



## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
<b>5/15/2024</b>	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	<b>2/21/2024</b>	<b>5/15/2024</b>
File No.:		Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>24-020</b>		Advertising Required	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fiscal Impact (\$):		Quasi-Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
<b>N/A</b>	Account Balance (\$):	Funding Source:	Project Number:	
<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>N/A</b>	<b>Vanessa Leroy, Director</b>	<b>Sustainable Development</b>	
Strategic Plan Focus Areas:				
<input type="checkbox"/> Finance & Budget		<input checked="" type="checkbox"/> Organizational Capacity		<input type="checkbox"/> Infrastructure/Projects
Implementation Timeline:				
Estimated Start Date: 2/21/2024    Estimated End Date: Upon Adoption				

### SHORT TITLE:

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 25 STREETS, SIDEWALKS, AND OTHER PUBLIC WAYS OF THE CODE OF ORDINANCES, SECTION 25-2 VEGETATION, WASTE MATERIALS AND OBJECTS IN RIGHTS-OF-WAY ADJACENT TO PRIVATE PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

## STAFF SUMMARY:

### **Summary:**

The Department of Sustainable Development is proposing a code amendment to the City's Code of Ordinances, to clarify the necessity for a permit when installing or removing shrubs, hedges, and trees in rights-of-way adjacent to private property. Presently, the code lacks a requirement for a permit to plant trees within the right-of-way, potentially leading to the planting of trees that could adversely affect City infrastructure. Mayor Cooper and Commissioner Lazarow have also brought attention to this matter, prompting the initiation of an amendment to the Code.

Staff seeks City Commission approval of the proposed Ordinance.

### **Background:**

The current regulations allow property owners adjacent to unpaved public rights-of-way to plant or install landscape such as shrubbery, hedges, and trees within those unpaved public rights-of-way. This is subject to certain restrictions to ensure safe pedestrian and vehicular circulation and prevent the installation of species of trees that are injurious to the public and determined to create a possible nuisance, safety hazard or damage to public property. Additionally, if the City, or another governing agency operating within the scope of its easement, determines that the installed tree must be removed, it is the duty of the abutting property owner to remove the tree.

Pursuant to Section 25-2, the term "property owner" means the persons shown on the county real-estate tax records as the owner of the property, and the term "public right-of-way" means the paved and unpaved area of a highway, roadway, street or alley, or other such strip of land, reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means. While these regulations are in place, there remains confusion surrounding the requirement for the appropriate permits.

### **Current Situation:**

To ensure consistency in the application of the regulations, and to provide clarity for property owners, the Department of Sustainable Development seeks to amend Section 25-2. The section will be amended to add language that clarifies that a permit is required to plant or install shrubbery, hedges, and trees, and clarifies that a tree removal permit is required should the city, or another governing agency operating within the scope of its easement, determine that the installed tree must be removed. This will help to promote predictability in code requirements for property owners. This applies to private property owners only.

### **Analysis**

The attached proposed ordinance (Exhibit 1) adds Section 32-244 to the Zoning and Land Development Code summarized below:

1. Adds language that a landscape permit is required prior to installation of shrubbery and hedges placed in the public right-of-way by private property owners.
2. Adds language that should the city, or another governing agency operating within the scope of its easement, determine that the installed tree placed in the public right-of-way must be removed, a tree removal permit is required by the private property owner.

### **Business Impact Estimate**

As per 166.041(4)(c), this item is exempt from providing a business impact estimate as it is an ordinance enacted to implement Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits.

**Why Action is Necessary:**

Pursuant to Article V, Division I, Section 5.01 of the City of Hallandale Beach Charter, a City Ordinance is required to amend an existing Ordinance.

**Cost Benefit:**


The fees for the review of landscape permits are calculated at \$100 per hour. Additionally, for trees the fee is calculated at \$150 for the first four trees, and then an additional \$30 for each additional tree. At this time, Staff does not have sufficient evidence to project an annual revenue as there is no available information to determine how often these permits may be requested for plantings in the Right of Way.

**PROPOSED ACTION:**


Staff recommends the City Commission consider the proposed Ordinance.

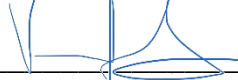
**ATTACHMENT(S):**

Exhibit 1 – Ordinance

Prepared By:   
Deandrea Moise, AICP  
Principal Planner

Reviewed By: *Christy Dominguez*  
Christy Dominguez  
Planning & Zoning Manager

Reviewed By:   
Steven Williams  
DSD Assistant Director

Reviewed By:   
Vanessa Leroy  
DSD Director

Reviewed By: *Noemy Sandoval*  
Noemy Sandoval  
Assistant City Manager