

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

First Reading Date: February 11, 2026

Second Reading Date: March 4, 2026

Presenter's Name and Title: Sue-ling Rosario, Assistant Director on behalf of the Department of Building, Planning and Zoning

Prepared By: Sue-ling Rosario, Assistant Director on behalf of the Department of Building, Planning and Zoning

Temp. Ord. Number: 1860

Item Description: **SECOND READING** OF TEMP. ORD. NO. 1860, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 OF SAID LAND DEVELOPMENT CODE AND SECTION 166.041(3)(C)2., FLORIDA STATUTES, ("F.S."); MORE SPECIFICALLY BY AMENDING CHAPTER 2, "DEFINITIONS," TO PROVIDE FOR AND UPDATED DEFINITION FOR SYNTHETIC TURF; BY AMENDING CHAPTER 5, ENTITLED "STANDARDS," AT SECTION 506, ENTITLED "LANDSCAPING STANDARDS," TO PROVIDE UPDATED REGULATIONS FOR SYNTHETIC TURF ON RESIDENTIAL PROPERTIES OF ONE (1) ACRE OR LESS IN SIZE, PURSUANT TO SECTION 125.572, FLORIDA STATUTES; AND TO CREATE A HOMEOWNERS' ASSOCIATION TREE MITIGATION PROGRAM TO GRANT MORE FLEXIBILITY TO THE CITY'S HOMEOWNER ASSOCIATIONS IN MEETING THE MINIMUM TREE MITIGATION REQUIREMENTS FOR REMOVALS AND REPLACEMENTS WITHIN COMMON AREAS SET FORTH IN THE LAND DEVELOPMENT CODE; PROVIDING FOR APPLICABILITY, REVIEW PROCESS AND APPROVAL, INSPECTION AND PRORATED FEES; PROVIDING FOR FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (NIXON LEBRUN, BUILDING, PLANNING & ZONING DIRECTOR)

Consent Resolution Ordinance Quasi-Judicial Public Hearing

Instructions for the Office of the City Clerk: None

Public Notice – As required by the Sec. _____ of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____ (fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____, Florida Statutes, approval of this item requires a _____ N/A _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes No

REMARKS: None

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO1860**

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Miramar's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: an Ordinance of the City Commission of the City of Miramar, Florida, amending the Land Development Code of the City of Miramar, pursuant to Section 302 of said and Development Code and Section 166.041(3)(c)(2), Florida Statutes; more specifically by amending Chapter 2, "Definitions," to provide for and updated definition for synthetic turf; by amending Chapter 5, entitled "Standards," at Section 506, entitled "Landscaping Standards," to provide updated regulations for synthetic turf on residential properties of one (1) acre or less in size, pursuant to Section 125.572, Florida Statutes; and to create a homeowners' association tree mitigation program to grant more flexibility to the city's Homeowner Associations in meeting the minimum tree mitigation requirements for removals and replacements within common areas set forth in the Land Development Code; providing for applicability, review process and approval, inspection and prorated fees; providing for findings; providing for repeal; providing for severability; providing for correction of scrivener's errors; providing for codification; and providing for an effective date.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Miramar is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Miramar is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in Section 163.3164, F.S., and Development Agreements, as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, F.S.;

- b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.
- c. Sections 190.005 and 190.046, F.S., regarding community development districts;
- d. Section 553.73, F.S., relating to the Florida Building Code; or
- e. Section 633.202, F.S., relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Miramar hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

This Amendment will serve the interest of the public by providing a clear, structured, and flexible mechanism for residential communities to comply with the City's landscape and tree preservation requirements while accommodating existing site constraints, aging infrastructure, and mature vegetation. Specifically, the ordinance creates a framework that allows homeowner associations ("HOAs") to submit a comprehensive mitigation plan including a tree inventory, species designation plan, and professional risk assessment to guide responsible landscape management.

The public purpose of this ordinance is to promote and protect the public health, safety, and welfare by ensuring that landscape modifications within residential communities are performed responsibly, safely, and in a manner consistent with the City's environmental and aesthetic standards.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Miramar, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Miramar's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

An estimate of the business impact of the ordinance was not warranted, as the ordinance pertains to processes, procedures and comprehensive planning, and will not bring to bear any compliance cost, as no fee will be imposed.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Not applicable.

4. Additional information the governing body deems useful (if any):

The Amendment supports the preservation of Miramar's urban forest, reduces potential hazards from failing or improperly placed trees, safeguards public and private infrastructure, and encourages sustainable landscaping practices consistent with the City's Comprehensive Plan. The ordinance will help encourage cooperation between the City and community associations, enhances regulatory efficiency, and advances the long-term goal of maintaining a safe, attractive, and environmentally resilient community.



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Dr. Roy L. Virgin, City Manager 

BY: Nixon Lebrun, Director of Building, Planning and Zoning Department

DATE: February 26, 2026

RE: SECOND READING of Temp. Ord. No. 1860 Amending Chapter 3 of the City of Miramar Land Development Code, updating Section 506, "Landscaping Standards", updating regulations for synthetic turf on residential properties of one (1) acre or less in size and establishing guidelines for Homeowners' Association Tree Mitigation Program

RECOMMENDATION: The City Manager recommends that, in accordance with Section 166.041(3)(a), Florida Statutes ("F.S"), and the related policies of the City's Comprehensive Plan, and Section 302 of the City of Miramar's (the "City") Land Development Code ("LDC"), the City Commission reviews and, upon due consideration of the Staff Report, the recommendation by the Planning and Zoning Board and public testimony, if any, approves the accompanying ordinance to amend to the text of SECTION 506, "Landscaping Standards," Chapter 5, "Standards" of the City's LDC ("the Amendment"). Specifically, the Amendment will update the definition of "synthetic turf" and incorporate standards consistent with recently adopted State legislation for installation on single-family residential properties of one (1) acre or less; Establish a Homeowners' Association Tree Mitigation Program, providing HOAs with a mechanism to meet minimum tree mitigation requirements for removals and replacements within common areas, clarify applicable requirements, approval procedures, and authorize prorated fees.

The Amendment is intended to ensure compliance with the City's LDC, maintain infrastructure integrity, and provide flexible, practical options for tree mitigation in HOA-managed properties. The Amendment is consistent with the goals, objectives, and policies of the City's Comprehensive Plan and satisfies the review standards of Section 302 of the LDC.

ISSUE: Section 166.041(3)(c)(2), F.S., and Section 302 of the City's LDC provide that text amendments to the City's LDC shall be accomplished by ordinance of the City Commission. In reviewing a proposed amendment, the City Commission shall take into account the written staff report summarizing the proposed language including all relevant documents, facts, and analysis, the recommendation of the Planning and Zoning Board, the City's Local Planning Agency, oral and written comments received before or at the public hearings, and the extent to which said amendment is consistent with the Goals, Objectives and Policies ("GOPs") of the City's Comprehensive Plan and complies with the general purpose and standards of the LDC. In accordance with the requirements of Section 302.5 of the City's LDC, this Amendment was reviewed and recommended for adoption by the Planning and Zoning Board at its duly advertised public hearing held on January 13, 2026. As required by Section 166.041(3)(c)(2), F.S. and Section 302.6 of the City's LDC, the Amendment is being placed on this meeting agenda so the City Commission can hold the required public hearings to discuss and adopt the ordinance to enact same.

BACKGROUND: On June 16, 2020, the City Commission of Miramar adopted Ordinance No. 20-13, amending Chapter 5, Section 506 of the City's Land Development Code ("LDC") to modernize the City's regulatory framework governing the installation, maintenance, protection, and conservation of landscaping and open spaces. This comprehensive update established uniform minimum standards for landscape design, tree preservation, and sustainable planting practices. The ordinance incorporated industry best practices such as the "Right Tree, Right Place" principle and Florida-Friendly Landscaping™ guidelines, ensuring the long-term health and resilience of Miramar's urban forest.

These regulations were crafted to balance development needs with environmental protection, aesthetic enhancement, and the preservation of public safety. The LDC establishes a clear hierarchy for tree protection prioritizing preservation, relocation, replacement, or contribution to the City's Tree Trust Fund in cases where removal is unavoidable. Under the LDC, a tree removal permit may only be issued upon demonstration that one or more defined conditions exist, such as unavoidable conflict with permitted structures or utilities, the presence of disease or hazard, or other circumstances recognized under applicable law.

Since adoption of the updated standards, both regulatory conditions and operational realities have evolved. At the State level, recently adopted legislation now requires the Florida Department of Environmental Protection to establish minimum standards for the installation of synthetic turf on single-family residential properties one (1) acre or less in size and limits the ability of local governments to prohibit or inconsistently regulate synthetic turf installations that comply with those standards.

Additionally, the City has since identified implementation challenges within established residential neighborhoods managed by homeowner associations (“HOAs”). Many of these communities contain mature tree canopies, aging infrastructure, and limited planting areas that make strict adherence to the City’s current standards technically infeasible. These constraints have resulted in prolonged compliance issues, inconsistent landscape outcomes, and reactive maintenance practices rather than coordinated, long-term planning.

DISCUSSION: Since the adoption of the updated landscape standards, staff has observed that older residential developments face unique operational and spatial constraints that the current code does not fully accommodate. HOAs, tasked with maintaining common area landscapes and ensuring safety within their communities, frequently encounter situations where infrastructure, building proximity, or mature vegetation preclude full compliance with existing landscape replacement requirements. In these cases, HOAs often struggle to maintain code compliance without incurring repeated permitting costs or administrative delays.

The proposed Amendment to Section 506 seeks to address these recurring challenges by establishing a formal Residential Mitigation Plan process. This new regulatory tool provides a structured and transparent framework through which HOAs may achieve compliance with the City’s landscape requirements while accommodating existing site limitations. The process promotes flexibility without undermining the integrity or intent of the City’s landscape standards.

The Residential Mitigation Plan is designed to ensure that modifications to community landscaping are conducted in a responsible, documented, and professionally guided manner. By requiring submittal of a comprehensive tree inventory, a species designation plan, and a certified risk assessment, the Amendment introduces a higher standard of documentation and accountability for HOA-managed properties. This systematic approach encourages proactive planning and ensures that tree removals or substitutions are justified, appropriate, and aligned with the City’s broader environmental and aesthetic objectives.

ANALYSIS: The proposed Amendment to Section 506 represents a measured evolution of the City’s landscape regulatory framework, strengthening its capacity to address the complex realities of mature residential communities while upholding the City’s long-standing commitment to sustainability and canopy preservation.

The Residential Mitigation Plan introduces a data-driven, performance-based process that empowers HOAs to manage their landscapes responsibly, supported by professional evaluation and City oversight. The inclusion of detailed documentation, such as species inventories, replacement plans, and risk assessments ensures that any proposed landscape alteration is guided by objective analysis rather than convenience or cost considerations. This elevates the City's ability to enforce compliance while encouraging collaborative problem-solving between staff and property representatives.

The Amendment also establishes explicit applicability criteria, permitting the use of mitigation plans in specific instances such as:

- Removal of Category I invasive species as defined by the Florida Exotic Pest Plant Council;
- Substitution of smaller-sized trees where spatial limitations prevent installation of larger specimens; and
- Substitution of tree species to avoid conflicts with utilities or structural infrastructure.

Review and approval authority will remain vested in the Building, Planning, and Zoning Department, ensuring that all mitigation plans meet the City's standards for design quality, safety, and environmental benefit. The waiver of permit fees for fully compliant mitigation plans serves as an incentive for voluntary participation, reduces administrative overhead, and fosters cooperative compliance between the City and residential communities.

Furthermore, the Amendment introduces a mitigation credit mechanism, allowing property owners to contribute to the City's Tree Trust Fund or implement equivalent on-site landscape improvements when physical constraints preclude full tree replacement. This equitable approach ensures that the environmental value of removed trees is fully mitigated, even when direct replacement is impractical, thereby preserving the City's overall canopy coverage and advancing the sustainability goals set forth in the Comprehensive Plan.

Collectively, these provisions strengthen the City's enforcement framework, streamline administrative review, and reinforce the City's commitment to maintaining safe, attractive, and environmentally resilient neighborhoods. The Amendment represents a balanced, forward-looking solution that protects community character, safeguards infrastructure, and sustains the long-term health of Miramar's urban forest.

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 OF SAID LAND DEVELOPMENT CODE AND SECTION 166.041(3)(C)(2), FLORIDA STATUTES; MORE SPECIFICALLY BY AMENDING CHAPTER 2, "DEFINITIONS," TO PROVIDE FOR AND UPDATED DEFINITION FOR SYNTHETIC TURF; BY AMENDING CHAPTER 5, ENTITLED "STANDARDS," AT SECTION 506, ENTITLED "LANDSCAPING STANDARDS," TO PROVIDE UPDATED REGULATIONS FOR SYNTHETIC TURF ON RESIDENTIAL PROPERTIES OF ONE (1) ACRE OR LESS IN SIZE, PURSUANT TO SECTION 125.572, FLORIDA STATUTES; AND TO CREATE A HOMEOWNERS' ASSOCIATION TREE MITIGATION PROGRAM TO GRANT MORE FLEXIBILITY TO THE CITY'S HOMEOWNER ASSOCIATIONS IN MEETING THE MINIMUM TREE MITIGATION REQUIREMENTS FOR REMOVALS AND REPLACEMENTS WITHIN COMMON AREAS SET FORTH IN THE LAND DEVELOPMENT CODE; PROVIDING FOR APPLICABILITY, REVIEW PROCESS AND APPROVAL, INSPECTION AND PRORATED FEES; PROVIDING FOR FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, In compliance with state law, the City Commission of the City of Miramar ("City Commission") adopted in 1989 its Comprehensive Plan, as amended, in order to guide and manage future development within the City of Miramar ("City"); and

WHEREAS, In order to implement the Comprehensive Plan, the City Commission adopted in 1996 a set of land development regulations, which are codified in the City's Land Development Code ("LDC"); and

WHEREAS, the City Commission of the City of Miramar ("City") adopted Ordinance No. 20-13 on June 16, 2020, amending Chapter 5, Section 506 of the City's

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Land Development Code (“LDC”) to modernize the City’s regulatory framework governing the installation, maintenance, protection, and conservation of landscaping and open spaces within the City; and

WHEREAS, the purpose of said ordinance was to promote environmental stewardship, community aesthetics, and infrastructure protection through the establishment of clear standards for landscape design, tree preservation, and sustainable planting practices that reflect current horticultural principles, including the “Right Tree, Right Place” concept and Florida-Friendly Landscaping™ guidelines; and

WHEREAS, the City’s landscape regulations have proven effective in guiding new development and ensuring uniform compliance with the City’s environmental and aesthetic objectives; however, implementation in older residential communities managed by homeowner associations (“HOAs”) has presented unique challenges due to existing site constraints, mature vegetation, and aging infrastructure; and

WHEREAS, many established residential neighborhoods in the City contain built environments and landscape conditions that make strict adherence to the current requirements of Section 506 technically impracticable, particularly when replacing aging or potentially hazardous trees, or mitigating conflicts between vegetation and utilities or structures; and

WHEREAS, these recurring conditions have created operational and administrative challenges for HOAs seeking to maintain safe, attractive, and code-compliant landscapes while balancing infrastructure protection, community safety, and long-term tree canopy preservation; and

WHEREAS, in response to these challenges, City staff have developed the Residential Mitigation Plan process as a structured and transparent framework that allows HOAs to achieve compliance with the City’s landscaping standards while accommodating site-specific limitations; and

WHEREAS, the proposed Amendment to Section 506, “Landscaping Standards,” Chapter 5, “Standards,” of the LDC introduces the Homeowners’ Association Tree Mitigation Program, which requires the preparation of a comprehensive tree inventory, a species designation plan, and a professional risk assessment to guide informed decision-making and ensure that landscape modifications are consistent with the City’s environmental and design goals; and

WHEREAS, the Amendment provides flexibility for the substitution of tree species or sizes where necessary to avoid infrastructure conflicts, and the ability to mitigate through contributions to the City’s Tree Trust Fund when full replacement is not feasible, thereby supporting equitable reinvestment in the City’s tree canopy; and

WHEREAS, the Amendment also establishes review and approval authority within the Building, Planning, and Zoning Department to ensure professional oversight, maintain design integrity, and uphold the City’s long-standing commitment to quality landscape standards; and

WHEREAS, the proposed Amendment waives tree permit fees for compliant Residential Mitigation Plans as an incentive for voluntary participation and proactive compliance, thereby reducing administrative burden and promoting cooperative engagement between the City and community associations; and

WHEREAS, the Department found the Amendment to satisfy the general purpose and standards of Section 302 of the LDC concerning the review of text amendments to the LDC and to be consistent with, and to further the goals, objectives, and policies of the City's Comprehensive Plan; and

WHEREAS, the City Manager concurred with the Department's findings of fact and recommended adoption of the Amendment; and

WHEREAS, Section 107 of the City's LDC provides that the Planning and Zoning Board ("Board"), shall have the powers and duties to review and make recommendations to the City Commission regarding text amendments to the City's LDC; and

WHEREAS, Section 302 of the City's LDC provides that the Board shall hold one (1) properly noticed public hearing to evaluate the Amendment with respect to the review standards set forth in Subsection 302.7 of the City's LDC, consider the Department's findings of fact as summarized in the City Manager's memo, and any oral or written public comments, and, upon a finding that the Amendment satisfies these review standards and is consistent with the City's Comprehensive Plan, forward a recommendation to the City Commission; and

WHEREAS, pursuant to 166.41(3)(c)(2), Florida Statutes ("F.S.") and Section 302 of the City's LDC, notification of the Amendment was published in the *Sun Sentinel* to advise that interested parties may appear at the meeting and be heard with respect to the Amendment or submit written comments to the Department prior to the public hearing, which written comments will be included in the record of the public hearing; and

WHEREAS, the Board held a duly noticed public hearing on the Amendment on January 13, 2026, and, after due consideration of all matters, found the Amendment to

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comply with the pertinent review criteria of Section 302 of the City's LDC and to be consistent with the City's Comprehensive Plan, and subsequently voted to recommend adoption of the Amendment by the City Commission; and

WHEREAS, Section 302 of the City's LDC provides that the City Commission shall hold two (2) properly noticed public hearings, pursuant to the notification procedures of Section 166.41(3)(c)(2), to evaluate the Amendment with respect to the review standards set forth in Subsection 302.7 of the City's LDC, consider the Department's findings of fact as contained in the City Manager's memo, the Board's recommendation, and any oral or written public comments, and, upon a finding that the Amendment satisfies these review standards and is consistent with the City's Comprehensive Plan, vote to adopt the ordinance enacting the Amendment; and

WHEREAS, the City Commission unanimously approved the Amendment on first reading at a duly noticed public hearing on February 11, 2026,, but directed the City Manager to revise the Amendment to extend the applicability of the Homeowners' Association Tree Mitigation Program to Condominium Associations and Mobile Home Parks before final adoption on second reading; and

WHEREAS, the Amendment has since been revised to incorporate the edits requested by the City Commission: and

WHEREAS, the City Commission held a duly noticed public hearing March 4, 2026, and, after due consideration of all matters, found, on second reading, the Amendment to comply with the pertinent review criteria of the City's LDC and to be consistent with the City's Comprehensive Plan; and

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WHEREAS, the City Commission recognizes that adoption of this Amendment will strengthen the City’s landscape regulatory framework, streamline compliance processes for residential communities, and further the City’s goals of protecting public safety, preserving community character, and sustaining the long-term health of the urban forest;

WHEREAS, the City Commission recognizes that adoption of this Amendment will strengthen the City’s landscape regulatory framework, streamline compliance processes for residential communities, and further the City’s goals of protecting public safety, preserving community character, and sustaining the long-term health of the urban forest;

WHEREAS, based upon the record developed at two (2) public hearings, the City Commission found and declared that the proposed Amendment to amend Chapter 5 of the City’s LDC by amending Section 506 “Landscaping Standards” to establish the Homeowners’ Association Tree Mitigation Program would best serve the interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: Recitals. That the foregoing “**WHEREAS**” clauses are hereby adopted as legislative findings of the City of Miramar Commission and are hereby ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: Findings: That the City Commission of the City of Miramar, Florida, hereby finds the proposed Amendment to the Land Development Code of the City’s Land Development Code at Chapter 5, entitled, “Standards” to update Section 506 entitled, “Landscaping Standards,” to provide for guidelines for homeowner association tree mitigation, to comply with the applicable standards of the City’s Land Development Code for the review of text amendments, and to be consistent with the City’s Comprehensive Plan.

Section 3: Adoption: That the City Commission of the City of Miramar, Florida, hereby passes and adopts the Ordinance enacting the proposed Amendment to the City’s Land Development Code, as incorporated herein.

Section 4: That Section 506 entitled, “Landscaping Standards,” of Chapter 5, entitled, “Standards,” of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*

Sec. 202. - Specific Terms.

The following terms apply to specific sections of the LDC but may apply to more than one section as well.

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Landscape island means a pervious area set aside for landscaping, located at the end of a parking row where it abuts an aisle or driveway, and also intermittently located within parking rows for the purpose of accommodating a shade tree to ameliorate the temperature in the parking lot. Islands created to accommodate fire hydrants or related utilities may not be counted towards the landscape island requirement unless they are at least 16-foot in width and include a shade tree. Landscaping material means any of the following or a combination thereof such as, but not limited to: grass, ground cover, shrubs, vines, hedges, trees or palms; other materials are permitted, such as mulch, rocks, pebbles, pavers that allow for drainage, to a limited extent, but not including paving. ~~Artificial~~ synthetic turf is not considered to be landscape material.

* * *

Swale means all unpaved portions of a right-of-way located between the edge of pavement and the property line or an open space easement located on property adjacent to the right-of-way line.

Synthetic turf means a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.

* * *

506.5. Implementation Standards:

506.5.1. Plant Material Design and Installation standards

1. All areas not covered by main and accessory structures, walks and vehicular use areas shall be fully landscaped with living plant material. Non-living landscape material shall not be considered as substitution for living plant material unless specifically approved on the landscape plan.

2. Landscape material shall extend to any abutting street pavement edge and to the mean water line of any abutting canal, lake or waterway.

3. Landscaped areas shall be constructed with no more than ten percent (10%) of the total area of gravel, stone, concrete, asphalt, ~~artificial~~ synthetic turf, or other similar material, excepting necessary walks and vehicular use areas; however, synthetic turf installed on single-family residential properties of one (1) acre or less that complies with the Department of Environmental Protection standards adopted pursuant to Florida Statutes, shall not be counted toward this ten percent (10%) limitation.

* * *

~~506.15. Mitigation/Replacement All Properties~~ Tree Mitigation and Replacement Standards.

(A). Homeowners' Association Tree Mitigation Program.

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The Homeowners' Association Tree Mitigation Program is hereby established and intended to provide homeowner associations, with flexibility in meeting minimum tree mitigation requirements for removals and replacements within common areas, while ensuring that public infrastructure, site functionality, and community character are not compromised. A mitigation plan submitted pursuant to this section shall comply with the requirements of this Chapter to the maximum extent practicable. Except as expressly modified herein, all tree mitigation standards of this Chapter shall apply.

(1). Mitigation plan requirements:

1. Tree Inventory. A survey identifying all trees and/or palms within the property, including size, species, and condition.
2. Species Designation Plan. A long-term planting plan identifying City-approved tree species for current and future replacements.
3. Risk Assessment. A professional evaluation of all surveyed trees identifying potential hazards.
4. Tree Removal Applications. Submittal of tree removal applications consistent with the City's tree removal criteria and procedures.

(2) Applicability. The Homeowners' Association Tree Mitigation Program shall apply to homeowners' associations, condominium associations, and mobile home communities with common areas subject to landscape and tree mitigation requirements under this Chapter.

The HOA Tree Mitigation Program may be utilized for the following:

- a. Removal of Category I invasive species as defined by the Florida Exotic Pest Plant Council.
- b. Substitution of trees with smaller sizes than previously approved, where site limitations prevent installation of larger material.
- c. Substitution of tree species where planting the originally approved species would create property damage or pose a conflict with infrastructure.

(3). Fees. Permit fees shall be waived for a mitigation plan, provided the property owner complies with all requirements of this section.

(4). Review and approval.

- a. Review. The Building, Planning, and Zoning Department shall review mitigation plans for compliance with this section, including species suitability, material quality, and site limitations.

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b. Approval. Upon approval, the mitigation plan shall be maintained on file with the City and shall serve as the approved landscape plan for the property until modified by future development approvals or City-approved amendments.

c. Violations. Unauthorized removal, relocation, destruction of, or encroachment within the dripline of a protected tree shall be subject to a fine of five hundred dollars (\$500.00) per violation, in addition to required tree replacement pursuant to Section 506 of this Code.

(5). Installation and Inspection.

a. Minimum planting standards. Replacement trees shall be a minimum of ten (10) feet in height and two (2) inches in caliper at the time of planting.

b. Completion timeframe. All tree removals and replacements authorized through an approved mitigation plan shall be completed within one hundred eighty (180) days of plan approval.

c. Inspections. The City may inspect properties to verify that landscaping is installed, maintained, and irrigated in accordance with the approved mitigation plan and this Chapter. The property owner shall be responsible for all required corrective actions.

(6). Mitigation credits shall apply: If insufficient rights-of-way exist or insufficient clear recovery zones exist for street tree installation, the applicant may satisfy mitigation requirements through an alternative contribution, subject to City approval.

The mitigation value shall include the cost of required replacement trees, installation, and maintenance.

An approved contribution to the City Tree Trust Fund or an approved on-site landscape contribution may be accepted in lieu of tree replacement.

506.15(B). Mitigation/Replacement All Other Properties. This subsection establishes standard tree mitigation and replacement requirements applicable to all properties in the City, which would not otherwise be eligible for the Homeowners' Association Tree Mitigation Program.

506.15.4.(1). Credit for Existing Landscaping Materials. Existing trees may be credited as provided below in Table 506-6 toward required landscaping provided that they are designated for preservation on the final site plan and approved by the city. In no case shall trees located within areas required to be preserved by law be credited toward required landscaping.

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~~506.15.2.(2)~~ Replacement Trees. A removed tree shall be replaced with its equivalent diameter inches at breast height (DBH). The replacement tree(s) shall be a species that has shade potential and other positive values at least equal to that of the tree being removed, and a native tree species must be replaced with a native tree species. Replacement trees shall be a minimum of 12 feet in height and two and one-half inches in caliper when planted. The value of specimen trees shall be established by the methodology contained in The Council of Tree and Landscape Appraisers "Guide for Plant Appraisal," current edition.

| Canopy Spread of Tree | Credit |
|-----------------------|------------------------------|
| Under 20 feet | Credit for 0.5 required tree |
| 20 to 30 feet | Credit for 1 required tree |
| Over 30 feet | Credit for 3 required trees |

~~506.15.3.(3)~~ On lots to be developed, trees within the building pad including areas reserved for driveways, shall be replaced on a caliper-for-caliper basis.

~~506.15.4.(4)~~ Optional Cash Payment. An optional cash payment equal to the fair market value of the required replacement tree(s) paid by the applicant after approval from the community development department staff that replacement of trees on-site pursuant to this subsection is not feasible.

~~506.15.5.(5)~~ If the trees are to be removed to facilitate construction or development activities, said relocation or replacement must be completed prior to the issuance of certificate of occupancy on the construction, development site or phase of development, as applicable. The trees to be relocated or replaced on-site or off-site on private property must be maintained in a healthy growing condition and guaranteed for a period of at least one year. Trees to be relocated or replaced on public property must be guaranteed. The guarantee period shall end one year from the date of acceptance by city staff.

* * *

Section 5: Repeal. That all sections or parts of sections of the LDC of the City, all Ordinances and part of Ordinances, all Resolutions or parts of Resolutions determined by a court of law to be inconsistent or in conflict with this Ordinance are hereby repealed.

Section 6: Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is

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no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

Section 7: Interpretation. That it is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Amendments made to the Ordinance on second reading are double underlined. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

Section 8: Scrivener's Error. The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 9: Codification. That it is the intention of the City Commission of the City of Miramar that that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miramar, Florida. The sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Article," "Division," or "Section," or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 10: Effective Date. This Ordinance shall become effective immediately upon adoption.

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PASSED FIRST READING: _____ February 11, 2026 _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

| <u>Requested by Administration</u> | <u>Voted</u> |
|---|---------------------|
| Commissioner Maxwell B. Chambers | _____ |
| Commissioner Avril Cherasard | _____ |
| Vice Mayor Yvette Colbourne | _____ |
| Commissioner Carson Edwards | _____ |
| Mayor Wayne M. Messam | _____ |