

THE CITY OF CORAL GABLES
CORAL GABLES, FLORIDA
LANDSCAPE ENCROACHMENT REVIEW COMMITTEE
LANDSCAPE ENCROACHMENT CHECK LIST

APPLICANT MUST RETURN THE FOLLOWING:

- 1. Application
- 2. Certified Survey and/or Landscaping Plan
- 3. Letter of Request to L.E.R.C. (Landscape Encroachment Review Committee)
- 4. Reviewing Fee \$200.00 (Ordinance No. 2981)

**THE CITY OF CORAL GABLES
CORAL GABLES, FLORIDA
LANDSCAPE ENCROACHMENT REVIEW COMMITTEE**

APPLICATION FOR LANDSCAPING
ON PUBLIC RIGHT-OF-WAY

DATE: _____, 20

This application, with required supplemental data and information, must be completed and returned with letter of request, certified survey and/or landscaping plan to the secretary of the review committee with the application fee.

PRINT, TYPE OR LETTER:

1. _____
Name of Applicant (Owner)

No. Mailing Address City, State, Zip Code Telephone

OWNER OF _____
Lot(s) Block Section

2. This application is intended to cover the following:

Applicant's Signature

REVIEW FEE:

Two and one-half (2 ½) times the employee's hourly rate to include overhead. If applicable, Consultant's fee will be added. \$200.00 MINIMUM (Ordinance No. 2981)

Action taken by Committee

- _____ * Approved (as presented)
- _____ * Rejected (as noted below)
- _____ * Deferred (as noted below)

Remarks: _____

Please advise the Public Works Department of your intentions based on action(s) taken by the Committee.

Plans rejected or returned for revisions by Committee are required to be picked up by the responsible representative within fourteen (14) days from the date of submission; otherwise they will be discarded.

**Secretary,
Landscaping Encroachment Review Committee**

**THE CITY OF CORAL GABLES
CORAL GABLES, FLORIDA
LANDSCAPE ENCROACHMENT REVIEW COMMITTEE**

Please read carefully and comply with all the instructions, which apply to your request, in order to avoid an incomplete application and resultant delay.

LIMITATION OF AUTHORITY

The Landscaping Encroachment Review Committee (L.E.R.C.) is charged with the responsibility of making an investigation, holding hearings and submitting a recommendation to the City Manager on requests for landscaping on public right-of-way. The final determination of approving said landscaping encroachments is vested with the City Commission.

PRELIMINARY REVIEW

To avoid filing a completely futile or incomplete application, please submit in writing a request for a preliminary review to the Public Works Engineer, Public Works Department.

Landscaping encroachments are not normally allowed in the public right-of-way. However, the following landscaping encroachment applications are exempt from L.E.R.C., but will require proper execution of legal and liability documents as stated under the section entitled "Approvals":

1. The following low planting material will be allowed to be planted around parkway trees: annual and perennial bedding plants, ferns, bromeliads and certain ornamental grass. The ground cover must be maintained at a maximum height of 2' by 0" and planting width not to exceed 3' by 0" around the diameter of the tree.
2. The abutting property owner, may at his own expense, install the dominate species of the street tree(s), subject to proper spacing being provided by the Public Service Department.
3. Planting material will be allowed to be planted in areas without sidewalks, subject to the planting material being maintained within 5 LF from the tree line, or 15 LF from the edge of pavement, whichever is greater.

All other applications will require a review by the L.E.R.C. and must follow the subsequent sections.

NOTE: The City will not be responsible for accidental damage that may be incurred when maintaining the tree(s).

The City Horticulturist may deny any application, which is thought to cause harm to existing vegetation. If such application is determined, the encroachments will be required to be immediately removed.

APPLICATION

GENERAL: All exhibits and data submitted in connection with the application becomes a part of the public records of the City of Coral Gables.

- A. **LETTER OF REQUEST:** All applications must be accompanied by a letter of request. Please describe in detail, in the letter, the proposed landscaping encroachment and give reasons why special consideration should be given in allowing the landscaping encroachment.
- B. **CERTIFIED SURVEY AND/OR LANDSCAPING PLAN:** All applications must be accompanied by a certified survey prepared by a registered land surveyor, if existing; or a plan by a registered Landscape Architect, if proposed.

Incomplete applications will not be accepted and will be returned to the applicant.

REVIEW FEES

At the time of filing the application, the applicant shall pay a minimum review fee of \$200.00. Prior to issuance of permit, balance for said review will be due. Under City Code Section 22-119, this fee will be established as follows:

Two and one-half (2 ½) times employee's hourly rate to include overhead. If applicable, Consultant's fees will be added.

APPROVAL

If preliminary approved, proper legal and liability documents must be filed as setforth below under "The Minimum Conditions Required".

If approved by the L.E.R.C., plans must be submitted through the Building Department for Architectural Board approval prior to submittal to the City Commission.

The minimum conditions required under which landscaping encroachments over public right-of-way may be approved as follows:

- a. The Owner maintains the landscaping encroachment in good conditions at all times, at Owner's expense.
- b. In the event, the Public Works Department must issue a permit for a utility cut in the future, in the area in which the landscaping encroachment is approved; the Owner shall replace the landscaping encroachment, at Owner's expense.
- c. The City of Coral Gables reserves the right to remove, add, maintain or have the Owner remove any of the improvements within the right-of-way, at Owner's expense.
- d. The Owner meet with the City Attorney's office for the purpose of providing all the information necessary for the office to prepare a Restrictive Covenant to be executed by the Owner which runs with the title of the property, and which states in addition to the above mentioned, that the Owner of the property will provide public liability insurance coverage for the encroachment in the minimum limits required by the City, and naming the City as an additional insured under the policy.
- e. A permit must be obtained from the Public Works Department.

DENIAL

If denied, pursuant to Resolution No. 27982, the applicant may appeal the decision of the Committee to the City Commission, within fourteen (14) days from the date of the L.E.R.C. meeting for said applications.

For any additional information, please contact the Public Works Department at (305) 460-5026.

REV. SEPT. 93
REV. FEB. 02

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Sec. 62-133. - Removal of obstructions.

(a) Written notice shall be given to the owner of the abutting property to remove any tree, shrub, or other obstruction upon any street, sidewalk, or swale area within the city. If the owner of the abutting property fails to comply with such removal of trees, shrubbery, or obstruction within ten days of receipt of the written notice, the city shall then perform the necessary removal operations and shall assess the cost of said removal against the property. Such assessment, if not paid, shall become a lien against the property.

(b) If any tree, shrub, or other obstruction upon any street, sidewalk, or swale area within the city creates an emergency situation involving potential danger to the health, safety, and welfare of the community, the city shall perform removal operations immediately, thus eliminating the emergency, and shall assess the cost of such removal against the property. Such assessment, if not paid, shall become a lien against the property.

(Code 1958, § 28-37(e); Code 1991, § 22-135; Ord. No. 2782, § 1, 5-24-1988)

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 27982

A RESOLUTION ESTABLISHING LANDSCAPING ENCROACHMENT GUIDELINES; PROVIDING FOR ADMINISTRATIVE REVIEW; SETTING FORTH APPEAL PROCEDURE FOR NON-CONFORMING APPLICATIONS WHICH HAVE BEEN DENIED BY LANDSCAPING ENCROACHMENT REVIEW COMMITTEE; AND RESCINDING RESOLUTION NO. 25435.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

1. That Landscaping Encroachment Guidelines are hereby established allowing certain landscaping encroachments on the public right-of-ways throughout the City, and providing for administrative review and approval, and further providing that appeals may be taken to the City Commission for consideration of non-conforming applications which have been denied by the Landscaping Encroachment Review Committee, as hereinafter set forth.

ADMINISTRATIVE REVIEW: That an Administrative Review will be conducted by the Public Works, Public Service and Building and Zoning Departments, utilizing criteria developed and approved by the Landscaping Review Committee, with the Public Works Department having the authority to grant a Landscaping Encroachment Permit based upon approval following an Administrative Review, with the basic guidelines to be as follows.

(a) That consideration shall be given to ensure that encroachments will not limit public access, will comply with applicable codes, and will aesthetically blend in with the Applicant's property and with the right-of-way adjacent thereto.

(b) That applicable criteria which shall determine Administrative Review approval shall include but not be limited to the following.

(1) Planting material only shall be permitted.

(2) Low planting material around parkway trees shall be permitted and circular plantings around the base of trees in the right-of-way will be allowed to extend a maximum of approximately three feet (3') from the base of the tree at a maximum height of two feet (2').

(3) Planting of the dominant species of street trees shall be permitted.

(4) Plantings shall be limited to right-of-ways measuring over fifty feet (50').

(5) Encroachments shall be no closer than fifteen feet (15') from the edge of the pavement.

(6) Encroachments shall be no closer to the tree line than five feet (5').

(c) That applications approved following Administrative Review shall

be subject to the standard Public Works requirements regarding maintenance, public liability insurance, and the execution of a restrictive covenant.

(d) That denied applications may be submitted to the Landscaping Encroachment Review Committee.

LANDSCAPING ENCROACHMENT REVIEW COMMITTEE: That following a determination that an application is not in compliance with the applicable criteria for Administrative Review approval, an application may be made to the Landscaping Encroachment Review Committee by payment of the appropriate Application Fee as set forth in the City Code, which Committee shall be made up of representatives from Police, Risk Management, Building and Zoning, Public Service and Public Works Departments, and a Landscaping Architectural Consultant, with the basic guidelines to be as follows.

(a) That it is recommended that plans submitted for review be professionally designed and that an existing survey of the subject property be included with the application.

(b) That the Committee shall have the authority to approve or deny the application.

(c) That approved applications shall be subject to any special conditions imposed by the Committee, including Board of Architects approval, as well as the standard Public Works requirements regarding maintenance, public liability insurance and the execution of a restrictive covenant.

(d) That denied applications may be appealed to the City Commission for review, and the Commission may either overrule or uphold the decision of the Landscaping Encroachment Review Committee.

APPEALS TO CITY COMMISSION: That non-conforming applications which have been denied by the Landscaping Review Committee and are subsequently taken to the City Commission on appeal will not be required to submit an additional fee.

EXCEPTIONS TO REVIEW PROCEDURE: That the following exceptions shall be made to the review procedure set forth herein.

(a) Basic Standard Landscaping Encroachment Applications. That any application requesting an encroachment which is determined by the Public Works Department to contain plant material listed as acceptable by the Public Service Department and which meets the distance requirements set forth herein shall not require an Administrative Review nor the execution of a restrictive covenant, and the only fee required shall be the Landscaping Encroachment Permit Fee.

(b) Extensive Landscaping Encroachment Applications. That any application requesting an encroachment which is determined by the Public Works Department to involve extensive landscaping shall be required to be reviewed by the Landscaping Encroachment Review Committee and a recommendation made to the City Commission, which shall approve or deny the application, and this type of review shall be subject to the appropriate Application Fee as provided in

the City Code.

2. That all existing regulations pertaining to other types of encroachments, such as footings, awnings, special driveways, and signs shall remain in full force and effect.

3. That Resolution No. 25435 which was adopted by the City Commission on November 26, 1985 accepting landscaping encroachment review guidelines is hereby revoked, repealed and rescinded.

4. That this resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF APRIL, A. D., 1992.

APPROVED:

GEORGE M. CORRIGAN
MAYOR

ATTEST:

VIRGINIAL PAUL
CITY CLERK
(8)(H/W(5))

PERMIT FOR LANDSCAPING ENCROACHMENT

