

**CITY OF LIGHTHOUSE POINT  
FLORIDA**

**ORDINANCE NO. 2015 – 0921**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, RELATING TO LANDSCAPING; AMENDING CHAPTER 42, ENTITLED “LAND DEVELOPMENT CODE,” ARTICLE IV, ENTITLED “ZONING,” DIVISION 7, ENTITLED “COMMERCIAL LANDSCAPING,” SECTION 42-433, ENTITLED “GENERAL PROVISIONS,” AND AMENDING CHAPTER 86, ENTITLED “VEGETATION,” ARTICLE II, ENTITLED “LAWN AND LANDSCAPE MAINTENANCE,” SECTION 86-30, ENTITLED “MINIMUM STANDARDS,” OF THE CITY’S CODE OF ORDINANCES, TO INCORPORATE THE FLORIDA URBAN FORESTRY COUNCIL’S “RIGHT TREE/RIGHT PLACE” PRINCIPLES RELATING TO TREES AND LANDSCAPING IN PROXIMITY TO UTILITY FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, improper landscaping and tree selection for installation in proximity to utility lines and facilities can cause hazards and lead to damage to such facilities; and,

WHEREAS, the Florida Urban Forestry Council has developed guidelines for the placement of landscaping and trees, including those in proximity to utilities, entitled “Right Tree/Right Place,” which promote the installation and maintenance of landscaping and trees to reduce conflicts and potential hazards; and,

WHEREAS, City staff has reviewed, and is familiar with, the “Right Tree/Right Place” guidelines, and believes that incorporating them into the City’s Land Development Code and Code of Ordinances will enhance public safety and welfare; and,

WHEREAS, at its January 6, 2015, meeting, the City’s Planning and Zoning Board reviewed the amendments proposed in this ordinance, and recommended approval of same by the City Commission; and,

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**WHEREAS**, the City Commission of the City of Lighthouse Point finds it to be in the best interest of the City to adopt this ordinance.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA THAT:**

**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.** Chapter 42, entitled "Land Development Code," Article IV, entitled "Zoning," Division 7, entitled "Commercial Landscaping," Section 42-433, entitled "General Provisions," of the City's Code of Ordinances, is amended as follows:

**Sec. 42-433. General Provisions.**

The following general provisions shall apply throughout all of the sections of this division:

(1) *Installation.*

- a. All landscaping shall be installed in a sound, workmanlike manner according to good planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all of the provisions of this division and all other applicable ordinances and requirements of the city. All landscape areas shall require protection from vehicular encroachment as hereinafter provided, and all landscaped areas shall provide for adequate watering.
- b. Right Tree/Right Place. The planting of trees and other landscaping in proximity to utility lines shall be consistent with the principles and guidelines described in the Florida Urban Forestry Council publication "Right Tree/Right Place." In addition, no canopy trees as

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designated in the “Right Tree/Right Place” guidelines shall be located closer than twelve (12) feet from street lights and no palm trees that reach an expected height of twenty five (25) feet or more at maturity shall be located closer than seven (7) feet from street lights.

Section 3. Chapter 86, entitled “Vegetation,” Article II, entitled “Lawn and Landscape Maintenance,” 86-30, entitled “Minimum Standards,” of the City’s Code of Ordinances, is amended as follows:

**Sec. 86-30. Minimum Standards.**

The owner and/or occupant of property within the corporate limits of the city shall comply with the following minimum maintenance standards:

(1) Lawns, grass and sod shall be maintained so as not to exceed eight inches in height with adequate irrigation reasonably free of weeds, disease, dead plants and other conditions evidencing inadequate care and maintenance.

(2) Landscaping including but not limited to trees, shrubs, hedges and groundcover shall be maintained in a neat and orderly manner, with adequate irrigation reasonably free of weeds, underbrush, unsightly growth and other conditions evidencing inadequate care and maintenance. Trees and shrubs shall not be allowed to become overgrown. Hedges shall be maintained as required herein on all sides and shall be maintained within the height requirements of section[s] 42-376 and 42-377, city Code. No vegetation shall be permitted to extend into the vehicle, pedestrian or bicycle travel lanes.

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(3) Right Tree/Right Place. The planting of trees and other landscaping in proximity to utility lines shall be consistent with the principles and guidelines described in the Florida Urban Forestry Council publication entitled "Right Tree/Right Place."

**Section 4. Severability.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or part of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.


**Section 6. Codification.** It is the intention of the City Commission of the City of Lighthouse Point that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lighthouse Point, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**Section 7. Effective Date.** This ordinance shall take effect immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE FIRST READING, THIS 13<sup>th</sup> DAY OF JANUARY, 2015.**

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE SECOND AND FINAL READING, THIS 27<sup>th</sup> DAY OF JANUARY, 2015.**

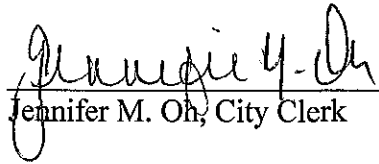
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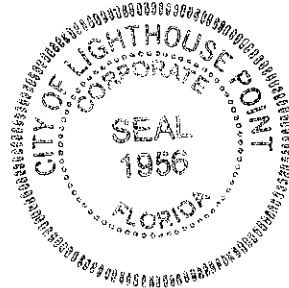
  
Earl Maucker, Commission President

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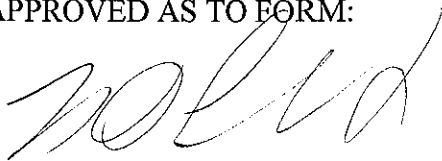
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ATTEST:

  
Jennifer M. Oh, City Clerk



APPROVED AS TO FORM:

  
Office of the City Attorney

Commission President Earl Maucker  
Commission Vice President Becky Lysengen  
Commissioner Michael S. Long  
Commissioner Sandy Johnson  
Commissioner Kyle Van Buskirk

Yes	No	Absent
<u>x</u>	_____	_____
<u>x</u>	_____	_____
<u>x</u>	_____	_____
<u>x</u>	_____	_____
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