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ORDINANCE NO. 2026-

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES, VILLAGE OF BISCAYNE PARK TO REGULATE THE INSTALLATION AND MAINTENANCE OF SYNTHETIC TURF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, *Florida Statutes*, provides that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 4.03 of the Village Charter of the Village of Biscayne Park empowers the Village Commission to adopt, amend, or repeal such ordinances as may be required for the proper governing of the Village; and

WHEREAS, in 2025 the Florida Legislature adopted §125.572, *Florida Statutes*, prohibiting local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that is inconsistent with Florida Department of Environmental Protection (“FDEP”) standards regulating synthetic turf or that prohibits a residential property owner from installing synthetic turf that complies with FDEP standards; and

WHEREAS, on _____, 202_, the Village Planning and Design Review Board, sitting as the Local Planning Agency for the Village, held a hearing on this proposed Ordinance with due public notice and input, and recommends its adoption; and

WHEREAS, on _____, 202_, the Village Commission held a first reading and public hearing of this proposed Ordinance; and

WHEREAS, on _____, 202_, the Village Commission held a second reading and public hearing of this proposed Ordinance with due public notice and input; and

WHEREAS, the Village Commission finds that it is in the best interest of the health, safety, and welfare of the residents of the Village to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

¹/ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

1 **Section 2. Amendment to the Code.** The Code of Ordinances, Village of Biscayne Park,
2 Florida, is hereby amended by adding an Article ____ to Chapter ____ “ _____,” which
3 Article reads as follows:

4
5 **CHAPTER _____ - _____**

6
7
8 **ARTICLE . – SYNTHETIC TURF**

9
10 **Sec. . – Intent and purpose.**

11
12 It is the intent and purpose of this article to allow owners of single-family
13 residential properties of 1 acre or less in size within the village to install and use synthetic
14 turf in conformance with minimum standards established by the Florida Department of
15 Environmental Protection as set forth in §125.572(1), Florida Statutes, as the same may be
16 amended.

17
18 **Sec. . – Synthetic turf.**

19
20 The installation and use of synthetic turf within front, rear and side-yards is
21 permitted by owners of single-family residential properties of 1 acre or less in size within
22 the village subject to village site plan approval and compliance with this article. ~~Nothing~~
23 herein is intended to prohibit the installation and use of synthetic turf in village parks and
24 for recreation purposes. The maximum lot coverage (percent) of synthetic turf shall not
25 exceed fifty percent (50%) of the residential lot (see Table A in §10.2.6 of the Land
26 Development Code).

27
28 **Sec. . – Submittal requirements.**

- 29
30 (1) A development application, which shall include a current survey, landscape
31 plan (if applicable), and vegetation survey (to include trees), must be
32 submitted for review and approval by the village before the installation of
33 any synthetic turf. ~~The development application Site plan applications in~~
34 shall include the synthetic turf manufacturer specifications, sections, and
35 details, and be accompanied by engineered percolation rates that conform
36 to this article for review and approval by the village before the installation
37 of any synthetic turf.
- 38
39 (2) Applicants shall provide an owner affidavit agreeing to perpetually
40 maintain the synthetic turf in good working condition and to ensure that
41 there is continued ground permeability in accordance with this article.

42
43 **Sec. . – Minimum standards.**

44
45 All synthetic turf shall comply with the following minimum standards established
46 by the Florida Department of Environmental Protection:

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48 (1) Synthetic turf, including backing material and infill, must not contain heavy
49 metals or intentionally added per- and polyfluoroalkyl substances.

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- (2) Synthetic turf, including backing materials and infill, must be disposable under normal conditions at any Chapter 62-701, F.A.C., Florida permitted landfill.
- (3) Infill material, if used, shall only be clean silica sand, rock, shell, or other natural material, except that coated silica sand may be used provided that any coating used is non-toxic and meets the requirements described in paragraphs (1) and (2). Rubber or any other synthetic infill material is allowed only within the footprint of playground equipment and must also meet the requirements described in paragraphs (1) and (2). Installation shall be designed to prevent washing away of any infill material off the residential property.
- (4) Any subgrade shall be composed of natural materials, such as crushed rock, or crushed concrete that meets the permeability requirements of this article. Subgrade materials shall be washed prior to installation.
- (5) Synthetic turf must be permeable and affixed to permeable backing with a pervious subgrade, with a **maximum** permeable standard of ten (10) inches per hour for all layers.
- (6) Synthetic turf must be installed over a subgrade prepared for positive drainage and evenly graded porous material.
- (7) Soil beneath installed subgrade shall not be compacted to the extent that it adversely impacts percolation through the soil.
- (8) Installation of synthetic turf must be designed and installed to prevent pooling or an increase in the stormwater runoff volume, direction, or rates to adjacent properties and, where possible, runoff shall be directed to on-site pervious areas.
- (9) Installation of synthetic turf must not alter the permitted stormwater management system as designed and **is prohibited shall not be installed** within a swale, ditch, stormwater pond, or a stormwater pond's littoral zone.
- (10) In-ground irrigation systems cannot be used to irrigate synthetic turf areas.
- (11) If any in-ground system is already installed, the village shall require that irrigation heads be removed and pipe capped.
- (12) Synthetic turf shall not cause or contribute to violations of state, county, or village water quality standards.
- (13) Synthetic turf shall be installed no closer than 10 feet from a natural or man-made waterbody as measured from the applicable ordinary or mean high water line except where there is a physical barrier between the synthetic turf and the waterbody (such as, but not limited to, a seawall or bulkhead).

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- (14) Installation of synthetic turf cannot compromise the health of nearby trees and other vegetation, including damage to tree roots, other than those identified as a noxious weed as defined in Chapter 581, Florida Statutes.
 - (15) Synthetic turf shall not be installed inside tree drip lines (defined as an imaginary vertical line extending from the outermost horizontal circumference of a tree's branches to the ground), whether on the property or adjacent properties, unless the tree is a noxious weed as defined by Chapter 581, Florida Statutes, or unless a certified arborist, using site specific information and best professional judgment, certifies that installation within that drip line would not be harmful to the tree or other vegetation within the tree drip line.
 - (16) Synthetic turf shall not be installed within twelve inches (12”) of existing vegetation such as flower or garden beds, natural grass, shrubs, or small plants.
 - (17) Synthetic turf shall be installed according to manufacturer’s specifications.
 - (18) Synthetic turf shall be anchored at all edges and seams (e.g., nailed, glued, or sewn) that, at a minimum, will withstand the effects of wind or flooding and shall be trimmed to fit against all regular and irregular edges to resemble a natural look.
 - (19) An appropriate solid barrier device (e.g., concrete mow strip, bender board) is required to separate synthetic turf from soil and live vegetation.
 - (20) If installed, synthetic turf must provide access to any septic tank for routine pump out.

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Sec. . – Maintenance standards.

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- (1) All synthetic turf shall be kept free of dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to cleaning, brushing, debris removal, repairing of depressions and ruts to maintain a visually-level surface, the elimination of odors, flat or matted areas, weeds, and invasive roots.
 - (2) All synthetic turf must be replaced if it falls into disrepair with fading or holes or loose areas. Replacement and repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing synthetic turf.

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Sec. . – Enforcement and Penalties.

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- (1) Any violation of this article may be prosecuted in accordance with the provisions set out in section 1-11 of the Biscayne Park Code and Chapter 14 of the Biscayne Park Land Development Code.

- 1
2 (2) Any village code enforcement officer, or designated employee **is are**
3 authorized to enforce the provisions of this article.
4
5 (3) Any person who violates any provision of this article, or of any regulation
6 or guideline that implements this chapter, shall be ordered immediately to
7 stop any such violation.
8
9 (4) Any person found violating this article after being warned of the violation
10 shall be subject to a fine of up to two hundred fifty dollars (\$250.00) for the
11 first occurrence, and five hundred dollars (\$500.00) for each additional
12 occurrence.

13
14 **Section 3. Inclusion in the Code.** The Village Commission intends that the provisions of this
15 Ordinance be made a part of the Biscayne Park Code, and that sections herein may be re-numbered or re-
16 lettered and the words or phrases herein may be changed to accomplish codification.

17
18 **Section 4. Conflicts.** Whenever the requirements or provisions of this Ordinance conflict with
19 the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall
20 apply. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the
21 extent of such conflict.

22
23 **Section 5. Scrivener's Errors.** Any scrivener or typographical error that does not affect the
24 intent of this Ordinance may be corrected with notice to the Village Attorney, Village Clerk, and Village
25 Manager without further action or process required.

26
27 **Section 6. Severability.** If any section, subsection, sentence, clause, or phrase of this
28 Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid,
29 such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the
30 part so declared.

31
32 **Section 7. Effective Date.** This Ordinance shall become effective upon adoption by the
33 Village Commission.

34 PASSED AND ADOPTED upon first reading this ____ day of _____, 2026.

35 PASSED AND ADOPTED upon second reading this ____ day of _____, 2026.

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39 The foregoing Ordinance was offered by _____, who moved its
40 adoption on second reading. The motion was seconded by _____, and upon
41 being put to a vote the vote was as follows:

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43 Johnathan Groth, Mayor _____
44 Veronica Amsler, Vice Mayor _____
45 Art Gonzalez, Commissioner _____
46 Daniel Samaria, Commissioner _____
47 Ryan Huntington, Commissioner _____
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VILLAGE OF BISCAYNE PARK

Johnathan E. Groth, Mayor

ATTEST:

Pamela L. Latimore, Village Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:**

John R. Herin, Jr./Fox Rothschild, LLP
Village Attorney