

**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, Senior Landscape Planner on behalf of the Department of Building, Planning and Zoning

Prepared By: Sue-ling Rosario, Senior Landscape Planner on behalf of the Department of Building, Planning and Zoning

Temp. Ord. Number: 1860

Item Description: **FIRST 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; MORE SPECIFICALLY BY AMENDING CHAPTER 5, ENTITLED "STANDARDS," TO UPDATE SECTION 506, ENTITLED "LANDSCAPING STANDARDS," TO PROVIDE FOR TREE MITIGATION GUIDELINES FOR HOMEOWNER'S ASSOCIATION, PROVIDE MECHANISM TO COMPLY WITH THE CITY'S LAND DEVELOPMENT CODE WHILE ENSURING INFRASTRUCTURE IS NOT COMPROMISED, CLARIFYING REQUIREMENTS AND APPROVAL PROCESSES, AND PROVIDE FOR PRORATED FEES; MAKING 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 5, entitled "Standards," to update section 506, entitled "Landscaping Standards," to provide for guidelines for homeowner association tree mitigation, provide mechanism to comply with the city's Land Development Code while ensuring infrastructure is not compromised, clarifying requirements and approval processes, and provide for prorated fees; making 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, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, 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 5, 2026

RE: FIRST READING of Temp. Ord. No. 1860 Amending Chapter 3 of the City of Miramar Land Development Code, updating Section 506, "Landscaping Standards," to provide for guidelines for Residential Mitigation Plan

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 section to establish procedures for Homeowner Association tree mitigation. The express intent of the Amendment is to provide requirements and approval processes for Homeowner Associations tree mitigation, to comply with the City's Land Development Code while ensuring infrastructure is not compromised and provide for prorated fees. The Amendment is consistent with the goals 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 June 10, 2025. 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 City's code 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.

While the 2020 ordinance significantly improved regulatory clarity and enforcement consistency, the City has since identified implementation challenges within established residential neighborhoods managed by homeowner's 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 often result in prolonged compliance issues, inconsistent landscape replacements, and reactive rather than strategic maintenance practices.

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; and
- 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 5, ENTITLED "STANDARDS," TO UPDATE SECTION 506, ENTITLED "LANDSCAPING STANDARDS," TO PROVIDE FOR GUIDELINES FOR HOMEOWNER ASSOCIATION TREE MITIGATION, PROVIDE MECHANISM TO COMPLY WITH THE CITY'S LAND DEVELOPMENT CODE WHILE ENSURING INFRASTRUCTURE IS NOT COMPROMISED, CLARIFYING REQUIREMENTS AND APPROVAL PROCESSES, AND PROVIDING FOR PRORATED FEES; MAKING 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 are amended from time to time; and

WHEREAS, the City Commission adopted Ordinance No. 20-13 on June 16, 2020, 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 within the City; and

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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

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WHEREAS, the proposed Amendment to Section 506, “Landscaping Standards,” Chapter 5, “Standards,” of the LDC introduces the Residential Mitigation Plan, 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

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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 _____, 2025, and, after due consideration of all matters, found the Amendment to 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 held two duly noticed public hearings on _____, 2025, and on _____, 2025, and, after due consideration of all matters, found 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

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; and

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; and

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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 provide for guidelines for homeowner association tree mitigation 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:

*

* * *

506.18. Mitigation Plan – Residential Communities

The Residential Mitigation Plan is intended to provide homeowner associations with flexibility in meeting minimum landscape requirements while ensuring that infrastructure and community character are not compromised. The mitigation plan must demonstrate compliance with the requirements of this Chapter to the greatest extent feasible prior to acceptance by the City. Landscaping requirements shall adhere to this Chapter unless otherwise specified herein.

(A) 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 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 applications for tree removals consistent with the City's removal criteria.
5. Permit Fee. Permit fees shall be waived for a mitigation plan, provided the property complies with all requirements of this section.

(B) Applicability.

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

(C) Review and Approval.

The Building, Planning, and Zoning Department shall review mitigation plans for compliance with this section, considering quality of materials, species appropriateness, and site limitations. Once approved, the mitigation plan shall be placed on file with the City and shall serve as the standard landscape plan for the property until modified by future site development or plan amendments. Any unauthorized removal, relocation,

destruction, or damaging encroachment into the dripline of a protected tree shall result in a fine of \$500 per violation, and the cost of replacement trees in accordance with § 506.6 of this Code.

(D) Mitigation credits shall apply: The property owner's registered landscape personnel shall appraise the tree's current value pursuant to the newest edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers to be reviewed by City landscape personnel. Value shall include trees required for replacement, cost of installation, and maintenance. Contribution to City Tree Trust Fund or landscape contribution on said property will act in lieu of tree replacement.

~~506.18.~~ 506.19 Appeals and Variances

~~506.18.1.~~ 506.19.1 Appeals. Appeals from the decision of the Community Development Director regarding compliance with any landscaping provisions, other than those in sections 506.6, 506.7, 506.9, or 506.10 shall be filed in accordance with procedures established in subsection 315.11-13.

~~506.18.2.~~ 506.19.2 Variances. Variances from provisions in sections 506.6, 506.7, 506.9, or 506.10 shall be filed in accordance with procedures established in subsection 315.1-9, unless the request may be resolved by mitigation methods through the DRC process or addressed through an administrative variance procedure in subsection 315.7.

~~506.19~~ 506.20 Fines

~~506.19.1.~~ 506.20.1 Permits. Landscape permits are required for all landscaping done in the City of Miramar with the exception of existing single-family homes that are not part of a planned community on individual lots. All planned residential developments must obtain a landscape permit for the individual lots, and a separate landscape permit for the common areas including the street trees.

~~506.19.2.~~ 506.20.2 Enforcement. City staff enforces the terms of this chapter by making necessary inspections. This includes promptly stopping any work attempted to be done without, or contrary to, any development approval required under this code, and ensuring that any work not performed in accordance with a development approval is corrected to comply.

~~506.19.3.~~ 506.20.3 Violations and Penalties. Each violation of this code, or any of its subsections, is deemed a separate and distinct infraction of the Land Development Code. Each violation of this code shall be punishable by a fine of \$500.00 plus the cost of replacement of the trees removed from the site, the costs associated with investigation and prosecution, together with the cost of replacement tree(s) as established in section 506.6. The removal, relocation or destruction, including dripline encroachment, of each tree in violation of this code shall constitute a separate offense under this code. Each tree to be protected may be the subject of individual enforcement. The owner of any property

where a tree or trees have been cut down, destroyed, removed, relocated or destructively damaged shall be held strictly liable for a violation of this code unless it can be proven that the damage was caused by:

(a) An act of God;

(b) An act of war;

(c) Development activities on the property pursuant to an approved tree permit; or

(d) The owner alleges that the damage was caused by vandals or trespassers and the owner of the property has filed a police report for the incident and had taken reasonable security measures to prevent unauthorized access to the property.

~~506.19.4.~~ 506.20.4 Stop-work Order. The City reserves the right to issue an order to cease and desist any work being performed in violation of this chapter or any permit conditions established under this code. Upon notice of such violation, no further work shall take place until appropriate remedial action is instituted, as determined by the City.

~~506.19.5.~~ 506.20.5 Withholding or Revocation of City Permits. Failure of any party to follow the procedures as required by this code shall constitute grounds for withholding or revoking development approval(s), building permits, occupancy permits or any other city approvals necessary to continue development. Such extraordinary sanctions, however, shall be instituted immediately upon the direction of the City manager and with the approval of the City commission at its next regular or special meeting. This approval shall be considered a public hearing and be subject to the applicable procedural requirements. All interested parties shall have notice and an opportunity to be heard and to be represented by legal counsel.

* * *

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 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: _____

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	_____