

ORDINANCE NO. 2013 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING ARTICLE IX “LANDSCAPE REGULATIONS” OF CHAPTER 30 “ZONING AND LAND DEVELOPMENT REGULATIONS” IN ORDER TO CREATE SECTION 30-242 “ARTIFICIAL TURF” TO PROVIDE FOR REGULATIONS OF THE USE OF ARTIFICIAL TURF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the “Village”) has adopted Zoning and Land Development Regulations in order to promote the health, safety, order, convenience, comfort, and general welfare of the public, and to promote and preserve the character and ecological quality of the Village as articulated in the Village’s Comprehensive Plan; and

WHEREAS, the Village Council finds that, due to concerns about water consumption by turfgrass, and due to the availability of improved artificial turf products which effectively simulate the appearance of natural turf while providing for water permeability, the use of artificial turf has become more common throughout the State of Florida and property owners within the Village have begun to install artificial turf; and

WHEREAS, the Village Council desires to permit the installation of artificial turf, subject to limitations on usage on corner residential lots, and subject to restrictions intended to ensure that the installation and usage of artificial turf meets minimum standards for installation, placement and ongoing maintenance; and

WHEREAS, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

WHEREAS, the Village Council finds that the adoption of this Ordinance is in the best interest of the residents of the Village.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS¹:

Section 1. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Section 30-242 of the Village Code Created. That Section 30-242 “Artificial Turf” of the Code of Key Biscayne, Florida, is hereby created to read as follows:

Sec. 30-242. Artificial turf.

(a) Definitions. The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section:

(1) Corner Lot. A lot located at the intersection of two streets and abutting such streets on two adjacent sides.

(2) Artificial Turf. An artificial product manufactured from synthetic materials that effectively simulates the appearance of natural turf, grass, sod or lawn.

(b) Installation. Artificial Turf shall not be permitted to be installed within a Front Yard or Street Side Yard of a Corner Lot within the VR, VE, IR and PS Districts.

(c) Installation, maintenance and repair.

(1) All Artificial Turf shall, at a minimum, be installed according to the manufacturer's specifications.

(2) All Artificial Turf installations shall be anchored to ensure that the turf will withstand the effects of wind.

(3) All seams shall be nailed and glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text.

(4) 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.

(5) Artificial Turf shall be visually level, with the grain pointing in a single direction.

(6) An appropriate solid barrier device (e.g., concrete mow strip, bender board) is required to separate Artificial Turf from soil and live vegetation.

(7) Precautions for installation around existing trees shall be provided to ensure that tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised

(8) 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.

(9) All Artificial Turf must be replaced if it falls into disrepair with fading or holes or loose areas. Replacement and 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.

(10) All Artificial Turf shall be installed on a permeable backing in order to ensure proper drainage.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this ____ day of _____, 2013.

PASSED AND ADOPTED on second reading this ____ day of _____, 2013.

MAYOR FRANKLIN H. CAPLAN

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY