

ORDINANCE NO. 2016-21

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 34 “LAND DEVELOPMENT”, ARTICLE III “LANDSCAPING”, DIVISION 4 “MAINTENANCE”, SECTION 34-224 “REPLACEMENT OF VEGETATION” AND SECTION 34-226 “PRUNING TREES”, TO PROVIDE FOR REPLACEMENT OF REQUIRED TREES; ARTICLE VI “LAND USE”, DIVISION 1 “GENERALLY”, SECTION 34-572 “VIOLATIONS”, TO CLARIFY VIOLATIONS; DIVISION 6 “DISTRICT REGULATIONS”, SUBDIVISION II “RS RESIDENTIAL SINGLE-FAMILY”, SECTION 34-746 “PROPERTY DEVELOPMENT REGULATIONS” AND SUBDIVISION III “RM RESIDENTIAL MULTIPLE-FAMILY”, SECTION 34-766 “PROPERTY DEVELOPMENT REGULATIONS”, TO CLARIFY MAXIMUM IMPERVIOUS AREA AND DRIVEWAY SETBACKS; SUBDIVISION V “CG COMMERCIAL GENERAL”, SECTION 34-828 “SUPPLEMENTAL REGULATIONS”, TO ADD SUPPLEMENTAL REGULATIONS RELATED TO VENDING MACHINES; DIVISION 7 “SUPPLEMENTAL DISTRICT REGULATIONS”, SUBDIVISION 1 “IN GENERAL”, SECTION 34-881 “LANDSCAPING AND PAVING”, TO CLARIFY DRIVEWAY SETBACKS; SECTION 34-892 “ACCESSORY USES, BUILDINGS AND STRUCTURES”, TO ADD STANDARDS FOR ACCESSORY USES AND IMPROVEMENTS; SUBDIVISION II “RECREATIONAL VEHICLES, COMMERCIAL VEHICLES AND SIMILAR VEHICLES”, SECTION 34-914 “PARKING IN SINGLE-FAMILY RESIDENTIAL LAND USE DISTRICTS; USE OF PORTABLE STORAGE CONTAINERS AND ROLL-OFF DUMPSTERS IN ALL ZONING DISTRICTS”, TO CLARIFY MAXIMUM IMPERVIOUS AREA; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palm Springs (“Village”) has regulations in place at Chapter 34 of the Village Code of Ordinances regarding development or improvements of land; and

WHEREAS, the Village desires to amend the existing regulations to clarify property standards, promote open space and pervious area, protect aesthetics, provide standards for accessory uses and improvements to property, and promote proper pruning and preservation of mature tree canopy within the Village; and

WHEREAS, the Land Development Board has found this ordinance to be consistent with the Village’s Comprehensive Plan and recommended approval; and

WHEREAS, the Village Council has reviewed the recommended ordinance and has determined that it is in the best interests and general welfare of the Village to adopt this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing recitals are incorporated herein as true and correct findings of fact of the Village Council, and serve as a basis for adoption of this Ordinance.

Section 2. Chapter 34 “Land Development”, Article III “Landscaping”, Division 4 “Maintenance”, Section 34-224 “Replacement of vegetation”, is hereby amended as follows:

Sec. 34-224. - Replacement of vegetation.

Any vegetation, including a tree, shall be replaced with plants of the same or similar species and size if it dies or becomes diseased, is removed without a Village permit, or is subject of tree abuse, including hatracking. Where such dead/abused vegetation is within a required landscape buffer, or within an existing area of native vegetation preserved under a landscaping plan, and where replacement in kind is impractical due to the size or other characteristics of the trees/native vegetation, a revised landscaping plan shall be submitted and approved prior to replacement of all or part of the required trees and/or native vegetation. In such case, replacement of the trees/native vegetation should be designed to provide the same quality of buffering and tree canopy as was provided by the trees/native vegetation. If the site cannot support the total number of required replacement trees as determined herein, the Village may permit the owner to mitigate by donating excess trees to the village for planting on public lands at the owner's expense; by contributing to the village the monies equivalent to such required replacement trees per the most recent edition of *Valuation of Landscape Trees, Shrubs, and Other Plants: A Guide to the Methods and Procedures for Appraising Amenity Plants* , prepared by the council of tree and landscape appraisers and published by the international society of arboriculture; or by permitting the required replacement trees to be placed upon other lands owned by the same property owners.

Section 3. Chapter 34 “Land Development”, Article III “Landscaping”, Division 4 “Maintenance”, Section 34-226 “Pruning Trees”, is hereby amended as follows:

Sec. 34-226. – Pruning trees.

Trees may be pruned in order to allow for healthy uniform growth, but may not be severely pruned for such nongrowth related purposes as improving visibility of signs or other features. Severely cutting back lateral branches or hatracking is prohibited.

Such tree abuse is subject to remedial action, including replacement of the damaged tree(s) with a tree(s) of like caliper and species per Section 34-224, and may be subject of fines per Section 2-235. Pruning shall be performed in accordance with the latest standards of the National Arborist Association. Removal of limbs or foliage which presents a hazard to structures or power lines is permitted, but shall be limited to the degree of pruning necessary to accomplish the removal of the hazard. Where a tree or other vegetation poses public health and safety problems, such as blocking visibility at an entrance or street intersection or removal of hazards to a power line, the tree should be replaced with a more appropriate species.

Section 4. Chapter 34 “Land Development”, Article VI “Land Use”, Division 1 “Generally”, Section 34-572 “Violations”, is hereby amended as follows:

Sec. 34-572. - Violations.

- ~~(a) — Any person who violates this article or fails to comply with any of its requirements shall be guilty of an offense.~~
- ~~(b) — The owner or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense.~~
- ~~(c) — Nothing contained in this section shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violations.~~

Any violation or non-compliance of any provision of Chapter 34 or any violation or non-compliance with any order, license, permit, annexation agreement, site/landscape plan, approval, or any condition placed on any permit or any approval, issued by the council, a board or administratively shall be deemed a violation of this code and shall be subject to the village’s code compliance process as well as any other legal action available to the village including, but not limited to, injunctive relief.

Section 5. Chapter 34 “Land Development”, Article VI “Land Use”, Division 6 “District Regulations”, Subdivision II “RS Residential Single-Family”, Section 34-746 “Property development regulations”, is hereby amended as follows:

Sec. 34-746. – Property development regulations.

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(9) Minimum side yard (interior): 7.5 feet, except utility sheds as set forth in section 34-892(d) and driveways as set forth in section 34-881.

(10) Minimum side yard (corner): 25 feet, except utility sheds as set forth in section 34-892(d) and driveways as set forth in section 34-881.

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(12) Maximum impervious or semi-impervious surface: 60 percent

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Section 6. Chapter 34 “Land Development”, Article VI “Land Use”, Division 6 “District Regulations”, Subdivision III “RM Residential Multiple-Family”, Section 34-766 “Property development regulations”, is hereby amended as follows:

Sec. 34-766. – Property development regulations.

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(9) Minimum side yard (interior):15 feet, except for utility sheds as set forth in section 34-892(d) and driveways as set forth in section 34-881.

(10) Minimum side yard (corner):20 feet, except for utility sheds as set forth in section 34-892(d) and driveways as set forth in section 34-881.

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(12) Maximum impervious or semi-impervious surface: 55 percent

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Section 7. Chapter 34 “Land Development”, Article VI “Land Use”, Division 6 “District Regulations”, Subdivision V “CG Commercial General”, Section 34-828 “Supplemental regulations” is hereby amended as follows:

Sec. 34-828 – Supplemental Regulations

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(d) *Vending Machines.* Vending machines, including ice boxes and propane tank dispensers, are encouraged to be accommodated inside the building. Outside placement of such machines shall be screened from public view with landscaping or a solid barrier, in a manner that maintains clear access, and shall be depicted on a Village-approved site plan.

(e) ~~(d)~~ Additional requirements for the CG commercial general land development district shall be as set forth in Division 7 of this article.

Section 8. Chapter 34 “Land Development”, Article VI “Land Use”, Division 7 “Supplemental District Regulations”, Subdivision I “In General”, Section 34-881 “Landscaping and paving”, is hereby amended as follows:

Sec. 34-881. - Landscaping and paving.

Landscaping requirements for residential, commercial and other allowable uses shall conform to the requirements established in article III of this chapter. The maximum area of impervious and semi-pervious parking surface in the front yard of any residential zoning district, shall be 40 percent, unless the front yard shall contain a semicircular driveway in which event, the maximum area of impervious and semi-pervious parking surface shall be 60 percent of the front yard. Driveways shall be setback a minimum of three feet (3') from side yards to accommodate sodded or landscaped pervious area along the perimeter of each parcel between the driveway and the property line.

Section 9. Chapter 34 “Land Development”, Article VI “Land Use”, Division 7 “Supplemental District Regulations”, Subdivision I “In General”, Section 34-892 “Accessory uses, buildings and structures”, is hereby amended as follows:

Sec. 34-892. - Accessory uses, buildings and structures.

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(e) Bollards. Access barriers, pedestrian protection devices, and vehicle guards, all commonly referred to as “bollards” shall be comprised of decorative or ornamental posts that complement the architectural style, material and/or color of the principal structure.

(f) Utility/Mechanical Equipment Boxes. All mechanical equipment and utility facilities shall be screened from view with landscaping, fence or walls. Equipment boxes that cannot be fully screened shall be wrapped with a decorative vinyl wrap. Corner properties located at a signalized intersection shall include the traffic control box in the aesthetic program. The design of vinyl wraps shall be approved by the Land Development Director, and shall not include commercial messages or logos.

Section 10. Chapter 34 “Land Development”, Article VI “Land Use”, Division 7 “Supplemental District Regulations”, Subdivision II “Recreational Vehicles, Commercial Vehicles and Similar Vehicles”, Section 34-914 “Parking in single-family residential land use districts; use of portable storage containers and roll-off dumpsters in all zoning districts”, is hereby amended as follows:

Sec. 34-914. - Parking in single-family residential land use districts; use of portable storage containers and roll-off dumpsters in all zoning districts.

.....

(f) The maximum area of impervious and semipervious parking surface in the front yard in any residential zoning district, shall be 40 percent, unless the front yard shall contain a semicircular driveway, in which event, the maximum area of impervious and semipervious parking surface shall be 60 percent of the front yard. Paver blocks set in sand shall only be considered as 25 percent pervious and 75 percent impervious. See Section 34-881 also.

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Section 11. Codification. This ordinance shall be codified in the Code of Ordinances of the Village of Palm Springs, Florida.

Section 12. Repeal of Conflicting Ordinances. All ordinances, resolutions or parts of ordinances and resolutions in conflict with this Ordinance are hereby repealed.

Section 13. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 14. Effective Date. This Ordinance shall become effective immediately upon adoption.

Council Member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LIZ SHIELDS, COUNCIL MEMBER

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The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the ____ day of _____, 2016.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
SUSAN M. CALJEAN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY