

**City of Coral Gables City Commission Meeting
Agenda Item G-4
June 13, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena
Commissioner Frank Quesada**

City Staff

**City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Deputy City Attorney, Miriam Ramos
Planning and Zoning Director, Ramos Trias**

Public Speaker(s)

Agenda Item G-4 [4:12:54 p.m.]

A discussion regarding the height of hedges on residential property
(Sponsored by Vice Mayor Keon)

Mayor Valdes-Fauli: Next is height of hedges, Vice Mayor.

Vice Mayor Keon: This is a result of just some concerns raised by some residents that are – and it deals really with – we don't set a height for hedges in the backyard and there have been a couple of, they are elderly residents who have said to me, you know my gardener can take care of it on our side when the hedge is like 7 or 8 feet, but when the hedge is 14 feet or 15 feet high, my gardener has to climb up on a ladder to climb the hedge and I'm a little concerned about my gardener. So, I either would like to set a height for back hedges that can be manicured from the ground, if you are Commissioner Quesada's height it could be 10 foot.

Commissioner Lago: What height are you recommending?

Vice Mayor Keon: You know what Miriam provided for us was, I think its 8 feet, is that right Miriam?- is about what most places do or an agreement that – the problem with having, the owner of the hedge when they are on the property line to the backyard neighbor is, they can say, yes, OK, we'll send our gardener over there to trim the hedge, but the concern that they raise is liability if somebody falls off the ladder on their side of the yard. You wish these things were civil and people could just say to one another, we should take care of it, and they would, but they don't.

Commissioner Quesada: So you want to limit the height of hedges on private property?

Vice Mayor Keon: Well we do have that on the front and side yards now.

Commissioner Quesada: But that's for the triangle visibility, but you are saying the rare as well.

Vice Mayor Keon: I'm talking to resolve a way to not impose your landscaping on your backyard neighbor.

Commissioner Quesada: I disagree because some people have certain types of properties that want to have that privacy and just a natural location of their home doesn't give them that privacy, and every situation is different, some houses are on a little bit of a slope, so therefore they feel like they are – people don't to feel like if they walk around their bedroom in their underwear and people can look over the fence and see in the backyard, so that's the first thing that comes to mind, they want that added privacy. I live on a relatively busy street, I'm on the corner of Salzedo and Alecio, and a lot of people walk by, it's a very walking neighborhood, and I have a lot of windows and I put in a pretty big hedge because I want to have that privacy.

Vice Mayor Keon: How tall is your hedge?

Commissioner Quesada: Twelve feet, ten feet, twelve feet.

Vice Mayor Keon: But its on a corner, you are not impacting anybody else, you are not affecting anyone.

Commissioner Quesada: You know my rear neighbor, the hedge is probably 20 feet high, 25 feet high, and if we didn't have that hedge in the backyard when I would be taking a shower my neighbors will get more of a view than they've bargained for.

[Laughter]

Vice Mayor Keon: So how do we deal with it?

Commissioner Quesada: My personal experience I appreciate because it gives me that privacy.

Commissioner Mena: I agree with Commissioner Quesada...

Vice Mayor Keon: I don't want to take away anybody's privacy, but I also want to somehow you maintain your hedge on both sides.

Commissioner Mena: I think it should be the responsibility of the owner of the tree whose hedge or whatever type of plant it is, is encroaching on their neighbor to deal with it.

Commissioner Lago: I'm of the same belief. I have a hedge in my rear yard and I'm letting it grow to have a little bit of privacy from my rear neighbor who is not even five feet away from me.

Deputy City Attorney Ramos: So based on the research that I did; I did a survey of several municipalities throughout Dade and Broward Counties basically, and Commissioner Quesada your concerns were addressed in the Code of Miami Lakes that talks properties that abut what they call, they have a particular term, but basically busy streets, main roadways have a certain height, and then those that abut residential roadways have a different height, so that's one way to deal with it. You could also if you have a two-story house behind you versus a one-story house, maybe that would tell you to have a higher hedge. Yes sir.

Mayor Valdes-Fauli: I feel very uncomfortable about this. I have been here for a lot longer than most of you and we have been accused of trying to regulate the paint in people's bathrooms and getting a permit to paint the baby's closet and things.

Commissioner Lago: We don't need to get permits anymore for interior.

Mayor Valdes-Fauli: This is another one of those things. This is a person's back hedge and if it falls over or topples over the house of the person in back that's a nuisance, and we have these things to do, but I feel very, very uncomfortable in regulating hedges in back of people's gardens, very uncomfortable.

Vice Mayor Keon: All I would like is something that says, if its your hedge you have to maintain both sides of the hedge.

Deputy City Attorney Ramos: We can do something that says that.

Vice Mayor Keon: But we don't have that now so we can't do it.

Deputy City Attorney Ramos: And the other person would have to allow these people onto their property.

Vice Mayor Keon: But that's OK, if they allow them on they'll maintain it. Tell them you have to maintain both sides and you tell the other neighbor that wants it done that you have to allow them on your property, and that's the end of the story and that's as much as we can do.

Commissioner Mena: What is the rule for hedges in the front yard?

City Attorney Leen: There is no limit on hedges in the front yard.

Commissioner Quesada: Triangle visibility – when you are reversing out of your driveway, you can't have a hedge that blocks your view when you are reversing out, that's a safety issue.

Commissioner Mena: But I'm talking about with respect to height...I know you are talking about how far it comes out.

Commissioner Quesada: Well that's the distance away from the ingress and egress, as well as height, so I want to say six feet maybe.

Vice Mayor Keon: Four feet is how high you can go.

Commissioner Mena: Any hedges in the front yard of a house has to be four feet?

Mayor Valdes-Fauli: You can have taller hedges in the front yard, much taller, as long as it doesn't interfere in the triangular visibility which means that cars will not run into you because they can't see you backing out of your driveway.

Commissioner Quesada: So you have a better field of vision if someone is walking down the sidewalk.

Commissioner Mena: The reason I'm bringing this up and I know it got taken off the agenda, but I just want to point it out is, in Item F-4, the one that got removed that we discussed a little while ago, there is something in there that says that the requirement for front yards for not only fences, but also hedges is four feet, period, and I don't think that's currently the rule, I think its more in

line with what the Mayor and Commissioner Quesada are saying, I want to be careful with the language in that document. When we get to it next time that that's not what we put in.

Vice Mayor Keon: I think it is. Mr. Trias what is the – is there anything in the Code that limits the height of hedges in the front yard currently?

Planning and Zoning Director Trias: No. What's limited is the height of the walls, they have to be four feet, concrete and then you can do two extra feet with...

Commissioner Lago: A gate – some sort of...

Vice Mayor Keon: Could the hedge be higher than that six feet then?

Planning and Zoning Director Trias: Yes, right now, yes.

Vice Mayor Keon: You can keep going, as high as you want it to be.

Planning and Zoning Director Trias: When I was asked this question by the City Attorney, eight feet typically is as high as you want to have a hedge, if you want to keep a reasonable neighborhood feel. Now if we go back to Merrick's original idea of single family development, he didn't want to have any type of walls in the front of any house because he was trying to keep it as open as possible that front yard was kind of like a shared open space, that was the original idea, but that has been lost through the years, because of the building of many walls.

City Attorney Leen: So Mr. Mayor just what you can do with the hedge on both sides is you can say that if you put a hedge in on your back yard, for example, your back lot line, that you are responsible for both sides, but the other side is at the request of the other neighbor, if they request it then they are responsible. Someone needs to be responsible, but if they request you to do it, then you have to do it and you are responsible for both sides, they will give you consent to go on their property to be able to maintain the other, if they don't give that consent then they are responsible.

Vice Mayor Keon: That's all I would ask, yes.

Deputy City Attorney Ramos: The Town of St. Petersburg does exactly that. They do limit it, but then they say if its on the property line that person has to maintain both, assuming they have consent to enter, if you don't have consent to enter its on them.

Vice Mayor Keon: OK. So how do we get that? Can I just make a resolution that says that, or make a motion that says that?

Deputy City Attorney Ramos: You can either codify it, you need to direct me to prepare something for the next meeting.

Vice Mayor Keon: Yes, thank you, just that...

Commissioner Quesada: And its limited if its on the property line.

Vice Mayor Keon: If its on the property line you have to maintain both sides.

Deputy City Attorney Ramos: And no height.

Commissioner Quesada: What's the definition of the property line?

Mayor Valdes-Fauli: Commissioner Quesada next item.

[End: 4:21:47 p.m.]