



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

MEMORANDUM

Department of Building and Planning

DATE: May 27, 2022  
TO: Yocelyn Galiano, ICMA-CM, LEED-GA  
Village Manager  
FROM: Stephen R. Olmsted, AICP, LEED-GA  
Planning Director  
RE: Proposed Amendment - Chapter 30, Land Development Regulations –Division  
9.2, Definition of Terms, "Green Space"

The Village Council approved an ordinance at first reading on May 10, 2022 to include lakes and retention areas in the definition of "greenspace" provided in Division 9.2 (Definition of Terms) of the Village's Land Development Regulations. As requested by the Village Council at first reading, the definition has since been further modified to clarify that fountains and other impervious improvements are excluded from the definition. Changes to the current definition made since first reading are highlighted in green.

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

*Green space (pervious area).* A permeable area or areas open to the sky (except for roof overhangs up to ~~three~~ **five** feet) including beautification strips, consisting of those materials such as, but not limited to hedges, trees, planted ground cover, grassed areas, **and** planted floral installations, ~~and dry retention areas,~~ all of which must be composed of natural plantings only; **and lakes, ponds, and retention areas, provided such plantings and water bodies are privately owned and included in the description of the subject property.** Green space or landscaped area excludes ~~water bodies,~~ artificial grass and artificial landscaping, swimming pools, **fountains**, tennis courts and other similar **impervious** improvements.

Please note: The noted change to roof overhangs was approved by the Village Council in 2018 within Section 5.22 of the Village's Land Development Regulations, but was not changed within the definition of green space as proposed herein. Exclusion of artificial grass and artificial landscaping was approved by the Village Council in a 2021 amendment.

A copy of the proposed ordinance for consideration by the Local Planning Agency and the Village Council at second reading is attached. If you have questions or require additional information, please let me know.





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

36 WHEREAS, the Local Planning Agency, held a duly advertised public hearing on  
37 June 8, 2022; and

38 WHEREAS, after reviewing the Local Planning Agency's recommendations, the  
39 recommendations of Village staff, and comments from the public, the Village Council finds  
40 that the proposed amendment to its Code of Ordinances and Land Development  
41 Regulations is in compliance and consistent with Florida law and its adopted  
42 Comprehensive Development Master Plan; and

43 WHEREAS, the Village Council further finds it to be in the best interest of the public  
44 health, safety and welfare of the citizens to adopt this ordinance amending the Village's  
45 Code of Ordinances and Land Development Regulations;

46 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE  
47 VILLAGE OF PINECREST, FLORIDA:

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49 **SECTION 1. Recitals.**

50 The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being  
51 true, correct and reflective of the legislative intent underlying this Ordinance and are  
52 hereby made a specific part of this Ordinance.

53 **SECTION 2. Amendment and Adoption.**

54 The amendments to the Village of Pinecrest Code of Ordinances, Chapter 30,  
55 Land Development Regulations, Article 9, "Rules of Construction and Definitions", Division  
56 9.2, "Definition of Terms" is hereby amended and adopted as follows:

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

Note:  
~~Strikethrough words~~ are deletions to the existing words in the Code of Ordinances and Land Development Regulations.  
Underlined words are additions to the existing words in the Code of Ordinances and Land Development Regulations.

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

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\* \* \*

**SECTION 3. Inclusion in the Code of Ordinances.**

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

**SECTION 4. Conflicts.**

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

**SECTION 5. Severability.**

Note:  
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Underlined words are additions to the existing words in the Code of Ordinances and Land Development Regulations.

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

85 **SECTION 6. Effective Date.**

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

88 PASSED on first reading this 10<sup>th</sup> day of May, 2022.

89 PASSED AND ADOPTED on second reading this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2022.

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Joseph M. Corradino, Mayor

ATTEST:

\_\_\_\_\_  
Priscilla Torres, CMC  
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Mitchell Bierman  
Village Attorney

Motion on Second Reading by:  
Second on Second Reading by:

Vote:

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