

Memorandum



Date: April 14, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance Creating Chapter 18B of the Code of Miami-Dade County, the Miami-Dade County Right-of-Way Landscape Ordinance .

BPS
Agenda Item No. 1(G)4

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the attached ordinance creating the Miami-Dade County Right-of-Way Landscape Ordinance. This ordinance is being created to supplement outdoor water conservation measures in accordance with the Miami-Dade Water Use Efficiency Plan adopted pursuant to Resolution No. R-468-06.

Scope

This ordinance is of countywide impact.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

Not applicable.

Background

On April 25, 2006 the Board adopted Resolution R-468-06 which approves the Miami-Dade Water Use Efficiency Plan (Plan) as a part of a larger effort to improve the management of traditional water supplies while improving the efficiency of the County's current water use. The Plan outlines the County's water efficiency measures and best management practices. The South Florida Water Management District (District) approved the Plan as a condition of the County's 20-Year Water Use Permit issued on November 15, 2007. During the first year of the Plan, WASD kicked-off its conservation efforts by implementing a series of efficiency projects. It is calculated that the total water use savings from these projects will yield a savings of 20 million gallons a day through 2026, including indoor and outdoor water use.

In addition to the implementation of the Plan, an Advisory Committee was established in 2007 at the request of the Government Operations and Environment Committee Chair with the goal of developing countywide guidelines that address water conservation issues and alternative water supplies to assist the County in meeting the conditions of the 20-Year Water Use Permit.

The Advisory Committee is comprised of several county departments including DERM, GSA, Building, Park and Recreation, Planning and Zoning, Building Compliance, Fire, Public Works, and Water and Sewer. In addition to County staff, the Advisory Committee includes representation from stakeholder groups such as the American Society of Landscape Architects, South Florida Builders Association, Sierra Club, Latin Builders Association, Tropical Audubon Society, Association of Cuban Engineers, South Florida Regional Planning Council, Farm Bureau, South Florida Water Management District and the Greater Miami Chamber of Commerce.

On June 5, 2007, the Advisory Committee summarized its findings and presented them to the BCC. These findings included specific recommendations for indoor and outdoor water conservation measures such as the use of high efficiency plumbing fixtures and the use of Florida Friendly landscape principles and irrigation soil moisture sensors. With regards to landscape irrigation, the Advisory Committee's findings were consistent with the "Landscape Irrigation & Florida-Friendly Design Standards" issued by the Florida Department of Environmental Protection in December 2006.

On February 5, 2008 the BCC adopted Ordinance No. 08-14 establishing indoor water conservation measures. The adopted measures call for the installation of efficient water fixtures, appliances and other water saving measures and equipment in new developments. In order to meet the water conservation goals provided in the Plan, the County must also address outdoor water conservation measures.

The proposed Right-of-Way Landscape Ordinance assists the County in meeting the outdoor water conservation goals specified in the Plan for the duration of the County's 20-Year Water Use Permit. In the development of the proposed ordinance the staff of the Department of Planning and Zoning has been working closely with the membership of the Advisory Committee to address outdoor water conservation issues and alternative water supplies for the development community as well as with the members of the Community Image Advisory Board and its Tree and Landscape Projects Sub-Committees. Consultation with other municipalities was also facilitated through these committees.

The proposed ordinance seeks to address outdoor water conservation measures in connection with rights-of-ways in both unincorporated Miami-Dade and in municipalities. It creates a Right-of-Way Landscape Ordinance (Chapter 18B) that mirrors the existing Landscape Ordinance contained in Chapter 18A of the Code, including the proposed concurrent amendments to the same. Presently rights-of-ways are not specifically regulated for water conservation measures. Interlocal agreements with the municipalities will be subsequently executed in order to implement the proposed ordinance.

Section 1 of this ordinance establishes Chapter 18B as the Miami-Dade County Right-of-Way Landscape Ordinance and provides applicability, definitions, purpose and intent of the same. It also provides the minimum standards for irrigation, plant material and mulch. More specifically this section:

- Establishes the irrigation sub-section in order to address the design, operation and maintenance of effective irrigation systems. Efforts are made to minimize free water flow conditions and to maximize the uniformity of the system by considering the

emitters type, the head spacing, the sprinkler patterns and the water pressure. The section also requires the use of rain switches such as soil moisture sensors.

- Requires that fifty (50) percent of the plant material to be low maintenance and drought tolerant. Canopy trees are preferred where conditions are appropriate.
- Requires that eighty (80) percent of the trees and shrubs provided be listed in the Landscape Manual, the Street Tree Master Plan or the University of Florida's Low Maintenance Landscape Plants for South Florida list.
- Requires the use of environmentally friendly organic mulches.

This ordinance is complementary to the Miami-Dade Landscape Ordinance and its proposed update.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: November 20, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(J)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 4(J)

Veto _____

11-20-08

Override _____

ORDINANCE NO. _____

ORDINANCE CREATING CHAPTER 18B OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), MIAMI-DADE COUNTY RIGHT-OF-WAY LANDSCAPE ORDINANCE, CREATING SECTIONS 18B-1 THROUGH 18B-4, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 18B of the Code of Miami-Dade County is hereby created as follows:

CHAPTER 18B MIAMI-DADE COUNTY RIGHT-OF-WAY LANDSCAPE ORDINANCE

Sec. 18B-1. Short title and applicability.

- (A) This chapter shall be known and may be cited as the "Miami-Dade County Right-of-Way Landscape Ordinance".
- (B) *Applicability.* This chapter shall be a minimum standard and shall apply to all public rights-of-way both in the incorporated and unincorporated areas. Enforcement in the unincorporated area shall be by the County and in the incorporated areas by the municipalities; provided, any municipality may establish and enforce more stringent regulations as such municipality may deem necessary. In the event the provisions herein are not enforced within any municipality, the County shall enforce same.

Sec. 18B-2. Purpose and intent.

It is the intent of this chapter to establish minimum landscape standards for public rights-of-way in incorporated and unincorporated Miami-Dade County that enhance, improve and maintain the quality of the landscape, and to:

- (A) Promote xeriscape and Florida Friendly principles through the use of drought-tolerant landscape species, grouping of plant material by water

- requirements, the use of irrigation systems that conserve the use of potable and nonpotable water supplies and restrictions on the amount of lawn areas.
- (B) Use landscape material, specifically street trees, to visually define the hierarchy of roadways, and to provide shade and a visual edge along roadways.
 - (C) Prevent the destruction of the community's existing tree canopy and promote its expansion.
 - (D) Provide for the preservation of existing natural forest communities and specimen sized trees in conformance with Section 24-49, as may be amended from time to time; re-establish native habitat where appropriate, and encourage the appropriate use of native plant material in the landscape.
 - (E) Promote the use of trees and shrubs for energy conservation by encouraging cooling through the provision of shade and the channeling of breezes, thereby helping to offset global warming and local heat island effects through the added absorption of carbon dioxide and reduction of heat islands.
 - (F) Contribute to the processes of air movement, air purification, oxygen regeneration, ground water recharge, and retention of stormwater runoff, as well as aiding in the abatement of noise, glare, heat, air pollution and dust generated by major roadways and intense use areas.
 - (G) Reduce the negative impacts of exotic pest plant species and prohibit the use of noxious exotic plants which invade native plant communities.
 - (H) Promote the use of trees to protect and buffer the effects of high winds on structures.
 - (I) Promote the concept of planting the right tree or plant in the right place to avoid problems such as clogged sewers, cracked sidewalk and power services interruptions.

Sec. 18B-3. Definitions.

The definitions contained in Chapters 18A, Code of Miami-Dade County, Florida, shall apply to this chapter.

Sec. 18B-4. Minimum standards.

- (A) *Irrigation.*
 - (1) All newly-planted and relocated plant material shall be watered by temporary or permanent irrigation systems until such time as they are established and subsequently on as needed basis to prevent stress and die off in compliance with existing water use restrictions.