

PROPOSED ORDINANCE NO. 2024-04

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA; AMENDING CHAPTER 52 OF THE CITY CODE OF ORDINANCES ENTITLED “STREETS AND SIDEWALKS”; SPECIFICALLY AMENDING SECTION 52-24, ENTITLED “CONSTRUCTION, MAINTENANCE REQUIREMENTS”, TO INCREASE THE VERTICAL CLEARANCE REQUIREMENT FOR TREES LOCATED WITHIN SWALE AREAS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the National Fire Prevention Association Part 1, Fire Code, (the “Fire Code”) advances fire and life safety for the public, first responders, and property by providing fire code regulation and hazard management; and

WHEREAS, the Fire Code classifies roadways, fire lanes, parking lot lanes, or a combination thereof as fire apparatus access roads; and

WHEREAS, Chapter 18 of the Fire Code, entitled “Fire Department Access and Water Supply” requires a minimum vertical clearance of thirteen (13) feet and six (6) inches on fire apparatus access roads; and

WHEREAS, the Florida Department of Transportation, in its Roadway and Roadside Maintenance Guide, requires a minimum vertical clearance for trees and tree limbs of fourteen (14) feet and six (6) inches over the roadway or over the face of a guardrail when one is present; and

WHEREAS, the Florida Department of Transportation, in its Roadway and Roadside Maintenance Guide, requires a minimum vertical clearance of eight (8) feet and six (6) inches for trees, tree limbs, or vegetation over sidewalks; and

PROPOSED ORDINANCE NO. 2024-04

ORDINANCE NO. _____

WHEREAS, Chapter 52 of the City of Pembroke Pines Code of Ordinances, entitled “Streets and Sidewalks” establishes the minimum standards for construction and maintenance of swale areas; and

WHEREAS, Section 52.24, entitled “Construction, Maintenance Requirements,” provides that all trees within swale areas shall be kept trimmed by the owner and shall have a clearance of at least eight (8) feet above the sidewalk and ten (10) feet above the street level so as to permit pedestrian and vehicular traffic beneath the trees without interference; and

WHEREAS, the Fire Code and Florida Department of Transportation require the City to increase its vertical clearances to meet current guidelines; and

WHEREAS, the City’s Code of Ordinances’ present roadway clearance requirements for trees within swale areas are not in compliance with the Fire Code or Department of Transportation’s clearance requirements for trees; and

WHEREAS, the City Commission deems it to be in the best interest of the health, safety, and welfare of the citizens and residents of the City of Pembroke Pines to amend the roadway clearance requirement for trees within swale areas to those heights required by the Fire Code and Florida Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA:

PROPOSED ORDINANCE NO. 2024-04

ORDINANCE NO. _____

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. The City Commission of the City of Pembroke Pines, Florida, hereby amends Chapter 52 of the City of Pembroke Pines Code of Ordinances entitled "Streets and Sidewalks" by specifically amending Sec. 52.24 entitled "Construction, Maintenance Requirements" as follows:

§ 52.24. – "Construction, Maintenance Requirements"

The following shall be minimum standards for construction and maintenance of swale areas:

...

(C) Grass sodding or grass seeding of the swale area is permitted and encouraged. The planting of single-trunk trees shall be permitted in swale areas, with the exception of any casuarina trees (Australian pine trees), melaleuca trees, brazilian pepper, rubber trees, black olive, avocado, chinaberry, jambolin, mango, schefflera, tropical almond, bishop trees, citrus, java plum, or ficus tree, so long as the following conditions are complied with:

...

(4) All trees shall be kept trimmed by the owner and shall have a clearance of at least eight feet and six inches (8.5 feet) above the sidewalk and ~~ten~~ fourteen feet and six inches (14.5 feet) above the street level so as to permit pedestrian and vehicular traffic beneath them without interference. In areas with a guardrail, trees or tree limbs over the roadway and shoulder shall have a vertical clearance of fourteen feet and six inches (14.5 feet) from the face of the guardrail.

...

Section 3. If any clause, section, or other part or application this Ordinance shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall

PROPOSED ORDINANCE NO. 2024-04

ORDINANCE NO. _____

be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 4. All Ordinances or parts of Ordinances in conflict herewith be and the same are repealed to the extent of such conflict.

Section 5. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ___ DAY OF _____, 2024.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ___ DAY OF _____, 2024.

CITY OF PEMBROKE PINES, FLORIDA

By: _____

ATTEST:

MAYOR ANGELO CASTILLO

MARLENE GRAHAM, CITY CLERK

CASTILLO _____

GOOD _____

RODRIGUEZ _____

APPROVED AS TO FORM:

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY