

**ORDINANCE NO. 2013-10**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, 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 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 within front and street side yards, 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 finds that it is in the public interest to authorize the installation of artificial turf within all areas of Village-owned properties within the PROS Public Recreation and Open Space Use District and the GU Government Use District, so that artificial turf may be utilized within suitable areas of Village parks and recreational areas; 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 FOLLOWS<sup>1</sup>:**

**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.**

**(1) Single Family and Two-Family Districts.** Within the VR, VE, IR and PS Districts, Artificial Turf shall not be permitted to be installed within a Front Yard of any Lot, or within a Street Side Yard of a Corner Lot.

---

<sup>1</sup> Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text. Changes between first and second reading are indicated with highlight.

(2) Other Districts. Within all other zoning districts with the exception of the PROS Public Recreation and Open Space Use District and the GU Government Use District, Artificial Turf shall not be permitted to be installed within a Front Yard, or within a Side Yard facing a Street.

(c) Installation, maintenance and repair.

(1) No person shall install Artificial Turf without first obtaining a permit from the Village Planning, Building and Zoning Department.

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

(4) 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.

(5) 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.

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

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

(8) Precautions for installation around existing trees, including a proper radius, 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.

(9) All Artificial Turf shall be maintained in a green fadeless condition and shall be maintained free of dirt, animal waste, 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.

(10) 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, without any matting.

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

(12) All Artificial Turf shall be of the highest quality available from a list of Village-approved manufacturers, and shall be a natural green color selected from a palette of colors approved by the Village.

**Section 3. Existing Sites.** All properties subject to this Ordinance on which Artificial Turf has been installed as of the Effective Date of this Ordinance, shall be deemed legally non-conforming to the extent that the materials, installation or location conflicts with the requirements set forth in Section 30-242 above.

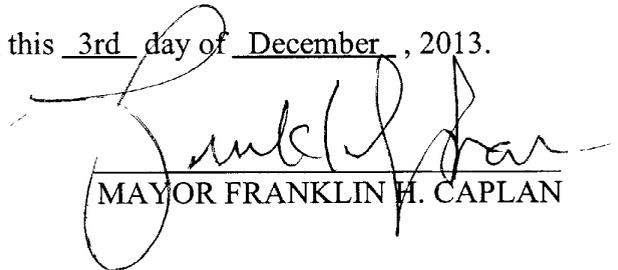
**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, 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 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

PASSED on first reading this 12th day of November, 2013.

PASSED AND ADOPTED on second reading this 3rd day of December, 2013.

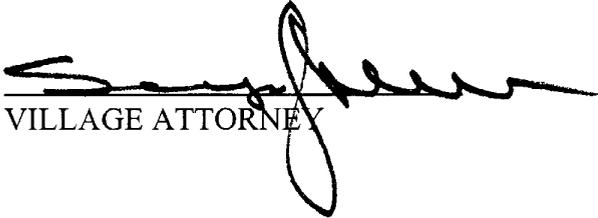
  
MAYOR FRANKLIN H. CAPLAN

ATTEST



CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
VILLAGE ATTORNEY



# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami Miami-Dade County, Florida

## VILLAGE OF KEY BISCAYNE

OFFICE OF THE VILLAGE CLERK

### PUBLIC NOTICE

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Notice is hereby given that the Village Council of the Village of Key Biscayne, sitting as the Local Planning Agency (LPA), will hold a public hearing meeting on Tuesday, December 3, 2013, at 7:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, (behind Fire Station) Key Biscayne, Florida, to consider making a recommendation to the Village Council on the following ordinance. The Village Council shall then consider adoption of the ordinance on second reading, at a public hearing, following the completion of the LPA hearing:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, 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.**

A copy of the proposed ordinance is available for public inspection and may be obtained at Village Hall, Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149. Interested parties may appear at the Public Hearing and be heard with respect to the proposed ordinance.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing or presented in person at the public hearing.

Conchita H. Alvarez, MMC  
Village Clerk  
13-4-146/2187299M

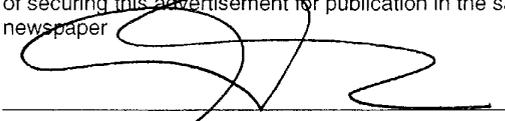
Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF KEY BISCAYNE  
PUBLIC MEETING FOR 12/3/2013

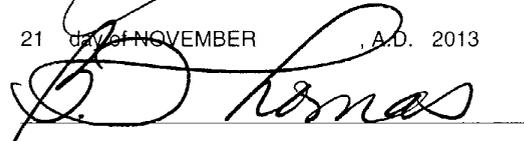
in the XXXX Court,  
was published in said newspaper in the issues of

11/21/2013

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper



Sworn to and subscribed before me this  
21 day of NOVEMBER, A.D. 2013



(SEAL)

MARIA MESA personally known to me

