

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: February 27, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0187. ARTIFICIAL GRASS - CHAPTER 126 LANDSCAPE**

REQUEST

PB 18-0187. ARTIFICIAL GRASS - CHAPTER 126 LANDSCAPE. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 126, "LANDSCAPE REQUIREMENTS," SECTION 126-2, "DEFINITIONS," TO PROVIDE DEFINITIONS FOR "GRASS," AND "ARTIFICIAL GRASS"; BY AMENDING SECTION 126-6(B) BY MODIFYING THE REQUIREMENTS FOR ALLOWABLE SOD AREAS IN SINGLE FAMILY DISTRICTS, TO INCLUDE PROVISIONS FOR ARTIFICIAL GRASS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE..

RECOMMENDATION:

Transmit the Ordinance to the City Commission with a favorable recommendation.

HISTORY

On September 13, 2017, the City Commission referred a discussion item to the Sustainability and Resiliency Committee (SRC) to consider an amendment to the City Code to allow greater usage of artificial turf by residents, to match advancements in technology that have made artificial turf systems more permeable than natural turf. This item is sponsored by Vice Mayor John Elizabeth Aleman. On October 30, 2017, the SRC discussed the item and directed the Administration to draft an ordinance that would allow for artificial turf in rear yards, and continued the discussion to December 11, 2017.

On December 11, 2017, the SRC endorsed the draft Ordinance prepared by the Administration, with minor revisions, and recommended that the City Commission refer the item to the Planning Board.

On January, 17, 2018 the City Commission referred the item to the Planning Board (Item C4 G).

REVIEW CRITERIA

In accordance with Section 118-163(3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

- 1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed ordinance amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

- 2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed Ordinance will not change district boundaries.

- 3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent – The proposed Ordinance will not affect the overall scale of development and is not out of scale with the needs of the neighborhood.

- 4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed change will not tax the existing load on public facilities and infrastructure.

- 5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not Applicable – The proposed Ordinance will not change district boundaries.

- 6. Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The desire for residents to have artificial grass and to reduce water consumption for irrigation makes the passage of the proposed change necessary.

- 7. Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed change should not adversely affect living conditions in the neighborhood.

- 8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not create or increase traffic congestion.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposal will not reduce light and air to adjacent properties,

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposal should not be a deterrent to the improvement or development of adjacent property.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Partially Consistent – The proposal does affect some areas that are vulnerable to the impacts of sea level rise.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Not Applicable – The proposal will not impact the resiliency of the City with respect to sea level rise.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts if the artificial grass to be installed as a system would allow for drainage that equals or exceeds that of natural grass

ANALYSIS

The City's Land Development Regulations (LDRs) require the use of natural growing plant material within all required setbacks. Additionally, the recently adopted changes to Chapter 126 of the LDR's (landscaping) establish minimum landscape standards and include limits to allowable lawn (natural grass) areas, to promote a greater diversity of native plant material.

Under the LDR's, artificial turf and/or synthetic grass is permissible in areas outside of the minimum required yard setbacks, as well as an allowable encroachment within a required yard. Any placement of artificial grass within a required yard, which is beyond the allowable encroachment limitations detailed in the LDR's, requires a land use board variance.

The attached draft ordinance provides for artificial grass to be utilized in the required rear yards of single family homes in place of natural grass. The use of artificial grass would be subject to the same limitations of natural grass, including a limitation that it not exceed 50% of required open space on the property. The proposed use of artificial grass would be reviewed and approved by staff, rather than require land use board approval.

The draft ordinance requires that artificial grass be installed as a system that would allow for drainage that equals or exceeds that of natural grass. Additionally, the proposed ordinance would require that the owner submit an affidavit agreeing to maintain the artificial turf in good working order, as the artificial grass systems tend to clog over time, reducing their permeability, and creating the potential for flooding during rain events.

The following is a summary of the proposed regulations for the allowance of artificial grass in required rear yards within single family zoning districts:

- *Artificial grass shall be allowed as an alternative to lawn grass and shall count towards the maximum lawn area of 50% in single family districts.*
- *Artificial grass shall be installed as a system that is pervious and contributes to storm drainage. The permeability shall be equal to or greater than that of natural grass.*
- *Landscape permit plans shall be provided with artificial grass system specifications, sections and details for review and approval by planning department staff.*
- *Applicants shall provide an owner affidavit agreeing to perpetually maintain the artificial grass system in good working order in order to ensure that there is continued ground permeability.*

Additionally, the SRC recommended criteria for the newer generation of plant-derived organic systems, which require fewer synthetic chemicals that can be harmful to the environment and health. Accordingly, the following additional criterion has incorporated into the ordinance:

- *The artificial grass system shall utilize organic plant-derived and other natural infill components to the maximum extent feasible, including but not limited to cork, coconut, corn husk, rice husk, and sand. The use of crumb rubber and other synthetic materials shall be minimized.*

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the Ordinance to the City Commission with a favorable recommendation.

TRM/MAB/RAM/AG

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ARTIFICIAL GRASS - CHAPTER 126 LANDSCAPE

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY AMENDING CHAPTER 126, "LANDSCAPING," BY MODIFYING THE REQUIREMENTS FOR ALLOWABLE SOD AREAS IN SINGLE FAMILY DISTRICTS, INCLUDING PROVISIONS FOR ARTIFICIAL GRASS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, it is in the best interest of the City to improve the aesthetic appearance of new development and protecting designated historic landscapes; and

WHEREAS, the City seeks to promote sound landscaping principles through the use of drought and salt tolerant plant species and also to promote planting the right tree and plant in the right place; and

WHEREAS, the City seeks to increase and improve green space in order to improve storm water management; and

WHEREAS, the City seeks to utilize landscaping in order to ameliorate noise impacts and light pollution; and

WHEREAS, the adoption of the provisions set forth below are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 126, entitled "Landscaping," of the Code of the City of Miami Beach is hereby amended as follows:

Sec. 126-2 – Definitions

The Definitions Section within Chapter 46- Environment, of the Code of the City of Miami Beach, forms part of this regulation. For the purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

Grass, Artificial: A grass mat manufactured with man-made materials such as polypropylene, polyethylene and installed as a pervious system on a finely graded sand layer over filter fabric on gravel, drainfield rock and on a compacted subgrade.

Grass: Any natural variation of grasses (such as St. Augustine, Zoysia, Bermuda) grown to form a dense surface layer. This definition shall also apply to sod.

* * *

Sec. 126-6 Minimum Standards

The following standards shall be considered minimum requirements unless otherwise indicated in the Land Development Regulations:

* * *

(b) Lawn Grass/Sod Area/Artificial Grass.

- (1) ~~Lawn grass/sod~~ Grass areas, including lawn and sod areas, shall be planted with natural growing species well adapted to localized growing conditions in the City. Grass areas shall be sodded and used in swales or other areas subject to erosion.
- (2) Exclusions from *maximum permitted lawn areas*:
 - a. Stabilized grassed areas used for parking
 - b. Grassed areas designated on landscape plans and actively used for sports, playgrounds or picnic areas.
 - c. Grassed areas in the right-of-way
 - d. Stormwater retention/detention areas planted in grasses which are very drought tolerant, as well as tolerant to wet soils.
 - e. Very drought tolerant grasses and low growing native plants, including grasses and forbs may be used as groundcover beyond the maximum permitted grass areas.
- (3) Artificial grass areas may be permitted within required rear yards in single family zoning districts, in accordance with the following:
 - a. Artificial grass shall be allowed as an alternative to lawn grass and shall count towards the maximum lawn area as described in Table A.
 - b. Artificial grass shall be installed as a system that is pervious and contributes to storm drainage. The permeability shall be equal to or greater than that of natural grass.
 - c. Landscape permit plans shall be provided with artificial grass system specifications, sections and details for review and approval by planning department staff.
 - d. Applicants shall provide an owner affidavit agreeing to perpetually maintain the artificial grass system in good working order in order to ensure that there is continued ground permeability.
 - e. The artificial grass system shall utilize organic plant-derived and other natural infill components to the maximum extent feasible, including but not limited to cork, coconut, corn husk, rice husk, and sand. The use of crumb rubber and other synthetic materials shall be minimized.

(34) *Maximum permitted lawn grass/sod areas* for all zoning districts are referenced in Table A.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all Section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or reentered to accomplish such intention; and that the word "ordinance" may be changed to "Section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any Section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

PASSED and ADOPTED this ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2018

Second Reading: _____, 2018

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language

~~Strikethrough~~ denotes deleted language

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