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ARTICLE II. - LANDSCAPING IN PUBLIC RIGHTS-OF-WAY

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Sec. 21-10. - Purpose.

Surveys conducted in the Village have shown that many property owners have installed landscaping materials within the Swale portion of the Village's Public Rights-of-Way. While, in most cases, these installations have beautified the Village, in some instances the landscaping materials could create a safety threat (such as when they prevent pedestrians from being able to step off of the paved roadway or block motorists' line of sight). Additionally, use of the Public Rights-of-Way in this manner is inconsistent with its use by the public for travel purposes and, restricts the ability to alter the developed portion of the Public Rights-of-Way in the future if the need for such alteration should arise.

(Ord. No. 99-4, § 1, 5-25-99)

Sec. 21-11. - Restrictions on the placement of Landscape Materials in the Public Rights-of-Way.

Landscape Materials may be installed or maintained in the Public Rights-of-Way subject to the following restrictions:

- (a) For properties where the driveway(s) can accommodate three or more parked vehicles, an area three feet wide, parallel with and immediately adjacent to the edge of the paved roadway, shall be maintained as a step off clear zone. No Landscape Materials other than sod are permitted in the step off clear zone. For properties where the driveway(s) can accommodate less than three vehicles, an area six feet wide, parallel with and immediately adjacent to the edge of the paved roadway, shall be maintained as a clear zone. With the exception of Street Trees, no Landscape Materials other than sod are permitted in the clear zone. However, plantings with a height not to exceed two and one half feet may be maintained within a radius of 24 inches from the base of any Street Tree. Trees installed prior to the adoption of this chapter ("Existing Trees") may be retained in the clear zone so long as the tree is not less than three feet from the paved roadway, the lowest limb is a minimum of six feet above the ground and they are not so closely situated so as to prevent pedestrians from stepping off of the paved roadway as vehicles pass by. Plantings with a height not to exceed 2½ feet may also be maintained within a radius of 24 inches from the base of any Existing Tree that is allowed to remain pursuant to this provision.
- (b) Except within a line-of-sight triangle, Landscape Materials with no height restriction may be maintained within the remainder of the Public Right-of-Way area.
- (c) Line-of-Sight Triangles. There shall be maintained a Line-of-Sight Triangle which shall be an isosceles triangle with sides ten feet along the edge of the driveway and the edge of the street. In cases where a sidewalk exists, an additional Line-of-Sight Triangle with sides five feet along the edge of the driveway and the edge of the sidewalk shall be maintained. Within the Line-of-Sight Triangle Landscape Materials shall be maintained at a height not to exceed 2½ feet or with the lowest tree limb at least six feet above the ground.
- (d) In cases where the Public Right-of-Way width is greater than 50 feet, the distances from the paved roadway shall be expanded proportionately.
- (e) When a sidewalk exists or is installed, no Landscape Materials, with the exception of Street Trees, may be maintained between the edge of the paved roadway and the sidewalk. Where Street Trees are have been installed, plantings with a height not to exceed 2½ feet may be maintained within a radius of 24 inches from the base of the Street Tree.
- (f) Landscape Materials shall be maintained in compliance with the requirements of the "Metropolitan Dade County Public Works Manual, Part 1 Standard Details" at all street intersections.
- (g) The sloping of all Public Rights-of-Way shall be maintained in accordance with the "Dade County Department of Planning, Development and Regulation Landscape Manual".

(Ord. No. 99-4, § 1, 5-25-99)