

DIVISION 17. - LANDSCAPING

Sec. 5386. - Landscaping descriptions and definitions.

Florida Number One. The minimum standards for plant quality and acceptable method for installation and culture as established by the State of Florida Department of Agriculture in the publication, Grades & Standards for Nursery Plants, Part I and II.

Green space. The area of a plot that is located at ground level and that is not occupied by structures. ~~All areas of plot not occupied by buildings or impervious surfaces of any kind and that is located at ground level.~~

Ground cover. A planting of living low growing plants which reach a maximum height of not more than eighteen (18) inches upon maturity that provide a complete cover over an area in one growing season and including the area of lawful mulch around the plant. ~~A planting of low growing plants that provide a complete cover over an area in one growing season and including the area of lawful mulch around the plant.~~

Landscaping. Living plant material purposely installed for functional or aesthetic reasons at ground level and open to the sky.

Landscape maintenance. ~~The~~ maintenance. The irrigation and cultivation of landscaping to keep a neat and orderly appearance, including removal of debris, replacement of required plantings and the control of growth thereof.

Lawn, turf and sod. ~~The~~ sod. The surface layer of soil that is bound by a solid cover of grassy plants and roots.

Mulch. An organic soil additive or decorative topping such as chipped bark or wood chips used for reducing evaporation, weed control, soil enrichment or decorative purposes.

Permittee. The person who is proposing to use or who is using the land pursuant to any permit or approval required herein.

Right-of-way encroachment. Any private use of public rights-of-way including landscaping and any structure.

Swales. The grassy areas between the sidewalk, or property line of no sidewalk, and the street designed to convey stormwater runoff away from homes and roads. The ponding, or accumulation of water, that sometimes occurs is evidence of the swale's function as a storage mechanism and filtration system.

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Sec. 537. Minimum requirements for new one-family dwellings and as otherwise applicable.

Chapter 18-A of the Miami-Dade County Code, as amended shall be deemed the minimum requirements in Miami Shores Village for new one-family development and as identified therein. The provisions in this Division are generally more restrictive than Miami-Dade County Code provisions. Should a conflict arise between these provisions and Miami-Dade County provisions, the more restrictive shall apply.

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Sec. 536538. - Design standards.

Maintain all those areas of a plot and any area of a yard that is not occupied by approved structures, and that are not part of an essential development such as athletic playing fields for schools or parks, as landscaped green space and subject to the following:

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(a) Plant or maintain not less than 2 trees on a plot and preserve existing trees to the greatest extent possible with tree removal subject to CH24-49 of the Code of Miami-Dade County. All green space shall be planted with grass, sod or living ground cover and a minimum of two trees.

(b) Grass, sod, living ground cover, or a combination thereof, shall be planted in such a manner as to present a finished appearance and reasonably completed coverage; however up to fifty (50) percent of the front yard and up to 100 percent of the side and rear yards may be planted in natural living plants such as herbaceous plants, shrubs and trees as an alternative to grass, sod and living ground cover.

(c) Not less than fifty percent (50%) of all vegetation, excluding all grass and sod, required to be planted by this section shall be vegetation native to Florida that will thrive in South Florida, consistent with Florida-Friendly Landscaping principles.

(bd) Boulders or rocks used for design enhancement shall be limited to approximately 10% of the total landscaped area of any yard. Chatahoochie stone is prohibited. The use of impervious material as ground cover shall be prohibited except for areas dedicated to vehicular driveways, patios, tennis courts or pool decks. Chatahoochie stone or similar materials shall not be substituted for grass, sod or living ground cover.

~~(c) A boat storage area of 200 square feet surfaced by gravel rock of one-half inch diameter, or greater, shall be permitted.~~

(de) Organic mulches may be used in combination with living plants as part of a landscape design as provided in this section. However, organic mulches shall not by themselves constitute landscaping. Mulches shall be applied and maintained in accordance with the most recent edition of the Florida Yards and Neighborhoods Handbook titled "A Guide to Florida Friendly Landscaping" by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS); cypress mulch, rock, shell, plastic, rubber, glass and similar products shall not be used for mulch. Use of mulch as ground cover to enhance the growth of an adjacent shrub or tree is permitted in green spaces however; cypress mulch, shell, crushed stone pebbles, inorganic mulch, plastic, rubber and glass shall not be used.

(f) Maintain all landscaping material in compliance with Sec 521 (b)(1)f. safe site distance/triangle of visibility.

(eg) A boat storage area of ~~200~~ 260 square feet surfaced by gravel rock of one-half inch diameter, or greater, shall be permitted.

(eh) Vegetable gardens are permitted in rear yards only.

Sec. ~~537538-1~~ - Maintenance standards.

(a) Property owners are responsible for the proper maintenance of landscaping on their property in accordance with the ordinances of Miami Shores Village. Maintenance shall include watering, mowing and trimming on a regular basis as required in each instance to keep said landscaping in healthy, attractive and growing condition. Fertilizing, treating, mulching, removal or replacement of dead or diseased plants and removal of refuse and debris shall be done as required to maintain the health and appearance of landscaping as follows:

(1) The length of the grass and lawn shall be that necessary to provide a neat, well-kept appearance, but in no case shall exceed eight inches.

(2) Ground cover used in lieu of grass ~~shall be of one uniform type through a given lawn area and~~ shall not be permitted to become adulterated with weeds, extend into the right-of-way or grow to more than eighteen (18) inches in height.

(3) Grass and ground cover areas shall be kept free of weeds and the total of all non-growth areas shall not exceed 25 percent thereof.

(4) Property owners are responsible for maintaining the landscaping on parkway areas with the exception of trees. (See Section 20-17 of Code of Ordinances.)

- (b) Shrubs and trees shall be trimmed in accordance with the Miami Shores Village Code of Ordinances. (See Section 10-10.)
- (c) Maximum allowable heights for hedges parallel to property lines shall be maintained as provided by Section 518(1) of Zoning Ordinance 270, as amended.
- (d) All required planting shall be a minimum grade of Florida No. 1, or better.
- (e) The removal of living trees from property within the Village shall be governed by Sections 24-60 through 24-60.9, Miami-Dade County Code, except in the case of properties designated as "Historic Landmarks," in which case Section 11-6 of this Code shall govern.
- (f) Dead trees shall be removed, and damaged or diseased trees shall be treated.
- (g) Prohibited and controlled tree species, controlled plant species and prohibited plant species, that are listed in the Miami-Dade Landscape Manual and prohibited by Miami-Dade County shall not be planted in the village.
- (h) The Miami-Dade County Landscape Ordinance and Landscape Manual shall be utilized to identify recommended and approved trees and ground cover except as otherwise provided by provisions of the Village Code.

~~(i) All landscaping, mulch or impervious material proposed to be placed in the swale/parkway, with the exception of grass, must be reviewed and approved by the public works director before it may be installed. Driveways or parking areas must be reviewed and approved by the planning director before they are installed.~~

Sec. 538-2 Landscaping in the right-of-way (swale).

Right-of-way encroachments are prohibited except as expressly permitted by the village. Landscaping any part of the right-of-way (swale) requires the contiguous property owner (permittee) to submit a landscape plan to the village, review and approval of the landscape plan by the Public Works Director or designee, completed "Covenant for Maintenance of Landscaping and Grass within Right-of-Way" signed by the permittee and recorded with the Miami-Dade County Clerk's Office, and compliance with the following:

- (a) Sod may be replaced in the swale by a contiguous property owner without a landscape plan provided no other landscaping is done.
- (b) The scaled and dimensioned landscape plan will identify the above and below ground utilities, the existing landscaping and indicate the proposed grass areas, kinds and number of trees and shrubs to be planted, mulch areas, the distance between the plantings and the location of plantings.
- (c) The permittee proposing the landscaping to sign a "Covenant for Maintenance of Landscaping and Grass within Right-of-Way," agreeing to the conditions of granting approval for landscaping in the swale.
- (d) Up to 50% of the green space on a swale may be planted in approved plant material other than sod.
- (e) Plant material approved by the Public Works Director, or designee, that does not grow to more than two and one-half (2.5) ft. in height when mature or that is maintained to not more than two and one-half (2.5) ft. in height.
- (f) Only trees that comply with Sec. 528-1 (g) and (h) and that are approved by the Public Works Director, or designee, may be planted in the swale and those trees are exempt from the height limitation of Sec. 528-2 (e).
- (g) There shall be a grass strip of not less than two (2) ft. in width in the swale running along the edge of pavement on all roads and a grass strip of not less than a two (2) ft. in width in the swale running along the edge of pavement of a sidewalk or along the property line if no sidewalk is present.
- (h) Plant material excepting trees shall be trimmed to maintain a clear distance of not less than 1 ft. from any street pavement or sidewalk.

- (i) No obstructions of any kind may be placed in the swale including but not limited to landscape lumber, railroad ties, boulders, rock, concrete blocks, coral rock, bollards, concrete pyramids or similar material.
- (j) A safe site distance/triangle of visibility must be clear of obstructions between 2.5 ft. and 8 ft. above the elevation of the adjoining pavement. A 10 ft. safe site distance/triangle of visibility is required from the point of intersection of a line that extends from the edge of the driveway and a line that extends from the edge of pavement of the abutting street (flare outs are included within the safe site distance/triangle of visibility). A 30 ft. sight triangle is required at the point of intersection of a line that extends from the edge of pavement of the intersecting streets (curb radii are included within the triangle of visibility).
- (k) Maintenance of the public right-of-way, including the swale, sidewalk and curb, is the responsibility of the abutting property owners.
- (l) Provide the Public Works Director, or designee, with a certified copy of the signed and recorded completed "Covenant for Maintenance of Landscaping and Grass within Right-of-Way."
- (m) Failure to install or maintain landscaping according to the terms of the "Covenant for Maintenance of Landscaping and Grass within Right-of-Way" and the Miami Shores Code of Ordinances shall constitute a violation of the covenant and this code. Also, failures to plant, preserve, or maintain each individual tree shall be considered to be a separate violation of this Code. Each day in which either landscaping or individual trees are not installed or maintained according to the terms of the covenant and this code shall constitute a continuing and separate violation of this Code.
- (n) Failure to comply with the conditions of the "Covenant for Maintenance of Landscaping and Grass within Right-of-Way" may result in revocation of the covenant by the village and will require the permittee to immediately remove the landscape material from the public right-of way and to restore the public right-of-way to sod at the permittee's expense.
- (o) The village may at any time and in its sole discretion request that the permittee remove the landscape material from the public right-of-way and the permittee agrees to immediately remove the landscape material from the public right-of way and to restore the public right-of-way to sod at the permittee's expense.

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