 Dade County Code of Ordinances. Tree Removal Permits shall be processed by the
1230 Town in the same manner, pursuant to the same requirements and guidelines as provided
1231 by Section 24.49 of the Miami-Dade County Code of Ordinances. All tree removal permit
1232 exemptions provided therein shall also apply. The issuance of a tree removal permit
1233 from the Town shall require proof that a permit has been obtained from the Miami-
1234 Dade County Department of Regulatory & Economic Resources, if such permit is
1235 required by Division 2 "Tree Preservation and Protection" of Chapter 24 of the Miami-
1236 Dade County Code of Ordinances. No trees shall be removed from any public land
1237 including, but not limited to rights-of-way and swale areas, without the approval of the
1238 Town Manager or designee. Under no circumstances may any Person remove a tree
1239 where the resulting number of trees (excluding any prohibited trees) on the property
1240 is less than the number of trees required by this Code.

1241

1242 **Sec. 52-60. - Preservation of Pervious Lot Area.** All lots shall maintain compliance
1243 with the pervious surface requirements of Section 58-33.

1244

1245 **Sec. 52-65. - Tree Protection Requirements During Construction.** During site
1246 development, protection requirements for trees designated for preservation or relocation
1247 shall include, but not be limited to, the following:

- 1248
- 1249 (a) Protective barriers shall be placed around each tree, cluster of trees, or the
1250 edge of the preservation area no less than six (10) feet (in radius) from the
1251 trunk of any protected tree, cluster of trees, or preservation area unless a
1252 certified arborist otherwise determines in writing that a smaller or larger
1253 protected area is acceptable or necessary for each tree, or an alternate tree
1254 protection method is approved. Protective barriers shall be a minimum of
1255 four (4) feet above ground level and shall be constructed of wood, plastic or
1256 metal, and shall remain in place until development is completed and the
1257 Town has authorized their removal. Protective barriers shall be in place

- 1258 prior to the start of any construction. Barriers may be removed temporarily
1259 to accommodate construction needs, provided that the manner and purpose
1260 for such temporary removal will not harm the tree.
- 1261
- 1262 (b) Understory plants within protective barriers shall be protected.
- 1263
- 1264 (c) No excess oil, fill, equipment, building materials or building debris shall be
1265 placed within the areas surrounded by protective barriers, nor shall there be
1266 disposal of any waste material such as paints, oils, solvents, asphalt,
1267 concrete, mortar or any other material harmful to trees or understory plants
1268 within the areas surrounded by protective barriers.
- 1269 (d) Trees shall not be braced in such a fashion as to scar, penetrate, perforate
1270 or otherwise inflict damage to the tree.
- 1271
- 1272 (e) No attachments other than those of a protective or non-damaging nature
1273 shall be attached to any tree except those trees approved to be removed.
- 1274
- 1275 (f) Natural grade shall be maintained within protective barriers. In the event
1276 that the natural grade of the site is changed as a result of site development
1277 such that the safety of the tree may be endangered, tree wells or retaining
1278 walls are required.
- 1279
- 1280 (g) Underground utility lines shall be placed outside the areas surrounded by
1281 protective barriers. If said placement is not possible, disturbance shall be
1282 minimized by using techniques such as tunneling.
- 1283
- 1284 (h) Fences and walls shall be constructed to avoid disturbance to any protected
1285 tree. Post holes and trenches located close to trees shall be dug by hand
1286 and adjusted as necessary, using techniques such as discontinuous
1287 footings, to avoid damage to major roots.
- 1288
- 1289 (i) The trees shall be properly irrigated throughout the building process.
- 1290

1291 **Sec. 52-70. – Nonconforming Landscaping Requirements.** The Town recognizes
1292 that many of the properties in the Town were constructed prior to the enactment of either
1293 the County or Town supplemental code requirements.

1294

- 1295 (a) Nonconforming designation. Property owners whose properties do not
1296 meet the minimum requirements of this code shall be designated as
1297 Nonconforming Landscape Properties.
- 1298
- 1299 (b) Nonconforming Landscape Properties must comply with all requirements of
1300 this chapter except:
- 1301
- 1302 (1) the required installation of new plant materials pursuant to section
1303 52-25(a);

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(2) the mandatory installation of an irrigation system under section 52-50 "Irrigation Requirements"; and

(3) the mandatory installation of an on-site drainage system, provided that where improvements are made, all efforts shall be made to ensure that proper drainage mechanisms, in particular, grading, planting and maintenance tools, are implemented to the greatest extent feasible.

(c) The forgoing provisions notwithstanding, all Nonconforming Landscape Properties are encouraged to meet the most recent minimum standards, if possible.

(d) Any new landscaping installed on a Nonconforming Landscape Property must:

(1) meet the Minimum Landscape Requirements of subsections 52-25(b)-(v) as applicable;

(2) meet the Plant Quality standards of section 52-30;

(3) be installed pursuant to all applicable location and installation requirements of this chapter; and

(4) be approved by the Town Manager or designee.

(e) Any new irrigation system must be approved pursuant to and consistent with the requirements of section 52-50 "Irrigation Requirements."

(f) Once a Nonconforming Landscape Property has been improved, it shall thereafter be maintained at the new level of landscaping or consistent with any applicable landscape plan, pursuant to the maintenance requirements of this chapter.

Sec. 52-75. - Violations, Abatement.

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

(a) Prohibitions. It shall be unlawful for any owner of any vacant lot, parcel or tract of land within the Town to commit tree abuse, permit weeds, grass or undergrowth to grow thereon or on any adjacent swale to a

1349 height of six inches or more from the ground; or to permit rubbish, trash,
1350 debris, dead trees or other unsightly or unsanitary matter to remain
1351 thereon; or to permit the existence of depressions or excavations or any
1352 other condition on such premises wherein water may accumulate and
1353 stand in such manner or fashion as to make possible the propagation of
1354 mosquitoes therein.

1355 (b) Failure to Comply; form of notice to property Owner or Owners.

1356 (1) Upon the failure of the owner of any vacant lot, parcel or tract of
1357 land within the Town keep such premises free of weeds, grass or
1358 undergrowth of a height of six inches or more from the ground or
1359 of rubbish, trash, debris, dead trees or other unsightly or
1360 unsanitary matter, or to keep premises free of excavations,
1361 depressions, or nuisances as provided in this chapter, it shall be
1362 the duty of the Town Manager or designee to give notice, as
1363 provided herein, requesting the owner or owners of such property
1364 to remedy the condition within 15 days after service of such
1365 notice.

1366 (2) Such notice shall be given by registered or certified mail,
1367 addressed to the Owner of the property described, to the home of
1368 record, as recorded in the current county tax rolls, or may be
1369 posted upon the premises by affixing in any conspicuous place
1370 on any structure located on such premises or by leaving such
1371 notice of violation with any Person over the age of 15 years having
1372 charge of the premises. and shall be deemed complete and
1373 sufficient notice when so addressed and deposited in the United
1374 States mail with proper postage prepaid, posted or personally
1375 delivered. The notice shall be in substantially the following form:

1376 Date: _____

1377 Name of owner: _____

1378 Address of owner: _____

1379 Our property records indicate you to be the owner(s) of the
1380 following described property in the Town of Golden Beach:

1381 An inspection of this property discloses, and the Town Manager
1382 has found and determined, it to be in such condition as to be in
1383 violation of chapter 52, section (cite individual section violated) of
1384 the Code of the Town of Golden Beach, because (state why
1385 property is in violation, i.e., height of weeds, grass or
1386 undergrowth, debris, dead trees, specific nuisance etc.).

1387 Section 52-75(a) of the Code of the Town of Golden Beach
1388 provides that it shall be unlawful for you to permit this condition to

1389 continue, and you are hereby notified that unless this condition is
1390 remedied so as to make it nonviolative of section 52-75(a) of the
1391 Code of the Town of Golden Beach, within 15 days from the date
1392 hereof, the Town of Golden Beach will proceed to remedy such
1393 condition, and the cost of such work will be imposed as a lien
1394 upon this property. The estimated cost to remedy this condition
1395 would be _____, plus \$50.00 for administrative charges,
1396 for a total cost of _____.

1397 This notice will be the only notice given to you in a period of one
1398 year from this date. Any other violations occurring under this
1399 section shall be remedied by the Town without further notice.

1400 Very truly yours,

1401 _____
Town Manager

1402 (c) Cost of Clearing as Lien on Property—Collection, foreclosure and sale.
1403 Upon failure of the owner of property to remedy the conditions existing
1404 in violation of the requirements of this section within 15 days after
1405 service of notice to do so, then the Town Manager or designee shall
1406 proceed to have such condition remedied by contract or direct labor, or
1407 both, and the cost thereof shall be and become a lien against such
1408 property 30 days after notice of completion of work by the Town, to the
1409 same extent and character as the lien for special assessments, and with
1410 the same penalties and with the same rights of collections, foreclosure,
1411 sale and forfeiture as obtained for special assessment liens. The cost
1412 chargeable to the Owner shall not exceed the amount of cost as set forth
1413 in the notice served to the property Owner or Owners required herein
1414 under section 52-75.

1415 (d) Same—Due date, delinquency interest rates. The lien for the cost of
1416 clearing lots, parcels or tracts of land or of removing or remedying the
1417 conditions thereof found to be in violation of this section, plus any other
1418 administrative charges, shall become due and payable 30 days after
1419 publication of the notice of completion of such work, except in cases
1420 wherein a petition is filed within such period as provided for in section
1421 52-75(h) and where, upon consideration of such petition, the Council
1422 has changed and corrected the amount of lien as filed in the Office of
1423 the Clerk of the Circuit Court of the County; in such cases the lien shall
1424 become due and payable 30 days after such Council action. After the
1425 respective due dates above fixed, all unpaid liens shall become
1426 delinquent and shall thereafter bear interest at the rate of six percent per
1427 annum. This lien may be enforced and satisfied by the Town pursuant
1428 to F.S. ch. 173, as amended from time to time, or by any other method
1429 permitted by law. The lien provided for in this section shall not be
1430 deemed to be in lieu of any other legal remedies for recovery of such
1431 fee, late charges, and accrued interest available to the Town.

- 1432 (e) Same—Installment payments; waiver of irregularities, interest rates.
- 1433 (1) The lien for the cost of clearing any lot, parcel or tract of land or
1434 of removing or remedying the condition thereof found to be
1435 violative of this section, if the same is in excess of \$100.00, may
1436 be paid in two equal installments due, respectively, on the first
1437 day of November following the due date prescribed above, and
1438 on the first day of November of the year following; provided, that
1439 the Owner or Owners of such lot, parcel or tract of land shall file
1440 with the Town Manager, on or before the due date, a written
1441 undertaking waiving any and all irregularities or illegality in
1442 connection with the imposing of such lien.
- 1443 (2) Such deferred installments shall bear interest at the rate of ten
1444 percent per annum from and after the due date of the lien, but any
1445 such lien or installment thereof may be paid at any time when
1446 accompanied by the payment of interest due upon the entire
1447 unpaid balance of the lien to date of payment.
- 1448 (3) Failure to pay any such installment when the same shall become
1449 due shall, without notice or other proceeding, cause the entire
1450 unpaid balance of the lien to become due and payable forthwith.
- 1451 (f) Lien books, information. Upon notification that the proper notice has
1452 been served due to the determination that certain described lots, tracts
1453 or parcels of land are in such condition as to be in violation of the
1454 requirements of this chapter, the Town Manager or designee shall cause
1455 to be filed in the Office of the Clerk of the Circuit Court of the County,
1456 the legal description of the land involved, the total estimated cost and
1457 date of the notice.
- 1458 (g) Statement of costs, filing; publication of work, cost and lien. As soon as
1459 practicable after completion of the work, if such work be done by the
1460 Town, the Town Manager or designee shall execute, or cause to be
1461 executed, and file with the Town Clerk, a statement of costs and
1462 completion of work, which shall certify the completion thereof. The Town
1463 Clerk shall thereafter cause to be published in a newspaper of general
1464 circulation in the County or Town, a notice giving the description of the
1465 property, the amount of the cost of the work, the date of completion of
1466 the work and the fact that the cost thereof is a lien against the property.
- 1467 (h) Interested persons may petition Council to dispute assessed costs,
1468 Council inquiry.
- 1469 (1) Any person owning all or any interest in property which has been
1470 found to be in violation of this section, and upon which remedial
1471 work by the Town has been done, shall have the right, at any time
1472 within 30 days after publication of the notice of completion of work

1473 under this section, to present to the Town Clerk a sworn petition
1474 stating his interest in the property and alleging that in the opinion
1475 of the petitioner the cost of the work as entered in the sanitary lien
1476 book exceeds the actual cost thereof or is otherwise erroneous.

1477 (2) Such petition shall be presented to the Council for its
1478 consideration at its next regular meeting, provided at least ten
1479 days have intervened between the time of the filing of such
1480 petition and the date of such meeting, at which time and place the
1481 Council shall consider the same and make due inquiry into the
1482 questions involved. If it shall appear to the satisfaction of the
1483 Council that the cost as entered is erroneous, then the Council
1484 shall by resolution so declare and shall have the entry thereof in
1485 the County records corrected, and shall fix and confirm the
1486 amount to be charged against such lot, parcel or tract of land as
1487 it shall find just and proper, and the amount so fixed shall stand
1488 as the amount of the lien, effective as of the date of completion of
1489 the work aforesaid, or the Council may confirm the lien in the
1490 amount as originally entered in the public records.

1491 (l) The remedies provided for in this section shall not be deemed to be in
1492 lieu of any other legal remedies for violation, or for recovery of monies
1493 due, available to the Town.

1494 **Section 4.** That Chapter 58 "Development Standards" of the Town of Golden
1495

1496 Beach Land Development Code is amended to read as follows:

1497 **Chapter 58 - DEVELOPMENT STANDARDS**

1498

1499 **ARTICLE I. - IN GENERAL**

1500

1501 **Sec. 58-1. - Definitions.**

1502

1503 The following words, terms and phrases, when used in this chapter, shall have the
1504 meanings ascribed to them in this section, except where the context clearly indicates a
1505 different meaning:

1506

1507 * * *

1508 Pervious Area means that area maintained in its natural condition, or covered by
1509 a material, is planned in the adopted 2010 Highway water directly into the ground. a
1510 permeable area of land within the Building Lot which permits the drainage and percolation
1511 of water.

1512

1513 * * *

1514

1515 ~~Sec. 58-33. Landscaping.~~

1516 ~~In addition to the landscaping requirements of sections 66-116 and 66-171, each lot~~
1517 ~~shall provide, concurrently with construction of a new residence permitted after October~~
1518 ~~1, 1980, not less than three trees on the lot and one tree in the swale area adjoining the~~
1519 ~~subject lot. Corner lots shall plant at least two trees in the adjoining swale. Every tree~~
1520 ~~planted shall be a minimum of 12 to 14 feet in height (minimum 2½ D.B.H.) at the time of~~
1521 ~~planting and shall be Florida Grade Number One or better. At least 75 percent of the~~
1522 ~~minimum required trees must be native Florida species. The following native trees are~~
1523 ~~recommended but do not represent an exhaustive list:~~

- 1524 ~~Bucida buceras (Black Olive)~~
- 1525 ~~Bursera simaruba (Gumbo Limbo)~~
- 1526 ~~Coccoloba diversifolia (Pidgeon Plum)~~
- 1527 ~~Coccoloba uvifera (Sea Grape)~~
- 1528 ~~Conocapsus erectus (Silver Buttonwood)~~
- 1529 ~~Cordia Sebestena (Geiger Tree)~~
- 1530 ~~Hibiscus tiliaceus (Mahoe)~~
- 1531 ~~Lysiloma bahamensis (Wild Tamarind)~~
- 1532 ~~Quercus virginiana (Live Oak)~~
- 1533 ~~Roystonea elata (Royal Palm)~~
- 1534 ~~Sabal palmetto (Sabal Palm)~~
- 1535 ~~Simarouba glauca (Paradise Tree)~~

1536

1537 ~~Sec. 58-34. Removal of certain species.~~

1538 ~~Concurrent with the construction of any new residence, the following exotic species~~
1539 ~~shall be removed from the lot:~~

- 1540 ~~Casuarina equestriforma (Australian Pine)~~
- 1541 ~~Melaleuca quinquenervia (Punk Tree, Cajeput or Paper Bark)~~
- 1542 ~~Moraceae (Ficus)~~
- 1543 ~~Schinus terebinthifolius (Brazilian Pepper or Florida Holly)~~

1544

1545 **Sec. 58-335. - Preservation of lot area.**

1546

1547 ~~A minimum of 35 percent of the area of each lot, including the swale adjacent thereto,~~
1548 ~~shall be maintained as pervious surface. The use of pervious pavers will be considered~~
1549 ~~in the calculation to the extent the applicant provides credible evidence of the permeability~~
1550 ~~of the surface. Pervious area calculations shall be provided by a State of Florida~~
1551 ~~registered Architect, Engineer or Landscape Architect.~~

1552

1553 * * *

1554

1555 **Section 5.** That Chapter 66 “Zoning” of the Town of Golden Beach Land

1556 Development Code is amended to read as follows:

1557 **Chapter 66 - ZONING**

1558

1559 * * *

1560

1561 **ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS**

1562

1563 * * *

1564

1565 **DIVISION 3. - SWALE REGULATIONS Drainage.**

1566

1567 **Sec. 66-116. – Drainage Requirements.**

1568

1569 All Properties must provide adequate drainage facilities and drainage fields and all
1570 well and drainage locations must be shown on a site plan in accordance with all
1571 applicable regulations. At a minimum:

1572

1573 (a) All stormwater runoff shall be retained on-site.

1574

1575 (b) All properties shall be graded and maintained so as to prevent ponding
1576 or any collection of standing or stagnant water.

1577

1578 (c) Depressions, excavations or any other condition wherein water may
1579 accumulate and stand in such manner or fashion as to make possible
1580 the propagation of mosquitoes therein are prohibited.

1581 (d) A paving and drainage plan which conforms to this Division shall be provided
1582 including all areas of hardscape”, and includes engineering calculations
1583 confirming that all stormwater runoff will be retained on-site and that the
1584 proposed development will not create flooding issues on adjacent properties.

1585

1586 ~~Sec. 66-116. – Responsibility for landscaping.~~

1587 ~~The property Owner, tenant and/or resident living in the property or his agent shall be~~
1588 ~~jointly and severally responsible for the maintenance of all landscaping in Swale~~
1589 ~~Areas. The landscaping shall be maintained in good plant health so as to insure~~
1590 ~~safety, functional use and a healthy plant appearance. The landscaping shall be~~
1591 ~~pruned and free of dead limbs and branches. All dead growth shall be removed~~
1592 ~~immediately and replaced. No swale landscaping shall be maintained in such manner~~
1593 ~~as to constitute a nuisance.~~

1594 ~~Sec. 66-117. – Plants, sod.~~

1595 (a) ~~Plants to be placed in the Swale Area shall be approved by the Building~~
1596 ~~Regulation Advisory Board and shall conform to the State agricultural standards.~~

1597 ~~Grass sod shall be clean and reasonably free of weeds and noxious pests or~~
1598 ~~diseases. Trees or shrubs shall be of a species whose roots are known not to cause~~
1599 ~~damage to public roadways or other public works and shall be planted in the swale~~
1600 ~~only after approval by the Building Regulation Advisory Board.~~

1601 ~~(b) — Sod of a species normally grown as a permanent lawn grass shall be used in~~
1602 ~~swales or other areas subject to erosion and shall be planted so as to extend to the~~
1603 ~~abutting Street pavement. All sodded areas between the Street pavement and the~~
1604 ~~property line shall be maintained in a clean and healthy growing condition, free of~~
1605 ~~trash, debris, refuse, litter, ruts and potholes. No swale shall have grass exceeding~~
1606 ~~six inches in height.~~

1607 ~~Sec. 66-118. — Lawn markers.~~

1608 ~~All lawn markers utilized in front of residential lots abutting any Street or other public~~
1609 ~~way shall not exceed nine inches in diameter, nor ten pounds, and shall be~~
1610 ~~hemispheric shape. Rocks may not be used as a substitute for lawn markers. Each~~
1611 ~~lot shall be limited to no more than four lawn markers per 50 feet of Street Frontage.~~

1612 ~~Sec. 66-119. — Walls, fences generally.~~

1613 ~~No wall or fence of whatever substance, or series of shrubs, bushes, Hedges or~~
1614 ~~series of other growing matter that is capable of exceeding six inches in height after~~
1615 ~~time of planting, may be placed or maintained in such a manner as to constitute a~~
1616 ~~wall or a fence, and no other structure or plant shall be constructed, maintained or~~
1617 ~~otherwise allowed in the Swale Area adjacent to the front or side Street, or in the~~
1618 ~~public right-of-way or easement area unless approved by the Building Regulation~~
1619 ~~Advisory Board.~~

1620 ~~Sec. 66-120. — Sight obstruction at intersections.~~

1621 ~~No wall, fence or other structure or tree, plant or other vegetation shall be permitted~~
1622 ~~within the triangular area formed by lines connecting points 25 feet from the edge of paved~~
1623 ~~roads at any intersection formed by two or more public roads which or which would in any~~
1624 ~~way limit visibility for vehicles or pedestrians.~~

1625 ~~Sec. 66-121. — Notice of violation, abatement.~~

1626 ~~Notices of violations of this division may be mailed to the Owner of record as shown~~
1627 ~~on the tax roll of the County or may be posted upon the premises by affixing in any~~
1628 ~~conspicuous place on any structure located on such premises or by leaving such~~
1629 ~~notice of violation with any Person over the age of 15 years having charge of the~~
1630 ~~premises. Any Person receiving such notice may appeal to the Town Council~~
1631 ~~pursuant to section 66-43. Should any Owner, agent or Person having charge of or~~
1632 ~~occupying any lot or premises covered by this division refuse or neglect, for a period~~
1633 ~~of 15 days after receiving notice from the Town of any violation of this division, fail to~~
1634 ~~cure such violation, or appeal to the Town Council pursuant to section 66-43, the~~
1635 ~~Town may at its option act to cure such violation without further notice. The Town~~
1636 ~~may cause the structure or plantings to be abated and the cost of removal,~~
1637 ~~replacement or cutting of such work shall be forthwith paid by such Owner, agent or~~
1638 ~~other Person.~~

1639 ~~Sec. 66-122. — Lien for Town's expense.~~

1640 ~~Upon failure of the Owner, or other responsible Person to promptly pay the cost of~~
1641 ~~such work, the Town Manager shall cause an affidavit to be placed upon the public~~
1642 ~~records of the County describing the work done and the amount of the cost incurred~~

1643 ~~by the Town. Such affidavit shall constitute a claim of lien against the property,~~
1644 ~~foreclosable in the manner of assessment liens or as permitted by law. All costs of~~
1645 ~~the action and reasonable attorney's fees incurred by the Town shall be determined~~
1646 ~~by the court and assessed against the property.~~

1647 ~~Sec. 66-123. – Mowing.~~

1648 ~~All lot Owners within the Town shall maintain the Swale Areas abutting their lots by~~
1649 ~~mowing the lawn in the Swale Area at least once every 30 days, and shall not permit~~
1650 ~~nuisances to occur within such Swale Areas.~~

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

1681 ~~height of six inches or more from the ground; or to permit rubbish, trash, debris, dead~~
1682 ~~trees or other unsightly or unsanitary matter to remain thereon; or to permit the~~
1683 ~~existence of depressions or excavations or any other condition on such premises~~
1684 ~~wherein water may accumulate and stand in such manner or fashion as to make~~
1685 ~~possible the propagation of mosquitoes therein.~~

1686 ~~(b) Failure to Comply; form of notice to property Owner or Owners.~~

1687 ~~(1) Upon the failure of the owner of any vacant lot, parcel or tract of land within the~~
1688 ~~Town to keep such premises free of weeds, grass or undergrowth of a height of six~~
1689 ~~inches or more from the ground or of rubbish, trash, debris, dead trees or other~~
1690 ~~unsightly or unsanitary matter, or to keep premises free of excavations or~~
1691 ~~depressions, as provided in this section, it shall be the duty of the Town Manager to~~
1692 ~~give notice, as provided herein, requesting the owner or owners of such property to~~
1693 ~~remedy the condition within 15 days after service of such notice.~~

1694 ~~(2) Such notice shall be given by registered or certified mail, addressed to the~~
1695 ~~Owner of the property described, to the home of record, as recorded in the current~~
1696 ~~county tax rolls, and shall be deemed complete and sufficient notice when so~~
1697 ~~addressed and deposited in the United States mail with proper postage prepaid. The~~
1698 ~~notice shall be in substantially the following form:~~

1699 ~~Date: _____~~

1700 ~~Name of owner: _____~~

1701 ~~Address of owner: _____~~

1702 ~~Our property records indicate you to be the owner(s) of the following described~~
1703 ~~property in the Town of Golden Beach:~~

1704 ~~An inspection of this property discloses, and the Town Manger has found and~~
1705 ~~determined, it to be in such condition as to be in violation of section 66-175(a) of the~~
1706 ~~Code of the Town of Golden Beach, because (state why property is in violation, i.e.,~~
1707 ~~height of weeds, grass or undergrowth, debris, dead trees, etc.).~~

1708 ~~Section 66-175(a) of the Code of the Town of Golden Beach provides that it shall be~~
1709 ~~unlawful for you to permit this condition to continue, and you are hereby notified that~~
1710 ~~unless this condition is remedied so as to make it nonviolative of section 66-175(a)~~
1711 ~~of the Code of the Town of Golden Beach, within 15 days from the date hereof, the~~
1712 ~~Town of Golden Beach will proceed to remedy such condition, and the cost of such~~
1713 ~~work will be imposed as a lien upon this property. The estimated cost to remedy this~~
1714 ~~condition would be _____, plus \$50.00 for administrative charges, for a total~~
1715 ~~cost of _____.~~

1716 ~~This notice will be the only notice given to you in a period of one year from this date.~~
1717 ~~Any other violations occurring under this section shall be remedied by the Town~~
1718 ~~without further notice.~~

1719 Very truly yours,

1720 —Town Manager—

1721 ~~(c) — Cost of Clearing as Lien on Property — Collection, foreclosure and sale. Upon~~
1722 ~~failure of the owner of property to remedy the conditions existing in violation of the~~
1723 ~~requirements of this section within 15 days after service of notice to do so, then the~~
1724 ~~Town Manager shall proceed to have such condition remedied by contract or direct~~
1725 ~~labor, or both, and the cost thereof shall be and become a lien against such property~~
1726 ~~30 days after notice of completion of work by the Town, to the same extent and~~
1727 ~~character as the lien for special assessments, and with the same penalties and with~~
1728 ~~the same rights of collections, foreclosure, sale and forfeiture as obtained for special~~
1729 ~~assessment liens. The cost chargeable to the Owner shall not exceed the amount of~~
1730 ~~cost as set forth in the notice served to the property Owner or Owners required herein~~
1731 ~~under section 66-175(a).~~

1732 ~~(d) — Same — Due date, delinquency interest rates. The lien for the cost of clearing~~
1733 ~~lots, parcels or tracts of land or of removing or remedying the conditions thereof found~~
1734 ~~to be in violation of this section, plus any other administrative charges, shall become~~
1735 ~~due and payable 30 days after publication of the notice of completion of such work,~~
1736 ~~except in cases wherein a petition is filed within such period as provided for in section~~
1737 ~~66-175(h) and where, upon consideration of such petition, the Council has changed~~
1738 ~~and corrected the amount of lien as filed in the Office of the Clerk of the Circuit Court~~
1739 ~~of the County; in such cases the lien shall become due and payable 30 days after~~
1740 ~~such Council action. After the respective due dates above fixed, all unpaid liens shall~~
1741 ~~become delinquent and shall thereafter bear interest at the rate of six percent per~~
1742 ~~annum until sold. This lien may be enforced and satisfied by the Town pursuant to~~
1743 ~~F.S. ch. 173, as amended from time to time, or by any other method permitted by law.~~
1744 ~~The lien provided for in this section shall not be deemed to be in lieu of any other~~
1745 ~~legal remedies for recovery of such fee, late charges, and accrued interest available~~
1746 ~~to the Town.~~

1747 ~~(e) — Same — Installment payments; waiver of irregularities, interest rates.~~

1748 ~~(1) — The lien for the cost of clearing any lot, parcel or tract of land or of removing or~~
1749 ~~remedying the condition thereof found to be violative of this section, if the same is in~~
1750 ~~excess of \$100.00, may be paid in two equal installments due, respectively, on the~~
1751 ~~first day of November following the due date prescribed above, and on the first day~~
1752 ~~of November of the year following; provided, that the Owner or Owners of such lot,~~
1753 ~~parcel or tract of land shall file with the Town Manager, on or before the due date, a~~
1754 ~~written undertaking waiving any and all irregularities or illegality in connection with~~
1755 ~~the imposing of such lien.~~

1756 ~~(2) — Such deferred installments shall bear interest at the rate of ten percent per~~
1757 ~~annum from and after the due date of the lien, but any such lien or installment thereof~~
1758 ~~may be paid at any time when accompanied by the payment of interest due upon the~~
1759 ~~entire unpaid balance of the lien to date of payment.~~

1760 ~~(3) — Failure to pay any such installment when the same shall become due shall,~~
1761 ~~without notice or other proceeding, cause the entire unpaid balance of the lien to~~
1762 ~~become due and payable forthwith.~~

1763 ~~(f) — Lien books, information. Upon notification that the proper notice has been~~
1764 ~~served due to the determination that certain described lots, tracts or parcels of land~~
1765 ~~are in such condition as to be in violation of the requirements of this Article, the Town~~
1766 ~~Manager shall cause to be filed in the Office of the Clerk of the Circuit Court of the~~
1767 ~~County, the legal description of the land involved, the total estimated cost and date~~
1768 ~~of the notice.~~

1769 ~~(g) — Statement of costs, filing; publication of work, cost and lien. As soon as~~
1770 ~~practicable after completion of the work, if such work be done by the Town, the Town~~
1771 ~~Manager shall execute, or cause to be executed, and file with the Town Clerk, a~~
1772 ~~statement of costs and completion of work, which shall certify the completion thereof.~~
1773 ~~The Town Clerk shall thereafter cause to be published in a newspaper of general~~
1774 ~~circulation in the County or Town, a notice giving the description of the property, the~~
1775 ~~amount of the cost of the work, the date of completion of the work and the fact that~~
1776 ~~the cost thereof is a lien against the property.~~

1777 ~~(h) — Interested persons may petition Council to dispute assessed costs, Council~~
1778 ~~inquiry.~~

1779 ~~(1) — Any person owning all or any interest in property which has been found to be~~
1780 ~~in violation of this section, and upon which remedial work by the Town has been done,~~
1781 ~~shall have the right, at any time within 30 days after publication of the notice of~~
1782 ~~completion of work under this section, to present to the Town Clerk a sworn petition~~
1783 ~~stating his interest in the property and alleging that in the opinion of the petitioner the~~
1784 ~~cost of the work as entered in the sanitary lien book exceeds the actual cost thereof~~
1785 ~~or is otherwise erroneous.~~

1786 ~~(2) — Such petition shall be presented to the Council for its consideration at its next~~
1787 ~~regular meeting, provided at least ten days have intervened between the time of the~~
1788 ~~filing of such petition and the date of such meeting, at which time and place the~~
1789 ~~Council shall consider the same and make due inquiry into the questions involved. If~~
1790 ~~it shall appear to the satisfaction of the Council that the cost as entered is erroneous,~~
1791 ~~then the Council shall by resolution so declare and shall have the entry thereof in the~~
1792 ~~County records corrected, and shall fix and confirm the amount to be charged against~~
1793 ~~such lot, parcel or tract of land as it shall find just and proper, and the amount so fixed~~
1794 ~~shall stand as the amount of the lien, effective as of the date of completion of the~~
1795 ~~work aforesaid, or the Council may confirm the lien in the amount as originally entered~~
1796 ~~in the public records.~~

1797 **Secs. 66-1716—66-185. - Reserved.**

1798 **DIVISION 7. - WALLS, AND FENCES AND HEDGES**

1799
1800 **Sec. 66-186. - Height restrictions.**

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- (a) In Zone One no wall, ~~hedge~~, or fence between estates or lots shall be constructed or altered to exceed in height the following: Parallel to the side property line within 60 feet of the west property line, a height of six feet; thence easterly along patios and main house structure to height of six feet; thence easterly for 30 feet, a height of four feet; thence easterly to the ocean front, a height of two feet. No wall, ~~Hedge~~, or fence higher than two feet may be erected on the east (Ocean Front) property line. No wall, ~~Hedge~~, or fence higher than six feet above the crown of the road may be erected on the (Ocean Boulevard) property line.
- (b) In Zones Two and Three, no wall ~~Hedge~~, or fence between estates or lots shall be constructed or altered to exceed a height of six feet ~~in height~~.
- (c) In Zone Three, no wall or fence between estates or lots shall be constructed or altered to exceed a height of six feet.
- (d) No walls, ~~Hedges~~, or fences higher than, two feet may be erected along the waterways, except that open metal or chain link fences may be four feet high.
- (e) No walls, ~~Hedges~~, or fences higher than, four feet may be erected on the Street property line, nor erected in such manner, ~~planted and permitted to grow~~ so as to block the view of a driver of a vehicle or bicycle operating on any road within the Town as provided by section 52-45(e) ~~66-120~~.
- (f) Throughout Zones One, Two and Three, any wall, ~~Hedge~~, or fence constructed within a Setback area other than on a property line shall not exceed the height permitted for Construction of walls, ~~Hedges~~ or fences allowed on the nearest property line within the zones. In no event shall walls, ~~Hedges~~ or fences within building Construction areas exceed six feet in height.
- (g) All heights stated in this section are measured from the finished ground floor of the site where the fence is to be built. For fences abutting a street, the maximum level of the top of the fence shall be four feet above the finished site elevation without any berming or six feet above the maximum elevation of the crown of the road adjacent to the property whichever is the highest. Pilasters may exceed the maximum fence height by up to one foot, and operable gates may exceed the maximum fence height by three feet. Ornamental features, such as lights or decorative castings, a maximum 24 inches in height may be erected on top of a maximum of four pilasters. No berm shall be permitted in the street right-of-way. Fences erected along the right-of-way must be fully screened with landscaping including hedges or vines screening their full height.
- (h) Vacant lots.

- 1847 (1) Throughout Zones One and Two, vacant lots within the Town shall
1848 be secured on all four sides. A white vinyl picket fence at least four
1849 ~~three~~ feet in height shall be placed along the perimeter of the
1850 property adjacent to a right-of-way. Along the right-of-way frontage,
1851 the yard area outside the fence shall be improved with basic irrigation
1852 and planted with accent plant material and/or sod and watered and
1853 maintained so as to prevent browning, disease, weeds,
1854 overgrowth or dead spots.
- 1855 (2) Throughout Zone Two, along the right-of-way frontage of vacant lots,
1856 the yard area shall be planted with accent plant material and/or sod
1857 and watered and maintained so as to prevent browning, disease,
1858 weeds, overgrowth or dead spots.
- 1859 (3) Throughout Zone Three, vacant lots shall be secured on either the
1860 water side or the street side from side property line to side property
1861 line with a white vinyl picket fence at least four feet in height. Along
1862 the right-of-way frontage of vacant lots, the yard shall be planted with
1863 accent plant material and/or sod and watered and maintained so
1864 as to prevent browning, disease, weeds, overgrowth or dead
1865 spots.

1866

1867 **Sec. 66-187. - Construction materials.**

1868 Throughout Zones One, Two and Three, live Hedges may be grown in lieu of masonry
1869 built walls or fences, subject to the same height restrictions applicable in the zone. Walls
1870 and fences of plywood, composition materials, simulated wood, or sheet metal are
1871 prohibited. However, a rail type open fence may be permitted if the wood rails are set
1872 between piers not less than 21 inches square built of brick or stone or in the alternative
1873 wooden uprights of a minimum size of six inches by six inches and spaced not more than
1874 12 feet apart. Rails may not be smaller than four inches by four inches. Chain-link wire
1875 fences are permitted along rear and side yards where all fence components, including
1876 framing members, are covered in green or black vinyl. Alternatively, rear and side yards
1877 may be enclosed by white vinyl picket or solid panel fencing. Where chain-link, picket, or
1878 solid panel fencing is used, such fencing shall be fully screened by hedge plant material
1879 for the full height of the fence. In Zones Two and Three, piling shall be required under all
1880 piers, pilasters and walls for fences and for flower boxes which may not be cantilevered
1881 from beams, except that wooden uprights as referenced above, shall not need pilings, but
1882 shall penetrate into the ground a minimum of three feet and be encased in a concrete
1883 footing with a minimum thickness of one foot measured from the edge of the wooden
1884 upright. All fences shall be finished or constructed in such manner as to have the same
1885 appearance, design and finish on each side.

1886 **Sec. 66-188. - Maintenance.**

1887 All Hedges, walls and fences shall be maintained in accordance with the landscaping plan
1888 or permitted Construction plan approved by the Building Regulation Advisory Board.

1889 **Secs. 66-189—66-200. - Reserved.**

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Sec. 66-251. - Cabanas/Gazebos.

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- ~~(a) In Zone One a cabana or similar structure separate from the main house structure may be permitted to be erected only on the oceanfront of a property provided it contains not more than 250 square feet of roofed area and not more than one story in height. However, no part thereof shall be east of a line joining the corners of nearest existing similar structures nor shall any part be within 50 feet of the Mean High Water Line; and no part of the roof thereof shall be more than 15 feet above MGVD which floor level is hereby established as a base line. Such structure may be built to the lot lines. Side line and east lot line clearance is not required. No more than one such structure is permitted to be erected for each residence. The roof of the Cabanas shall not be used as solarium or for any other similar use by persons.~~
- ~~(b) In Zone Two and Zone Three, one Gazebo separate from the main house structure may be permitted to be erected, subject to the following requirements:~~
- ~~(1) The Gazebo shall not be more than one story in height and must contain matching roof slopes and detailing similar to the principal structure;~~
- ~~(2) The roof of the Gazebo shall not be used as a solarium or for any similar purposes; and~~
- ~~(3) The Gazebo must comply with the following setback requirements:~~
- ~~a. Zone Two: A Gazebo in Zone Two must be placed at least ten feet from the side lot line and ten feet from the rear lot line.~~
- ~~b. Zone Three: A Gazebo in Zone Three must be placed at least ten feet from the side lot line and 15 feet from the rear lot line.~~
- ~~(4) The maximum size of a Gazebo shall be 150 square feet of roofed area.~~
- (a) In Zones One, Two and Three one, and only one, cabana or similar structure separate from the main house structure may be permitted to be erected only within the rear yard. The roofed area of such structure shall not exceed 2% of the net lot area up to a maximum of 500 square feet.
- (b) Within Zone One, no part thereof shall be east of a line joining the corners of the nearest existing similar structures nor shall any part be within 50 feet of the Mean High Water Line. Such structure may be built to the lot lines. Side line and east lot line clearance is not required.
- (c) In Zone Two the structure must be placed at least ten feet from the side lot line and ten feet from the rear lot line.

- 1932 (d) In Zone Three the structure must be placed at least ten feet from the side
 1933 lot line and 15 feet from the rear lot line.
- 1934 (e) No structure permitted under this section shall exceed one story or a height
 1935 of 15 feet above BFE.
- 1936 (f) Structures under this section must contain matching roof slopes and
 1937 detailing similar to the principal structure;
- 1938 (g) The roof of the structure shall not be used as a solarium or for any similar
 1939 purposes.

1940 **Section 6.** That if any section, clause, sentence or phrase of this Ordinance is
 1941
 1942 for any reason held invalid or unconstitutional by a court of competent jurisdiction, the
 1943 holding shall not affect the validity of the remaining portions of this Ordinance.

1944 **Section 7.** That all ordinances or parts of ordinances in conflict with the
 1945 provisions of this Ordinance are repealed to such extent of the conflict.

1946 **Section 8.** That this Ordinance shall be codified in accordance with the
 1947 foregoing. It is the intention of the Town Council that the provisions of this Ordinance shall
 1948 become and be made a part of the Town of Golden Beach Code of Ordinances; and that
 1949 the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance"
 1950 may be changed to "section", "article" or such other appropriate word or phrase in order
 1951 to accomplish such intentions.

1952 **Section 9.** That this Ordinance shall take full effect immediately upon its
 1953 passage and adoption.

1954 The Motion to adopt the foregoing Ordinance was offered by Councilmember
 1955 Rojas, seconded by Councilmember Lusskin, and on roll call the following vote ensued:

1956	Mayor Glenn Singer	<u>Aye</u>
1957	Vice-Mayor Kenneth Bernstein	<u>Aye</u>
1958	Councilmember Amy Isackson-Rojas	<u>Aye</u>
1959	Councilmember Judy Lusskin	<u>Aye</u>
1960	Councilmember Bernard Einstein	<u>Absent</u>
1961		

1962
1963

PASSED AND ADOPTED on first reading this 25th, day of October, 2016.

1964

The Motion to adopt the foregoing Ordinance was offered by Councilmember

1965

Luskin, seconded by Councilmember Einstein, and on roll call the following vote ensued:

1966

Mayor Glenn Singer Aye

1967

Vice-Mayor Kenneth Bernstein Aye

1968

Councilmember Amy Isackson-Rojas Aye

1969

Councilmember Judy Luskin Aye

1970

Councilmember Bernard Einstein Aye

1971

1972

1973

PASSED AND ADOPTED on second reading this 15th, day of November, 2016.

1974

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ATTEST:

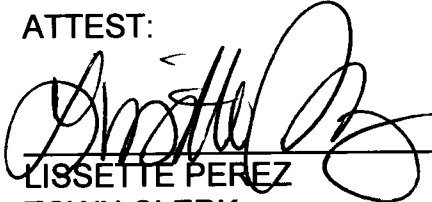


MAYOR GLENN SINGER

1979

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1981



LISSETTE PEREZ

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TOWN CLERK

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APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

1987

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STEPHEN J. HELFMAN

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TOWN ATTORNEY

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