

RESOLUTION No. 21-79

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING APPROVAL / DENIAL OF, OR GOING FORWARD WITHOUT A RECOMMENDATION TO TRANSMIT TO THE LOCAL GOVERNING BODY TEXT AMENDMENTS TO THE CITY OF DORAL LAND DEVELOPMENT CODE, CHAPTER 71 “LANDSCAPING AND BUFFERS,” REVISING SECTION 71-114 “MAINTENANCE OF RIGHT-OF-WAY”; ELIMINATING THE REQUIREMENT OF A COVENANT OR THE CREATION OF A SPECIAL TAXING DISTRICT TO MAINTAIN TREES, PLANTS AND/OR SOD WITHIN THE RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, since the incorporation of the City of Doral landscaping installed within public right-of-way has been maintained by the adjacent property owners; and

WHEREAS, section 71-114 – “Maintenance of right-of-way” requires that the City enter into a covenant with the adjacent property owner, or that a special taxing district be created for the purpose of maintenance; and

WHEREAS, the Public Works Department (PWD) is requesting to amend Chapter 71 of the City’s Code of Ordinance, Section 71-114 titled “Maintenance of right-of-way” to allow for the adjacent property owners to continue to maintain these areas without the need for a covenant or creation of a special taxing district; and

WHEREAS, the City’s Public Works Department has reviewed the subject Chapter and issued its recommendations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

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Words in underscoring type are additions

Section 1. Recitals. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Code Amended. Chapter 71 – “Landscaping and Buffers”, Section 71-114 - “Maintenance of right-of-way” the Code of Ordinances of the City of Doral is hereby amended as follows:

CHAPTER 71. LANDSCAPING AND BUFFERS

ARTICLE II. – MINIMUM STANDARDS

DIVISION 3. – TREES

Sec. 71-114. – Maintenance of right-of-way.

~~When trees are planted within the right-of-way, the owners of land adjacent to the areas where street trees are planted must maintain those areas including the trees, plants and sod, using pruning methods specified in this Land Development Code. A covenant executed by those owners is required, or a special taxing district must be created to maintain these areas. Where the state, county or city determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, they may require that said trees and landscape material be placed on private property.~~

The owners of land adjacent to Public Right-of-Way shall maintain all landscaping, regardless of who installed said landscaping, in these adjacent areas including trees, plants, irrigation, and sod. Maintenance shall comply with the pruning methods specified in the City’s Land Development Code.

Where trees, plants, irrigation, lighting, and/or sod is installed within the medians that run parallel to and along the Right-of-Way corridors abutting a property, the abutting property owner shall maintain the improvements within the medians, as installed by the property owners or responsible associations, and will require an executed covenant or a special taxing district for said maintenance.

Where trees, plants, irrigation, lighting, and/or sod within the Right-of-Way medians, not installed by the adjacent property or area association, but currently maintained by said adjacent owner or association, shall require an executed covenant or a special taxing district for said maintenance.

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Where the state, county, or city determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, they may require that said trees, landscaping material, and irrigation be relocated on private property at no expense to the City.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Resolution shall become effective immediately upon its adoption by the Local Planning Agency (LPA).

The foregoing Resolution was offered by Vice Mayor Cabrera who moved its adoption.

The motion was seconded by Councilmember Mariaca and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

TRANSMITTED WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY (CITY COUNCIL) THIS 24 DAY OF MARCH, 2021.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

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