

ORDINANCE NO. 1339

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS" BY AMENDING ARTICLE 5, DIVISION 12 ENTITLED "LANDSCAPING AND SCREENING", SPECIFICALLY AT SECTION 5-1203 ENTITLED "GENERAL STANDARDS", TO CURTAIL OR RESTRICT CERTAIN USES OF WATER TO CONSERVE AVAILABLE WATER RESOURCES DURING A DECLARED WATER SHORTAGE OR WATER SHORTAGE EMERGENCY, IN ACCORDANCE WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT REGULATIONS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the South Florida Water Management District ("SFWMD") has the responsibility and exclusive authority under Chapter 373, Florida Statutes, for regulating the consumptive use of water; and

**WHEREAS**, charged with the responsibility of protecting the water resources within Miami-Dade County, the SFWMD may from time to time, declare a water shortage or water shortage emergency and order the curtailment or restriction of certain uses of water; and

**WHEREAS**, water shortage conditions increase the probability of saline water intrusion into potable water reserves, further decreasing consumable water supplies; and

**WHEREAS**, the existence of such conditions make it imperative to the public welfare that certain uses of water be curtailed or restricted, consistent with the SFWMD water shortage plan, so that available water resources be conserved and preserved; and

**WHEREAS**, the SFWMD has amended Rule 40E-24, Florida Administrative Code ("FAC"), requiring year-round water conservation for landscape irrigation; and

**WHEREAS**, the FAC applies to all landscape irrigation in Miami-Dade County regardless of whether the water supply comes from ground or surface water, from a private well or pump, or from a public or private utility; and

**WHEREAS**, the City Planning Commission held a duly noticed public hearing, and unanimously recommended approval of the proposed amendment to the Mayor and City Council; and

**WHEREAS**, the City Administration respectfully requests that the proposed amendment to the ordinance be approved by the Mayor and City Council, in order to comply with SFWMD requirements; and

**WHEREAS**, the Mayor and City Council of the City of North Miami hereby find that adoption of the proposed ordinance is appropriate and in the best interests of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:**

**Section 1.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances, entitled “Land Development Regulations” by amending Article 5, Division 12 entitled “Landscaping and Screening”, specifically at Section 5-1203 entitled “General Standards”, to curtail or restrict certain uses of water to conserve available water resources during a declared water shortage or water shortage emergency, in accordance with the South Florida Water Management District regulations, as follows:

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**CHAPTER 29. LAND DEVELOPMENT REGULATIONS**

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**ARTICLE 5. DEVELOPMENT STANDARDS**

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**DIVISION 12. LANDSCAPING AND SCREENING.**

**Sec. 5-1203. - General Standards.**

- A. *Installation.* All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements. Landscaped areas shall require protection from vehicular encroachment.

B. *Maintenance.* All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved so as to present a healthy, neat and orderly appearance; and shall be provided with adequate irrigation within fifty (50) feet for the maintenance of grass, shrubs, ground covering and other landscaping by utilizing an irrigation system which complies with the following standards: Dead trees shall be replaced immediately with similar, minimum sized trees.

1. Use of non-treated water for irrigation is encouraged if a permanent suitable supply is available.
2. Required landscaping shall be irrigated with a permanent irrigation system.
3. Temporary irrigation may be used to establish native grasses and vegetation.
4. Separate landscape water meters shall be installed for all regulated landscapes.
5. All automatic lawn sprinkler systems shall be equipped with an automatic rain shut-off device. Any person who purchases and installs an automatic lawn sprinkler system must install, operate, and maintain a rain sensor device or automatic switch to override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

C. Plant Standards.

1. *Type.* Landscape materials shall be selected from and follow the guiding principles of the Florida Friendly Landscaping Plant Selection Guide on file with the Building and Zoning Department with due regard to ~~xeriscape principles~~ and drought-tolerant species, including:
  - a. Well-planned planting schemes;
  - b. Use of mulch to maintain soil moisture and reduce evaporation;
  - c. Zoning of plant materials according to their microclimatic needs and water requirements;
  - d. Improvement of the soil with organic matter if needed;
  - e. Efficient irrigation systems; and
  - f. Proper maintenance and irrigation schedules.
2. *Quality.* Plant materials used in conformance with provisions of this Division shall conform to the Standards for Florida No. 1 or better as given in "Grades & Standards for Nursery Plants" Part I, 1973 and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Grass seed shall be delivered to the job site in bags with Florida Department of Agriculture tags attached indicating the seed growers compliance with the department's quality control program.

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**Section 2. Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed.

**Section 3. Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

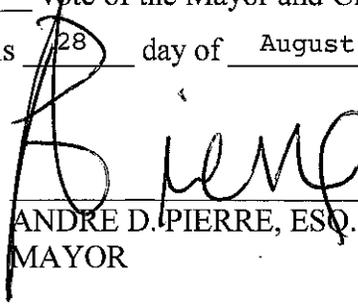
**Section 4. Severability.** If any word, clause, phrase, sentence, paragraph or section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this Ordinance.

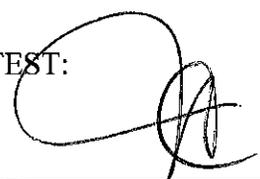
**Section 5. Codification.** The provisions of this Ordinance may become and be made a part of the code of ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 10 day of July, 2012.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 28 day of August, 2012.

  
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ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Galvin

Seconded by: Mayor Pierre

**Vote:**

Mayor Andre D. Pierre, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Vice Mayor Jean R. Marcellus	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Michael R. Blynn, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Scott Galvin	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Marie Erlande Steril	<u>  x  </u>	(Yes)	<u>      </u>	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.