

Temp. Ord. No. 1750
4/15/20
5/13/20

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. 20-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING PROPOSED LAND DEVELOPMENT CODE CHAPTER 5 STANDARDS, SECTION 506.16 TREE TRUST FUND; MAKING FINDINGS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING THAT OFFICIALS ARE AUTHORIZED TO TAKE ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to update the entire Land Development Code (“LDC”) in a phased manner with the intent to: maintain a long-range future land use pattern which promotes the orderly and well-managed growth and development of the community, producing quality neighborhoods, enhancing the City’s aesthetic appeal, conserving the natural environment and open space, supporting a vibrant economic tax base, and minimizing risks to the public’s health, safety and welfare; and

WHEREAS, this phase of LDC revision, through a companion ordinance, creates new Chapter 5, entitled “Standards”, to include two new sections, 501, “General Provisions”, and 506, “Landscaping Standards”, to amend and replace existing language in existing Chapters 8 and 9, mostly related to landscaping provisions, and repeals Chapter 9, “Landscaping Requirements and Tree Conservation” in its entirety; and

WHEREAS, the City Manager recommends amending a portion of new Chapter 5 “Standards”, specifically Section 506.16 Tree Trust Fund (attached hereto as Exhibit

“A”) as shown herein, to update regulatory requirements and procedures of the LDC;
and

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WHEREAS, pursuant to Section 302.6 of the existing LDC, the City Commission has reviewed this proposed amendment to the LDC, considered the general purpose and standards set forth in Chapter 3 of the LDC, and considered the recommendation of the Planning and Zoning Board; and

WHEREAS, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is legally required to meet the revision of the LDC; and

WHEREAS, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is consistent with the goals, objectives, and policies of the City’s Comprehensive Plan; and

WHEREAS, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is consistent with the authority and purpose of the LDC, because the LDC revisions will aid in the harmonious, orderly, and progressive development of the City by simplifying development requirements and assuring that the standards are consistent with the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the City’s Comprehensive Plan and in accordance with Section

163.3194, Florida Statutes, and Section 302.7(2) of the LDC, finds that this Ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan; and

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WHEREAS, pursuant to Section 302.7 of the existing LDC, the Planning and Zoning Board has found that the proposed amendment is consistent with the authority and purpose of the LDC, because the LDC revisions will aid in the harmonious, orderly, and progressive development of the City by simplifying development requirements and assuring that the standards are consistent with the Comprehensive Plan; and

WHEREAS, the City Commission hereby adopts the findings of the Planning and Zoning Board; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to amend new Chapter 5 “Standards”, specifically Section 506.16 Tree Trust Fund; as shown herein; to enhance usability and incorporate best practices to the City's LDC.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: Recitals. The foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: That proposed Chapter 5, Section 506.16 of the Land Development Code of the C

See Exhibit “A” attached hereto is hereby incorporated herein by this reference.

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Section 3: Each and every section and subsection of the City of Miramar Land Development Code not revised herein shall remain in full force and effect as previously adopted.

Section 4: Intent; Inclusion in the Code of Ordinances.

(a) That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miramar, and that the word “ordinance” may be changed to “section,” article,” or such other appropriate word or phrase in order to accomplish such intention.

(b) That Sections 1. and 3. Through 8. shall not be codified but shall be an effective part of this enactment.

Section 5: Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

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Section 6: Interpretation. It is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance. Amendments made to the Ordinance on second reading are highlighted.

Section 7: Officials Authorized to Take Action. The appropriate City officials are authorized to do all things necessary and expedient to carry out the intent and purpose of this Ordinance.

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Section 8: **Effective Date.** This Ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: May 20, 2020

PASSED AND ADOPTED ON SECOND READING: June 17, 2020

Mayor, Wayne M. Messam

Vice Mayor, Maxwell B. Chambers

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney
Austin Pamies Norris Weeks Powell, PLLC

Requested by Comm. Davis

Commissioner Winston F. Barnes
Vice Mayor Maxwell B. Chambers
Commissioner Yvette Colbourne
Commissioner Alexandra P. Davis
Mayor Wayne M. Messam

Voted

Yes
Yes
Yes
Yes
Yes

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Chapter 5 STANDARDS

Article 1 General Standards for Site Development

Section 501 – General Provisions

Section 502 – Specific Site Development Standards

Section 503 – Parking

Article 2 Structures

Section 504 – Architectural Design and Accessory Use Standards

Section 505 – Telecommunication Standards

Article 3 Landscaping

Section 506 – Landscaping Standards

Article 4 Signs

Section 507 - Signs

Article 1 General Standards for Site Development

Section 501. - General Provisions - Reserved.

Section 502. – Reserved.

Section 503. – Reserved.

Article 2 Structures

Section 504. – Reserved.

Section 505. – Reserved.

Article 3 Landscaping

Section 506. - Landscaping Standards.

506.1. Purpose. The purpose of this chapter is to provide regulations for: the installation, maintenance, protection and conservation of landscaping and landscaped open space and trees; to utilize landscaping, landscaped open space and trees as an effective means of conserving energy; to preserve open space; and to maintain and improve the aesthetic quality of the City of Miramar, thereby promoting the health and general welfare of the citizenry. In addition, it is the policy of the City Commission that every effort shall be made to preserve and maintain natural vegetation within the City of Miramar, as identified in the City's Comprehensive Plan and this LDC.

506.1.5. Applicability. The terms and provisions of this article shall apply to real property as follows:

- (1) All vacant and undeveloped property.

- (2) All property in all zoning classifications that is intended to be redeveloped.
- (3) The yard areas of all developed property.

506.16 Tree Trust Fund

506.16.1. Establishment. A tree trust line item (hereinafter referred to as the Miramar Tree Preservation Account or the "Trust") is hereby established as a depository for tree removal / relocation fees and penalty money. Such money shall be utilized solely for the purpose of funding tree replacement on public property within the City of Miramar.

506.16.2. Term of Existence. The Miramar Tree Preservation Account shall be self-perpetuating from year to year, unless specifically terminated by the city commission.

506.16.3. Trust Assets. All money received pursuant to the provisions of this section from public or private concerns shall be placed in trust for the use and benefit of the City of Miramar and its successors and assigns in interest.

506.16.4. Trust Administration. Trust funds shall be expended, utilized and disbursed only for the purpose designated by the budget of the City of Miramar to administer the tree preservation program pursuant to this code.

506.16.5. Disbursal of Assets. Trust funds shall be used to obtain trees, landscaping, sprinkler systems and any other items or materials necessary and proper for the preservation, maintenance, relocation or restoration of tree ecosystems, on any public land in the City of Miramar. This money may also be utilized to engage support elements, such as landscape architects and may also be used to cover the expense of relocation of trees in the City of Miramar.

506.16.6. Exceptions. Disbursement of Miramar Tree Preservation Account funds may be used for the preservation, maintenance, or restoration of tree ecosystems on owner-occupied, single-family residential properties and right-of-way within the City of Miramar that meet criteria for the City's tree trimming program. The purpose of the tree trimming program is to assist residents with maintaining potentially hazardous trees and roots encroaching on existing infrastructure, power lines, homes or pavement.

Article 4 Signs

Section 507. – Reserved.