

34 WHEREAS, the Village Council of the Village of Pinecrest, Florida adopted the
35 *Pinecrest Parkway (US 1) Vision Plan* on October 9, 2012 for the future development,
36 redevelopment, beautification, and enhancement of Pinecrest Parkway; and

37 WHEREAS, the Village Council has identified amendments to the Village’s Code
38 of Ordinances and Land Development Regulations necessary for implementation of the
39 goals, objectives, and policies of the Village’s Comprehensive Development Master Plan,
40 and Pinecrest Parkway (US 1) Vision Plan; and

41 WHEREAS, the Village Charter empowers the Village Council to adopt, amend or
42 repeal its ordinances and resolutions as may be required for the benefit of the residents of
43 the Village of Pinecrest; and

44 WHEREAS, the Local Planning Agency, held a duly advertised public hearing on
45 June 9, 2015; and

46 WHEREAS, after reviewing the Local Planning Agency’s recommendations, the
47 recommendations of Village staff, and comments from the public, the Village Council finds
48 that the proposed amendments to its Code of Ordinances and Land Development
49 Regulations are in compliance and consistent with Florida law, its adopted
50 Comprehensive Development Master Plan, and the Pinecrest Parkway (US 1) Vision Plan;
51 and

52 WHEREAS, the Village Council further finds it to be in the best interest of the public
53 health, safety and welfare of the citizens to adopt the ordinance amending the Village’s
54 Code of Ordinances and Land Development Regulations;

55 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE
56 VILLAGE OF PINECREST, FLORIDA:

57

58 **Section 1. Recitals.**

59 The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being
60 true, correct and reflective of the legislative intent underlying this Ordinance and are
61 hereby made a specific part of this Ordinance.

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62 **Section 2. Amendment and Adoption.**

63 That the Village of Pinecrest Code of Ordinances, Chapter 30, Land Development
64 Regulations, Article 3, Development Approval Procedures, Article 5, Additional
65 Regulations, Article 6, Environmental Regulations, Article 7, Signs, and Article 9, Rules of
66 Construction and Definitions are hereby amended as follows:

67 **Chapter 30. Land Development Regulations**

68 **Article 3. Development Approval Procedures**

69 **Div. 3.9. - Appeals.**

70 (a) *Exhaustion of remedies required; appeals.* No person aggrieved by any decision of
71 the administrative official, the zoning board or the village council relative to
72 administration of the land development regulations may apply to the court for relief
73 unless that person has first exhausted the remedies provided for in the land
74 development code. Appeals of a final decision shall be filed in a court of competent
75 jurisdiction.

76 (b) *Copy of the record.* For the purposes of review by the court, the administrative official
77 shall make available for public inspection and copying the record upon which each
78 final decision of the village council is based. Prior to certifying a copy of any record
79 or portion thereof, the administrative official shall make all necessary corrections in
80 order that the copy is a true and correct copy of the record. The administrative official
81 may make a reasonable charge commensurate with the cost of furnishing the record
82 or any portion thereof.

83 (c) *Regulatory takings; vested right.* It is the intent of the village council that no decision
84 under this land development code shall constitute a temporary or permanent
85 regulatory taking of private property ("taking") or an abrogation of vested rights
86 ("vested rights abrogation").

87 1. In the event that any court shall determine that a decision of the village council
88 under this land development code constitutes a taking or vested rights
89 abrogation, such decision of the village council is declared to be non-final and
90 the court is hereby requested to remand the matter to the village council, which
91 shall reconsider the matter in a properly noticed public hearing.

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- 92 2. In the event that a court fails to remand a matter to the village council after
93 finding that a taking or vested rights abrogation has occurred, the administrative
94 official is instructed to forthwith file an application to remedy such taking or
95 vested rights abrogation, which application shall be heard directly by the village
96 council in a properly noticed public hearing.
- 97 3. The village council may elect to request that any remand or administrative
98 official's application be deferred until a later point in the litigation, including the
99 completion of any judicial appeals.

100 **(d) Appeals from Decisions of the Zoning Board.**

101 **1. An appeal from any decision of the Zoning Board may be taken to**
102 **the Village Council by any person who is aggrieved by such**
103 **decision. Any person desiring to appeal a decision of the Zoning**
104 **Board shall, within 14 days from the date of such decision, file a**
105 **written notice of appeal with the Village Clerk, whose duty it shall**
106 **then become to send written notice of such appeal to all persons**
107 **previously notified by the Zoning Board. The matter shall then be**
108 **heard by the Village Council at its next meeting, provided at least**
109 **10 days has intervened between the time of the filing of the notice**
110 **of appeal and the date of such meeting; if 10 days shall not**
111 **intervene between the time of the filing of the notice and the date**
112 **of the next meeting, then the appeal shall be heard at the next**
113 **following regular meeting of the Village Council. An appeal shall**
114 **stay all proceedings in the matter appealed from until the final**
115 **disposition of the appeal by the Village Council.**

116 **2. Upon the taking of an appeal, the Village Council shall conduct a**
117 **de novo hearing and shall consider why the decision of the Zoning**
118 **Board should or should not be sustained and/or modified. By**
119 **resolution, the Village Council shall affirm, modify or reverse the**
120 **decision of the Zoning Board by a majority vote of all members**
121 **present.**

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122 **3. An appeal from any decision of the Village Council, after the final**
123 **disposition of an appeal from the Zoning Board, shall be in**
124 **accordance with the terms and conditions set forth in herein.**

125 **Article 5, Additional Regulations**

126 **Div. 5.19. - Appearance of site and structures.**

127 The following standards shall apply within all zoning districts:

- 128 (a) *Architectural style and color.* All buildings constructed shall be of an architectural
129 style and color which will harmonize with the premises and with other buildings
130 in the same neighborhood. Facades shall be designed to reduce the mass/scale
131 and uniform monolithic appearance of large unadorned walls, while providing
132 visual interest that will be consistent with the community's identity and character
133 through the use of detail and scale. Articulation shall be required and
134 accomplished by varying the building's mass in height and width so that it
135 appears to be divided into distinct massing elements and details that can be
136 perceived at the scale of the pedestrian or motorist.

137 Residential building facades and elevations shall be designed to minimize the
138 visual impacts of the scale of the building. Front and side facade design of the
139 second story of two-story residential dwellings shall include building design
140 variations at intervals no greater than seventy-five (75) feet to minimize scale
141 impacts and promote activated elevations. Design variations or intervals shall be
142 a minimum of 7.5 feet in length and 5 feet in depth.

143 Buildings constructed within the commercial zoning districts adjacent to Pinecrest
144 Parkway shall be designed in accordance with the architectural styles and color
145 palette of the Pinecrest Parkway (US 1) Vision Plan. Corporate chain building
146 designs and prototype/generic architectural designs may be permitted to the
147 extent that they comport with the architectural design standards of the *Pinecrest*
148 *Parkway (US 1) Vision Plan* adopted by the Village Council on October 9, 2012.

149 The village council shall make the final determination of architectural harmony.

- 150 (b) *Location and screening of mechanical equipment and utility hardware.*
151 Mechanical equipment or other utility hardware on roofs shall be harmonious
152 with the building or they shall be located and/or screened so as not to be visible
153 from any public ways within the impacted area.

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- 154 (c) *Location and screening of solid waste containers.*
- 155 1. *Permanent waste storage area.* All permanent waste storage areas shall be
156 screened from adjacent properties and public ways by appropriate fences,
157 walls or landscaping.
- 158 2. *Required enclosure and access gate.* Dumpsters shall be maintained in an
159 enclosure with the service and access gate(s) closed except when being
160 serviced by a commercial refuse/garbage collector or when being used to
161 access the dumpster.
- 162 3. *Closed lid.* Dumpster lids shall be kept closed at all times when the dumpster
163 is not being used or serviced.
- 164 4. *Violations; health hazards.* Garbage and trash shall be placed inside the
165 dumpster and not on or around the dumpster or the enclosure. Loose
166 garbage and trash in plain view is a violation of this Code, a health hazard,
167 and aesthetically undesirable. The property owner shall be responsible for
168 keeping the enclosure and surrounding area litter, garbage, and trash free at
169 all times. It shall be a violation of the Code of Ordinances to allow the
170 dumpster to be filled to over capacity so that the dumpster lid is prevented
171 from closing on top of the garbage bags.
- 172 5. *Maintenance and repair of enclosures.* Approved enclosures shall be
173 maintained in good condition, repair and appearance at all times so as to
174 allow for collection of materials and to eliminate odors.
- 175 6. *Location of dumpster and enclosure.* The location on site of a dumpster and
176 the dumpster enclosure shall require the prior approval of the director of
177 public works. A dumpster shall be kept in a place easily accessible to
178 authorized collection vehicles at all times and no service shall be given to
179 those placing or permitting objects, ground level or overhead obstructions, or
180 vehicles, to hinder in any way whatsoever the servicing of bulk containers by
181 authorized collection vehicles. Unless in a public right-of-way for purposes of
182 collection only, all dumpsters shall be placed within an approved enclosure.
183 It shall be unlawful for any person to place or store, or allow to be placed or
184 stored, a dumpster upon or in any public street, alley or right-of-way;
185 provided, however, that such container or receptacle may be placed in the
186 public right-of-way during the collection/emptying process.
- 187 7. *Dumpster space designation and enclosure requirement.* All real property
188 utilizing dumpsters in a BU or Office zoning district shall provide an
189 enclosure of a size that would permit the moving in or out of the dumpster

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190 without damage to the enclosure. The enclosure shall be a minimum of 12
191 inches above the dumpster.

192 8. *Approved enclosure.* All enclosures shall consist of walls and any fencing
193 shall be of wood, plastic lumber or chainlink. Wood or plastic lumber shall
194 be a minimum of 1.5 inches thick. Enclosures shall have a gate for collection
195 equipment access, and may also have a gate for pedestrian access. All gates
196 shall be totally opaque and the enclosures shall be constructed of one of the
197 following materials:

198 a. *Masonry walls.* All exterior faces of the wall shall be finished and of
199 professional quality such as stucco, pre-finished blocks, stacked block
200 and struck joints, shadow blocks. The wall shall be painted and installed
201 in a workmanlike manner and meet with the approval of the
202 administrative official.

203 b. *Concrete walls.* Pre-cast concrete walls of quality deemed acceptable to
204 the administrative official.

205 c. *Wood fencing.* Substantial wood fences of durable species,
206 incorporating architectural design features to enhance appearance, of
207 quality and design acceptable to the administrative official. In making
208 this determination, consideration shall be given to: i) The thickness of the
209 wood which must be a minimum of 1.5 inches; ii) Whether the wood is
210 pressure treated or has a finish that protects the wood from the elements;
211 and iii) Minimum six inches by six inches corner post and four inches by
212 four inches intermediate posts of pressure treated materials.

213 d. *Plastic lumber fencing.* Lumber shall be plastic members of new or
214 recycled materials able to withstand the climatic and ultraviolet
215 conditions of the region and of a quality and design acceptable to the
216 administrative official. In making this determination, consideration shall
217 be given to: i) Whether the material is coated or has a finish that protects
218 the plastic from the elements; ii) Adequacy of supporting in-ground posts;
219 iii) The lumber must be a minimum of nominal one-inch by nominal six-
220 inch boards and shall have a maximum spacing between boards of one
221 inch; and iv) Compatibility of materials with existing materials on the
222 subject property and surrounding neighborhood.

223 e. *Chain-link fencing.* Dumpster enclosures may be made of chain-link
224 fencing with opaque material attached to the chain-link fencing so that
225 the dumpster is not in public view.

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- 226 f. *Gates.* Dumpster enclosure gates shall be constructed of a metal frame
227 with wood or metal slats or other facing material. Servicing gates, upon
228 opening, may not swing into the right-of-way and shall incorporate gate
229 stops that are functional in the full open and closed positions. Hinge
230 assemblies shall be strong and durable such that access and servicing
231 gates do not sag and function properly. All gates for pedestrian access
232 shall be no more than 48 inches in width and no less than 36 inches in
233 width. Enclosure gates shall be closed at all times except for the time
234 necessary to service the bulk container. Maze style openings shall be
235 permitted in place of a pedestrian access gate. A maze style opening is
236 an opaque wall or fence that can be located no more than 48 inches
237 and no less than 36 inches from the enclosure opening and must be a
238 minimum length of 1.5 times in length of the opening and shall be
239 centered upon the opening. Enclosure openings shall be no more than
240 48 inches in width and no less than 36 inches in width.
- 241 9. *Setback.* All dumpster enclosure walls and/or fences shall be located a
242 minimum of five feet from adjoining commercial areas and ten feet from
243 adjoining residential uses; and a minimum of five feet from public and
244 private rights-of-way unless not physically possible.
- 245 10. *Garbage containers.* All receptacles and bulk containers which receive
246 garbage, liquid waste or food from food handling operations including, but
247 not limited to, bakeries, meat processing plants, restaurants, or any business
248 establishment where it is determined that garbage, liquid waste or food will
249 be accumulated, shall have a poured to grade level concrete slab. If
250 available, dumpster site shall have facilities for washing containers and
251 ability to drain to an acceptable sanitary disposal system. If the
252 aforementioned facilities are available, or can be reasonably installed then
253 the dumpster shall have washout plugs. For purposes of this Code, storm
254 drains shall not be considered as an acceptable sanitary disposal system. If
255 no suitable drain, grease trap or sanitary disposal system is available, the
256 dumpster containers shall be sealed so that no liquid gets on the pad or
257 ground. Dumpster collection shall be frequent enough so as to keep odors to
258 a minimum. Odors shall also be kept at a minimum through artificial means
259 such as masking agents or whatever products are available to handle odors.
260 Containers shall be constructed in accordance with the provisions of the state
261 building code and must be approved by and meet the state department of
262 health requirements.

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- 263 11. *Exceptions.* All dumpsters and trash receptacles must comply with this Code
264 except for the following:
- 265 a. Dumpsters and receptacles located in service yards, that are screened
266 from public ways with a minimum six feet high fence or suitable dense
267 landscaping as approved by the administrative official. The dumpsters
268 and receptacles must not be visible from the public's view.
 - 269 b. Dumpsters and receptacles located at permitted construction sites.
- 270 12. *Time of placement and removal of receptacles.* Residential trash, trash and
271 garbage receptacles may not be placed for curbside pickup more than 24
272 hours before pickup and all receptacles must be removed from the curbside
273 within 24 hours after pickup. **During all other times, residential trash**
274 **and recycling receptacles shall be kept within or adjacent to a**
275 **carport or garage or immediately adjacent to either side of the**
276 **residence, behind the building elevation facing any street. On**
277 **corner lots, residential trash and recycling receptacles may be**
278 **kept adjacent to the carport or garage, in front of the building**
279 **façade, provided the receptacles are screened from view from**
280 **the adjoining right-of-way with landscaping shrubs and plants.**
- 281 (d) *Utility lines.* In new construction, all utility lines shall be placed underground. All
282 telephone lines shall be placed underground. Service lateral electrical distribution
283 lines serving individual installations shall be placed underground. Other high
284 voltage electrical lines may be placed underground or on concrete poles,
285 provided that the poles are within the street right-of-way and have provisions for
286 street lighting. Large transformers shall be placed on the ground and be mounted
287 on pads and contained within enclosures or vaults. Where enclosures or vaults
288 are used, the construction and design shall be compatible with primary building
289 design. Landscaping with shrubs and plants shall be provided to screen pad
290 mounted transformers.
 - 291 (e) *Activities conducted in enclosed buildings.* All businesses and services shall be
292 conducted within completely enclosed buildings unless otherwise permitted by the
293 Code. If the village council determines that a demonstrated necessity exists for
294 limited outside storage due to the impracticality and unreasonableness of
295 enclosure of such goods, the goods shall be effectively screened by a ninety-five
296 percent or greater opaque wall with a life expectancy of 20 years or more from
297 the date of installation of said walls. Storage shall not occur above the height of
298 such walls. No such storage shall be visible from a public way.

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- 299 (f) *Exterior lighting.* Light sources shall be shielded and arranged to eliminate glare
300 from roadways and streets; and shall be directed away from properties lying
301 outside the district. Shielding of lighting elements shall be accomplished by using
302 an opaque shade to direct the light.
- 303 (g) *Wooden decks not exceeding 18 inches in height.* Any side of any wooden deck
304 above grade shall be enclosed from the edge of such deck to the existing grade,
305 by wood slats or lattice work, in such a way as to prevent the area below the
306 wooden deck from being visible from any adjacent property or waterway.
- 307 (h) *Air conditioning and heating units; pool pumps.* In all districts, the exhaust or
308 mechanical part of any air conditioning or heating unit, other than window units,
309 and all pool pumps, shall not be placed or installed within five feet of any
310 property line. Where feasible, air conditioning units should be baffled for noise.
311 Pool pumps shall be baffled to reduce noise or covered to minimize noise at the
312 property line. All such facilities shall be screened from public view.
- 313 (i) *Construction fencing.* A project site that meets the following standards is required
314 to install a construction fence, which means a temporary six-foot chain link fence
315 with a green color fabric. The fence and screening must remain in place, upright
316 and in good repair throughout the construction process.
- 317 (1) *Clearing, grading, stockpiling or soil or demolition.* A construction fence is
318 required where clearing, grading, stockpiling of soil or demolition is
319 proposed as follows:
- 320 a. A lot located in the residential or commercial zoning districts shall install
321 a fence on the front, side, and rear lot lines prior to commencement of
322 clearing, grading or demolition.
- 323 b. Fencing must be removed upon final grading and landscaping or upon
324 replacement with a permanent fence or wall. If no construction has
325 occurred within 45 days of completion of a demolition or lot clearing, the
326 fence shall be removed within 30 days after the final inspection.
- 327 (2) *Major remodeling.* Major remodeling shall mean an increase in the building
328 volume of 10,000 cubic feet or more, an increase in the building footprint of
329 1,000 square feet or more or new construction with a building footprint of
330 1,000 square feet or more. A construction fence is required for major
331 remodeling as follows:

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- 332 a. A lot located in the residential or commercial zoning districts shall
 333 contain a fence on the front, side and rear lot lines. Fencing must be
 334 removed upon final electrical inspection.
- 335 b. All other lots shall contain a fence on the side and rear lot lines. Fencing
 336 may be removed upon final grading and landscaping or upon
 337 replacement with a permanent fence or wall.
- 338 (3) *New Construction/Major alteration.* Major alteration shall mean a change of
 339 50 percent or more of the gross square footage of an existing structure for
 340 reconstruction, rehabilitation, removal of walls, or other improvement
 341 excluding replacement of the roof. A construction fence is required for major
 342 alteration as follows:
- 343 a. A lot located in the residential or commercial zoning districts shall
 344 contain a fence on the front, side, and rear lot lines. Fencing must be
 345 removed upon final electrical inspection.
- 346 b. All other lots shall contain a fence on the side and rear lot lines. Fencing
 347 must be removed upon final grading and landscaping or upon
 348 replacement with a permanent fence or wall.
- 349 (4) *Exception to installation of construction fence.* Where a construction fence
 350 would be required for a residential lot pursuant to subsection (1), (2), or (3)
 351 above and the owner or contractor obtains a construction fence waiver from
 352 the owner of the property that abuts the project site, the building official may
 353 waive the requirement for all or a portion of the construction fence but retains
 354 the right to require a construction fence at any time. Any required silt and
 355 sediment barriers shall still be installed as required.
- 356 (5) *Installation.* Installation of a construction fence shall occur prior to any
 357 construction activity or material deliveries. The fence shall not be placed so as
 358 to create a public safety hazard. Where the project site is enclosed by a
 359 fence, the fence gate shall not open towards the road right-of-way and shall
 360 be locked during non-working hours.
- 361 (j) *Permanently installed generators.*
- 362 (1) *Setbacks.* In all districts, pads for permanently installed generators shall be
 363 located or installed no less than five feet from any property line or from the
 364 principal structure. Provided, however, the exhaust outlet of a generator shall
 365 be located no less than 10 feet from any part of any "packaged" air
 366 conditioning unit, any operable doors, windows, vent outlets, or other

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367 openings. In no event shall a generator or above-ground fuel tank be placed
368 forward of the front or corner side building line.

369 (2) *Vertical elevation.* When a permanently installed generator is located within
370 an "AE" flood zone, the top elevation of the pad shall be no lower than the
371 base flood. In "X" or "X-500" zones, the minimum elevation of the pad shall
372 be set at an elevation no less than eight inches above the roadway crown.

373 (3) *Fuel tanks.* All fuel tanks shall be located no less than five feet from any
374 property line. Above-ground fuel tanks are considered as accessory structures
375 and therefore subject to the setbacks of the appropriate zoning district.

376 (4) *Screening.* Generators and above-ground fuel tanks must be screened from
377 public view by landscaping or other acceptable material.

378 (5) *Testing.* The testing of a permanently installed generator shall be limited to
379 once per week for a period of no more than 30 minutes between 8:00 a.m.
380 and 6:00 p.m., and further limited to Monday through Saturday.

381 (k) *Maintenance of Construction Sites.* All construction sites shall be maintained in
382 a safe and clean condition free from liter, abandoned and/or junk material.

383

384 **Article 6, Environmental Regulations**

385 **Div. 6.1. - Landscape regulations.**

386 (a) *Applicability.* The provisions of these landscape regulations shall apply to all existing
387 or future development in the village. No building permit, certificate of use, certificate
388 of occupancy or certificate of completion shall be issued unless the applicant
389 complies with these regulations. It is the intent of these regulations to establish
390 minimum landscape standards for the village that enhance, improve, and maintain
391 the quality of the landscape, promote economic and environmental health, minimize
392 heat island effects, and naturally treat storm water runoff, thereby enhancing the
393 quality of life and outdoor recreational opportunities in the village.

394 (b) *Landscape plans.*

395 1. *General.* Landscape plan(s) and, where required by the Code, irrigation plan(s),
396 shall be reviewed and approved by the administrative official prior to the
397 issuance of any building permit, or permit for paving for new parking areas or
398 expansion of existing parking areas.

399 2. *Landscape plan contents.*

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- 400 a. *Owner/builder of new single-family or duplex dwellings or substantial*
401 *improvements.* Landscape plans submitted for new single-family or duplex
402 dwellings or substantial improvements over 50 percent to such dwellings,
403 may be in the form of a plot plan or drawing prepared by the owner or the
404 owner's representative; provided however, developments requiring site plan
405 approval pursuant to the Code shall meet the requirements of this division
406 6.1, and F.S. ch. 481.
- 407 b. *All other development.* The landscape plan for development other than that
408 provided for in a. above shall be prepared by, and bear the seal of, a
409 landscape architect licensed to practice in the state, or by persons authorized
410 by F.S. ch. 481, to prepare landscape plans or drawings. Landscape plans
411 shall be provided as part of the submission for site plan approval and
412 permits and shall:
- 413 i. Be drawn to scale and include property boundaries, north arrow,
414 graphic scale, and date.
 - 415 ii. Include a vegetation survey provided at the same scale as the landscape
416 plan, including aerial photo which outlines the subject site without
417 obscuring it.
 - 418 iii. Identify all landscape features and non-living landscape materials.
 - 419 iv. Delineate location of existing and proposed structures, parking spaces,
420 accessways and other vehicular use areas, sidewalks, utilities,
421 easements, and the height and voltage of all above ground power lines
422 on the property or adjacent property, including street trees nearby the
423 power lines.
 - 424 v. Indicate the common and scientific names, quantity, and size of plants to
425 be installed using "Landscape Legend" Code format as prescribed by the
426 administrative official.
 - 427 vi. Show all areas of vegetation required to be preserved by these
428 landscape regulations, including but not limited to trees, specimen trees,
429 native plant species, and native habitats.
 - 430 vii. Show existing conditions, trees and landscape to be removed (on a
431 separate sheet).
 - 432 viii. Illustrate geologic, historic and archeological features to be preserved.
 - 433 ix. Depict stormwater retention/detention areas and areas excluded from
434 maximum permitted lawn area.

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- 435 x. Document land use district classification, net lot area, required open
436 space, and maximum permitted lawn area.
- 437 xi. Show building coverage and the location and dimension of greenbelts,
438 landscape buffers, and water areas proposed for business and other
439 land uses, as may be required.
- 440 xii. Indicate method(s) to protect and relocate trees and native plant
441 communities during construction.
- 442 xiii. Show planting details and specifications.
- 443 xiv. Include irrigation plans, as required by the zoning district, with irrigation
444 details and specifications.
- 445 xv. Include an illustration demonstrating that the trees will be planted in a
446 manner compliant with energy conservation zone requirements.
- 447 3. *Vegetation survey.* A vegetation survey shall be provided for all sites at the same
448 scale as the landscape plan. Surveys shall be verified by the administrative
449 official. The vegetation survey shall provide the following information:
- 450 a. The accurate location and graphic representation by size (DBH), canopy,
451 and type of tree, in relation to existing development of all existing trees of a
452 minimum two inches DBH or ten feet in height or, for native trees, of a
453 minimum 1½ inches DBH or eight feet in height, including those which are
454 proposed to be removed, relocated or preserved on-site in accordance with
455 the requirements of landscape regulations.
- 456 b. The boundaries of any native habitat, native plant community, native plant
457 species, and/or natural forest community and associated understory that
458 exists on site, as determined by the administrative official.
- 459 c. A table showing the following information:
- 460 i. The scientific and common name of each tree, each of which shall be
461 numbered;
- 462 ii. The diameter at breast height (DBH) of each tree, or if a multiple trunk
463 tree, the sum DBH for all; and
- 464 iii. Estimated height, canopy cover, and physical condition of each tree,
465 and whether specimen tree(s) exist on-site.

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- 466 4. *Irrigation plan.* An irrigation plan shall be submitted whenever an irrigation
467 system is required by zoning district regulations or where a landscape plan is
468 required.
- 469 a. *New single-family or duplex dwellings or substantial improvements.* For a
470 new single-family or duplex dwelling or substantial improvement over 50
471 percent to such dwellings, the irrigation plan may be indicated on a plot plan
472 or a separate drawing prepared by the owner or the owner's agent
473 indicating area(s) to be irrigated, locations and specifications of lines and
474 heads and pump specifications.
- 475 b. *All other development.* The irrigation plan for development other than that
476 provided in 4a above shall:
- 477 i. Be drawn on a base plan at the same scale as landscape plan(s).
- 478 ii. Delineate existing and proposed structures, parking areas or other
479 vehicular use areas, access aisles, sidewalks, driveways, the location of
480 utilities and easements, and similar features.
- 481 iii. Include water source, design, operating pressure and flow rate per zone,
482 total volume required for typical depths of application, and application
483 rate.
- 484 iv. Include locations of pump pipes, controllers, valves, sprinklers, back flow
485 prevention devices, rain sensor/shutoff devices and electrical supply and
486 irrigation details.
- 487 v. Delineate landscape areas, major landscape features, and hydrozones.
- 488 (c) *Tree removal and preservation.* Tree removal permits or natural forest community
489 vegetation removal permits are required prior to the removal of trees, specimen trees,
490 or any vegetation in a natural forest community, respectively. The administrative
491 official shall be responsible for administering and enforcing these provisions. Before
492 permitting the removal of any tree, the administrative official shall inspect and advise
493 the applicant concerning appropriate measures to be applied in order to comply with
494 these landscape regulations. The applicant shall clearly mark all trees proposed for
495 removal and identify them by type, size (DBH), canopy, and height.
- 496 (d) *Minimum landscape standards.* The following standards shall be considered minimum
497 requirements unless otherwise indicated:
- 498 1. *Lawn area (turf).*

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- 499 a. *Lawn areas.* Lawn areas shall be planted in a species well adapted to
500 localized growing conditions in the village. Lawn areas may be sodded,
501 plugged, sprigged, hydromulched, or seeded except that solid sod shall be
502 used in swales or other areas subject to erosion. In areas where other than
503 solid sod or grass seed is used, overseeding shall be sown for immediate
504 effect and protection until coverage is otherwise achieved. Developers are
505 encouraged to have no more than 40 percent of open area as lawn areas.
- 506 b. *Use of drought tolerant landscape material and limitations.* Drought tolerant
507 grasses and low growing native plants are strongly encouraged. Tree and
508 plant material requirements by land use district are presented in the following
509 table:

510 TABLE 6-1
511 MINIMUM STANDARDS FOR TREES AND GREEN SPACE

Zoning District	Number of Trees Required Per Acre of Net Lot Area ^{(1),(2)}	Minimum Percent Required Green Space
<i>Residential</i>		
RU-1 and RU-2	6	35%
EU-M and EU-S	12	35%
EU-1 and EU-IC	18	55%
RU-3	28	40%
RU-3M and RU4L	<u>28</u>	35%
RU4M and RU4	<u>28</u>	35%
<i>Office/Business/Commercial</i>		
RU5; BU-1, BU-IA, BU-2 and BU-3, PS, PR	<u>28</u>	18/22%

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512 ⁽¹⁾In addition to the above trees, street trees are required.

513 ⁽²⁾Minimum grade and standards. Plants installed pursuant to this Code shall
514 conform to, or exceed, the minimum standards for Florida Number One as
515 provided in the most current edition of "Grades and Standards for Nursery Plants,
516 Part I and H," prepared by the state department of agriculture and consumer
517 services. Prohibited or controlled trees shall not be counted toward fulfilling the
518 minimum tree requirements.

519 2. *Irrigation.*

520 a. All newly planted and relocated plant material shall be watered by
521 temporary or permanent irrigation systems until such time as they are
522 established.

523 b. Irrigation shall be prohibited within native plant communities and natural
524 forest communities, except for temporary systems needed to establish newly
525 planted material. Temporary irrigation systems shall be disconnected
526 immediately after establishment of plant communities.

527 c. Irrigation systems shall be designed to conserve water by allowing
528 differential operation schedules based on hydrozone.

529 d. Irrigation systems shall be designed, operated, and maintained to not
530 overthrow or overflow onto impervious surfaces.

531 e. Low volume water distributing or application devices, such as micro-jet
532 emitters or soaker hoses shall be used. Overhead irrigation systems shall only
533 be permitted in bonafide agricultural activity areas.

534 f. During dry periods, irrigation application rates of between one and one and
535 one-half inches per week are recommended for turf areas. Under drought
536 conditions, restrictions of the South Florida Water Management District
537 apply.

538 g. A functioning moisture or rain sensor device shall be required on all
539 irrigation systems equipped with automatic controls as required by state law.
540 The device shall not be installed under eaves of houses, buildings or other
541 structures, nor in the path of the irrigation system.

542 h. Irrigation systems shall be timed to operate only during hours and on days
543 permitted in the Landscape Manual administered by the village and
544 consistent with policies of the South Florida Water Management District.

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545 i. If an irrigation system is not provided, a hose bib shall be provided within
546 75 feet of any landscape area.

547

548 3. *Trees.*

549 a. *Tree size.* **Residential Zoning Districts:** All trees, except street trees
550 located beneath power lines, shall be a minimum of 12 feet high and have a
551 minimum caliper of three inches at time of planting and four feet of clear
552 trunk. Thirty percent of the tree requirement must be met by native species.

553 **Commercial Business Zoning Districts: All trees, except street**
554 **trees located beneath power lines, shall be a minimum of 20**
555 **feet high and have a minimum caliper of 8 to 10 inches at time**
556 **of planting and four feet of clear trunk. Thirty percent of the**
557 **tree requirement must be met by native species.**

558

559 b. *Street tree size and spacing.* Street trees shall be of a species typically grown
560 in the county and which normally mature at a height of at least 20 feet. Street
561 trees shall have a clear trunk of four feet, **and shall meet the following**
562 **height, diameter and spacing requirements:**

563 **i.** an overall height of 14 feet and a minimum caliper of three inches at time
564 of planting, and shall be provided along all roadways at a maximum
565 average spacing of 30 feet on center, except as otherwise provided in these
566 tree regulations; **or**

567 **ii. an overall height of 18 feet and a minimum caliper of four**
568 **inches at time of planting, and shall be provided along all**
569 **roadways at a maximum average spacing of 40 feet on center,**
570 **except as otherwise provided in these tree regulations;**

571 In the planting of street trees, consideration shall be given to the needs of
572 adjoining businesses in maintaining a reasonable view of permitted
573 advertising signs. Adjustments in required spacing may be permitted by the
574 administrative official as necessary to permit visibility of permitted signs and
575 allow maturation of planted trees, If the administrative official determines that
576 adjustments in required spacing requires the removal of a required tree from
577 the adjoining street frontage, the administrative official may permit the
578 removal of a maximum of one (1) tree if the property owner provides three
579 (3) replacement trees elsewhere on the subject property subject to review and

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580 approval of the administrative official. The 25-foot average spacing
581 requirement for multiple single-family units such as zero-lot-line and
582 townhouse units shall be based on the total linear footage of roadway for the
583 entire project and not based on individual lot widths. Street trees shall be
584 placed within the swale area or shall be placed on private property where
585 demonstrated to be necessary due to right-of-way obstructions as determined
586 by the administrative official. Street trees planted along private roadways
587 shall be placed within seven feet of the edge of roadway pavement or,
588 where present, within seven feet of the sidewalk. Suggested canopy trees that
589 are drought tolerant may be found in the landscape manual. Appropriate
590 types of street trees shall be approved by the administrative official.

591 c. *Power lines.* Where the height and location of overhead power lines require
592 the planting of low growing trees, street trees shall have a minimum height of
593 eight feet, a minimum caliper of two inches at time of planting, and shall
594 meet the following requirements:

- 595 i. Single tree trunks clear of lateral branches to four feet.
- 596 ii. A maximum average spacing of 25 feet on center.

597 d. *Palms planted as street trees.* Palms which meet all of the following
598 requirements shall count as a required street tree on the basis of two palms
599 per tree. Queen palms (*Syagrus romanzoffiana*) shall not be allowed as
600 street trees. No more than 30 percent of the requirement may be met by
601 palms.

- 602 i. Minimum canopy of 15 feet at maturity.
- 603 ii. Provided at an average maximum spacing of 25 feet on center.
- 604 iii. Fourteen feet minimum overall height or minimum caliper of four inches
605 at time of planting.

606 e. *Palms planted as shade trees (not street trees).* Palms of a 12-foot minimum
607 overall height or minimum caliper of three inches at time of planting shall
608 count as a required tree on the basis of two palms per tree, except as
609 provided herein for palms used as **of** street trees. No more than 30 percent
610 of the minimum tree requirements may be met by palms. Cabbage palms are
611 prohibited, except as provided herein.

612 f. *Required number of shade trees.* Trees shall be planted to provide shade to
613 residential structures of a height of 35 feet or less. At least three required lot
614 trees shall be positioned in the energy conservation zone as defined herein.

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- 615 g. *Shade for air conditioning units.* All exterior air conditioning units, except for
616 air conditioning units placed on the roof, shall be shaded and screened by
617 trees and/or shrubs.
- 618 h. *Preservation of existing trees.* Existing trees required by law to be preserved
619 on site and that meet the requirements set forth in the Code may be counted
620 toward fulfilling the minimum tree requirements. Dead trees shall be removed
621 and replaced as required following approval of a no-fee permit by the
622 Village.
- 623 i. *Prohibited and controlled tree species.* Prohibited and controlled tree species
624 shall not be counted toward fulfilling minimum tree requirements. Prohibited
625 trees shall be removed from the site.
- 626 j. *Required number of native species.* Thirty percent of the required trees or
627 palms shall be native species. Consistent with the goals of the Village's
628 initiative, "Bringing Pines back to Pinecrest", one third of the required number
629 of native species shall be Dade County Slash Pine trees native to Miami-Dade
630 County's pinelands.
- 631 k. *Limitation on cabbage palms.* In order to prevent adverse environmental
632 impacts to existing native plant communities, only existing Sabal palmettos
633 (cabbage palms) shall be used to satisfy minimum tree and native plant
634 requirements, except that cabbage palms rescued from government
635 approved donor sites, transplanted within the site, or commercially grown
636 from seed shall be counted toward the minimum tree and native plant
637 requirements.
- 638 l. *Maintenance of trees planted in right-of-way.* When trees are planted within
639 the right-of-way, the owners of land adjacent to the areas where street trees
640 are planted must maintain those areas, including the trees, plants and sod,
641 using pruning methods specified in these tree regulations. A covenant
642 executed by those owners is required, or a special taxing district must be
643 created to maintain these areas. Where a government with proper
644 jurisdiction determines that the planting of trees and other landscape material
645 is not appropriate in the public right-of-way, that governmental entity may
646 require that said trees and landscape material be placed on private property.
647 Dead trees shall be removed and replaced as required following approval of
648 a no-fee permit by the Village.
- 649 m. *Avoidance of related adverse impacts.* Consideration shall be given to the
650 selection of trees, planting and plant site, and conditions may be imposed in

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651 order to avoid serious problems such as clogged sewers, cracked sidewalks,
652 triangle of visibility, falling limbs, and encroachment into power lines to
653 prevent associated problems such as safety hazards and power service
654 interruptions. Trees and landscaping shall be maintained to avoid hazardous
655 conditions and adverse impacts.

656 4. *Shrubs (hedges).*

657 a. All shrubs shall be a minimum of 18 inches in height when measured
658 immediately after planting. Shrubs shall be provided at a ratio of ten per
659 required tree. Thirty percent of the shrubs shall be native species.

660 b. When used as a visual screen, buffer, or hedge, shrubs shall comply with all
661 criteria regulating location, number and character of plant material
662 necessary to meet the criteria for required buffers between dissimilar land
663 uses in paragraph eight below.

664 c. All shrubs shall be located within the property in such locations that would
665 enable those shrubs to be maintained entirely from said property.

666 5. *Vines.* Vines shall be a minimum of 12 inches in length immediately after planting
667 and may be used in conjunction with fences, screens, or walls to meet physical
668 barrier requirements as specified. Planting of perimeter walls with vines is
669 recommended as a deterrent to graffiti.

670 6. *Ground covers.* Ground cover plants used in lieu of grass, in whole or in part,
671 shall be planted in such a manner as to present a finished appearance and
672 reasonably complete coverage within one year after planting.

673 7. *Mulch.*

674 a. Weed-free mulch shall be applied and maintained in a minimum three-inch
675 layer under and around all trees and shrubs, and in a minimum two-inch
676 layer under and around all ground cover.

677 b. The use of mulch shall be restricted to the planting areas.

678 c. Cypress mulch shall not be used because its harvest degrades cypress
679 wetlands.

680 8. *Buffers between dissimilar land uses*s. Where dissimilar land uses exist on
681 adjacent properties, and where such areas will not be entirely visually screened
682 by an intervening building or structure from abutting property, that portion of
683 such area not so screened shall be provided with a buffer consisting of a six feet
684 wall or fence with a life expectancy of at least ten years, together with shrubs

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685 which normally grow to a minimum height of six feet or more and shall be
686 maintained at that height. Where chain link fencing is used, shrubs shall also be
687 required to cover such fence. Shrubs used as a buffer shall be planted at a
688 minimum of 24 inches on center and 30 inches in height at time of planting. The
689 buffer shall form a continuous unbroken and solid visual screen between the
690 dissimilar land uses within one year after planting. Buffers screening dissimilar
691 uses shall include mahogany or oak trees, or similar hardwood canopy trees
692 acceptable to the administrative official, planted at a maximum average spacing
693 of 25 feet on center and shall have a height of at least 16 feet within the
694 required setback. Shrubs required as a buffer shall not be trimmed shorter than
695 72 inches except where required in order to maintain a safe site distance.

696 9. *Buffers required for vehicular use area.* Shrubs shall be maintained at a minimum
697 height of four feet for all vehicle use areas, except where a shorter height is
698 required to maintain a safe sight distance. Shrubs shall be maintained at a height
699 of six feet or more, and shall provide a continuous buffer for vehicular use areas,
700 including a six-foot wall, in order to buffer areas between dissimilar uses. All
701 vehicular use areas adjacent to a right-of-way or private street shall be screened
702 by a continuous hedge planting at least four feet high and shall include a five feet
703 landscaped strip incorporating said planting or wall on private property. Planting
704 material shall be installed at a minimum of 24 inches on center and shall have a
705 height of 30 inches at time of planting.

706 10. *Landscaped areas in parking lots.* Ten square feet of landscaped area per
707 parking space shall be provided within a parking lot. In order to maximize the
708 distribution of shade, trees shall be planted throughout the interior of the parking
709 lot at a minimum density of one tree per 80 square feet of landscaped area,
710 exclusive of parking lot buffers. Planting islands for each tree shall have a
711 minimum width of five feet, exclusive of the curb dimension, and shall be planted
712 or covered with other landscape materials. This requirement is in addition to any
713 applicable open space required pursuant to the provisions of the land
714 development code. Every eight spaces, a landscaped island extending at least
715 three-quarters of the depth of the parking space shall be provided that is at least
716 five feet wide, exclusive of the curb dimension, and shall include at least one
717 shade tree per row or per 25 linear feet, whichever formula provides the greater
718 number of trees. Landscaping in parking areas and along streets shall be in
719 addition to the minimum required trees per acre according to the minimum
720 standards for green space identified herein.

721 11. *Plant quality.*

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- 722 a. *Minimum grade and standards.* Plants installed pursuant to these tree
723 regulations shall conform to, or exceed, the minimum standards for Florida
724 Number One as provided in the most current edition of "Grades and
725 Standards for Nursery Plants, Part I and II," prepared by the State of Florida
726 Department of Agriculture and Consumer Services.
- 727 b. *Minimum height.* Trees installed pursuant to these landscape regulations shall
728 have one primary vertical trunk and secondary branches free of included
729 bark up to a height of four feet above natural grade.
- 730 12. *Stormwater retention/detention areas.*
- 731 a. Stormwater retention/detention areas shall be designed to maximize the
732 perimeter dimension, where feasible.
- 733 b. Stormwater retention/detention areas shall be planted throughout with native
734 herbaceous facultative plants with the following exceptions:
- 735 i. Areas that are designated and actively used for play or picnic areas,
736 overflow parking or sports activities shall be planted with grasses which
737 are very drought tolerant, as well as tolerant of wet soils.
- 738 ii. Areas where the minimum required stormwater retention capacity would
739 be adversely affected are excepted.
- 740 c. The minimum required number of native herbaceous facultative plants shall
741 be one plant per square foot of retention/ detention area, including the
742 slope. Minimum required herbaceous plant container size shall be 1½
743 inches, commonly referred to as a liner. Sprigging, seeding, plugging, hydro-
744 mulching or sodding with native herbaceous facultative plants grown from
745 local seed sources may be used in lieu of liners. Herbaceous plants shall be
746 planted in such a manner as to present a finished appearance and
747 reasonably complete coverage within one year after planting.
- 748 d. Native facultative trees or shrubs may be used in lieu of native herbaceous
749 facultative plants, provided that the minimum required stormwater retention
750 capacity is not adversely affected.
- 751 (e) *Landscape plan review criteria.* Landscape plans shall be reviewed in accordance
752 with the following criteria and the guidelines and illustrations provided in the
753 landscape manual.
- 754 1. *Landscape design.* Landscape design shall enhance architectural features, relate
755 structure design to the site, visually screen dissimilar uses and unsightly views,

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756 reduce noise impacts from major roadways and incompatible uses, strengthen
757 important vistas and reinforce neighboring site design and architecture.

758 2. *Preservation requirement.* Existing specimen trees and native vegetation
759 (including canopy, understory, and ground cover) shall be preserved to the
760 maximum extent possible and all applicable requirements of these landscape
761 regulations.

762 3. *Water conservation.* In order to conserve water, reduce maintenance, and
763 promote plant health, plant species shall be selected and installed based on their
764 water needs, growth rate and size, and resource needs. Plants with similar needs
765 shall be grouped in hydrozones. Adequate growth area based on natural mature
766 shape and size shall be provided for all plant materials.

767 4. *Use of native plant species.* The plan shall include use of native plant species in
768 order to reestablish an aesthetic regional quality and take advantage of the
769 unique diversity and adaptability of native species to the environmental
770 conditions of South Florida. Where feasible, the reestablishment of native
771 habitats shall be incorporated into the landscape plan.

772 5. *Planting in energy conservation zone.* Trees and shrubs shall be planted in the
773 energy conservation zone where feasible, in order to reduce energy consumption
774 by shading buildings and shall be used to reduce heat island effects by shading
775 paved surfaces.

776 6. *Street trees.* Street trees shall be used to shade roadways and provide visual
777 order. Where feasible, selected species shall be used to establish a road
778 hierarchy by defining different road types.

779 7. *Planting material near utility lines.* Special attention shall be given to the use of
780 appropriate species located under, or adjacent to, overhead power lines, near
781 native plant communities and near underground utility lines. Adequate growth
782 area shall be provided for all plant materials.

783 8. *Avoidance of visual obstructions.* Landscaping shall be designed to provide safe
784 and unobstructed views at intersections of roadways, driveways, recreational
785 paths and sidewalks.

786 9. *Historic landscapes and features.* Historic landscapes and landscape features
787 designated by local, state or federal governments shall be preserved.

788 (f) *Preparer's certification of landscape compliance.*

789 1. *Preparer's certification of landscape compliance.* A preparer's certificate of
790 landscape compliance bearing the original letterhead of the designing firm and

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791 licensing number shall be submitted to and approved by the administrative
792 official prior to issuance of any final certificate of occupancy. The preparer's
793 certification of landscape compliance shall contain a statement signed and
794 sealed by the landscape architect or by person(s) authorized to prepare plans,
795 who prepared the approved plans, that the landscape and irrigation plans have
796 been implemented and that all requirements of these landscape regulations have
797 been met. Any changes or substitutions to the approved plan shall be approved
798 by the administrative official prior to the implementation of said changes and
799 substitutions. All changes or substitutions to the approved plan shall be noted on
800 all copies and a revision shall be submitted and approved before installation.
801 Changes and substitutions of plant material shall be of similar quality, quantity
802 and size, as originally approved and shall be in compliance with the intent and
803 requirements of these landscape regulations.

804 2. *New single-family or duplex residence.* For a new single-family or duplex
805 residence on its own lot or applicable existing development, the owner or
806 owner's agent may certify in writing that landscape and irrigation improvements
807 have been installed according to approved plan(s).

808 3. *Inspection.* The administrative official shall inspect all projects for compliance
809 prior to issuance of a certificate of occupancy or a certificate of use.

810 (g) *Landscape manual.* The adopted village landscape manual shall provide an
811 illustrative interpretation of the standards provided herein and suggested guides for
812 landscaping in accordance with the above standards. If a manual for the village has
813 not been adopted, then the currently effective county landscape manual shall be the
814 guide until such adoption by the village.

815 (h) *Landscape maintenance.*

816 1. *Responsibilities of owner.* An owner is responsible to ensure that landscaping
817 required to be planted pursuant to these landscape regulations is: 1) installed in
818 compliance with the landscape requirements; 2) maintained as to present a
819 healthy, vigorous, and neat appearance free from refuse and debris; and 3)
820 sufficiently fertilized and watered to maintain the plant material in a healthy
821 condition.

822 2. *Existing developments.* Residential developments existing on September 5, 2001
823 shall maintain the required tree qualities and quantities as regulated by the
824 Miami-Dade County Landscaping Code in effect as of that date. Commercial
825 developments shall be required to comply with the provisions of these regulations
826 when the property owner receives approval to increase the floor area of

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827 development or for substantial improvement. Projects that have obtained
828 approval from the zoning board or village council shall be permitted to develop
829 in accordance with the approved plans. The issuance of a certificate of use shall
830 trigger compliance with these landscape regulations. An addition to an existing
831 residential development shall require compliance with these landscape
832 regulations governing street trees only.

833 3. *Replacement.* If any tree or plant which is being used to satisfy these landscape
834 regulations dies, such tree or plant shall be replaced with the same landscape
835 material or an approved substitute.

836 4. *Pruning requirements.* Trees shall be pruned in the following manner and shall be
837 consistent with the American National Standards Institute (ANSI) A-300:

838 a. All cuts shall be made at the branch bark ridge, outside of branch collar and
839 at junctions, laterals or crotches.

840 b. Removal of dead wood, crossing branches, weak or insignificant branches,
841 and suckers shall be accomplished simultaneously with any reduction in
842 crown.

843 c. Cutting of lateral branches that result in the removal of more than one-third of
844 all branches on one side of a tree shall only be allowed if required for
845 hazard reduction or clearance pruning.

846 d. Lifting of branches or tree thinning shall be designed to distribute over half of
847 the tree mass in the lower two-thirds of the tree.

848 e. No more than one-fourth of a tree's living canopy may be removed within a
849 one-year period, except for mango and avocado trees, which may be
850 pruned as follows:

851 1. Mango and avocado trees - In order to promote lateral branching as
852 necessary to improve tree stability, increase survivability in hurricanes
853 and high winds, and improve fruit production, one-third of the living
854 canopy of a mango or avocado tree may be removed each year for
855 three consecutive years within a limited three-year period, subject to
856 approval of a three-year, no-fee permit by the village. Vertical branches
857 less than four inches in diameter may be removed where they branch to
858 a main branch provided no more than one-third of the tree canopy is
859 removed. Following expiration of an approved three-year permit, no
860 more than one-fourth of a tree's living canopy may be removed within a
861 one-year period.

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862 5. Slash Pine, especially juvenile Slash Pine, is extremely sensitive to construction
863 disturbance, foot traffic around the base, and artificial irrigation. Precautions
864 shall be taken as necessary to preserve and maintain slash pines during and
865 after planting.

866 (i) *Prohibitions.*

867 1. *Prohibited plant species.* Prohibited species shall not be planted and shall be
868 removed from any site that is subject to the requirements of these landscape
869 regulations.

870 2. *Controlled plant species.* Controlled species shall not be planted within 500 feet
871 of a natural forest community or native habitats as defined herein.

872 3. *West Indian mahogany.* West Indian mahogany (*Swietenia mahagoni*) shall not
873 be planted within 500 feet of a rockland hammock or pine hammock.

874 4. *Tree abuse.* Tree abuse is prohibited. Abused trees shall not be counted toward
875 fulfilling the minimum tree requirements.

876 (j) *Enforcement.*

877 1. *Withholding a certificate of compliance.* The administrative official shall withhold
878 approval of any final regulatory action or final building inspection prior to the
879 issuance of a final certificate of use, certificate of occupancy or certificate of
880 completion until a preparer's certification of landscape compliance has been
881 approved.

882 2. *Inspections.* The administrative official shall have the right to inspect the lands
883 affected by these regulations, to order actions required for Code compliance, to
884 issue civil violation notices and to process cases to the special master for
885 violations.

886 3. *Violations.* Failure to install or maintain landscaping according to the terms of
887 these landscape regulations shall constitute a violation of this Code. Failures to
888 plant, preserve, or maintain each individual tree shall be considered to be a
889 separate violation of these regulations. Each day in which either landscaping or
890 individual trees are not installed or maintained according to the terms of these
891 landscape regulations shall constitute a continuing and separate violation of
892 these regulations.

893 (k) *Conflicts with other ordinances or regulations.* If these landscape regulations conflict
894 with other ordinances or regulations, the more stringent regulation or requirement
895 shall govern or prevail to the extent of the conflict.

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896 **Div. 6.2. - Tree preservation and protection.**

897 (a) *Generally.* These tree preservation and protection regulations ("tree regulations")
898 shall be a minimum standard for the protection, removal and relocation of trees and
899 shall be enforced by the village.

900 **(b) Tree cutting standards**

901 **1.No person shall commit tree abuse, hatrack or effectively destroy**
902 **any tree located on his or her property in the Village, unless**
903 **otherwise permitted by the terms of these tree regulations. Each**
904 **separate action shall constitute a violation of this section regardless**
905 **of whether the tree was previously abused, hatracked or effectively**
906 **destroyed.**

907
908 **2. Any tree that is cut in violation of this section shall be replaced as**
909 **set forth in this section.**

910
911 **(b)(c)** *Tree removal and relocation permits.*

912 1. *Permits required.*

913 a. *Tree removal.* A tree removal permit is required for the removal or relocation
914 of any tree in the village not specifically exempted below. ~~It shall be unlawful~~
915 ~~for any person, unless otherwise permitted by the terms of these tree~~
916 ~~regulations to do tree removal work or to abuse, improperly prune, hatrack,~~
917 ~~or effectively destroy any tree, or to effectively destroy any understory in a~~
918 ~~natural forest community.~~

919 b. *Illegal removal.* Trees that have been removed illegally shall be replaced on
920 the basis of two caliper inches per each one caliper inch of tree removed
921 [i.e., if a ten inch caliper tree was removed, a total of 20 caliper inches shall
922 be re-planted to comply with this provision]. Trees shall be replanted on site
923 and meet minimum standards for caliper and other provisions of these
924 regulations, including height.

925 c. *Violations.* A village official shall not issue a tree removal permit that does
926 not comply with these tree regulations. Any such permit issued in error or
927 under false pretenses shall be void. It shall be unlawful for any person to
928 violate or not comply with any of the conditions of a village tree removal or
929 landscape permit.

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- 930 1. *Mortgagees.* Any mortgagee with respect to property upon which any
931 violation of these regulations has occurred shall not be liable for such
932 violation unless, prior to said violation, said mortgagee has foreclosed
933 upon said property or participated in the management or control of said
934 property, or unless said mortgagee has effected or caused the tree
935 ordinance violations occurring on said property.
- 936 2. *Prior actions.* If actions or omissions constituting a violation of these
937 regulations occurred at a time when the completed actions or omissions
938 were not prohibited by law, such completed actions or omissions shall
939 not constitute a violation.
- 940 d. *Exemptions.* The following activities are exempt from tree removal permits,
941 but may only be undertaken following an inspection by the administrative
942 official.
- 943 1. Removal of any dead tree.
- 944 2. Removal of any of the following tree species (provided the tree is not
945 within a natural forest community, in which case a permit shall be
946 required, but all application and permit fees shall be waived by the
947 village):
- 948 i. *Melaluca quinquacervia* (cajeput/paperbark)
949 ii. *Adenanthcra pavonina* (red sandalwood)
950 iii. *Casuarina* (Australian pine, beefwood).
951 iv. *Cupaniopsis anacardioides* (carrotwood)
952 v. *Schinus terebinthifolius* (Brazilian pepper)
953 vi. *Dalbergia sissoo* (Indian dalbergia, sissoo)
954 vii. *Bischofia javanica* (bishopwood)
955 viii. *Ficus microcarpa* (laurel fig)
956 ix. *Ricinus communis* (castorbean)
957 x. *Psidium guajava* (guava)
958 xi. *Flacourtia indica* (governor's plum)
959 xii. *Albizia lebbek* (woman's tongue)
960 xiii. *Hibiscus tiliaceus* (mahoe)
961 xiv. *Acacia auriculaeformis* (earleaf acacia)

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- 962 xv. *Leucaena leucocephala* (lead tree)
- 963 xvi. *Scheffiera actinophylla* (Queensland Umbrella)
- 964 xvii. *Mimosa pigra* (catclaw niimosa)
- 965 xviii. *Araucaria heterophylla* (Norfolk Island Pine)
- 966 xix. *Thespesia populnea* (seaside mahoe)
- 967 xx. *Metopium toxiferum* (poison wood)
- 968 xxi. Hong Kong orchid tree
- 969 xxii *Ficus benjamina*
- 970 3. Removal of any tree which has been destroyed or effectively destroyed
- 971 by an act of God, or by acts outside of the control of any person,
- 972 individually or otherwise, who has or had a legal, beneficial or equitable
- 973 interest in the real property upon which such tree is located, which acts
- 974 could not have been prevented by the exercise of reasonable care by
- 975 that person. Where a tree has been destroyed or effectively destroyed as
- 976 described above, it is the intent of this provision to exempt from liability
- 977 for such destruction or effective destruction the person who has or had a
- 978 legal beneficial or equitable interest in the real property upon which such
- 979 tree is located if the person could not have prevented the destruction by
- 980 the exercise of reasonable care.
- 981 4. Removing, trimming, cutting or altering of any mangrove tree or removal
- 982 of any tree located upon land which is a wetland as defined in this
- 983 Code. Instead, trees located upon land which is a wetland and
- 984 mangrove trees located anywhere in the village shall be subject to the
- 985 applicable wetland permitting requirements of this land development
- 986 code.
- 987 5. Review of projects involving tree removal or relocation. The
- 988 administrative official shall review all applications for development
- 989 approval to determine if the applicant must apply for a tree removal
- 990 permit. The administrative official shall also review for the same purpose
- 991 proposed plans for new roadways or improvements to highway design
- 992 projects and proposed plans for new public parks and recreational
- 993 facilities and other public facilities.
- 994 ~~6. Tree pruning. Tree pruning must be conducted in accord with the~~
- 995 ~~American National Standards Institute (ANSI).~~

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- 996 2. *Permit application.* The administrative official shall provide permit application
997 forms for removal or relocation of trees within the village. An owner, agent of the
998 owner, or lessee of a property may apply for a tree removal permit. If the permit
999 application is a lessee or agent of the owner, a statement from the property
1000 owner indicating that the owner has no objection to the proposed tree removal
1001 shall accompany the application. The permit applicant shall submit to the
1002 administrative official a completed application form. Permit application forms
1003 shall be accompanied by two sets of site plans, which are subject to review and
1004 approval by the village administrative official. The site plan shall include the
1005 locations of all existing tree resources, the sizes (DBH), type, location, canopy
1006 spread, and all proposed structures or utilities which may require removal or
1007 relocation of trees. The administrative official may require that said plans be
1008 prepared by either a landscape architect, architect or an engineer registered in
1009 the state. If the submitted site plan does not provide sufficient information to
1010 determine which trees will be affected by the proposed development, the
1011 administrative official may require that a tree survey of the site be prepared and
1012 submitted for review.
- 1013 3. *Review and evaluation of permit application.* The administrative official shall
1014 conduct a review of each completed tree removal permit application. This review
1015 and all actions taken by the administrative official under the provisions of these
1016 tree regulations shall be conducted using best available practices from biology,
1017 botany, forestry, landscape architecture and other relevant fields, and shall be
1018 conducted in a manner that is consistent with all applicable goals, objectives and
1019 policies in the comprehensive development master plan. Upon receipt of a
1020 completed permit application, the administrative official shall visit the site and
1021 determine whether the site contains specimen trees or any other trees subject to
1022 the provisions of these regulations.
- 1023 a. *Specimen trees.* If a site contains any specimen trees, then the provisions of
1024 the specimen tree standards section shall apply.
- 1025 b. *Other trees.* If there are trees present on a site other than any portion of a
1026 natural forest community or specimen trees, then the replacement provisions
1027 of the replacement requirements for tree removal section shall apply.
- 1028 c. *Combination of tree types.* In the event that a site contains any combination
1029 of natural forest community, specimen trees or other trees, then the provisions
1030 of the Code shall be applied in proportion to the presence of each type of
1031 tree or community.

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- 1032 4. *Specimen tree standards.* The standards to be applied in reviewing tree removal
1033 applications involving specimen trees are as follows:
- 1034 a. *Specimen trees application.* Specimen trees shall be preserved whenever
1035 reasonably possible. Upon receipt of an application to remove a specimen
1036 tree, the administrative official shall consider the following factors in
1037 evaluating said application:
- 1038 i. Size and configuration of the property.
1039 ii. Size and configuration of any proposed.
1040 iii. Location of the tree relative to any proposed development.
1041 iv. Whether or not the tree can be preserved under the proposed plan or
1042 any alternative plan.
1043 v. Health, condition and aesthetic qualities of the tree.
1044 vi. Whether the tree poses a threat to persons or property.
- 1045 b. *Alternate plans.* If, upon review of the factors enumerated in subsection a.
1046 above, the administrative official determines that a specimen tree cannot
1047 reasonably be preserved under the proposed plan, then the applicant shall
1048 provide an alternate plan when feasible, which shall include preservation of
1049 the specimen tree and design alterations consistent with the scope and intent
1050 of the initially-proposed plan. Alterations consistent with the scope and intent
1051 of the initially proposed plan may include, but shall not be limited to:
- 1052 i. An adjustment of building orientation on a site.
1053 ii. An adjustment of lot lines within a site proposal where said adjustment
1054 will not cause an unreasonable loss of usable space. An applicant shall
1055 have the burden of proof in the determination of what constitutes an
1056 unreasonable loss of usable space.
- 1057 c. *Specimen tree relocation.* If preservation of the specimen tree and any
1058 alternate design consistent with the scope and intent of the initial plan are
1059 mutually exclusive, then the administrative official may issue a permit to
1060 relocate the specimen tree. If the tree removal permit requires relocation, then
1061 the applicant shall be required to relocate the tree in accordance with the
1062 standards set forth herein.
- 1063 d. *Removal of specimen trees.* If relocation of the specimen tree is not feasible
1064 due to the size, health, location, species or any other factor, then a permit
1065 may be issued for removal, and tree replacement shall be required.

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1066 e. *Replacement requirements for specimen trees.* **Removal of a specimen**
1067 **tree with a diameter at breast height of 18 inches or more shall**
1068 **require replacement at the rate of 1.5 or 2 times the caliper**
1069 **removed in accordance with the provisions of either paragraph**
1070 **i. or paragraph ii. below.** As a condition of the issuance of a tree
1071 removal permit for the removal of a specimen tree, tree replacement
1072 requirements shall be **as follows:**

1073 **i.** Twice those specified otherwise by these regulations in paragraph (6)
1074 below. For example, a tree with a caliper of 18 inches shall be replaced with
1075 a tree or trees (minimum four inches **diameter at breast height** (DBH)
1076 and 12 feet in height) having a **combined, cumulative** caliper of 36
1077 inches.

1078 **ii. one and one-half those specified otherwise by these**
1079 **regulations in paragraph (6) below, except that a tree with a**
1080 **caliper of 18 inches shall be replaced with a tree or trees**
1081 **(minimum eight inches diameter at breast height (DBH) and 25**
1082 **feet in height) and having a combined, cumulative caliper of 27**
1083 **inches.**

1084 **In instances where the Village Arborist determines that a**
1085 **specimen tree is causing damage to a home, street, driveway,**
1086 **or utilities located on a subject property and where the Arborist**
1087 **further conclusively determines that no other feasible**
1088 **alternative exists that would allow for preservation of the tree**
1089 **without further damage to those facilities, and where relocation**
1090 **of the damaged facility is not practical, replacement of the tree**
1091 **may be permitted at the rate of one or more trees equaling the**
1092 **diameter of the tree removed.**

1093 In the event that replacement is not feasible on-site, then alternative off-site
1094 replacement shall be required or, as a last alternative, there shall be a
1095 contribution to the village tree trust fund for the full value of the replacement
1096 trees. Additionally, there shall also be an equitable contribution to the village
1097 tree trust fund for the irreplaceable loss of the aesthetic and environmental
1098 contributions of the specimen tree(s), according to a contribution schedule
1099 established by resolution of the village council.

1100 f. *Exemptions.* An applicant may be exempt from the replacement requirements
1101 of paragraph e. above, but subject to the tree replacement requirements of
1102 paragraph c. above, under the following circumstances:

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- 1103 i. Upon submittal of a statement from a certified arborist registered in the
1104 state which indicates that a specimen tree, due to disease, condition,
1105 growth habit or any other reasonable botanical factor, does not provide
1106 the aesthetic or environmental contribution associated with a specimen
1107 tree. Said statement shall include the specific reason(s) for the claimed
1108 exemption from the provisions of these regulations.
- 1109 ii. When a site contains more than one specimen tree, and 50 percent or
1110 more of the existing specimen trees and at least 50 percent of the
1111 existing specimen tree canopy area is preserved.

1112 5. *Replacement requirements for tree removal.* As a condition of the issuance of a
1113 tree removal permit, the permittee shall be required to replace trees that are
1114 authorized to be removed under the provisions of these tree regulations. The
1115 number of trees and number of species of trees required for replacement shall be
1116 determined according to the specifications contained herein. **Tree**
1117 **replacement shall be not required in instances where the existing**
1118 **or proposed tree canopy equals or exceeds 70 percent of the area**
1119 **of the subject property.**

1120 The administrative official may require that replacement shall be described in a
1121 landscape replacement plan which shall meet the minimum requirements of the
1122 Code. No tree removal permit shall be issued until the administrative official has
1123 approved said plan.

1124 6. *Procedures for determining tree replacement requirements.* The administrative
1125 official shall determine the total number and type of replacement trees required
1126 for the issuance of a tree removal permit according to the following procedural
1127 steps:

1128 a. *Step 1: Determining existing tree canopy coverage on-site.* The area of
1129 existing tree canopy coverage of a site shall be determined by the
1130 administrative official, using one or any combination of the following
1131 methods: Review of aerial photography; on-site inspection; and review of a
1132 tree survey. The administrative official may require the applicant to submit a
1133 tree survey for the purpose of this determination.

1134 b. *Step 2: Determining impact area of proposed project.* The area of existing
1135 canopy coverage which will be affected (impact area) by the applicant's
1136 proposed development shall be determined by the administrative official
1137 based on a site plan and completed tree removal permit application.

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1138 c. *Step 3: Determining number of replacement trees required to be planted.* The
1139 total number of trees required for replacement shall be based on the area of
1140 impact and the category of replacement tree selected by the applicant.

1141 Each replacement tree shall compensate **in accordance with the**
1142 **requirements of paragraph i or ii below as follows:**

1143 **i.** At a ratio of 2:1 for a portion of the tree canopy lost in the impact area.

1144 **ii.****At a rate of one and one-half times the tree canopy lost in the**
1145 **impact area if replacement trees are provided at a minimum**
1146 **of 6 to 10 inches in diameter and 25 feet in height at the time of**
1147 **planting.**

1148 **In instances where the Village Arborist determines that a non-**
1149 **specimen tree is causing damage to a home, street, driveway,**
1150 **or utilities located on a subject property, where the Arborist**
1151 **further conclusively determines that no other feasible**
1152 **alternative exists that would allow for preservation of the tree**
1153 **without further damage to those facilities, and where relocation**
1154 **of the damaged facility is not practical, replacement of the tree**
1155 **may be permitted at the rate of one or more trees equaling the**
1156 **canopy of the tree removed.**

1157
1158 The following table shall be used as a standard for determining the required
1159 number of replacement trees:

1160

1161 TABLE 6-2
1162 DETERMINING NUMBER OF REPLACEMENT TREES

Category of Replacement Tree	Portion of Impact Area that Each Replacement Tree Compensate for in Square Feet
Shade tree 1	500
Shade tree 2	300
Palm tree 1	300

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Palm tree 2	100
Small tree	200

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Replacement categories shall compensate for the lost canopy. In the event that a replacement tree actually has more canopy coverage at the time of planting than the amount of credit allowed under the tree replacement formula above, then the applicant shall receive full credit for the canopy coverage provided by the replacement tree at the time of planting. The applicant shall submit a list of proposed replacement trees on a form provided by the administrative official, except when the total number of replacement trees exceeds 20, and then the applicant shall be required to submit a landscape replacement plan consistent with the provisions of the landscape regulations. Proposed replacement lists or plans are subject to administrative official approval. The administrative official shall approve proposed replacement trees that are consistent with the standards of these tree regulations.

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d. *Step 4: Location of replacement tree.* Specific placement of replacement trees on-site shall be determined by the applicant. If the site cannot accommodate the required replacement trees because of insufficient planting area as determined by the administrative official, then the applicant shall be required to plant replacement trees at an off-site location subject to the administrative official approval, or, as an alternative, shall provide an equitable contribution to the village tree trust fund to compensate for those replacement trees which cannot be accommodated on-site.

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e. *Step 5: Minimum species diversity standards.* When more than ten trees are required to be planted in accordance with the provisions of this division, a diversity of species shall be required. The number of species to be planted shall be based on the overall number of trees required. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity standards:

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1193

TABLE 6-3

Required Number of Trees	Minimum Number Species
11 – 20	2
21 – 50	4
51 or more	6

1194

1195 Permitees shall not be required to plant in excess of six species. The number of
 1196 trees of each species planted shall be proportional to the number of species
 1197 required. A minimum of 50 percent of all replacement trees planted shall be
 1198 native to the county, and no more than 30 percent of the replacement trees shall
 1199 be palms. However, when native trees are removed, all replacement trees shall
 1200 be native species. As an alternative to the minimum species diversity required
 1201 herein, an applicant may propose an alternative species diversity in an
 1202 alternative landscape enhancement plan described in these tree regulations.

1203 f. *Step 6: Minimum standards for replacement trees.*

1204 i. All replacement trees shall have a minimum quality of a Florida No. 1
 1205 grade or better.

1206 ii. The administrative official shall maintain a list of species for each
 1207 category of replacement tree. This list may be amended from time to
 1208 time, as necessary. Replacement tree heights shall be determined by
 1209 overall height measured from where the tree meets the ground to the top-
 1210 most branch.

1211 aa. All category 1 replacement shade trees shall be a minimum of 14
 1212 feet in height at the time of planting and at maturity should have a
 1213 canopy coverage of 500 square feet under normal growing
 1214 conditions.

1215 bb. All category 2 replacement shade trees shall be a minimum of 12
 1216 feet in height at the time of planting and at maturity should have a

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1217 canopy coverage of 300 square feet under normal growing
1218 conditions.

1219 cc. All category 1 replacement palm trees shall have a minimum height
1220 of ten feet at the time of planting and at maturity should have a
1221 canopy coverage of 300 square feet under normal growing
1222 conditions.

1223 dd. All category 2 replacement palm trees shall have a minimum height
1224 of three feet at the time of planting and at maturity should have a
1225 canopy coverage of 100 square feet under normal growing
1226 conditions.

1227 ee. All replacement small trees shall have a minimum height of six feet at
1228 the time of planting and at maturity should have a canopy coverage
1229 of 200 square feet under normal growing conditions.

1230 7. *Requirements for a landscape replacement plan.* A landscape replacement plan
1231 shall be submitted to the administrative official by the permit applicant when a
1232 minimum of 10,000 square feet of replacement canopy are required. All
1233 landscape replacement plans shall meet the following minimum standards:

1234 a. *Number, species, and size of trees.* The number of trees, number of species
1235 of trees, and size of trees proposed for planting shall be consistent with
1236 provisions of these regulations.

1237 b. *Site plan.* The applicant shall submit a site plan that includes the proposed
1238 replacement locations of all replacement plantings and tree relocations, all
1239 property lines, and all proposed and existing structures, driveways and utility
1240 casements.

1241 c. *Canopy.* The canopy spread of any tree that is proposed for preservation
1242 shall be shown on the plan. Where a portion of the canopy of a tree or trees
1243 will be removed without removal of the trees, a notation shall be made on the
1244 plan.

1245 8. *Tree protection requirements during construction.*

1246 a. *Protection requirements.* During site development, protection requirements for
1247 trees designated for preservation under an approved tree removal permit
1248 shall include, but not be limited to, the following:

1249 i. Protective barriers shall be placed around each tree, cluster of trees, or
1250 the edge of the preservation area no less than six feet (in radius) from the
1251 trunk of any protected tree cluster, or preservation area unless a lesser

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1252 distance is specified by the administrative official. Protective barriers
1253 shall be a minimum of four feet above ground level and shall be
1254 constructed of wood, plastic or metal, and shall remain in place until
1255 development is completed and the administrative official has authorized
1256 their removal. Protective barriers shall be in place prior to the start of any
1257 construction.

1258 ii. Understory plants within protective barriers shall be protected.

1259 iii. No excess oil, fill, equipment, building materials or building debris shall
1260 be placed within the areas surrounded by protective barriers, nor shall
1261 there be disposal of any waste material such as paints, oils, solvents,
1262 asphalt, concrete, mortar or any other material harmful to trees or
1263 understory plants within the areas surrounded by protective barriers.

1264 iv. Trees shall be braced in such a fashion as to not scar, penetrate,
1265 perforate or otherwise inflict damage to the tree.

1266 v. Natural grade shall be maintained within protective barriers. In the event
1267 that the natural grade of the site is changed as a result of site
1268 development such that the safety of the tree may be endangered, tree
1269 wells or retaining walls are required.

1270 vi. Underground utility lines shall be placed outside the areas surrounded by
1271 protective barriers. If said placement is not possible, disturbance shall be
1272 minimized by using techniques such as tunneling or overhead utility lines.

1273 vii. Fences and walls shall be constructed to avoid disturbance to any
1274 protected tree. Post holes and trenches located close to trees shall be dug
1275 by hand and adjusted as necessary, using techniques such as
1276 discontinuous footings, to avoid damage to major roots.

1277 viiii. **Root barriers shall be installed with the planting of new**
1278 **trees in instances where there is a likely possibility that**
1279 **future root growth will cause damage to foundations,**
1280 **driveways, utilities, or other infrastructure.**

1281 b. *Replacement.* If these tree protection regulations are not adhered to by the
1282 permittee and the trees are effectively destroyed, then all such trees shall be
1283 replaced according to the standards of these regulations, in addition to being
1284 subject to the penalty provisions of the Code.

1285 9. *Tree relocation standards.* The relocation of any tree subject to the provisions of
1286 these regulations shall be consistent with the minimum standards of the American

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1287 National Standards Institute (ANSI) and the tree relocation standards
1288 promulgated by the county department of environmental resources and
1289 management.

1290

1291 10. *Permit issuance.*

1292 a. *Issuance.* The administrative official shall deny an application or approve an
1293 application and issue a permit (subject to conditions, limitations or
1294 restrictions), for the activity proposed under the permit application, provided:

1295 i. The required application fee and permit fee are submitted to the village.

1296 ii. A performance bond, if required, has been posted. As a condition of
1297 issuing a tree removal permit, the administrative official may require the
1298 posting of a performance bond, which shall be equivalent to 100
1299 percent of the estimated cost of the permitted activity and may be in the
1300 form of a letter of credit, surety, cash, or certificate of deposit. All
1301 performance bonds shall remain in force for a minimum of either one
1302 year after the actual completion date of the permitted activity to ensure
1303 that any replanted trees which perish are replaced, or until viability of all
1304 replanted trees has been achieved, whichever occurs last. However, at
1305 the discretion of the administrative official, performance bonds may be
1306 partially released in phases based upon partial completion of planting or
1307 other permit requirements.

1308 iii. All required plans or covenants are submitted and are in compliance
1309 with the standards herein.

1310 b. *Incomplete permit applications.* All tree removal permit applications which
1311 remain incomplete for a period of 120 days shall be denied. A new tree
1312 removal permit application shall be required for all work previously proposed
1313 under a permit application which has been denied.

1314 11. *Continuance of official documents.* The natural forest community maps approved
1315 by the county board of county commissioners on December 12, 1984, by
1316 Resolution No. 1764-84; all tree removal permits issued pursuant to [Chapter 26B](#)
1317 of the Code of Miami-Dade County; administrative approvals; and all consent
1318 agreements executed in order to resolve alleged violations of [Chapter 26B](#) of the
1319 Code of Miami-Dade County, Florida, are hereby confirmed and shall remain in
1320 full force and effect, and all conditions, restrictions and limitations contained

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1321 therein shall continue to apply, and compliance therewith shall be enforceable
1322 pursuant to the provisions of this these tree regulations.

1323 12. *Tree trust fund.*

1324 a. *Creation of the tree trust fund.* There is hereby created a village tree trust
1325 fund, the purpose of which is to acquire, protect and maintain natural forest
1326 communities in the village and to plant trees on public property. If a site
1327 cannot accommodate required replacement trees because of insufficient
1328 planting area as determined by the administrative official, and an acceptable
1329 location for replacement trees at an off-site location cannot be identified or
1330 approved by the administrative official, then as an alternative, the applicant
1331 shall provide an equitable contribution to the village tree trust fund to
1332 compensate for those replacement trees which cannot be accommodated on-
1333 site.

1334 b. *Disbursement and maintenance of the tree trust fund.* Monies obtained for the
1335 tree trust fund shall be disbursed for the acquisition, maintenance,
1336 management and protection of natural forest communities, or for planting
1337 trees on public property. Disbursement from the tree trust fund shall require
1338 approval by resolution of village council, provided, however, that any funds
1339 received pursuant to the conditions of any tree removal permit shall be used
1340 as required by the permit conditions without the necessity of approval,
1341 appropriation, or action of any kind by the village council. The administrative
1342 official is hereby authorized to receive and disburse monies in accordance
1343 with this provision.

1344 13. *Permit fees.* The village shall charge and collect application, permit and tree trust
1345 fund contributions at the rates established by separate resolution approved by the
1346 village council. Applications from government agencies for tree removals in areas
1347 dedicated to public use may, at the discretion of the administrative official, be
1348 exempted from application fees and permit fees.

1349 14. *Penalties for violation of tree regulations.* The following penalties shall be
1350 assessed where these tree regulations would not have permitted trees to be
1351 removed and they have been effectively destroyed or removed in violation of
1352 these regulations. The contractor committing the violation will also be cited via a
1353 uniform civil violation notice if observed by staff or if the property owner/violator
1354 has records that identify the contractor and can provide sufficient evidence to
1355 identify the person or company who committed the violation.

1356 a. *First offense with no prior knowledge.*

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1357 Per tree and double the amount of canopy replacement required by code:

1358 Less than 12-inch diameter at four-foot height\$500.00

1359 12 inches to 18 inches\$1,000.00

1360 18 inches to 36 inches2000.00

1361 Greater than 36 inches3000.00

1362 b. *Second offense or prior knowledge.* Double the fines required for the first
1363 offense, or the fine that would have been required for the first offense in the
1364 case of prior knowledge. Double the amount of canopy replacement required
1365 by code if a permit had been issued.

1366 c. *Subsequent offenses.* Triple the fine required for the first offense, or the fine
1367 that would have been required for the first offense in the case of prior
1368 knowledge. Double the amount of canopy replacement required by code if a
1369 permit had been issued.

1370 15 *Enforcement And Remedial Actions.* The following remedial actions are required
1371 for tree abuse:

1372
1373 a. In the event a person is found to have committed a violation of tree abuse, the
1374 person/ violator shall be responsible to undertake pruning and other remedial
1375 actions that the Village determines are reasonably necessary to protect public
1376 safety and property, and to help the tree survive the tree abuse damage.

1377
1378 b. If the Village determines that a specimen or non-specimen tree will not survive
1379 and/or will not grow at a rate and in a manner normally expected for that
1380 species as a result of tree abuse, the person/violator shall remove the abused tree
1381 and install a replacement tree. The diameter breast height of the replacement
1382 trees shall be equal to the diameter breast height of the abused tree, or if an
1383 equivalent diameter breast height tree is not available, the closest sized tree that
1384 is commercially available subject to approval of the administrative official.

1385
1386 Any remedial action required under this Section shall be completed within 60
1387 days of notice from the Village that such actions are required. The Village may
1388 require the person/violator to immediately commence remedial actions in the
1389 event the abused tree is an immediate threat to the public or property.

Note:

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1390 **Div. 6.15. – Storm water management.**

1391
1392 **(a)** Applicability. All new development, including construction of single-family
1393 residences on existing platted lots, and any redevelopment where such
1394 redevelopment equals or exceeds 50 percent of the existing value of on-site
1395 improvements or where 50 percent or more of the existing floor area is remodeled,
1396 shall comply with the minimum storm water management standards designed to
1397 meet minimum water quality and water quantity performance criteria ~~as follows:~~
1398 **The requirements of this Division shall not apply to single-family**
1399 **residential lots within an existing or approved platted subdivision**
1400 **which includes permitted central or common stormwater**
1401 **management facilities, if the common facilities have sufficient**
1402 **available capacity to accommodate the water quality and quantity**
1403 **criteria of this Division at the time of application for a building**
1404 **permit.**

1405
1406 **(b) Criteria.**

1407
1408 **One of the following two alternatives can be implemented to**
1409 **comply with the minimum storm water management standards to**
1410 **meet the minimum water quality and water quantity performance**
1411 **criteria.**

1412
1413 **(1) Alternative 1:**

- 1414
1415 a. Water quality standard: Storm water facilities shall be designed to meet
1416 the design and performance standards established in **Chapters 62-4**
1417 **and 62-302 of the** ~~Ch. 62-25, Paragraph 25.025,~~ Florida
1418 Administrative Code, for treatment of the storm water runoff, the first inch of
1419 ~~rainfall~~ **runoff shall be retained** on-site to meet the water quality
1420 standards required by Ch. 62-302, Paragraph 62-302.500 of the Florida
1421 Administrative Code.
1422

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1423 b. Water quantity standard: Post-development runoff shall not exceed the pre-
1424 development runoff rate for a 25-year, 24-hour storm event, up to and
1425 including an event with a 24 hour duration. .

1426
1427 c. Runoff from the aforementioned water quality and quantity
1428 standards shall be retained onsite by surface or sub-surface
1429 means such as exfiltration trenches, which must be designed
1430 with a minimum safety factor of 2 and maintained by the
1431 property owner as outlined in Section 7 (4). Excess runoff must
1432 be directed to Public right-of-ways in lieu of adjacent
1433 properties, when feasible.

1434
1435 d. Retained stormwater within the property shall be infiltrated,
1436 evaporated or exfiltrated within 72-hours.

1437
1438 **(2) Alternative 2:**

1439
1440 a. Water quality standard: Storm water facilities shall be
1441 designed to meet the design and performance standards
1442 established Chapters 62-4 and 62-302 of the Florida
1443 Administrative Code, for treatment of the storm water runoff,
1444 the first half-inch of runoff shall be retained onsite to meet the
1445 water quality standards required by Ch. 62-302, Paragraph
1446 62-302.500 of the Florida Administrative Code.

1447
1448 b. Water quantity standard: Post-development runoff shall not
1449 exceed the pre-development runoff rate for a 25-year, 24-
1450 hour storm event.

1451
1452 c. Runoff from the aforementioned water quantity standard, less
1453 the first half-inch of runoff to be retained onsite to meet the
1454 water quality standards, shall be directed to Public right-of-
1455 ways when feasible. The water quantity standard runoff, less
1456 the half-inch of runoff to be retained onsite, must be retained
1457 within the Village right-of-way adjacent to the property by

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1458 sub-surface means such as exfiltration trenches. In addition,
1459 the runoff from the 5-year, 24-hour design storm event for the
1460 area fronting the property to the centerline of the adjacent
1461 roadway must also be retained. The following criteria shall
1462 apply to the proposed drainage system:

1463
1464 **i. Exfiltration trench must meet the following requirements:**

1465 **1. Located within the roadway travel lane when**
1466 **possible.**

1467 **2. Sized to include a minimum Factor of Safety of 2.0.**

1468 **3. Must be a minimum of 40 feet long with two**
1469 **manholes for maintenance.**

1470 **4. Manholes must provide a minimum of a two-foot**
1471 **sump.**

1472 **5. Baffles shall be installed at all entrance points to**
1473 **the exfiltration trench.**

1474 **ii. Entire road must be resurfaced in front of the property.**

1475 **iii. Village will maintain the drainage system within the**
1476 **Village's right-of-way, and property owner shall pay an**
1477 **increased impact fee to cover the Village's annual cost of**
1478 **maintaining the exfiltration trench in the future over a**
1479 **15-year period.**

1480
1481 **d. Retained stormwater within the property and Village right-of-**
1482 **way for the area fronting the property to the centerline of the**
1483 **adjacent roadway shall be infiltrated, evaporated or**
1484 **exfiltrated within 72-hours.**

1485
1486 **(c) (b)** Submittal requirements.

1487
1488 **Applications for building permits for new construction or remodeling shall**
1489 **include sufficient information to confirm compliance of the proposed**
1490 **development with the Village's stormwater management criteria. The**
1491 **following minimum information shall be submitted:**

1492
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1493 ~~(1) Certification from a licensed engineer that the site has been designed to comply~~
1494 ~~with the Village's stormwater management standards.~~

1495 ~~(2) Stormwater calculations including pre-development volumes of stormwater retained~~
1496 ~~on site at the time of application for a building permit and proposed future post-~~
1497 ~~development volumes of stormwater runoff calculated to occur as a result of the planned~~
1498 ~~development.~~

1499 ~~(3) Identification of a proposed stormwater retention or detention facilities and storage~~
1500 ~~capacities of such facilities, if any.~~

1501

1502 **1. Two (2) sets of scaled grading and drainage plans signed and**
1503 **sealed by a Professional Engineer registered in the State of Florida**
1504 **in accordance with Florida Statutes Chapter 471, showing pre- and**
1505 **post- improvement conditions including:**

1506

1507 **a) Existing contours in intervals with spot elevations not exceeding**
1508 **one foot.**

1509 **b) Existing drainage features such as pipes, inlets, etc. with**
1510 **elevations.**

1511 **c) Proposed improvements such as buildings, parking areas, pools,**
1512 **detention systems, control structures, etc.**

1513 **d) Detail of proposed grading with spot elevations or proposed**
1514 **contours. Contour information shall be sufficient to clearly define**
1515 **the portion of the watershed which drains through the property.**

1516 **e) ~~(3) Identification of proposed~~ Storm water retention or detention**
1517 **facilities and storage capacities of such facilities, if any.**

1518 **f) A location map with sufficient information to locate the project;**
1519 **i.e., adjoining streets, section, range and township, etc.**

1520

1521 **2. Two (2) copies of originally signed and sealed computations by a**
1522 **Professional Engineer registered in the State of Florida in**
1523 **accordance with Florida Statues Chapter 471. The design must**
1524 **include references to and methodologies used to determine the**
1525 **storage volumes and control structures sizes. This section will**
1526 **constitute the "Drainage Report" and will follow the Village of**

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Pinecrest Storm water Management Drainage Calculations
Procedure outlined in the following sections.

3. A minimum of one (1) copy of Percolation Test results signed and sealed by a Professional Engineer registered in the State of Florida in accordance with Florida statutes Chapter 471, representing the Geotechnical Lab Company which performed the test. Percolation tests shall be performed in accordance with the Florida Department of Transportation (FDOT) Open-Hole Fixed Head Percolation Test. Depth of test hole to match depth of the exfiltration trench. The recommended depths of the test shall be 10 and 15 feet. Also, a minimum of one (1) Double-Ring Infiltration Test to establish correct coefficient of infiltration for pervious areas will be required. If fill is proposed for the site, the infiltration test shall be representative of the fill material proposed.

4. For exfiltration system design, the plans and computations shall include the following:

a) Top of exfiltration trench elevation

b) Bottom of exfiltration trench elevation, according to the percolation test(s) depth.

c) Design Ground water table elevation - average October elevation as defined by Miami-Dade County Department of Regulatory and Economic Resources (DRER).

d) Diameter of perforated pipe and invert elevation, not less than (18" in diameter to facilitate maintenance).

e) Back of sidewalk elevation (if applicable).

f) Length of exfiltration trench pipe (feet) (minimum length, 40', with two inlets).

g) Inlets discharging to exfiltration trenches shall have baffles or skimmers to prevent oil and floatable debris from entering the exfiltration trench.

h) Inlets shall have a minimum two-foot sump from the lowest pipe invert elevation.

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- 1562 **i) Storage volume of exfiltration trench (acre-feet per foot length).**
1563 **j) Proposed inlet elevation.**
1564 **k) Percolation (exfiltration rate in cubic-feet per second per foot of
1565 **head) per foot length of trench at various stages above average**
1566 **October groundwater elevation as defined by DRER.**
1567 **l) Width, depth and shape of trench (provide cross-section with**
1568 **elevations and pipe size).**
1569 **m) Materials including rock, filter fabric and perforated pipe**
1570 **conforming to DRER standards.**
1571 **n) Trench length calculations using DRER formulas demonstrating**
1572 **that the proposed trench length will adequately exfiltrate the**
1573 **required volume of runoff.**
1574 **o) Average percent slope of paved area(s).**
1575 **p) Drawdown calculations to exfiltrate required retention volume.**
1576**

1577 **5. For infiltration retention/detention system design, the plans and**
1578 **computations shall include the following:**
1579

- 1580 **a) Bottom of infiltration areas shall be a minimum of one foot**
1581 **above the design groundwater elevations - average October**
1582 **groundwater elevation as defined by DRER.**
1583 **b) Storage volume of infiltration system (acre-feet)**
1584 **c) Infiltration test (infiltration in inches per hour) representative of**
1585 **the depth and material to be used for the infiltration system.**
1586 **Minimum safety factor of 2 shall be applied to the infiltration**
1587 **rate.**
1588 **d) Drawdown calculations showing that the retained runoff will be**
1589 **infiltrated or evaporated within 72 hours.**
1590

1591 **6. Materials.**

- 1592 **a) Any and all fill material proposed in pervious areas will maintain**
1593 **the same drainage characteristics, at a minimum, as the in situ**
1594 **soil.**

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1595 **b) Any consideration for the use of porous or pervious paving**
1596 **materials must be accompanied by a cut sheet from the**
1597 **manufacturer to substantiate the consideration.**
1598

1599 **7. Drainage Calculations Procedure.**
1600

1601 **a) Provide the following parameters as defined below:**
1602

- 1603 • **A, s.f., total contributing area**
- 1604 • **A_i, s.f., impervious area**
- 1605 • **A_p, s.f., pervious area**
- 1606 • **H_{WT}, ft., elevation of water table from County Maps**
- 1607 • **EL_{AP}, ft., average pervious area elevation**
- 1608 • **D_{WT}, ft., depth of high ground water from surface**
- 1609 • **CWS, in., compacted water storage**
- 1610 • **SSC, in., soil storage capacity**
- 1611 • **R, in., runoff depth**
- 1612 • **P, in., rainfall depth (25yr/24hr storm, SFWMD) (9.5 inches)**
- 1613 • **V_{TOT}, c.f., total runoff volume to be retained**
- 1614 • **V_{PET}, c.f., volume provided by exfiltration trench**
- 1615 • **V_{PSWALE}, c.f., volume provided by swales, ditches, retentions areas,**
1616 **etc.**

1617
1618 **b) Calculation Approach:**
1619

- 1620 **1. Calculate soil storage (SSC) based on D_{WT} and SFWMD Applicants**
1621 **Handbook Volume II.**
- 1622 **2. Calculate pre-development runoff using NRCS runoff equation,**
1623 **(National Engineering Handbook, Part 630 Hydrology, Chapter**
1624 **10).**
- 1625 **3. Calculate post-development runoff using NRCS runoff equation.**
- 1626 **4. Calculate water quality volume requirements, per Land**
1627 **Development Regulation, Division 6.15, Section (b) Criteria.**
- 1628 **5. Determine and state the "design control volume" to be retained**

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1629 **6. Calculate exfiltration trench (if used, use DRER formulas with**
1630 **minimum FS=2)**

1631 **7. Calculate retention areas (show method of volume calculation)**

1632 **8. Provide drawdown calculations**

1633 **9. Summarize design calculations and proposed solution(s)**

1634
1635 **(d) (e) Inspection(s) required and recertification requirements.** Prior to
1636 issuance of a certificate of occupancy by the Village, the following items shall be
1637 submitted to the Village for review and approval:

1638
1639 (1) As-built survey with spot elevations including a spot elevation every 25 feet at
1640 the property line adjacent to all sides of the property **and extending 25 feet**
1641 **into adjacent properties.**

1642
1643 (2) One copy of the approved grading plan.

1644
1645 (3) A signed and sealed letter from a civil engineer confirming that the **property**
1646 **has been designed constructed proposed improvements have**
1647 **been constructed** as per the approved grading plan and that it is in
1648 compliance with the Village's storm water management criteria.

1649
1650 **(4) A signed letter from the property owner stating all drainage**
1651 **improvements will be properly maintained in perpetuity and**
1652 **granting the Village the right to inspect the drainage system.**

1653
1654 **ARTICLE 7. - SIGNS**

1655
1656 **Div. 7.16. – Sign standards and requirements.**

1657
1658 * * *

1659 2. *Banner.*

1660 Definition: "Banner sign" shall mean any sign possessing characters, letters,
1661 illustrations, or ornamentations, or designed so as to attract attention by scenic

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effort including pennants, with or without characters, streamers, and wind driven whirligigs, or other devices applied to cloth, paper, fabric, or like kind material either with or without frame and which is not of permanent construction and does not comply with the state building code. Flags of countries, states or cities are not included in this definition.

Zoning District or Location Permitted	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
EU, RU residential districts						Not permitted One seasonal flag not to exceed 10 square feet shall be permitted.
Shopping centers; BU , Business districts; RU-5, Office Development District	10 percent of the wall area on which the banner is attached	1	N/A	Not permitted	N/A	Regulations. Banner signs are prohibited except for special events as provided herein. Permits for banner signs shall be obtained from the building and planning department upon

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						<p>submittal of an application and payment of applicable fees. The applicant may submit one application for multiple requests subject to compliance with this division. Banners signs may be permitted as follows:</p> <p>1. Any banner sign to be displayed shall be subject to the following limitations:</p> <p>a. Display shall be limited to 14</p>
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						<p>consecutive calendar days for a maximum of four times per calendar year. All locations must obtain or have previously obtained a certificate of use and occupational license local business tax receipt from the village.</p> <p>b. Banners must be located on the wall of the business and shall be limited in size to ten percent of the wall area of the business to which the</p>
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						<p>sign is attached.</p> <p>c. All banners shall be securely fastened with screws, wire or tie mechanisms so as to prevent them from blowing in the wind or from removal as may be required by the building and planning department.</p> <p>d. This division does not regulate the use of authentic flags (national, state, city) or others which may be erected in observance of holidays or</p>
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						<p>other expressions of support.</p> <p>e. Window decorations shall be included in the ten percent of wall area but shall be permitted without time limitations.</p>
<p>PS, Public Service District</p>	<p>Maximum dimensions of any banner are limited to four feet (4') x eight feet (8')</p>	<p>N/A – Banners shall be placed either on a fence facing a public street or, <u>alternatively</u>, <u>between two posts installed on the applicant's property a minimum of ten (10) feet from the</u></p>	<p>N/A</p>	<p>Not permitted</p>	<p>N/A</p>	<p>Regulations. Banners may be permitted within the PS, Public Service District for the purpose of allowing schools and organizations to display information related to school and organization events; to recognize student</p>

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		<p><u>public right-of-way.</u></p> <p><i>Maximum banner display area on each outward side of a fence facing a public street is limited to one hundred and twenty-eight (128) square feet. Banner signs may be placed on a diagonal side of a fence facing two intersecting street, in which case the area of signage placed on the diagonal side of the fence shall be substituted for one of the sides adjacent to either one of the two intersecting</i></p>				<p>achievement; and to advertise events and their sponsors organized by schools, religious institutions, fraternal, nonprofit, charitable, eleemosynary , and other governmental organizations within the district. Event banners may include recognition of event sponsors provided such recognition is subordinate to the event message content. Display of banners shall be subject to compliance with the following restrictions and requirements:</p>
--	--	---	--	--	--	--

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		<p>streets.</p> <p><u>Maximum banner display area between two poles is limited to sixty-four (64) square feet</u></p>				<p>1. Application. Schools and other permitted organizations intending to install banner signs within the PS, Public Service Zoning District shall annually submit an application and sign plan that accurately identifies the proposed area or areas designated and reserved for the display of banner signs. A "no fee" permit shall be issued by the Village of Pinecrest for the display of banners following review and approval of</p>
--	--	--	--	--	--	--

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						<p>the submitted application and sign plan.</p> <p>2. Size and Location. Banners shall be placed <u>either</u> only on portions of the applicant's fence which have street frontage, <u>or</u> <u>between two posts located on the applicant's property a minimum of 10 feet from the public right-of-way</u>. The maximum vertical dimension of any display area shall be limited to four (4) feet. Banners shall have grommets in</p>
--	--	--	--	--	--	---

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						<p>all four (4) corners and midway along the top and the bottom sides. All banners shall be maintained in good condition and securely affixed to the fence or posts. Torn, faded or defaced banners must be removed or replaced in a timely manner. All signs on any fence shall be displayed contiguously.</p> <p>3. Banners shall be allowed to be displayed on a year-round basis. Display of any banner shall be</p>
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						limited to 90 consecutive days.
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1667

1668 **Light Pole Banners**

1669 **The installation of light pole banners shall be allowed subject to approval**
 1670 **of an annual no-fee permit ~~require written approval of the village.~~ No**
 1671 **commercial or for-profit organization banners shall be allowed on public**
 1672 **light-poles. The village shall only grant requests for schools, religious**
 1673 **institutions, not-for-profit or governmental events and/or organizations to**
 1674 **place banners on light poles either within or outside of the public rights-**
 1675 **of-way. ~~The maximum duration of a light pole banner display shall be 45~~**
 1676 **days. ~~Exceptions to this policy may be granted by the Village Manager,~~**
 1677 **~~with the consent of the Village Council.~~ Light pole banners shall be**
 1678 **maintained. Torn or faded banners shall be removed or replaced. Light**
 1679 **pole banners shall be no larger than three feet by eight feet and shall**
 1680 **otherwise comply with the criteria of these regulations as they relate to**
 1681 **types of permitted and prohibited signs.**

1682

* * *

1683

1684

1685 **ARTICLE 9. - RULES OF CONSTRUCTION AND DEFINITIONS**

1686 **Div. 9.2. - Definition of terms.**

1687 For the purpose of administering this Code, the following words shall have the
 1688 following meanings:

1689 *Accessory unit.* A detached building separate from the principal building,
 1690 which is used by temporary guests of the principal residence. A guesthouse or
 1691 worker housing not to be rented. An affidavit stating the limited purpose of the
 1692 dwelling shall be signed and the owner shall certify that the accessory dwelling
 1693 unit shall remain compliant with the land development code.

1694 *Accessory structure (appurtenant structure).* A structure which is located on
 1695 the same parcel of property as the principal structure and the use of which is

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1696 incidental to the use of the principal structure. Accessory structures should
1697 constitute a minimal initial investment, and may not be used for human habitation
1698 and be designed to have minimal flood damage potential. Examples of accessory
1699 structures are detached garages, carports, storage sheds, swimming pools and
1700 enclosures, and chickee huts. A guest house shall not be considered an accessory
1701 structure for purposes of the flood regulations.

1702 *Accessory use.* See "Use, accessory."

1703 *Accessways* shall mean vehicular ingress/egress points from a right-of-way,
1704 private street easement, or other vehicular travel way.

1705 *Addition (to an existing building).* An extension or increase in floor area or
1706 height of a building or structure. For purposes of flood regulations, addition shall
1707 mean any walled and roofed expansion to the perimeter of a building in which the
1708 addition is connected by a common load-bearing wall other than a firewall. Any
1709 walled and roofed addition which is connected by a fire wall or is separated by
1710 independent perimeter load-bearing walls is considered new construction.

1711 *Administrative official.* The administrative official shall mean the village
1712 manager or those persons to whom he has charged the enforcement or
1713 interpretation of this land development code or selected provisions thereof.

1714 *Adult congregate living facilities.* See "Homes, special facilities."

1715 *Adult entertainment establishment.* A site or premises, or portion thereof,
1716 upon which certain adult use activities or operations are conducted, such as, but
1717 not limited to adult bookstore, adult theater, adult night club, adult video store,
1718 massage establishment, adult modeling establishments and encounter studios.

1719 *Aggregate area or aggregate width.* The sum of two or more designated
1720 areas or widths to be measured, limited, or determined under these regulations.

1721 *Aggrieved party.* A real property owner who is entitled to receive notice
1722 from the village of a procedure affecting his/her property.

1723 *Agricultural activities, bona fide* shall mean land used for the growing of
1724 food crops, nurseries for the growing of landscape material, the raising of
1725 livestock, horse farms, and other good faith agricultural uses, except any portion of
1726 the property not eligible for agricultural exemption.

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- 1727 *Alcoholic beverage.* Beverages containing alcohol as defined by the state.
- 1728 *Alcoholic beverage establishment.* Any establishment devoted primarily to
1729 the retail sale of alcoholic beverages for consumption on the premises.
- 1730 *Alley.* A public or private right-of-way that is not generally used as a
1731 thoroughfare by pedestrians and vehicles, affords only a secondary means of
1732 access to abutting property, and is not designated as a street.
- 1733 *Alteration.* Any change, rearrangement, enlargement, extension, reduction
1734 of any structure or part thereof on the same site.
- 1735 *Amortization.* The installment costs of a use or structure extended throughout
1736 a predetermined life of such use or structure.
- 1737 *Animal hospital.* See "Veterinary clinic."
- 1738 *Animated sign/electronic message board.* A sign with a fixed or changing
1739 display/message composed of a series of lights that may be changed through
1740 electronic means. A time and/or temperature sign shall not be considered an
1741 electronic message board.
- 1742 *Antenna.* Any exterior transmitting or receiving device used in
1743 communications that radiates or captures electromagnetic waves, digital signals,
1744 analog signals, radio frequencies (excluding radar), wireless communications
1745 signals or other communication signals, including directional antennae, such as
1746 panel and microwave dish antennae, whip and omni-directional antennae, but
1747 excluding radar antennae, amateur radio antennae and satellite earth stations.
- 1748 *Apartment.* A room or a suite of rooms within an apartment house,
1749 arranged, intended or designed to be used as a home or residence of one family
1750 with kitchen facilities for the exclusive use of one family. Apartments shall not be
1751 permitted to have to bedrooms with doors that lead to a means of egress, exclusive
1752 of balconies.
- 1753 *Apartment building.* A building which is used or intended to be used as a
1754 home or residence for three or more families living in separate apartments, in
1755 which the yard areas, hallways, stairways, balconies and other common areas
1756 and facilities are shared by families living in the apartment units.

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1757 *Arborist standards.* The standards developed by the ANSI (American-
1758 National Standards Institute) and published in ANSI Publication #300, as well as
1759 other commonly accepted best management principles and practices published
1760 through ANSI.

1761 *Architect.* A person licensed by the state to practice architecture.

1762 *Area of shallow flooding.* A designated AO or VO zone on the village
1763 flood insurance rate map (FIRM) with base flood depths from one to three feet
1764 where a clearly defined channel does not exist, where the path of flooding is
1765 unpredictable and indeterminate, and where velocity flow may be evident.

1766 *Area of special flood hazard.* The land in the floodplain within the village
1767 subject to a one percent or greater chance of flooding in any given year.

1768 *Assembly occupancies.* Occupancies that include, but are not limited to all
1769 buildings or portions of buildings used for gatherings of persons, for such purposes
1770 as seminars, schools, conventions, conferences, deliberation, entertainment,
1771 dining, amusement or awaiting transportation.

1772 *Awning.* A roof-like cover extended over a window, door or an opening of
1773 a structure, including garage or porte-cochere vehicle openings, being fastened, in
1774 a manner provided for such fastening, to the structure of which it is a part and
1775 design; and used for the purpose of shielding such window, door or opening from
1776 the rays of the sun, rain and like elements of weather.

1777 *Base flood.* The flood having a one percent chance of being equaled or
1778 exceeded in any given year.

1779 *Base flood elevation.* The elevation of the flood having a one percent
1780 chance of being equaled or exceeded in a year as depicted on the flood
1781 insurance rate map (FIRM).

1782 *Basement.* See "Cellar." That portion of a building between floor and
1783 ceiling which is so located that one-half or more of the clear height from floor to
1784 ceiling is below grade.

1785 *Beekeeping.* A use not to exceed five hives, provided the same are located
1786 no closer than 150 feet to a street line nor closer than 150 feet to a residential
1787 structure.

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1788 *Billboard.* A sign that directs attention to a business, commodity, service, or
1789 entertainment conducted, sold or offered at a location other than the premises on
1790 which the sign is located.

1791 *Breakaway wall.* A wall that is not part of the structural support of the
1792 building and is intended through its design and construction to collapse under
1793 specific lateral loading forces without causing damage to the elevated portion of
1794 the building or the supporting foundation system.

1795 *Buffer/buffer yard.* A strip of land with natural or planted vegetation
1796 extending the full length of the property lines located between a use or structure
1797 and a front, side or rear property line intended to separate and partially obstruct
1798 the view of two abutting land uses or properties from one another or to screen a
1799 use from public view.

1800 *Buffer, perimeter landscape.* An area of land which is set aside along the
1801 perimeter of a parcel of land in which landscaping is required to provide an
1802 aesthetic transition between different land uses and to reduce the adverse
1803 environmental impact, and incompatible land use impacts through the use of visual
1804 screening.

1805 *Building.* A roofed and walled structure that is completely enclosed, except
1806 as otherwise provided in the land development code, the use of which demands a
1807 permanent location on the land.

1808 *Building coverage.* The area of the lot expressed as a percentage of the
1809 total lot area covered by the ground floor of all principal and accessory uses and
1810 structures, including all areas covered by the roof of such uses and structures
1811 measured along the exterior faces of the walls and or between the exterior faces of
1812 exterior supporting columns or from the centerline of walls separating two
1813 buildings or a combination of the foregoing whichever produces the greatest total
1814 ground coverage for such uses and structures. Exterior unenclosed private
1815 balconies above the first floor, overhangs extending more than 36 inches from the
1816 face of the building or column, shall be included in building coverage.

1817 *Building frontage.* See "Frontage, building."

1818 *Building height.* See "Height, building."

1819 *Building permit.* See "Permit."

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- 1820 *Building setback line.* See "Setback."
- 1821 *Building site.* A building site shall be as follows:
- 1822 (a) A parcel of land having not less than the minimum area permitted by the land
 1823 development code for a building to be erected thereon, including such open
 1824 spaces as this Code requires.
- 1825 (b) A parcel of land heretofore approved by the village or the county as a building
 1826 site inclusive of properties reflected on Map I-1 Future Land Use Map-2015 dated
 1827 February 9, 1999.
- 1828 *Business establishment.* Any individual person, nonprofit organization,
 1829 partnership, corporation, other organization or legal entity, required to hold a
 1830 valid occupational license.
- 1831 *Cafe, outdoor.* See "Restaurant, outdoor."
- 1832 *Cafeteria.* See "Restaurant."
- 1833 *Caliper.* For trees under four inches in diameter, the trunk diameter
 1834 measured at a height of six inches above natural grade. For a tree diameter four
 1835 inches or greater (i.e. monocot), the trunk diameter measured at 12 inches above
 1836 natural grade.
- 1837 *Canopy.* See "Awning."
- 1838 *Capacity.* Refers to the availability of a public service or facility to
 1839 accommodate users, expressed in an appropriate unit of measure, such as gallons
 1840 per day or average daily trips.
- 1841 *Capacity, available.* Capacity which can be reserved or committed to future
 1842 users for a specific public facility.
- 1843 *Capacity, committed.* The amount of capacity, which has been committed to
 1844 accommodate existing developments, developments which have been issued a
 1845 final development order, committed development, and vested developments.
- 1846 *Capacity, reserved.* Capacity which has been removed from the available
 1847 capacity pool and allocated to a particular property for a set period of time.

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1848 *Carnival.* An exhibition or amusement consisting of rides, side shows,
1849 games, or exhibits.

1850 *Carport.* A roofed structure that provides space for parking of vehicles and
1851 is not enclosed on more than three sides.

1852 *Cellar.* See "Basement."

1853 *Certificate of occupancy.* A document prepared by the administrative
1854 official certifying that a specific development has been designed and constructed
1855 in a manner consistent with applicable terms of the land development code and
1856 applicable building codes, so long as uses associated with the development are
1857 carried out consistent with all applicable laws and ordinances.

1858 *Certificate of use.* A document prepared by the administrative official
1859 certifying that a specific use as designed and proposed is consistent with
1860 applicable terms of the land development code so long as the operation of the use
1861 is carried out consistent with all applicable laws and ordinances.

1862 *Child care or family care, private.* Also see "Homes/special facilities. As
1863 used in this article, the term "child care" or "family care" shall include, but is not
1864 limited to, the following when the same do not come under the direct operation
1865 and administration of the county school board or the state. Such facilities shall be
1866 regulated pursuant to the Code. The terms "child," "student," "pupil," and their
1867 plurals are used interchangeably in this article.

1868 1. *After school care:* Child care and recreation for children above the age of five
1869 when no formal schooling program is conducted and where the care provided is
1870 generally after school, on weekends, school holidays and vacations.

1871 2. *Day nurseries:* Child care for infants and children up to and including age six.

1872 3. *Child and family day care homes:* Child and family day care and recreation with
1873 a maximum of six persons including the day care operator's own children.

1874 *Clear story.* That area within a building whose height extends from the first
1875 finished floor level to the underside of a ceiling where that ceiling is 14 feet or
1876 higher from finished floor.

1877 *Clinic, medical, dental or optical.* A facility which does not provide for
1878 overnight accommodations wherein professional services concerning personal
1879 health of humans are administered by medical doctors, chiropractors, osteopaths,

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1880 optometrists, dentists or any other such profession, which may lawfully be
1881 practiced in the state.

1882 *Clinic, veterinary.* A facility that provides for care of animals wholly within
1883 a soundproof, air-conditioned structure and wherein overnight boarding of animals
1884 is accommodated for medical reasons.

1885 *Club, private.* A building and facilities owned or operated by a
1886 corporation, association, person or persons for social, educational or recreational
1887 purpose, open only to bona fide members and guests of the private organization
1888 operating the facility.

1889 *Cluster development.* A form of residential development that concentrates
1890 buildings or lots on a part of the site to allow the remaining land to be used for
1891 common open space, recreation and preservation of natural and environmentally
1892 sensitive features. The concentration of lots is facilitated by a reduction in lot size.

1893 *Coastal high hazard area.* The area subject to high velocity waters caused
1894 by, but not limited to, hurricane wave wash. The area is designated on a FIRM as
1895 Zone VI-30, VE or V.

1896 *Colonnade.* A roof or building structure, extending over the sidewalk, open
1897 to the street and sidewalk, except for supporting columns or piers.

1898 *Commercial recreation use.* A use of the property for a commercial purpose
1899 for, which a fee is charged where the use of the property by the customer is for a
1900 recreational use, such as but not limited to a miniature golf course, health club or a
1901 commercial swimming pool.

1902 *Common facilities and land.* All the real property and improvements set
1903 aside for the common use and enjoyment of the residents of a cluster development,
1904 including, but not limited to, buildings, common open space, private streets,
1905 parking areas, walkways, recreation areas, easements, and utilities.

1906 *Common lot line.* A line dividing one lot or parcel from another lot or
1907 parcel.

1908 *Common open space.* Undeveloped land within a cluster development that
1909 has been designated, dedicated, reserved, or restricted in perpetuity from further
1910 development and is set aside for the use and enjoyment by residents of the
1911 development. Common open space shall not be part of individual lots, and shall

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1912 be substantially free of structures, and shall not include conservation and
1913 preservation areas otherwise set aside under this division.

1914 *Comprehensive plan.* The village comprehensive plan, as hereafter may be
1915 amended, adopted pursuant to F.S. ch. 163, Part II, by the council and which
1916 consists of several maps, data, analysis, and other descriptive matter, for the
1917 physical development of the village, including any amendments, extensions or
1918 additions thereto, indicating the general location for major streets, parks, public
1919 utilities, land use or other similar information.

1920 *Concurrency.* The necessary public facilities and services that must be
1921 available to maintain the adopted level of service standards when the impacts of
1922 development occur.

1923 *Concurrency facilities.* Public facilities and services for which a level of
1924 service must be met concurrent with the impacts of development or an acceptable
1925 deadline, as mandated in the comprehensive development master plan pursuant to
1926 F.S. ch. 163, and F.A.C. § 9J-5.0055, shall include: Potable water, recreation,
1927 sanitary sewer, solid waste, drainage and roads.

1928 *Concurrency management monitoring system.* The data collection,
1929 processing and analysis performed by the village staff to determine available
1930 capacity for concurrency facilities. Data utilized shall be the most current reliable
1931 information available to the village.

1932 *Concurrency review.* Evaluation by the village planner and designated staff
1933 based on adopted level of service standards to ensure that public facilities and
1934 services needed to support development are available concurrent with the impacts
1935 of such development as defined in this concurrency management system and if
1936 such facilities are not available, that the developer of a proposed development
1937 shall bear a cost of providing public services and facilities at a level of service
1938 defined by the comprehensive development master plan and concurrent with the
1939 impacts of a proposed development.

1940 *Concurrency status report.* A status report prepared by the village
1941 identifying available concurrency facility capacity. The status report shall be
1942 produced, modified and adjusted from time-to-time as a result of the reservation of
1943 capacity or other act, which alters the availability of concurrency facility capacity.

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1944 *Condominium.* A form of real property ownership as defined by state
1945 statutes.

1946 *Conservation easement.* A voluntary restriction placed by the landowner on
1947 the use of his or her property to protect resources such as wildlife habitat,
1948 preservation areas, conservation lands, natural areas, scenic views, historic
1949 structures, or open spaces. The landowner retains title to the property, and the
1950 easement is donated to a qualified conservation organization, such as a land trust,
1951 or a government agency.

1952 *County.* Miami-Dade County.

1953 *Courtyard.* An open, unoccupied, unobstructed space, other than a yard,
1954 on the same lot as a building, which may have trees or shrubs.

1955 *Coverage.* See "Lot coverage."

1956 *Cul-de-sac.* A minor street intersecting another street at one end and
1957 terminating at the other end by a vehicular turn-around area with a minimum
1958 radius of 50 feet.

1959 *Customer service area (patron area).* Customer service area is the area of
1960 an establishment available for food or beverage service or consumption, or both,
1961 calculated by measuring all waiting areas and areas covered by customer tables
1962 and bar surfaces, and any floor area within five feet of the edge of said tables and
1963 bar surfaces, measured in all directions where customer mobility is permitted.
1964 "Customer service area" shall include any outdoor or patio floor area used or
1965 designed for food or beverage service or consumption, or both, including customer
1966 waiting areas, measured as specified above. Areas between tables or bars, which
1967 overlap in measurement with another table, shall only be counted once.

1968 *Day care.* See "Childcare."

1969 *Density.* The number of dwelling units permitted on a particular lot or parcel
1970 of property calculated by dividing the number of dwelling units by the total number
1971 of acres. Density shall be determined by dividing the "dwelling units on the site"
1972 by the "net acres on the site." (i.e., dwelling units/residential land acres). All
1973 residential densities denoted on the land use district map stipulate the maximum
1974 densities permitted for development on the land. In calculating residential density,
1975 land area shall only include contiguous land area proposed for residential

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1976 development, which is under unity of title. Gross residential acreage for
1977 determining estate density in EU-1C, EU-1 and EU-S shall include the land area
1978 assigned to residential use plus one-half of the adjacent right-of-way.

1979 *Depth, lot.* See "Lot."

1980 *Design capacity.* The potential or suitability for holding, storing or
1981 accommodating the demands upon a concurrency facility.

1982 *Developer's agreement.* An agreement between the village and a party
1983 associated with the development of land, including agreements associated with
1984 development orders issued pursuant to F.S. § 380.01.

1985 *Development (development activity).* The use of any structure, land, or
1986 water; or the change, expansion or addition to any use, land, or water; or the
1987 carrying out of any building activity; or the making of any change in the
1988 appearance of any structure, land or water; or the subdividing of land into two or
1989 more parcels; provided, however, that building activity that is carried out
1990 exclusively within a previously constructed structure which does not affect the
1991 intensity of use or affects only the exterior color of the structure shall not be
1992 considered development. Development activity includes, but is not limited to the
1993 following activities:

- 1994 (a) Construction, clearing, filling, excavating, grading, paving, dredging, drilling or
1995 otherwise significantly disturbing the soil of a site.
- 1996 (b) Building, installing, enlarging, replacing or substantially restoring a structure,
1997 impervious surface, or water management system, and including the long-term
1998 storage of materials.
- 1999 (c) Subdividing land into two or more parcels.
- 2000 (d) Removal of a tree for which authorization is required under this Code.
- 2001 (e) Erection of a sign for which authorization is required under this Code.
- 2002 (f) Alteration of a historic property for which authorization is required under this
2003 Code.
- 2004 (g) Change of use and/or tenant of a site so that the need for parking is increased.
- 2005 (h) Construction, elimination or alteration of a driveway on to a public street.

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2006 *Development order.* Any order granting, denying or granting with
2007 conditions an application for a development permit or any other official action of
2008 the village having the effect of permitting the development of land.

2009 *Development permit.* See "Permit."

2010 *Distance requirements.* Unless otherwise provided herein, distances shall be
2011 measured in accordance with the following:

2012 (a) When the land development code requires a distance between uses or
2013 developments on different development sites or there are requirements in the land
2014 development code for a development which is located within a certain distance
2015 from another development the distance shall be measured using a straight line
2016 measurement from property line to property line using the closest property line of
2017 the parcels of land involved.

2018 (b) When the land development code imposes requirements on a development which
2019 is located within a certain distance of a land use district, the distance shall be
2020 measured using a straight line measurement from the land use district line lying
2021 closest to the closest property line of the parcel of land involved.

2022 (c) When there is a distance requirement between a structure or building on the
2023 same development site, the distance shall be measured from the exterior of the
2024 building's walls or columns or the exterior of the said structure, using a straight
2025 line measurement from the closest points between the structures being measured.

2026 (d) When a portion of a parcel or development site lies within a certain distance of a
2027 land use district or development and the land development code imposes
2028 requirements or regulations on a development or parcel within such distance, the
2029 requirements and regulations shall be applicable to the entire parcel or
2030 development site and not just to the portion within the specified distance.

2031 *District.* Any certain described area to which these regulations apply and
2032 within which the land use regulations are uniform and consistent with the
2033 comprehensive plan.

2034 *Drip line.* An imaginary vertical line extending from the outermost
2035 horizontal circumference of a tree's branches to the ground.

2036 *Driveway.* An area on a site used for ingress and egress of vehicles.

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2037 *Dry cleaning.* A process of removing dirt, grease, paint and other stains
2038 from wearing apparel, textiles, fabrics, rugs, and similar materials which complies
2039 with all state and county requirements.

2040 *Dwelling, multiple-family.* A building occupied or intended to be occupied
2041 by more than two families, living separately and with separate kitchens or facilities
2042 for cooking on the premises.

2043 *Dwelling, residential.* A single-family, two-family, or multiple-family
2044 dwelling, which is not a dwelling used for transients or tourists and which contains
2045 one cooking area/kitchen per dwelling unit.

2046 *Dwelling, single-family.* A building designed for and/or containing only one
2047 dwelling unit with one cooking facility which is designed for the use of one family.
2048 Its living and sleeping area shall be arranged so that all spaces are interconnected
2049 wholly within the building and has only one electrical service meter.

2050 *Dwelling, two-family (duplex).* A building designed for and/or containing
2051 two dwelling units.

2052 *Dwelling unit.* A single unit consisting of living area providing complete,
2053 independent living facilities for one family, including permanent provisions for
2054 living, sleeping, eating, cooking and sanitation, but not including recreation
2055 vehicles, tents, hotels, motels or boardinghouses.

2056 *Easement.* A grant to another party by a property owner of the right to use
2057 the owner's land for a specific purpose such as, but not limited to drainage,
2058 placement of utility lines, or ingress/egress.

2059 **Effectively destroy. The girdling, or damaging of a tree's**
2060 **trunk, branch or root system or cutting, pruning or trimming not**
2061 **done in accordance with the most recent American National**
2062 **Standards (ANSI) A-300, Standard Practices for Tree Care**
2063 **Operations.**

2064 *Effluent.* The emission of pollutants from any source.

2065 *Elevated building.* A nonbasement building built to have the lowest floor
2066 elevated above the ground level by means of fill, solid foundation perimeter walls,
2067 pilings, columns (posts and piers) or shear walls.

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2068 *Elevation certificate.* A certificate from a registered architect, professional
2069 engineer or land surveyor indicating the elevation of the finished floor, base flood
2070 elevation and highest crown of road.

2071 *Energy conservation zone.* A zone located no more than 22 feet from a
2072 structure in a 180-degree band from due east of the northeast point of the
2073 structure, to due south, to due west of the northwest point of the structure.

2074 *Engineer.* A person professionally licensed by the state to practice
2075 engineering.

2076 *Essential services.* Public utility facilities which are related to the water,
2077 sanitary sewer, storm drainage, solid waste, telephone, cable television, gas and
2078 electrical collection or distribution systems that service the village but not including
2079 buildings housing employees; or administrative or recreational facilities.

2080 *Excavations.* Unearthing, scraping, digging or grading of earth material for
2081 any purposes.

2082 *Existing construction.* Any construction for which the start of construction
2083 commenced before May 12, 1998 based upon specific technical base flood
2084 elevation data which establishes the area of special flood hazard (i.e. FIRM).

2085 *Existing development.* A residential or nonresidential site with structures that
2086 are currently present on the site and which were legally approved through the
2087 issuance of a certificate of use and certificate of occupancy or a certificate of
2088 completion, as of September 5, 2001.

2089 *Existing manufactured home park or subdivision.* A manufactured home
2090 park or subdivision for which the construction of facilities for servicing the lots on
2091 which the manufactured homes are to be affixed (including at a minimum the
2092 installation of utilities, the construction of streets, and either final site grading or the
2093 pouring of concrete pads) is completed May 12, 1998.

2094 *Expansion to an existing manufactured home park or subdivision.* The
2095 preparation of additional sites by the construction of facilities for servicing the lots
2096 on which the manufactured homes are to be affixed (including the installation of
2097 utilities, the construction of streets, and either final site grading or the pouring of
2098 concrete pads).

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2099 *Facultative.* Plants with a similar likelihood of occurring in both wetlands
2100 and uplands, which are not recognized indicators of either wetland or upland
2101 conditions.

2102 *Fair market value.* The value of property or structures, as used in the
2103 definition of substantial improvement, as determined by the county property
2104 appraiser, or M.A.I. or S.R.A. appraisal, either before the improvement was
2105 started, or if the structure has been damaged and is being restored, before the
2106 damage occurred.

2107 *Family.* One or more person living as a single housekeeping unit
2108

2109 *Fence.* See "Wall." Any construction of wood, metal, wire mesh, masonry
2110 or other materials, erected for the purpose of privacy, protection or aesthetics.

2111 *Fill.* Any material, such as earth, clay, sand, top soil, gravel, rock, concrete,
2112 rubble, wood chips or material of any kind, that is placed, stored, or dumped
2113 upon the surface of the ground resulting in an increase in the natural surface
2114 elevation.

2115 *Flood or flooding.* A general and temporary condition of partial or
2116 complete inundation of normally dry land areas from the overflow of inland or tidal
2117 waters and/or the unusual and rapid accumulation or runoff of surface waters
2118 from any source.

2119 *Flood hazard boundary map (FHBM).* An official map of the village, issued
2120 by the Federal Emergency Management Agency (FEMA), where the boundaries of
2121 the areas of special flood hazard have been defined as Zone A.

2122 *Flood insurance rate map (FIRM).* An official map of the village on which
2123 the Federal Emergency Management Agency has delineated the areas of special
2124 flood hazard and/or risk premium zones applicable to the village, as may be
2125 amended from time to time.

2126 *Flood insurance study.* The official report provided by the Federal
2127 Emergency Management Agency. The report contains flood profiles, as well as the
2128 flood boundary floodway map and the water surface elevation of the base flood.

2129 *Floodplain.* Any land area susceptible to flooding.

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2130 *Floodway.* The channel of a river or other watercourse and the adjacent
2131 land areas that must be reserved in order to discharge the base flood without
2132 cumulatively increasing the water surface elevation more than a designated height.

2133 *Floor.* Also see "Finished floor." The top surface of an enclosed area in a
2134 building (including basement), i.e., top of slab in concrete slab construction or top
2135 of wood flooring in wood frame construction.

2136 *Finished floor.* The first floor of a structure established by either the base
2137 flood elevation or eight inches above the highest crown of the adjacent road(s) as
2138 reflected on a current survey or elevation certificate. This elevation establishes the
2139 measuring point for building height.

2140 *Floor area ratio (FAR).* The maximum intensity permitted for residential and
2141 nonresidential activities is stated in terms of floor area ratio. A mathematical
2142 expression determined by dividing the gross floor area of a building by the area
2143 of the lot on which it is located. FAR computations shall include all uses on the lot,
2144 parcel or site, including both residential and nonresidential floor area.

2145 Floor Area Ratio (FAR) Illustration

2146 1 acre site: 43,560 square foot

2147 Site FAR = 0.3

2148
$$\text{FAR} = \frac{\text{TOTAL BUILDING FLOOR AREA}}{\text{TOTAL LOT AREA}}$$

2150 When a roof height exceeds that permitted for a one-story building, that portion of the
2151 roof exceeding the maximum height shall be counted toward the second floor, floor area
2152 ratio calculation. Exterior unenclosed private balconies above the first floor shall be
2153 counted in the FAR calculation.

2154 *Frontage.* The length of the property line for a parcel that runs parallel to,
2155 and along, a road right-of-way or public or approved private street, exclusive of
2156 alleyways.

2157 *Frontage, building.* The single facade constituting length of building or that
2158 portion of a building occupied by a single office, business or enterprise abutting a
2159 street, parking area or other means of customer access such as an arcade, mall or
2160 walkway.

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2161 *Functionally dependent facility.* A facility which cannot be used for its
2162 intended purpose unless it is located or carried out in close proximity to water,
2163 such as a docking or port facility necessary for the loading and unloading of
2164 cargo or passengers, shipbuilding, or ship repair. The term does not include long-
2165 term storage, manufacturing, sales, or service facilities.

2166 *Garage, parking.* A building or structure designed or used for the parking
2167 or storage of vehicles.

2168 *Governing body.* The village council of the village as constituted in the
2169 village charter.

2170 *Government facilities.* Public services and facilities provided by the village,
2171 state or federal government.

2172 *Grade, established.* The established grade, as applied to any building site
2173 shall be the average elevation of the sidewalk abutting such building site or, if
2174 there is no sidewalk, the average elevation of the crown of the road or street
2175 abutting such building site. Where a building site abuts more than one road and
2176 /or street, the established grade shall be the average elevation of the sidewalks
2177 abutting upon such building sites, or if there are not sidewalks, the average
2178 elevation of the crown of the road and/or streets abutting such building site.
2179 Where an existing residential site has a floor level below the crown of the road
2180 due to topography, but which is not subject to flooding, grade shall be established
2181 as existing site grade.

2182 *Grade existing.* The vertical elevation of the ground surface prior to
2183 excavation or filling.

2184 *Grade, finished.* The elevation of a site after all fill, land balancing or site
2185 preparations have been completed as may be required by the National Flood
2186 Insurance Act of 1968. The first inch of rainfall must be contained on-site.

2187 *Green space (pervious area).* A permeable area or areas open to the sky
2188 (except for roof overhangs up to three feet) including beautification strips,
2189 consisting of those materials such as, but not limited to hedges, trees, planted
2190 ground cover, grassed areas, planted floral installations, and dry retention areas,
2191 all of which must be composed of natural plantings only.. Green space or
2192 landscaped area excludes water bodies, swimming pools, tennis courts and other
2193 similar improvements.

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- 2194 *Gross floor area.* See "Floor area, gross/total."
- 2195 *Group home.* See "Homes/special facilities."
- 2196 *Guest/worker housing.* Living quarters, excluding kitchen facilities, either
 2197 attached or detached from the principal structure, used as a residence by persons
 2198 employed to provide domestic services to the occupants of the principal structure
 2199 or their guests.
- 2200 *Hatrack.* To flat-cut or prune the top of a tree, severing the leader or leaders
 2201 or the removal of any branch three inches or greater in diameter at any point other
 2202 than the branch collar hedge. A dense row of shrubs or bushes placed to form a
 2203 boundary or barrier.
- 2204 *Height (excluding building).*
- 2205 1. *For signs.* The vertical distance measured from ground level nearest the base of
 2206 the sign to the highest point of the sign.
- 2207 2. For structures other than buildings. When referring to a tower, antenna or other
 2208 structure, the distance measured from the finished grade of the parcel to the
 2209 highest point on the tower or other structure, even if the highest point on the
 2210 tower or structure is an antenna.
- 2211 *Height, building.* The vertical measurement from eight inches above the
 2212 average crown of the adjacent street(s) or the elevation set by the National Flood
 2213 Insurance Act of 1968, whichever is higher.
- 2214 *Highest adjacent grade.* The highest natural elevation of the ground
 2215 surface, prior to construction, next to the proposed foundation walls of a building.
- 2216 *Historic structure.* Any structure that is:
- 2217 1. Listed individually in the National Register of Historic Places (a listing maintained
 2218 by the department of interior) or preliminarily determined by the secretary of the
 2219 interior as meeting the requirements for individual listing on the National
 2220 Register;
- 2221 2. Certified or preliminarily determined by the secretary of the interior as
 2222 contributing to the historical significance of a registered historic district or a
 2223 district preliminarily determined by the Secretary to qualify as a registered
 2224 historic district;

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- 2225 3. Individually listed on a state inventory of historic places in states with historic
2226 preservation programs which have been approved by the secretary of the
2227 interior; or
- 2228 4. Individually listed on a local inventory of historic places in communities with
2229 historic preservation programs that have been certified either:
- 2230 5. By an approved state program as determined by the secretary of the interior;
- 2231 6. Directly by the secretary of the interior in states without approved programs; or
- 2232 7. Individually listed on a local inventory of sites designated by the village or county
2233 as historically significant.

2234 *Homes/special facilities.* The following uses are types of special facilities
2235 and home care services:

2236 *Adult congregate living facility.* Any state licensed institution, building(s),
2237 residence, private home, boarding home, home for the aged, or other place whether
2238 operated for profit or not, which undertakes through its ownership or management to
2239 provide for a period exceeding 24 hours, one or more personal service for four or
2240 more adults, not related to the owner or administrator by blood or marriage, who
2241 require such services. A facility offering personal services for fewer than four adults
2242 will be within the meaning of this definition if it holds itself out to the public to be an
2243 establishment which regularly provides such service.

2244 *Adult congregate living facility unit.* Any room or interconnected rooms with one
2245 main entrance, in an adult congregate living facility, containing one or more beds.

2246 *Community residential facility.* A residential facility licensed as a community
2247 residential facility by the state department of children and family service (CFS) which
2248 provides a community living environment for seven to 14 persons and includes
2249 supervision and care necessary to meet the physical, emotional, and social needs of
2250 its residents. The capacity of such a facility shall not be more than allowed pursuant
2251 to state law.

2252 *Child and family day care.* See "Child and family day care, private." Public child
2253 and family day care facilities are regulated as government facilities. See
2254 "Government facilities."

2255 *Foster care.* A residential facility licensed as a foster care home by the state
2256 department of children and family service (CFS) which provides a family living
2257 environment for up to six children and includes supervision and care necessary to

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2258 meet the physical, emotional, and social needs of its residents. The capacity of such a
2259 facility shall not be more than allowed pursuant to state law.

2260 *Group home.* A residential facility licensed as a group home by the state
2261 department of children and family service (CFS) which provides a family living
2262 environment for up to six children and includes supervision and care necessary to
2263 meet the physical, emotional, and social needs of its residents. The capacity of such a
2264 facility shall not be more than allowed pursuant to state law.

2265 *Hydromulch.* A sprayed application of seed, mulch and water.

2266 *Illegal sign.* Any of the following:

- 2267 1. A sign erected without first obtaining a permit and complying with all regulations
2268 in effect at the time of its construction or use;
- 2269 2. A sign that was legally erected but whose use ceased because the business it
2270 identifies is no longer conducted on the premises;
- 2271 3. A nonconforming sign for which the amortization period has expired;
- 2272 4. A sign that was legally erected but which later became nonconforming and then
2273 was damaged to the extend of 50 percent or more of its current replacement
2274 value;
- 2275 5. A sign that is a danger to the public or is unsafe; or
- 2276 6. A sign that pertains to a specific event that has not been removed within 48
2277 hours after the occurrence of the event.

2278 *Homeowners association (HOA).* An association combining individual
2279 home ownership with shared use, ownership, maintenance, and responsibility for
2280 common property or facilities, including common facilities and land (but excluding
2281 conservation and preservation areas) within a cluster development.

2282 *Impervious surface.* A surface that has been compacted or covered with a
2283 layer of material so that it is highly resistant to or prevents infiltration by
2284 stormwater. It includes surfaces such as compacted lime rock, gravel, or clay, as
2285 well as most conventionally surfaced streets, roofs, sidewalks, parking lots and
2286 other similar surfaces.

2287 *Impervious surface ratio (ISR).* A measure of the intensity of hard surfaced
2288 development on a site. An impervious surface ratio is the relationship between the
2289 total impervious surface area on a site and the net land area. The ISR is calculated

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2290 by dividing the square footage of the area of all impervious surfaces on the site by
 2291 the square footage of the net land area.

2292 IMPERVIOUS SURFACE RATIO (ISR) ILLUSTRATION

		TOTAL IMPERVIOUS				
ISR	=	<i>SURFACE</i>	=	6,000	=	60%
		TOTAL LOT AREA		10,000		

2293

2294 *Irrigation plan.* A plan drawn at the same scale as the landscape plan
 2295 indicating location and specification of irrigation system components and other
 2296 relevant information as required by landscape regulations of this Code.

2297 *Intersection visibility triangle.* The triangle portion of a lot formed by the
 2298 street or alley frontage of such lot and a line drawn between the points along such
 2299 street or alley frontage 50 feet distant from their point of intersection.

2300 *Junk.* Inoperative, dilapidated, abandoned or wrecked materials, including
 2301 but not limited to vehicles, trucks, tractors, wagons, boats and other kinds of
 2302 vehicles and parts thereof, scrap materials, scrap building material scrap
 2303 contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles,
 2304 glass, old iron, machinery and similar materials having no intrinsic value.

2305 *Junkyard.* A place where junk, waste, discarded or salvaged materials are
 2306 bought, sold, exchanged, stored, baled, packed, disassembled or handled,
 2307 including vehicle wrecking yards where vehicles are dismantled or wrecked and
 2308 the used parts are stored and/or sold, house wrecking, and structural steel
 2309 materials and equipment but not including the purchase or storage of used
 2310 furniture and household equipment, used cars in operable condition, used or
 2311 salvaged materials as a part of manufacturing operations.

2312 *kennel.* The keeping of any domestic animal, regardless of number, for
 2313 sale, breeding, boarding or treatment purposes, except in a animal hospital,
 2314 animal parlor or pet shop, as permitted by law, or the keeping of five or more
 2315 domesticated animals, six months or older, on premises used for residential

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2316 purposes, or the keeping of more than one domesticated animal on vacant
2317 property or on property used for business or commercial purposes.

2318 *Landscape plan.* A plan indicating all landscape areas, stormwater
2319 retention/detention areas, site grades, areas which qualify to be excluded from
2320 maximum permitted lawn area existing vegetation to be retained, proposed plant
2321 material landscape legend, landscape features, planting specifications and details,
2322 and all other relevant information in compliance with the landscape regulations of
2323 this Code.

2324 *Landscape architect.* A person licensed by the state to practice landscape
2325 architecture.

2326 *Landscaped area.* See "Green space".

2327 *Lawn area.* An area planted with lawn grasses.

2328 *Level of service.* An indicator of the operational efficiency of service
2329 provided by a concurrency facility.

2330 *Level of service standard.* The adopted volume of demand required for each
2331 concurrency facility in order to achieve acceptable operational efficiency.

2332 *Livestock, limited.* Keeping and maintaining any combination of horses or
2333 cows, not to exceed two such horses and cows, or five poultry, or birds provided:

- 2334 1. Such use is incidental to an existing residential use;
2335 2. The area used to keep and maintain such animals is part of the residential site;
2336 and
2337 3. Such animals are fenced at least 50 feet from property under different ownership.

2338 *Living level.* The number of floors in a building above the finished floor.

2339 *Loading space (berth).* A space which provides for the loading or unloading
2340 of service vehicles and has a minimum size of 12 feet in width, 30 feet in length
2341 and 14 feet in height with a backup space of 32 feet.

2342 *Local governing body.* The village council of the Village of Pinecrest as
2343 constituted in the Village Charter.

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2344 *Local planning agency.* An advisory body to the village council as legally
2345 established by ordinance with designated power as referenced by the land
2346 development code and Florida Statutes.

2347 *Lot.* (See "Parcel"). A parcel of land meeting minimum district requirements
2348 for size, width, and area and capable of providing such yards and other open
2349 spaces as are required in the land development code and may consist of:

- 2350 1. A single lot of record;
- 2351 2. A portion of a lot of record;
- 2352 3. A combination of complete lots of record, and portions of lots of record; and
- 2353 4. A parcel of land described by metes and bounds.

2354 *Lot area.* The horizontal plane area within the lot lines, excluding right-of-
2355 way, expressed in these regulations in square feet or acres.

2356 *Lot, corner.* A lot abutting upon two or more streets, alleys or other public
2357 way at their intersection or at a street corner having an interior angle not greater
2358 than 135 degrees along the right-of-way. The boundary with the smallest frontage
2359 on the street shall be designated as the front yard. The yard opposite to the front
2360 yard shall be designated as the rear yard. The side yard along the other street
2361 shall be designated as the side street yard. The side opposite shall be designated
2362 as the side yard (see figure 9-4 at the end of this division).

2363 *Lot coverage.* The total of impervious surface area and green space.

2364 *Lot depth.* The horizontal distance between the front and rear lot lines
2365 measured in the mean direction of the side lines of the lot from the midpoint of the
2366 front lot line to the midpoint of the opposite mean rear line of the lot. For through
2367 lots, the lot depth is the distance between the adjacent streets.

2368 *Lot, interior.* A lot other than a corner lot with a frontage on one street only
2369 (see figure 9-1 at the end of this division).

2370 *Lot line.* The line bounding a lot as herein defined as established by
2371 ownership except that where a lot line lies within a private street or waterway the
2372 edge of the private street right-of-way or waterway shall be considered to be the
2373 lot line for the purposes of calculating net density, lot, yard and bulk requirements.

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2374 *Lot line, front.* That line running adjacent and parallel to the street (see
2375 figures 9-2—9-7 at the end of this division).

2376 *Lot line, rear.* The line opposite and parallel to the front line (see figures 9-
2377 2—9-7 at the end of this division).

2378 *Lot lines, side.* Those lines connecting the street frontage with a rear lot line
2379 and generally running perpendicular thereto (see figures 9-2—9-7 at the end of
2380 this division).

2381 *Lot lines, side street.* That line on a corner lot parallel to the side street (see
2382 figure 9-4 at the end of this division).

2383 *Lot, nonconforming.* A single lot, tract or parcel of land shown on either a
2384 recorded or unrecorded map, plat, drawing or survey, where such map, plat,
2385 drawing or survey was in existence as of November 27, 2000, or subsequent
2386 amendment thereto, such lot failing to meet the requirements for area, width or
2387 depth for any permitted use within the district in which it is located.

2388 *Lot of record.* A lot which is a part of a subdivision, the map of which has
2389 been duly approved and recorded in the public records of the county or a lot
2390 described by metes and bounds, the description of which has been thus recorded.

2391 *Lot, through (double frontage lot).* An interior lot having a street, alley or
2392 other public way on each end (see figure 9-3 at the end of this division).

2393 *Lot width.* The distance between the side lot lines measured along the
2394 required front right-of-way line.

2395 *Lowest floor.* The lowest floor of the lowest enclosed area (including
2396 basement). An unfinished or flood resistant enclosure, used solely for parking of
2397 vehicles, building access, or storage in an area other than a basement is not
2398 considered a building's lowest floor, provided that such enclosure is not built so as
2399 to render the structure in violation of this Code.

2400 *Mandatory requirements.* Requirements or provisions of the land
2401 development code not subject to relaxation or waiver by the variance process.

2402 *Mangrove stand.* An assemblage of mangrove trees which is mostly low
2403 trees noted for a copious development of interlacing adventitious roots above the
2404 ground and which contain one or more of the following species: black mangrove

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2405 (Avicennia nitida); red mangrove (Rhizophora mangle); white mangrove
2406 (Longuncularia racemosa); and buttonwood (Conocarpus erecta).

2407 *Manufactured home.* A building, transportable in one or more sections,
2408 which is built on a permanent chassis and designed to be used with or without a
2409 permanent foundation when connected to the required utilities. The term also
2410 includes park trailers, travel trailers and similar transportable structures placed on
2411 a site for 180 consecutive days or longer and intended to be improved property.

2412 *Mean sea level.* The average height of the sea for all stages of the tide. It is
2413 used as a reference for establishing various elevations within the floodplain. For
2414 purposes of this chapter, the term is synonymous with national geodetic vertical
2415 datum (NGVD).

2416 *Mezzanine.* An intermediate level placed between the floor and ceiling in
2417 any story or room which does not exceed one-third the gross area of the room or
2418 story on which it is superimposed.

2419 *Monument sign.* A freestanding sign where the foundation and
2420 supporting structure are visually an integral part of the sign creating a continuous
2421 form from the ground to the top of the sign. Monument signs shall be an integral
2422 and complementary element of the overall architectural and streetscape
2423 composition and shall be integrated with the building and landscape design.

2424 *Moisture and rain sensor switches.* Devices which have the ability to switch
2425 off an automatic irrigation controller after receiving a predetermined amount of
2426 rainfall or moisture content in the soil.

2427 *National geodetic vertical datum (NGVD).* A vertical control used as a
2428 reference for establishing varying elevations within the floodplain as corrected in
2429 1929.

2430 *Native habitat.* An area enhanced or landscaped with an appropriate mix
2431 of native tree, shrub and groundcover species that resembles a native plant
2432 community or natural forest community in structure and composition or is naturally
2433 occurring.

2434 *Native plant species.* Plant species with a geographic distribution
2435 indigenous to all or part of the county, including the village, that are not
2436 introduced by man. Plants which are described as native to the county in botanical

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2437 manuals such as, but not limited to, "A Flora of Tropical Florida" by Long and
2438 Lakela and "The Biology of Trees Native to Tropical Florida" by P.B. Tomlinson,
2439 are native plant species within the meaning of this definition.

2440 *Net acre.* The unit of land area which comprises an acre, less that portion
2441 of land area within public ownership. Public land area shall include public rights-
2442 of-ways, public waterways, and other publicly dedicated areas.

2443 *Net site square feet.* The square footage of the existing or proposed lot, less
2444 that portion of land area within public ownership. Public land area shall include
2445 public rights-of-ways and public waterways and other publicly dedicated areas.

2446 *New construction,* for purposes of flood regulation, shall mean any structure
2447 for which the "start of construction" commenced after May 12, 1998, based upon
2448 specific technical base flood elevation data, which establishes the area of special
2449 flood hazard (i.e. FIRM). The term also includes any subsequent improvements to
2450 such structure.

2451 *New manufactured home park or subdivision.* A manufactured home park
2452 or subdivision for which the construction of facilities for servicing the lots on which
2453 the manufactured homes are to be affixed (including at a minimum, the installation
2454 of utilities, the construction of streets, and either final site grading or the pouring of
2455 concrete pads) is completed on or after May 12, 1998.

2456 *Noise.* A subjective description to an undesirable or unwanted sound.

2457 *Nonconforming structure or use.* A structure or land use legally existing by
2458 the virtue of a permit, variance or other government action at the time of the
2459 passage of this Code or subsequent amendment thereto, which currently does not
2460 conform to the provisions, requirements, and regulations of the districts in which it
2461 is located.

2462 *Nuisance.* An act, which is committed by a person or persons, or a
2463 condition which is allowed to exist on a property by a person or persons, which
2464 has an adverse economic effect on neighboring properties or which threatens the
2465 public health, safety or welfare.

2466 *Nursery school or kindergarten.* Any premises or portion thereof used for
2467 educational work or parental care of nonresident children of less than the age

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2468 required for enrollment in the public school system whether or not for
2469 compensation, as licensed by the state.

2470 *Nursing home or convalescent home.* A home for the aged or infirm in
2471 which three or more persons not of the immediate family are received, kept or
2472 provided with food and shelter or care for compensation, but not including
2473 hospitals, clinics, or similar establishments devoted primarily to the diagnosis and
2474 treatment of the sick or injured as licensed by the state.

2475 *Occupants.* The total number of persons that may occupy a building or
2476 portion thereof or other areas designated for occupancy or use at any one time.
2477 The term "other areas designated for occupancy or use" shall be deemed to
2478 include, but not be limited to, decks, patios or other improved areas of the site for
2479 use by the patrons.

2480 *Odor.* Stimulus affecting the olfactory nerves.

2481 *Off-premise sign.* A sign that directs attention to a business, commodity,
2482 service, or entertainment not exclusively related to the premises where such sign is
2483 located or to which it is affixed.

2484 *Office.* A room or group of rooms used for conducting the affairs of a
2485 business, profession, service industry or government.

2486 *Official zoning map.* The official zoning map of the village that depicts the
2487 zoning district classifications of this Code.

2488 *Open space, common.* An area required as open space under the Code for
2489 the various zoning districts.

2490 *Open space.* That portion of property consisting of green space and other
2491 impervious areas but excluding all buildings.

2492 *Parcel.* See "Lot."

2493 *Parking lot.* An off-street, surfaced, ground level open area, for the
2494 temporary parking or storage of motor vehicles.

2495 *Parking space.* An area, enclosed or unenclosed, sufficient in size to store
2496 one motor vehicle and permitting the necessary ingress and egress of a motor
2497 vehicle.

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- 2498 *Patron area.* See "Customer service area."
- 2499 *Permit.* A document issued by the building and planning department of the
2500 village allowing a person to begin an activity provided for in these regulations.
- 2501 *Permit, development.* A permit signifying compliance with the provisions of
2502 these regulations as to design, use, activity, height, setbacks, density, site
2503 planning, special use status or planned unit development status.
- 2504 *Personal service store.* An establishment which provides personal services
2505 directly to the consumer, such as, but not limited to, barbershop, beauty salon, dry
2506 cleaning, shoe repair shop and tailor shop, but which does not have as its primary
2507 function the sale of retail goods.
- 2508 *Pervious area (green space).* Any portion of a lot or parcel not required,
2509 designated for or encumbered by either principal or accessory uses, buildings and
2510 structures and other site uses, including driveways, decks, walkways, stepping
2511 stones, tennis courts, swimming pools, or other such amenities.
- 2512 *Zoning board.* A board appointed by the village council as legally
2513 established by ordinance with designated power as referenced in this Code.
- 2514 *Plant species controlled.* Those plant species, which tend to become
2515 nuisances because of their ability to invade proximal native plant communities or
2516 native habitats, but which, if located and cultivated properly may be useful or
2517 functional as elements of landscape design.
- 2518 *Planting detail.* A graphic representation of the plant installation depicting
2519 the materials to be used and dimensions to be met in the placement of landscape
2520 materials.
- 2521 *Plat.* A map depicting the division or subdivision of land, tracts or portions
2522 thereof, however the same may be designated.
- 2523 *Plat of record.* A plat which conforms to all the requirements of the
2524 applicable laws of the state, the county and this Code and has been filed and
2525 recorded in the office of the clerk of the circuit court for the county.
- 2526 *Pool, available capacity.* The total unused capacity of concurrency facilities
2527 existing at any point in time.

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- 2528 *Portable sign.* Any sign not attached to or painted on a building and not
2529 affixed or permanently attached to the ground.
- 2530 *Premises.* Any lot and/or all buildings and structures thereon.
- 2531 *Principal use.* See "Use, principal."
- 2532 *Proceeding in good faith.* Tangible and continuing actions taken by an
2533 applicant of an approved final development order to perform actual project
2534 construction and implementation leading to completion of a final development plan
2535 within a reasonable period of time. More over, a certificate of completion for the
2536 development of infrastructure must be received within three years of the date from
2537 which the construction was authorized in order to satisfy the definition of this term.
2538 This provision can only be modified through a development agreement approved
2539 by the village council.
- 2540 *Professional planner.* A person who is engaged in the profession of urban
2541 planning who possesses appropriate education and professional experience.
- 2542 *Prohibited plant species.* Those plant species listed in the county or village
2543 landscape manual or code of ordinances that are demonstrably detrimental to
2544 native plants native wildlife, ecosystems, or human health, safety, and welfare.
- 2545 *Property.* The overall area represented by the outside boundaries of a
2546 parcel of land or development.
- 2547 *Property line.* See "Lot line."
- 2548 *Property owners' association.* A nonprofit organization recognized as such
2549 under the laws of the state operated under recorded land agreements through
2550 which each owner of a portion of a subdivision, be it a lot, home, property or any
2551 other interest, is automatically subject to a charge for a prorated share of expenses
2552 either direct or indirect for maintaining common properties within the subdivision,
2553 such as roads, parks, recreational areas, common areas or other similar
2554 properties. Within the text of this Code, a property owners' association is
2555 considered a single entity for property ownership.
- 2556 *Public facilities and services (concurrency facilities).* Those facilities covered
2557 by the comprehensive development master plan required by F.S. § 163.3177,
2558 and for which level of service standards must be adopted under F.A.C. [ch. 9J-5](#).
2559 The facilities are:

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- 2560 1. Roads;
2561 2. Sanitary sewer;
2562 3. Solid waste;
2563 4. Drainage;
2564 5. Potable water;
2565 6. Parks and recreation.

2566 *Public notice.* The legal advertisement given of an action or proposed
2567 action of the village as set forth in these regulations or applicable state statutes.

2568 *Public service uses (PS).* Uses such as governmental buildings, public and
2569 not-for-profit schools, hospitals and supportive health care units, arts and cultural or
2570 civic facilities, essential public services, utilities, fire and emergency operations
2571 facilities, and places of worship and accessory facilities.

2572 *Public utilities.* Public and quasi-public services regulated by the state for
2573 purposes of providing essential infrastructure to residential and/or nonresidential
2574 areas in order to further the public health, safety, and welfare.

2575 *Rear lot lines.* Those lines connecting the side lot lines at the opposite end of
2576 a lot from the street frontage line and generally running perpendicular to the side
2577 lot lines and parallel to the street frontage line.

2578 *Recreation area or space (private).* An accessory use consisting of one or
2579 more areas, enclosed within a structure and/or open space, devoted to the active
2580 and/or passive recreational enjoyment of one or more persons residing within the
2581 principal use to which it is accessory. When developed and/or equipped for
2582 various recreational pursuits, the areas shall not be allowed for any other required
2583 site uses except open and/or rear building setback areas.

2584 *Recreational accessory uses.* Uses which are customarily incidental to and
2585 subordinate to a principal residential land use, including a private swimming pool,
2586 tennis court, shuffle board court, or similar accessory residential structures for the
2587 recreation on family members and their guests.

2588 *Restaurant, consumption on premises.* An establishment where food is
2589 ordered from a menu, prepared and served for pay, for consumption on the
2590 premises but not a drive-in restaurant.

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2591 *Restaurant, drive-in.* Any food or beverage dispensing operation at retail to
2592 the general public where the public is served while remaining in vehicles or other
2593 motor vehicles.

2594 *Restaurant, fast casual* - a type of restaurant positioned between fast food
2595 and full-service dining that does not offer full table service. Counter service
2596 accompanied by handmade food (often visible via an open kitchen) is typical. The
2597 menu is usually limited to an extended over-counter display, and options in the
2598 way the food is prepared are emphasized. While full table service is not offered,
2599 conveniences like utensils and plates are common.

2600 *Restaurant, fast food* - a type of restaurant characterized both by its fast
2601 food cuisine and by minimal table service. Food served is offered from a limited
2602 menu; is cooked in bulk in advance and kept hot; is finished and packaged to
2603 order; and is usually available ready to take away, though seating may be
2604 provided. Fast food restaurants are typically part of a restaurant chain or franchise
2605 operation, which provisions standardized ingredients and/or partially prepared
2606 foods and supplies to each restaurant through controlled supply channels.

2607 *Restaurant, outdoor.* A use approved by the village council characterized
2608 by outdoor table service of food and beverages prepared for service in an
2609 adjacent restaurant.

2610 *Restaurant, take-out.* Any food or beverage dispensing operation at retail to
2611 the general public where the public purchases food and beverages at a counter
2612 and consumption occurs only off premises.

2613 *Retention or to retain.* The prevention of, or to prevent the discharge of a
2614 given volume of stormwater runoff into surface waters of the state by complete on-
2615 site storage where the capacity to store the given volume of stormwater is again
2616 provided within 72 hours following the storm event. The required storage volume
2617 must be provided by a decrease of stored water caused by percolation through
2618 soil, evaporation, transpiration, or spray irrigation. Retention shall be "off-line"
2619 (i.e. outside of the primary drainage path), unless it is demonstrated by the
2620 applicant that water quality in the receiving waters will not be adversely impacted
2621 by "on line" retention. Wet retention refers to an area the lowest elevation of
2622 which penetrates the dry season groundwater table. Dry retention refers to an area
2623 the lowest elevation of which lies at least two feet above the wet season
2624 groundwater table.

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2625 *Right-of-way.* The area of a highway, road, street, way or parkway or other
2626 such strip of land reserved for public use, whether established by prescription,
2627 easement, dedication, gift, purchase, eminent domain or any other legal means.

2628 *Roof sign.* Any sign, which is painted on, fastened to, or supported by the
2629 roof or erected over the roof.

2630 *Rotating sign.* A sign that rotates or revolves.

2631 Sale of homegrown produce limited to production and sale of produce
2632 grown on the premises. Fruit growing incidental to an existing residential use,
2633 provided that no more than one sign which is no greater than four square feet is
2634 posted during the fruit growing season and no more than one fruit stand, which is
2635 no greater than 16 square feet horizontal surface area, is temporarily located on
2636 the property. Such use shall be confined to an area no closer than ten feet to an
2637 official street right-of-way line.

2638 *Sandwich/sidewalk sign.* A movable sign not secured or attached to the
2639 ground or surface upon which it is located.

2640 *Satellite antenna.* Any parabolic or spherical antenna, which receives
2641 television or other signals from orbiting satellites or other devices. The height of a
2642 groundmounted antenna shall be the maximum height to which it is capable of
2643 being raised and shall be measured from the highest point of the finished grade of
2644 the roof adjacent to the structure. A satellite antenna shall be considered as an
2645 accessory structure when it is not part of a public utility. A web or mesh type
2646 antenna is an antenna primarily constructed of a web or mesh material so that it
2647 does not substantially impair visibility. A ground mounted or "short pole"
2648 installation denotes a pole of nine feet or less in height. A "long pole" installation
2649 denotes a pole of greater than nine feet in height that is braced to the side of a
2650 building for added rigidity.

2651 *School or educational facility, private.* An institution which provides
2652 instruction from kindergarten level through the college level and which does not
2653 come under the direct operation and administration of the county school board or
2654 the state.

2655 *Sediment.* The mineral or organic particulate material that is in suspension
2656 or has settled in surface water or groundwater.

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2657 *Service station.* See "Vehicular service station."

2658 *Setback.* The required minimum horizontal distance between the front, rear
2659 or side lines of a lot and the front, rear and side lines of a building, or, in the case
2660 of open structures, to the face of the structural columns; including those structures
2661 specifically permitted to extend beyond the height of the building.

2662 *Shopping center.* An area zoned for business where at least 250 feet of
2663 street frontage has been zoned for commercial purposes under one application
2664 and one ownership, and where it contains off-street parking containing two or
2665 more retail uses.

2666 *Shrub.* A self-supporting woody perennial plant normally growing to a
2667 height of 24 inches or greater, characterized by multiple stems and branches
2668 continuous from the base.

2669 *Sign.* Any display of characters, letters, logos, illustrations, or any other
2670 ornamentation designed or used as advertisement, announcement or to indicate
2671 direction.

2672 *Snipe sign.* An off-premise sign that is tacked, nailed, posted, pasted, glued
2673 or otherwise attached to trees, poles, stakes, fences, or to other objects.

2674 *Specimen tree.* A tree with any individual trunk which has a measured
2675 diameter at breast height (DBH) of 18 inches or greater, but not including the
2676 following:

- 2677 (1) All trees listed in the list of tree species that do not require a removal permit; and
2678 (2) All multi-trunk trees in the palm family, except *Accelorrhaphe wrightii*, which have
2679 a minimum overall height of 15 feet.

2680 *Spot zoning.* An illegal rezoning which occurs when: (1) a small parcel of
2681 land is singled out for special and privileged treatment; (2) the singling out is not
2682 in the public interest but only for the benefit of the land owner; and (3) the action
2683 is not in accord with the adopted comprehensive development master plan.

2684 *Start of construction,* for purposes of flood regulation (for other than new
2685 construction or substantial improvements under the Coastal Barrier Resources Act),
2686 includes substantial improvement, and shall mean the date the building permit was
2687 issued, provided the actual start of construction, repair, reconstruction, or
2688 improvement was within 180 days of the permit date. The actual start means the

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2689 first placement of permanent construction of a building (including a manufactured
2690 home) on a site, such as the pouring of slabs or footings, installation of piles,
2691 construction of columns or any work beyond the stage of excavation or the
2692 placement of a manufactured home on a foundation. Permanent construction does
2693 not include land preparation, such as clearing, grading and filling; nor does it
2694 include the installation of streets and/or walkways; nor does it include excavation
2695 for a basement, footings, piers or foundations or the erection of temporary forms;
2696 nor does it include the installation on the property of accessory buildings, such as
2697 garages or sheds not occupied as dwelling units or not part of the main building.
2698 For a substantial improvement, the actual start of construction means the first
2699 alteration of any wall, ceiling, floor, or other structural part of a building, whether
2700 or not that alteration affects the external dimensions of the building.

2701 *State.* The State of Florida and all its duly appointed agencies.

2702 *Store, convenience.* A small retail establishment, which sells a general line
2703 of goods and products, intended for the convenience of surrounding residents and
2704 whose gross floor area does not exceed 3,000 square feet.

2705 *Store, retail.* An establishment which sells goods or products directly to the
2706 public for compensation.

2707 *Stormwater.* The flow of water that results from, and that occurs immediately
2708 following a rainfall.

2709 *Stormwater management system.* The system, or combination of systems,
2710 designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert
2711 the movement of stormwater on, through and from a site.

2712 *Stormwater retention/detention area.* An area designed, built and used for
2713 temporary storage of stormwater. For purposes of this Code, these areas are
2714 intended to be permanently exempt from wetland regulations.

2715 *Stormwater runoff.* That portion of the stormwater that flows from the land
2716 surface of a site either naturally, in manmade ditches, or in a closed conduit
2717 system.

2718 *Story.* That portion of a building included between the upper surface of any
2719 floor and the lower surface of the floor next above or any portion of a building

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2720 used for human occupancy between the topmost floor and the roof. A basement or
2721 cellar shall not be counted as a story. Mezzanine shall be counted as a story.

2722 *Street.* Any thoroughfare, street, avenue, boulevard, highway, parkway or
2723 space which may or may not be dedicated or deeded to the public for use and
2724 which affords the principal means of access to abutting property for the purposes
2725 of vehicular travel.

2726 *Street, collector.* Streets penetrating neighborhoods, collecting traffic from
2727 local streets in the neighborhoods, and channeling it onto the arterial system.

2728 *Street, expressway.* A street that is to be used only for the movement of
2729 vehicles providing for no vehicular or pedestrian access to abutting property
2730 except at permitted, authorized and controlled points.

2731 *Street, local.* Streets not classified in a higher system, primarily providing
2732 direct access to abutting land and to the higher systems, offering the lowest level of
2733 mobility and usually carrying no bus routes.

2734 *Street, major arterial.* A designated street or highway on the DOT functional
2735 classification system that carries high traffic volumes and interconnects regions of
2736 the county or the state such as US 1 (South Dixie Highway/Pinecrest Parkway).

2737 *Street, marginal access.* A street parallel and adjacent to an expressway,
2738 arterial or limited access street or in the immediate vicinity of such streets and
2739 which has as its principal purpose of relieving such street from local service of
2740 abutting property by providing protection from conflicts with through traffic.

2741 *Street, minor arterial.* Streets and highways interconnecting with and
2742 augmenting the urban principal arterial system and providing service to trips of
2743 moderate length at a somewhat lower level of travel mobility. The system places
2744 more emphasis on land access and distributes travel to geographic areas smaller
2745 than those identified with the higher system.

2746 *Street, private.* Any street existing prior to or at the time of adoption of
2747 these regulations which has not been dedicated for public use and not accepted
2748 for ownership or maintenance by the appropriate public agency.

2749 *Street, public.* Any road, street or right-of-way designed to serve more than
2750 one property owner which is dedicated to the public use and accepted for
2751 ownership and maintenance by the appropriate public agency; includes any street

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2752 right-of-way dedicated to the public prior to or at the time of adoption of the
2753 ordinance from which this chapter was derived.

2754 *Structural alteration.* Any change in the supporting members of a building
2755 such as bearing walls, columns, beams or girders; or the rearrangement of interior
2756 partitions, floors, ceilings, roof, and similar structural features.

2757 *Structure.* Anything built, constructed or erected, the use of which requires a
2758 more or less permanent location on the land, or attached to something having a
2759 permanent location on the land. Structure includes any composition, artificially
2760 built up or composed of parts joined together in some definite manner or any
2761 rooflike structure or storage apparatus whether movable or nonmovable which
2762 may or may not be self-supporting or may or may not be affixed to a "structure,"
2763 or to a building. Structure shall also include swimming pools, tennis courts, decks,
2764 patios, driveways, sidewalks, chickee huts, gazebos, screened-in rooms,
2765 recreational equipment, sheds, and accessory buildings.

2766 *Subdivision.* The division of real property into two or more lots, parcels,
2767 tracts, tiers, blocks, sites, units or any other division of land, or if the establishment
2768 of new streets and alleys is involved, any division of such parcel. The term includes
2769 re-subdivisions and, when appropriate to the text, relates to the process of
2770 subdividing or to the lands or area subdivided.

2771 *Submerged land.* The land area situated below the ordinary high water line
2772 of a standing body of water, including lake, pond, river, canal or stream. For the
2773 purpose of this definition retention areas that are a function of development and
2774 wetlands shall not be considered submerged land.

2775 *Substantial damage,* for purposes of flood regulations, means damage of
2776 any origin sustained by a structure whereby the cost of restoring the structure to its
2777 before damaged condition would equal or exceed 50 percent of the market value
2778 of the structure before the damage occurred.

2779 *Substantially improved existing manufactured home parks or subdivisions.*
2780 Repair, reconstruction, rehabilitation or improvement of the streets, utilities and
2781 pads which equals or exceeds 50 percent of the value of the streets, utilities and
2782 pads before the repair, reconstruction or improvement commenced.

2783 *Substantial improvement,* for purposes of flood regulations, shall mean any
2784 combination of repairs, reconstruction, alteration, or improvements to a building,

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2785 taking place during a five-year period, in which the cumulative cost equals or
2786 exceeds 50 percent of the fair market value of the structure prior to the
2787 improvement. The fair market value of the building should be (1) the appraised
2788 value of the structure prior to the start of the initial repair or improvement, or (2) in
2789 the case of damage, the value of the structure prior to the damage occurring. The
2790 total cost does not include nonstructural interior finishings, including, but not
2791 limited to, finish flooring and floor coverings, paneling, wall covering, tapestries,
2792 window treatments, decorative masonry, paint, tile, communications and sound
2793 systems, HVAC grills and decorative trim, or built-in appliances, except when
2794 determining whether the structure has been substantially improved as a result of a
2795 single improvement or repair. This term includes structures which have incurred
2796 "substantial damage", regardless of the actual repair work. For the purposes of
2797 this definition, "substantial improvement" is considered to occur when the first
2798 alteration of any wall, ceiling, floor, or other part of the building commences,
2799 whether or not that alteration affects the external dimensions of the building. The
2800 term does not however, include any project for improvement of a building required
2801 to comply with existing health, sanitary, or safety Code specifications which have
2802 been preidentified by the administrative official and which are solely necessary to
2803 assure safe living conditions.

2804 *Survey, certified.* A survey, sketch, plan, map or other exhibit containing a
2805 written statement regarding its accuracy or conformity to specified standards
2806 certified, signed and sealed by a state registered land surveyor under whose
2807 supervision the survey was prepared.

2808 *Survey, current.* A certified survey performed or updated within the past five
2809 years. A certified survey performed more than five years ago with an affidavit
2810 submitted by the owner attesting to the accuracy of the survey, including all
2811 existing conditions shall be acceptable as a current survey.

2812 *Surveyor.* A person licensed by the state to practice land surveying.

2813 *Temporary.* A time period of not more than 90 days.

2814 *Tent.* Any portable or removable shelter made of canvas and/or some other
2815 similar fabric either natural or synthetic.

2816 *Tower.* Any structure that is designed and constructed primarily for the
2817 purpose of supporting one or more antennas, including self-supporting lattice
2818 towers, guyed towers or monopole towers. The term includes radio and television

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2819 transmission/relay towers, microwave towers, common-carrier towers, cellular
2820 telephone towers, alternative tower structures and the like. The term includes the
2821 structure and any support thereto.

2822 *Townhouse.* A building or structure designed for and/or containing one
2823 dwelling unit and/or intended for occupancy by not more than one family or
2824 household and attached to other similar buildings or structures by not more than
2825 two party walls extending from the foundation to the roof and providing two direct
2826 means of access from the outside. For the purpose of this land development code,
2827 a townhouse may include a building or structure in fee simple, condominium,
2828 cooperative or leasehold ownership or any combination thereof.

2829 *Tree abuse* shall include:

2830 (a) Damage inflicted upon any part of a tree, including the root system, by
2831 machinery, construction equipment, cambium layer penetration, storage of
2832 materials, soil compaction, excavation, chemical application or spillage, or
2833 change to the natural grade.

2834 (b) Hatracking.

2835 (c) Girdling or bark removal of more than one-third of the tree diameter.

2836 (d) Tearing and splitting of limb ends or peeling, and stripping of bark resulting from
2837 improper pruning techniques not in accordance with the current ANSI -A300
2838 Standards.

2839 (e) Cutting of a tree which destroys its natural shape.

2840 (f) Use of climbing spikes unless for the purpose of removing the entire tree.

2841 (g) Flush cuts that cut into the branch collar.

2842

2843 *Tree canopy cover.* The aerial extent of the branches and foliage of a tree
2844 measured in width at the drip line.

2845 *Triangle of visibility.* A triangular area of land occurring at the intersection
2846 of a driveway and street right-of-way which is maintained free of visual
2847 obstructions so as to provide visibility of vehicles and pedestrians.

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2848 *Understory.* The complex of woody, fibrous, and herbaceous plant species
2849 that are typically associated with a natural forest community, native plant
2850 community, or native habitat.

2851 *Use, accessory.* A subordinate use that is incidental to and associated with
2852 the principal building or use and which is located on the same lot with the
2853 principal building or use. An accessory use cannot be used to authorize a use
2854 otherwise not permitted in the district. The term "other accessory uses" refers to
2855 additional accessory uses, as herein defined, any one of which is not specifically
2856 cited in the list of accessory uses appearing the regulations for each district but
2857 which is compliant with applicable provisions of the land development code.

2858 *Use, conditional.* A use that would not be appropriate generally or without
2859 restriction throughout the land use district, but which, if controlled as to number,
2860 area, location, and relation to the neighborhood or impacted vicinity, would
2861 promote the public health, safety, welfare, order, comfort, convenience,
2862 appearance, or prosperity of the neighborhood.

2863 *Use, permitted.* A use permitted in a district upon satisfaction of the
2864 standards and requirements of the land development regulations.

2865 *Use, principal.* The primary use of any lot.

2866 *Variance.* A grant of relief from this Code by the village council or zoning
2867 board that permits construction in a manner otherwise prohibited by this Code.

2868 *Vehicle.* A device in, upon, or by which any person or property is or may
2869 be transported upon a highway, except devices moved exclusively by human
2870 power.

2871 *Vehicular paint and body shop (major repair).* Any building, structure or
2872 land used primarily for the major repair of vehicle chassis, outer surfaces, and the
2873 painting or coating of the same.

2874 *Vehicular service station.* Any building, structure or land used primarily for
2875 the dispensing, or sale of any vehicle fuels, oils, accessories or goods and which
2876 may provide repairs to vehicles, excluding paint or body work vehicular use area
2877 (referred to as VUA). Any area used by vehicles including, but not limited to, areas
2878 for parking, display, storage or traverse of any and all types of motor vehicles,
2879 bicycles, watercraft, trailers, or construction equipment.

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2880 *Vested rights.* A concurrency system development order shall be deemed
2881 "vested" and not subject to requirements of concurrency management if
2882 development circumstances meet criteria for common law or statutory vesting, as
2883 defined below. All nonvested development or development orders are subject to all
2884 requirements of the concurrency management system.

2885 *Vested rights, common law.* A right not created by statute or the provisions
2886 of the comprehensive development master plan which would authorize the
2887 development of real property or the continued development of real property
2888 notwithstanding the provisions of the comprehensive development master plan. The
2889 village may find such vesting to exist whenever the applicant proves by a
2890 preponderance of evidence that the real property owner, acting in good faith
2891 upon some act or omission of the village has made a substantial change in its
2892 position or has incurred such extensive obligations and expenses that it would be
2893 highly inequitable and unjust to destroy the right to develop or to continue the
2894 development of the real property. The assignment of the particular district
2895 classification or the assignment of a particular land use designation to parcel of
2896 real property does not guarantee or vest any specific development rights to any
2897 person or entity as to said real property.

2898 *Vested rights, statutory.* A statutory right to develop or to continue the
2899 development of real property pursuant to the provisions of F.S. § 163.3187(8), or
2900 its successor provisions. Such vesting may be found to exist if a valid and
2901 unexpired final development order was issued by the village prior to the effective
2902 date of this Code, if construction has commenced on the subject development and
2903 the development is in the process of being completed or further development is
2904 continuing in good faith. Statutory vesting does not occur unless all material
2905 requirements, conditions, limitations and regulations of the development order
2906 have been met and are being maintained.

2907 *Vine.* A plant with a flexible stem that normally requires support to reach
2908 mature form.

2909 *Window sign.* A sign posted, painted, placed, or affixed in or on a
2910 window exposed to public view. The word window shall be construed to mean
2911 any glass that comprises part of the surface of the wall, regardless of its
2912 movability.

2913 *Yard.* An open space at grade between a building and adjoining lot lines,
2914 unobstructed from the ground upward, except as otherwise provided herein.

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2915 *Yard, required front.* The minimum distance required by this land
2916 development code extending across the full width of the lot or parcel measured
2917 along the street frontage line and the front building setback line.

2918 *Yard, required rear.* The minimum distance required by this land
2919 development code between the rear of a principal building or structure and the lot
2920 line farthest from the street.

2921 *Yard, required side.* The minimum distance required by this land
2922 development code extending along and parallel to the side line and building
2923 setback line and located between the required front and rear property lines.

2924 *Yard, required side street.* The minimum distance required by this land
2925 development code extending along the side street and parallel to the side yard
2926 and building set back line, located between the front and rear property lines.

2927 *Yard, required waterfront.* Any lot that abuts a waterway shall have the
2928 required yard that abuts said waterway designated as the required waterfront
2929 yard.

2930 *Zoning district.* An area of the village designated by a single zoning
2931 classification with uniform use and development regulations throughout.

2932 ***(Ord. No. 2004-7, § 4, 10-12-04; Ord. No. 2005-3, § 1, 3-15-05)***

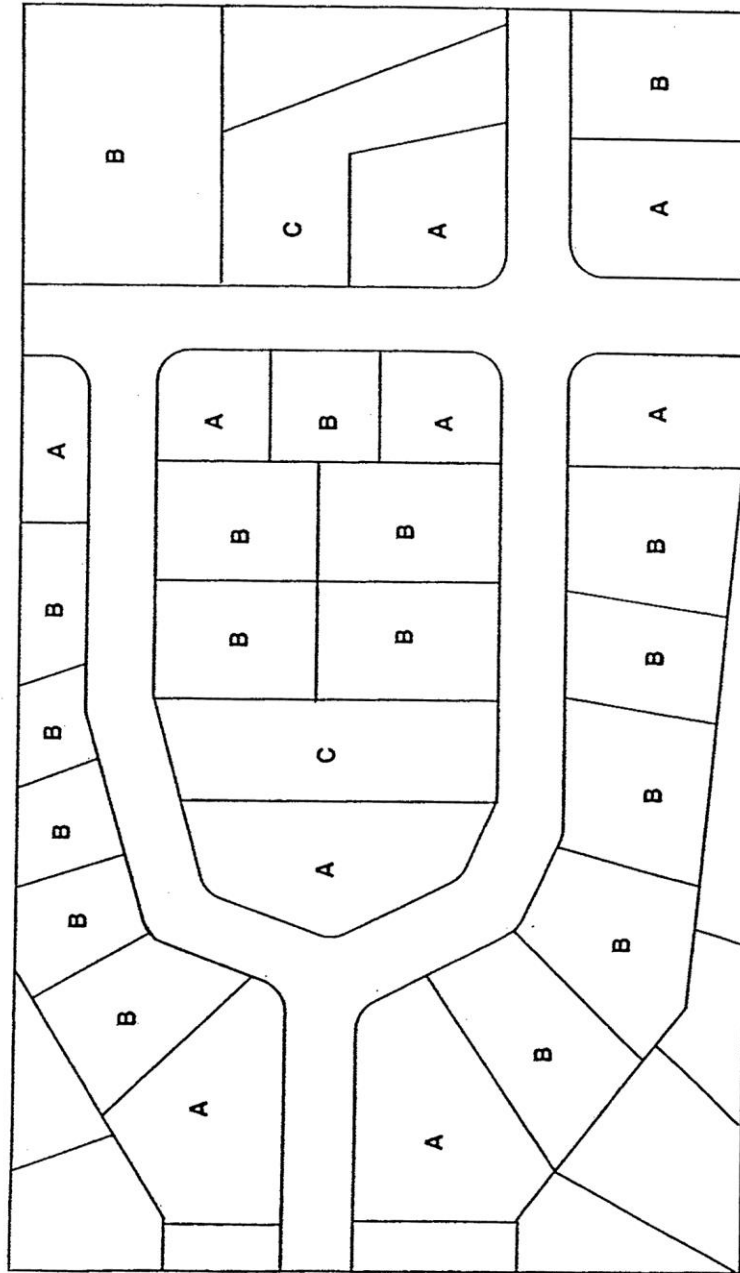
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ILLUSTRATION OF THE BASIC
TYPES OF LOTS

FIGURE 9-1



A = CORNER LOT B = INTERIOR LOT C = THROUGH (OR DOUBLE FRONTAGE)

2933

2934

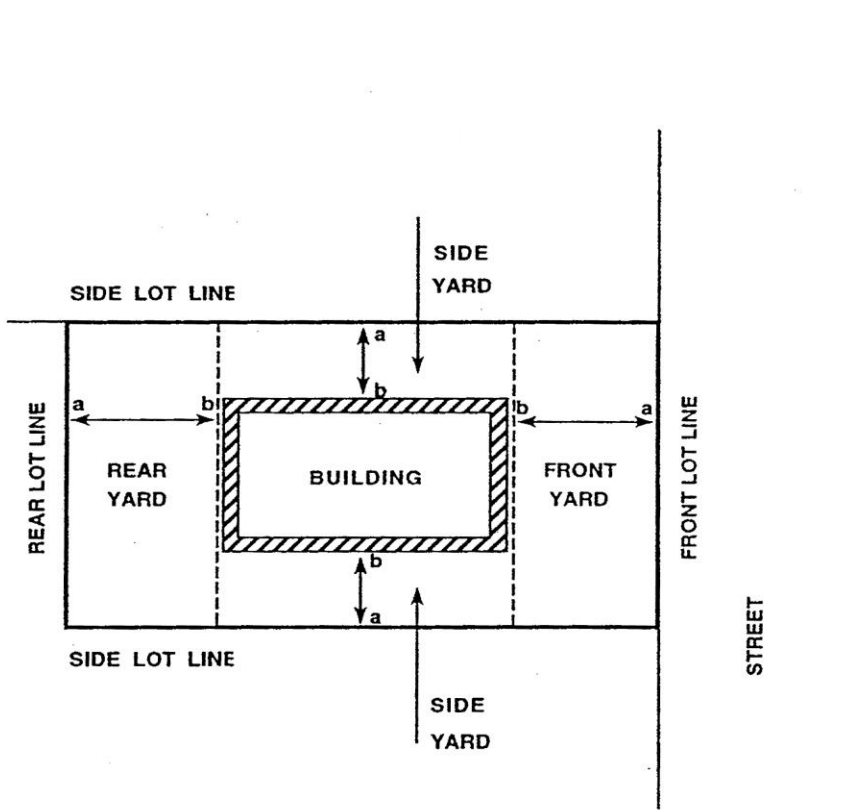
Basic Types of Lots

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FIGURE 9-2

**INTERIOR LOT
PARALLEL LOT LINES
YARD DEFINITIONS**



DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED

2935

2936

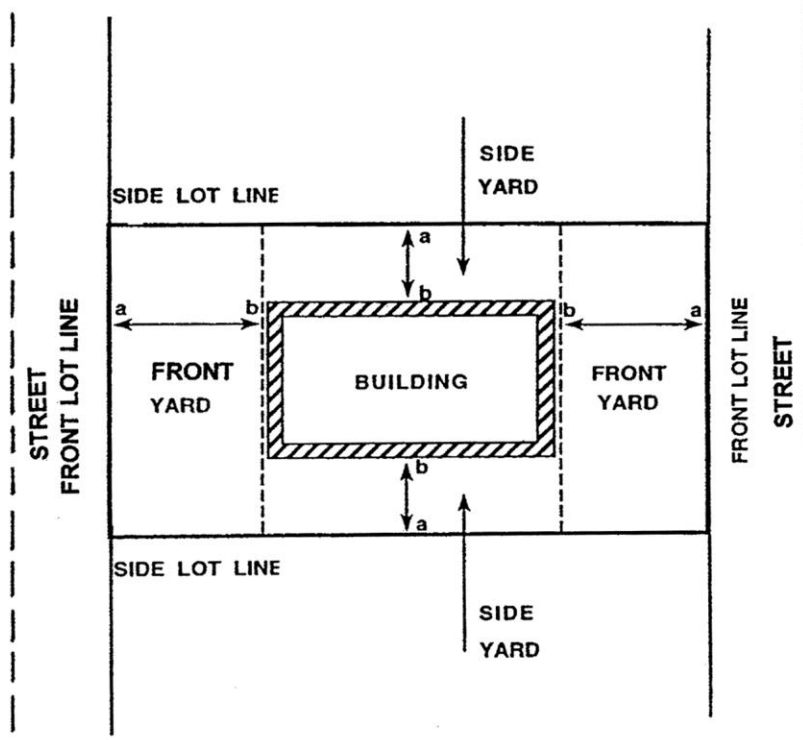
Interior Lots

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FIGURE 9-3

**THROUGH LOT
PARALLEL LOT LINES
YARD DEFINITIONS**



DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED

THROUGH LOTS WHICH HAVE AN APPROVED DECORATIVE WALL ALONG THE REAR PROPERTY LINE AS REQUIRED BY PLAT, SHALL NOT BE CONSIDERED THROUGH LOTS AND WILL THEREFORE HAVE A FRONT AND A REAR YARD.

2937

2938

Through Lots

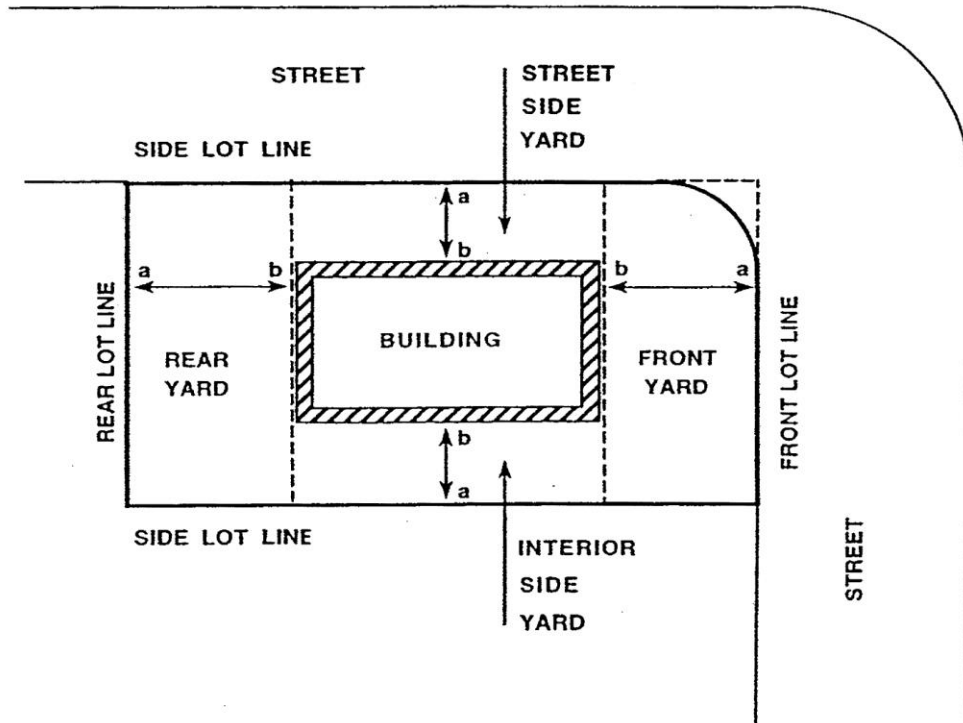
Note:

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FIGURE 9-4

**CORNER LOT
CURVED LOT LINE
YARD DEFINITIONS**



DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED

THE BOUNDARY WITH THE SMALLEST FRONTAGE ON THE STREET SHALL BE DESIGNATED AS THE FRONT YARD. THE YARD OPPOSITE TO THE FRONT YARD SHALL BE DESIGNATED AS THE REAR YARD. THE YARD ALONG THE OTHER STREET SHALL BE DESIGNATED AS THE SIDE STREET YARD. THE SIDE OPPOSITE SHALL BE DESIGNATED AS THE SIDE YARD.

2939

2940

Corner Lots

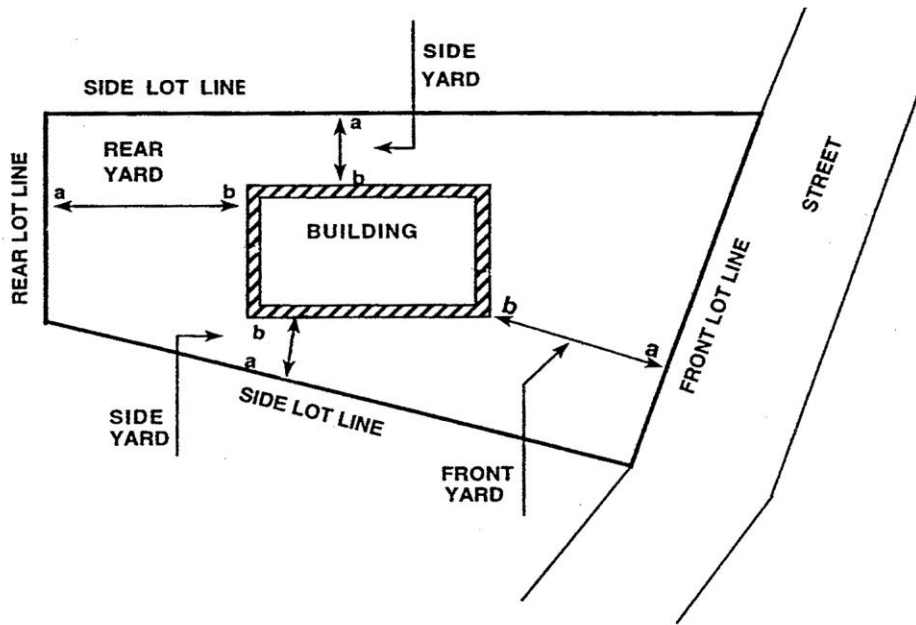
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FIGURE 9-5

**IRREGULAR LOT
NO PARALLEL LOT LINES
YARD DEFINITIONS**



DISTANCE ab REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE ab MUST BE A MINIMUM DISTANCE SPECIFIED

2941

2942

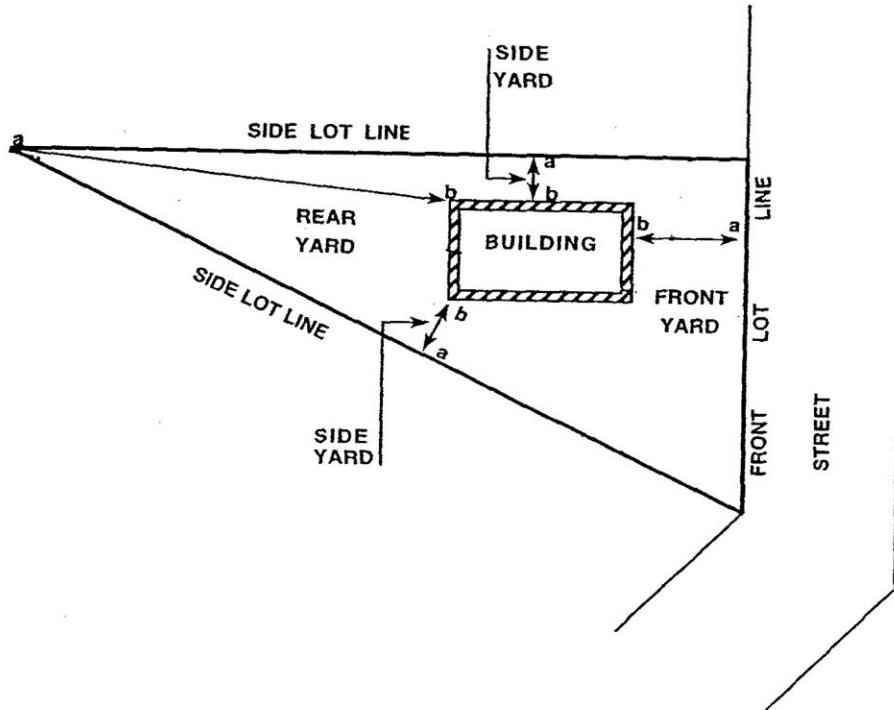
Irregular Lots (No Parallel Lot Lines)

Note:

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FIGURE 9-6

IRREGULAR LOT



DISTANCE ab REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED

2943

2944

Irregular Lots

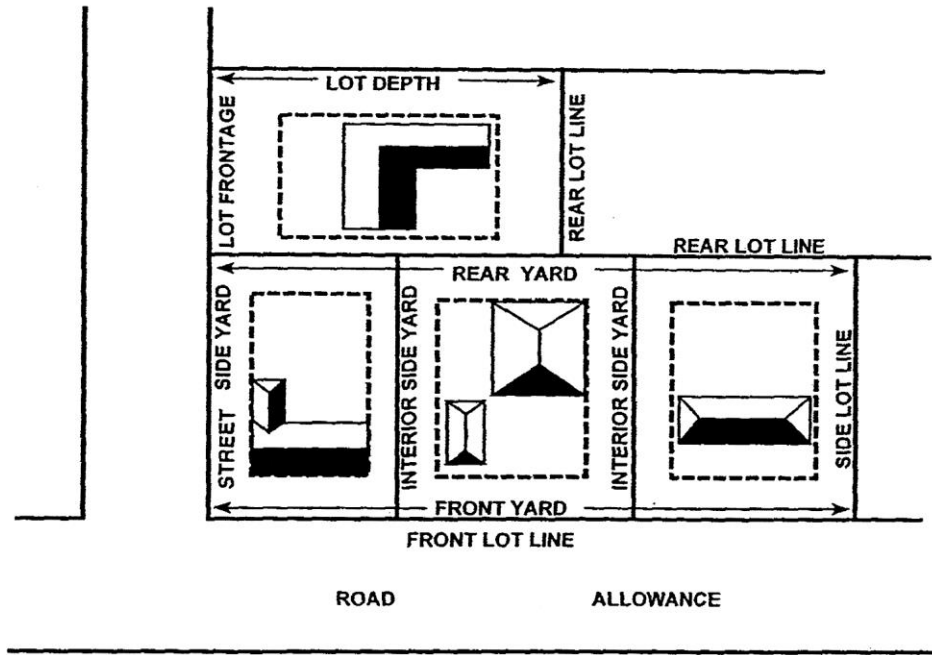
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FIGURE 9-7

EXAMPLE OF YARD DEFINITIONS



2945

2946

2947

Example of Yard Definitions

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2948 **Section 3. Inclusion in the Code of Ordinances.**

2949 It is the intention of the Village Council and it is hereby ordained that the
2950 amendments to the Code of Ordinances and Land Development Regulations made by this
2951 Ordinance shall become part of the Code of Ordinances, and that the sections of this
2952 Ordinance may be renumbered and relettered as necessary, and that the word
2953 "Ordinance" may be changed to "Section", "Article" or other appropriate word.

2954 **Section 4. Zoning in Progress.**

2955 Zoning in Progress is hereby declared and adopted, and shall become effectively
2956 immediately, and shall remain in effect until adoption of this ordinance at second
2957 reading. Complete applications for development permits that are submitted to the Village
2958 of Pinecrest on or after the date of publication of the public hearing notice advertising
2959 consideration of this ordinance at first reading on May 28, 2015 shall be reviewed and
2960 permitted in accordance with the provisions herein.

2961 **Section 5. Conflicts.**

2962 All ordinances or parts of ordinances and all resolutions or parts of resolutions in
2963 conflict with the provisions of this Ordinance are hereby repealed.

2964 **Section 6. Severability.**

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2965 If any section, clause, sentence or phrase of this Ordinance is for any reason held
2966 invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect
2967 the validity of the remaining portions of this Ordinance.

2968 **Section 7. Effective Date**

2969 This Ordinance shall be effective immediately upon passage by the Village Council
2970 on second reading.

2971 PASSED on first reading this 7th day of July, 2015.

2972 PASSED AND ADOPTED on second reading this ____ day of _____, 2015.

2973 _____
2974 Cindy Lerner, Mayor

2975 ATTEST:
2976 _____
2977 Guido H. Inguanzo, Jr., CMC
2978 Village Clerk

2980 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
2981 _____
2982 Mitchell Bierman
2983 Village Attorney

2984 Motion on Second Reading by:
2985 Second on Second Reading by:
2986 _____
2987 Vote:

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Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: June 30, 2015

TO: Yocelyn Galiano Gomez, ICMA-CM, LEED-GA
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director

RE: Village of Pinecrest Code of Ordinances
Chapter 30, Land Development Regulations
Proposed Amendments – First Reading

The Local Planning Agency (LPA) reviewed various draft amendments to the Village's Land Development Regulations at a scheduled meeting on June 9, 2015. Following review and discussion of the draft amendments, the LPA recommended approval of the amendments and subsequently requested that the proposed text be scheduled for consideration by the Village Council at a public hearing on July 7, 2015. A brief summary of the proposed amendments is provided for the Village Council's consideration as follows:

Article 3, Development Approval Procedures

Division 3.9, Appeals from Decisions of the Zoning Board – The Land Development Regulations allow for appeal of a decision of the Zoning Board to the Village Council, but do not include a description of the steps necessary for consideration of an appeal. Division 3.9 is proposed to be amended to include a description of required steps and the effect of an appeal to the Village Council.

Article 5, Additional Regulations

Division 5.19, Appearance of Site and Structures – This Division is proposed to be amended to include requirements for placement of garbage containers on residential properties during the week on days when pick up is not scheduled. Containers would be required to be stored in a garage or carport or adjacent to the side of a residence, behind the elevation facing any street. On corner lots, where placement of residential trash and recycling receptacles



behind the front building elevation is impractical, placement adjacent to the garage or carport and screening of receptacles with landscaping would be required.

Article 6, Environmental Regulations

Division 6.2, Tree Preservation and Protection - Building and Planning Department staff has met with a group of interested builders, architects, and contractors during two (2) meetings for the purpose of reviewing tree preservation and replacement requirements of the Land Development Regulations. During these meetings, the working group discussed tree planting and replacement requirements. Proposed amendments include alternatives to the current tree planting and replacement requirements to allow for the planting or replacement with fewer trees that are larger in diameter and taller in height. Additionally, tree replacement on residential properties that have 75% or more canopy coverage would be exempt, if the proposed amendments are approved by the Village Council.

Division 6.15, Storm water Management - In conjunction with preparation of a Storm Water Master Plan for the Village of Pinecrest, ADA Engineering Consultants has completed a review of the Village's on-site storm water management criteria included within the Land Development Regulations. ADA recommends minor revisions to the existing requirements and further recommends that an additional alternative to the current requirements be provided to give builders and developers a second option in the management of storm water drainage. The second alternative would allow developers to provide storm water management facilities in the form of French drains and infiltration trenches within the public right-of-way instead of on private property. Mr. Alex Vasquez, ADA Engineering Consultant, provided a presentation and review of the proposed amendments to the LPA on June 9, 2015.

Article 7, Signs

Division 7.16, Sign Standards and Requirements – The sign regulations are proposed to be amended to include regulations for light pole banners and to provide regulations that would allow banners to be placed between posts as an alternative to placement of banners on fences adjacent to the right-of-way in instances where a property lacks a fence fronting a street. Additionally, a proposed amendment allowing light pole banners has been included for consideration.

The Village Attorney has recently notified the Village Manager of a recent U.S. Supreme Court decision, Reed vs. Town of Gilbert, decided on June 18, 2015, that may impact the proposed sign amendments. The Village Attorney will provide a report and further recommendations to the Village Council at the scheduled public hearing on July 7, 2015.

Article 9, Rules of Construction and Definitions

Division 9.2, Definition of Terms – A definition of “Effectively Destroy” has been added to the definitions, as recommended by the Village Attorney, to more clearly define the destruction of a tree.

Proposed text amendments to the Village’s Land Development Regulations in ordinance format are attached. All potential text amendments are indicated in strike-through and underline format and are highlighted in yellow. Amendments completed subsequent to discussion with the LPA on June 9, 2015 are highlighted in green.

If you have questions or require additional information regarding the draft amendments, please let me know.