

ORDINANCE NO. 2023-001

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE HIALEAH CODE OF ORDINANCES CHAPTER 98, ENTITLED “ZONING”, ARTICLE VI. “SUPPLEMENTARY DISTRICT REGULATIONS”, DIVISION 11. “LANDSCAPING”; AMENDING AND RETITLING §98-2231 “PURPOSE.”, §98-2232 “LANDSCAPING REQUIREMENT”, §98-2233 “IRRIGATION”, AND §98-2234 “LANDSCAPING AND IRRIGATION CERTIFICATION AND RECERTIFICATION FOR RESIDENTIAL-OFFICE, COMMERCIAL, INDUSTRIAL PROPERTIES AND MULTI-FAMILY DEVELOPMENTS”; AND CREATING SECTIONS §98-2235 “WAIVER OF MINIMUM LANDSCAPE REQUIREMENTS; LANDSCAPE MITIGATION.”, §98-2236 “RENOVATION AND REMODELING OF RESIDENTIAL-OFFICE, MULTIPLE FAMILY, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS; SUPPLEMENTAL LANDSCAPING”, AND §98-2237 “FEES”. REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98, Article VI, Division 11 of the Code of Ordinances of the City of Hialeah, Florida is hereby amended to read as follows:

Chapter 98

ZONING

* * * *

ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS

* * * *

DIVISION 11. LANDSCAPING

Sec. 98-2231. Irrigation Purpose.

(a) — Required landscaping that is installed according to this Code and the latest edition of the Miami-Dade County Landscape Manual as modified and supplemented by the city landscape manual, during construction and/or renovations of properties within the city, shall be required to have an appropriate irrigation system installed and maintained in order to ensure the survival and growth of the installed landscaping.

~~(b) — It shall be the responsibility of the owner and/or lessee of developed real property within the city, for which a building permit is issued subsequent to the adoption date of the ordinance from which this section derives, and for which an irrigation system is required, pursuant to this section, to perpetually maintain such irrigation system in an operable condition.~~

~~(c) — Irrigation systems required in accordance with this section shall comply with the provisions of section 8 of the Irrigation Design Standards of the Model Landscape Code of the South Florida Water Management District.~~

~~(d) — Failure to comply with this section may result, at the discretion of the city, in penal provisions and/or fines as provided elsewhere in this chapter, code enforcement orders and/or fines and/or occupational license revocation.~~

~~(e) — Single family, duplex, and townhouse developments shall be exempted from this section except to the extent that they include common areas, which common areas shall be subject to this section.~~

The purpose of the landscaping requirements is to promote canopy tree expansion and enhance, improve and maintain the quality of the landscape throughout the City.

~~Sec. 98-2232. Landscaping and irrigation certification and recertification for residential office, commercial, industrial properties and multi-family developments. — Landscaping Requirements.~~

~~(a) All landscaping and irrigation on residential office, commercial, industrial properties and multi-family developments must be installed according to certified plans approved by the city before a certificate of occupancy is issued. The landscaping and irrigation plan shall be signed and sealed by a landscape architect or the professional of record.~~

~~(b) Every five years from the issuance date of a certificate of occupancy, a property owner must recertify its landscaping and irrigation plan. The city shall recertify a property owner's landscaping and irrigation plan only if the trees, hedges, shrubbery, grass, ground cover and other plantings are viable, sustainable and properly maintained as represented on the landscaping and irrigation plan or site plan approved by the city at the time of issuing the certificate of occupancy. The city shall inspect residential office, commercial, industrial properties and multi-family developments and then notify the property owner to recertify the property on payment of an inspection fee according to a fee schedule established by administrative order of the mayor and in compliance with this section. At all times, the property owner shall continue to comply with the provisions of sections 98-2196 and 98-2231 of the Code in effect at the time of the issuance of the certificate of occupancy.~~

~~(c) If a property owner does not recertify its property as provided herein, the city may suspend or revoke all occupational licenses issued to the property address of the property owner in addition to other remedies provided in the Code. Recertification shall apply to landscaping and irrigation plans approved by the city after January 1, 1997. Recertification shall also apply to landscaping as represented on the site plan submitted at time of permitting.~~

The City of Hialeah landscape manual, latest edition dated November 2022 as may be amended, includes minimum standards and landscaping regulations that supplement Miami-Dade County landscaping requirements set forth in Chapter 18-A of the Miami Dade County Code of Ordinances. Landscape plans shall be approved by the Planning and Zoning Department and an irrigation plan shall be approved by the Building Department.

1. Landscape plans requirements: landscape plans submitted for site plan review and permit shall include the following:
 - a) Be drawn to scale and include property boundaries, north arrow, graphic scale, and date.
 - b) Include a vegetation survey, including an aerial photograph which outlines the subject site, provided at the same scale as the landscape plan.
 - c) Document zoning district, and net lot area.
 - d) Delineate existing and proposed structures, parking spaces, accessways and other vehicular use areas, sidewalks, utilities, easements, height and voltage of power lines on the property or adjacent property.
 - e) Provide a complete landscape legend information as included in the City of Hialeah landscape manual, affixed to the plans

- f) Identify all landscape features and non-living landscape materials.
- g) Show all areas of vegetation required to be preserved by law, including but not limited to trees, specimen trees, native plant species, Natural Forest Communities, native habitats and wetlands.
- h) Illustrate geologic, historic and archeological features to be preserved.
- i) Depict stormwater retention/detention areas.
- j) Show building coverage and the location and dimension of greenbelt and water areas proposed for business and industrial zones.
- k) Layout dimensions for trees, plant beds and landscape features.
- l) Method(s) to protect and relocate trees and native plant communities during construction.
- m) Planting details and specifications.
- n) Irrigation details and specifications as set forth in Sec. 98-2231.
- o) The landscaping and irrigation plan shall be signed and sealed by a landscape architect or the professional of record.
- p) Complete "Preparer's Certification of Landscape Compliance."

Sec. 98.2233 Waiver of minimum landscaping requirements; landscape mitigation. Irrigation.

~~The city council, by ordinance, may waive the minimum landscaping requirements of the Miami-Dade County Landscape Manual, and Hialeah Landscape Manual, latest edition dated July 9, 2015, as may be amended. Such a waiver must be predicated on physical limitations and restrictions on the property. In order to protect and maintain the tree canopy and landscape cover of the city, the grantee of a waiver of minimum landscaping requirements shall mitigate the loss of tree canopy and landscape cover on the affected property by providing new, viable trees and landscaping acceptable to the city as represented by the difference between the required number of trees and landscaping (shrubbery and ground cover) and the actual number of trees and landscaping allowed by waiver granted by the city. The trees and landscaping shall be delivered to the city for planting in areas within the city, such as parks, recreation and open spaces and street medians, as designated by the city.~~

(a) Required landscaping that is installed according to this Code and the latest edition of the Miami-Dade County Landscape Manual as modified and supplemented by the city landscape manual, during construction and/or renovations of properties within the city, shall be required to have an appropriate irrigation system installed and maintained in order to ensure the survival and growth of the installed landscaping.

(b) It shall be the responsibility of the owner and/or lessee of developed real property within the city, for which a building permit is issued subsequent to the adoption date of the ordinance from which this section derives, and for which an irrigation system is required, pursuant to this section, to perpetually maintain such irrigation system in an operable condition.

(c) Irrigation systems required in accordance with this section shall comply with the provisions of section 8 of the Irrigation Design Standards of the Model Landscape Code of the South Florida Water Management District.

(d) Failure to comply with this section may result, at the discretion of the city, in penal provisions and/or fines as provided elsewhere in this chapter, code enforcement orders and/or fines and/or occupational license revocation.

(e) Single-family, duplex, and townhouse developments shall be exempted from this section except to the extent that they include common areas, which common areas shall be subject to this section.

Sec. 98.2234. Renovation and remodeling of residential-office, multiple family, commercial and industrial developments; supplemental landscaping. Landscaping and irrigation certification and recertification for residential-office, commercial, industrial properties and multi-family developments.

~~If a building permit is issued for renovating or remodeling a development within a residential-office, multiple family, commercial or industrial-zoned property, without increasing the square footage of floor space, the city reserves the right, during the site plan review prior to issuing the building permit, to require additional trees and landscaping to supplement existing landscaping.~~

(a) All landscaping and irrigation on residential-office, commercial, industrial properties and multi-family developments must be installed according to certified plans approved by the city. The City will inspect the site at time of installation and at time of completion, a complete "Preparer's Certification of Landscape Compliance" signed and sealed by a landscape architect or the professional of record shall be submitted before a certificate of occupancy is issued.

(b) One year from the issuance date of a certificate of occupancy, the approved landscaping and irrigation shall be re-certified by the City. Every three years from the issuance date of a certificate of occupancy, the City must recertify the approved landscaping and irrigation plan. The city shall recertify a property owner's landscaping and irrigation plan only if the trees, hedges, shrubbery, grass, ground cover and other plantings are viable, sustainable and properly maintained as represented on the landscaping and irrigation plan or site plan approved by the city at the time of issuing the certificate of occupancy. The city shall notify the property owner to recertify the property on payment of an inspection fee according to a fee schedule adopted by the City. At all times, the property owner shall continue to comply with the provisions of applicable sections of the Code in effect at the time of the issuance of the certificate of occupancy.

(c) If a property owner does not recertify its property as provided herein, the city may suspend or revoke all occupational licenses issued to the property address of the property owner in addition to other remedies provided in the Code. Recertification shall apply to landscaping and irrigation plans approved by the city after January 1, 1997. Recertification shall also apply to landscaping as represented on the site plan submitted at time of permitting.

Sec. 98.2235. Waiver of minimum landscaping requirements; landscape mitigation.

The city council, by ordinance, may waive the minimum landscaping requirements of the Miami-Dade County Landscape Manual, and Hialeah Landscape Manual, latest edition dated November 2022, as may be amended. Such a waiver must be predicated on physical limitations and restrictions on the property. In order to protect and maintain the tree canopy and landscape cover of the city, the grantee of a waiver of minimum landscaping requirements shall mitigate the loss of tree canopy and landscape cover on the affected property by providing new, viable trees and landscaping acceptable to the city as represented by the difference between the required number of trees and landscaping (shrubbery and ground cover) and the actual number of trees and landscaping allowed by waiver granted by the city. The trees and landscaping, or its equivalent cost, shall be delivered to the city for planting in areas within the city, such as parks, recreation and open spaces and street medians, as designated by the city.

Sec. 98.2236. Renovation and remodeling of residential-office, multiple family, commercial and industrial developments; supplemental landscaping.

If a building permit is issued for renovating or remodeling a development within a residential-office, multiple family, commercial or industrial-zoned property, without increasing the square footage of floor space, the city reserves the right, during the site plan review prior to issuing the building permit, to require additional trees and landscaping to supplement existing landscaping.

Sec. 98-2237. Fees.

<u>Landscaping Inspections</u>	
<u>Installation & Final Inspection</u>	<u>\$200.00</u>
<u>1 Year Inspection</u>	<u>\$100.00</u>
<u>3 Year Periodical Inspections</u>	<u>\$100.00</u>

Secs.98.22358-98-2260. – Reserved.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Any person, business, association, corporation, partnership or any other legal entity who violates the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation constitutes a separate violation.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the code.

Section 5: Severability Clause.

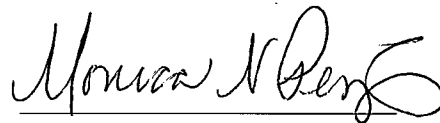
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity

or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor, or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

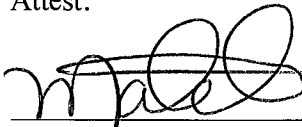
PASSED AND ADOPTED this 10 day of January, 2023



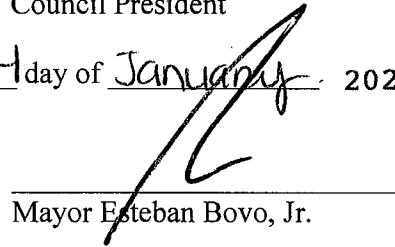
Monica Perez
Council President

Attest:

Approved on this 24 day of January, 2023

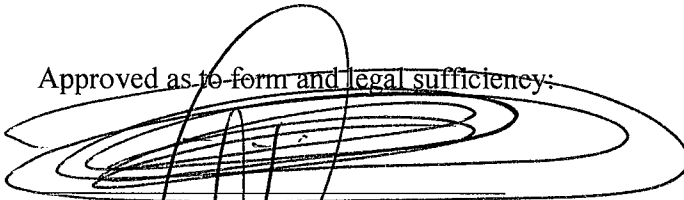


Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency:



Lorena Bravo, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

S:\AJM\ORDINANCES\Amending 98 Article VI - Landscape.docx

Resolution was adopted by 6-0-1 vote with Council Members Calvo, Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, and Tundidor voting "Yes" and with Council Member Zogby absent.