

**ORDINANCE NO. 2020 - 1709**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-85.2 “DEFINITIONS” TO ESTABLISH A DEFINITION FOR SYNTHETIC TURF; AMENDING SECTION 90-87 “INSTALLATION OF LANDSCAPING AND IRRIGATION” TO PERMIT SYNTHETIC TURF ON ALL PROPERTIES WITHIN THE TOWN SUBJECT TO REQUIREMENTS, INSTALLATION AND MAINTENANCE STANDARDS AND PERMITTING; AND AMENDING SECTION 90-88 “MAINTENANCE OF LANDSCAPE AREAS” TO PERMIT SYNTHETIC TURF WITH EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

**WHEREAS**, the Town Commission of the Town of Surfside (“Town Commission”) finds it periodically necessary to amend its Code of Ordinances and Land Development Code (“Code”) in order to update regulations and procedures for maintain consistency with state law and to implement municipal goals and objectives; and

**WHEREAS**, at its regular Commission meeting on July 9, 2019, the Town Commission directed staff to evaluate and prepare an ordinance amending the Town’s Code to permit synthetic turf on all properties within the Town, subject to requirements, installation and maintenance standards and permitting; and

**WHEREAS**, the Town Commission wishes to amend Sections 85.2, 90-87 and 90-88 of the Town Code to permit synthetic turf on all properties located within the Town, provided that it shall not be counted towards the minimum required landscaped areas, buffers, foundation plantings or landscape islands; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on December 12, 2019 with due public notice and input; and

35           **WHEREAS**, the Town Commission held its first public hearing on November 12, 2019, and  
36 recommended approval of the proposed amendments to the Code of Ordinances having complied  
37 with the notice requirements of the Florida Statutes; and

38           **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on  
39 these regulations as required by law on January 14, 2020 and further finds the proposed changes  
40 to the Code necessary and in the best interest of the community.

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42           **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**  
43 **THE TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**  
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45           **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein  
46 by this reference:  
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48           **Section 2. Town Code Amended.** Section 90-85.2 “Definitions” of the Surfside Town  
49 Code of Ordinances is hereby amended and shall read as follows<sup>1</sup>:

50 **Sec. 90-85.2. - Definitions.**

51 \* \* \*

52 *Open space:* All pervious ~~landscape planting~~ areas of the site.

53 *Pervious areas:* Any portion of the ground unobstructed by a non landscape planting surface or  
54 synthetic turf which prevents or slows down the natural seepage of water into the ground.

55 *Synthetic Turf:* a dense and continuous surface of synthetic fibers mounted on a permeable  
56 backing and of sufficient density and green color to replicate the appearance of healthy, natural  
57 grass.

58 \* \* \*

59           **Section 3. Town Code Amended.** Section 90-87. – “Installation of Landscaping and  
60 Irrigation” of the Surfside Town Code of Ordinances is hereby amended and shall read as  
61 follows<sup>1</sup>:

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65 **Sec. 90-87. - Installation of Landscaping and Irrigation.**

66 All landscaping and irrigation shall be installed according to accepted horticultural planting  
67 procedures with the quality of plant materials as hereinafter described, including:

68 \* \* \*

69

70 (15) Synthetic turf.

71

72 a. Synthetic turf may be permitted on all properties subject to the requirements and  
73 procedures set forth in this section.

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75 b. Synthetic turf shall not be counted towards the minimum required landscaped areas,  
76 buffers, foundation plantings or landscape islands.

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78 c. Synthetic turf shall comply with all of the following design standards and shall:

79 i. Simulate the appearance of live turf, organic turf, grass, sod or lawn, and shall  
80 have a minimum eight-year "no fade" warranty.

81 ii. Be of a type known as cut pile infill with pile fibers of a minimum height of  
82 1.75 inches and a maximum height of 2.5 inches.

83

84 iii. Have a minimum face weight of 75 ounces per square yard.

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86 iv. Be manufactured from polyethylene monofilament, dual yarn system, and  
87 manufactured in the United States.

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89 v. Have backing that is permeable.

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91 vi. Be lead free and flame retardant.

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93 d. Synthetic turf shall comply with all of the following installation standards and shall:

94 i. Be installed by a Florida-licensed general contractor in a manner prescribed by  
95 the manufacturer.

96 ii. Be installed over a subgrade prepared to provide positive drainage and an  
97 evenly graded, porous crushed rock aggregate material that is a minimum of three inches  
98 in depth.

99 iii. Be anchored at all edges and seams consistent with the manufacturer's  
100 specifications.

101 iv. Not have visible seams between multiple panels.

102 v. Have seams that are joined in a tight and secure manner.

103 vi. Have an infill medium consisting of clean silica sand or other mixture,  
104 pursuant to the manufacturer's specifications that shall:

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- 105 a. Be brushed into the fibers to ensure that the fibers remain in an upright
- 106 position;
- 107 b. Provide ballast that will help hold the turf in place; and
- 108 c. Provide a cushioning effect.

109 (e) Synthetic turf shall comply with all of the following additional standards:

- 110 i. Areas of living plant material shall be installed and/or maintained in
- 111 conjunction with the installation of synthetic turf. Living plant material
- 112 shall be provided per the minimum code requirements.
- 113 ii. Synthetic turf shall be separated from planter areas and tree wells by a
- 114 concrete mow strip, bender board or other barrier with a minimum four-
- 115 inch thickness to prevent the intrusion of living plant material into the
- 116 synthetic turf.
- 117 iii. Irrigation systems proximate to the synthetic turf shall be directed so that
- 118 no irrigation affects the synthetic turf.

119 (f) Synthetic turf shall comply with all of the following maintenance standards and shall:

- 120 i. Be maintained in an attractive and clean condition, and shall not contain holes,
- 121 tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat
- 122 degradation or excessive wear.
- 123 ii. Be maintained in a green fadeless condition and free of weeds, debris, and
- 124 impressions.

125 (g) The following uses are prohibited:

- 126 i. Synthetic turf in the public rights-of-way or swales.
- 127 ii. Synthetic turf shall not be used as a screening material where screening is
- 128 required by the code.
- 129

130 (h) All uses of synthetic turf shall require a building permit. The building permit

131 application shall include, at a minimum, all of the following information:

- 132 i. A complete landscape plan showing the area of synthetic turf, area of living
- 133 plant material, and area and method of separation between these areas.
- 134 Minimum landscape requirements shall be required.
- 135 ii. Details regarding existing or proposed irrigation proximate to the synthetic
- 136 turf.
- 137 iii. Brand and type of synthetic turf, including all manufacturer specifications and
- 138 warranties.
- 139 iv. A scaled cross section and details of the proposed materials and installation,
- 140 including but not limited to subgrade, drainage, base or leveling layer, and infill.
- 141 v. A survey of the property with a signed affidavit from the property owner that
- 142 no changes have occurred since the date of the survey.

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143 (i) Previously Installed Synthetic Turf. Within one year of the effective date of this  
144 Ordinance, all owners of property where synthetic turf has previously been installed  
145 shall submit proof satisfactory to the Town that the property is in compliance with this  
146 section. If the Town determines such proof of compliance satisfactory, the synthetic  
147 turf may continue to remain on the property. Failure to provide satisfactory proof of  
148 compliance with this section within one year of the effective date of this Ordinance  
149 shall constitute a violation of the Code and the property owner shall be required to  
150 immediately remove the synthetic turf.  
151

152 **Section 4. Town Code Amended.** Section 90-88. – “Maintenance of Landscaped Areas”  
153 of the Surfside Town Code of Ordinances is hereby amended and shall read as follows<sup>1</sup>:

154 **Sec. 90-88. - Maintenance of Landscaped Areas.**

155 \* \* \*

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157 (1) An owner of land subject to this Code shall be responsible for the maintenance of said land  
158 and landscaping so as to present a healthy, vigorous and neat appearance free from refuse  
159 and debris. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the  
160 plant material in a healthy and viable condition.

161 *NOTE:* All fertilizer shall be safe and environmentally friendly. Also, the applications shall  
162 conform to the manufacturer's specifications.

163 (2) Three inches of clean, weed-free, arsenic free, organic mulch shall be maintained over all  
164 areas originally mulched at all times. Turfgrass shall be kept trimmed and/or mowed  
165 regularly to a height not exceeding eight inches above the ground. The use of mulch in swales  
166 or right-of-way is prohibited.

167 *NOTE:* If weeds, noxious grasses or underbrush are in excess of the eight inches; it too will need  
168 to be cut and the weeds, noxious grasses and underbrush removed and re-sodded if necessary.

169 (3) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or  
170 improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation  
171 system.

172 (4) Preserved and created native plant communities shall be maintained in a natural state without  
173 the use of mechanical equipment.

174 (5) An owner is responsible to ensure that landscaping that has been required to be planted  
175 pursuant to this Code, or installed in compliance with the landscape requirements previously  
176 in effect, be maintained in Florida Grade One condition, including but not limited to single-  
177 family residences, multifamily, or business sites. If landscaping is found to be in a state of  
178 decline, dead, damaged, or missing, it must be replaced with equivalent landscape material.  
179 If total replacement is required, species conforming to this Code shall be used. If any  
180 preserved vegetation dies which is being used to satisfy current landscape code requirements,  
181 such vegetation shall be replaced with the same landscape material selected from nursery-  
182 grown native stock only.

- 183 (6) All trees shall be trimmed in accordance to Miami-Dade County tree preservation code. Any  
184 type of tree abuse/hatracking is prohibited within the Town.
- 185 (7) Any trees and/or palms that are diseased (including dead palms with lethal yellowing) or trees  
186 and/or palms causing a possible safety hazard as determined by the town are considered to  
187 be a public nuisance. The town shall enforce the provisions of this section. Any property  
188 owner of any lot or parcel of land in the town shall promptly remove any such tree and/or  
189 palm after being notified by the town. The town is authorized and empowered to enter on  
190 any lot or parcel of land in the town at any reasonable hour for the purpose of inspecting such  
191 trees and/or palms.
- 192 (8) Shrubs and hedges shall be maintained that such plant materials do not obstruct clear sight  
193 triangles and promote vehicular and pedestrian visibility. Also, hedges planted along  
194 property lines shall be maintained and trimmed to prevent branches from extending over  
195 and/or touching structures on adjacent properties.
- 196 (9) Any plastic or similar artificial landscape materials shall be prohibited with the exception of  
197 seasonal holiday decorative displays of less than 60 days duration and synthetic turf as  
198 provided for in this Article VII. of Chapter 90. Synthetic turf shall be permitted with the  
199 exception that it shall not be counted towards the minimum landscaped area, buffers,  
200 foundation planting or landscape islands.
- 201 (10) All property owners shall keep such property and the adjoining unpaved portions of the  
202 public right-of-ways, swales and bulkheads clean and free from any accumulation of garbage,  
203 trash, liter or debris.
- 204 (11) All property owners with in the town shall not permit unattended vegetation upon the  
205 property, adjoining portions of the rights-of-ways, swales and canal banks.
- 206 (12) All non-compliance with section of the ordinance shall be enforced in accordance with the  
207 Town's Code Enforcement Rules and Regulations.

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209 \* \* \*

210 **Section 5. Severability.** If any section, sentence, clause or phrase of this ordinance is  
211 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding  
212 shall in no way affect the validity of the remaining portions of this ordinance.

213 **Section 6. Inclusion in the Code.** It is the intention of the Town Commission, and it is  
214 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of  
215 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered  
216 to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other  
217 appropriate word.

218

219 **Section 7. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or  
220 Resolutions in conflict herewith are hereby repealed.

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222 **Section 8. Effective Date.** This ordinance shall become effective upon adoption.

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**PASSED** and **ADOPTED** on first reading this 12th day of November, 2019.

**PASSED** and **ADOPTED** on second reading this 14th day of January, 2020.

On Final Reading Moved by: Commissioner Karukin

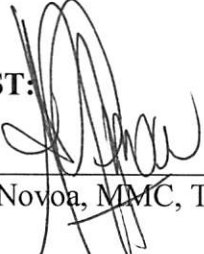
On Final Reading Second by: Vice Mayor Gielchinsky

**FINAL VOTE ON ADOPTION:**


Commissioner Barry Cohen	<u>Yes</u>
Commissioner Michael Karukin	<u>Yes</u>
Commissioner Tina Paul	<u>Absent</u>
Vice Mayor Daniel Gielchinsky	<u>Yes</u>
Mayor Daniel Dietch	<u>Yes</u>

  
\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Weiss Serota Helfman Cole and Bierman, P.L.  
Town Attorney