

34 2022, for the future development, redevelopment, beautification, and enhancement of
35 Pinecrest Parkway; and

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

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

43 WHEREAS, the Local Planning Agency, held a duly advertised public hearing on
44 April 14, 2026; and

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

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

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

56

57 **SECTION 1. Recitals.**

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

61 **SECTION 2. Amendment and Adoption.**

Note: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with double strikethrough or double underline.

62 The amendments to the Village of Pinecrest Code of Ordinances and Land
63 Development Regulations, attached hereto and incorporated herein as Exhibit "A", are
64 hereby adopted.

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

66 It is the intention of the Village Council and it is hereby ordained that the
67 amendments to the Code of Ordinances and Land Development Regulations made by this
68 Ordinance as set forth in Exhibit "A" shall become part of the Code of Ordinances, and
69 that the sections of this Ordinance may be renumbered and relettered as necessary, and
70 that the word "Ordinance" may be changed to "Section, "Article" or other appropriate
71 word.

72 **SECTION 4. Conflicts.**

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

75 **SECTION 5. Severability.**

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

79 **SECTION 6. Effective Date.**

Note: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with double strikethrough or double underline.

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

82 PASSED on first reading this 14th day of April, 2026.

83 PASSED AND ADOPTED on second reading this ____ day of _____, 2026.

84
85 _____
86 Joseph M. Corradino, Mayor

87 ATTEST:
88
89
90 _____
91 Priscilla Torres., MMC
92 Village Clerk

93
94 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
95
96
97 _____
98 Mitchell Bierman
99 Village Attorney

100
101 Motion on Second Reading by:
102 Second on Second Reading by:
103
104 Vote:

Note: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with double strikethrough or double underline.

Exhibit "A"

CHAPTER 30 - LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE 2. – DECISION MAKING AND ADMINISTRATIVE BODIES

* * *

Div. 2.3. Zoning board.

(a) *Establishment and composition.* The zoning board is hereby established and shall consist of seven (7) members appointed as follows: each councilmember shall appoint one member; the village manager shall appoint one member; and the mayor shall appoint two members. The village manager's appointment and the mayor's second appointment shall be subject to ratification by a majority vote of the village council.

1. *Terms of appointments/reappointments.* Appointments shall be on a yearly basis expiring on December 31 of each calendar year, with reappointment permissible for a maximum of four terms.
 2. *Compensation.* Members of the zoning board shall serve without compensation and shall not be reimbursed for travel, mileage or per diem expenses.
 3. *Qualifications.* Each member of the zoning board shall be a resident of the village eligible to vote in the village who has continuously resided within the village for the six-month period immediately prior to the appointment. A member shall not be an employee of the village. Any member who ceases to reside within the village limits during the term of office shall notify the village clerk of the change of residence from the village.
 4. *Vacancies.* If a vacancy occurs on the board, the person who initially appointed such member shall appoint a person to fill the vacancy. If the person who initially made such appointment is no longer holding office or position with the village, the person who succeeds to that office or position shall make such appointment.
 5. *Removals.* If a member of the board shall be absent from a duly called meeting of the board for three consecutive meetings, or if a member has three unexcused absences in a calendar year, such member shall be subject to removal as a member of the board by the village council.
- (b) *Support services.* The village attorney shall serve as legal adviser to the zoning board. The village manager shall ensure that the board is supplied competent staff to render technical assistance.
- (c) *Rules of procedure.* The zoning board shall adopt rules of procedure not inconsistent with the Village Code and state law and shall utilize the Scott, Foresmen **Edition** of Robert's Rules of Order, **1990 most recent** edition, for the rules of procedure and for the conduct of meetings of the board. In addition, the board shall be governed by the following rules and may create additional rules of procedure in accordance with bylaws adopted by the board.
1. *Officers.* Members shall elect from the board's membership a chairperson and a vice-chairperson each January. If both the chairperson and the vice-chairperson are absent, the

remaining members shall select one of their members to act as chairperson pro tem for the proceeding then occurring.

2. *Quorum.* Four members shall constitute a quorum for the transaction of the board's business. The board shall take official action only upon the concurring majority vote of the members present at an official meeting of the board. Any **A** tie vote shall **not** be considered **to be as** a negative determination.
 3. *Rescheduling.* In the event of a lack of quorum, the chairperson shall immediately schedule a new meeting date and time, to be held as soon as possible. The date and time of such rescheduled meeting shall be announced at the time of the originally scheduled meeting, and shall be posted on the bulletin board in the village hall. Any such notice shall constitute sufficient notice to any persons or adjacent property owners for whom notice of the meeting was required, and it shall not be necessary that notice of the rescheduled meeting be sent to any such persons or property owners.
 4. *Deferral of action.* If fewer than five members of the board are in attendance at any meeting, the applicant may request, before the commencement of the public hearing on this matter, a deferral of the matter to the next scheduled meeting.
 5. *Meetings.* The board shall meet when required by the administrative official. All meetings shall be public and notification of such meetings shall be in accordance with Village Code and state law.
 6. *Record of proceedings.* Minutes shall be kept by the village clerk or designee for all meetings and proceedings of the zoning board and shall include and state the vote of each member on each question. Each motion shall state the reason upon which it is made, such reason being based upon the prescribed best management principles and practices of planning and plan implementation.
 7. *Staff report and recommendation.* All matters brought before the board shall be accompanied by a staff report and recommendation.
 8. *Standards of conduct.* All members of the zoning board shall be subject to the standards of conduct for public officers and employees as set forth in section 7.2 of the Village Charter and other applicable laws, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.
- (d) *Responsibilities and duties.* The zoning board is authorized to perform the following responsibilities and duties:
1. *Variances.* The board is authorized to grant, deny, or grant with conditions, variances to setback lines, frontage requirements, height limitations, **lot size restrictions**, yard requirements, fences and walls, lot coverage, impervious surface ratio, open space, landscaping, and signs.
 2. *Advisory actions.* The board is authorized to act as an advisory body on matters of planning, land development and plan implementation functions as assigned to the board by a majority vote of the village council. Examples of such advisory responsibilities may include the following:

- a. Recommendations for amendments to the official zoning district map of the village, including zoning district classifications assigned to specific properties;
- b. Assisting the village manager and village attorney in the study of and proposed ordinances for potential land development code amendments for consideration by the village council; and
- c. Other planning, land development, and related plan implementation matters.

* * *

ARTICLE 3. - DEVELOPMENT APPROVAL PROCEDURES

Div. 3.1. Generally.

* * *

(e) Administrative official review and recommendation.

1. Each application shall be reviewed by the administrative official and such other staff as may be designated by the administrative official based upon the type of development proposed. The administrative official may retain consultants to assist in the review of an application if the nature and content of the application requires professional expertise in one or more professions not available on the village staff. The direct costs and charges levied by the consultants shall be borne and paid by the applicant. The administrative official shall review each application for compliance with all applicable land development regulations.
2. Application conferences. One or more conferences between the representatives of the applicant and the administrative official and designated staff may be required in order to expedite the review of the proposed development, coordinate local review with respect to all applicable village ordinances, and to inform the village staff of the proposed plan in preparation. Prior to the submittal of a complete application and plans containing all information as required by the land development regulations, an applicant may submit partial plans for conceptual review by the administrative official at subsequent application conferences. The conferences shall be informal and focus primarily on the following:
 - a. To inform the village staff of any related development approvals in order to facilitate village planning including, but not limited to, the efficient management of issues related to public facilities and service impacts and any area-wide land use impacts.
 - b. To inform the applicant of the village's planning policies and potential issues surrounding the scale and character of the proposed development, including related land use and infrastructure concerns, as well as impacts on schools and other public services. Village staff will alert the applicant to applicable ordinances and regulations as well as specific issues regarding the site and proposed plan for its development.
 - c. To clarify and inform both the applicant and the village concerning the development approval procedure.
3. In cases where the administrative official must provide **a** review and recommendation to the village zoning board or the village council, the official shall **be** provide a written staff report, together with recommendations for denial, approval or approval with conditions, including such conditions that the administrative official deems advisable. The administrative official shall schedule any public hearing that may be required and shall advise the applicant as to any public notice requirements for the approval. However, it shall be the applicant's obligation to provide the public notices pursuant to this land development code.

* * *

Div. 3.9. - Appeals.

* * *

(d) *Appeals from decisions of the Zoning Board.*

1. An appeal from any decision of the Zoning Board may be taken to the Village Council by any person who is aggrieved by such decision. Any person desiring to appeal a decision of the Zoning Board shall, within 14 days from the date of such decision, file a written notice of appeal **and Letter of Intent, public hearing application, and application fee** with the village clerk, whose duty it shall then become to schedule a public hearing for consideration of the appeal by the Village Council at a regular meeting following posting, publication, and mailing of the public hearing notice of such appeal to all persons previously notified by the Zoning Board. **An appeal of a tie decision of the Zoning Board will not require payment of an application fee.** The matter shall then be heard by the Village Council at a regular meeting following notification of the public hearing as required herein. An appeal shall stay all proceedings in the matter appealed from until the final disposition of the appeal by the Village Council.
2. Upon the taking of an appeal, the Village Council shall conduct a de novo hearing and shall consider why the decision of the Zoning Board should or should not be sustained and/or modified. By resolution, the Village Council shall affirm, modify or reverse the decision of the Zoning Board by a majority vote of all members present.
3. An appeal from any decision of the Village Council, after the final disposition of an appeal from the Zoning Board, shall be in accordance with the terms and conditions set forth in herein.

Div. 3.10. Conditions, restrictions, limitations.

- (a) Any person who shall violate or fail to comply with any conditions, restrictions, or limitations contained in any **approved site plan, resolution,** development order or declaration of restrictions shall be subject to a fine not to exceed \$500.00 for each condition and/or restriction violated, **and shall be required to correct said violations in accordance with Village requirements.**

ARTICLE 4. – ZONING DISTRICT REGULATIONS

* * *

Div. 4.2. Residential districts.

(a) *Purpose and densities.* The purpose of the residential districts is to help implement comprehensive development master plan residential development objectives and policies. The residential districts established herein designate the maximum residential density that may be developed within the respective residential districts based upon the plan.

1. *Low density residential districts.*

a. Low density residential districts shall allow the following density:

TABLE 4.1

Low Density Residential Districts	Maximum Density Allowed
Residential estate: EU-1C	One unit per two and one-half gross acres
Residential estate: EU-1	One unit per gross acre
Residential suburban estate: EU-S	One unit per 25,000 gross square feet.
Residential modified estate: EU-M	One unit per 15,000 net square feet.
Residential single-family: RU-1	One unit per 7,500 net square feet.
Residential duplex: RU-2	One two-family structure per 7,500 net square feet.

b. The intent of the low density residential districts is to: Protect the quality and character of residential estates and single-family neighborhoods from encroachment by incompatible development; preserve open space; achieve and maintain densities that are compatible with existing and future developments; promote compatibility with natural features of the land; and minimize burdens on public services and facilities.

2. *Multi-family residential districts.*

a. Multi-family residential districts shall allow the following net density:

TABLE 4.2

Multi-Family Residential Designations	Maximum Net Density Allowed
Residential multi-family low density; RU-3	9.3 units per net acre

Residential multi-family moderate density: RU-3M	12.9 units per net acre
Residential multi-family low-medium density: RU-4L	23 units per net acre
Residential multi-family medium-high density: RU-4M	36 units per net acre
Residential multi-family high density: RU-4	50 units per net acre

b. The intent of the multi-family residential districts is to: Provide opportunities for multiple family development at a density consistent with the needs and values of the village population; reserve open space; achieve and maintain densities that are compatible with existing and anticipated future developments; promote compatibility with natural features of the land; and minimize burden on supportive public services and facilities within the area.

(b) *Residential estate (EU-1C) district.*

1. *Uses permitted.* The following uses shall be allowed within an EU-1C district:
 - a. Single-family residential dwellings;
 - b. Foster care and group homes with fewer than seven residents; and
 - c. Government facilities following a public hearing conducted by the village council.
2. *Conditional uses.* Within the EU-1C district the following uses shall be approved by the village council but only as a conditional use.
 - a. Public utilities.
3. *Accessory uses.* Within the EU-1C district the administrative official may approve the following uses but only as an accessory use, pursuant to procedures set forth in this Code for the principal use of the property:
 - a. Accessory units. An affidavit stating the limited purpose of the unit shall be signed and the owner shall certify that the accessory unit shall remain compliant with the land development code;
 - b. Accessory structures;
 - c. Limited livestock;
 - d. Sale of homegrown produce limited to production and sale of produce grown on the premises; and
 - e. Bee keeping.
 - f. Accessory uses other than garages shall be located behind the rear wall or column of the principal structure or within an open courtyard screened from public view. Accessory

structures may occupy no more than five percent of the total of 20 percent of the floor area ratio of the first story of the property.

4. *Prohibited uses.* All uses not specifically or provisionally provided for herein.

5. *Dimensional regulations.*

a. *Minimum lot area:* Lots in the EU-1C district shall contain a minimum of 2.5 gross acres in area, including one-half of the rights-of-way adjacent to the site.

b. *Maximum density:* One principal dwelling unit per 2.5 acres.

c. *Maximum height:*

i. *Principal use:* One-story structure or portion of the structure that is one story: 24 feet to the top of the parapet. If the roof of the one story structure has a pitch of at least 3/12, then the peak of such roof may be 28 feet in height, provided the height to the top of the tie beam does not exceed 24 feet.

Two-story structure or portion of the structure that is two stories: 35 feet. However, any portion of the building or structure with a flat roof, or sloped roof concealed by a parapet, shall not exceed 28 feet to the top of the roof or 29.5 feet to the top of the parapet.

Maximum height of the wall: 27 feet. Extensions or encroachments above the exterior wall(s) shall be limited to the roof, chimneys, and vents.

Maximum height of truss heel: 1 foot.

ii. *Accessory use:* Accessory buildings that are detached or not physically and permanently attached to the principal building with a structurally interconnected roof that provides interconnectivity between the principal and accessory uses shall not exceed 14 feet in height at a minimum required setback of 15 feet and shall not exceed 18 feet in height at a minimum required setback of 20 feet.

d. *Maximum lot coverage (applied to the net lot area, exclusive of public rights-of-way):*

i. Maximum building coverage (inclusive of all structures): 20 percent for two-story structures; 25 percent for one-story structures. **An additional 5 percent building coverage on the first floor may be permitted in instances where a property owner agrees to exclude or remove a privacy wall, fence, or continuous hedge from the front or side street property line, between the property line and building line, and records a covenant in the public records of Miami-Dade County, on a form approved by the village attorney, prohibiting the property owner from installing a fence, privacy wall, or continuous hedge between the building line and the front and side street property lines in the future.**

ii. Maximum impervious surface ratio: 45 percent.

iii. Minimum green space: 55 percent.

e. *Minimum lot width and street frontage:* 150 feet.

- f. *Minimum lot depth:* 250 feet. The measurement shall be from the centerline of the abutting front right-of-way.
- g. *Minimum setbacks and maximum floor area ratios:* All development must comply with setbacks for wetlands. Also, the following setbacks and floor area ratios shall apply within the EU-1C district:

TABLE 4.3

Structure	Required Setbacks (feet) and F.A.R. in EU-1C District ⁽⁸⁾						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side	Side Street	Maximum 1st Floor	Maximum 2nd Floor
Principal one-story structure	50	25	N/A	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	0.25	N/A
Principal two-story structure	50	25	N/A	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	0.20	0.10
Accessory—General	⁽²⁾	15/20 ⁽⁷⁾	10	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	5 percent ⁽⁴⁾	N/A
Accessory—Sheds ⁽⁵⁾	⁽²⁾	5	10	5	30 ⁽⁶⁾	5 percent	N/A

Notes:

- ⁽¹⁾ See lot, corner (division 9.2).
- ⁽²⁾ See accessory use regulations.
- ⁽³⁾ Lots whose frontage is less than 135 feet in width shall have an interior side yard setback on each side of 15 percent of the width with a setback of not less than 15 feet.
- ⁽⁴⁾ Uncovered swimming pools, pool patios and hard-surfaced tennis courts shall be excluded from F.A.R. calculations but shall be calculated as impervious surface.
- ⁽⁵⁾ Less than 100 square feet and less than eight feet in height.
- ⁽⁶⁾ Lots whose frontage is less than 150 feet in width shall have a side street setback of 25 feet.
- ⁽⁷⁾ Detached accessory structures that are 14 feet or less in height shall be setback a minimum 15 feet from the rear property line; detached accessory structures that are more than 14 feet

in height, and no more than the maximum permitted height of 18 feet, shall be setback a minimum of 20 feet from the rear property line.

⁽⁸⁾ Required setbacks and floor area ratio shall apply to the net lot area, exclusive of public rights-of-way.

h. *Minimum size living area:* 2,000 square feet.

i. *Grandfather clause.* Existing structures in EU-1C zoning districts which conform to the Miami-Dade County Code as of March 12, 1996, a copy of which is on file in the Office of the village clerk, shall conform to that Code for setback lines for building additions.

(c) *Residential estate (EU-1) district.*

1. *Uses permitted.* The following uses shall be allowed within an EU-1 district:

a. Single-family residential dwellings;

b. Foster care and group homes with fewer than seven residents; and

c. Government facilities following a public hearing conducted by the village council.

2. *Conditional uses.* Within the EU-1 district the following uses may be approved by the village council but only as a conditional use.

a. Public utilities.

b. Cluster developments, subject to the conditional use standards in division 3.3 and division 5.24.

3. *Accessory uses.* Within the EU-1 district the administrative official may approve the following uses as an accessory use, and shall be reviewed pursuant to procedures set forth in this Code for the principal use of the property:

a. Accessory units. An affidavit stating the limited purpose of the unit shall be signed and the owner shall certify that the accessory unit shall remain compliant with the land development code;

b. Accessory structures;

c. Limited livestock;

d. Sale of homegrown produce limited to production and sale of produce grown on the premises; and

e. Bee keeping;

f. Accessory uses other than garages shall be located behind the rear wall or column of the principal structure or within an open courtyard screened from public view. Accessory structures may occupy no more than five percent of the total of 20 percent of the floor area ratio of the first story of the property.

4. *Prohibited uses.* All uses not specifically or provisionally provided for herein.

5. *Dimensional regulations.*

- a. *Minimum lot area*: One acre, including one-half of the rights-of-way adjacent to the site.
- b. *Maximum density*: One principal dwelling unit per one gross acre.
- c. *Maximum height*:
 - i. *Principal use*: One-story structure or portion of the structure that is one story: 24 feet to the top of the parapet. If the roof of the one story structure has a pitch of at least 3/12, then the peak of such roof may be 28 feet in height, provided the height to the top of the tie beam does not exceed 24 feet.

Two-story structure or portion of the structure that is two stories: 35 feet. However, any portion of the building or structure with a flat roof, or sloped roof concealed by a parapet, shall not exceed 28 feet to the top of the roof or 29.5 feet to the top of the parapet.

Maximum height of the wall: 27 feet. Extensions or encroachments above the exterior wall(s) shall be limited to the roof, chimneys, and vents.

Maximum height of truss heel: 1 foot.
 - ii. *Accessory use*: Accessory buildings that are detached or not physically and permanently attached to the principal building with a structurally interconnected roof that provides interconnectivity between the principal and accessory uses shall not exceed 14 feet in height at a minimum required setback of 15 feet and shall not exceed 18 feet in height at a minimum required setback of 20 feet.
- d. *Maximum lot coverage (applied to the net lot area, exclusive of public rights-of-way)*:
 - i. *Maximum building coverage (inclusive of all structures)*: 20 percent for two-story structures; 25 percent for one-story structures. **An additional 5 percent building coverage on the first floor may be permitted in instances where a property owner agrees to exclude or remove a privacy wall, fence, or continuous hedge from the front or side street property line, between the property line and building line, and records a covenant in the public records of Miami-Dade County, on a form approved by the village attorney, prohibiting the property owner from installing a fence, privacy wall, or continuous hedge between the building line and the front and side street property lines in the future.**
 - ii. *Maximum impervious surface ratio*: 45 percent.
 - iii. *Minimum green space*: 55 percent.
- e. *Minimum lot width and street frontage*: 125 feet.
- f. *Minimum lot depth*: 200 feet. The measurement shall be from the centerline of the abutting front right-of-way.
- g. *Minimum setbacks and maximum floor area ratios*: All development must comply with setbacks for wetlands. Also, the following setbacks and floor area ratios shall apply within the EU-1 district:

TABLE 4.4

Structure	Required Setbacks (feet) and F.A.R. in EU-1 District ⁽⁸⁾						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side	Side Street	Maximum 1st Floor	Maximum 2nd floor
Principal one-story structure	50	25	N/A	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	0.25	N/A
Principal two-story structure	50	25	N/A	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	0.20	0.10
Accessory—General	⁽²⁾	15/20 ⁽⁷⁾	10	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	5 percent ⁽⁴⁾	N/A
Accessory—Sheds ⁽⁵⁾	⁽²⁾	5	10	5	30 ⁽⁶⁾	5 percent	N/A

Notes:

⁽¹⁾ See lot, corner (division 9.2).

⁽²⁾ See accessory use regulations.

⁽³⁾ Lots whose street frontage is less than 135 feet in width shall have an interior side yard setback on each side of 15 percent of the width with a setback of not less than 15 feet.

⁽⁴⁾ Uncovered swimming pools, pool patios and hard-surfaced tennis courts shall be excluded from F.A.R. calculations but shall be calculated as impervious surface.

⁽⁵⁾ Less than 100 square feet and less than eight feet in height.

⁽⁶⁾ Lots whose frontage is less than 125 feet in width shall have a side street setback of 25 feet.

⁽⁷⁾ Detached accessory structures that are 14 feet or less in height shall be setback a minimum 15 feet from the rear property line; detached accessory structures that are more than 14 feet in height, and no more than the maximum permitted height of 18 feet, shall be setback a minimum of 20 feet from the rear property line.

⁽⁸⁾ Required setbacks and floor area ratio shall apply to the net lot area, exclusive of public rights-of-way.

- h. *Minimum size living area:* 1,800 square feet.
 - i. *Grandfather clause.* Existing structures in EU-1 zoning districts which conform to the Miami-Dade County Code as of March 12, 1996, a copy of which is on file in the office of the village clerk, shall conform to that Code for setback lines for building additions.
- (d) *Residential suburban estate (EU-S) district.*
1. *Uses permitted.* The following uses shall be allowed within the EU-S district:
 - a. Single-family residential dwellings;
 - b. Foster care and group homes with less than seven residents; and
 - c. Government facilities following a public hearing conducted by the village council.
 2. *Conditional uses.* Within the EU-S district the following uses may be approved by the village council but only as a conditional use.
 - a. Public utilities.
 3. *Accessory uses.* Within the EU-S district administrative official may approve the following uses, but only as an accessory use, pursuant to procedures set forth in this Code for the principal use of the property:
 - a. *Accessory units.* An affidavit stating the limited purpose of the unit shall be signed and the owner shall certify that the accessory unit shall remain compliant with the land development code;
 - b. *Accessory structures;* and
 - c. *Other accessory uses.* Accessory uses other than garages shall be located behind the rear wall or column of the principal structure or within an open courtyard screened from public view. Accessory structures may occupy no more than five percent out of the total of 30 percent of the floor area ratio of the property for a one-story.
 4. *Prohibited uses.* All uses not specifically or provisionally provided for herein.
 5. *Dimensional regulations.*
 - a. *Minimum lot size:* Lots in the EU-S district shall contain a minimum of 25,000 gross square feet in area, including one-half of the rights-of-way adjacent to the site.
 - b. *Maximum density:* One principal unit per 25,000 square feet in area.
 - c. *Maximum height:*
 - i. *Principal use:* One-story structure or portion of the structure that is one story: 24 feet to the top of the parapet. If the roof of the one story structure has a pitch of at least 3/12, then the peak of such roof may be 28 feet in height, provided the height to the top of the tie beam does not exceed 24 feet.
 - Two-story structure or portion of the structure that is two stories: 35 feet. However, any portion of the building or structure with a flat roof, or sloped roof

concealed by a parapet, shall not exceed 28 feet to the top of the roof or 29.5 feet to the top of the parapet.

Maximum height of the wall: 27 feet. Extensions or encroachments above the exterior wall(s) shall be limited to the roof, chimneys, and vents.

Maximum height of truss heel: 1 foot.

- ii. Accessory use: Accessory buildings that are detached or not physically and permanently attached to the principal building with a structurally interconnected roof that provides interconnectivity between the principal and accessory uses shall not exceed 14 feet in height at a minimum required setback of 15 feet and shall not exceed 18 feet in height at a minimum required setback of 20 feet.
- d. *Maximum lot coverage (applied to the net lot area, exclusive of public rights-of-way):*
 - i. Maximum building coverage (inclusive of all structures): 30 percent. **An additional 5 percent building coverage on the first floor may be permitted in instances where a property owner agrees to exclude or remove a privacy wall, fence, or continuous hedge from the front or side street property line, between the property line and building line, and records a covenant in the public records of Miami-Dade County, on a form approved by the village attorney, prohibiting the property owner from installing a fence, privacy wall, or continuous hedge between the building line and the front and side street property lines in the future.**
 - ii. Maximum impervious surface ratio: 65 percent.
 - iii. Minimum green space: 35 percent.
- e. *Minimum lot width and street frontage:* 125 feet.
- f. *Minimum lot depth:* 135 feet. The measurement shall be from the centerline of the abutting front right-of-way.
- g. *Minimum setbacks and maximum floor area ratios:* All development must comply with setbacks for wetlands. Also, the following setbacks and floor area ratios shall apply within the EU-S district:

TABLE 4.5

Structure	Required Setbacks (feet) and F.A.R. in EU-S district ⁽⁷⁾						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side	Side Street	Maximum 1st Floor	Maximum 2nd Floor

Principal one-story structure	35	25	N/A	20 ⁽³⁾	25 ⁽¹⁾	0.30	N/A
Principal two-story structure	35	25	N/A	20 ⁽³⁾	25 ⁽¹⁾	0.30	0.30
Accessory—General	⁽²⁾	15/20 ⁽⁶⁾	10	20 ⁽³⁾	25 ⁽¹⁾	5 percent ⁽⁴⁾	N/A
Accessory—Sheds ⁽⁵⁾	⁽²⁾	5	10	5	25 ⁽¹⁾	5 percent	N/A

Notes:

⁽¹⁾ See lot, corner (division 9.2).

⁽²⁾ See accessory use regulations.

⁽³⁾ Lots whose street frontage is less than 135 feet in width shall have an interior side yard setback on each side of 15 percent of the width with a setback of not less than 15 feet.

⁽⁴⁾ Uncovered swimming pools, pool patios and hard-surfaced tennis courts shall be excluded from F.A.R. calculations but shall be calculated as impervious surface.

⁽⁵⁾ Less than 100 square feet and less than eight feet in height.

⁽⁶⁾ Detached accessory structures that are 14 feet or less in height shall be setback a minimum 15 feet from the rear property line; detached accessory structures that are more than 14 feet in height, and no more than the maximum permitted height of 18 feet, shall be setback a minimum of 20 feet from the rear property line.

⁽⁷⁾ Required setbacks and floor area ratio shall apply to the net lot area, exclusive of public rights-of-way.

h. *Minimum size living area:* 1,500 square feet.

i. *Grandfather clause.* Existing structures in EU-S zoning districts which conform to the Miami-Dade County Code as of March 12, 1996, a copy of which is on file in the office of the village clerk, shall conform to that code for setback lines for building additions.

(e) *Residential modified estate (EU-M) district.*

1. *Uses permitted.* The following uses shall be allowed within an EU-M district:

a. Single-family residential dwellings;

b. Foster care and group homes with fewer than seven residents; and

- c. Government facilities following a public hearing conducted by the village council.
- 2. *Conditional uses.* Within the EU-M district the following uses only may be approved by the village council but only as a conditional use.
 - a. Public utilities.
- 3. *Accessory uses.* Within the EU-M district the following uses shall but only as an accessory use, pursuant to procedures set forth in this Code for the principal use of the property:
 - a. Accessory units. An affidavit stating the limited purpose of the unit shall be signed and the owner shall certify that the accessory unit shall remain compliant with the land development code;
 - b. Accessory structures; and
 - c. Other accessory uses.
 - d. Accessory uses other than garages shall be located behind the rear wall or column of the principal structure or within an open courtyard screened from public view. Accessory structures may occupy no more than an additional five percent of the total 30 percent of the floor area ratio of the property.
- 4. *Prohibited uses.* All uses not specifically or provisionally provided for herein.
- 5. *Dimensional regulations.*
 - a. *Minimum lot area:* Lots in the EU-M district shall contain a minimum of 15,000 net square feet in area.
 - b. *Maximum density:* One principal unit per 15,000 net square feet (i.e., shall not include any rights-of-way).
 - c. *Maximum height:*
 - i. Principal use: One-story structure or portion of the structure that is one story: 24 feet. If the roof of the structure has a pitch of at least 6/12, then the peak of such roof may be 28 feet in height.

Two-story structure or portion of the structure that is two stories: 35 feet. However, any portion of the building or structure with a flat roof, or sloped roof concealed by a parapet, shall not exceed 28 feet to the top of the roof or 29.5 feet to the top of the parapet.
 - ii. Accessory use: Accessory buildings that are detached or not physically and permanently attached to the principal building with a structurally interconnected roof that provides interconnectivity between the principal and accessory uses shall not exceed 14 feet in height.
 - d. *Maximum lot coverage:*
 - i. Maximum building coverage (inclusive of all structures): 30 percent. **An additional 5 percent building coverage on the first floor may be permitted in instances where a property owner agrees to exclude or remove a privacy wall, fence, or continuous hedge**

from the front or side street property line, between the property line and building line, and records a covenant in the public records of Miami-Dade County, on a form approved by the village attorney, prohibiting the property owner from installing a fence, privacy wall, or continuous hedge between the building line and the front and side street property lines in the future.

- ii. Maximum impervious surface ratio: 65 percent.
- iii. Minimum green space: 35 percent.
- e. *Minimum lot width and street frontage:* 120 feet.
- f. *Minimum lot depth:* 115 feet.
- g. *Minimum setbacks and maximum floor area ratios:* All development must comply with setbacks for wetlands. Also, the following setbacks and floor area ratios shall apply within the EU-M district:

TABLE 4.6

Structure	Required Setbacks (feet) and F.A.R. in EU-M District.						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side	Side Street	Maximum 1st Floor	Maximum 2nd Floor
Principal	25	25	N/A	15	25 ⁽¹⁾	0.30	0.30
Accessory— General	⁽²⁾	7.5	10	20	30 ⁽¹⁾	5 percent ⁽³⁾	N/A
Accessory— Sheds ⁽⁴⁾	⁽²⁾	5	10	5	25 ⁽¹⁾	5 percent	N/A

Notes:

⁽¹⁾ See lot, corner (division 9.2).

⁽²⁾ See accessory use regulations.

⁽³⁾ Uncovered swimming pools, pool patios and hard-surfaced tennis courts shall be excluded from F.A.R. calculations but shall be calculated as impervious surface.

⁽⁴⁾ Less than 100 square feet and less than eight feet in height.

- h. *Minimum size living area:* 1,200 square feet.

(f) *Single-family residential (RU-1) district.*

5. *Dimensional regulations.*

g. Minimum setbacks and maximum floor area ratios: All development must comply with setbacks for wetlands. Also, the following setbacks and floor area ratios shall apply with the RU-1 district:

TABLE 4.7

Structure	Required Setbacks (feet) and F.A.R. in RU-1 District.						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side	Side Street	Maximum 1st Floor	Maximum 2nd Floor
Principal	25	25	N/A	10 percent of the width of the lot or to a minimum of 5	15 ⁽¹⁾	0.30	0.30
Accessory— General	⁽²⁾	⁵	10	5	Principal +5 ⁽¹⁾	⁽²⁾	⁽²⁾
Accessory— Sheds ⁽³⁾	⁽²⁾	5	10	5	Principal +5 ⁽¹⁾	5 percent	N/A

(g) *Residential Duplex (RU-2) district.*

5. *Dimensional regulations.*

g. Minimum setbacks and maximum floor area ratios: All development must comply with setbacks for wetlands. Also, the following setbacks and floor area ratios shall apply within the RU-2 district:

TABLE 4.8

Structure	Required Setbacks (feet) and F.A.R. in RU-2 District.						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side	Side Street	Maximum 1st Floor	Maximum 2nd Floor

Principal	25	25	N/A	10 percent of the width of the lot or to a minimum of 5	15 ⁽¹⁾	0.35	0.35
Accessory	(2)5	10	5	Principal + 5 ⁽¹⁾	(2)	(2)	
Shed	(2)	5	10	5	Principal + 5 ⁽¹⁾	(2)	(2)

Div. 4.3. – Commercial districts.

* * *

(d) *Restricted business development (BU-1) district.*

1. *Intent.* Businesses within the BU-1 district are located within the US 1 linear corridor and are intended to service neighborhood residential markets within the immediate vicinity, as opposed to village-wide or regional markets. Such businesses are also intended to cater to specialized markets with customized market demands. The BU-1 district is not intended to accommodate large-scale retail sales and trade activities generally serving a citywide or regional market. Such stores generally require a larger floor area, carry a relatively larger inventory, and require a substantially greater off-street parking area. For instance, the BU-1 district is not intended to accommodate the following: large scale discount stores or supermarkets; department stores; mini-storage, outside storage, wholesale or warehousing activities; sales, service or repair of motor vehicles, machine equipment or accessory parts, including tire and battery shops; automotive services centers; and drive through facilities.
2. *Uses permitted.* The following uses shall be allowed within a BU-1 district following village council approval of a site plan:
 - a. Bakeries, retail only;
 - b. Business and professional offices;
 - c. Dry cleaning (with cleaning off-premises);
 - d. Financial institutions without drive-through facilities;
 - e. Government facilities following a public hearing conducted by the village council;
 - f. General retail sales and services;
 - g. Medical services;

- h. Personal services;
- i. Plant and garden sales and services;
- j. Restaurants without drive-through facilities;
- k. Veterinary medical services, without outside kennels; and
- l. Retail sales of used merchandise, provided establishments offering such merchandise contain not more than 4,000 square feet of gross floor area;

m. Sale of alcoholic beverages for consumption on the premises; and

n. Other similar uses as determined by the village council.

3. *Conditional uses.* Within the BU-1 district the following uses may be approved by the village council, but only as a conditional use.

~~a. Sale of alcoholic beverages for consumption on the premises;~~

~~b. a.~~ Clubs and lodges;

~~c. b.~~ Child and family day care services;

~~d. c.~~ Nursing homes, rest homes and convalescent homes; and

~~e. d.~~ Public utilities.

4. *Accessory uses.* Within the BU-1 district the administrative official may approve as an accessory use only uses customarily incidental and subordinate to a principal permitted or conditional use. Such accessory uses shall be reviewed pursuant to procedures set forth in this Code for the principal use of the property.

5. *Prohibited uses.* All uses not specifically or provisionally provided for herein including medical marijuana retail centers, are prohibited. Any use not within a fully enclosed building is strictly prohibited, except that this restriction shall not apply to maintenance services typically provided by itinerant service companies and their employees. Similarly, the sale or distribution of material or merchandise, fruit or other commodities from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots, or from outside any permanent duly approved enclosed building is prohibited.

6. *Dimensional regulations.*

a. *Minimum lot area, lot frontage, and lot width.* Lots within the BU-1 district shall have a minimum lot frontage and lot width of not less than 50 feet and shall have a minimum area of not less than 5,000 square feet, except on corner lots. Corner lots shall have a frontage of not less than 75 feet on a designated arterial or collector street and not less than 7,500 square feet in area. Conditional uses may require larger lot area to meet conditional use standards of this Code.

b. *Maximum height.* The maximum height of a structure shall be two stories and shall not exceed 35 feet in height.

c. *Maximum lot coverage:*

i. Maximum building coverage (inclusive of all structures): 40 percent.

- ii. Maximum impervious surface ratio: 82—88 percent.
- iii. Minimum green space: 12—18 percent.
- iv. *Minimum setbacks and maximum floor area ratio:* All development must comply with setbacks for wetlands stated in the Code. Also, the following setbacks and floor area ratios shall apply in BU-1 districts. The floor area ratio shall not exceed the following, provided, however, that structure parking shall not count as a part of the floor area, but shall be counted in computing building height, lot coverage, and number of stories.

TABLE 4.15

Structure	Required Setbacks and F.A.R. in BU-1 District						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side Street	Side	Maximum 1st Floor	Maximum 2nd Floor
Principal	20 ^{(3),(7)}	5/20 ^{(4),(6)}	20 ⁽²⁾	15	^{(5),(6)}	0.40	0.51
Accessory	^{(1),(7)}	10 ⁽⁶⁾	20	15	^{(5),(6)}	N/A	N/A

Notes:

⁽¹⁾ See accessory use regulations.

⁽²⁾ Twenty feet, except where doors, windows or other openings in the building wall of the same building and/or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than 30 feet. Said distance to be measured on a line projected at right angles at the opening to the opposite wall.

⁽³⁾ Twenty feet, except where an RU or EU lot abuts a BU-1 lot, then the street setback shall be 25 feet for the entire street frontage.

⁽⁴⁾ Five feet from a business district boundary, where any openings are provided in the wall of the proposed structure, adjacent to the rear lot line. Twenty feet from residential district boundary.

⁽⁵⁾ Zero feet where the adjacent property is designated BU and where the use of the building is limited exclusively to business use. The wall along the side property line shall be constructed in accordance with the most current edition of the Florida Building Code: Five feet where the wall does not meet unpierced four-hour fire resistant construction standards.

⁽⁶⁾ Except where RU or EU abuts, it shall be 15 feet.

⁽⁷⁾ Principal and accessory structure may be located up to ten feet from the front property line by site plan approval.

7. *Green space and landscaping.*

- a. *Green space.* The minimum landscaped green space at one story shall be in accordance with the following table. The required green space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, ground cover included within the "Florida-friendly plant database," trees and shrubbery, except that ten percent of any driveway or parking area constructed of open cell unit pavers (turf block) and two percent of any driveway or parking area constructed of brick pavers with a sand and/or gravel sub base or underlayment may be counted as green space. The minimum landscaped green space shall be increased by one and one-half percent for each additional story or part thereof up to a maximum of four stories exclusive of penthouse and mezzanine. For the purpose of computing the amount of required landscaped green space where the building height varies, the number of stories shall be determined by that portion of the building with the highest story exclusive of penthouse and mezzanine.

TABLE 4.16
LANDSCAPED GREEN SPACE FOR THE BU-1 DISTRICT

Size of the Total Lot Area	Percent of the Total Lot Area
Up to one acre	18%
More than one acre and up to five acres	16%
More than five acres and up to 25 acres	14%
More than 25 acres	12%

- b. *Water area.* In BU districts water areas may be used as part of the required landscaped green space provided such water areas do not exceed 20 percent of the required landscaped green space.
- c. *Landscaping and tree protection.* Landscaping and trees shall be provided in accordance with provisions of article 6 of the land development code.
- (e) *General business (BU-1A) district.*
1. *Intent.* Businesses within the BU-1A district are located within the US 1 linear commercial corridor and are intended to accommodate retail sales and services, including highway-oriented sales and services to residents and motorists along the US 1 corridor. The BU-1A district is not intended to accommodate manufacturing of goods or other activities which may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. The BU-1A district is not intended to accommodate large-scale retail sales and trade activities generally serving a citywide or regional market, such as regional retail or wholesale trade and service centers, nor is it intended to attract warehousing, mini-storage, outside storage or light manufacturing activities.

2. *Uses permitted.* The following uses shall be allowed within a BU-1A district following village council approval of a site plan:
 - a. Bakeries, retail only;
 - b. Business and professional offices;
 - c. Commercial recreation (excluding adult uses);
 - d. Dry cleaning (with cleaning off premises);
 - e. Financial institutions with or without drive-through;
 - f. Funeral home and mortuary;
 - g. General retail sales and services;
 - h. Government facilities following a public hearing conducted by the village council;
 - i. Medical services;
 - j. Package stores;
 - k. Personal services;
 - l. Plant and garden center sales;
 - m. Restaurants, with or without drive-through;
 - n. Veterinary medical services with or without outside kennels;
 - o. Retail sales of used merchandise, provided establishments offering such merchandise contain not more than 4,000 square feet of gross floor area; ~~and~~
 - p. **Sale of alcoholic beverages for consumption on the premises; and**
 - ~~p.~~ **q.** Other similar uses as determined by the village council.

3. *Conditional uses.* Within the BU-1A district the following uses may be approved by the village council but only as a conditional use.
 - ~~a.~~ **a.** ~~Sale of alcoholic beverages for consumption on the premises;~~
 - ~~b.~~ **a.** Clubs and lodges;
 - ~~c.~~ **b.** Child and family day care services;
 - ~~d.~~ **c.** Cultural/civic activities, private;
 - ~~e.~~ **d.** Dry cleaning (with cleaning on premises);
 - ~~f.~~ **e.** Nursing homes, rest homes and convalescent homes;
 - ~~g.~~ **f.** Parking garages when developed in conjunction with business and professional offices, general retail sales and services and/or restaurant uses on the ground floor;
 - ~~h.~~ **g.** Public utilities;
 - ~~i.~~ **h.** Vehicular sales and service center;
 - ~~j.~~ **i.** Vehicular service station, including gasoline sales, electrical vehicle charging stations, and vehicle battery exchange facilities.

4. *Accessory uses.* Within the BU-1A district the administrative official may approve as an accessory use only uses customarily incidental and subordinate to a principal permitted or conditional use. Such accessory uses shall be reviewed pursuant to procedures set forth in this Code for the principal use of the property.
5. *Prohibited uses.* All uses not specifically or provisionally provided for herein including medical marijuana retail centers are prohibited. Any use not within a fully enclosed building is strictly prohibited, except that this restriction shall not apply to maintenance services typically provided by itinerant service companies and their employees. Similarly, the sale or distribution of material or merchandise, fruit or other commodities from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots, or from outside any permanent duly approved enclosed building is prohibited.
6. *Dimensional regulations.*
 - a. *Minimum lot area, lot frontage, and lot width.* Lots within the BU-1A district shall have a minimum lot frontage and lot width of not less than 50 feet and shall have a minimum area of not less than 5,000 square feet, except on corner lots. Corner lots shall have a frontage of not less than 75 feet on a designated arterial or collector street and not less than 7,500 square feet in area. Conditional uses may require larger lot area to meet conditional use standards of this Code.
 - b. *Maximum height.* The maximum height of a structure within the BU-1A district shall be four stories and shall not exceed 45 feet in height.
 - c. *Maximum lot coverage:*
 - i. Maximum building coverage (inclusive of all structures): 40 percent.
 - ii. Maximum impervious surface ratio: 77.5–88 percent.
 - iii. Minimum green space: 12–22.5 percent.
 - d. *Floor area ratio.* The floor area ratio shall not exceed the following, provided, however, that structure parking shall not count as a part of the floor area, but shall be counted in computing building height, lot coverage, and number of ~~stories~~ **stories**:

TABLE 4.17

Height of Building in BU-1A District	Maximum Floor Area Ratio
1 story	0.40
2 stories	0.51
3 stories	0.62
4 stories	0.73

- e. *Minimum setbacks.* All development must comply with setbacks for wetlands and waterways established in the Code. In addition, the following setbacks shall apply within the BU-1A district:

TABLE 4.18

Structure	Required Setbacks in BU-1A district				
	Setbacks (feet)				
	Front	Rear	Between Buildings	Side	Side Street
Principal	20 ⁽³⁾	5/20 ^{(4),(6)}	20 ⁽²⁾	^{(5),(6)}	15
Accessory	^{(1),(7)}	10 ⁽⁶⁾	20	^{(5),(6)}	15

Notes:

- (1) See accessory use regulations.
- (2) Twenty feet, except where doors, windows or other openings in the building wall of the same building and/or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than 30 feet. Said distance to be measured on a line projected at right angles at the opening to the opposite wall.
- (3) Twenty feet, except where a RU or EU lot abuts a BU-1A lot, then the street setback shall be 25 feet for the entire street frontage.
- (4) Five feet from a business district boundary, where any openings are provided in the wall of the proposed structure, adjacent to the rear lot line; 20 feet from residential district boundary.
- (5) Zero feet where the adjacent property is designated BU and where the use of the building is limited exclusively to business use. The wall along the side property line shall be constructed in accordance with the most current edition of the state building code.
- (6) Except where RU or EU abuts it shall be 15 feet.
- (7) Principal and accessory structure may be located up to ten feet from the front property line by site plan approval.

7. *Green space and landscaping.*

- a. *Green space.* The minimum landscaped green space at one story shall be in accordance with the following table. The required green space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, ground cover included within the "Florida-friendly plant database," trees and shrubbery, except that ten percent of any driveway or parking area constructed of open cell unit

pavers (turf block) and two percent of any driveway or parking area constructed of brick pavers with a sand and/or gravel sub base or underlayment may be counted as green space. The minimum landscaped green space shall be increased by one and one-half percent for each additional story or part thereof up to a maximum of four stories exclusive of penthouse and mezzanine. For the purpose of computing the amount of required landscaped green space where the building height varies, the number of stories shall be determined by that portion of the building with the highest story exclusive of penthouse and mezzanine.

TABLE 4.19
LANDSCAPED GREEN SPACE FOR THE BU-1A DISTRICT

Size of the Total Lot Area	Percent of the Total Lot Area
Up to one acre	18 percent
More than one acre and up to five acres	16 percent
More than five acres and up to 25 acres	14 percent
More than 25 acres	12 percent

- b. *Water area.* In BU districts water areas may be used as part of the required landscaped green space provided such water areas do not exceed 20 percent of the required landscaped green space.
- c. *Landscaping and tree protection.* Landscaping and trees shall be provided in accordance with article 6 of the land development code.

(f) *Special business (BU-2) district.*

- 1. *Intent.* Businesses within the BU-2 district are intended to accommodate retail sales and services, including highway oriented sales and service, to village residents and motorists along the US 1 corridor. In addition, the BU-2 district is intended to accommodate larger scale retail, discount, and regional facilities serving home and office markets within an area larger than the village. The BU-2 district also includes a land use regulatory program for managing the site location process for night clubs, lounges serving alcoholic beverages, and related facilities, excluding adult uses as defined herein. The BU-2 district is not intended to accommodate manufacturing of goods or other activities, which may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. Similarly, the BU-2 district is not intended to accommodate warehousing, mini-storage, outside storage or light manufacturing activities.

2. *Uses permitted.* The following uses shall be allowed within a BU-2 district following village council approval of a site plan pursuant to the procedures established in the Code:
 - a. Bakeries, retail only;
 - b. Business and professional offices;
 - c. Commercial recreation (excluding adult uses);
 - d. Dry cleaning (with cleaning off premises);
 - e. Financial institutions with or without drive-through;
 - f. Funeral home and mortuary;
 - g. Government facilities following a public hearing conducted by the village council;
 - h. General retail sales and services;
 - i. Medical services;
 - j. Package stores;
 - k. Personal services;
 - l. Plant and garden center sales;
 - m. Restaurants, with or without drive-through;
 - n. Veterinary medical services with or without outside kennels; and
 - o. Retail sales of used merchandise, provided establishments offering such merchandise contain not more than 4,000 square feet of gross floor area; and
 - p. **Sale of alcoholic beverages for consumption on the premises; and**
 - q. **Other similar uses as determined by the village council.**

3. *Conditional uses.* Within the BU-2 district the following uses may be approved by the village council but only as a conditional use.

- ~~a. Sale of alcoholic beverages for consumption on the premises;~~
- ~~b.~~ **a.** Child care and family day care;
- ~~c.~~ **b.** Clubs and lodges;
- ~~d.~~ **c.** Cultural/civic activities, private;
- ~~e. Commercial recreation (excluding adult uses);~~
- ~~f. Clubs and lodges;~~
- ~~g.~~ **d.** Cultural/civic activities, including assembly halls;
- ~~h.~~ **e.** Dry cleaning (with cleaning on premises);
- ~~i.~~ **f.** Hospitals and emergency care;
- ~~j.~~ **g.** Nursing homes, rest homes and convalescent homes;

- ~~k.~~ **h.** Parking garages when developed in conjunction with business and professional offices, general retail sales and services and/or restaurant uses on the ground floor;
 - ~~l.~~ **i.** Public utilities;
 - ~~m.~~ **j.** Vehicular sales and service center; and
 - ~~n.~~ **k.** Vehicular service station, including gasoline sales, electrical vehicle charging stations, and vehicle battery exchange facilities.
4. *Accessory uses.* Within the BU-2 district the administrative official may approve as an accessory use only uses customarily incidental and subordinate to a principal permitted or conditional use. Such accessory uses shall be reviewed pursuant to procedures set forth in this Code for the principal use of the property.
 5. *Prohibited uses.* All uses not specifically or provisionally provided for herein including, medical marijuana retail centers are prohibited. Any use not within a fully enclosed building is strictly prohibited, except that this restriction shall not apply to maintenance services typically provided by itinerant service companies and their employees. Similarly, sale or distribution of material or merchandise, fruit or other commodities from trucks, wagons or other vehicles parked on or along public or private streets, from open stands or vacant lots, or from outside any permanent duly approved enclosed building is prohibited.
 6. *Dimensional regulations.*
 - a. *Minimum lot area, lot frontage, and lot width.* Lots within the BU-2 district shall have a minimum lot frontage and lot width of not less than 50 feet and shall have a minimum area of not less than 5,000 square feet, except on corner lots. Corner lots shall have a frontage of not less than 75 feet on a designated arterial or collector street and not less than 7,500 square feet in area. Conditional uses may require larger lot area to mitigate issues specified in this Code.
 - b. *Maximum height.* The maximum height of a structure shall be four stories and shall not exceed 45 feet in height.
 - c. *Maximum lot coverage:*
 - i. Maximum building coverage (inclusive of all structures): 40 percent.
 - ii. Maximum impervious surface ratio: 77.5–80 percent.
 - iii. Minimum green space: 12–22.5 percent.
 - d. *Floor area ratio.* The floor area ratio shall not exceed the following, provided, however, that structure parking shall not count as a part of the floor area, but shall be counted in computing building height, lot coverage, and number of stories:

TABLE 4.20

Height of Building in BU-2 District (feet)	Maximum Floor Area Ratio
1 story	0.40
2 stories	0.51

3 stories	0.62
4 stories	0.73

e. *Minimum setbacks.* All development must comply with setbacks for wetlands and waterways established in the Code. In addition, the following setbacks shall apply within the BU-2 district:

TABLE 4.21

Structure	Required Setbacks (feet) in BU-2 district				
	Setbacks				
	Front	Rear	Between Buildings	Side	Side Street
Principal	20 ⁽³⁾	5/20 ^{(4),(6)}	20 ⁽²⁾	^{(5),(6)}	15
Accessory	^{(1),(7)}	10 ⁽⁶⁾	20	^{(5),(6)}	15

Notes:

- (1) See accessory use regulations.
- (2) Twenty feet, except where doors, windows or other openings in the building wall of a motel or hotel unit face a wall of the same building and/or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than 30 feet. Said distance to be measured on a line projected at right angles at the opening to the opposite wall.
- (3) Twenty-five feet, except where an RU or EU lot abuts a BU-2 lot, then the street setback shall be 25 feet for the entire street frontage.
- (4) Five feet from a business district boundary, where any openings are provided in the wall of the proposed structure, adjacent to the rear lot line. Twenty feet from residential district boundary.
- (5) Zero feet where the adjacent property is designated BU and where the use of the building is limited exclusively to business use. The wall along the side property line shall be constructed in accordance with the most current edition of the state building code. Five feet where the wall does not meet unpierced four-hour fire resistant construction standards.
- (6) Except where RU or EU abuts it shall be 15 feet.
- (7) Principal and accessory structure may be located up to ten feet from the front property line by site plan approval.

7. *Green space and landscaping.*

- a. *Green space.* The minimum landscaped green space at one story shall be in accordance with the following table. The required green space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, ground cover included within the "Florida-friendly plant database," trees and shrubbery, except that ten percent of any driveway or parking area constructed of open cell unit pavers (turf block) and two percent of any driveway or parking area constructed of brick pavers with a sand and/or gravel sub base or underlayment may be counted as green space. The minimum landscaped green space shall be increased by one and one-half percent for each additional story or part thereof up to a maximum of four stories exclusive of penthouse and mezzanine. For the purpose of computing the amount of required landscaped green space where the building height varies, the number of stories shall be determined by that portion of the building with the highest story exclusive of penthouse and mezzanine.

TABLE 4.22
LANDSCAPED GREEN SPACE FOR THE BU-2 DISTRICT

Size of the Total Lot Area	Percent of the Total Lot Area
Up to one acre	18 percent
More than one acre and up to five acres	16 percent
More than five acres and up to 25 acres	14 percent
More than 25 acres	12 percent

- b. *Water areas.* Water areas may be used as part of the required landscaped green space provided such water areas do not exceed 20 percent of the required landscaped green space.
- c. *Malls.* The specific areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display may be used as part of the required landscaped green space provided such areas do not exceed ten percent of the required landscaped green space.
- d. *Landscaping and tree protection.* Landscaping and trees shall be provided pursuant to provisions of article 6 of the land development code.
- (g) *Intensive business (BU-3) district.*
1. *Intent.* Businesses within the BU-3 district are within the US 1 commercial corridor and are intended to accommodate retail sales and services, including highway oriented sales and service to residents and motorists along the US 1 corridor. In addition, the BU-3 district is intended to accommodate larger scale retail, discount, and regional facilities serving home and office markets within an area larger than the village. The BU-3 district also includes a land use regulatory program for managing the site location process for night clubs, lounges

serving alcoholic beverages, and related facilities, including adult uses as defined herein. The BU-3 district is not intended to accommodate manufacturing of goods or other activities, which may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. The BU-3 district can accommodate limited storage activities within enclosed buildings, including mini-storage, limited warehousing also within an enclosed building. The BU-3 district is not intended to accommodate outside storage or light manufacturing activities.

2. *Uses permitted.* The following uses shall be allowed within a BU-3 district following village council approval of a site plan and compliance with the procedures established in the Code:
 - a. Bakeries, retail only;
 - b. Business and professional offices;
 - c. Commercial recreation (excluding adult uses);
 - d. Dry cleaning (with cleaning off premises);
 - e. Financial institutions with or without drive-through;
 - f. Funeral home and mortuary;
 - g. Government facilities following a public hearing conducted by the village council;
 - h. General retail sales and services;
 - i. Medical services;
 - j. Package stores;
 - k. Personal services;
 - l. Plant and garden center sales;
 - m. Restaurants, with or without drive-through;
 - n. Veterinary medical services with or without outside kennels;
 - o. Retail sales of used merchandise, provided establishments offering such merchandise contain not more than 4,000 square feet of gross floor area; ~~and~~
 - p. **Sale of alcoholic beverages for consumption on the premises; and**
 - ~~p.~~ **q.** Other similar uses as permitted by the village council.
3. *Conditional uses.* Within the BU-3 district the following may be approved by the village council but only as a conditional use.
 - a. Adult uses;
 - b. ~~Sale of alcoholic beverages for consumption on the premises;~~
 - e. **b.** Child care and family day care;
 - d. **c.** Clubs and lodges;
 - e. **d.** Cultural/civic activities, private;

- f. **e.** Dry cleaning (with cleaning on premises);
 - g. **f.** Electrical and mechanical repair of appliances and household goods;
 - h. **g.** Hospitals and emergency care;
 - i. **h.** Limited storage within enclosed building;
 - j. **i.** Nursing homes, rest homes and convalescent homes;
 - k. **j.** Parking garages when developed in conjunction with business and professional offices, general retail sales and services and/or restaurant uses on the ground floor;
 - l. **k.** Public utilities;
 - m. **l.** Vehicular, major repair, paint and body work;
 - n. **m.** Vehicular sales and service center; and
 - e. **n.** Vehicular service station, including gasoline sales, electrical vehicle charging stations, and vehicle battery exchange facilities.
4. *Accessory uses.* Within the BU-3 district the administrative official may approve as an accessory use only uses customarily incidental and subordinate to a principal permitted or conditional use shall only be approved as an accessory use. Such accessory uses shall be reviewed pursuant to procedures set forth in this Code for the principal use of the property.
5. *Prohibited uses.* All uses not specifically or provisionally provided for herein including medical marijuana retail centers are prohibited. Any use not within a fully enclosed building is strictly prohibited, except that this restriction shall not apply to maintenance services typically provided by itinerant service companies and their employees. Similarly, sale or distribution of material or merchandise, fruit or other commodities from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots, or from outside any permanent duly approved enclosed building is prohibited.
6. *Dimensional regulations.*
- a. *Minimum lot area, lot frontage, and lot width.* Lots within the BU-3 district shall have a minimum lot frontage and lot width of not less than 50 feet and shall have a minimum area of not less than 5,000 square feet, except on corner lots. Corner lots shall have a frontage of not less than 75 feet on a designated arterial or collector street and not less than 7,500 square feet in area. Conditional uses may require larger lot area to mitigate issues specified in this Code.
 - b. *Maximum height.* The maximum height of a structure shall be four stories and shall not exceed 45 feet in height.
 - c. *Maximum lot coverage:*
 - i. Maximum building coverage (inclusive of all structures): 40 percent.
 - ii. Maximum impervious surface ratio: 77.5—88 percent.
 - iii. Minimum green space: 12—22.5 percent.

- d. *Floor area ratio.* The floor area ratio shall not exceed the following, provided, however, that structure parking shall not count as a part of the floor area, but shall be counted in computing building height, lot coverage, and number of stories:

TABLE 4.23

Height of Building in BU-3 District	Maximum Floor Area Ratio
1 story	0.40
2 stories	0.51
3 stories	0.62
4 stories	0.73

- e. *Minimum setbacks.* All development must comply with setbacks for wetlands and waterways established in the Code. In addition, the following setbacks shall apply within the BU-3 district:

TABLE 4.24

Structure	Required Setbacks in BU-3 district				
	Setbacks				
	Front	Rear	Between Buildings	Side	Side Street
Principal	20 ⁽³⁾	5/20 ⁽⁴⁾⁽⁶⁾	20 ⁽²⁾	⁽⁵⁾⁽⁶⁾	15
Accessory	⁽¹⁾	10 ⁽⁶⁾	20	⁽⁵⁾⁽⁶⁾	15

Notes

⁽¹⁾ See accessory use regulations.

⁽²⁾ Twenty feet, except where doors, windows or other openings in the building wall of a motel or hotel unit face a wall of the same building and/or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than 30 feet. Said distance to be measured on a line projected at right angles at the opening to the opposite wall.

⁽³⁾ Twenty feet, except where a RU or EU lot abuts a BU-3 lot, then the setback shall be 25 feet on any part of the commercial structure located within 25 feet of the residential district boundary.

(4) Five feet from a business district boundary, where any openings are provided in the wall of the proposed structure, adjacent to the rear lot line. Twenty feet from residential district boundary except that credit shall be given for full width of dedicated alleys in computing this setback.

(5) Zero feet where the adjacent property is designated BU and where the use of the building is limited exclusively to business use. The wall along the side property line shall be constructed in accordance with the most current edition of the state building code. Five feet where the wall is not does not meet unpierced four-hour fire resistant construction standards. Ten feet for any portions of a business structure accommodating a residential use.

(6) Except where RU and EU abut it shall be 15 feet.

7. *Green space and landscaping.*

a. *Green space.* The minimum landscaped green space at one story shall be in accordance with the following table. The required green space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, ground cover included within the "Florida-friendly plant database," trees and shrubbery, except that ten percent of any driveway or parking area constructed of open cell unit pavers (turf block) and two percent of any driveway or parking area constructed of brick pavers with a sand and/or gravel sub base or underlayment may be counted as green space. The minimum landscaped green space shall be increased by one and one-half percent for each additional story or part thereof up to a maximum of four stories exclusive of penthouse and mezzanine. For the purpose of computing the amount of required landscaped green space where the building height varies, the number of stories shall be determined by that portion of the building with the highest story exclusive of penthouse and mezzanine.

TABLE 4.25
LANDSCAPED GREEN SPACE FOR THE BU-3 DISTRICT

Size of the Total Lot Area	Percent of the Total Lot Area
Up to one acre	18 percent
More than one acre and up to five acres	16 percent
More than five acres and up to 25 acres	14 percent
More than 25 acres	12 percent

b. *Water areas.* In the BU-3 districts water areas may be used as part of the required landscaped green space provided such water areas do not exceed 20 percent of the required landscaped green space.

c. *Malls.* The specific areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with

permanent art display may be used as part of the required landscaped green space provided such areas do not exceed ten percent of the required landscaped green space.

- d. *Landscaping and tree protection.* Landscaping and trees shall be provided pursuant to provisions of article 6 of the land development code.

* * *

Div. 4.5. Public and private parks and recreation facilities (PR) district.

- (a) Purpose. The overall purpose of the public and private parks and recreation facilities (PR) district is to provide a management framework for implementing comprehensive development master plan development objectives and policies for existing and future public and private parks and recreation facilities. The location and distribution of specific types of public and private parks and recreation facilities shall be determined based on the following considerations:
 1. Accommodating the land needs of existing public and private parks and recreation facilities, including open space systems;
 2. Provision, maintenance, and conservation of quality parks and recreation facilities required to meet the needs of existing and future population magnitude, distribution, and characteristics;
 3. Preserving unique natural resources and areas of historic significance;
 4. Protecting established residential areas from encroachment by nonresidential development;
 5. Ensuring compatibility with adjacent land uses to the greatest practical extent by providing landscaping and buffer areas to protect adjacent residential development from the off-site impacts of parks and recreation facilities; and
 6. Providing and maintaining transportation and infrastructure system improvements.
- (b) Uses permitted. The following uses may be allowed within a PR district following village council site plan approval pursuant to procedures established in the Code:
 1. Golf course facilities, public;
 2. Governmental facilities; and
 3. Municipal parking lots and facilities.
- (c) Conditional uses. Within the PR district the following uses may be by the village council but only as a conditional use.
 1. Private golf course facilities;
 2. Private parks; and
 3. Public utilities.
- (d) Accessory uses. Within the PR district the administrative official may approve as an accessory use only uses customarily incidental and subordinate to a principal permitted or conditional use. The sale of food and beverages, including alcoholic beverages, for consumption on the premises, and the sale of other items ancillary and accessory to uses permitted within the district, shall be permitted as accessory uses when determined to be incidental and subordinate to a principal permitted or conditional use. Such accessory uses shall be reviewed pursuant to

procedures set forth in this Code for the principal use of the property. **The design and placement of gates and entry features shall be subject to the review and approval of the Administrative Official.**

- (e) Prohibited uses. All uses not specifically or provisionally provided for herein are prohibited, except that maintenance services provided by itinerant service companies and their employees may be permitted.
- (f) Dimensional regulations.
 1. Minimum lot area. Development plans for sites within the PR district shall provide sufficient acreage and open space and be properly screened and buffered in order to minimize potential adverse impacts on adjacent land uses. The required acreage shall be consistent with best management principles and practices for specific park and recreation activities and other uses herein approved.
 2. Maximum height. The maximum height of a structure shall be two stories and shall not exceed 35 feet in height unless the height is approved as a conditional use and found to meet all standards governing land use and intensity within this Code.
 3. Maximum lot coverage:
 - a. Maximum building coverage (inclusive of all structures): 30 percent.
 - b. Maximum impervious surface ratio: 65 percent.
 - c. Minimum green space: 35 percent.
 4. Floor area ratio. The maximum floor area ratio for any land use within the PR district shall be as shown below:

TABLE 4.28

Height of Building	Floor Area Ratio
1 story	0.40
2 stories	0.51

- 5. *Minimum setbacks.* All development must comply with setbacks for wetlands and waterways established in the Code. In addition, the following setbacks shall apply within the PR district:

TABLE 4.29

Structure	Required Setbacks in PR District				
	Setbacks				
	Front	Rear	Between Buildings	Side	Side Street

Principal	25	25	20 ⁽²⁾	20	30
Accessory	⁽¹⁾	10	20	20	30

Notes:

⁽¹⁾ See accessory use regulations.

⁽²⁾ Twenty feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than 30 feet. Said distance to be measured on a line projected at right angles at the opening to the opposite wall.

(g) *Green space and landscaping.*

1. *Green space.* On each lot there shall be provided a green space equal to at least 35 percent of the total lot area. The required green space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, ground cover included within the "Florida-friendly plant database," trees and shrubbery, except that ten percent of any driveway or parking area constructed of open cell unit pavers (turf block) and two percent of any driveway or parking area constructed of brick pavers with a sand and/or gravel sub base or underlayment and any artificial turf provided within a sports field or stadium may be counted as green space.

2. *Landscaping and tree protection.* Landscaping and trees shall be provided in accordance with provisions of article 6 of the land development code.

Div. 4.6. Summary tables.

The following tables present a composite overview of the use, size and dimension regulations which shall be applicable within each respective zoning district. Where the district regulations are more specific than the following tables or an apparent conflict exist, the full text shall prevail.

The following tables present a composite overview of the use, size and dimension regulations which shall be applicable within each respective zoning district. Where the district regulations are more specific than the following tables or an apparent conflict exist, the full text shall prevail.

* * *

TABLE 4.31: LAND USES BY NONRESIDENTIAL DISTRICTS

Nonresidential Land Uses	RU-5	BU-1	BU-1A	BU-2	BU-3	PS	PR
Adult entertainment					C		
Bakeries, retail only		P	P	P	P		

Business and professional offices	P	P	P	P	P		
Clubs and lodges		C	C	C	C		
Commercial recreation (excluding adult uses defined herein)			P	P	P		
Customary accessory uses	A	A	A	A	A	A	A
Cultural/civic activities, private			C	C	C	C	
Dry cleaning (with cleaning off-premises)		P	P	P	P		
Dry cleaning (with cleaning on premises)			C	C	C		
Educational institutions, nonpublic						C	
Child and family day care services		C	C	C	C		
Electrical and mechanical repair of small appliances and small durable goods					C		
Financial institutions with drive-through	C		P	P	P		
Financial institutions without drive-through facilities	P	P	P	P	P		
Funeral home and mortuary			P	P	P		
Foster care and group home	P						
General retail sales and services		P	P	P	P		
Golf course facilities, public						p ⁽²⁾	p ⁽²⁾
Golf course facilities, private							C
Governmental facilities	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾
Hospitals and extensive care				C	C		
Limited storage within enclosed building					C		
Maintenance services provided by itinerant service companies	P	P	P	P	P	P	P

Medical services	P	P	P	P	P		
Mixed office and residential use	P						
Municipal parking lots and facilities	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾
Nursing homes, rest homes and convalescent homes		C	C	C	C		
Package stores			P	P	P		
Parking garages less than four stories			C	C	C		
Personal services		P	P	P	P		
Places of worship						C	
Plant and garden center sales		P	P	P	P		
Private parks							C
Public utilities	C	C	C	C	C	C	C
Public parks and recreation activities							P
Restaurants, with or without drive-through			P	P	P		
Restaurants without drive-through facilities		P	P	P	P		
Sale of alcoholic beverages for consumption on the premises		CP	CP	CP	CP	A	A
Sale of used merchandise		P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾		
Vehicular, major repair, paint, and body work					C		
Vehicular sales and service center			C	C	C		
Vehicular service station, including gasoline sales, electrical vehicle charging stations, and vehicle battery exchange facilities			C	C	C		
Veterinary medical services, without outside kennels		P	P	P	P		

Veterinary medical services with outside kennels			P	P	P		
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Note:

1. Limited to 4,000 square feet gross.
 2. Following public hearing conducted by the village council.
- P = Permitted use.
C = Conditional use.
A = Accessory use.

TABLE 4.32: SETBACKS BY DISTRICT

District	Setbacks for Principal Building (feet)					Setbacks for Accessory Structures (feet)				
	Front	Rear	Between Buildings	Side	Side Street	Front	Rear	Between Buildings	Side	Side Street
EU-1C	50	25	NA	20 ⁽³⁾	30 ⁽¹⁾ (11)	⁽²⁾	15/20 ⁽¹³⁾	10	20 ⁽³⁾	30 ⁽¹⁾ (11)
EU-1	50	25	NA	20 ⁽³⁾	30 ⁽¹⁾ (12)	⁽²⁾	15/20 ⁽¹³⁾	10	20 ⁽³⁾	30 ⁽¹⁾ (12)
EU-S	35	25	NA	20 ⁽³⁾	25 ⁽¹⁾	⁽²⁾	15/20 ⁽¹³⁾	10	20 ⁽³⁾	25 ⁽¹⁾
EU-M	25	25	NA	15	25 ⁽¹⁾	⁽²⁾	7.5	10	20	30 ⁽¹⁾
RU-1	25	25	N/A	10% of the width of the lot to a min. of or 5' min.	15 ⁽¹⁾	⁽²⁾	5	10	5	Principal + 5

RU-2	25	25	N/A	10% of the width of the lot to a min. of or 5' min.	15 ⁽¹⁾	⁽²⁾	5	10	5	Principal + 5 ⁽¹⁾	
RU-3	25	30	10	20	15	⁽⁴⁾	10	10	20	Principal + 5 ¹	
RU-3M	25	25	20 ⁽⁴⁾	25	15 ⁽¹⁾	⁽⁵⁾	10	10	20	Principal + 5 ⁽¹⁾	
RU-4L	25	25	20 ⁽⁴⁾	2-story 15 ⁽⁴⁾ >2- story 20 ⁽⁴⁾	25 ⁽¹⁾	⁽⁵⁾	10	20	20 ⁽⁴⁾	25 ⁽¹⁾	
RU-4M	25	25	20 ⁽⁴⁾	2-story 15 ⁽⁴⁾ >2- story 20 ⁽⁴⁾	25 ⁽¹⁾	⁽⁵⁾	10	20	20 ⁽⁴⁾	25 ⁽¹⁾	
RU-4	Up to 35' ht.	25	25	20 ⁽⁴⁾	20	30 ⁽¹⁾	⁽⁶⁾	10	20	20	30 ⁽¹⁾
	Over 35' ht.	30	30	20 ⁽⁴⁾	20	30 ⁽¹⁾					
RU-5	25	25	20 ⁽⁴⁾	15	15	⁽²⁾	10	20	20		

All BU districts	20 ⁽⁷⁾	5/20 ⁽⁸⁾	20	⁽⁹⁾	15	⁽²⁾	10 ⁽¹⁰⁾	20	⁽⁹⁾	15
PS and PR districts	25	25	20 ⁽⁴⁾	20	30	⁽²⁾	10	20	20	30

* * *

TABLE 4.34: MAXIMUM FLOOR AREA RATIOS BY DISTRICT

District	Floor Area Ratios by Story	
	Maximum FAR for 1st Story	Maximum FAR for 2nd Story
EU-1C	0.20 (two-story structure); 0.25 (one-story structure)	0.10
EU-1	0.20 (two-story structure); 0.25 (one-story structure)	0.10
EU-S	0.30	0.30
EU-M	0.30	0.30
RU-1	0.35 0.30	0.35 0.30
RU-2	0.35	0.35

District	Cumulative Floor Area Ratio by Number of Stories			
	1 Story Building	2 Story Building	3 Story Building	4 Story Building
RU-3	0.26	0.49	0.73	0.79
RU-3M	0.30	0.50	N/A	N/A

RU-4L	0.30	0.50	0.62	N/A
RU-4M	0.40	0.51	0.62	N/A
RU-4	0.40	0.51	0.62	0.73
RU-5	0.40	0.51	N/A	N/A
BU-1	0.40	0.51	N/A	N/A
BU-1A	0.40	0.51	0.62	0.73
BU-2	0.40	0.51	0.62	0.73
BU-3	0.40	0.51	0.62	0.73
PS	0.40	0.51	N/A	N/A
PR	0.40	0.51	N/A	N/A

Div. 4.7. - Pincrest Business Alternative District (PBAD).

* * *

- (i) Architectural *standards*. Exceptional design and architecture that delivers quality settings for human life is **s** required.

Design Review. All development within the Pincrest Business Alternative District shall be reviewed by the **Administrative Official** ~~Architectural Review Board~~ **for consistency with the architectural design requirements of the Village’s Land Development Regulations, including the Architectural Standards of the Pincrest Business Alternative District, and the Pincrest Parkway (US 1) Vision Plan,** prior to consideration by the village council, if required, and prior to issuance of building permits. An architectural model of a proposed development, line of sight drawings, and simulation of proposed building heights may be required if requested by the administrative official, ~~architectural review board,~~ or village council. **The village council shall make the final determination of architectural harmony.**

Div. 4.8. - Pincrest Parkway (US 1) Corridor development standards.

* * *

- (d) *Site development standards and amenities.*

* * *

- 3. Architectural *building style and color palette*. Exceptional design and architecture that delivers quality settings for human life is required.

Design Review. Development projects requiring review of a site plan by the Village Council shall be reviewed by the **Administrative Official** ~~Architectural Review Board~~ **for consistency with the architectural design requirements of the Village's Land Development Regulations, including the Architectural Standards of the Pinecrest Business Alternative District, and the Pinecrest Parkway (US 1) Vision Plan,** prior to consideration by the Village Council, and prior to issuance of building permits. **The village council shall make the final determination of architectural harmony.**

* * *

ARTICLE 5. – ADDITIONAL REGULATIONS

* * *

Div. 5.2. Yard regulations and setbacks.

(a) *Yard to be unobstructed; exceptions.* Every part of a required yard must be open to the sky, unobstructed, except for the ordinary projections of steps, sills, belt courses, cornices and other ornamental features projecting not more than four inches from the building wall. Where yard regulations within this division may conflict with setback requirements, the regulation requiring the largest yard shall be applicable. The following exceptions shall be permitted:

1. Roof overhangs up to 60 inches or **roof overhangs up to minimum setback** yard, whichever is less.
2. Flag poles having a maximum height of 30 feet (one per site).
3. Planters not exceeding 30 inches in height or having a cross section of 18 inches or less.
4. Freestanding lamp posts having a maximum height of six feet (two per driveway or a maximum of four on any one site).

(b) *Nonresidential district transition yard requirements.*

1. *Front yard.* Where a residential district abuts a nonresidential district, the nonresidential district front yard shall be at least equal in depth to that required in the residential district, for a distance of 50 feet from the district boundary line along the same street.
2. *Side or rear yard.* Where the side or rear yard in a residential district abuts a side or rear yard in a nonresidential district, the side or rear yard along the abutting line or lines shall be at least equal in depth to that required in the residential district. In no case, however, shall the abutting side yard or abutting rear yard of the nonresidential district be less than 15 feet. In addition to the requirements of this chapter, the nonresidential yard, shall include a landscaped hedge. Where a wall or wood fence exists, landscaping shall be installed to prevent graffiti or climbing and shall include hedges or bushes at least two feet in height at the time of planting.

(c) *Water-front yard requirements.* Every lot which abuts a waterway shall have a waterfront yard. The waterfront yard shall not be utilized for any purpose other than specifically permitted in this land development code.

(d) *Street and road setbacks.* Where right-of-way lines are established for streets, roads or highways, the front yards of lots and side yards of corner lots shall be measured from said right-of-way lines, effective the date such right-of-way lines are officially established.

* * *

Div. 5.5. Fences, walls and hedges.

- (a) *Placement within property lines.* All walls, **and** fences must be placed within the property lines unless approved by the administrative official or the village council. Access to overhead electrical and utility line easements shall be provided and maintained where practical, by means of a gate or other means of access, subject to review and approval of the administrative official.
- (b) *Exterior finish of walls and fences.* Each side of a concrete block and stucco wall shall be completely finished with stucco and paint. Each side of a decorative masonry wall shall be completely painted. The finished side of all fences shall face outward. If a wall or fence is to be placed on a shared property line, consent for access must be obtained from the adjoining property owner(s) prior to finishing the opposite side of the wall or fence. If such consent cannot be obtained, the property owner erecting the wall or fence must present proof that a request for access approval was mailed to every adjacent property owner, by certified mail, return receipt requested, to the mailing addresses as listed in the most current county tax roll, and the mailing was returned undeliverable or the adjacent property owner(s) failed to respond to the request within 30 days after receipt. Upon such a showing, the property owner erecting the wall or fence shall not be required to finish the opposite side of the wall or fence. All fences shall be maintained in good condition **and** free of rot and mildew. Permanent chain link fences, walls, and other permitted fences, shall not be covered or draped with fabric, mesh, plastic, or other material, except that chain link gates installed within permitted chain link fences may be covered; and chain link fences within the PS, public service zoning district may be covered with living material or natural-appearing simulated vegetation screening, subject to review and approval of a fence permit. A sample of the proposed natural or simulated vegetation screening shall be submitted with the permit application and shall be approved by the administrative official prior to installation. Any permitted simulated material covering of a chain link fence or gate shall be neatly fastened and continuously maintained in an unfaded, untorn, good condition at all times, and natural vegetation shall be maintained in a living, healthy condition. An approved fence permit shall be automatically renewed on an annual basis following a required annual inspection and confirmation of compliance with applicable requirements of the village's land development regulations.
- (c) *Visibility triangle.* All driveway/roadway entrances and exits shall be constructed and maintained so that vehicles can enter, exit and travel along the roadways without posing danger to occupants, pedestrians or other vehicles. To this end, structures **and landscaping** shall not obscure the visibility triangle and shall not exceed 2.5 feet in height within the triangle of visibility. **Similarly, shrubs and/or plant material within the triangle of visibility triangle shall not exceed nor be of a variety that naturally exceeds 2.5 feet in height at maturity.** Notwithstanding the foregoing, one concrete column may be erected within the triangle next to the driveway but it may not be taller than eight feet or wider than 19 inches by 19 inches, including any finishing materials.
- (d) *Measuring height of wall, fence or hedge.* The height of a wall; hedge or fence shall be the vertical distance measured from the average elevation of the finished building site to the top of the wall, hedge or fence. The average elevation shall be measured along both sides of the wall, hedge or fence line. Existing grade may not be increased or decreased to affect the permitted (or required) height of a wall, hedge or fence, unless the entire building site is graded

to even out the level of the site or to increase it to the required flood criteria elevation. Average elevation shall be determined by taking elevations along both sides of the wall, hedge or fence line at five-foot intervals, totaling the elevations, and then dividing the total by the number of stations at which the elevations were taken. The height of a wall adjacent to a street shall be measured from the average elevation of the adjoining crown of road. The height of a wall from other property lines shall be measured from the elevation of the established grade of the developed property.

- (e) *Fences, walls or hedges abutting two distinct residential districts.* Where a residential district abuts another differently zoned residential district, the height of a fence, wall or hedge that may be erected or maintained on the common property line shall be the tallest height permitted in either district.
- (f) *Fences for tennis **and pickleball** courts; fences and walls for other recreational uses.* Fences for tennis **and pickleball** courts may be erected up to 14 feet in height if they conform to accessory use setbacks. The height of fences and walls in connection with other permitted recreational uses, such as baseball backstops, handball courts, and the like, shall be permitted as necessary for the particular use, but required accessory use setbacks must be observed. **To mitigate noise emanating from a pickleball court, or any tennis court regularly used for pickleball, a six-foot to 14-foot fence shall be installed around the pickleball court, to include the installation of noise attenuating insulation on all sides of the fence, and a solid landscape buffer, six (6) feet high at time of planting, shall be planted between the pickleball court adjoining property lines.**
- (g) *Wire fences, barbed wire and electrically charged fences.* Wire fences shall not be permitted in the front of a property but may be permitted adjacent to the sides and rear. Where a chain link fence is permitted adjacent to a street, shrubs shall be planted ~~adjacent to either~~ **on the exterior** side of the fence, planted 24 inches on center, at a minimum height of 30 inches at time of planting, **and located to prevent encroachment on to the sidewalk**. Barbed wire fences and fences charged with electricity shall be permitted only in BU districts if approved by the village council as a conditional use. In BU districts, barbed wire fences are not permitted at in the front of the property, and must be placed on an angle extension of not more than 16 inches on top of walls or fences at least six feet in height. This extension shall contain no more than three strands of barbed wire and shall not extend over official rights-of-way or over property under different ownership.
- (h) *Height in RU and EU districts.* The height of any wall or fence shall not exceed six feet in height. However, walls and fences along streets, roads, and rights-of-way, and walls or fences on a side property line within the required front yard setback shall be restricted to a maximum of 36 inches of solid construction with an additional 36 inches of open non-masonry fencing, pickets, or other decorative features above, excluding columns which shall be spaced a minimum of eight feet apart.

The open, non-masonry portion of the fence shall consist of unobstructed openings that shall measure no less than 3.5 inches in width and solid structural elements that are no wider than the unobstructed openings such that a minimum of 50 percent openness is achieved.

Alternative designs that are in substantial compliance with this requirement and allow a minimum of 50 percent openness may be permitted if approved by the administrative official.

- (i) *Height of hedges in all districts.* The height of any hedges shall be a maximum of 14 feet.
- (j) *Heights of walls and fences in BU and PS districts.*
 - 1. *Wire and transparent metal picket fences.*
 - a. In the BU and PS districts, any wire or transparent metal picket fence shall not exceed eight feet in height.
 - 2. *Walls and Hedges.*
 - a. In the BU and PS districts, walls and hedges, when located within the required front or side street setback areas, shall not exceed four feet in height, except that the maximum permitted height of a wall in the PS district when located within the required front or side street setback areas may be increased to eight feet following review and approval of a conditional use permit by the village council prior to issuance of a building permit. Walls higher than four feet in height, if approved by the village council, shall be architecturally and aesthetically appealing and compatible with neighboring development, and landscaped with trees and shrubs along the entire length of the wall. Required shrubs shall be planted at a minimum of 24 inches on center and 30 inches in height at time of planting. Shrubs required as a buffer shall not be trimmed shorter than 72 inches except where required in order to maintain a safe sight distance. Native hardwood canopy trees shall be planted at a maximum average spacing of 30 feet on center, and one native understory tree shall be planted between each canopy tree. Selected understory trees shall be expected to grow to a maximum overall height of 20 to 25 feet at maturity. Walls shall be designed to include decorative architectural features including columns, landscaped insets, scored block or surface, trellises, green vegetation, sculptural wall panels, accent lighting, stone cladding and/or other similar aesthetically appealing architectural design details. When located between the building line and other property lines, walls and hedges shall not exceed eight feet in height. Walls between dissimilar uses shall include landscaping to include shrubs and canopy trees pursuant to the requirements of division 8.1 of the land development regulations for "Buffers between dissimilar uses". When a wall is required to be landscaped, the wall shall be located a minimum of eight feet from the property line to accommodate the required landscape buffer.
- (k) *Height of gates and columns.* The height of any column shall not exceed eight feet in any district. Within all districts except the PS district, The height of any gate shall not exceed six feet in , height except that gates adjacent to a street or road that are designed to include an arch or other ornamental feature or design element may extend to a maximum of seven feet at the peak of such feature. Within the PS district, gates shall not exceed the height of the permitted fence or wall.
- (l) *Bottom elevation.* The bottom elevation of any wall or fence adjacent to the street shall not exceed the elevation of the adjoining crown of road.

Div. 5.6. Fences and safety barriers for swimming pools.

- (a) *Required for final inspection of pool.* The administrative official shall not grant final inspection or approval for a swimming pool unless a safety barrier has been erected as hereinafter provided. No pool shall be filled with water unless a final inspection has been made and approved, except that testing may be approved by the administrative official.
- (b) *Types permitted.* The safety barrier shall take the form of a screened-in patio, a wooden fence, a wire fence, a rock wall, a concrete block wall or other materials, so as to enable the owner to blend the same with the style of architecture planned or in existence on the property.
Required fences shall be permanently installed.
- (c) *Height.* The minimum height of the safety barrier shall be not less than four feet.
- (d) *Location of barrier.* The safety barrier shall be **permanent and** erected either around the swimming pool or around the premises, or a portion thereof, on which the swimming pool is erected. In either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. Pools located in enclosed structures or on the roofs of buildings shall not require the installation of barriers.
- (e) *Gates.* Gates shall be of the **self-closing, self-latching** spring lock type and shall automatically be in a closed and fastened position at all times. Gates relying on electric closures with battery backup systems shall not be permitted for enclosure of swimming pools. Gates shall also be equipped with a safe lock and shall be locked when the swimming pool is not in use. Boards, pickets, louvers, or other such members be spaced, constructed, and erected so as to make the gate non-climbable and impenetrable. When horizontal pickets are used for a private or residential pool barrier, the horizontal pickets shall not have any gaps, openings, indentations or protrusions. **Double gates shall require a removable center post when used as a pool barrier.**
- (f) **Horizontal picket** ~~wooden~~ fences **and gates.** For ~~wooden~~ **fences and gates**, the boards, pickets, louvers, or other such members shall be spaced, constructed, and erected so as to make the fence non-climbable and impenetrable. When horizontal pickets are used for a private or residential pool barrier, the horizontal pickets shall not have any gaps, openings, indentations or protrusions. **Louvered fences and/or gates shall not be permitted for enclosure of swimming pools.**
- (g) *Walls.* Walls, whether of the rock or block type, shall be so erected to make them non-climbable.
- (h) *Wire fences.* Wire fences shall be the two-inch chain link or diamond weave non-climbable type, or of an approved equal, quality. Wire fences shall be constructed with a top rail, and shall be of a heavy, galvanized material.
- (i) *Refusal of permit.* The administrative official shall have discretion to refuse approval of a safety barrier which, in the official's opinion, does not furnish the safety requirements of this division, i.e., that is high enough and so constructed to keep the children of preschool age from getting over or through it.
- (j) *Continued maintenance.* It shall be the responsibility of the owner and occupant of the premises upon which the swimming pool is erected to maintain and keep it in proper and safe condition.

- (k) *Statutory requirements.* The requirements of this division shall be supplementary to the requirements of F.S. § 757.12, et seq.
- (l) **Safety fences. Mesh pool barrier fencing, also known as a “child safety barrier”, removable or otherwise shall not constitute an approved pool barrier under this code.**

Div. 5.7. - Accessory buildings and structures; utility sheds; swimming pools; boat storage; recreation and camping equipment; tents; awnings and canopies; sports courts.

(a) *Accessory buildings, prior construction and use thereof.* No accessory building shall be constructed upon a lot until the construction of the principal use has been completed, unless construction of the principal and accessory buildings is concurrent. No accessory building shall be used unless the principal building exists on the front portion of the same lot. No permit shall be issued for an accessory building unless the principal building is in use, or unless a permit is obtained simultaneously for both buildings and construction progresses concurrently. Accessory buildings/structures or uses shall conform to the same setbacks as the principal structures except as follows:

1. *Utility sheds, not larger than 100 square feet and not exceeding eight feet in height.* Utility sheds, not larger than 100 square feet, not exceeding eight feet in height and incidental to an existing single-family or townhouse residential use shall comply with the following setback requirements:

TABLE 5-2

Location of Setback	Setback in Feet
Rear yard	5
Interior side yard	5
Setback from house and other structures	10

2. *Utility sheds larger than 100 square feet.* Utility sheds larger than 100 square feet shall comply with the setbacks of the accessory structure as referenced in the district regulations of article 4.
3. *Accessory buildings in a townhouse development.* No accessory buildings, including sheds, shall be permitted in unwallled areas on sites containing a townhouse. Where an accessory building is located within an area enclosed with walls, it shall not extend above the height of the walls. In addition, the site of all utility sheds within a townhouse development shall provide a perpetual four feet wall-maintenance easement on the lot adjacent to the zero lot line, and with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Roof overhangs may penetrate the

easement on the adjacent lot a maximum of 24 inches but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area. Building footings may penetrate the easement on the adjacent lot a maximum of eight inches.

4. *Building code.* All utility sheds shall comply with the state building code or be approved by the state.
- (b) *Swimming pools.* Swimming pools in all districts shall be constructed no closer than 7.5 feet to any building foundation, unless both the design and construction are approved by the administrative official as safe and will not result in a weakening of or damage to the building foundation. In no event shall pools be closer than 18 inches to any wall or any enclosure.
- (c) *Screen enclosures.* Roofed screen enclosures shall be included in lot coverage calculations. Screen enclosures attached to the principal building shall be permitted in the rear and side yards provided that:
1. The screen enclosure is not visible from the street and does not exceed the height of the principal building;
 2. The screen enclosure is not closer to the front property line or the side street property line than is the principal building;
 3. The screen enclosure meets required setbacks for the principal building.
 4. Screen enclosures not attached to the principal building shall meet setback requirements for accessory buildings. When used for enclosing swimming pools, screen enclosures shall meet the following setback requirements:

TABLE 5-3

District	Front	Side	Rear
RU-1, RU-2	Behind principal building and not visible from street	10'	15'
All other RU	Behind principal building and inside of building cluster	20'	15'
EU-1, EU-1C	Behind front wall of principal building and not visible from street	20'	15'
EU-M, EU-S	Behind front wall of principal building and not visible from street	20'	15'

- (d) *Boat and personal watercraft storage.* A boat of less than 26 feet in length, not more than 96 inches in width and 13 feet six 6 inches in height, and two personal watercrafts may be stored in the RU and EU districts, subject to the following conditions:
1. Storage shall be to the rear of the front building line ~~and behind the side street building line,~~ in each case the building line referred to being that portion furthest from the street. **On properties with a side street, storage along the side street will require the**

boat to be completely screened by trees or shrubs. The building line referred to herein shall mean that portion farthest from the street

2. No more than one boat may be stored on any one premise.
3. Boats and place of storage shall be kept in clean, neat and presentable condition.
4. No major repairs or overhaul work shall be made or performed on the premises.
5. The boats shall not be used for living or sleeping quarters, and shall be placed on and secured to a transporting trailer.

6. Display current registration.

(e) *Recreational vehicles.* Recreational vehicles in the form of a travel and camping trailer, truck trailer and motor travel home, designed and used as temporary living quarters for recreation, camping or travel use; and off-road motor vehicles designed or intended for off-road or track racing use, unlicensed for on-road use (i.e. "Monster Trucks") may be parked on properties containing a single-family, or duplex residence, subject to the following conditions:

1. No more than one such vehicle shall be parked on such site.
2. Parking shall be limited to vehicle owned or leased by the occupant-owner or occupant-lessee of the site concerned, or owned or leased by a bona fide house guest of the occupant-owner or occupant-lessee of the site concerned. The parking of a vehicle by a guest shall not exceed 14 days.
3. The location for parked vehicle shall be in either the rear yard or the side yard to the rear of a line established by the front building line farthest from the street and setback to at least the rear building line wherever possible. In no event shall the vehicle be parked in front of such front building line. The vehicle shall be setback from side property lines at least a distance equivalent to the required side setback for the principal building and shall be set back from the rear property line at least ten feet.
4. The vehicle and the area of parking shall be maintained in a clean, neat and presentable manner and the vehicle shall be in a usable condition at all times.
5. The vehicle shall, at all times, have attached a current vehicle registration license plate.
6. No major repairs or overhaul work on the vehicle shall be made or performed on the site, or any other work performed thereon which would constitute a nuisance under existing ordinances.
7. When parked on the site, the vehicle shall not be used for living or sleeping quarters, or for housekeeping or storage purposes, and shall not have attached thereto any service connections lines, except where a catastrophic event or an Act of God has rendered the permitted principal residence on the property unsafe as determined by the Building Official and except as may periodically be required to maintain the vehicle and appliances. In the event that the permitted principal residence has been determined to be unsafe by the Building Official, the vehicle may be used for living or sleeping quarters for no more than 30 days unless additional time, up to 90 days, is approved by the Building Official. If time in excess of 120 days is needed, an application must be made to the Village Council for

additional time, at least 30 days prior to the expiration of the 120-day period. The applicant may continue to use the vehicle until the Village Council has made a decision on the request.

8. The vehicle shall not exceed the maximum length, width, height and weight permitted under applicable provisions of the motor vehicle laws of the state; provided, however, the maximum length shall not exceed 30 feet and the maximum height shall not exceed **twelve** ~~ten~~ feet.
 9. The vehicle shall be so secured so that it will not be a hazard or menace during high winds or hurricane.
 10. Any dealer or individual offering such new or used vehicle for sale must furnish and attach to such vehicle a true copy of these regulations.
 11. Except as otherwise provided herein, recreational vehicles, trailers, and campers shall not be parked or stored overnight, or used for living purposes anywhere in the Village of Pinecrest.
- (f) *Tents*. Tents less than 400 square feet, with or without electricity may be permitted by building permit by the administrative official for special uses such as weddings, birthdays, etc., in residential zones, for up to three consecutive days, two times per year, per property. Tents in nonresidential areas shall not be permitted. **Applicants for tents exceeding the specified size limit must submit a comprehensive building permit application, including but not limited to structural plans and calculations, certificate on fire retardancy, safety measures, and any other documentation determined to be necessary by the Building and Planning department.**
- (g) *Awnings/canopies*. Landscaped and paved areas that are covered by awnings or canopies shall be counted as part of the lot coverage for the site. Awnings or canopies may project up to five feet into the required setbacks.
- (h) *Little free libraries*. One "little free library", defined as a small accessory structure designed to accommodate and facilitate a "take a book, return a book" free book exchange, typically sponsored by an individual or family, and housed in a small structure on the owner's lawn where neighbors and visitors may take a book or leave books for others to read may be allowed in residential zoning districts with a no-fee permit subject to the following requirements:
- Must be located on private property
 - May not be located within the public road right-of-way
 - Must be set back ten feet from the front property line
 - May not interfere with or obstruct the view or free passage of pedestrian, bicycle, or vehicle traffic
 - May not obstruct any fire hydrant
 - Exterior dimensions be approximately 20" wide, 22" high, and 16" deep
 - Must be mounted on a sturdy post or secure base
 - Shall not exceed six feet in height
 - The number of libraries permitted shall be limited to one per property

(i) Sports Courts. Sports Courts shall be located in compliance with the required setbacks for an accessory structure.

Div. 5.8. Commercial vehicles and equipment.

- (a) Tow trucks in residential districts are prohibited unless they are on the property or on the public right-of-way abutting the property and are for the purpose of delivery or retrieval of **personal property** a vehicle either owned or leased by the occupant owner or occupant lessee of the site concerned, or owned or leased by a bona fide house guest of the occupant owner or occupant lessee of the site concerned.
- (b) Outside storage of commercial equipment, supplies or materials are prohibited in all zoning districts, except at construction sites where building permits have been issued. **One (1) construction dumpster is permitted in all zoning districts while construction is occurring and must be setback ten (10) feet from the adjoining property line. Overflowing dumpsters are prohibited.**
- (c) **Outside** ~~Storage~~ storage of commercial containers, temporary storage containers, tractor-trailers, trucks, semi-trailers, trailers, steel containers, or portable dwelling units shall not be permitted to be stored in any zoning district except that one storage container or trailer may be temporarily located on a construction site within the commercial zoning districts to allow for the temporary storage of materials and supplies during construction, **and one POD may be stored on a property on a temporary basis, for a period not to exceed 30 days.** The storage container or trailer shall be permitted in conjunction with issuance of a building permit and shall be removed upon completion of construction and prior to issuance to a certificate of occupancy. Tractor-trailers may be permitted for purposes of loading and unloading. The administrative official may approve use of a construction trailer for development of subdivisions in residential districts and all commercial districts, provided the trailer is connected to a sanitary disposal system.
- (d) Within the village's residential zoning districts, the temporary parking of a Category 2 or Category 3 commercial vehicle in front of the building line shall only be permitted for the purpose of loading or unloading materials or persons engaged in providing a commercial service at the premises or for the purposes of the driver to make a temporary convenience stop at the residence. However, a temporary or convenience stop shall be limited to no more than one hour in any 24-hour period.

* * *

Div. 5.14. Public telephones.

- (a) ~~Application, including waiver of objections.~~ Certificates of use and occupancy must be secured for each public telephone erected. The application for a certificate must be accompanied by a location sketch, and a waiver of objection from the abutting property owners within 150 feet on each side of the location site, and from the property owner on the opposite side of any street abutting from the site location.
- (b) ~~Fees.~~ A fee, as set by resolution of the village council and as amended from time to time, shall be paid for each certificate issued.

~~(c) *Location and design.* Public telephones shall be permitted on a permanent basis in all BU, PS, or PR districts and approved hotel and office developments, so long as they do not constitute a traffic hazard or a nuisance. The public telephone must be erected on private property, conform to regular setback requirements and the location must be approved by the administrative official. Each public telephone shall be properly fastened to the ground so that it shall not become a wind hazard. All public telephones shall be properly maintained and painted so that they shall not become unsightly or an eyesore. The conventional type of strip telephone signs will be permitted providing they are placed on the booth in the usual and conventional manner. Signs shall not be erected independent of the booth structure. In addition to the usual booth signs, the standard public telephone plaque signs shall be permitted. The location of signs shall meet the approval of the administrative official.~~

* * *

Div. 5.16. Regulations of obstructions to visibility.

- (a) *Intersection visibility triangle.* There shall be no structures or planting which materially obstructs traffic and traffic visibility. At all street intersections and at the intersection of any street, or alley, no obstruction to vision between 30 inches and seven feet in height above the established grade of the street at the property line shall be erected or maintained on any lot within the intersection visibility triangle. The intersection visibility triangle for purposes of this paragraph is formed by the street or alley frontage of such lot and a line drawn between the points along such street or alley frontage 50 feet distant from their point of street intersection. Existing trees must be cleared between 30 inches and seven feet. The triangle may include existing buildings posts or tree trunks with a maximum diameter of 12 inches, or existing buildings.
- (b) *Corner lots.* In any district where a corner or front yard setback is required, no structure, fence, planting or sign shall be located so as to interfere with traffic visibility across a corner between a height of 2½ and ten feet above the average grade within the intersection visibility triangle. For purposes of this paragraph, the intersection visibility triangle shall be bounded by the curb lines adjacent to the corner lot lines and a straight line drawn between points on each such curb line 20 feet from the intersection of said curb lines or extension thereof.
- (c) *Public right-of-way.* There shall be no structure or planting on public right-of-way without ~~prior approval of the administrative official~~ **an approved and issued Public Works Permit**, and then only after due consideration is given to the type, height and size of such structure and planting. If violations to this division are identified, the administrative official shall provide notice that the owner shall remove the obstruction. If the owner fails to remove the obstruction, the village shall remove the obstruction and assess the property owner for costs incurred.
- (d) *Vision clearance.* Notwithstanding any part of this division or any permit granted, or variance granted by the village, no type of structure, vehicle, tree, planting, vegetation, sign or fence or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would create a traffic hazard or would obstruct vision clearance ~~at corners or curb cuts~~ in any district **regardless of the location**.

- (e) *Intersection visibility triangle criteria.* On corners and at street intersections, the following minimum criteria for determining the required area of cross visibility shall apply:

TABLE 5-8
INTERSECTION VISIBILITY TRIANGLE TABLE

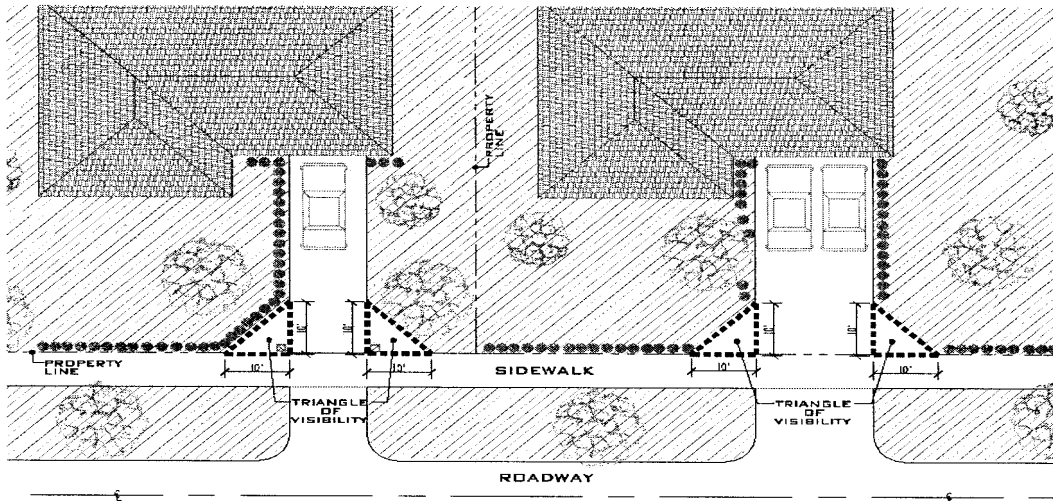
Functional Classification of Through Street	Left (feet) ¹	Right (feet) ¹	Depth (feet) ²
Local (50' or less right-of-way)	0 ³	0 ³	0 ³
Collector (60'—70' right-of-way)	190	40	7
Arterial (80' or greater right-of-way)	260	40	7

⁽¹⁾ Visibility distances measured from centerline of minor street, along right-of-way line of through street.

⁽²⁾ Depth visibility on minor street measured from right-of-way line of through street, along center line of minor street.

⁽³⁾ Visibility triangle lies within the public right-of-way.

- (f) *Triangle of visibility criteria.* All driveway/roadway entrances and exits shall be constructed and maintained so that vehicles can enter, exit and travel along the roadways without posing a danger to occupants, pedestrians or other vehicles. The requirements shall not apply to side access gates that are used for access to the side yard on an intermittent or infrequent basis. To this end, structures and landscaping shall not obscure the visibility triangle as shown in the following exhibit:



TRIANGLE OF VISIBILITY

ALL DRIVEWAY / ROADWAY ENTRANCES AND EXITS SHALL BE CONSTRUCTED AND MAINTAINED SO THAT VEHICLES CAN ENTER, EXIT, AND TRAVEL ALONG THE ROADWAYS WITHOUT POSING DANGER TO OCCUPANTS, PEDESTRIANS, OR OTHER VEHICLES.

STRUCTURES AND LANDSCAPING SHALL NOT OBSCURE THE VISIBILITY TRIANGLE AND SHALL NOT EXCEED 2.5 FEET IN HEIGHT WITHIN THE TRIANGLE OF VISIBILITY, EXCEPT (1) CONCRETE COLUMN MAY BE ERECTED WITHIN THE TRIANGLE NEXT TO THE DRIVEWAY, BUT IT MAY NOT BE TALLER THAN 8 FEET OR WIDER THAN 19" x 19" INCLUDING ANY FINISH MATERIALS.

ON CORNERS AND AT STREET INTERSECTIONS, THE DISTANCES ALONG EACH STREET SHALL APPLY...

SAFE DISTANCE TRIANGLE OF VISIBILITY			
FUNCTIONAL CLASSIFICATION OF THROUGH STREET	LEFT ' (ft)	RIGHT ' (ft)	DEPTH OF MINOR STREET ** (ft)
LOCAL (50 OR LESS RIGHT-OF-WAY)	0 ***	0 ***	0 ***
COLLECTOR (60-70 RIGHT-OF-WAY)	190	40	7
ARTERIAL (80 OR RIGHT-OF-WAY)	260	40	7

* Visibility distances measured from center line of minor street, along right-of-way line of through street.
 ** Depth visibility on minor street measured from right-of-way line of through street, along center line of minor street (public or private street).
 *** Visibility triangle lies within the public right-of-way.

Triangle of Visibility

* * *

Div. 5.19. Appearance of site and structures.

The following standards shall apply within all zoning districts:

- (a) *Architectural style and color.* All buildings constructed shall be of an architectural style and color which will harmonize with the premises and with other buildings in the same neighborhood. Facades shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community's identity and character through the use of detail and scale. Articulation shall be required and accomplished by varying the building's mass in height and width so that it appears

to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian or motorist.

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

Buildings constructed within the commercial zoning districts adjacent to Pinecrest Parkway shall be designed in accordance with the architectural styles and color palette of the Pinecrest Parkway (US 1) vision plan. Corporate chain building designs and prototype/generic architectural designs may be permitted to the extent that they comport with the architectural design standards of the Pinecrest Parkway (US 1) vision plan adopted by the village council on October 9, 2012.

Commercial buildings shall be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

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

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

(c) *Location and screening of solid waste containers.*

1. *Permanent waste storage area.* All permanent waste storage areas shall be screened from adjacent properties and public ways by appropriate fences, walls or landscaping.
2. *Required enclosure and access gate.* Dumpsters shall be maintained in an enclosure with the service and access gate(s) closed except when being serviced by a commercial refuse/garbage collector or when being used to access the dumpster.
3. *Closed lid.* Dumpster lids shall be kept closed at all times when the dumpster is not being used or serviced.
4. *Violations; health hazards.* Garbage and trash shall be placed inside the dumpster and not on or around the dumpster or the enclosure. Loose garbage and trash in plain view is a violation of this Code, a health hazard, and aesthetically undesirable. The property owner shall be responsible for keeping the enclosure and surrounding area litter, garbage, and trash free at all times. It shall be a violation of the Code of Ordinances to allow the dumpster to be filled to over capacity so that the dumpster lid is prevented from closing on top of the garbage bags.
5. *Maintenance and repair of enclosures.* Approved enclosures shall be maintained in good condition, repair and appearance at all times so as to allow for collection of materials and to eliminate odors.
6. *Location of dumpster and enclosure.* The location on site of a dumpster and the dumpster enclosure shall require the prior approval of the ~~director of public works~~ **Administrative Official**. A dumpster shall be kept in a place easily accessible to authorized collection vehicles at all times and no service shall be given to those placing or permitting objects,

ground level or overhead obstructions, or vehicles, to hinder in any way whatsoever the servicing of bulk containers by authorized collection vehicles. Unless in a public right-of-way for purposes of collection only, all dumpsters shall be placed within an approved enclosure. It shall be unlawful for any person to place or store, or allow to be placed or stored, a dumpster upon or in any public street, alley or right-of-way; provided, however, that such container or receptacle may be placed in the public right-of-way during the collection/emptying process.

7. *Dumpster space designation and enclosure requirement.* All real property utilizing dumpsters in a BU or Office zoning district shall provide an enclosure of a size that would permit the moving in or out of the dumpster without damage to the enclosure. The enclosure shall be a minimum of 12 inches above the dumpster.
8. *Approved enclosure.* All enclosures shall consist of walls and any fencing shall be of wood, plastic lumber or chainlink. Wood or plastic lumber shall be a minimum of 1.5 inches thick. Enclosures shall have a gate for collection equipment access, and may also have a gate for pedestrian access. All gates shall be totally opaque and the enclosures shall be constructed of one of the following materials:
 - a. *Masonry walls.* All exterior faces of the wall shall be finished and of professional quality such as stucco, pre-finished blocks, stacked block and struck joints, shadow blocks. The wall shall be painted and installed in a workmanlike manner and meet with the approval of the administrative official.
 - b. *Concrete walls.* Pre-cast concrete walls of quality deemed acceptable to the administrative official.
 - c. *Wood fencing.* Substantial wood fences of durable species, incorporating architectural design features to enhance appearance, of quality and design acceptable to the administrative official. In making this determination, consideration shall be given to: i) The thickness of the wood which must be a minimum of 1.5 inches; ii) Whether the wood is pressure treated or has a finish that protects the wood from the elements; and iii) Minimum six inches by six inches corner post and four inches by four inches intermediate posts of pressure treated materials.
 - d. *Plastic lumber fencing.* Lumber shall be plastic members of new or recycled materials able to withstand the climatic and ultraviolet conditions of the region and of a quality and design acceptable to the administrative official. In making this determination, consideration shall be given to: i) Whether the material is coated or has a finish that protects the plastic from the elements; ii) Adequacy of supporting in-ground posts; iii) The lumber must be a minimum of nominal one-inch by nominal six-inch boards and shall have a maximum spacing between boards of one inch; and iv) Compatibility of materials with existing materials on the subject property and surrounding neighborhood.
 - e. *Chain-link fencing.* Dumpster enclosures may be made of chain-link fencing with opaque material attached to the chain-link fencing so that the dumpster is not in public view.
 - f. *Gates.* Dumpster enclosure gates shall be constructed of a metal frame with wood or metal slats or other facing material. Servicing gates, upon opening, may not swing into the right-of-way and shall incorporate gate stops that are functional in the full open and

closed positions. Hinge assemblies shall be strong and durable such that access and servicing gates do not sag and function properly. All gates for pedestrian access shall be no more than 48 inches in width and no less than 36 inches in width. Enclosure gates shall be closed at all times except for the time necessary to service the bulk container. Maze style openings shall be permitted in place of a pedestrian access gate. A maze style opening is an opaque wall or fence that can be located no more than 48 inches and no less than 36 inches from the enclosure opening and must be a minimum length of 1.5 times in length of the opening and shall be centered upon the opening. Enclosure openings shall be no more than 48 inches in width and no less than 36 inches in width.

9. *Setback.* All dumpster enclosure walls and/or fences shall be located a minimum of five feet from adjoining commercial areas and ten feet from adjoining residential uses; and a minimum of five feet from public and private rights-of-way unless not physically possible.
10. *Garbage containers.* All receptacles and bulk containers which receive garbage, liquid waste or food from food handling operations including, but not limited to, bakeries, meat processing plants, restaurants, or any business establishment where it is determined that garbage, liquid waste or food will be accumulated, shall have a poured to grade level concrete slab. If available, dumpster site shall have facilities for washing containers and ability to drain to an acceptable sanitary disposal system. If the aforementioned facilities are available, or can be reasonably installed then the dumpster shall have washout plugs. For purposes of this Code, storm drains shall not be considered as an acceptable sanitary disposal system. If no suitable drain, grease trap or sanitary disposal system is available, the dumpster containers shall be sealed so that no liquid gets on the pad or ground. Dumpster collection shall be frequent enough so as to keep odors to a minimum. Odors shall also be kept at a minimum through artificial means such as masking agents or whatever products are available to handle odors. Containers shall be constructed in accordance with the provisions of the state building code and must be approved by and meet the state department of health requirements.
11. *Exceptions.* All dumpsters and trash receptacles must comply with this Code except for the following:
 - a. Dumpsters and receptacles located in service yards, that are screened from public ways with a minimum six feet high fence or suitable dense landscaping as approved by the administrative official. The dumpsters and receptacles must not be visible from the public's view.
 - b. Dumpsters and receptacles located at permitted construction sites.
12. *Time of placement and removal of receptacles.* Residential trash, trash and garbage receptacles may not be placed for curbside pickup more than 24 hours before pickup and all receptacles must be removed from the curbside ~~within 24 hours after~~ **on the same day as scheduled** pickup. During all other times, residential trash and recycling receptacles shall be kept within or adjacent to a carport or garage or immediately adjacent to either side of the residence, behind the building elevation facing any street. On corner lots, residential trash and recycling receptacles may be kept adjacent to the carport or

garage, in front of the side building facade, provided the receptacles are screened from view from the adjoining right-of-way with landscaping shrubs and plants.

- (d) *Utility lines.* In new construction, all utility lines shall be placed underground. All telephone lines shall be placed underground. Service lateral electrical distribution lines serving individual installations shall be placed underground. Other high voltage electrical lines may be placed underground or on concrete poles, provided that the poles are within the street right-of-way and have provisions for street lighting. Large transformers shall be placed on the ground and be mounted on pads and contained within enclosures or vaults. Where enclosures or vaults are used, the construction and design shall be compatible with primary building design. Landscaping with shrubs and plants shall be provided to screen pad mounted transformers.
- (e) *Activities conducted in enclosed buildings.* All businesses and services shall be conducted within completely enclosed buildings unless otherwise permitted by the Code. If the village council determines that a demonstrated necessity exists for limited outside storage due to the impracticality and unreasonableness of enclosure of such goods, the goods shall be effectively screened by a ninety-five percent or greater opaque wall with a life expectancy of 20 years or more from the date of installation of said walls. Storage shall not occur above the height of such walls. No such storage shall be visible from a public way.
- (f) *Exterior lighting.* Light sources shall be shielded and arranged to eliminate glare from roadways and streets; and shall be directed away from properties lying outside the district. Shielding of lighting elements shall be accomplished by using an opaque shade to direct the light.
- (g) *Wooden decks not exceeding 18 inches in height.* Any side of any wooden deck above grade shall be enclosed from the edge of such deck to the existing grade, by wood slats or lattice work, in such a way as to prevent the area below the wooden deck from being visible from any adjacent property or waterway.
- (h) *Air conditioning and heating units; pool pumps; above ground fuel tanks; mechanical equipment.* In all districts, the exhaust or mechanical part of any air conditioning or heating unit, other than window units, pool pumps, generators, above-ground fuel tanks, and all other mechanical equipment shall not be placed or installed within five feet of any property line. All mechanical equipment including air conditioning units, pool pumps, and generators shall be baffled to reduce noise or covered to minimize noise at the property line. All such facilities shall be screened from view.
- (i) *Construction fencing.* A project site that meets the following standards is required to install a construction fence, which means a temporary six-foot chain link fence with a dark green color fabric. The fence and screening must remain in place, upright and in good repair throughout the construction process.
 - (1) *Clearing, grading, stockpiling of soil or demolition.* A construction fence is required where clearing, grading, stockpiling of soil or demolition is proposed as follows:
 - a. A lot located in the residential or commercial zoning districts shall install a fence on the front, side, and rear lot lines prior to commencement of clearing, grading or demolition.
 - b. Fencing **and green screening** must be removed upon final **clearing,** grading, and **/or demolition. Construction fencing may remain in place if a permit for new construction or remodeling permit is actively under review.**

~~landscaping or upon replacement with a permanent fence or wall, unless new construction or major remodeling is planned to occur in which case the construction fencing may remain in place for 90 days prior to the submission of construction plans for permitting, and for the duration of the Village's plan review and permitting process.~~

- (2) *New construction and major remodeling.* New construction and major remodeling shall mean an increase in the building volume of 10,000 cubic feet or more, an increase in the building footprint of 1,000 square feet or more or new construction with a building footprint of 1,000 square feet or more. A construction fence is required for new construction and major remodeling as follows:
- a. A lot located in the residential or commercial zoning districts shall contain a fence on the front, side and rear lot lines. Fencing **and screening** must be removed upon final electrical inspection, **final landscaping, or upon replacement with a permanent fence or wall.**
 - b. ~~All other lots shall contain a fence on the side and rear lot lines. Fencing must be removed upon final grading and landscaping or upon final electrical inspection.~~
- (3) *Major alteration.* Major alteration shall mean a change of 50 percent or more of the gross square footage of an existing structure for reconstruction, rehabilitation, removal of walls, or other improvement excluding replacement of the roof. A construction fence is required for major alteration as follows:
- a. A lot located in the residential or commercial zoning districts shall contain a fence on the front, side, and rear lot lines. Fencing must be removed upon final electrical inspection.
 - b. All other lots shall contain a fence on the side and rear lot lines. Fencing must be removed upon final electrical inspection.
- (4) *Exception to installation of construction fence.* Where a construction fence would be required for a residential lot pursuant to subsection (1), (2), or (3) above and the owner or contractor obtains a construction fence waiver from the owner of the property that abuts the project site, the **building administrative** official may waive the requirement for all or a portion of the construction fence but retains the right to require a construction fence at any time. Any required silt and sediment barriers shall still be installed as required.
- (5) *Installation.* Installation of a construction fence shall occur prior to any construction activity or material deliveries. The fence shall not be placed so as to create a public safety hazard. Where the project site is enclosed by a fence, the fence gate shall not open towards the road right-of-way and shall be locked during non-working hours.
- (6) *Existing temporary fences.* Existing temporary fences not in compliance with these regulations shall be removed within 60 days of notification by the administrative official.
- (7) **Construction entrance. A stabilized construction entrance shall be installed and utilized for ingress and egress to and from all new construction and major remodeling projects and shall be located where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk, or parking area. The construction entrance shall not**

be placed within 15 feet of any neighboring property. An existing driveway may be used as an alternative to a new construction entrance.

(8) Construction sites shall be treated with water as necessary to minimize dust blowing onto nearby properties.

(j) *Permanently installed generators.*

(1) *Setbacks.* In all districts, pads for permanently installed generators shall be located or installed no less than five feet from any property line and shall otherwise be installed in accordance with the manufacturer's recommendations, provided, however, the exhaust outlet of a generator shall be located no less than ten feet from any part of any "packaged" air conditioning unit, any operable doors, windows, vent outlets, or other openings. In no event shall a generator or above-ground fuel tank be placed forward of the front ~~or corner~~ **side** building line. **On a corner lot, a generator may be set on the side of a house, in between the side building line and the side street, provided the generator is screened with a continuous 6-foot high hedge.**

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

(3) *Fuel tanks.* All fuel tanks shall be located no less than five feet from any property line and shall be screened from view.

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

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

(k) *Maintenance of construction site, **and adjoining public and private property.*** All construction sites **and neighboring public right-of-way, including the street surfaces, landscaping, and drainage swales** shall be maintained in a safe and clean condition free from litter, abandoned and/or junk material. **Property owners, contractors and their personnel shall be responsible for the upkeep and maintenance of the construction site throughout the duration of construction and shall be responsible for the avoidance and mitigation of any damage to the neighboring public right-of-way adjacent to, across from, and diagonally across from the construction site.**

(l) *Maintenance of vacant lots.* All vacant lots shall be maintained in a safe and clean condition free from litter, abandoned and/or junk material. Vacant lots shall not be fenced, enclosed, or screened, except as permitted on a temporary basis during demolition and/or construction activities. A temporary barrier, not exceeding 20 inches in height, consisting of bollards, railroad ties, posts and chain, or landscaping boulders may be placed on a vacant property adjacent to the front or side street property line to prevent unauthorized access and illegal dumping. Placement of a temporary barrier shall require a fence permit and shall be subject to the review and approval of the administrative official.

* * *

Div. 5.22. Off-street parking.

(a) *Applicability.* Parking shall be provided in all districts at the time any building or structure is erected or enlarged or increased in capacity by a change of use, change of tenant, or the addition of dwelling units, transient units, floor area, seats, beds, employees or other factors impacting parking demand as stated in this division. The parking spaces shall be delineated on a site plan if required. If a site plan is not required, the applicant shall submit a scaled drawing reflecting off-street parking, tenant locations, square footage and parking ratios, which shall be approved and filed by the administrative official once a determination of compliance is rendered. The land comprising approved parking spaces required by this division shall be maintained in perpetuity as off-street parking spaces, along with all its required landscaping, irrigation, lighting and drainage, and shall not be used for other purposes unless there is a village approved change in land use on the premises which warrants a change in the design, layout, or number of required parking spaces.

(b) *Required off-street parking.*

1. *Schedule of off-street parking requirements.* Proper parking spaces shall be provided at the time of the erection of any building or structure, or at the time any main building or structure is increased in occupant capacity, or at the time any use or occupancy of an existing building is changed to a use or occupancy which increases the requirements for off-street parking facilities. A dust-free paving material such as asphalt, bitumen, concrete, turf block or similar materials **other permeable driveways consisting of porous concrete, open cell unit pavers, flag stone, or brick pavers allowing for the infiltration of water into the underlying soil** shall surface parking areas for all uses including single-family residential uses. With the exception of single-family and two-family dwellings, parking lots shall have each parking space and aisle marked. Where uses are mixed, the areas shall be identified and calculated by use. Credit for non-useable space shall be allowed for restroom facilities, employee break rooms, and walk-in freezers only. **Parking in the public right-of-way shall not be permitted.** The number of parking spaces required is specified in the following schedule of off-street parking requirements:

Uses	Spaces Required
1. Assembly occupancies, private clubs, theaters, auditoriums and similar uses	1. 1 space per 3 fixed seats or 1 space per 4 occupants, calculated at 15 square feet of net usable area or fractional part thereof per occupant.
2. Auto sales, service and similar uses	2. 3 spaces per the first 2,500 square feet of gross floor area or fractional part thereof, plus 1 space per each additional 500 square feet or fractional part thereof, plus 3 spaces per

	each 5,000 square feet or fractional part thereof open lot area. Office and retail parts areas shall be provided parking spaces as otherwise contained therein. Customer and employee parking shall be labeled as such.
3. Banquet and bingo halls, private clubs	3. 1 space per 100 square feet of patron area.
4. Beauty/barber shops, hair salons	4. 1 space per 200 square feet of gross floor area.
5. Churches or other places of worship	5. 1 space per 3 fixed seats, calculated at 20 24 lineal inches equal to one fixed seat and 1 space per 4 occupants calculated at 15 square foot offset useable area, including adjacent areas that may be used as an auditorium or assembly area.
6. Convalescent homes, homes for the aged, nursing homes	6. 1 space per each staff member plus 1 space for every 3 residents permitted on site.
7. Dwellings Single-family Duplex Townhouses/apartments/multi-family Group homes	7. 2 spaces 4 spaces 2.5 spaces per unit plus 1 guest space per 4 units 2 spaces
8. Furniture showrooms	8. 3 spaces for the first 2,500 square feet, plus 1 space for each additional 500 square feet. Future parking spaces at a ratio of 1 space per 250 square feet must be identified and landscaped, not to be counted toward meeting landscape requirements.
9. Gas stations, mini-marts	9. 1 space per 250 square feet of gross floor area or fractional part thereof plus one space per lift bay. A minimum of 3 spaces, one of which must be handicap, shall be provided

	and designed so as not to interfere with the dispensing operation.
10. General business, retail commercial establishments, offices or office buildings, and banks	10. 1 space per 250 square feet of gross floor area or fractional part thereof, unless more restrictive provisions for specific uses are listed herein. Associated stockroom and warehouse space within this use classification that is 1,000 square feet or more in area shall provide parking at the rate of 0.25 spaces per 1,000 square feet.
11. Hospitals	11. 2 spaces per bed.
12. Instructional studios such as dance, and karate, aerobics, health and fitness establishments	12. 1 space per each 100 square feet of classroom, equipment or similar patron use area or fractional part thereof plus 1 space per 250 square feet of additional gross floor area or fractional part thereof.
13. Health and Fitness Establishments (Note: Changes requested by Bercow Radell/Graham Penn. Parking study is being reviewed by Choice Engineering.)	13. 1 space per each 180 square feet of classroom equipment or similar patron use area or fractional part thereof plus 1 space per 250 square feet of additional gross floor area or fractional part thereof.
13. 14. Libraries, art museums and similar cultural facilities	13. 1 space per each 250 square feet of gross floor area or fractional part thereof.
14. 15. Medical or dental office or clinics - Less than 50,000 square feet in gross floor area 50,000 square feet or more in gross floor area (Note: Changes above requested by U Health/Jerry Proctor, Esq. Parking Study is being reviewed by Choice Engineering.)	14. 1 space per 200 square feet of gross floor area or fractional part thereof, whichever is greater. 1 space per 250 square feet of gross floor area, or fractional part thereof.

<p>15. 16. Nurseries (plants)</p>	<p>15. 8 spaces for the first acre, plus 2 spaces for each additional acre or fractional part thereof.</p>
<p>16. 17. Open lot uses (cars, vehicles)</p>	<p>16. 5 spaces for the first 5,000 square feet, plus 1 space for each additional 500 square feet or fractional part thereof.</p>
<p>17. 18. Recreation, social, swimming, golf, tennis clubs</p>	<p>17. 1 space per 200 square feet gross floor area or fractional part thereof, plus 4 per each tennis court, plus 1 per each 200 square feet of pool area or fractional part thereof (including deck), plus per each hole of golf as applicable. Places of assembly shall be as provided herein.</p> <p><u>Parking spaces shall be provided based on the use and programming needs as determined to be necessary by the Administrative Official.</u></p>
<p>18. 19. Restaurants, lounges, nightclubs, or similar places dispensing food, drink or refreshments</p>	<p>18. Providing sit down service: 0.95 space per 50 square feet of gross floor area or fractional part hereof devoted to patron use; plus one per 250 devoted to all other gross square floor area.</p> <p>Fast casual restaurant and cafeteria or food service areas within retail stores: 0.75 spaces per 50 square feet of gross floor area or fractional part thereof devoted to patron use; plus one per 250 devoted to all other gross floor area.</p> <p>Fast food restaurant (without drive-through): 0.65 spaces per 50 square feet of gross floor area or fractional part thereof devoted to patron use; plus one per 250 devoted to all other gross floor area.</p> <p>Fast food restaurant (with drive-through): 0.50 spaces per 50 square feet of gross floor area or fractional part thereof devoted to patron use; plus one per 250 devoted to all other</p>

	<p>gross floor area.</p> <p>Providing take out service only. 1 space per 250 square feet of gross floor area whose waiting area does not exceed 80 square feet, otherwise 1 space per 150 square feet gross. A sidewalk cafe which contains 100 square feet or less of dining area outdoors is exempt from providing additional parking. One parking space shall be required for every 50 square feet of dining area in excess of 100 square feet of outdoor cafe dining area.</p>
<p>19. 20. Schools (private) Kindergarten, Nurseries</p> <p>Elementary, Middle Schools</p> <p>High Schools, Universities</p>	<p>19. 1 space per 800 square feet of gross floor area.</p> <p>1 space per 200 square feet of gross floor area.</p> <p>1 space per 10 fixed or moveable seats, plus 1 space per 4 employees (excluding teachers).</p>
<p>20. 21. Stadiums, gyms</p>	<p>20. 1 space per 4 seats or 1 space per each 200 square feet, whichever is greater.</p>
<p>21. 22. Determination for unlisted uses</p>	<p>21. In the case of uses is not listed in this schedule, the village shall make a determination of the minimum required off-street parking spaces. In reaching the determination, the village shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use and studies of the parking requirements of such uses in other jurisdictions and nationally recognized parking standards (ITE or ULI reports).</p>

2. *Size and access.*

- a. *All uses, except single-family and duplex dwellings.* For all uses, except single-family and duplex dwellings, off-street spaces shall consist of parking spaces having minimum dimensions as required in table 5-13 below for the parallel parking of each automobile, exclusive of aisles thereto. The parking plan must be so arranged that each automobile

may be placed and removed from the parking space assigned without the necessity of moving any other automobile to complete the maneuver, except for ~~a licensed and authorized rental car agency and for~~ a new car dealer storage building. Street or sidewalk areas may not be used for off-street parking purposes as herein defined. Individual ingress and egress drives extending across the public sidewalks and curbs and connecting the off-street parking spaces to the public street areas shall be a minimum of 12 feet and a maximum of 15 feet for a residential one-way drive, and a minimum of 24 feet and a maximum of 30 feet for any nonresidential use or residential two-way drive. The design, number and placement of such drives are subject to site plan approval by the village before being constructed. However, commercial access ways are permitted as one per 100 feet of frontage, but must be 35 feet from the any street intersection. Two or more owners and operators of commercial buildings or uses of the same type of land use classifications requiring off-street parking facilities may record ingress and egress easements approved by the village provided that the combined facility is compatible with the land use being served. Spaces marked reserved or designated for a certain use may not be counted as fulfilling the minimum number of required parking spaces. Only those parking spaces in excess of the minimum number of required spaces may be designated as "reserved".

- b. *Single-family, and duplex uses.* For single-family and duplex dwellings, off-street parking areas shall be equivalent to two nine-foot by 18-foot spaces, may not occupy more than 60 percent of the front yard, and the access way approach must be 15 feet from any street intersection.
- c. *Drive thru lanes.* Drive through lanes shall have a minimum width of 10 feet.
- d. *Plan approval for ingress/egress, curbs, and sidewalks.* The plan for ingress and egress, curbs and sidewalks associated with any off-street parking areas shall be subject to the approval of the village. No curbs or sidewalks may be cut or altered in any manner without a permit from the village and all other applicable county or state agencies. In approving curb or sidewalk cuts, the location of existing and proposed street trees, their spacing, the proximity to intersections or other existing traffic consideration shall be studied.
- e. *Variances.* A variance to the required off street parking requirements may only be granted by the Village Council.
- f. *Parking dimensions.* Vehicle parking shall meet the following minimum dimensions:

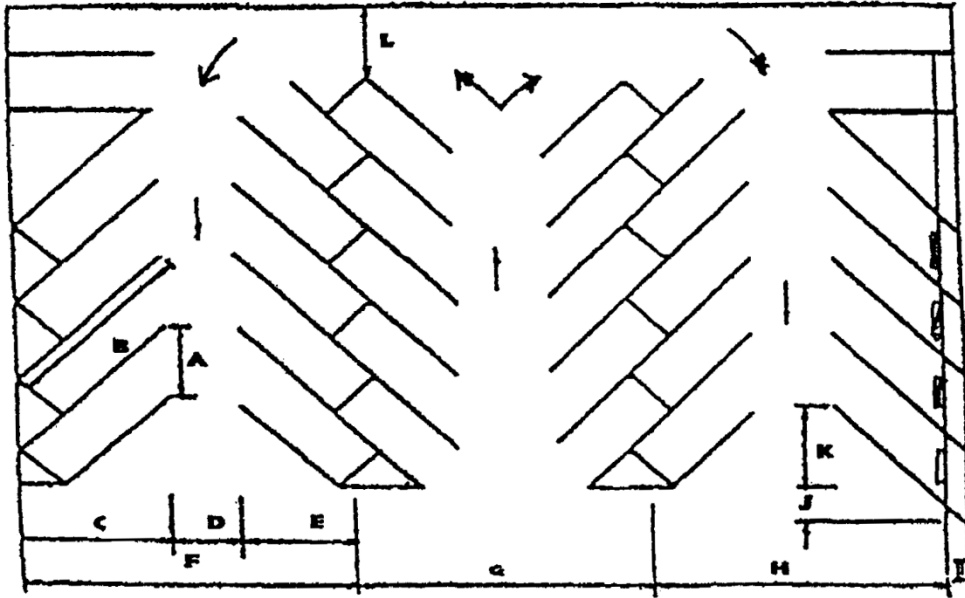
TABLE 5-13
OFF-STREET PARKING REQUIREMENTS

Dimensions	Diagram	0°	45°	60°	75°	90°
Stall width, parallel to aisle	A	9.0	12.7	10.4	9.3	9.0
Stall length of line	B	24.0	26.5	22.9	20.3	18.0 16.0

In instances where Type D Curb is required:						
Stall depth to wall	C	9.0	18.7	19.8	19.6	18.0
Aisle width between stall lines	D	12.0	12.0	17.0	22.0	24.0
Stall depth, interlock	E	9.0	15.7	17.7	18.5	18.0
Module, wall to interlock	F	30.0	46.5	54.6	59.1	60.0
Module, interlocking	G	30.0	43.5	52.4	28.6	60.0
Module, interlock to curb face	H	30.0	44.7	52.4	56.9	58.0
Bumper overhang, typical	I	0.0	1.8	2.2	2.4	2.5
For parking spaces that abut landscaped areas:						
Type "D" Curb						2.0
Natural Grass/Mulch Overhang						8 inches
						16 inches
Offset	J	N/A	6.3	2.7	0.6	0.0
Setback	K	24.0	12.7	9.0	5.0	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross aisle, two-way	N/A	24.0	24.0	24.0	24.0	24.0

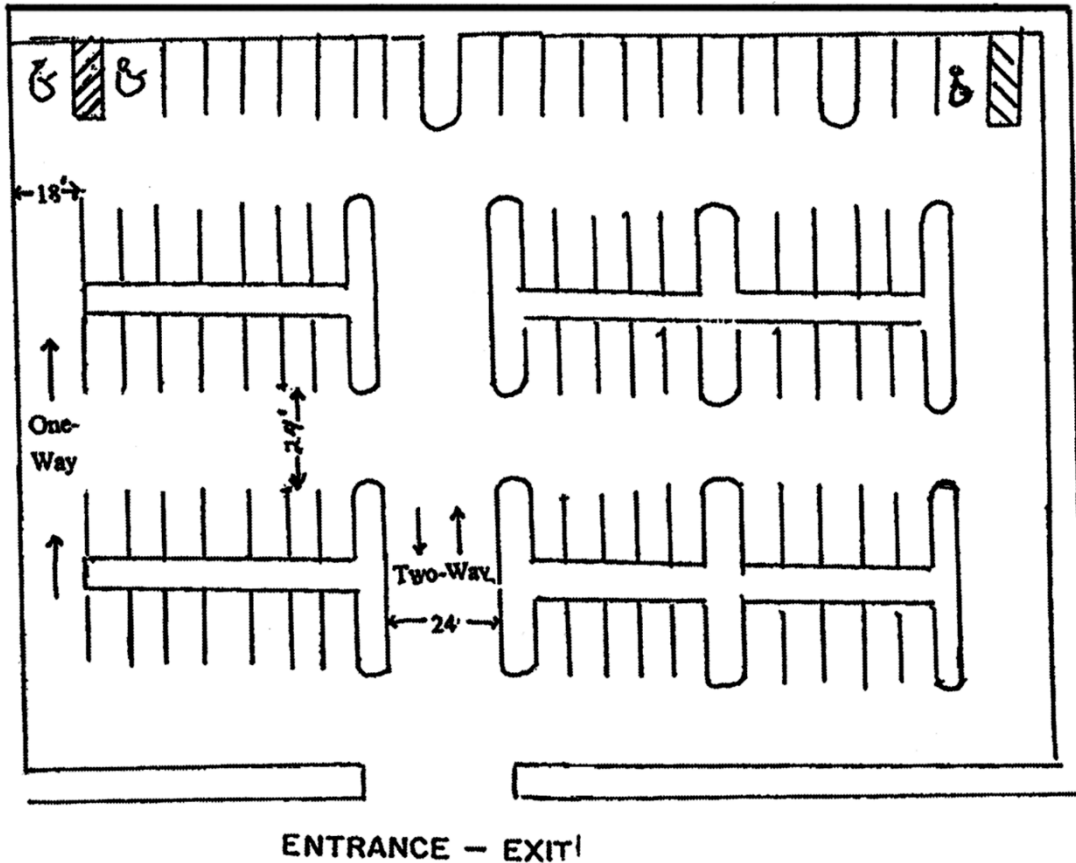
(Note: Remainder of table above and diagrams below to be modified to illustrate and require 8-inch Type "D" curb and 16-inch grass overhang as shown in 90 degree option above.)

OFF-STREET PARKING REQUIREMENTS DIAGRAM



OFF-STREET PARKING REQUIREMENTS DIAGRAM 1

OFF-STREET PARKING REQUIREMENTS DIAGRAM



OFF-STREET PARKING REQUIREMENTS DIAGRAM 2

3. *Location of parking spaces.* Parking spaces for all uses and structures which are provided as required parking in conformance with the schedule of off-street parking and other applicable provisions shall be located on the same lot and have the same zoning district as the principal use or structure they are intended to serve. Notwithstanding this provision, off-site parking may be allowed in the BU and RU-5 zoning districts after a public hearing is convened by the village council, provided the following conditions are met:
 - a. The off-site parking facility is located within 100 yards of the main parcel for which permission for off-site parking is being sought.
 - b. An application has been filed with and accepted by the administrative official as being in compliance with the requirements set forth herein.
 - c. The application is in the name or names of the owner of the real property seeking permission to utilize an off-site parking facility, the name of any tenant or business on such real property seeking permission to utilize an off-site parking facility, and in the name of the owner of the real property proposed for use as an off-site parking facility.

- d. The applicants provide to the village an ownership and encumbrance report or policy of title insurance, acceptable to the administrative official, showing the ownership of both parcels to be listed in the names of the applicants as of the date of any action by the village council on the application.
 - e. The property proposed to be utilized as an off-site parking facility is not currently required parking for any other use granted by the village or has sufficient unallocated parking available.
 - f. The application reflects that all parties acknowledge that the off-site parking facility is to be used only for off-site parking as required by the proposed business, and that such off-site parking facility shall not be available for any other use.
 - g. The applicants acknowledge that no grandfathered status shall attach to the business use, structure or real property having such off-site parking, and in the event such business or use shall lose its authority or permission to utilize such off-site parking, that use shall immediately cease. The agreement provided to the village shall be properly witnessed and notarized, shall be recorded in the official records of the county, and shall be binding upon the heirs, assigns and devisees of the parties to the agreement.
 - h. Any cost to the village for recording of such agreement or attorney's fees in the preparation, review or filing of such agreement shall be prepaid by the applicant prior to any village council action on the application.
 - i. Any parking provided on any such off-site parking facility shall be upgraded to meet current village regulations for required parking (including required landscaping).
 - j. The agreement shall specify that the business for which off-site parking is being sought shall have all owners, employees or agents of such business park on such off-site facility, and not park on the real estate for which permission for off-site parking is being sought and any violation of such parking restriction shall cause off-site parking approval to be revoked by action of the village council.
 - k. The agreement provided to the village, or any approval for use of off-site parking facilities, shall not be assignable by the applicants. And any approval for the use of off-site parking facilities shall be subject to being revoked by the village council in the event that any of the applicants shall sell or convey the facility for which permission for utilization of off-site parking is being sought, the off-site parking facility, or the business seeking permission for utilization of an off-site parking facility. Any certificate of occupancy or occupational license issued concerning the property for which off-site is being sought shall be issued conditioned upon the owner or holder of any such license maintaining the exclusive right to use such off-site parking facility.
4. ~~Parking or storage of rental vehicles. Parking or storage of rental vehicles in connection with a licensed and authorized rental car agency shall be located on the same lot or parcel of property as the licensed office of the rental car agency, or such lot or parcel shall be contiguous to the lot or parcel on which the main rental agency or office is located. The storage of rental cars does not require standard parking spaces for storage areas, provided such areas are within an enclosed parking structure.~~

5. *Handicapped parking.* Handicapped parking shall meet the requirements of the state handicapped access code, F.S., § 553.501 et seq.
6. *Utilization of parking structures.* When off-street parking facilities are located within a separate parking structure, the following conditions and restrictions shall apply:
 - a. The structure shall conform to all lot, yard and bulk requirements of the district in which it is located.
 - b. The parking facilities shall conform to all other provisions of these regulations and all other ordinances of the village.
 - c. All nonstructural portions of the exterior elevations except for vehicular ingress and egress areas shall, in addition to any required safety provisions, be screened by a sight block of no more than 60 percent solidity for the total areas between deck levels, such sight blockage to be determined by elevation. Screening shall extend the full distance between deck levels except for vehicular ingress and egress.
 - d. When parking facilities are located on the roof of a structure, a seven-foot sight block shall be provided in accordance with subsection (b)(6)c. above. The definition for height of a building shall be applied with respect to feet and be measured to the top of the sight block as set forth subsection (b)(6)c.
 - e. This regulation shall not apply to or be construed to prohibit the construction of freestanding carports or garages as accessory structures to single-family or two-family residential dwellings. Nothing in this regulation is intended to prohibit the installation of a fully automatic parking facility in which the placement and removal of automobiles are accomplished wholly by machinery. However, such mechanism shall be completely shielded from public view.
7. *Utilization of yards.*
 - a. In all EU districts and in the RU-1 and RU-2 residential districts, required parking spaces for single-family and two-family dwellings may be permitted in any setback areas and shall be counted as meeting off-street parking requirements, except that within a required front yard all parking shall be located in a driveway or turnaround.
 - b. In all districts, for all other permitted uses, approved permitted uses with site plan review or approved conditional uses, required front, side or rear yards may be used for off-street parking except as limited herein. A maximum of 60 percent of a required front yard may be used for off-street parking. All parking areas shall have each parking space and aisle marked and shall be landscaped in conformance with the paved area landscape requirements in these regulations. In all districts, **walkways**, parking areas **s**, and driveway surfaces shall not extend closer than five feet from any abutting property line.
 - c. All parking spaces shall be considered impervious for the purpose of calculating required green space pursuant to district requirements established in these regulations.
8. *Bicycle rack and pedestrian bench.* A bicycle rack and pedestrian bench are required to be provided at the time of remodeling or redevelopment of a commercial property to an extent that exceeds 50 percent of its existing floor area. Two parking space credits shall be granted

for providing the required bicycle rack and pedestrian bench on-site. The bicycle rack shall be capable of storing a minimum of four bicycles and the pedestrian bench shall be a minimum of five feet in length. Bicycle racks and benches shall be placed in a visible location within 15 feet of the front building elevation(s) or adjacent to the pedestrian access path. The area around the bicycle rack and bench shall be landscaped with one 14-foot shade tree and four 36-inch shrubs.

8. Requirement of bicycle racks or other means of storage. Racks or other means of storage that can secure at least four (4) bicycles shall be required for all park, shopping center, office and restaurant uses with parking lots, as follows:

(a) Quantity of bicycle parking spaces required:

<u>Total Parking Spaces in Lot</u>	<u>Required Number of Bicycle Parking Spaces:</u>
<u>25 to 50</u>	<u>4</u>
<u>51 to 100</u>	<u>8</u>
<u>101 to 500</u>	<u>12</u>
<u>501 to 1000</u>	<u>16</u>
<u>over 1000</u>	<u>four (4) additional spaces for each 500 parking spaces over 1000.</u>

(b) Other uses. All other uses, other than airport or seaport terminals, single-family, duplex or townhouse which are exempt, shall provide racks or other means of storage as provided herein only where their total parking lot has one hundred one (101) or more spaces.

(c) Location and design of bicycle parking spaces; requirements.

(1) The bicycle parking spaces shall be located near the entrances to the building.

(2) At buildings and shopping centers that have multiple parking lots, the bicycle parking spaces should be installed near the entrances to the buildings served by the lots.

(3) The bicycle parking spaces should be in a highly visible, well lighted location that provides enough clear space to facilitate easy use and does not impede pedestrian traffic or handicap accessibility.

(4) The parking spaces may not be placed in the Village maintained right-of-way.

(5) The design of the bicycle rack should permit the locking of the frame and at least one (1) wheel with a standard size "U" lock and accommodate the typical range of bicycle sizes.

(6) The bicycle rack must resist removal, resist rust, corrosion and vandalism, and must be properly maintained.

(d) Other forms of storage. At the owner's option, bicycle parking may also be installed in the form of storage rooms, lockers or cages.

(e) Signage and markings. All bicycle parking spaces shall be posted with a permanent and properly maintained above-ground sign which shall conform to the figure entitled "Secured Bicycle Parking" hereby incorporated in this section. The bottom of the sign must be at least five (5) feet above grade when attached to a building, which may not be installed in the Village maintained right-of-way. No permit shall be required for such signs.

(f) Application to existing uses. All property owners of existing establishments that are required by this section to provide bicycle parking spaces shall comply within one (1) year from the effective date of the ordinance from which this section derives and shall be responsible to maintain such facilities. Existing multifamily uses are exempt from this subsection.

9. *Electrical vehicle charging infrastructure.* For every 25 required parking spaces, a minimum of one Level 2, 240-volt electric vehicle charging station shall be provided within a parking space designated for electric vehicles at the time of construction of a new building, or remodeling or reconstruction of an existing building beyond 50 percent of its floor area, within the commercial and multifamily residential zoning districts, except that an electric vehicle charging station shall not be required within parking lots that contain 24 or less required parking spaces. **A credit of 2 parking spaces shall be provided for every Level 3, fast charging, electrical vehicle charging station provided. The incentive credit shall be available for a maximum credit of 20 parking spaces.**

(c) *Off-street loading.* For every building or building group or part having a gross floor area of 4,000 square feet or more, which is to be occupied by commercial or industrial uses or other uses similarly requiring the receipt of distribution by vehicles of material or merchandise, off-street loading berths or unloading berths shall be provided and maintained on the same lot with such building, as follows:

- (1) 4,000—25,000 square feet: 1 berth;
- (2) 25,000-40,000 square feet: 2 berths;
- (3) 40,000—60,000 square feet: 3 berths;
- (4) For each additional 50,000 square feet: 1 berth.

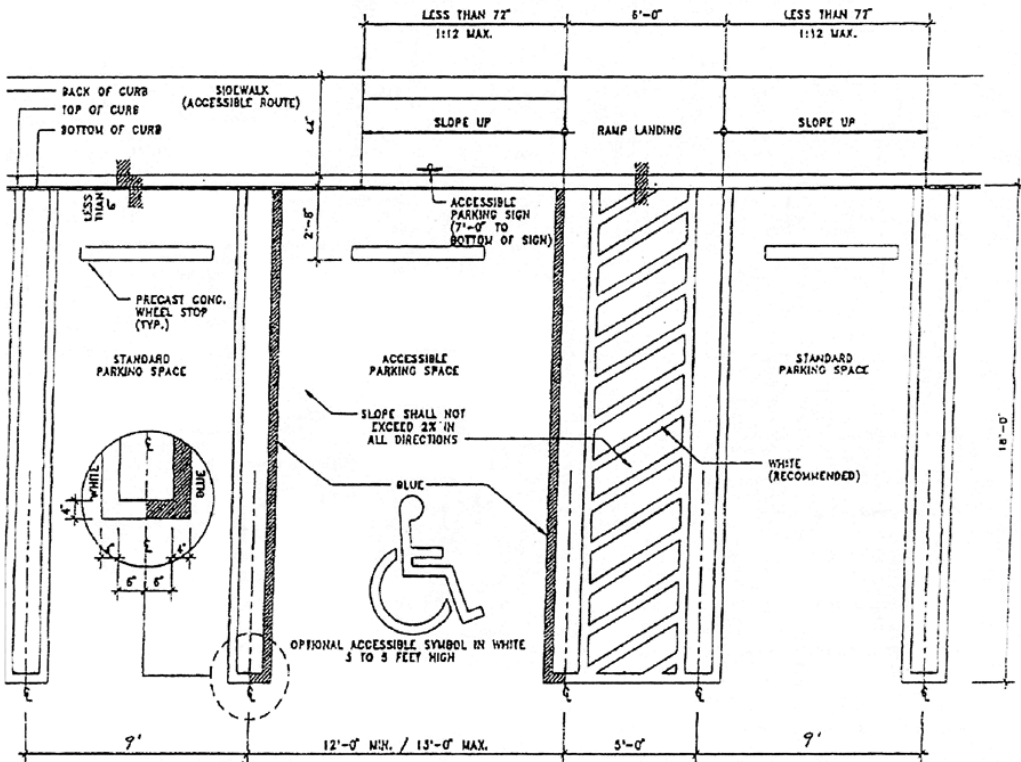
* * *

(k) *Surface of parking areas.*

1. In the RU-1, RU-2, and EU districts, the area reserved for off street parking shall be either graveled, mulched, or hard surfaced, and must be marked on the site plan, indicating dimensions. In all other zones, parking spaces shall be hard surfaced, except that ten percent of the parking spaces provided shall be constructed of porous pavement materials or open cell unit pavers (turf block). The design and specifications of proposed

open cell unit pavers shall be subject to review and approval of the administrative official. Where the parking area is hard-surfaced, the same shall consist of a good rolled back base, well tamped and topped with oil and sand or with asphalt or with asphalt or surfaced with concrete. Occupancy of a given structure or premises shall be prohibited until the required parking area has been improved, inspected, and approved. Parking of vehicles in areas or on surfaces other than those designated and approved as permitted or required herein shall be prohibited.

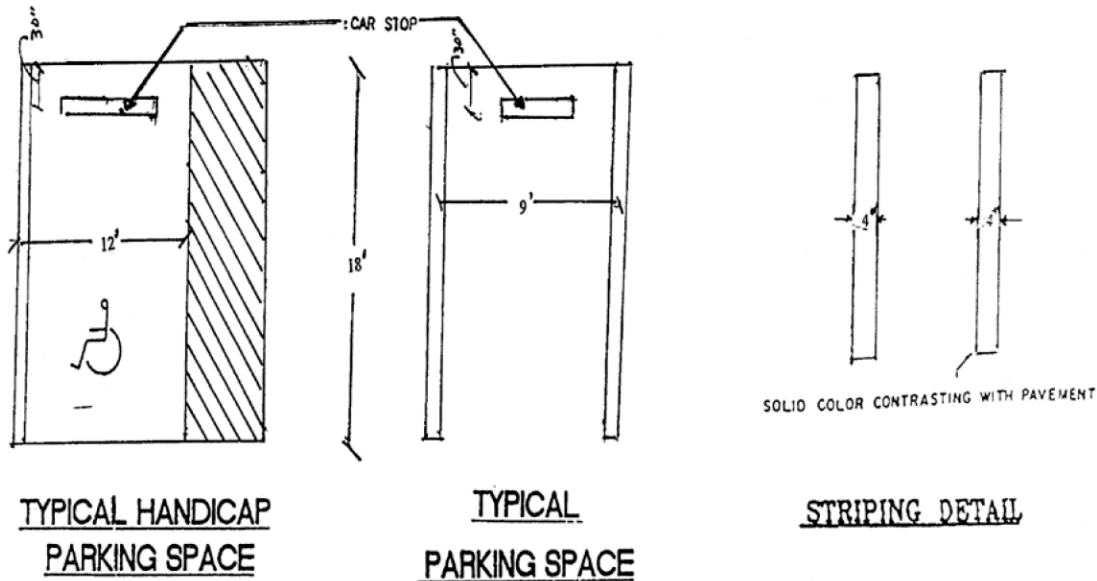
2. *Drainage.* All required off-street parking areas shall be properly drained so that no nuisance will be caused to adjacent or nearby properties. All construction shall comply with design standards as established by all applicable laws, ordinances, and regulations.
3. *Maintenance.* All required off-street parking areas **and surface, including the apron/approach,** shall be maintained in good repair and shall be kept in a reasonably **smooth,** clean, sanitary, and safe condition and free **from of broken/uplifted pavement, potholes, mildew conditions,** trash, **rodents,** and **insects, vermin,** and hazards.
 - (l) *Parking between setback line and right-of-way.* Parking areas including driveways, except for minimum ingress and egress drives in the RU, EU, **AU** and RU-5 districts, shall be located no closer than 25 feet to a right-of-way. Parking areas for single-family, two-family, three and four unit apartment uses may also be located no closer than 25 feet to a right-of-way.
 - (m) *Parking area co-located with use served.* Off-street parking areas shall be located on the same lot, parcel, or premises as the use to be served.
 - (n) *Application of provisions to change of use.* This article shall apply to changes of uses as well as the establishment of new uses.
 - (o) *No commercial parking adjacent to public park.* Where a business is adjacent to a park, neither the driveway nor the parking area shall be located between the business structure and the public park.
 - (p) *Restriction on use of parking area for commercial use.* No area designated as a parking area in connection with any designated use or uses shall be operated as a commercial parking lot.
 - (q) *Markings/restriction on back-out movements.* For all uses other than single-family or duplex dwellings, the parking area shall be marked by painted lines, as otherwise provided in this division, indicating the individual parking spaces or stalls. In all districts, the parking area shall be so arranged that there is no back-out movement into adjacent properties, public streets, or rights-of-way.



ACCESSIBLE PARKING SPACE FOR DADE COUNTY
 SCALE : 1/4" = 1'-0" TO MEET SFBC, METRO-DADE DPR, FS 553 & ADAAG
 PREPARED BY METRO-DADE OFFICE OF ADA COORDINATION

Accessible Parking Space for Dade County

STALL DIMENSIONS



Off-Street Parking Standards

(r) *Shared parking.*

1. A shared parking plan shall be considered in conjunction with the redevelopment of commercial properties in the village to an extent greater than 50 percent of its existing floor area or 50 percent of the value of existing improvements, or for the continued use of existing commercial centers that include at least three of the following uses: retail, restaurant, office, or entertainment, or in conjunction with an application for consideration of a Pincrest Parkway alternative site plan. Applicants wishing to use shared parking as a means of reducing the total number of required spaces may submit a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition). The analysis must be provided in a form established by the administrative official. Reductions in the total number of required spaces for shared parking are not permitted unless the administrative official determines a reduction is appropriate on a case-by-case basis. Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The administrative official will determine whether hours of operation are compatibly overlapping. **An application or request for a shared parking plan, that complies with these regulations, may be reviewed and considered by the Administrative Official, with the consent and agreement of all owners of the affected property provided all affected property owners consent and agree. Any private parking agreement executed and recorded prior to the adoption of these regulations shall not be deemed to satisfy the requirements of subsection 4.b, below unless the agreement includes the**

express written approval of the Village or its administrative official as evidenced on the recorded agreement.

2. Joint use of required non-residential parking spaces may occur where two or more uses on the same **site** or separate sites, **under the same ownership, or separately owned properties within the same commercial development** are able to share the same parking spaces because their parking demands occur at different times.
3. Two or more owners or operators of buildings or uses requiring off-street parking that share parking may be allowed to reduce the amount of required parking spaces in accordance with the following methodology:
 - a. Determine the minimum parking requirements in accordance with the matrix of shared parking uses for each land use as if it were a separate use;
 - b. Multiply the required minimum number of parking spaces for each separate use by the percentages for each of the eight time periods set forth in the following table;
 - c. Add the resulting required minimum number of parking spaces in each of the eight vertical columns of the table;
 - d. Select the vertical column with the highest total; and
 - e. Use this number as the required minimum number of parking spaces.
4. Reduction of parking requirements because of joint use may be approved if the following conditions are met:
 - a. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
 - b. The developer submits a legal agreement approved by the village attorney guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of the land development regulations.
 - c. The structures and facilities provided for one or both of the uses are specialized to the degree that no change in use resulting in greater parking demand could take place without expensive reconstruction necessitating a development permit and development plan review.

Use	Weekday Midnight - 7:00 am	Weekday 7:00 am - 5:00 p.m.	Weekday 5:00 p.m. - 9:00 p.m.	Weekday 9:00 p.m. to Midnight	Weekend Midnight - 7:00 am	Weekend 7:00 am - 5:00 p.m.	Weekend 5:00 p.m. - 9:00 p.m.	Weekend 9:00 p.m. - Midnight
Office	5	100	30	5	0	10	0	0

Retail	5	50	75	10	5	100	75	10
Restaurant	10	50	75	40	15	75	100	50
Fitness	50	70	100	25	5	75	30	0
Entertainment	10	40	100	100	80	100	100	100
Others	100	100	100	100	100	100	100	100

- d. If the properties **within the same commercial development** are under separate ownership and control, a written easement and agreement shall be recorded at the applicant's expense, specifying the conditions of such joint use. This agreement shall be approved by the village attorney.

Shared Parking Ratios
(Numbers are listed as percent)

6. 5. If a privately owned parking facility is to serve two or more separate properties, then a "shared parking agreement" shall be filed with the village for consideration by the administrative official. Unless explicitly stated to the contrary, the owner of the parking facility accepts responsibility for operating, maintaining and accepting liability for personal injury and property damage.

* * *

Div. 5.24. Cluster developments.

* * *

- (c) *Entrance features.* Entrance features shall be permitted under division ~~7.17~~ **7.16** of the land development regulations.

* * *

Div. 5.25. Tennis court/pickleball court/basketball court/outdoor sports court - recreational area lighting.

The lighting of new or existing tennis courts, basketball courts, outdoor swimming pools and pool decks, or other outdoor recreational areas may be permitted in any zoning district as a conditional use pursuant to division 3.3. However, such facilities must meet all of the following standards in order to be approved by the village council:

- (a) A photometric plan shall be submitted which specifies the illumination levels, expressed in initial foot-candles, along all affected property lines.

- (b) The lighting shall be designed so that any overspill of lighting onto adjoining properties or street rights-of-way shall not exceed 0.5 foot-candle vertically or horizontally and shall not cause any reflected illumination onto adjacent properties, structures or rights-of-way.
- (c) Lighting standards and fixtures shall not exceed 18 feet in overall height and shall be located within the confines of the tennis court(s)/basketball court(s)/outdoor recreational areas. Lights in stadiums and sports fields within the PR, Parks and Recreational Facilities and PS, Public Service zoning districts may be installed at a height determined by the village council to be sufficient for the intended application, if consistent with all requirements and standards for approval of a conditionally permitted use, and if approved, subject to conditions of approval imposed by the village council.
- (d) Tennis court/basketball court/outdoor recreational area lighting shall not be used between the hours of 10:00 p.m. and 8:00 a.m.
- (e) Prior to the issuance of a certificate of use, the permittee must submit a letter of compliance from a registered engineer or architect stating that the installation has been inspected under operating conditions and found to be within the requirements set forth above.
- (f) The lighting shall not be injurious to the area involved or otherwise detrimental to the public welfare.

(g) Planting and maintenance of a six-foot opaque fence and landscape buffer between the sports court and adjoining property lines.

* * *

Div. 5.27. Alternative energy systems and environmental conservation.

* * *

(b) Energy efficient design and construction.

- (1) *Requirements.* New residential structures that exceed 6,000 square feet in livable, air-conditioned area shall include the following energy efficient and environmentally conservative improvements:
 - a. Either a minimum of one solar water heater, tankless water heater, or a hybrid electric water heater; or a photovoltaic solar electric system.
 - b. An air conditioning system that has a minimum Seasonal Energy Efficiency Rating (SEER) of 15 and utilizes natural refrigerants or other refrigerants that contain no hydrochlorofluorocarbons (HCFC).
 - c. Interior finishes that emit low/no levels of volatile organic compounds (VOC) - Site-applied finishes, including, paints, stains and varnishes, shall meet specified volatile organic compound (VOC) emissions limits in accordance with GREENGUARD Environmental Institute GGPS.001 standard for building materials and finishes; or Green Seal® standards.
 - d. ~~Permeable driveways consisting of porous concrete, open cell unit pavers (turf block), flagstone, or brick pavers, allowing the infiltration of water into the~~

underlying soil. No individual slab of pavement or flagstone may exceed 42 square feet in area.

- e. Documentation of compliance with the Energy Efficient Design and Construction requirements shall be provided in the form of an affidavit signed by the general contractor prior to the issuance of a temporary or permanent certificate of occupancy.

* * *

Div. 5.36. - Mobile food dispensing vehicles; temporary commercial kitchens.

(A) Definitions:

Mobile food dispensing vehicles shall mean any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Temporary shall mean the location shall not exceed more than 3 mobile operations per month in total and shall not park at any location for more than 8 hours. During a period of renovation, repair or rebuilding on the premises of the licensed permanent food establishment, the mobile operation cannot exceed more than 60 consecutive days.

Food service establishment shall mean any building where food is prepared, served or sold for immediate consumption on the premises, called for or taken out by customers or prepared for prior to being delivered to another location for consumption.

Right-of-way shall mean all areas legally open to public use and used for or intended for use for vehicular or pedestrian traffic, including public streets, alleys, sidewalks and roadways.

(B) Mobile food dispensing vehicles and service operations may be permitted within the PR, Parks and Recreation Districts subject to approval of a Special Event Permit.

(C) Mobile food dispensing vehicles or temporary commercial kitchens may be permitted within the BU, Commercial zoning districts only on a temporary basis, on the same premises as and by a separately licensed public food establishment,

during the same hours of operation as the separately licensed public food service establishment that operates such mobile food dispensing vehicle or commercial kitchen.

(D) A temporary commercial kitchen may be used in conjunction with a permanent food service establishment for the purpose of supplementing the kitchen operations of the food service establishment, subject to the following requirements and conditions:

- 1. On the premises of the permanent food service establishment for 60 consecutive days.**
- 2. During a period of renovation, repair, or rebuilding on the premises of the permanent food service establishment, or off the premises within the line of sight of, and not to exceed 1,320 feet from the permanent food establishment for 120 consecutive days. m Mobile food service operations may be permitted Mobile food trucks shall be permitted**

(E) Conditions

- 1. Mobile operations shall not be located in any driveway aisles, no parking zones, landscaped area, loading areas, parking lanes, public rights-of-way, within 15 feet from any fire hydrant or storm drain, blocking dumpster access, nor may mobile operations impede the on-site circulation of motor vehicles.**
- 2. Mobile operations shall not be located in required parking spaces unless the number of spaces exceeds the minimum amount required for other uses on the property. The utilization of an off-street parking space for the operation of a mobile operation must not cause the site to become deficient in required off-street parking. Shared parking is prohibited.**
- 3. Mobile operations shall be located a minimum of 50 feet from the property line of an existing residential use and within 10 feet from any other property line and are prohibited within 15 feet of any right-of-way.**
- 4. Mobile trucks may not exceed 10 feet in width and 24 feet in length.**
- 5. Trailer(s) are not permitted.**
- 6. The use of sound amplification devices is prohibited.**
- 7. Outside dining, including but not limited to furniture, tables, benches, chairs, booths, tents, shade canopies and umbrellas are prohibited.**
- 8. Drive-through sales are prohibited.**
- 9. Placing temporary signs, banners, or other attention-getting devices on the property, on the vehicle or in the public right-of-way or across roadways is prohibited. Signs must be permanently affixed to or painted on the mobile food truck including the menu board.**

10. Mobile food trucks must be self-contained when operating including all utilities such as power, water, and cooking fuel.

11. Trash and/or recycling receptacles are required and must be attached to the mobile food truck and shall not impede free movement of automobiles or pedestrians.

12. No more than one mobile food truck shall operate on any property at any one time.

13. The sale of alcoholic beverages is prohibited.

(F) If it is found that a mobile operation is operating in a manner not consistent with the requirements of this code or, where applicable, a Code Compliance Officer shall have the authority to issue a civil citation according to section 2-174 to the property owner and mobile operation. Each violation shall constitute a separate instance for which a separate penalty may be imposed.

(G) The operator of a mobile operation must be able to produce for inspection: a copy of a letter or other written communication from the property owner or representative that authorizes the mobile operation and, for mobile food service operators, a copy of the applicant's required State license for food service establishments.

ARTICLE 6. – ENVIRONMENTAL REGULATIONS

Div. 6.1. Landscape regulations.

* * *

(b) *Landscape plans.*

3. *Vegetation survey.* A vegetation survey shall be provided for all sites at the same scale as the landscape plan. Surveys shall be verified by the administrative official. The vegetation survey shall provide the following information:

a. The accurate location and graphic representation by size, **measured in diameter at breast height** (DBH), canopy, and type of tree, in relation to existing development of all existing trees of a **minimum two inches DBH or ten feet in height or, for native trees, of a minimum 1 ½ inches DBH or eight feet in height, including those which are proposed to be removed, relocated or preserved on-site in accordance with the requirements of landscape regulations. a minimum trunk diameter of two inches DBH or a minimum height of ten feet for non-native species; or, for native species, a minimum trunk diameter of one and one-half inches DBH or a minimum height of eight feet.**

* * *

(d) *Minimum landscape standards.* The following standards shall be considered minimum requirements unless otherwise indicated:

1. *Lawn area (turf).*

a. *Lawn areas.* Lawn areas shall be planted in a species well adapted to localized growing conditions in the village. Lawn areas may be sodded, plugged, sprigged, hydromulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used, overseeding shall be sown for immediate effect and protection until coverage is otherwise achieved. Developers are encouraged to have no more than 40 percent of open area as lawn areas.

b. *Use of drought tolerant landscape material and limitations.* Drought tolerant grasses and low growing native plants are strongly encouraged. Tree and plant material requirements by land use district are presented in the following table:

TABLE 6-1
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	28	35%
RU4M and RU4	28	35%
<i>Office/Business/Commercial</i>		
RU5; BU-1, BU-1A, BU-2 and BU-3, PS, PR	28	18/22%

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

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

(c) Artificial Turf. Artificial or synthetic shall be installed in accordance with the requirements of Florida Statutes, Chapter 62-308, provided that all properties shall comply with the minimum greenspace requirements of the Village's Land Development Regulations. Artificial turf shall not be counted or considered as required natural green space.

2. Irrigation.

- a. All newly planted and relocated plant material shall be watered by temporary or permanent irrigation systems until such time as they are established.
- b. Irrigation shall be prohibited within native plant communities and natural forest communities, except for temporary systems needed to establish newly planted material. Temporary irrigation systems shall be disconnected immediately after establishment of plant communities.
- c. Irrigation systems shall be designed to conserve water by allowing differential operation schedules based on hydrozone.
- d. Irrigation systems shall be designed, operated, and maintained to not overthrow or overflow onto impervious surfaces.

- e. Low volume water distributing or application devices, such as micro-jet emitters or soaker hoses shall be used. Overhead irrigation systems shall only be permitted in bona fide agricultural activity areas.
- f. During dry periods, irrigation application rates of between one and one and one-half inches per week are recommended for turf areas. Under drought conditions, restrictions of the South Florida Water Management District apply.
- g. A functioning moisture or rain sensor device shall be required on all irrigation systems equipped with automatic controls as required by state law. The device shall not be installed under eaves of houses, buildings or other structures, nor in the path of the irrigation system.
- h. Irrigation systems shall be timed to operate only during hours and on days permitted in the Landscape Manual administered by the village and consistent with policies of the South Florida Water Management District.
- i. If an irrigation system is not provided, a hose bib shall be provided within 75 feet of any landscape area.

3. *Trees.*

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

Commercial business zoning districts: All trees, except street trees located beneath power lines, shall be a minimum of 20 feet high and have a minimum caliper of eight to ten inches at time of planting and four feet of clear trunk. Thirty percent of the tree requirement must be met by native species.

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

- i. **Residential zoning districts.** An overall height of ~~14~~ **16** feet and a minimum caliper of ~~three~~ **four** inches at time of planting, and shall be provided along all roadways at a ~~maximum average~~ **minimum** spacing of 30 feet on center, except as otherwise provided in these tree regulations; and excluding a distance of ten feet on both sides of an intersecting driveway, which shall not be obstructed. **Exceptions to the minimum spacing requirements may be given for native shade tolerant understory trees offset between larger trees as approved by the administrative official.**
- ii. An overall height of ~~18~~ **20** feet and a minimum caliper of ~~four~~ **six** inches at time of planting, and shall be provided along all roadways at a ~~maximum average~~ **minimum** spacing of 40 feet on center, except as otherwise provided in these tree regulations; and excluding a distance of ten feet on both sides of an intersecting

driveway, which shall not be obstructed. **Exceptions to the minimum spacing requirements may be given for native shade tolerant understory trees offset between larger trees as approved by the administrative official.**

- iii. **Commercial business zoning districts. An overall height of 20 feet and a minimum caliper of eight to ten inches at time of planting, and shall be provided along all roadways at a minimum spacing of 40 feet on center, except as otherwise provided in these tree regulations, and excluding a distance of fifteen feet on both sides of an intersecting driveway, which shall not be obstructed. Exceptions to the minimum spacing requirements may be given for native shade tolerant understory trees offset between larger trees as approved by the administrative official.**

In the planting of street trees, consideration shall be given to the needs of adjoining businesses in maintaining a reasonable view of permitted advertising signs. Adjustments in required spacing may be permitted by the administrative official as necessary to permit visibility of permitted signs and allow maturation of planted trees, if the administrative official determines that adjustments in required spacing requires the removal of a required tree from the adjoining street frontage, the administrative official may permit the removal of a maximum of one tree if the property owner provides three replacement trees elsewhere on the subject property subject to review and approval of the administrative official. The 25-foot average spacing requirement for multiple single-family units such as zero-lot-line and townhouse units shall be based on the total linear footage of roadway for the entire project and not based on individual lot widths. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the administrative official. Street trees planted along private roadways shall be placed within seven feet of the edge of roadway pavement or, where present, within seven feet of the sidewalk. Suggested canopy trees that are drought tolerant may be found in the landscape manual. Appropriate types of street trees shall be approved by the administrative official.

- c. *Power lines.* Where the height and location of overhead power lines require the planting of low growing trees, street trees shall have a minimum height of eight feet, a minimum caliper of two inches at time of planting, and shall meet the following requirements:
 - i. Single tree trunks clear of lateral branches to four feet.
 - ii. A maximum average spacing of 25 feet on center.

Special consideration shall be given to the selection of tree species to be planted under power lines. ~~Japanese Blueberry, Calophyllum~~, Pigeon Plum, **Jamaican Caper, Orange Geigers**, and **Spanish** Stoppers are preferred species.

- d. Palm trees shall not be counted in the minimum number of required street trees and shall not be planted within the public right-of-way.

- e. *Required number of shade trees.* Trees shall be planted to provide shade to residential structures of a height of 35 feet or less. At least three required lot trees shall be positioned in the energy conservation zone as defined herein. Native Pond Cypress Trees shall be considered a suitable alternative that may be planted in areas conducive to their growth adjacent to water bodies, for example.
- f. *Shade for air conditioning units.* All exterior air conditioning units, except for air conditioning units placed on the roof, shall be shaded and screened by trees and/or shrubs.
- g. *Preservation of existing trees.* Existing trees required by law to be preserved on site and that meet the requirements set forth in the Code may be counted toward fulfilling the minimum tree requirements. Dead trees shall be removed and replaced as required following approval of a no-fee permit by the village.
- h. *Prohibited and controlled tree species.* Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.
- i. *Required number of native species.* Thirty percent of the required trees or palms shall be native species. Consistent with the goals of the village's initiative, "Bringing Pines back to Pinecrest," and in recognition of the historical significance of citrus produce to the identity of South Florida, one-third of the required number of native species shall be Dade County Slash Pine trees native to Miami-Dade County's pinelands, canopy trees, or citrus trees.
- j. *Limitation on cabbage palms.* In order to prevent adverse environmental impacts to existing native plant communities, only existing Sabal palmettos (cabbage palms) shall be used to satisfy minimum tree and native plant requirements, except that cabbage palms rescued from government approved donor sites, transplanted within the site, or commercially grown from seed shall be counted toward the minimum tree and native plant requirements.
- k. *Maintenance of trees, and grass planted in right-of-way.* When trees and grass are planted within the right-of-way, the owners of land adjacent to the areas where street trees are planted must maintain those areas, including the trees, plants and sod, using pruning methods specified in these tree regulations. A covenant executed by those owners is required, or a special taxing district must be created to maintain these areas. Where a government with proper jurisdiction determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, that governmental entity may require that said trees and landscape material be placed on private property. Dead trees shall be removed and replaced as required following approval of a no-fee permit by the village. Grass and yard clippings shall not be blown or placed in the adjoining street.
- l. *Avoidance of related adverse impacts.* Consideration shall be given to the selection of trees, planting and plant site, and conditions may be imposed in order to avoid serious problems such as clogged sewers, cracked sidewalks, interference with the triangle of visibility, falling limbs, and encroachment into power **and cable** lines to prevent associated problems such as safety hazards and power service interruptions. Trees and

landscaping shall be maintained to avoid hazardous conditions and adverse impacts. **Tree branches must be maintained clear of pedestrian obstructions with a minimum of 7 feet clearance from grade.**

It shall be the responsibility of the property owner to allow the trimming and maintenance of trees adjacent to power lines by Florida Power and Light and/or qualified arborists as necessary to prevent damage to adjacent power lines, and to prevent interruption of electrical service. Consideration shall be given to the planting of the "right tree in the right place" to ensure that planted trees will not cause adverse impacts or be adversely impacted by nearby obstructions.

When noting and selecting trees, care shall be taken to prevent the planting of new trees underneath existing tree canopy unless the noted and selected trees are an appropriate understory tree species that will thrive in a shaded condition and not interfere with the growth of existing trees and tree canopy.

* * *

4. *Pruning requirements.* Trees shall be pruned **by prescription of an I.S.A. certified arborist when required by the Village** in the following manner and shall be consistent with the American National Standards Institute (ANSI) A-300, **Part 1 Standards, most current edition.**

- a. All cuts shall be made at the branch bark ridge, outside of branch collar and at junctions, laterals or crotches.
- b. Removal of dead wood, crossing branches, weak or insignificant branches, and suckers shall be accomplished simultaneously with any reduction in crown.
- c. Cutting of lateral branches that result in the removal of more than one-third of all branches on one side of a tree shall only be allowed if required for hazard reduction or clearance pruning.
- d. ~~Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds of the tree.~~ **Tree pruning shall be done to meet the objectives of clearance, appearance, structure, and health. Excessive raising or thinning of canopy, hat racking canopy, or any practice that is not currently consistent with ANSI A-300 part 1 standards (most current edition) is not an acceptable practice.**
- e. ~~No more than one-fourth of a tree's living canopy may be removed within a one-year period, except for Mmango and avocado trees, which~~ may be pruned as follows:
 1. Mango and avocado trees - In order to promote lateral branching as necessary to improve tree stability, increase survivability in hurricanes and high winds, and improve fruit production, one-third of the living canopy of a mango or avocado tree may be removed each year for three consecutive years within a limited three-year period, subject to approval of a three-year, no-fee permit by the village. Vertical branches less than four inches in diameter may be removed where they branch to a main branch provided no more than one-third of the tree canopy is removed. Following expiration of an approved three-year permit, no more than one-fourth of a tree's living canopy may be removed within a one-year period.

5. Slash Pine, especially juvenile Slash Pine, is extremely sensitive to construction disturbance, foot traffic around the base, and artificial irrigation. Precautions shall be taken as necessary to preserve and maintain slash pines during and after planting. **The area around the base of the tree must remain free of grass, or have mulch or non-competitive, low maintenance or native underplanting. The area shall be equal to the diameter of the tree canopy.**

(i) *Prohibitions.*

1. *Prohibited plant species.* Prohibited species, and all species listed in division 6.2(c)1.d.2. shall not be planted and shall be removed from any site that is subject to the requirements of these landscape regulations.
2. *Controlled plant species.* Controlled species shall not be planted within 500 feet of a natural forest community or native habitats as defined herein.
3. *West Indian mahogany.* West Indian mahogany (*Swietenia mahagoni*) shall not be planted within 500 feet of a rockland hammock or pine hammock.
4. *Tree abuse.* Tree abuse is prohibited. Abused trees shall not be counted toward fulfilling the minimum tree requirements.
5. *Prohibited trees in the public right-of-way.*

(a) The following trees may not be planted in the right-of-way:

Allspice (***Pimenta dioica***)

Australian Pine (***Casuarina equisetifolia***)

Bahama Lysiloma (***Lysiloma sabicu***)

Bald Cypress (***Taxodium distichum***)

Calophyllum (***Calophyllum inophyllum***)

Silver Buttonwood (***Conocarpus erectus var. sericeus***)

Clusia - all varieties and cultivars

Dahoon Holly (***Ilex cassine***)

Ficus - all varieties and cultivars

Inkwood (***Exothea paniculata***)

Lancepod (***Lonchocarpus violaceus***)

Madagascar Olive (***Noronhia emarginata***)

Palms - all types

~~Rubber tree - all varieties and cultivars~~

Torchwood (***Amyris elemifera***)

Japanese Blueberry (***Elaeocarpus decipiens***)

No palms, specifically coconut palms will be permitted to overhang the right-of-way from private property.

- (b) All street trees proposed to be planted in the village right-of-way will be approved by the ~~public works department~~ **administrative official** as to genus and species, spacing, offset, and size.
- (c) Swale shrubs - shrubs will be permitted to be planted in the right-of-way pending an approved public works right-of-way permit, in the following cases:
 - (1) The maintained edge of the proposed shrub can be maintained within a three foot radius of an established and approved street tree, provided the plant material is kept below 30 inches.
 - (2) Shrubs placed parallel to the pavement and offset a minimum of four feet from the edge of pavement to the centerline of the shrub, with a maintained edge of shrub at least two feet from the edge of pavement. The proposed shrubs cannot impede the drainage from the roadway in any way and must be planted at an elevation below the edge of pavement. Dimensions of the maintained shrub will not exceed four feet wide nor 30 inches in height.
 - (3) The proposed shrub type (genus and species) will be reviewed by the ~~public works department~~ **administrative official** during the permitting process.

(j) *Enforcement.*

- 1. *Withholding a certificate of compliance.* The administrative official shall withhold approval of any final regulatory action or final building inspection prior to the issuance of a final certificate of use, certificate of occupancy or certificate of completion until a preparer's certification of landscape compliance has been approved.
- 2. *Inspections.* The administrative official shall have the right to inspect the lands affected by these regulations, to order actions required for Code compliance, to issue civil violation notices and to process cases to the special master for violations.
- 3. *Violations.* Failure to install or maintain landscaping according to the terms of these landscape regulations shall constitute a violation of this Code. Failures to plant, preserve, or maintain each individual tree shall be considered to be a separate violation of these regulations. Each day in which either landscaping or individual trees are not installed or maintained according to the terms of these landscape regulations shall constitute a continuing and separate violation of these regulations.
- 4. The administrative official may permit minor and minimal adjustments to these landscaping regulations when determined to be practically necessary, provided such variation or adjustment is "de minimis" and not contrary to any specific condition of a development order approved by the village council or zoning board.

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

Div. 6.2. Tree preservation and protection.

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

by the village. **All trees shall be pruned to ANSI A-300 part 1 standards (most current addition) under direction of an I.S.A Certified arborist or a landscape vendor approved by the Village that has completed the Village of Pinecrest training program.**

(b) *Tree cutting standards.*

1. No person shall commit tree abuse, **excessively raise or thin tree canopy**, hatrack or effectively destroy any tree located ~~on his or her property~~ in the village, **or within the public right-of-way** unless otherwise permitted by the terms of these tree regulations. Each separate action shall constitute a violation of this section regardless of whether the tree was previously abused, hatracked or effectively destroyed.
2. Any tree that is cut in violation of this section shall be replaced as set forth in this section.
3. Penalties. Any person that commits tree abuse, hatracking, or effectively destroys any tree in the village shall be subject to the following penalties:
 - a. First violation: \$250.00 per tree; and
 - b. Second violation and subsequent violations: \$500.00 per tree.

If a person engages in tree cutting that effectively destroys a tree, the person shall be required to obtain an after-the-fact tree removal permit in accordance with the provisions of section 6.2(c) of the Village Code of Ordinances.

(c) *Tree removal and relocation permits.*

1. *Permits required.*
 - a. *Tree removal.* A tree removal permit is required for the removal or relocation of any tree in the village located on private property or on the public right-of-way **adjacent to private property, unless specifically exempted below.**
 - b. *Illegal removal.* Trees that have been removed illegally shall be replaced on the basis of two caliper inches per each one caliper inch of tree removed [i.e., if a ten inch caliper tree was removed, a total of 20 caliper inches shall be re-planted to comply with this provision]. Trees shall be replanted on site and meet minimum standards for caliper and other provisions of these regulations, including height.
 - c. *Violations.* A village official shall not issue a tree removal permit that does not comply with these tree regulations. Any such permit issued in error or under false pretenses shall be void. It shall be unlawful for any person to violate or not comply with any of the conditions of a village tree removal or landscape permit.
 1. *Mortgagees.* Any mortgagee with respect to property upon which any violation of these regulations has occurred shall not be liable for such violation unless, prior to said violation, said mortgagee has foreclosed upon said property or participated in the management or control of said property, or unless said mortgagee has effected or caused the tree ordinance violations occurring on said property.
 2. *Prior actions.* If actions or omissions constituting a violation of these regulations occurred at a time when the completed actions or omissions were not prohibited by law, such completed actions or omissions shall not constitute a violation.

d. Exemptions **from replacement**. The following activities are exempt from tree removal permits, but may only be undertaken following an inspection by the administrative official. **Removal of any of the following trees shall not require mitigation or replacement unless:**

1. Removal of any dead tree on private property, excluding the public rights-of-way. **The property does not meet the minimum landscaping and/or tree planting requirements.**
2. Removal of any of the following tree species (provided the tree is not within a natural forest community, in which case a permit shall be required, but all application and permit fees shall be waived by the village) **Invasive Trees:**

- i. Abrus precatorius (rosary pea, **blackeyed susan**)
- ii. Acacia auriculiformis (earleaf acacia)
- iii. Adenanthera pavonina (red sandalwood, **red beardtree**)
- iv. Albizia lebbek (woman's tongue)
- v. **Alstonia macrophylla (deviltree)**
- vi. Araucaria ~~columnaris~~ **heterophylla** (Norfolk Island pine)
- vii. **vii.** Ardisia elliptica (Shoebuttan ardisia)
- viii. **viii.** Bauhinia ~~blakeana~~ **variegata** (Hong Kong ~~e~~ Orchid tree)
- ix. **ix.** **Bauhinia purpurea (purple orchid tree)**
- x. **x.** Bischofia javanica (~~bischofia,~~ bishopwood, **Javanese bishopwood**)
- xi. **xi.** Casuarina (~~equisetifolia,~~ Australian pine, **horsetail casuarina** beefwood)
- xii. **xii.** Cestrum diurnam (day flowering jessamine)
- xiii. **xiii.** Cinnamomum camphora (camphor tree)
- xiv. **xiv.** Colubrina ~~Aa~~siatica (~~colubrina~~ **Asian nakedwood**, lather leaf)
- xv. **xv.** Cupaniopsis anacardioides (carrotwood)
- xvi. **xvi.** Dalbergia sissoo (Indian rosewood)
- xvii. **xvii.** Ficus altissima (~~banyan tree, false banyan~~ **Council tree, lofty fig**)
- xviii. **xviii.** Ficus benghalensis (Bengal fig, **banyan tree**)
- xix. **xix.** Ficus benjamina (weeping fig)
- xx. **xx.** Ficus microcarpa (**Indian** laurel fig, **does not include subspecies fuyuensis sold as "green island ficus"**)
- xxi. **xxi.** Flacourtia indica (governor's plum)
- xxii. **xxii.** Hibiscus tiliaceus, **aka Talapariti tiliaceum (yellow** mahoe, **sea hibiscus)**

- xxi **xxiii.** Leucaena leucocephala (lead tree)
- xxii **xxiv.** **Ligustrum sinense (Chinese privet)**
Ludwigia peruviana (Peruvian primrose willow)
- xxiii **xxv.** Melaluca quinquenervia (~~cajeput~~/paperbark)
- xxiv **xxvi.** Melia **Az**edarach (chinaberry tree)
- xxv **xxvii.** Metopium toxiferum (poison wood)
- xxvi **xxviii.** Mimosa pigra (~~catelew~~ **black** mimosa)
- xxvii **xxix.** **Mwerremia tuberosa, aka Distimake tuberosus (yellow morning glory,** wood rose)
- xxviii **xxx.** Neyraudia reynaudiana (Burma reed, cane grass)
- xxix **xxxi.** Pen**n**isetum purpureum, **aka Cenchrus purpureus** (elephant grass)
- xxx **xxxii.** Psidium guajava (guava)
- xxxi **xxxiii.** **Psidium littorale aka Psidium cattleianum (Cattley guava; strawberry guava)**
- xxxiv** Rhodomyrtus tomentosa (rose myrtle)
- xxxii **xxxv.** Ricinus communis (castor bean)
- xxxiii **xxxvi.** Sac**ch**arum spontaneum (wild sugarcane)
- xxxiv **xxxvii.** Sapium sebiferum, **aka Triadica sebifera** (popcorn tree, chinese tallow)
- xxxv **xxxviii.** Scaveola taccada (beach naupaka)
- xxxvi **xxxix.** Schefflera actinophylla, **aka Heptapleurum actinophyllum, octopus tree** (Queensland umbrella)
- xxxvii **xl.** Schinus terebinthifolius (Brazilian pepper)
- xxxviii **xli.** Senna pendula var. glabrata (**valamuerto,** Christmas cassia, climbing cassia)
- xxxix **xlii.** Terminalia catappa (tropical almond, **indian almond**)
- xl **xliii.** Thespesia populnea (seaside mahoe, **portia tree**)
- xliv** **Tradescantia spathacea (boatlily/Moses-in-the-cradle/oyster plant)**

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5. *Replacement requirements for tree removal.* As a condition of the issuance of a tree removal permit, the permittee shall be required to replace trees that are authorized to be removed under the provisions of these tree regulations. The number of trees and number of species of trees required for replacement shall be determined according to

the specifications contained herein. Tree replacement shall not be required in instances where the existing or proposed tree canopy equals or exceeds 70 percent of the area of the subject property, or for a tree underneath existing tree canopy that has been determined by the administrative official to be an inappropriate understory tree species that will not thrive in a shaded condition.

Plantings used to satisfy required tree mitigation, diameter replacement, canopy coverage, or minimum landscape standards shall not be arranged or maintained as a hedge. Any grouping of trees, palms, or other vegetation that meets the definition of a hedge under this code shall not count toward required tree replacement or minimum landscape standards.

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

6. *Procedures for determining tree replacement requirements.* The administrative official shall determine the total number and type of replacement trees required for the issuance of a tree removal permit according to the following procedural steps:
 - a. *Step 1: Determining existing tree canopy coverage on-site.* The area of existing tree canopy coverage of a site shall be determined by the administrative official, using one or any combination of the following methods: Review of aerial photography; on-site inspection; and review of a tree survey. The administrative official may require the applicant to submit a tree survey for the purpose of this determination.
 - b. *Step 2: Determining impact area of proposed project.* The area of existing canopy coverage which will be affected (impact area) by the applicant's proposed development shall be determined by the administrative official based on a site plan and completed tree removal permit application.
 - c. *Step 3: Determining number of replacement trees required to be planted.* The total number of trees required for replacement shall be based on the area of impact and the category of replacement tree selected by the applicant. Each replacement tree shall compensate in accordance with the requirements of paragraph i or ii below as follows:
 - i. At a ratio of 2:1 for a portion of the tree canopy lost in the impact area, except that palm trees and fruit trees shall be replaced at the rate of one tree for each

tree removed, **with a minimum height of 10 feet and 3 inches in caliper at planting.**

- ii. At a rate of one and one-half times the tree canopy lost in the impact area if replacement trees are provided at a minimum of six to ten inches in diameter and 25 feet in height at the time of planting.

In instances where the village arborist determines that a non-specimen tree is causing damage to a home, street, driveway, or utilities located on a subject property, where the arborist further conclusively determines that no other feasible alternative exists that would allow for preservation of the tree without further damage to those facilities, and where relocation of the damaged facility is not practical, replacement of the tree may be permitted at the rate of one or more trees equaling the canopy of the tree removed. The following table shall be used as a standard for determining the required number of replacement trees:

* * *

8. *Tree protection requirements during construction.*

- a. *Protection requirements.* During site development, protection requirements for trees designated for preservation under an approved tree removal permit shall include, but not be limited to, the following:
 - i. Protective barriers shall be placed around each tree, cluster of trees, or the edge of a preservation area, for trees located on private property outside of the public right-of-way, no less than six feet (in radius) from the trunk of any protected tree cluster, or preservation area unless a lesser distance is specified by the administrative official. Protective barriers shall be a minimum of four feet above ground level and shall be constructed **of wire mesh or other sturdy materials attached to wood, plastic or metal posts**, and shall remain in **good condition and in an upright position. Vinyl orange safety mesh may be used as a tree barrier when installed with stakes to prevent the fence from falling over.** ~~place until development is completed and the administrative official has authorized their removal.~~ Protective barriers shall be in place prior to the start of any construction. **Protective barriers are not permitted in the right-of-way. Protective barriers shall be in place upon installation of a temporary construction fence for demolition and/or construction and removed upon final landscaping, or demolition.**
 - ii. Understory plants within protective barriers shall be protected.
 - iii. No excess oil, fill, equipment, building materials or building debris shall be placed within the areas surrounded by protective barriers, nor shall there be disposal of any waste material such as paints, oils, solvents, asphalt, concrete, mortar or any

other material harmful to trees or understory plants within the areas surrounded by protective barriers.

- iv. Trees shall be braced in such a fashion as to not scar, penetrate, perforate or otherwise inflict damage to the tree.
 - v. Natural grade shall be maintained within protective barriers. In the event that the natural grade of the site is changed as a result of site development such that the safety of the tree may be endangered, tree wells or retaining walls are required.
 - vi. Underground utility lines, **including, but not limited to, irrigation, plumbing, electrical, or telecommunication lines**, shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, **disturbance and root damage shall be minimized** by using techniques such as tunneling, **hand digging, excavation with air spade or the use of** overhead utility lines.
 - vii. Fences and walls shall be constructed to avoid disturbance to any protected tree. Post holes and trenches located close to trees shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots.
 - viii. Root barriers shall be installed with the planting of new trees in instances where there is a likely possibility that future root growth will cause damage to foundations, driveways, utilities, or other infrastructure.
- b. *Replacement.* If these tree protection regulations are not adhered to by the permittee and the trees are effectively destroyed, then all such trees shall be replaced according to the standards of these regulations, in addition to being subject to the penalty provisions of the Code.
9. *Tree relocation standards.* The relocation of any tree subject to the provisions of these regulations shall be consistent with the minimum standards of the American National Standards Institute (ANSI) and the tree relocation standards promulgated by the county department of environmental resources and management.

a. Relocated trees shall be braced in such a fashion as to not scar, penetrate, perforate, or otherwise inflict damage to the tree.

10. *Permit issuance.*

- a. *Issuance.* The administrative official shall deny an application or approve an application and issue a permit (subject to conditions, limitations or restrictions), for the activity proposed under the permit application, provided:
 - i. The required application fee and permit fee are submitted to the village.
 - ii. A performance bond, if required, has been posted. As a condition of issuing a tree removal permit, the administrative official may require the posting of a performance bond, which shall be equivalent to 100 percent of the estimated cost of the permitted activity and may be in the form of a letter of credit, surety, cash, or certificate of deposit. All performance bonds shall remain in force for a minimum of either one year after the actual completion date of the permitted activity to ensure that any

replanted trees which perish are replaced, or until viability of all replanted trees has been achieved, whichever occurs last. However, at the discretion of the administrative official, performance bonds may be partially released in phases based upon partial completion of planting or other permit requirements.

- iii. All required plans or covenants are submitted and are in compliance with the standards herein.
 - b. *Incomplete permit applications.* All tree removal permit applications which remain incomplete for a period of 120 days shall be denied. A new tree removal permit application shall be required for all work previously proposed under a permit application which has been denied.
11. *Continuance of official documents.* The natural forest community maps approved by the county board of county commissioners on December 12, 1984, by Resolution No. 1764-84; all tree removal permits issued pursuant to Chapter 26B of the Code of Miami-Dade County; administrative approvals; and all consent agreements executed in order to resolve alleged violations of Chapter 26B of the Code of Miami-Dade County, Florida, are hereby confirmed and shall remain in full force and effect, and all conditions, restrictions and limitations contained therein shall continue to apply, and compliance therewith shall be enforceable pursuant to the provisions of these tree regulations.
12. *Tree trust fund.*
- a. *Creation of the tree trust fund.* There is hereby created a village tree trust fund, the purpose of which is to acquire, protect and maintain natural forest communities in the village and to plant trees on public property. If a site cannot accommodate required replacement trees because of insufficient planting area as determined by the administrative official, and an acceptable location for replacement trees at an off-site location cannot be identified or approved by the administrative official, then as an alternative, the applicant shall provide an equitable contribution to the village tree trust fund to compensate for those replacement trees which cannot be accommodated on-site.
 - b. *Disbursement and maintenance of the tree trust fund.* Monies obtained for the tree trust fund shall be disbursed for the acquisition, maintenance, management and protection of natural forest communities, or for planting trees on public property. Disbursement from the tree trust fund shall require approval by resolution of village council, provided, however, that any funds received pursuant to the conditions of any tree removal permit shall be used as required by the permit conditions without the necessity of approval, appropriation, or action of any kind by the village council. The administrative official is hereby authorized to receive and disburse monies in accordance with this provision.
13. *Permit fees.* The village shall charge and collect application, permit and tree trust fund contributions at the rates established by separate resolution approved by the village council. Applications from government agencies for tree removals in areas dedicated to public use may, at the discretion of the administrative official, be exempted from application fees and permit fees.

14. *Penalties for violation of tree removal and relocation regulations.* Failure to obtain a tree removal or relocation permit prior to removing or relocating any tree in accordance with the terms of this division shall be subject to the following penalties:

- i. First violation: \$250.00 per tree, per day until a complete after-the-fact tree removal or relocation permit **application is submitted obtained**.
- ii. Second and subsequent violations: \$500.00 per tree, per day until a complete after-the-fact tree removal or relocation permit **application is submitted obtained**.

If the submitted application for a tree removal or relocation permit is denied, fines shall continue to accrue from the date of denial until a revised or corrected tree removal or relocation permit application is submitted.

The village manager or the village manager's designee may bring any tree removal violation before the special magistrate for a determination as to whether the tree removal violation constitutes an uncorrectable violation, as defined under section 2-132 of the Village Code. Upon a finding by the special magistrate that a tree removal violation is an uncorrectable violation that is irreparable or irreversible in nature, the special magistrate shall impose a fine of up to \$5,000.00 per tree and require the violator to obtain an after-the-fact permit and to replace any damaged trees.

15. *Enforcement and remedial actions.* The following remedial actions are required for tree abuse:

- a. In the event a person is found to have committed a violation of tree abuse, the person/violator shall be responsible to undertake pruning and other remedial actions that the village determines are reasonably necessary **including but not limited to canopy restoration** to protect public safety and property, and to help the tree survive the tree abuse damage.
- b. If the village determines that a specimen or non-specimen tree will not survive and/or will not grow at a rate and in a manner normally expected for that species as a result of tree abuse, the person/violator shall remove the abused tree and install a replacement tree **after issuance of a tree removal permit**. The diameter breast height of the replacement trees shall be equal to the diameter breast height of the abused tree, or if an equivalent diameter breast height tree is not available, the closest sized tree that is commercially available subject to approval of the administrative official.

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

- c. Any prohibited/invasive tree that has been improperly pruned, trimmed or hatracked shall require removal and shall be replaced as per code.**

(d) *Landscaper registration.* For purposes of this section only, the following definitions shall apply:

1. *Definitions.*

- a. *Landscaper* shall mean any person, company, corporation or service which does regularly, for compensation or fee, installation, planting, and maintenance of yards and grounds; planting, pruning, removal and care of trees; and/or planting, cutting and care of grass and shrubs.
- b. *Trim* shall mean to cut away, remove, cut off or cut back any part of a tree or plant.

2. *Registration requirements.*

- a. Any landscaper performing work within the village shall be required to register with the village manager or the village manager's designee on registration forms provided by the village **and shall be required to attend training provided by the Village on proper pruning practices unless such company is associated with an I.S.A. certified arborist**. Each registration shall include the following supplemental documents:
 - i. A copy of the applicant's valid driver's license or other form of photo identification.
 - ii. A copy of the applicant's current local business tax receipt.
 - iii. Signed acknowledgment that the applicant has been provided a copy of the village's tree pruning and removal regulations and that the applicant has read and agreed to the requirements.
 - iv. A certificate of insurance, reflecting a minimum of \$300,000.00 of commercial general liability insurance to include bodily injury and property damage. The applicant shall certify compliance with F.S. ch. 440, Workers' Compensation Insurance, as amended. The Workers' Compensation Insurance shall be for landscapers and tree trimmers. The policy(ies) of insurance shall be issued in the name of the applicant or the business organization. The Village of Pinecrest shall be named as additional insured. The policy shall not limit the availability of the insurance to the village by means of language that would negate coverage where the registrant is not in direct privity of contract with the village. A copy of the required policy(ies) or a copy of a certificate of insurance shall be available for inspection at each site where landscaping or tree trimming activities are in progress.
- b. A landscaper's registration shall be pro-rated and issued for the remainder of the calendar year in which it is requested and shall be renewed annually on or before January 1 each year thereafter.
- c. Registered landscapers shall maintain a copy of such registration on site and available for inspection at all times when performing work within the village.
- d. The village may revoke or deny renewal of a landscaper registration if such landscaper fails to conform to the tree cutting standards prescribed in section (b) above or if found to have committed tree abuse, hatracking, or to have effectively destroyed a tree. In addition to revocation or non-renewal of registration, a landscaper who violates the provisions of this chapter, shall be subject to the penalties set forth in section (e)3 below.
- e. Landscapers who have been found to have committed tree abuse shall be required to take remedial measures to correct said abuse, as determined by the village's arborist,

including, but not limited to, payment to the tree trust fund for the replacement value of said tree, as set forth in this chapter.

- f. Landscapers performing work within the village shall have the name as shown on their landscaper registration clearly marked on each of their vehicles located on site; and shall affix the annual registration sticker issued by the Village of Pinecrest to the front windshield, side window, or rear window of each such vehicle.
- g. To the extent not prohibited by federal, state, or local law, no owner, tenant, or occupant of any property shall allow any unregistered landscaper to perform any landscaping work on any property or public right-of-way.

h. Landscapers shall use string trimmers when performing work within the right-of-way.

- 3. *Penalties.* Any unregistered landscaper that performs landscaping work and/or any property owner that allows an unregistered landscaper to perform landscaping work in the village shall be subject to the following penalties:
 - a. First violation: Written warning;
 - b. Second violation: \$250.00; and
 - c. Third and subsequent violations: \$500.00.

Notwithstanding the foregoing, the village manager or the village manager's designee may issue a courtesy warning to a property owner once before issuing a written warning.

(e) *Tree cutting permit required.*

- 1. Any person or company who wishes to trim a tree located within the commercially zoned district within the village shall be required to obtain a tree cutting permit prior to performing any tree cutting services within the village.
- 2. If after review of the permit application, the village manager, or village manager's designee, determines that the following criteria are met, then a permit shall be issued:
 - a. Whether cutting the tree is necessary for health of the tree;
 - b. Whether cutting the tree is necessary for safety of public;
 - c. Whether cutting the tree will have a detrimental impact on the tree canopy over US 1.
- 3. *Penalties:*
 - a. Any person or company found to be in violation of this section shall be assessed a fine as specified pursuant to the village's schedule of civil penalties as provided in chapter 2, administration, of the Village's Code of Ordinances, article V, code enforcement, division 2, civil citation procedures, section 2-174, schedule of civil penalties.
 - b. Any person or company who is found to be in violation of this section for a second time within two years shall be assessed a fine as specified pursuant to the village's schedule of civil penalties as provided in chapter 2, administration, of the Village's Code of Ordinances, article V, code enforcement, division 2, civil citation procedures, section

2-174, schedule of civil penalties, and shall be prohibited from performing services within the village for one year from the date of the second violation.

- c. In addition to the assessment of an appropriate fine, if the tree is found to be effectively destroyed and, at the discretion of the village, in need of replacement, then the violator will be responsible for replacing the tree as set forth in this chapter.

4. Permit expiration/renewal.

- a. "Stand alone" tree removal and relocation permits shall expire one year after issuance or upon such other date as may be specified in a development order or order of the Special Magistrate and may be renewed for successive 6 month periods, if necessary, unless prohibited by the terms of a development order or order of the Special Magistrate. Renewal of any tree removal permit shall be subject to payment of a fee as established by the Village's permit fee schedule. Tree removal permits approved as sub-permits in conjunction with a master permit shall expire within 180 days if no inspection has been approved. **Renewal is required upon expiration of such permit. In no case shall a tree removal and relocation permit be renewed more than once.**

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Div. 6.15. Stormwater management.

- (a) *Applicability.* All new development, including construction of single-family residences on existing platted lots, and any redevelopment where such redevelopment equals or exceeds 50 percent of the existing value of on-site improvements or where 50 percent or more of the existing floor area is remodeled, shall comply with the minimum storm water management standards designed to meet minimum water quality and water quantity performance criteria. The requirements of this division shall not apply to single-family residential lots within an existing or approved platted subdivision which includes permitted central or common stormwater management facilities, if the common facilities have sufficient available capacity to accommodate the water quality and quantity criteria of this division at the time of application for a building permit.
- (b) *Criteria.* **One of the The** following **two alternatives** can be implemented to comply with the minimum storm water management standards to meet the minimum water quality and water quantity performance criteria.

(1) Alternative 1:

- e- 1.** *Water quality standard:* Storm water facilities shall be designed to meet the design and performance standards established in chapters 62-4 and 62-302 of the Florida Administrative Code, for treatment of the storm water runoff, the first inch of runoff shall be retained on-site to meet the water quality standards required by ch. 62-302, paragraph 62-302.500 of the Florida Administrative Code.
- b- 2.** *Water quantity standard:* Post-development runoff shall not exceed the pre-development runoff rate for a 25-year, 24-hour storm event.
- e- 3.** Runoff from the aforementioned water quality and quantity standards shall be retained onsite by surface or sub-surface means such as exfiltration trenches,

which must be designed with a minimum safety factor of two and maintained by the property owner as outlined in this section. Excess runoff must be directed to public rights-of-ways in lieu of adjacent properties, when feasible.

- d. **4.** Retained stormwater within the property shall be infiltrated, evaporated or exfiltrated within 72 hours.

~~(2) Alternative 2:~~

~~a. **Water quality standard:** Storm water facilities shall be designed to meet the design and performance standards established chapters 62-4 and 62-302 of the Florida Administrative Code, for treatment of the storm water runoff, the first half-inch of runoff shall be retained onsite to meet the water quality standards required by Ch. 62-302, paragraph 62-302.500 of the Florida Administrative Code.~~

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

~~c. Runoff from the aforementioned water quantity standard, less the first half-inch of runoff to be retained onsite to meet the water quality standards, shall be directed to public right-of-ways when feasible. The water quantity standard runoff, less the half-inch of runoff to be retained onsite, must be retained within the village right-of-way adjacent to the property by sub-surface means such as exfiltration trenches. In addition, the runoff from the five-year, 24-hour design storm event for the area fronting the property to the centerline of the adjacent roadway must also be retained. The following criteria shall apply to the proposed drainage system:~~

~~i. Exfiltration trench must meet the following requirements:~~

~~1. Located within the roadway travel lane when possible.~~

~~2. Sized to include a minimum factor of safety of 2.0.~~

~~3. Must be a minimum of 40 feet long with two manholes for maintenance.~~

~~4. Manholes must provide a minimum of a two-foot sump.~~

~~5. Baffles shall be installed at all entrance points to the exfiltration trench.~~

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

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

~~d. Retained stormwater within the property and village right-of-way for the area fronting the property to the centerline of the adjacent roadway shall be infiltrated, evaporated or exfiltrated within 72 hours.~~

- (c) *Submittal requirements.* Applications for building permits for new construction or remodeling shall include sufficient information to confirm compliance of the proposed development with the village's stormwater management criteria. The following minimum information shall be submitted:

- (1) Two sets of scaled grading and drainage plans signed and sealed by a professional engineer registered in the state in accordance with F.S. ch. 471, showing pre- and post-improvement conditions including:
 - a. Existing contours in intervals with spot elevations not exceeding one foot.
 - b. Existing drainage features such as pipes, inlets, etc. with elevations.
 - c. Proposed improvements such as buildings, parking areas, pools, detention systems, control structures, etc.
 - d. Detail of proposed grading with spot elevations or proposed contours. Contour information shall be sufficient to clearly define the portion of the watershed which drains through the property.
 - e. Storm water retention or detention facilities and storage capacities of such facilities, if any.
 - f. A location map with sufficient information to locate the project; i.e., adjoining streets, section, range and township, etc.
- (2) Two copies of originally signed and sealed computations by a professional engineer registered in the state in accordance with F.S. ch. 471. The design must include references to and methodologies used to determine the storage volumes and control structures sizes. This section will constitute the "Drainage Report" and will follow the village storm water management drainage calculations procedure outlined in the following sections.
- (3) A minimum of one copy of percolation test results signed and sealed by a professional engineer registered in the state in accordance with F.S. ch. 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 ten and 15 feet. Also, a minimum of one 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 groundwater 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 inches in diameter to facilitate maintenance.
 - e. Back of sidewalk elevation (if applicable).
 - f. Length of exfiltration trench pipe (feet) (minimum length, 40 feet, 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.
 - i. Storage volume of exfiltration trench (acre-feet per foot length).
 - j. Proposed inlet elevation.
 - k. Percolation (exfiltration rate in cubic-feet per second per foot of head) per foot length of trench at various stages above average October groundwater elevation as defined by DRER.
 - l. Width, depth and shape of trench (provide cross-section with elevations and pipe size).
 - m. Materials including rock, filter fabric and perforated pipe conforming to DRER standards.
 - n. Trench length calculations using DRER formulas demonstrating that the proposed trench length will adequately exfiltrate the required volume of runoff.
 - o. Average percent slope of paved area(s).
 - p. Drawdown calculations to exfiltrate required retention volume.
- (5) For infiltration retention/detention system design, the plans and computations shall include the following:
- a. Bottom of infiltration areas shall be a minimum of one foot above the design groundwater elevations-average October groundwater elevation as defined by DRER.
 - b. Storage volume of infiltration system (acre-feet)
 - c. Infiltration test (infiltration in inches per hour) representative of the depth and material to be used for the infiltration system. Minimum safety factor of two shall be applied to the infiltration rate.
 - d. Drawdown calculations showing that the retained runoff will be infiltrated or evaporated within 72 hours.
- (6) Materials.
- a. Any and all fill material proposed in pervious areas will maintain the same drainage characteristics, at a minimum, as the in situ soil.
 - b. Any consideration for the use of porous or pervious paving materials must be accompanied by a cut sheet from the manufacturer to substantiate the consideration.
- (7) Drainage calculations procedure.
- a. Provide the following parameters as defined below:
 - A, s.f., total contributing area
 - A_i , s.f., impervious area

- A_p , s.f., pervious area
- H_{WT} , ft., elevation of water table from county maps
- EL_{AP} , ft., average pervious area elevation
- D_{WT} , ft., depth of high ground water from surface
- CWS, in., compacted water storage
- SSC, in., soil storage capacity
- R, in., runoff depth
- P, in., rainfall depth (25yr/24hr storm, SFWMD) (9.5 inches)
- V_{TOT} , c.f., total runoff volume to be retained
- V_{PET} , c.f., volume provided by exfiltration trench
- V_{PSWALE} , c.f., volume provided by swales, ditches, retentions areas, etc.

b. Calculation approach:

1. Calculate soil storage (SSC) based on D_{WT} and SFWMD Applicants Handbook Volume II.
2. Calculate pre-development runoff using NRCS runoff equation, (National Engineering Handbook, Part 630 Hydrology, Chapter 10).
3. Calculate post-development runoff using NRCS runoff equation.
4. Calculate water quality volume requirements, per land development regulation, division 6.15, section (b) criteria.
5. Determine and state the "design control volume" to be retained.
6. Calculate exfiltration trench (if used, use DRER formulas with minimum FS=2).
7. Calculate retention areas (show method of volume calculation).
8. Provide drawdown calculations.
9. Summarize design calculations and proposed solution(s).

(d) *Inspections and recertification requirements.* Prior to issuance of a certificate of occupancy by the village, the following items shall be submitted to the village for review and approval:

- (1) As-built survey with spot elevations including a spot elevation every 25 feet at the property line adjacent to all sides of the property and extending 25 feet into adjacent properties.
- (2) One copy of the approved grading plan.
- (3) A signed and sealed letter from a civil engineer confirming that the proposed improvements have been constructed as per the approved grading plan and that it is in compliance with the village's storm water management criteria.

- (4) A signed letter from the property owner stating all drainage improvements will be properly maintained in perpetuity and granting the village the right to inspect the drainage system.

(e) All properties within their respective zoning districts are required to maintain their own stormwater runoff from directly discharging on/into, but not limited to, any public or private property, rights-of-way (swales), alleys, roads, streets, lakes, rivers, canals or parkway.

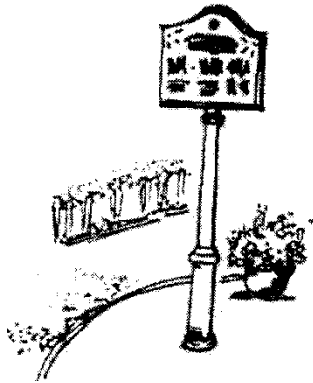
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ARTICLE 7. SIGNS


Div. 7.16. Sign standards and requirements.

The following standards are subject to other applicable technical code requirements:

2. Detached sign.



Detached Sign

Zoning District or Location Permitted	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
PS Districts	80 Square feet total sign area; digital changeable copy area shall be limited to 28 square feet.	One sign	Five feet from the front property line. Signs shall be placed parallel or perpendicular to the adjacent street, not on	Illumination permitted; see general provision on illumination digital changeable message content permitted. The color of	Six feet from grade to top of sign	No off-premises advertising shall be permitted.  Sign Design: The design of a changeable message sign shall be

			a diagonal plane, and shall not be placed in a location that blocks or interferes with the view of the building or business it is intended to advertise.	the changeable message copy shall be soft white. Multicolored copy shall not be permitted.		consistent with either of the design alternatives provided above. Non-conforming Signs: Other non-conforming pylon or monument signs on the property shall be removed prior to issuance of a permit allowing a detached, changeable copy sign. Animation/Movement: The digital message shall not be animated; may not flash or scroll. Illumination: The sign may not be illuminated between the hours of 10:00 p.m. and 6:00 a.m. Changeable Message Frequency: The sign message shall not be changed more frequently than one time every 60 seconds (one minute).
RU-EU districts						Not permitted.
Shopping centers	Up to 40 square feet for first 50 feet of frontage plus 0.75 square feet for each additional foot of frontage to a maximum sign size of 200 square feet	One sign only if shopping center has less than 500 feet of lineal street frontage; a shopping center with 500 or more lineal street	Setback for all street r.o.w. is seven feet for a sign not exceeding 40 square feet; thereafter 0.1825 feet of additional setback for each ten square feet of sign (calculated to the nearest one-half foot). Interior side setback shall be as follows: Street	Illumination permitted; see general provision on illumination	15 feet from grade to top of sign	Sign shall be used to identify the shopping center and/or as a directory of tenants in the shopping center. The supporting structure of the sign must be attached to the ground by a concrete foundation.

		frontage is permitted either one 300-square foot sign or two 200-square-foot signs; shopping centers on a corner lot are permitted an additional 40 square-foot sign on a side street	frontage/setback: 0—59 feet - 3.5' 60—99 feet - 13.5' 100—199 feet - 33.5' 200 feet - 63.5' Signs shall be placed parallel or perpendicular to the adjacent street, not on a diagonal plane, and shall not be placed in a location that blocks or interferes with the view of the building or business it is intended to advertise.			
BU districts	40 square feet for first 50 feet of initial street frontage plus 0.75 square feet for each additional foot of street frontage to	See special conditions	Setback for all street r.o.w. is seven feet for a sign not exceeding 40 square feet; thereafter 0.1825 feet of additional setback for each 10 square feet of sign (calculated	See general provision on illumination	15 feet from grade to top of sign	Type and number of point of sale signs permitted for a single individual business on a lot will be based on the following formula: Lot frontage: 0—75 feet = no detached signs allowed. Lot frontage: 76—150 feet = one detached sign. Lot frontage: 151+ feet = one detached sign. In addition, a corner lot with minimum dimensions of 300 feet

	<p>a maximum sign size of 200 square feet</p>		<p>to the nearest one-half foot); maximum required setback need not be greater than 20 feet. Interior side setback shall be as follows: Street frontage/setback: 0—59 feet - 3.5' 60—99 feet - 13.5' 100—199 feet - 33.5' 200 feet - 63.5' Minimum space between detached signs shall be 10 feet. Pole signs erected in connection with service stations may disregard the interior side setbacks, provided that they do not overhang on property of different ownership and the clear distance between the bottom of the sign and the established grade elevation of the</p>		<p>by 300 feet will be allowed two detached signs, provided that the second sign is no greater than one-half the size allowed for the first sign and provided the separation between the two signs placed on the same street or roadway is at least equal to 50 percent of the total amount of frontage on both streets or roadways that street or roadway. Two signs on the same street shall be permitted only upon the approval of the Village Council following consideration in at a public hearing. Where multiple businesses are located on a given lot, each business use shall be permitted a wall sign only. The supporting structure of the sign must be attached to the ground by a concrete foundation.</p>
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			<p>property is at least eight feet with service stations.</p> <p>Signs shall be placed parallel or perpendicular to the adjacent street, not on a diagonal plane, and shall not be placed in a location that blocks or interferes with the view of the building or business it is intended to advertise.</p>			
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5. *Non-commercial on-site directional sign.*



Zoning District or Location Permitted	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
BU, shopping centers	Three seven square feet	Equal to the number of vehicular access points to the property.			Four feet	Must be shown and approved on site plans which indicate sign size, location, copy, etc. May not exceed four feet in height above grade.
Residential zones						Not permitted.

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(b) *Temporary Signs.* Unless otherwise specified herein, temporary signs may not remain in place for more than ninety (90) days.

1. *Banner sign.*

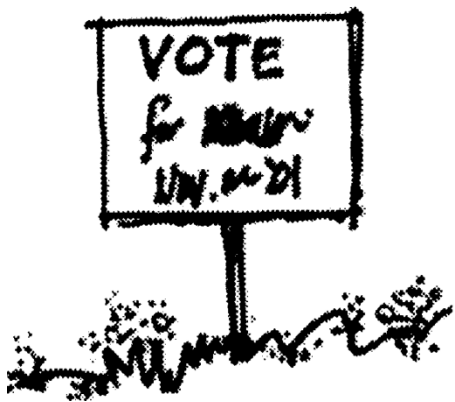
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PS, public service district	Maximum dimensions of any banner are limited to 4 x 8 feet	Maximum banner display area on each outward side of a fence facing a public street is limited to 128 square feet.	<i>Regulations.</i> Commercial banners are not permitted; recognition of businesses as sponsors of school events, activities and accomplishments on non-commercial banners is allowed provided that the area of the banner devoted to such sponsor recognition is incidental to the area devoted to the primary non-commercial message of the banner, such as, but not limited to, in the following example:
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		<p>Banners shall be displayed on the outward side of no more than 2 fences adjacent to a public street. Banners shall be placed a minimum of 12 inches apart, leaving ample uncovered space so that the fence or green covering remains visible.</p> <p>Banner signs may be placed on a diagonal side of a fence facing two intersecting streets in</p>	<div style="border: 1px solid black; padding: 10px; margin-bottom: 10px;"> <p>[BUSINESS NAME] SUPPORTS THE</p> <hr/> <p>[TEAM OR PROGRAM NAME] of</p> <p>[SCHOOL NAME]</p> </div> <p>Display of noncommercial banners shall be subject to compliance with the following restrictions and requirements:</p> <ol style="list-style-type: none"> 1. <i>Application.</i> Schools and other permitted organizations intending to install noncommercial banner signs within the PS, public service zoning district shall submit an application and sign plan that accurately identifies the proposed area or areas designated and reserved for the display of banner signs for a permit that complies with the requirements of this code. A "no fee" permit shall be issued by the village for the display of such banner signs following review and approval of the submitted application and sign plan a letter acknowledging the Village's banner sign regulations and agreeing that signs in violation of the regulations shall be removed by the school upon request by the Village. 2. <i>Size and Location.</i> Banners shall be placed only on portions of the applicant's fence which have street frontage. The maximum vertical dimension of any display area shall
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		<p>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 streets.</p>	<p>be limited to four (4) feet. Banners shall have grommets in 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. 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 may be displayed on a year-round basis during the academic school year and/or for the duration of a special event or festival. Display of any banner shall be limited to 90 consecutive days.</p> <p>4. Distracting colors and designs shall be precluded and all signs shall maintain an appearance at each church or school, consistent with school or church colors, or shall otherwise be neutral in color and design.</p>
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4. Temporary non-commercial signs.



Temporary non-commercial sign

Zoning District or Location Permitted	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
All districts	Maximum sign area per property of 6 12 square feet in the residential districts, and 32 square feet in the nonresidential districts, provided no individual sign shall exceed 3 square feet in area.		Five Feet from official r.o.w., or on the fence line, and five feet from property under different ownership, except for site of use which shall be governed by applicable district regulations.	Not permitted	Not applicable	Temporary non-commercial signage shall be allowed for a total of no more than 90 days per calendar year.

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Div. 7.13. Prohibited signs.

Except as otherwise specifically provided in this article, the following signs shall be prohibited:

- (a) No sign shall be so located as to constitute a danger to public safety.
- (b) No sign shall exhibit thereon any lewd or lascivious, **obscene or offensive** matter.
- (c) No sign shall be attached to trees, utility poles or any other unapproved supporting structure.

- (d) Roof signs are prohibited.
- (e) No signs shall be erected or painted on fence and wall enclosures in residential districts. Fence and wall signs shall be prohibited in the residential district.
- (f) Blinking or flashing lights, streamer lights, pennants, permanent banners, streamers, and all fluttering, spinning or other type of attention attractors or advertising devices are prohibited. Flags shall not be used in mass primarily as an advertising device in order to circumvent this subsection.
- (g) No revolving or rotating sign shall be permitted or erected.
- (h) Signs that may be confused with a traffic control device. Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of police or caution light is a prohibited sign, whether on a sign or on an independent structure.
- (i) Portable signs unless otherwise authorized by law.
- (j) Signs painted or affixed in any manner to any vehicle, trailer or pickup truck, van or similar transportable device and which are used to advertise a place of business or activity as viewed from a public road shall be prohibited. This shall not be interpreted to prohibit identification of commercial vehicles provided such vehicles are operational and moved and used daily for delivery of service purposes and are not used, or intended for use, as portable signs. This sign shall also not be interpreted to apply to buses, taxicabs, and similar common carrier vehicles, which are licensed or certified by the county or other governmental agency.
- (k) **Off-Premise advertising signs and** billboard signs are prohibited.
- (l) Animated signs that use movement, changeable message, moving message, or change of lighting to depict action or create a special effect or scene, or emit a sound, odor, or visible matter such as smoke or vapor or uses variable graphics or video are prohibited. Manual changeable copy signs are not included in this prohibition.
- (m) Balloons or inflatables used as signs or for advertising purposes are prohibited.
- (n) Electronic signs are prohibited, **except that gas stations may display the price of gasoline per gallon by means of computerized, digital display, and provided the color of the numbers displayed is white or neutral.**
- (o) Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building that would cause a violation of the building code are prohibited.

(p) Obsolete signs, abandoned signs, **sign pollution** or dilapidated signs.

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ARTICLE 9 - RULES OF CONSTRUCTION AND DEFINITIONS

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Div. 9.2. Definition of terms.

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

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

* * *

Building coverage. The area of the lot expressed as a percentage of the total lot area covered by the ground floor of all principal and accessory uses and structures, including all areas covered by the roof of such uses and structures, measured along the exterior faces of the walls and columns located within required building setback limits and or between the exterior faces of exterior supporting columns or from the centerline of walls separating two buildings or a combination of the foregoing whichever produces the greatest total ground coverage for such uses and structures. Exterior unenclosed private balconies above the first floor, areas covered by overhead trellises greater than 600 square feet in area, and overhangs extending more than 60 inches from the face of the building or column, shall be included in building coverage.

* * *

Commercial vehicle. Category 1 - A vehicle that is: under 20 feet in length; or any passenger vehicle truck or van with a maximum height of 8 feet from the ground marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise other than those which identify the vehicle maker or dealer. A sport utility vehicle marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise, other than those which identify the vehicle maker or dealer, shall be considered as a Category 1 vehicle.

Commercial vehicle. Category 2 - A vehicle that is eight feet or less in height that displays externally stored or mounted equipment either in a fixed or temporary manner including but not limited to food vending equipment, ladders, paint cans, lawn care equipment.

Commercial vehicle. Category 3 - A vehicle other than a recreational vehicle exceeding 20 feet in length or more than eight feet in height from the ground, including but not limited to tow trucks, dump trucks, construction or earth moving vehicles or equipment and semi-tractors and trailers.

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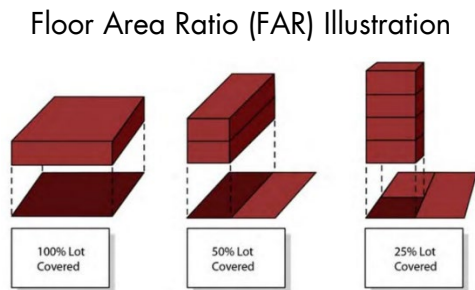
Diameter at Breast Height (DBH) Shall mean the diameter of a tree's trunk measured at a height four and one-half (4 1/2) feet above natural grade. In the case of multiple trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half (4 1/2) feet above natural grade.

* * *

Effectively destroy. Effectively destroy means to cause, suffer, allow, or permit any act that will cause a tree to die or go into a period of unnatural decline, **and/or will not allow the tree to grow at a rate and in a manner normally expected for that species as a result of the tree abuse** within one year from the date of the act. Acts that may effectively destroy a tree include, but are not limited to, excessive pruning, changing the natural grade above the root system or around the trunk, applying herbicides or other chemical agents to a tree, intentionally setting a tree on fire, permitting a tree to remain infected, allowing a tree to remain infested with pests, inflicting tree trunk wound(s) that cumulatively equal or exceed 20 percent or greater of the circumference of the trunk, or removing sufficient tree canopy to cause the unnatural decline of the tree.

* * *

Floor area ratio (FAR). The maximum intensity permitted for residential and nonresidential activities is stated in terms of floor area ratio. A mathematical expression determined by dividing the gross floor area of a building, **including all roofed areas, covered terraces, and front entries** by the area of the lot on which it is located. FAR computations shall include all uses on the lot, parcel or site, including both residential and non-residential floor area.



1 acre site: 43,560 square foot

Site FAR = 0.3

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

When a roof height exceeds that permitted for a one-story building, that portion of the roof exceeding the maximum height shall be counted toward the second floor, floor area ratio calculation. Exterior unenclosed balconies or terraces above the first floor shall be counted in the FAR calculation. FAR not utilized on the ground floor of a single-family home may be transferred to

the second floor of the home to be used for unenclosed balconies and/or terraces. A property owner transferring FAR pursuant to this section shall record a covenant in the public records of Miami-Dade County, on a form approved by the village attorney, prohibiting such unenclosed balconies and/or terraces from being enclosed in the future.

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

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

Fugitive Dust. Solid airborne particulate matter emitted from any source other than a stack chimney.

* * *

Green space (pervious area). A permeable area or areas open to the sky (except for roof overhangs up to 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, 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 artificial grass and artificial landscaping, swimming pools, fountains, tennis courts and other similar ~~impervious~~ improvements.

* * *

Health and fitness establishment. Any establishment that is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or provide relaxation services. Health and fitness establishments include, but are not limited to, the following:

a. establishments containing high-intensity uses, including:

- 1. gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or**
- 2. gymnasiums and other indoor recreation establishments used for activities, including basketball, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;**

b. other establishments used for exercises including aerobics, Pilates, or yoga studios; and

c. therapeutic or relaxation service establishments including tanning salons, spas, isolation flotation tanks, or meditation facilities.

Hedge. A hedge shall mean any arrangement of woody or fibrous perennial plants, including shrubs, palms or trees planted or maintained in a linear or curvilinear configuration as to form, or to be intended to form a continuous screen, barrier, or enclosure. A hedge may consist of one or more rows of plants and may be of any height. Vegetation planted or maintained in a row or aligned pattern for the primary purpose of providing privacy screening, visual enclosure, buffering, or a fence-like effect along a property line, driveways, easements, or within required yards shall be deemed a hedge, regardless of spacing between plants, canopy characteristics, plant maturity, or botanical classification. Any such vegetation shall be regulated as a hedge under Division 6.2 of the Land Development Regulations.

* * *

Holidays. Any of the following: New Year's Day, Martin Luther King Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day, **and any other state regulated holiday.**

* * *

Instructional studio. A dedicated space for learning and practice in various disciplines such as dance or martial arts:

In dance, a studio is a place where dancers of all ages and skill levels can learn, practice, and perfect their craft, often equipped with mirrors and sound systems.

In martial arts, a studio refers to an educational institution that teaches one or more martial arts disciplines, focusing on physical, mental and social development.

* * *

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

1. Such use is incidental to an existing residential use;
2. The area used to keep and maintain such animals is part of the residential site;
3. Such animals are fenced at least 50 feet from property under different ownership; except that no separation from the property line shall be required for hens; and
4. Structures for the keeping of any limited livestock shall be considered general accessory structures and shall be located in compliance with applicable general accessory structure setback requirements; except that structures for the limited keeping of hens, when such

structures are 150 square feet or smaller in area, may be located ten feet from the side and rear property lines.

5. Roosters are prohibited in all zoning districts.

* * *

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

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Proceeding in good faith. Tangible and continuing actions taken by an applicant of an approved final development order to perform actual project construction and implementation leading to completion of a final development plan within a reasonable period of time. ~~More over~~ **Moreover**, a certificate of completion for the development of infrastructure must be received within three years of the date from which the construction was authorized in order to satisfy the definition of this term. This provision can only be modified through a development agreement approved by the village council.

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Public facilities and services (concurrency facilities). Those facilities covered by the comprehensive development master plan required by F.S. § 163.3177, and for which level of service standards must be adopted under F.A.C. ch. 9J-5. The facilities are:

1. Roads;
2. Sanitary sewer;
3. Solid waste;
4. Drainage;
5. Potable water;
6. Parks and recreation.

7. Schools

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Sign pollution. Plastering advertisements on buildings or other surfaces or structures regardless of the size of the sign that cause visual clutter.

* * *

Structure. Anything built, constructed or erected, the use of which requires a more or less permanent location on the land, or attached to something having a permanent location on the land. Structure includes any composition, artificially built up or composed of parts joined together in some definite manner or any ~~reeflike~~ **roof-like** tructure or storage apparatus whether movable or nonmovable which may or may not be self-supporting or may or may not be affixed to a "structure,"

or to a building. Structure shall also include swimming pools, tennis courts, decks, patios, driveways, sidewalks, chickee huts, gazebos, screened-in rooms, recreational equipment, sheds, **playground equipment, treehouses,** and accessory buildings.

* * *

Tree. A tree shall mean a self-supporting, perennial, woody, or fibrous plant with a single, upright trunk and a distal canopy of branches and foliage, and which is capable of attaining an overall height of at least fifteen (15) feet at maturity or greater. The trunk shall be measurable at diameter at breast height (DBH) , defined as four and one-half (4.5) feet above natural grade. Included within this definition are all palm and pine species, Pandanus utilis (Screwpine), Ravenala madagascariensis (Traveler's Palm), and Strelitzia nicolai (giant white bird of paradise). This definition shall not include vegetation planted or maintained as a hedge, privacy screen, or continuous barrier, even if composed of tree or palm species, where the spacing, alignment, configuration, or maintenance of such vegetation meets the definition of a hedge.

Tree abuse shall include:

- (a) Damage inflicted upon any part of a tree, including the root system, by machinery, construction equipment, cambium layer penetration, storage of materials, soil compaction, excavation, chemical application or spillage, or change to the natural grade.
- (b) Hatracking.
- (c) Girdling or bark removal of more than one-third of the tree diameter.
- (d) Tearing and splitting of limb ends or peeling, and stripping of bark resulting from improper pruning techniques not in accordance with the current ANSI -A300 Standards.
- (e) Cutting of a tree which destroys its natural shape, **or the rounding or shaping of a tree.**
- (f) Use of climbing spikes unless for the purpose of removing the entire tree.
- (g) Flush cuts that cut into the branch collar.

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