

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES ZONING CODE, ARTICLE 6 “LANDSCAPE”, SECTION 6-104 “LANDSCAPE REQUIREMENTS FOR PUBLIC RIGHTS-OF-WAY” TO AMEND PLANTING HEIGHT AND VARIOUS OTHER PROVISIONS, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City has certain Zoning Code provisions which address the planting heights of trees placed in the City’s public rights-of-way; and

WHEREAS, in order to incentivize diversity in the urban canopy the City Commission wishes to give the Greenspace Management Division discretion to allow trees of a lower height at planting provided they meet life safety requirements and contribute to that diversity; and

WHEREAS, the City Commission also wishes to clarify a few other provisions regarding planting in the rights-of-way, including provisions regarding the percentage of palms to be planted in rights-of-way; and

WHEREAS, after notice was duly published, a public hearing was held before the City Commission on July 25, 2022, for First Reading at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on September 14, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with the proposed text amendment, and after due consideration, deferred (vote: 6 to 0) the text amendment until after the Landscape and Beautification Advisory Board reviewed it and gave feedback; and

WHEREAS, the Landscape and Beautification Advisory Board was presented with the proposed text amendment on October 13, 2022, and after discussion of multiple viewpoints of street tree plantings, the Board agreed that they supported diversity of trees within a master plan; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on November 1, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with the proposed text amendment, and after due consideration, recommended approval (vote: 4 to 2) of the text amendment with conditions to incorporate language to consider the unique aesthetic of certain streets where a species and height predominate and to provide a minimum of 8-foot clear trunk; and

WHEREAS, after notice was duly published, a public hearing was held before the City Commission for Second Reading at which hearing all interested parties were afforded the opportunity to be heard.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Article 6 “Landscape”, Section 6-104 “Landscape Requirements for Public Rights-of-Way” of the Zoning Code of Coral Gables, Florida be amended as indicated in the attached Exhibit A¹:

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Zoning Code; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

SECTION 6. If the Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2022.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS

CITY ATTORNEY

EXHIBIT A

Section 6-104. Landscape requirements for public rights-of-way

A. Public rights-of way. Properties within MF1, MF2, MF3, MF4, MX1, MX2, MX3, S, UCD, PAD and P zoning districts exceeding the applicability thresholds as defined in Section 6-102.B. shall be required to install the improvements listed below. The required improvements are based upon the properties lineal property dimension abutting the r.o.w. The requirements provided herein and any potential conflicts shall be subject to review and approval by the Public Works Department and ~~Public Works Landscape~~ Public Works Greenspace Management Division.

<i>Type</i>	<i>Minimum Requirements</i>
1. Drainage.	All properties shall be required to install drainage within the r.o.w. pursuant to the Department of Public Works requirements.
2. City Public Works Manual	<ul style="list-style-type: none"> a. Landscaping, landscape islands, bulbouts, curbing, pedestrian crosswalks bulbouts, drainage and other associated traffic calming improvements shall be required pursuant to the City Public Works Manual and accompanying standards. If the City Public Works Manual and accompanying standards are not applicable to the area in which the proposed development is contemplated, see Section 6-104.A.3 below for minimum r.o.w. planting requirements.
3. Right-of-way planting requirements not associated with the City Public Works Manual .	<ul style="list-style-type: none"> a. Landscaping shall be installed within the City r.o.w. and shall be installed in accordance with all of the following: <ul style="list-style-type: none"> i. Large shade trees. Provide one (1) large shade tree, minimum planting height of sixteen (16) feet/three-and-a-half (3½) inch caliper per thirty-five (35) linear feet or fraction thereof of right-of-way abutting the property. Palm or medium shade tree, minimum planting height of fourteen (14) feet/two-and-a-half (2½) inch caliper may be

	<p>utilized to satisfy the above large shade tree requirements at a three-to-one (3:1) ratio. A maximum of ten twenty-five (10 25%) percent of the required total may be palm varieties. <u>Exceptions to planting height for tree varieties whose average mature height is 25 feet or less may be approved by the Greenspace Management Division Director prior to installation provided that the requested trees meet all relevant height clearance requirements, comply with all other life safety regulations, and add to the diversity of the urban canopy.</u></p> <p>ii. Shrubs. Provide one (1) shrub per one (1) linear foot or fraction thereof of the right-of-way abutting the property.</p>
<p>Medians and/or traffic calming devices 4. required pursuant to the City Public Works Manual.</p>	<p>a. If a median exists or can be established on the abutting r.o.w., the improvements listed in above Section 6-104.A.3 shall be installed pursuant to the City Public Works Manual and accompanying standards .</p> <p>b. If a median exists or can be established on the abutting r.o.w. and is not included within the City Public Works Manual a median shall be provided subject to all of the following:</p> <ul style="list-style-type: none"> . Large shade trees. One (1) large shade tree, minimum planting height of sixteen (16) feet/three-and-a-half (3½) inch caliper per thirty-five (35) feet linear feet or fraction thereof of right-of-way abutting the property. Palm or medium shade tree, minimum planting height of fourteen (14) feet/two-and-a-half (2½) inch caliper may be utilized to satisfy the above large shade tree requirements at a three-to-one (3:1) ratio. A maximum of twenty-five (25%) percent of the required total may be palm varieties. <u>Exceptions to planting height for tree varieties whose average mature height is 25 feet or less may be approved by the Greenspace Management Division Director prior to installation provided that the requested trees meet all relevant height clearance requirements, comply with all other life safety regulations, and add to the diversity of the urban canopy.</u>

		<p>i. Shrubs. One (1) shrub per one (1) linear feet or fraction thereof of the right-of-way abutting the property.</p>
5.	Lawn grass.	<p>All unpaved surfaces on rights-of-way shall be sodded. Groundcover may be substituted in lieu of lawn grass subject to Public Works Landscape Services Division review and approval.</p>
6.	Payment in lieu of installation.	<p>In lieu of the requirements set forth in Section 6-104.A.2-4, the City Manager or designee in accordance with these rules and regulations may allow for the payment of the above improvements into a designated fund in lieu of providing the improvements if either of the following exist: 1) the off-site improvements are provided; 2) if onsite constraints exist that prohibit the improvements; <u>and or</u>, 3) if the City determines that a comprehensive installation of the improvements will be more beneficial. The estimate shall be based upon design, installation, and costs of all improvements. Applicants shall provide the City an estimate prepared by a licensed civil engineer or other City approved entity. The City shall evaluate and approve all estimates in accordance with the City's rules and regulations. These funds shall be allocated in a special fund towards street improvements in close proximity to the provider.</p>