



Stephen R. Olmsted, AICP
Planning Director
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MEMORANDUM

Department of Building and Planning

DATE: October 11, 2021

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

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

RE: Village of Pinecrest Code of Ordinances:
Chapter 2, Administration
Chapter 15, Nuisances
Chapter 28, Taxation
Chapter 30, Land Development Regulations

In the administration of the Village's Code of Ordinances and Land Development Regulations, staff and the Village Council have identified various amendments needed to address issues that have evolved in the past few years since the last time the code and regulations were reviewed in 2018. The Village Council declared "Zoning in Progress" on February 23, 2021 to allow for the temporary implementation of some of the needed amendments, and subsequently, discussed other proposed amendments in two workshop sessions on March 11, 2021 and May 4, 2021. The Village Council approved an ordinance at first reading amending the Village's Land Development Regulations on July 13, 2021.

At the time of first reading of the proposed ordinance, the Village Council requested that certain amendments be removed from the ordinance including a reduction of required tennis court setback requirements, an increase in the height of two-story residential structures with flat roofs, and an increase in the height of recreational lighting to allow for additional review and discussion at subsequent meetings. These amendments are not included in the attached ordinance.

A summary of the text amendments is provided as follows:

CHAPTER 2 – ADMINISTRATION

Article V, Code Compliance

Sec 2-161 – Civil Offenses/Penalties; Intent and Purpose



Additional offenses including unlicensed contractors, local business tax receipt violations stagnant pools, and repeat overgrowth violations have been added to the list of offenses for which a civil violation notice can be issued.

CHAPTER 15, NUISANCES

Article 1, In General

Sec. 15-1 General

Additional nuisance violations including graffiti and procedures for enforcement are provided.

Sec 15-12.3 – Specific Acts Considered to Be Unreasonably Loud and Raucous Noise

An additional restriction, limiting operation of power tools and landscaping equipment on Sundays and State holidays to the hours between 12:00 noon to 4:00 p.m. is included. A definition of State Holidays has been added to the Definition of Terms in Division 9.2.

Sec 15-21.6 – Construction noise

A proposed amendment indicates the hours when construction noise is permitted, not prohibited. Construction hours otherwise remain unchanged. A definition of State Holidays has been added to the Definition of Terms in Division 9.2.

CHAPTER 28 – TAXATION

Article III, Local Business Tax

A definition of *Professional* and clarification of local business tax receipt requirements are provided.

CHAPTER 30 – LAND DEVELOPMENT REGULATIONS

Article 3, Development Approval Procedures

Div. 3.9 – Appeals

Clarifies that an appeal of a decision of the Zoning Board will be scheduled for the Village Council's consideration at a regular meeting following posting and publication of the required public hearing notice.

Div. 3.10 – Conditions, Restrictions, Limitations

Specifies that a violation of the conditions of a development order of the Zoning Board or Village council constitutes a violation subject to a fine.

Article 4 – Zoning District Regulations

Div. 4.2 – Residential Districts

A proposed amendment allows for the construction of Townhouses in the Residential Duplex (RU-2) zoning district as previously permitted in the Village of Pinecrest prior to 2010.

Div. 4.4 – Public and Semi-public Services (PS) District and Div. 4.5 – Public and Semi-public Services (PS) District

Within the Public and Semi-Public (PS) zoning district, a proposed amendment would permit the sale of seasonal items including Pumpkins and Christmas Trees, for example, at schools and churches.

A proposed amendment would exclude artificial turf sports fields in the PR, Parks and Recreation and PS, Public Service zoning districts from the minimum green space requirements.

Div. 4.8 – Pinecrest Parkway (US 1) Corridor Alternative Development Standards

Consistent with recommendations of the *Pinecrest Parkway (US 1) Vision Plan*, corridor development standards would be applicable to all new redevelopment as a requirement instead of an optional alternative with incentives.

The requirement for installation of an electric vehicle charging station has been increased from one charging station to one charging station for every 25 required parking spaces. An exemption for developments having fewer than 25 parking spaces is proposed, consistent with the exemption provided within the parking requirements of the Land Development Regulations.

Article 5 - Additional Regulations

Div. 5.5 – Fences, Walls and Hedges

The bottom elevation of a fence is proposed to be restricted to the elevation of the adjoining crown of road.

Div. 5.8 – Commercial Vehicles and Equipment

Standards for the temporary parking of commercial vehicles is limited to no more than one hour in any 24-hour period.

Div. 5.11 – Townhouses

The minimum required size of a development site for construction of townhouses is proposed to be reduced from one-half acre to 7,500 square feet. This will allow for development of a townhouse on established lots in conformance with the minimum required lot size in the RU-2 zoning district. Another proposed change would permit swimming pools in the RU-2 district to be constructed 5 feet from the side property line. No change to the existing 10 foot rear setback requirement is proposed. Additionally, a declaration of restrictive covenants would be required to be provided and recorded for maintenance of the building exterior and common elements.

Div. 5.16 – Regulations of Obstructions to Visibility

Side access gates used for access to the side yard on an intermittent or infrequent basis would be excluded from the triangle of visibility criteria.

Div. 5.19 – Appearance of Site and Structures

A minor amendment clarifies the criteria for screening of mechanical equipment.

Div. 5.22 – Off-Street Parking

Employee break rooms and freezers are proposed to be excluded from required parking space calculations.

Div. 5.27 – Auxiliary Power Supply

Requirements for an auxiliary power supply would be extended to include commercial structures in the Village of Pinecrest in addition to residential structures as currently required.

Div. 5.31 – Parking Garages

Requirements for electric vehicle charging stations are proposed to be changed to require one charging station for every 25 parking spaces.

Div. 5.32 – Vacation Rentals

A requirement for payment of the required Local Business Tax is included as a pre-requisite to the registration and permitting of a vacation rental home in Pinecrest.

Article 6 – Environmental Regulations

Div. 6.1 – Landscape Regulations

Various amendments are proposed including exclusion of palms and other named trees from the public right-of-way, and a proposed increase in the width of required landscape islands in parking lots from 5 feet to 8 feet.

Div. 6.2 – Tree Preservation

A requirement that all landscapers be registered with the Village of Pinecrest is included. Currently, registration is limited to tree trimming and tree removal companies.

Article 7 – Signs

Div. 7.12 – Exempt Signs

Reference to the section of the Land Development Regulations that lists signs exempt from permitting is provided.

Div. 7.16 -Sign Standards and Requirements

The maximum permitted height of a freestanding sign is proposed to be reduced from 30 feet to 15 feet.

Banner signs are proposed to be allowed during the initial opening of a new business for a period not to exceed 90 days.

The setback of construction signs from the right-of-way is proposed to be reduced from 15 feet to 5 feet.

Article 9 – Rules of Construction and Definitions

Div. 9.2 Definition of Terms

Additional explanation of building coverage and a definition of a commercial vehicle have been added. The definition of an energy conservation zone is amended to include an increase in the distance between the required energy conservation trees and a residential structure from 22 feet to 30 feet. State Holidays for the purposes of the Land Development Regulations have been added to include New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

Draft amendments to the Village's Code of Ordinances and Land Development Regulations prepared for consideration by the Local Planning Agency (LPA) and Village Council at second reading are attached. All potential text amendments are indicated in strike-through and underline format and are highlighted in yellow.

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

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

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

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

42 WHEREAS, the Local Planning Agency, held a duly advertised public hearing on
43 October 19, 2021; and

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

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

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

55
56 SECTION 1. **Recitals.**

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

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

60 **SECTION 2. Amendment and Adoption.**

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

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

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

71 **SECTION 4. Conflicts.**

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

74 **SECTION 5. Severability.**

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

Note:

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

78 SECTION 6. Effective Date.

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

81 PASSED on first reading this 13th day of July, 2021.

82 PASSED AND ADOPTED on second reading this 19th day of October, 2021.

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Joseph M. Corradino, Mayor

86 ATTEST:

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90 Guido H. Inguanzo, Jr., CMC
91 Village Clerk

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93 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

94

95

96

97 Mitchell Bierman
98 Village Attorney

99

100 Motion on Second Reading by:

101 Second on Second Reading by:

102

103 Vote:

Note:

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CHAPTER 2 – ADMINISTRATION

ARTICLE V. - CODE COMPLIANCE

* * *

Sec. 2-161. - Civil offenses/penalties; intent and purpose.

The violation of any provision of any of the ordinances, development orders, approved site plans, subdivision plats, or related conditions of approval of the village, Miami-Dade County or the applicable building code, shall constitute a civil offense punishable by civil penalty as provided herein. The civil citation process is intended to supplement the special magistrate process by providing an additional enforcement process that will expedite the correction of certain types of code violations. These types of violations include itinerant types of sign violations which may be quickly rectified (banners, balloons, sidewalk signs), unlicensed contractors, **unlicensed landscapers**, contractor licensing requirements, overflowing dumpsters, trash piles, hatracking of trees, failure to secure job sites during hurricane warnings, operating vendor type businesses without license, **local business tax receipt violations, pool barriers and life safety violations, stagnant pools and fountains, repeat overgrowth violations** and similar type violations.

* * *

CHAPTER 15 – NUISANCES

ARTICLE I. - IN GENERAL

Sec. 15-1. - General.

* * *

- (b) *Weeds, wild growth, stagnant water, flora, trash.*
- (1) It shall be unlawful for any owner of any lot, parcel or tract of land to permit weeds, grass or undergrowth to grow to a height beyond 12 inches or more from the ground, **to allow invasive vegetation to grow onto a neighboring property or to interfere with utility lines**, or to allow trash, abandoned materials or other unsightly or unsanitary matter to accumulate thereon, or to allow a property to remain in an unsafe or unsanitary condition, or to allow the presence of stagnant water thereon.
 - (2) It shall be the responsibility of the owner to maintain both improved and unimproved property, including swale areas, and to keep these areas free from the accumulation of trash, construction materials and other unsightly or unsanitary matter.
 - (3) The enforcement official shall notify the owner of any real property upon which a violation is alleged to exist. Notice to the owner shall be provided as required in the code. The notice shall state the nature of the violation and provide for a reasonable time for correction depending on the nature and extent of the violation.
 - a. Violations which are deemed to be threats to life safety or which may cause harm to an individual, may be corrected immediately by the village and the costs shall be borne by the owner, including recording, administrative, collection, and legal fees. The village shall make every effort to notify the owner but shall not be bound by strict notification requirements due to threats of life safety.
 - b. Notices to owners shall provide for corrective action within a specified time period and shall advise that, upon failure to correct or remedy the conditions causing or creating the violations within the specified time may be cause for the village to remedy the violation. Such notification shall be provided by certified mail to the owner of record according to the most current tax rolls of the county once per calendar year without the necessity for further notification by the village. Any other violations occurring during this one-year period will be remedied by the village without further notice and the costs shall be assessed accordingly.
 - c. The cost for clearing, cleaning or remedying violations shall be by direct or contract labor and the costs shall become a lien against the property upon which the work was performed, including administrative costs.
 - d. After performing the work, the owner shall be notified by the village that the work has been performed and the owner shall be responsible for paying the costs incurred by the village, including all administrative fees. If the owner fails to pay the village within 30 days of receipt of billing, the village may record a lien against the property in the public records of the county for the full amount of the work, including administrative and recording costs. The charges and liens provided herein shall bear interest at the legal rate and may be foreclosed in the manner provided by law for municipal tax and special assessment liens.
- (c) *Structure maintenance/depreciation of surrounding property.* The exterior of every structure, **walls, and fences** shall be so maintained with reasonable attractiveness so as not, ~~in the case of excessive~~ **to allow** scaling of paint, **graffiti, staining, discoloring** or excessive mildew, ~~to cause depreciation in property values in the immediate neighborhood.~~ ~~The e~~**Exterior wall and fence** surfaces shall be kept free from materials, objects and conditions, which will have an adverse effect on adjacent premises. Roofs shall be maintained free of scaling, cracking and mildew and if painted, shall be painted the same color over the entire surface, except for multicolored roof tile. The exterior surface of all fences shall be maintained in a uniform color consistent with the architectural style and

color requirements of these regulations. Windows shall be maintained and broken window panes shall be replaced within 30 days of damage. Windows shall not be boarded except for a maximum period of 30 days during window repair or window pane replacement. **Parking lot surfaces shall be maintained with a smooth surface free of broken pavement with clearly visible, unfaded striping, and all striping and restriping of parking lots shall require a permit from the Building and Planning Department.**

(d) Graffiti removal by the property Owner. Whenever the Village becomes aware of the existence of graffiti visible from the public right-of-way on any property, real or personal, including structures or improvements within the Village, a code compliance officer is authorized, upon such discovery, to give or cause to be given, notice to take corrective action to the property owner or the property owner's agent or manager.

(e) Unlawful accumulations of materials; disposal and storage of goods.

- (1) It shall be unlawful for any person or persons to place, sweep, scatter, throw or dump or cause to be placed, swept, scattered, thrown or dumped, for any purpose whatsoever, any refuse, rubbish or trash of any kind, any wrecked, derelict or partially dismantled motor vehicle, trailer, boat, machinery, refrigerator, washing machine, plumbing fixture, furniture or similar article, any garbage, household trash, commercial trash, industrial waste, yard trash, tree trimmings or similar material in or upon:
 - a. Any road, street, parkway, sidewalk, park, lake or bank of any river, stream, lake, watercourse or pool, or any portion thereof, within the limits of this village, or upon any village owned real property, except under the rules and regulations promulgated for the handling of such material, at a designated place, and with the consent of the village or its designated agents or employees. Garbage shall be placed in secured containers (i.e. garbage cans) in order to prevent disturbance of contents by animals.
 - b. Private property not owned by said person or persons, within the village limits, without the consent of the owner of said private property.
- (2) It shall be unlawful for any person or entity to throw, drain, run, allow to seep, or otherwise discharge or allow to be thrown, drained, seep or otherwise discharge any organic or inorganic materials into or onto swales, alleys or streets. This shall not apply to individual single-family or duplex homeowners that may wash their own vehicles on their own property, provided that all runoff is contained on the property. Draining of pools must be contained within the property and must not spill onto public property. Dumping of wash buckets, chemicals, grease, liquid waste is prohibited on public or private property.

(f) Abandoned/inoperable vehicles.

- (1) It shall be unlawful for any person to park, store, allow or leave any motor vehicle, recreational vehicle, or trailer in a wrecked, junked, partially dismantled, abandoned, or inoperable condition on public or private property in the village. All vehicles, motor vehicles and trailers, which are wrecked, junked, partially dismantled, abandoned or inoperable are declared to be a public nuisance and shall be removed from the property upon "notice" from the village. Any vehicle or trailer, which does not display a current tag is presumed to be inoperable.
- (2) Procedure for removal of abandoned, wrecked or derelict vehicles.
 - a. Abandoned, inoperable or derelict vehicles on public property. Whenever the enforcement officer of the village shall ascertain that an abandoned, inoperable or derelict vehicle is present on public property within the limits of the village, the officer shall cause a notice to be placed upon such abandoned vehicle and proceed in compliance with F.S. § 705.101 et seq.
 - b. Abandoned, inoperable or derelict vehicles on private property. Whenever the enforcement officer of the village shall ascertain that an abandoned, inoperable or derelict vehicle is present on private property within the limits of the village, the officer shall cause a notice to be placed upon such vehicle in substantially the following form:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) located at (setting forth brief description of location) is improperly stored and is in violation of (setting forth ordinance or section of village code) and must be removed within ten days from date of this notice; otherwise it shall be presumed to be abandoned, inoperable or derelict, and will be removed and destroyed by the village. Dated this: (setting forth date of posting notice). Signed: (setting forth name, title, address and telephone number of enforcement officer)."

- c. Such notice as set forth in a. or b. above shall not be less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall make reasonable effort to ascertain the name and address of the property and vehicle owner, and if such is reasonably available to the enforcement officer he/she shall mail a copy of such notice to the owner on or after the date of posting.
- d. If at the end of ten days after posting (public property) such notice as set forth in a. above, the owner or any person interested in the inoperable or derelict vehicle described in such notice has not removed the same and complied with the ordinance or section of this ordinance cited in the notice, or shown reasonable cause for failure so to do, the enforcement officer may cause the abandoned vehicle to be removed and destroyed, and the salvage value, if any, of such abandoned vehicle shall be retained by the village to be applied against the cost of removal and destruction thereof.
- e. At the end of the ten days of posting of the vehicle on private property the enforcement officer will schedule a hearing before the special magistrate for imposition of a fine if a finding is entered on behalf of the village. The special magistrate shall set a date for compliance and impose fines for both administrative costs and penalties for non-removal of the vehicle. A lien may be imposed for noncompliance and the village may rectify the violation by having the vehicle removed. All procedures shall be consistent with the requirements of state statutes.
- f. Costs and expenses of removal, etc., assessed against owner; interest. All costs and expenses incurred by the village in enforcing the provisions of the code shall be and constitute a charge and lien against the owner of the vehicle, the owner of the real property when it is determined that the abandoned vehicle belongs to the owner, and the abandoned vehicle, until paid, with interest to accrue at the rate of six percent annually.

(f) (g) *Commercial vehicles/equipment/open-air storage in residential districts.*

- (1) Commercial vehicles are prohibited in residential districts unless such vehicles are properly licensed contractor vehicles, where permits have been issued to perform work on the subject premises and the work is actively being performed at the site.
- (2) Tow trucks are prohibited unless such vehicles or equipment are on the property or on the public right-of-way abutting the property for the purpose of delivery or retrieval of a 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.
- (3) Outside storage of commercial equipment, steel storage containers, supplies, or materials are prohibited in all land use districts within the village, 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 provided the container is set back a minimum of 25 feet from any adjoining right-of-way and screened behind a required temporary construction fence. 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.
- (4) Open-air storage of the following materials is prohibited:

- a. Junk, as defined in Chapter 30, Land Development Regulations;
 - b. Merchandise or manufacturing materials;
 - c. Motor vehicle parts, including without limitation automobile engines and transmissions;
 - e. Household furniture, including without limitation sofas and recliners;
 - f. Construction materials, including without limitation lumber and cement blocks;
 - g. Construction and demolition equipment, including without limitation cement mixers, jack hammers, and roof tar pots, provided, however, that light-use equipment customarily used for do-it-yourself home repair, including without limitation hand tools, power tools, and table saws, shall not be prohibited.
- (5) Tractor-trailers, tractor-trucks, semi-trailers, mobile homes, trailers, and portable dwelling units shall not be stored on any parcel of land within the village. Tractor-trailers may be permitted for purposes of loading and unloading. Port-a-potties shall not be placed on swales and must be located 15 feet from the property line. A construction trailer may be approved by the village for development of subdivisions (two or more lots) in residential districts or for a commercial/multi-family construction project, provided it is hooked up to a sanitary disposal system and used for an office on the site. A construction trailer permit is required and may only be issued in conjunction with a permit to develop a site. Construction trailers are to be utilized as offices only and may not be occupied overnight by employees, night watchman or security personnel, and may not be utilized as a construction equipment storage container. Upon completion of the work, and prior to the issuance of a certificate of occupancy, a temporary certificate of occupancy or a certificate of completion, all trailers and port-a-potties shall be removed from the site.

~~(g)~~ **(h)** *Litter/waste.*

- (1) *Waste liquid or refuse upon public ways.* It shall be unlawful to permit waste water, oil, grease or other waste liquids to drain from any premises upon and across, or to permit or cause waste matter or refuse of any nature whatsoever to rest or accumulate upon the sidewalks, streets or other public ways of the village, except in alleys in receptacles approved by the enforcement official.
- (2) *Litter in public places.* It shall be unlawful to throw or deposit litter in or upon any street, sidewalk or other public place within the village except in public receptacles, in authorized private receptacles for collection, or in official trash stations.
- (3) *Placement of litter in receptacles.* Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
- (4) *Sweeping litter into public ways.* It shall be unlawful to sweep into or deposit in any gutter, street or other public place within the village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- (5) *Litter in parks.* It shall be unlawful to throw or deposit litter in any park within the village except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
- (6) *Posting notices prohibited.* It shall be unlawful to post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

- (7) *Litter on occupied private property.* It shall be unlawful to throw or deposit litter on any occupied private property within the village, whether owned by such person or not, except that the owner or person in control of private property may maintain thereon private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
- (8) *Owner to maintain premises free of litter.* The owner or person in control of any private property whether occupied or vacant, shall at all times maintain the premises free of litter. This ordinance shall not prohibit the storage of litter in authorized private receptacles for collection.
- (9) *Litter on vacant lots.* It shall be unlawful to throw or deposit litter on any open or vacant private property within the village whether owned by such person or not.
- (10) *Lighting.* Exterior lights installed on private property must be designed, arranged or shielded in such a manner that all adjacent properties and the public roadways are protected from direct or reflective glare or hazardous interference to pedestrians or motorists. The fixtures shall provide shall be shielded and aimed downwards. Lighting intensity shall be limited to 0.5 foot-candles at the property line.

- (h) (i) *Public nuisances.* No owner, lessee, occupant, guest, or agent for the owner shall allow the keeping of a public nuisance on any property, developed or undeveloped.
- (i) (i) *Diseased trees.* The existence of trees infected with Lethal Yellowing Disease and Laurel Wilt Disease are declared a public nuisance as those trees continue to be infectious and constitute a threat to healthy trees in the area and to the agricultural industry. Trees and shrubs infected with lethal yellowing disease and laurel wilt disease as certified by the village arborist shall be removed within 20 days of notification by the Village of Pinecrest.

* * *

Sec. 15-21.3. - Specific acts considered to be unreasonably loud and raucous noise.

* * *

- (5) *Power tools and landscaping ~~equipment~~ equipment.* The operation of noise-producing lawn mowers, lawn-edgers, weed trimmers, blowers, chippers, chain saws, power tools or other noise-producing tools outside of permitted hours which are limited to used between the hours of between 7:00 a.m. 8:00 p.m. and 7:00 a.m. 8:00 p.m., Monday through Saturday, and 12:00 noon and 4:00 p.m. on Sundays and state holidays.

* * *

Sec. 15-21.6. - Construction noise.

- (a) No person shall operate or permit to be operated any power-driven construction equipment without a muffler or other noise reduction device at least as effective as that recommended by the manufacturer or provided as original equipment.
- (b) No Hours of eConstruction site preparation, work, assembly, erection, substantial repair, alteration, delivery of materials, demolition or similar action, which disturbs the peace and quiet of the neighborhood, on public or private property, rights-of-way, structures, utilities or similar property is permitted are limited to the hours between 7:00 a.m. 6:30 p.m. and 6:30 p.m. 7:00 a.m. Monday through Friday, and between 8:00 a.m. 4:00 p.m. and 4:00 p.m. 8:00 a.m. on Saturdays. Construction is not permitted of at any time on Sundays and state holidays. Construction activities for which building permits are not required and construction activities that do not disturb

the peace and quiet of the neighborhood may be conducted beyond these hours, provided that such activities do not produce noise exceeding 60 dBA, measured at the nearest property line of the adjacent residential area. Construction equipment that must be operated within or adjacent to a residentially zoned area on a 24-hour per day basis (e.g., pumps, well points, generators, etc.) shall be shielded by an acoustical enclosure during the hours of 11:00 p.m. to 7:00 a.m. unless the unshielded noise level is less than 60 dBA, measured at the closest adjacent residentially zoned property line.

* * *

CHAPTER 28 - TAXATION

ARTICLE III. - LOCAL BUSINESS TAX

Sec. 28-51. - Definitions.

For the purposes hereof, the following words and phrases shall have the meanings respectively ascribed to them by this section:

* * *

Professional means any person engaged in the practice of a special calling including but not limited to the profession of chiropractic, medicine, dentistry, accounting, financial planning or law. A separate local business tax receipt for each person engaged in the practice of such profession is required, whether practicing by himself or herself, or in partnership, or employed by another. Said local business tax receipt is personal and is not transferrable to another professional.

* * *

Sec. 28-52. - Local business tax receipt required.

No person, either directly or indirectly, shall, within the village limits, engage in or manage any business in the village for which payment of the local business tax is required by this article without first having paid the amount of tax required in section 28-61 below.

With respect to each place where a business or profession is located, a separate local business tax receipt shall be required for each type of business, business classification or profession conducted therein. For purposes of this chapter, a business or profession will be deemed located where it exists at an identifiable physical location or where representation to the public has been made as to the location of the business or profession. Fees or licenses paid to any regulatory, Board, Commission or Officer for permits, registration, examination or inspection shall be in addition to and not in lieu of any local business tax receipt required by this article.

For the purpose of this chapter, any representation by any person being engaged in any business, occupation or profession for which a local business tax receipt is required under this chapter shall constitute evidence of the liability of such person to pay a local business tax, whether or not such person actually transacts any business or practices any profession. Displaying a sign or advertisement indicating the operation of a business, occupation or profession at a given location, advertising a business, or profession in the classified section of the newspaper, in the telephone directory, on the world-wide web, or in any other media or publication, shall also constitute evidence that such person is holding himself or herself out to the public as being engaged in a business, occupation or profession.

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CHAPTER 30 - LAND DEVELOPMENT REGULATIONS
ARTICLE 3. - DEVELOPMENT APPROVAL PROCEDURES

* * *

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 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** ~~send written notice~~ of such appeal to all persons previously notified by the Zoning Board. The matter shall then be heard by the Village Council at its next **a regular meeting following notification of the public hearing as required herein** ~~provided at least ten days has intervened between the time of the filing of the notice of appeal and the date of such meeting; if ten days shall not intervene between the time of the filing of the notice and the date of the next meeting; then the appeal shall be heard at the next following regular meeting of the Village Council.~~ 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 development order or declaration of restrictions shall be subject to a fine not to exceed \$500.00 for each condition and/or restriction violated.**

ARTICLE 4. – ZONING DISTRICT REGULATIONS

* * *

Div. 4.2. - Residential districts.

* * *

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

1. *Uses permitted.* The following uses shall be allowed within an RU-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 RU-1 district the following uses may be approved by the Village Council but only as a conditional use.
 - a. Public utilities;
 - b. Child and family day care services for fewer than seven persons.
3. *Accessory uses.* Within the RU-1 district the administrative official may approve the following uses but only 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 structures; and
 - b. Other accessory uses not involving an additional dwelling unit.
 - c. 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 35 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 RU-1 district shall contain a minimum of 7,500 net square feet in area.
 - b. *Maximum density:* One principal unit per 7,500 net square feet.
 - 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: 32 feet. Maximum height of the wall: 26 feet. However, any portion of the building or structure with a flat roof shall not exceed 24 feet including the parapet.

Wall height at side setback: 20 feet. The maximum wall height may increase by one foot for each additional one foot of side setback provided beyond the minimum side setback requirement up to the maximum permitted height.

Maximum height of truss heel height: 1 foot.
 - ii. *Accessory use:* Accessory buildings shall not exceed 14 feet in height.

- d. *Maximum lot coverage:*
 - i. Maximum building coverage (inclusive of all structures): 30 percent.
 - ii. Maximum impervious surface ratio: 65 percent.
 - iii. Minimum green space: 35 percent.
- e. Minimum lot width and street frontage: 75 feet.
- f. Minimum lot depth: 100 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 with the RU-1 district:

TABLE 4.7

Structure	Required Setbacks 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 a minimum of 5	15 ⁽¹⁾	0.35 0.30	0.35 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) ~~Single-family Residential~~ **Residential Duplex** (RU-2) district.

1. *Uses permitted.* The following uses shall be allowed within an RU-2 district:
 - a. Single-family residential dwellings;
 - b. Two-family residential dwellings;
 - c. Townhouses compliant with criteria in the Land Development Regulations**
 - ~~e. d.~~ Foster care and group homes with less than seven residents; and
 - ~~d. e.~~ Government facilities following a public hearing conducted by the village council.

Div. 4.4. - Public and semi-public services (PS) district.

- (d) *Accessory uses.* Within the PS district the administrative official may approve as an accessory use only uses customarily incidental and subordinate to a principal permitted or conditional use. The **temporary sale of seasonal items such as Pumpkins and Christmas Trees, for example; 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.

* * *

- (f) *Dimensional regulations.*

* * *

6. *Green space and landscaping.*

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

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

* * *

(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.

* * *

Div. 4.8. - Pinecrest Parkway (US 1) Corridor **alternative development standards.**

- (a) *Purpose and intent.* The purpose and intent of the Pinecrest Parkway Corridor **alternative** development standards is to provide procedures and standards within a planned development framework to **encourage require** implementation of the *Pinecrest Parkway (US 1) Vision Plan*, adopted by the Village Council on October 9, 2012, in accordance with the planning and development objectives of the village under this Code and the comprehensive development master

plan. All land development regulations and standards of the village's commercial zoning districts shall apply to a subject property pursuant to the provisions of the commercial zoning districts in which they are located with the exception of the following **additional** applicable **alternative** standards.

The applicable Pinecrest Parkway (US 1) Corridor planning area is shown and depicted in the *Pinecrest Parkway (US 1) Vision Plan*, approved and adopted by the Village Council pursuant to Resolution 2012-61 on October 9, 2012.

- (b) *Exception.* Pinecrest Parkway (US 1) Corridor alternative development standards shall not be applicable to properties located within the North Pinecrest Business Alternative District (NPABD).
- (c) *Uses permitted, conditional uses, accessory uses, prohibited uses.* Uses permitted, conditional uses, accessory uses, and prohibited uses shall continue to be permitted or prohibited pursuant to the regulations of the commercial zoning district in which the subject property is located.

(d) *Dimensional regulations.*

1. ~~Minimum lot area, lot frontage, and lot width; Maximum building height; Maximum lot coverage; Maximum building coverage; Maximum impervious surface ratio; Minimum green space; Maximum floor area ratios; Minimum required setbacks; and all other applicable dimensional requirements~~ Minimum lot area, lot frontage, and lot width dimensions shall continue to apply pursuant to the dimensional requirements of the commercial zoning district in which the subject property is located.
2. ~~Maximum height.~~ The maximum height restrictions applicable to any building shall continue to apply pursuant to the maximum permitted height restrictions of the commercial zoning district in which the subject property is located.
3. ~~Maximum lot coverage.~~
 - a. ~~Maximum building coverage shall continue to apply pursuant to the maximum permitted building coverage restrictions of the commercial zoning district in which the subject property is located.~~
 - b. ~~Maximum impervious surface ratio may be increased by five percent.~~
 - c. ~~Minimum green space may be decreased by five percent.~~
4. ~~Floor area ratio.~~ Maximum floor area applicable to the subject property shall continue to apply pursuant to the floor area restrictions of the commercial zoning district in which the subject property is located.
5. ~~Minimum setbacks.~~ All required front, side, and rear building setbacks requirements applicable to any building shall continue to apply pursuant to the minimum permitted setback requirements of the commercial zoning district in which the subject property is located.

(e) *Site development standards and amenities.*

1. ~~Green space.~~ Minimum landscaped green space requirements applicable to the subject property pursuant to the minimum green space requirements of the commercial zoning district in which the subject property is located may be reduced by a maximum of five percent.
2. ~~1.~~ *Landscape buffer.* A landscape buffer shall be provided adjacent to Pinecrest Parkway that is a minimum of eight feet in width.
3. ~~2.~~ *Pedestrian and bicycle connectivity; hardscape.* Pedestrian sidewalks, "village walks," and other hardscape areas shall be incorporated into site plans for the redevelopment of a subject property as shown and recommended for specific properties as described in the village's Pinecrest Parkway (US 1) vision plan. Walkways and hardscape features shall incorporate colors and textured patterns. Pedestrian and bicycle connections shall be provided pursuant to the goals and recommendations of the village's bicycle plan and

Pinecrest Parkway (US 1) vision plan. Walkways shall be provided as necessary to internally connect a redevelopment project with adjoining commercial properties.

- ~~4.~~ **3.** *Architectural building style and color palette.* Buildings shall be designed to incorporate Key West, Old Florida, or Caribbean Colonial architectural styles and vernaculars as described in the village's Pinecrest Parkway (US 1) vision plan.
 - ~~5.~~ **4.** *Street furniture.* Benches, planters, bike racks, trash and recycling receptacles, and other amenities shall be incorporated into proposed redevelopment plans as described and illustrated in the village's Pinecrest Parkway (US 1) vision plan.
 - ~~6.~~ **5.** *Lighting.* Pedestrian scale lighting oriented downwards, decorative lighting, and accent lighting shall be incorporated into site plans for the redevelopment of a subject property adjacent to pedestrian walks and gathering spaces as described and illustrated in the village's Pinecrest Parkway (US 1) vision plan.
 - ~~7.~~ **6.** *Landscaping.* Landscaping required by the land development regulations shall incorporate landscaping schemes to include Dade County slash pine trees; shade trees such as the Florida Live Oak; drought tolerant plantings, and native plantings that require reduced maintenance. Creativity in landscape design is encouraged in a manner that enhances environmental sustainability through reduction in paved, impervious coverage and enhancement of green, open space and pervious natural area.
 - ~~8.~~ **7.** *Signage.* Signage mounted on buildings and monument signs that are visible from Pinecrest Parkway shall be designed to coordinate with the architectural style of the building existing or proposed for development on the subject property, consistent with required architectural styles of the Pinecrest Parkway (US 1) vision plan. **The maximum permitted height of a monument sign shall be 15 feet from grade to the top of the sign.**
 - ~~9.~~ **8.** *Gathering spaces.* Nooks, pocket parks, plazas, and other open space areas shall be incorporated into site plans for the redevelopment of a subject property as illustrated and recommended in the village's Pinecrest Parkway (US 1) vision plan. **Public art shall be included in the gathering spaces pursuant to the provisions of the Village's "Art in Public Spaces" program requirements.**
 - ~~10.~~ **9.** *Parking surface.* Parking spaces shall be hard surfaced, except that 15 percent of the parking spaces provided shall be constructed of porous pavement materials ("pave drain" or equivalent) or open cell unit pavers ("turf block" or equivalent).
 - ~~11.~~ **10.** *Transitional buffers.* Buffer walls and landscaped buffers at the rear of commercial redevelopment projects adjacent to residentially zoned districts shall be provided as required pursuant to the land development regulations and shall be further supplemented with decorative vertical plantings and green walls that shall be installed on the rear walls of commercial buildings.
 - ~~12.~~ **11.** *Electric vehicle charging station.* **For every 25 required parking spaces, a A-minimum of one Level-2, 240-volt electric vehicle charging station shall be provided within a parking space designated for electric vehicles, except that an electric vehicle charging station shall not be required within parking lots that contain 24 or fewer required parking spaces.**
- (f) ~~Application for Pinecrest Parkway alternative site plan.~~ Applicants seeking approval of a site plan utilizing alternative development standards for redevelopment or remodeling adjacent to Pinecrest Parkway shall make the submittals as required under the provisions of the land development regulations required for site plan review and shall be required to comply with all required alternative standards. An applicant may apply either the standard provisions of the zoning district in which the commercial property is located or the Pinecrest Parkway (US 1) alternative development standards

but may not selectively choose to apply regulations from both the standard and alternative provisions.

- (g) *Expedited permitting/fast track development review.* Development services, including the review of site plans and applications for building permits submitted for review, which are in compliance with the Pinecrest Parkway (US 1) Corridor alternative development standards shall be given priority by all village departments reviewing such applications.
- (h) *Procedure for review of a Pinecrest Parkway alternative development plan.* The administrative official shall review the application and required exhibits submitted pursuant to this division and all other applicable requirements of the land development regulations and shall determine that the documents are adequate as to form and informational content. The administrative official shall then review the submittal with the appropriate village departments for their comments. Subsequent to the review, comments and discussion of the submittal, and of such modifications as the developer may make to it, the administrative official shall prepare a recommendation and present it and the applicant's petition to the Village Council for consideration at a public hearing, which has been advertised as required.
- (i) *Effect of development order.* Upon approval of a Pinecrest Parkway alternative site plan, the approved development plan, along with such requirements, safeguards, modifications or stipulations as may have been included by the Village Council in its consideration and action, shall be substantially complied with relative to the issuance of building permits, and certificates of occupancy by the village. Deviation from the approved development plan or failure to comply with any requirement, safeguard, modification or stipulation imposed by the village at the time of development approval shall constitute a violation of this division.

ARTICLE 5. – ADDITIONAL REGULATIONS

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Div. 5.5. - Fences, walls and hedges.

* * *

(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. 5.8. - 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 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.
- (c) 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. 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. 5.11. - Townhouses.

- (a) *Sites and lots containing townhouse units.*
 - 1. *Size of development site.* The minimum size of the site to be developed for townhouses shall be ~~one-half acre~~ **7,500 square feet.**
 - 2. *Lot area for each unit.* No townhouse lot shall contain an area of less than 1,250 square feet. The average size lot for a townhouse in a group of three or more townhouses shall not be less than 1,500 square feet. The foundation of each unit shall be on an individual site, except where the units are separated by a common party wall in which event the foundation may be installed equidistant on each side of the lot line for the length of the party wall and its extension along the offset of the townhouses on abutting lots.
- (b) *Location and groupings of townhouses.* A townhouse unit shall be a one-family dwelling unit located within a group of three or more such units separated by a common party fire wall; provided, however,

that up to ten percent of the total number of units on any individual site plan may be developed in two-unit groupings. A grouping of townhouses shall not exceed 240 feet in length. Each townhouse site must have a clear, direct frontage on public streets or to accessways complying with Village specifications for private streets.

- (c) *Common party fire wall.* The common party fire wall shall extend to the roof line or above the roof of units which it serves and shall have no openings therein. Where units are offset from one another and a common party wall is use, the wall may be placed equidistant on each side of the lot line, but not exceeding the length of the offset.
- (d) *Siting on platted lot; roof line.* Each townhouse unit shall be constructed upon a separate platted lot; provided, however, that the roof lines may overhang onto adjacent lots or common areas a maximum of 24 inches, subject to the approval of and determination by the administrative official that the roof or drainage system is designed so that runoff of water from the roof does not adversely affect adjacent units or lots. Each townhouse unit shall be serviced with separate utilities and other facilities and shall otherwise be independent of one another; provided, however, that the electrical lines or telephone lines or cables which service a particular unit may be placed through other lots where approved by the administrative official. The administrative official's approval shall be based upon his **or her** finding that the placement of said lines or cables will not adversely affect the lots through which they are placed.
- (e) *Design and facility criteria.*
 - 1. *Utilities and services.* Each townhouse shall be independently served by separate heating, air conditioning, sewer, water, electric power, gas, and other facility and utility services, wherever such utilities and services are provided, and no townhouse shall be in any way dependent upon such services or utility lines located within another unit or on or in another townhouse or townhouse site, except as may be installed in public easements. All townhouses must be connected to water and sewer lines and all electrical and telephone lines in a townhouse development site shall be placed underground. Proper and adequate access for firefighting purposes, and access to service areas to provide garbage and waste collection, and for other necessary services shall be provided.
 - 2. *Parking/setback for parking.* Where parking spaces are provided in front of townhouse buildings, the required front setback of the building shall be 25 feet from the property line. Where garages are provided, the garage portion of the structure shall be set back 20 feet from the property line. Any portion of the townhouse building that is not located directly in front of parking spaces shall be set back 15 feet from the property line.
 - 3. Building Setbacks. Building setbacks shall be required as provided in Article 4 of the Land Development Regulations except that the rear property line setback for townhouses on the west side of SW 81 Road may be reduced to 5 feet.**
 - ~~3.4.~~ *Street right-of-way width and improvements.* The right-of-way width of streets serving a group of townhouses and the improvements therein shall conform to all applicable minimum Village standards and requirements for such streets.
 - 4.5.** *Walls.* All patio and outdoor living areas on each townhouse site shall be enclosed by a wall affording complete screening, except in cases where a natural feature of the site such as a lake or golf course would suggest that complete screening would not be required. Such determination shall be made as a result of the site plan review process as provided herein. Walls shall be of masonry or other material and shall be six feet in height. A walled-in patio may include a screen roof. All rear yard areas used for service, such as drying areas, shall be completely screened from view from the street and from adjoining lots by walls or landscaping.
 - 5.6.** *Accessory buildings.* No accessory building shall be permitted in unwallled areas on sites containing a townhouse. Accessory buildings located within an area enclosed with walls shall not extend above the height of the walls.
 - 7. A swimming pool deck may be located no closer than 5 feet to the side property line.**

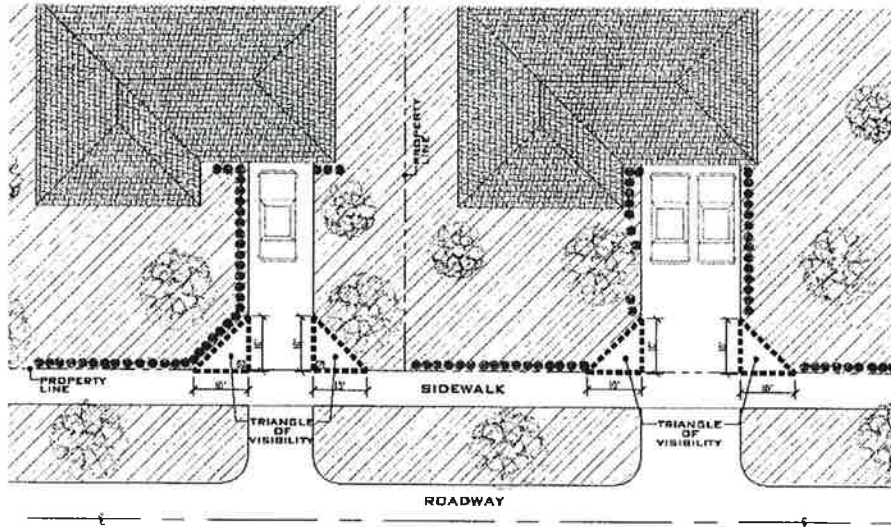
(f) Declaration of Restrictive Covenants. A Declaration of restrictive Covenants or association documents providing for the maintenance of the building exterior and any common areas shall be provided and shall be reviewed and approved by the administrative official and subsequently recorded in the public records of Miami-Dade County.

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Div. 5.16. - Regulations of obstructions to visibility.

* * *

(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, PEDESTRANS, 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 (60 OR LESS RIGHT-OF-WAY)	0 ***	0 ***	0 ***
COLLECTOR (60-70 RIGHT-OF-WAY)	190	40	7
ARTERIAL (80 OR RIGHT-OF-WAY)	250	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:

- (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 **or 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.

* * *

- (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, and all 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. Where feasible, air conditioning units should be baffled for noise. 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 public view.

* * *

- (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.
 - (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. Above-ground fuel tanks are considered as accessory structures and therefore subject to the setbacks of the appropriate zoning district.
 - (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 constructions sites.* All construction sites shall be maintained in a safe and clean condition free from litter, abandoned and/or junk material.

* * *

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 main 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 other similar materials 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. 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 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, 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. Libraries, art museums and similar cultural facilities	13. 1 space per each 250 square feet of gross floor area or fractional part thereof.
14. Medical or dental office or clinics	14. 1 space per 200 square feet of gross floor area or fractional part thereof, whichever is greater.
15. Nurseries (plants)	16. 15. 8 spaces for the first acre, plus 2 spaces for each additional acre or fractional part thereof.
16. Open lot uses (cars, vehicles)	17. 16. 5 spaces for the first 5,000 square feet, plus 1 space for each additional 500 square feet or fractional part thereof.
17. Recreation, social, swimming, golf, tennis clubs	18. 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.
18. Restaurants, lounges, nightclubs, or similar places dispensing food, drink or	19. 18. Providing sit down service: 0.95 space per 50 square feet of gross floor area or fractional part hereof devoted to

refreshments	<p>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 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.</p> <p>A sidewalk café 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 café dining area.</p>
<p>19. Schools (private) Kindergarten, Nurseries</p> <p>Elementary, Middle Schools</p> <p>High Schools, Universities</p>	<p>20. 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>
20. Stadiums, gyms	<p>21. 20. 1 space per 4 seats or 1 space per each 200 square feet, whichever is greater.</p>
21. Determination for unlisted uses	<p>22. 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 requirements where businesses share parking (i.e., shopping centers) **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.**
- e. 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.
- d. e.** *Variances.* A variance to the required off street parking requirements may only be granted by the Village Council.
- e. f.** *Parking dimensions.* Vehicle parking shall meet the following minimum dimensions:

* * *

9. *Electrical vehicle charging infrastructure.* **For every 25 required parking spaces, a** 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 **20 24** or less required parking spaces.

* * *

Div. 5.27. - Alternative energy systems and environmental conservation.

* * *

(c) *Auxiliary power supply.*

- (1) *Requirements.* New residential **and Commercial** structures and substantial improvements to residential structures exceeding 50 percent of the market value of the existing structure shall include one of the following improvements necessary to provide auxiliary power during electrical power outages:
 - a. Permanent installation of a stand-by generator, or
 - b. Installation of a power inlet and ~~either a separate~~ **an** electric panel ~~or~~ **with an** interlock allowing for connection to a portable generator, or
 - c. Solar panel and battery pack necessary to provide auxiliary power.

* * *

Div. 5.31. - Parking garages.

- (a) *Design criteria.* All parking garages shall be reviewed for compliance with the criteria for approval of a conditional use. The following additional design guidelines shall be implemented as applicable:
 - (1) Use of stretched cable, open railings or an alternate design achieving the same degree of openness to allow for maximum surveillance and illumination in order to maximize openness and safety.
 - (2) Use of reflective paint or materials inside.
 - (3) Illumination of all pedestrian areas to increase safety as determined by the administrative official.
 - (4) Detailing of the parking garage similar to the building it serves or if serving multiple buildings or uses, detailing of the parking garage to be compatible with the neighboring buildings.
 - (5) Incorporation of natural light, plants, exterior landscaping, storefront details, screening, and other features to increase the aesthetic quality of the building and to improve the experience and safety of the user.
 - (6) Open stairwells, appropriately illuminated as determined by the administrative official, clearly identified and located in such a way as to provide for a safe entrance and exit.
 - (7) Use of additional architectural features, landscaping, fencing, buffering, courtyards, plazas, or pedestrian areas in order to provide architectural and land use compatibility with neighboring properties.
 - (8) Review by the administrative official of the parking garage design for safety and recommendation of additional safety features if warranted.
 - (9) **For every 25 required parking spaces within a parking garage, A minimum of One level-2, 240-volt electric vehicle charging station shall be provided on each floor of a parking garage within or adjacent to a dedicated parking spaces reserved for electric vehicles. The required charging stations and designated parking spaces shall be located in a grouping together on the first floor of the garage.**

Div. 5.32. - Vacation rentals.

- (a) *Definitions.*

Enclosed shall mean any space enclosed by a roof and four complete solid, floor to roof walls, which may include glass windows. Screening shall not count as a wall.

Responsible party shall mean the owner or the person designated by the owner of the property to be called upon to answer for the maintenance of the property and for the conduct and acts of occupants of vacation rental properties.

Transient occupants shall mean any person, or guest or invitee of such person who occupies or is in actual or apparent control or possession of residential property registered or used as a vacation rental. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of a vacation rental, or a property used as a vacation rental, is a transient occupant.

Vacation rental shall mean any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to guests **more than three times in a calendar year** for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, but that is not a timeshare project. ~~§10.~~

(b) *Registration required.* It is unlawful for any person to allow another person to occupy any residential property as a vacation rental within the village, or offer, **or advertise** such rental services within the village, **until the person has obtained a local business tax receipt, and** unless the person has registered the vacation rental property with the village and the vacation rental property has been issued a certificate of compliance in accordance with the provisions of this division.

* * *

(j) *Administration, penalties, and enforcement.*

* * *

(5) *Offenses/violations.*

a. A violation of any of the provisions of this division is punishable by a fine of up to \$250.00 **for a first time violation and up to \$500.00 for a repeat violation.**

* * *

(k) *Vesting.*

1. Vacation rentals existing as of the effective date of village ordinance 2017-4 shall be considered vested vacation rentals only as related to contracts entered prior to the effective date of said ordinance. Rental/lease agreements that were entered into prior to the effective date of village ordinance 2017-4 as evidenced by a written and validly executed rental agreement or contract provided to the village manager no later than three months following the effective date of village ordinance 2017-4 shall be considered vested.
2. Vesting shall:
 - a. Apply only to date specific rentals; and
 - b. Not apply to renewals of existing rental agreements or contracts which are at the option of either of the parties.
3. All rental agreements entered into after the effective date of village ordinance 2017-4 shall comply with the provisions of this division. No vacation rental shall be occupied pursuant to a contract/lease entered into after the effective date of village ordinance 2017-4 until the owner has obtained the required vacation rental certificate of compliance.
4. A vested contract/lease transferred to a subsequent owner shall continue to be vested, but shall not be transferred to a different vacation rental property, provided the new owner complies with the inspection and licensing requirements of this division.

5. Filing for exemption. Any property owner who desires to partially rent their home shall file for exemption prior to renting out any portion of their property for rental use.

ARTICLE 6. – ENVIRONMENTAL REGULATIONS

Div. 6.1. - Landscape regulations.

(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-IA, 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.

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, 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. Street trees shall have a clear trunk of four feet, and shall meet the following height, diameter and spacing requirements:
 - i. An overall height of 14 feet and a minimum caliper of three inches at time of planting, and shall be provided along all roadways at a maximum average 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;

- ii. An overall height of 18 feet and a minimum caliper of four inches at time of planting, and shall be provided along all roadways at a maximum average 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;

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, and Stoppers are preferred species.

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

- ~~i. Minimum canopy of 15 feet at maturity.~~

- ~~ii. Provided at an average maximum spacing of 25 feet on center.~~

- ~~iii. Fourteen feet minimum overall height or minimum caliper of four inches at time of planting.~~

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

- 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.**

- f. 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.

- g. 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.
- h. 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.
- i. 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.
- j. 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.**
- k. 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.
- l. 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.**
- m. 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 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. 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. *Shrubs (hedges).*
 - a. All shrubs shall be a minimum of 18 inches in height when measured immediately after planting. Shrubs shall be provided at a ratio of ten per required tree. Thirty percent of the shrubs shall be native species of shrubs and/or native Florida grasses (not including turf grass), such as Fakahatchee Grass, Muhly Grass, or Wire Grass, for example.
 - b. When used as a visual screen, buffer, or hedge, shrubs shall comply with all criteria regulating location, number and character of plant material necessary to meet the criteria for required buffers between dissimilar land uses in paragraph eight below.
 - c. All shrubs shall be located within the property in such locations that would enable those shrubs to be maintained entirely from said property.
5. *Vines.* Vines shall be a minimum of 12 inches in length immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. Planting of perimeter walls with vines is recommended as a deterrent to graffiti.
6. *Ground covers.* Ground cover plants used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year after planting.
7. *Mulch.*
 - a. Weed-free mulch shall be applied and maintained in a minimum three-inch layer under and around all trees and shrubs, and in a minimum two-inch layer under and around all ground cover.
 - b. The use of mulch shall be restricted to the planting areas.
 - c. Cypress mulch shall not be used because its harvest degrades cypress wetlands.
8. *Buffers between dissimilar land uses.* Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a buffer consisting of a six feet wall or fence with a life expectancy of at least ten years, together with shrubs which normally grow to a minimum height of six feet or more and shall be maintained at that height. Where chain link fencing is used, shrubs shall also be required to cover such fence. Shrubs used as a buffer shall be planted at a minimum of 24 inches on center and 30 inches in height at time of planting. The buffer shall form a continuous unbroken and solid visual screen between the dissimilar land uses within one year after planting. Buffers screening dissimilar uses shall include mahogany or oak trees, or similar hardwood canopy trees acceptable to the administrative official, planted at a maximum average spacing of 25 feet on center and shall have a height of at least 16 feet within the required setback. Shrubs required as a buffer shall not be trimmed shorter than 72 inches except where required in order to maintain a safe site distance.
9. *Buffers required for vehicular use area.* Shrubs shall be maintained at a minimum height of four feet for all vehicle use areas, except where a shorter height is required to maintain a safe sight distance. Shrubs shall be maintained at a height of six feet or more, and shall provide a continuous buffer for vehicular use areas, including a six-foot wall, in order to buffer areas between dissimilar uses. All vehicular use areas adjacent to a right-of-way or private street shall be screened by a continuous hedge planting at least four feet high and shall include a five feet landscaped strip incorporating said planting or wall on private property. Planting material shall be installed at a minimum of 24 inches on center and shall have a height of 30 inches at time of planting.
10. *Landscaped areas in parking lots.* Ten square feet of landscaped area per parking space shall be provided within a parking lot. In order to maximize the distribution of shade, trees shall be planted throughout the interior of the parking lot at a minimum density of one tree per 80 square feet of landscaped area, exclusive of parking lot buffers. Planting islands for each tree shall have a minimum width of **five eight** feet, exclusive of the curb dimension, and shall be planted

or covered with other landscape materials. This requirement is in addition to any applicable open space required pursuant to the provisions of the land development code. Every eight spaces, a landscaped island extending at least three-quarters of the depth of the parking space shall be provided that is at least five feet wide, exclusive of the curb dimension, and shall include at least one shade tree per row or per 25 linear feet, whichever formula provides the greater number of trees. Landscaping in parking areas and along streets shall be in addition to the minimum required trees per acre according to the minimum standards for green space identified herein.

11. *Plant quality.*

- a. *Minimum grade and standards.* Plants installed pursuant to these tree regulations 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 II," prepared by the State of Florida Department of Agriculture and Consumer Services. **Alternative grades that meet the minimum size and height requirements of these regulations may be proposed to meet required grade provided the trees are determined by the administrative official to be healthy trees, free of disease and damage, capable of surviving to maturity.**
- b. *Minimum height.* Trees installed pursuant to these landscape regulations shall have one primary vertical trunk and secondary branches free of included bark up to a height of four feet above natural grade.

* * *

(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.

* * *

5. Prohibited Trees in the Public Right-of-way.

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

Allspice
Australian Pine
Bahama Lysiloma
Bald Cypress
Calophyllum
Silver Buttonwood
Clusia – all varieties and cultivars
Dahoon Holly
Ficus – all varieties and cultivars
Inkwood
Lancepod
Madagascar Olive
Palms – All types
Rubber tree – all varieties and cultivars
Torchwood

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 as to genus & 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 3' radius of an established and approved street tree, provided the plant material is kept below 30".
 - (2) Shrubs placed parallel to the pavement and offset a minimum of 4' from the edge of pavement to the centerline of the shrub, with a maintained edge of shrub at least 2' 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 4' wide nor 30" in height.
 - (3) The proposed shrub type (genus & species) will be reviewed by the Public Works Department during the permitting process.

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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.
- (b) *Tree cutting standards.*
 - 1. No person shall commit tree abuse, hatrack or effectively destroy any tree located on his or her property in the village, 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.
- (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 not 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.* The following activities are exempt from tree removal permits, but may only be undertaken following an inspection by the administrative official.
1. Removal of any dead tree.
 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):
 - i. **Abrus precatorius (rosary pea)**
 - xiv. **ii. Acacia auriculiformis (earleaf acacia)**
 - ii. **iii. Adenantha pavonina (red sandalwood)**
 - xii. **iv. Albizia lebbek (woman's tongue)**
 - xviii. **v. Araucaria columnaris (Norfolk Island pine)**
 - vi. Ardisia elliptica (Shoebuttan ardisia)**
 - xxi. **vii. Bauhinia blakeana (Hong Kong orchid tree)**
 - vii. **viii. Bischofia javanica (bischofia, bishopwood)**
 - iii. **ix. Casuarina (Australian pine, beefwood)**
 - x. Cestrum diurnam (day flowering jessamine)**
 - xi. Cinnamomum camphora (camphor tree)**
 - xii. Colubrina Asiatica (colubrina, lather leaf)**
 - iv. **xiii. Cupaniopsis anacardioides (carrotwood)**
 - vi. **xiv. Dalbergia sissoo (Indian rosewood)**
 - xv. Ficus altissima (banyan tree, false banyan)**
 - xvi. Ficus benghalensis (Bengal fig)**
 - xxii. **xvii. Ficus benjamina (weeping fig)**
 - viii. **xviii. Ficus microcarpa (laurel fig)**
 - xi. **xix. Flacourtia indica (governor's plum)**
 - xiii. **xx. Hibiscus tiliaceus (mahoe)**
 - xv. **xxi. Leucaena leucocephala (lead tree)**
 - xxii. Ludwigia peruviana (Peruvian primrose willow)**
 - i. **xxiii. Melaluca quinquenervia (cajeput/paperbark)**
 - xxiv. Melia Azedarach (chinaberry tree)**
 - xx. **xxv. Metopium toxiferum (poison wood)**
 - xvii. **xxvi. Mimosa pigra (catclaw mimosa)**
 - xxvii. Mwerremia tuberosa (wood rose)**
 - xxviii. Neyraudia reynaudiana (Burma reed, cane grass)**
 - xxix. Penisetum purpureum (elephant grass)**
 - x. **xxx. Psidium guajava (guava)**

xxxi. Rhodomyrtus tomentosa (rose myrtle)

~~ix.~~ **xxxii. Ricinus communis (castor bean)**

xxxiii. Saccharum spontaneum (wild sugarcane)

xxxiv. Sapium sebiferum (popcorn tree)

xxxv. Scaveola taccada (beach naupaka)

~~xvi.~~ **xxxvi. Schefflera actinophylla (Queensland Umbrella)**

~~v.~~ **xxxvii. Schinus terebinthifolius (Brazilian pepper)**

xxxviii. Senna pendula var. glabrata (Christmas cassia, climbing cassia)

xxxix. Terminalia catappa (tropical almond)

~~xix.~~ **xl. Thespesia populnea (seaside mahoe)**

3. Removal of any tree which has been destroyed or effectively destroyed by an act of God, or by acts outside of the control of any person, individually or otherwise, who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located, which acts could not have been prevented by the exercise of reasonable care by that person. Where a tree has been destroyed or effectively destroyed as described above, it is the intent of this provision to exempt from liability for such destruction or effective destruction the person who has or had a legal beneficial or equitable interest in the real property upon which such tree is located if the person could not have prevented the destruction by the exercise of reasonable care.
 4. Removing, trimming, cutting or altering of any mangrove tree or removal of any tree located upon land which is a wetland as defined in this Code. Instead, trees located upon land which is a wetland and mangrove trees located anywhere in the village shall be subject to the applicable wetland permitting requirements of this land development code.
 5. Review of projects involving tree removal or relocation. The administrative official shall review all applications for development approval to determine if the applicant must apply for a tree removal permit. The administrative official shall also review for the same purpose proposed plans for new roadways or improvements to highway design projects and proposed plans for new public parks and recreational facilities and other public facilities.
2. *Permit application.* The administrative official shall provide permit application forms for removal or relocation of trees within the village. An owner, agent of the owner, or lessee of a property may apply for a tree removal permit. If the permit application is a lessee or agent of the owner, a statement from the property owner indicating that the owner has no objection to the proposed tree removal shall accompany the application. The permit applicant shall submit to the administrative official a completed application form. Permit application forms shall be accompanied by two sets of site plans, which are subject to review and approval by the village administrative official. The site plan shall include the locations of all existing tree resources, the sizes (DBH), type, location, canopy spread, and all proposed structures or utilities which may require removal or relocation of trees. The administrative official may require that said plans be prepared by either a landscape architect, architect or an engineer registered in the state. If the submitted site plan does not provide sufficient information to determine which trees will be affected by the proposed development, the administrative official may require that a tree survey of the site be prepared and submitted for review.
 3. *Review and evaluation of permit application.* The administrative official shall conduct a review of each completed tree removal permit application. This review and all actions taken by the administrative official under the provisions of these tree regulations shall be conducted using best available practices from biology, botany, forestry, landscape architecture and other

relevant fields, and shall be conducted in a manner that is consistent with all applicable goals, objectives and policies in the comprehensive development master plan. Upon receipt of a completed permit application, the administrative official shall visit the site and determine whether the site contains specimen trees or any other trees subject to the provisions of these regulations.

- a. *Specimen trees.* If a site contains any specimen trees, then the provisions of the specimen tree standards section shall apply.
 - b. *Other trees.* If there are trees present on a site other than any portion of a natural forest community or specimen trees, then the replacement provisions of the replacement requirements for tree removal section shall apply.
 - c. *Combination of tree types.* In the event that a site contains any combination of natural forest community, specimen trees or other trees, then the provisions of the Code shall be applied in proportion to the presence of each type of tree or community.
4. *Specimen tree standards.* The standards to be applied in reviewing tree removal applications involving specimen trees are as follows:
- a. *Specimen trees application.* Specimen trees shall be preserved whenever reasonably possible. Upon receipt of an application to remove a specimen tree, the administrative official shall consider the following factors in evaluating said application:
 - i. Size and configuration of the property.
 - ii. Size and configuration of any proposed.
 - iii. Location of the tree relative to any proposed development.
 - iv. Whether or not the tree can be preserved under the proposed plan or any alternative plan.
 - v. Health, condition and aesthetic qualities of the tree.
 - vi. Whether the tree poses a threat to persons or property.
 - b. *Alternate plans.* If, upon review of the factors enumerated in subsection a. above, the administrative official determines that a specimen tree cannot reasonably be preserved under the proposed plan, then the applicant shall provide an alternate plan when feasible, which shall include preservation of the specimen tree and design alterations consistent with the scope and intent of the initially-proposed plan. Alterations consistent with the scope and intent of the initially proposed plan may include, but shall not be limited to:
 - i. An adjustment of building orientation on a site.
 - ii. An adjustment of lot lines within a site proposal where said adjustment will not cause an unreasonable loss of usable space. An applicant shall have the burden of proof in the determination of what constitutes an unreasonable loss of usable space.
 - c. *Specimen tree relocation.* If preservation of the specimen tree and any alternate design consistent with the scope and intent of the initial plan are mutually exclusive, then the administrative official may issue a permit to relocate the specimen tree. If the tree removal permit requires relocation, then the applicant shall be required to relocate the tree in accordance with the standards set forth herein.
 - d. *Removal of specimen trees.* If relocation of the specimen tree is not feasible due to the size, health, location, species or any other factor, then a permit may be issued for removal, and tree replacement shall be required.
 - e. *Replacement requirements for specimen trees.* Removal of a specimen tree with a diameter at breast height of 18 inches or more shall require replacement at the rate of one and one-half or two times the caliper removed in accordance with the provisions of either paragraph i. or paragraph ii. below, except that palm trees and fruit trees shall be replaced

at the rate of one tree for each tree removed. Each required replacement tree, ~~except palm trees~~ shall be a minimum of 14 feet in height and three inches in caliper at the time of planting. As a condition of the issuance of a tree removal permit for the removal of a specimen tree, tree replacement requirements shall be as follows:

- i. Twice those specified otherwise by these regulations. For example, a tree with a caliper of 18 inches shall be replaced with a tree or trees (minimum four inches diameter at breast height (DBH) and 12 feet in height) having a combined, cumulative caliper of 36 inches.
- ii. One and one-half those specified otherwise by these regulations, except that a tree with a caliper of 18 inches shall be replaced with a tree or trees (minimum eight inches diameter at breast height (DBH) and 25 feet in height) and having a combined, cumulative caliper of 27 inches.

In instances where the village arborist determines that a specimen tree is causing damage to a home, street, driveway, or utilities located on a subject property and 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 diameter of the tree removed.

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

- f. *Exemptions.* An applicant may be exempt from the replacement requirements of paragraph e. above, but subject to the tree replacement requirements of paragraph 6.c. below under the following circumstances:
 - i. Upon submittal of a statement from a certified arborist registered in the state which indicates that a specimen tree, due to disease, condition, growth habit or any other reasonable botanical factor, does not provide the aesthetic or environmental contribution associated with a specimen tree. Said statement shall include the specific reason(s) for the claimed exemption from the provisions of these regulations.
 - ii. When a site contains more than one specimen tree, and 50 percent or more of the existing specimen trees and at least 50 percent of the existing specimen tree canopy area is preserved.
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 ~~be~~ 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.**

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.**
 - 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:

TABLE 6-2
DETERMINING NUMBER OF REPLACEMENT TREES

Category of Replacement Tree	Portion of Impact Area that Each Replacement Tree Compensate for in Square Feet
Shade tree 1	1,500
Shade tree 2	1,000
Shade tree 3	700
Shade tree 4	500
Shade tree 5	300
Palm tree 1	300

Palm tree 2	100
Small tree	200

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

- d. *Step 4: Location of replacement tree.* Specific placement of replacement trees on-site shall be determined by the applicant. If the site cannot accommodate the required replacement trees because of insufficient planting area as determined by the administrative official, then the applicant shall be required to plant replacement trees at an off-site location subject to the administrative official approval, or, as an alternative, shall provide an equitable contribution to the village tree trust fund to compensate for those replacement trees which cannot be accommodated on-site.
- e. *Step 5: Minimum species diversity standards.* When more than ten trees are required to be planted in accordance with the provisions of this division, a diversity of species shall be required. The number of species to be planted shall be based on the overall number of trees required. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity standards:

TABLE 6-3

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

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

- f. *Step 6: Minimum standards for replacement trees.*
 - i. All replacement trees shall have a minimum quality of a Florida No. 1 grade or better.
 - ii. The administrative official shall maintain a list of species for each category of replacement tree. This list may be amended from time to time, as necessary. Replacement tree heights shall be determined by overall height measured from where the tree meets the ground to the top-most branch.
 - aa. All category 1 replacement shade trees shall be a minimum of 26 to 35 feet in height and have a minimum caliper of 10 to 12 inches at the time of planting, and at maturity should have a canopy coverage of 1,500 square feet under normal growing conditions.
 - bb. All category 2 replacement shade trees shall be a minimum of 19 to 25 feet in height and have a minimum caliper of 7 to 9 inches at the time of planting, and at maturity should have a canopy coverage of 1,000 square feet under normal growing conditions.
 - cc. All category 3 replacement shade trees shall be a minimum of 15 to 18 feet in height and have a minimum caliper of 5 to 6 inches at the time of planting, and at maturity should have a canopy coverage of 700 square feet under normal growing conditions.
 - dd. All category 4 replacement shade trees shall be a minimum of 14 feet in height and have a minimum caliper of 4 inches at the time of planting, and at maturity should have a canopy coverage of 500 square feet under normal growing conditions.
 - ee. All category 5 replacement shade trees shall be a minimum of 12 feet in height at the time of planting and at maturity should have a canopy coverage of 300 square feet under normal growing conditions.
 - ff. All category 1 replacement palm trees shall have a minimum height of ten feet at the time of planting and at maturity should have a canopy coverage of 300 square feet under normal growing conditions.
 - gg. All category 2 replacement palm trees shall have a minimum height of three feet at the time of planting and at maturity should have a canopy coverage of 100 square feet under normal growing conditions.
 - hh. All replacement small trees shall have a minimum height of six feet at the time of planting and at maturity should have a canopy coverage of 200 square feet under normal growing conditions.
7. *Requirements for a landscape replacement plan.* A landscape replacement plan shall be submitted to the administrative official by the permit applicant when a minimum of 10,000 square feet of replacement canopy are required. All landscape replacement plans shall meet the following minimum standards:
- a. *Number, species, and size of trees.* The number of trees, number of species of trees, and size of trees proposed for planting shall be consistent with provisions of these regulations.
 - b. *Site plan.* The applicant shall submit a site plan that includes the proposed replacement locations of all replacement plantings and tree relocations, all property lines, and all proposed and existing structures, driveways and utility casements.
 - c. *Canopy.* The canopy spread of any tree that is proposed for preservation shall be shown on the plan. Where a portion of the canopy of a tree or trees will be removed without removal of the trees, a notation shall be made on the plan. When noting and selecting replacement 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 the existing trees and tree canopy.

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 the 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 wood, plastic or metal, and shall remain in 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.
- 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 shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, disturbance shall be minimized by using techniques such as tunneling or 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.

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

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

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

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

12 inches to 18 inches \$1,000.00

18 inches to 36 inches \$2,000.00

Greater than 36 inches \$3,000.00

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

- 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 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. 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.

- (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 ~~transplant, remove, trim, repair, inject, or perform surgery on a tree or plant.~~
- 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 or tree service 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. 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. 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 or tree service's registration shall be **valid for a period of one year from the date of issuance 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.** Registrations are not transferable or assignable to any other person or entity.
 - c. Registered landscapers and tree services 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 or tree service 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 or tree services 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 or tree services performing work within the village shall have the name as shown on their landscaper or tree service 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.**
- (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.

ARTICLE 7. - SIGNS

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Div. 7.12. - Exempt signs.

All signs or sign structures erected or required to be erected on village, county or state government property or by an agency of such government are exempt from regulation as provided in Div. 7.2. The following signs shall be exempt from the sign permit requirements of this article. However, this exemption in no way waives the requirements of the Florida Building Code or the village's adopted engineering standards, any limitation or restriction on the number, size, height, setback, placement or duration of such signs under this article, or any limitation or restriction under any other applicable law or regulation.

- (a) Private traffic signs, provisional warnings and signs indicating danger, not containing any commercial advertisement.
- (b) Signs not exceeding 1½ square feet in area identifying the premises.
- (c) Flags.
- (d) Temporary signs as set forth in Div. 7.16 **(2), (3.), and (4).**

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Div. 7.16. - Sign standards and requirements.

* * *

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

- (a) *Permanent Signs.*

* * *

- 2. *Detached sign.*



Detached Sign

Zoning District or Location Permitted	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
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 300-200 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 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	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 frontage/setback: 0—59 feet - 3.5' 60—99 feet - 13.5' 100—199 feet - 33.5' 200 feet - 63.5'	Illumination permitted; see general provision on illumination	30 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.
BU districts	40 square feet for first 50 feet of initial street frontage plus 0.75 square feet for each additional foot of	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 to the nearest one-half foot);	See general provision on illumination	30 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:

	<p>street frontage to a maximum sign size of 300-200 square feet</p>		<p>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 property is at least eight feet with service stations.</p>		<p>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 by 300 feet will be allowed two detached signs, provided that the second sign is no greater than one-half the size allowed the first sign and provided the separation between the two signs is a least equal to 50 percent of the total amount of frontage on both streets or roadways 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</p>
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						foundation.
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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.*

Zoning District or Location Permitted	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
EU, RU residential districts						Not permitted.
Shopping centers BU, business districts RU-5, office development district	10 percent of the wall area on which the banner is attached	1	N/A	Not permitted	N/A	<p>Regulations. A new business, upon initial opening, shall be limited to one (1) banner permit. Permits for banner signs shall be obtained from the building and planning department upon submittal of an application and payment of applicable fees. The applicant may submit one application for multiple requests subject to compliance with this division. Banner signs may be permitted as follows</p> <ol style="list-style-type: none"> 1. Any banner sign to be displayed shall be subject to the following limitations: <ol style="list-style-type: none"> a. All locations must obtain or have previously obtained a certificate of use and business tax receipt from the village. b. Banners must be located on the wall of the business and shall be limited in size to ten percent of the wall area of the business to which the sign is attached. c. All banners shall be securely fastened with screws, wire or tie mechanisms so as to prevent them from blowing in the wind or from removal as may be required by the building and planning department. d. Window decorations shall be

						included in the ten percent of wall area but shall be permitted without time limitations.
PS, public service district	Maximum dimensions of any banner are limited to 4 x 8 feet	N/A - Maximum banner display area on each outward side of a fence facing a public street is limited to 128 square feet. Banner signs may be placed on a diagonal side of a fence facing two intersecting streets in which case the area of signage placed on the diagonal side of the fence shall be substituted for one of the sides adjacent to either one of the two intersecting streets.	N/A	Not permitted	N/A	<p><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:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;">[BUSINESS NAME] SUPPORTS THE</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;">[TEAM OR PROGRAM NAME] of</p> <p style="text-align: center;">[SCHOOL NAME]</p> </div> <p>Display of noncommercial banners shall be subject to compliance with the following restrictions and requirements: 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. 2. <i>Size and Location.</i> Banners shall be placed only on portions of the applicant's fence which have</p>

						street frontage. The maximum vertical dimension of any display area shall 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.3. Banners shall be allowed to be displayed on a year-round basis. Display of any banner shall be limited to 90 consecutive days.
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2. Construction/subdivision sign.

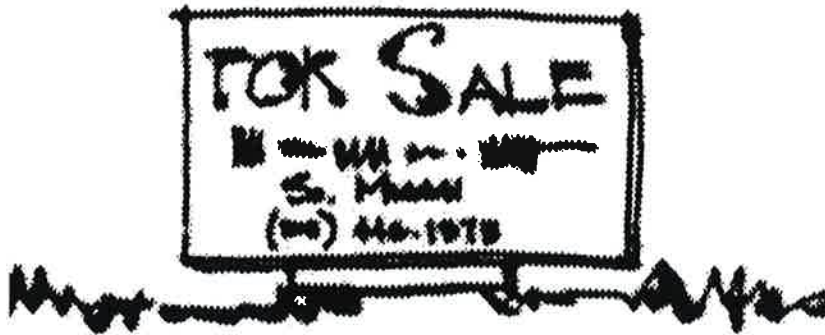


Construction/Subdivision Sign

Zoning District or Location Permitted	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Nonresidential districts	32 square feet	One	45 5 feet from official r.o.w. 15 feet to property under different ownership or centered between interior property lines	Not permitted	Eight feet	<p>1. One sign per project, not to exceed 32 square feet in area and eight feet in height above existing grade.</p> <p>2. No construction sign shall be posted until a building permit for construction of the project has been issued and it shall be removed when the</p>

						certificate of occupancy, temporary certificate of occupancy, or certificate of completion is issued or the date that the building permit expires, whichever occurs earlier.
Residential districts	6 square feet	One	15 5 feet from official r.o.w. 15 feet to property under different ownership or centered between interior property lines	Not permitted		<p>1. One sign per project, not to exceed 6 square feet in area and eight feet in height above existing grade.</p> <p>2. No construction sign shall be posted until a building permit for the construction of the project has been issued and shall be removed when the certificate of occupancy, temporary certificate of occupancy, or certificate of completion is issued or the date that the building permit expires, whichever occurs earlier.</p>

3. Real estate.

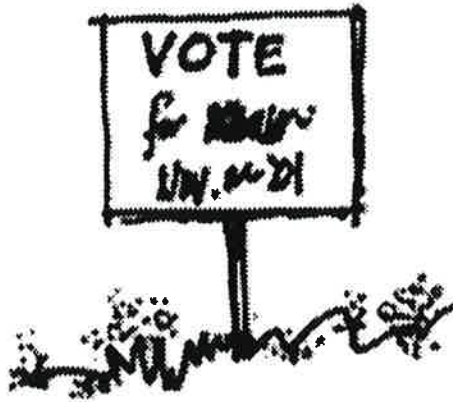


Real Estate Sign

Zoning District or Location	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
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Permitted						
Nonresidential districts	32 square feet max	1, plus 1 additional sign may be installed only when the premises are available for inspection by the prospective buyer or tenant without an appointment. Said additional sign shall not be larger than two feet by two feet.	5 feet from official r.o.w. line unless attached to an existing building or sign 15 feet to an interior side property line or centered on a lot between interior side property lines	Not permitted	Eight feet measured from grade to top of sign.	No permit required for signs that are no larger than six square feet and which are not electrically illuminated. Renewal of permit shall be contingent upon the applicant providing proof of vacancy. Signs shall be removed within three days of closing or the signing of the lease agreement. The attachment of balloons, streamers, flags, or other attention attracting devices is prohibited.
All residential districts	6 square feet	1 plus 1 additional sign may be installed only when the premises are available for inspection by the prospective buyer or tenant without an appointment. Said additional sign shall not be larger than two feet by two feet. Two additional signs of the same size may be installed off-site during the same time period.	Five feet from official r.o.w. line <u>or on the fence line,</u> unless attached to an existing building, 15 feet to an interior side property line or centered on a lot between interior side property lines	Not permitted	Eight feet measured from grade to top of sign.	No permit is required for an on-premise sign that is no larger than 6 square feet. Real estate signs shall be removed within three days of the closing or the signing of the lease agreement. The attachment of balloons, streamers, flags, or other attention attracting devices is prohibited.

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 square feet in the residential districts, and 32 square feet in the nonresidential districts.		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.

ARTICLE 9. – RULES OF CONSTRUCTION AND DEFINITIONS

* * *

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.

Accessory structure (appurtenant structure). A structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, and may not be used for human habitation and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, swimming pools and enclosures, and chickee huts. A guest house shall not be considered an accessory structure for purposes of the flood regulations.

Accessory use. See "Use, accessory."

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

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

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

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

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

Advertise or advertising. Any form of public announcement intended to aid directly or indirectly in the sale, use or promotion of a commercial product, commodity, service, activity, or entertainment.

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

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

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

Alcoholic beverage. Beverages containing alcohol as defined by the state.

Alcoholic beverage establishment. Any establishment devoted primarily to the retail sale of alcoholic beverages for consumption on the premises.

Alley. A public or private right-of-way that is not generally used as a thoroughfare by pedestrians and vehicles, affords only a secondary means of access to abutting property, and is not designated as a street.

Alteration. Any change, rearrangement, enlargement, extension, reduction of any structure or part thereof on the same site.

Amortization. The installment costs of a use or structure extended throughout a predetermined life of such use or structure.

Animal hospital. See "Veterinary clinic."

Animated sign/electronic message board. A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Antenna. Any exterior transmitting or receiving device used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), wireless communications signals or other communication signals, including directional antennae, such as panel and microwave dish antennae, whip and omni-directional antennae, but excluding radar antennae, amateur radio antennae and satellite earth stations.

Apartment. A room or a suite of rooms within an apartment house, arranged, intended or designed to be used as a home or residence of one family with kitchen facilities for the exclusive use of one family. Apartments shall not be permitted to have bedrooms with doors that lead to a means of egress, exclusive of balconies.

Apartment building. A building which is used or intended to be used as a home or residence for three or more families living in separate apartments, in which the yard areas, hallways, stairways, balconies and other common areas and facilities are shared by families living in the apartment units.

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

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

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

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

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

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

Awning sign. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee sign is not an awning sign.

Banner. A temporary sign possessing characters, letters, illustrations, or ornamentations, if any, applied to cloth, paper, fabric, or like kind material with only such material for backing. A banner may or may not have a frame, and is not of permanent construction requiring compliance with the building code. A banner is not designed to fly from a flagpole and cannot be considered a flag.

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

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

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

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

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

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

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

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

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

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 or overhead trellises** of such uses and structures, measured along the exterior faces of the walls **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, overhangs extending more than 36 inches from the face of the building or column, shall be included in building coverage.

Building frontage. See "Frontage, building."

Building height. See "Height, building."

Building permit. See "Permit."

Building setback line. See "Setback."

Building site. A building site shall be as follows:

- (a) A parcel of land having not less than the minimum area permitted by the land development code for a building to be erected thereon, including such open spaces as this Code requires.
- (b) A parcel of land heretofore approved by the village or the county as a building site inclusive of properties reflected on Map I-1 Future Land Use Map-2015 dated February 9, 1999.

Business establishment. Any individual person, nonprofit organization, partnership, corporation, other organization or legal entity, required to hold a valid occupational license.

Cafe, outdoor. See "Restaurant, outdoor."

Cafeteria. See "Restaurant."

Caliper. For trees under four inches in diameter, the trunk diameter measured at a height of six inches above natural grade. For a tree diameter four inches or greater (i.e. monocot), the trunk diameter measured at 12 inches above natural grade.

Canopy. See "Awning."

Capacity. Refers to the availability of a public service or facility to accommodate users, expressed in an appropriate unit of measure, such as gallons per day or average daily trips.

Capacity, available. Capacity which can be reserved or committed to future users for a specific public facility.

Capacity, committed. The amount of capacity, which has been committed to accommodate existing developments, developments which have been issued a final development order, committed development, and vested developments.

Capacity, reserved. Capacity which has been removed from the available capacity pool and allocated to a particular property for a set period of time.

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

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

Cellar. See "Basement."

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

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

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

1. *After school care:* Child care and recreation for children above the age of five when no formal schooling program is conducted and where the care provided is generally after school, on weekends, school holidays and vacations.
2. *Day nurseries:* Child care for infants and children up to and including age six.
3. *Child and family day care homes:* Child and family day care and recreation with a maximum of six persons including the day care operator's own children.

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

Clinic, medical, dental or optical. A facility which does not provide for overnight accommodations wherein professional services concerning personal health of humans are administered by medical doctors, chiropractors, osteopaths, optometrists, dentists or any other such profession, which may lawfully be practiced in the state.

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

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

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

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

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

Commercial message. Any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sale event or other commercial activity.

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

Commercial vehicle. Category 2 - A vehicle that is eight (8) 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. Category 3 – A vehicle other than a recreational vehicle exceeding twenty (20) feet in length or more than eight (8) 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.

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

Common lot line. A line dividing one lot or parcel from another lot or parcel.

Common open space. Undeveloped land within a cluster development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual lots, and shall be substantially free of structures, and shall not include conservation and preservation areas otherwise set aside under this division.

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

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

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

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

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

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

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

Conservation easement. A voluntary restriction placed by the landowner on the use of his or her property to protect resources such as wildlife habitat, preservation areas, conservation lands, natural

areas, scenic views, historic structures, or open spaces. The landowner retains title to the property, and the easement is donated to a qualified conservation organization, such as a land trust, or a government agency.

Construction/subdivision sign. A temporary sign displayed on property only during the progress of actual construction work. It is erected and maintained by the property owner/tenant, or on the owner/tenant's behalf by an architect, contractor, developer, finance organization, subcontractor, or materials vendor that is furnishing labor, services, or material on the premises.

County. Miami-Dade County.

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

Coverage. See "Lot coverage."

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

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

Day care. See "Childcare."

Density. The number of dwelling units permitted on a particular lot or parcel of property calculated by dividing the number of dwelling units by the total number of acres. Density shall be determined by dividing the "dwelling units on the site" by the "net acres on the site." (i.e., dwelling units/residential land acres). All residential densities denoted on the land use district map stipulate the maximum densities permitted for development on the land. In calculating residential density, land area shall only include contiguous land area proposed for residential development, which is under unity of title. Gross residential acreage for determining estate density in EU-1C, EU-1 and EU-S shall include the land area assigned to residential use plus one-half of the adjacent right-of-way.

Depth, lot. See "Lot."

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

Detached sign. Any sign not attached to or painted on a building, but which is permanently attached to the ground.

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

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

- (a) Construction, clearing, filling, excavating, grading, paving, dredging, drilling or otherwise significantly disturbing the soil of a site.
- (b) Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.

- (c) Subdividing land into two or more parcels.
- (d) Removal of a tree for which authorization is required under this Code.
- (e) Erection of a sign for which authorization is required under this Code.
- (f) Alteration of a historic property for which authorization is required under this Code.
- (g) Change of use and/or tenant of a site so that the need for parking is increased.
- (h) Construction, elimination or alteration of a driveway on to a public street.

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

Development permit. See "Permit."

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

- (a) When the land development code requires a distance between uses or developments on different development sites or there are requirements in the land development code for a development which is located within a certain distance from another development the distance shall be measured using a straight line measurement from property line to property line using the closest property line of the parcels of land involved.
- (b) When the land development code imposes requirements on a development which is located within a certain distance of a land use district, the distance shall be measured using a straight line measurement from the land use district line lying closest to the closest property line of the parcel of land involved.
- (c) When there is a distance requirement between a structure or building on the same development site, the distance shall be measured from the exterior of the building's walls or columns or the exterior of the said structure, using a straight line measurement from the closest points between the structures being measured.
- (d) When a portion of a parcel or development site lies within a certain distance of a land use district or development and the land development code imposes requirements or regulations on a development or parcel within such distance, the requirements and regulations shall be applicable to the entire parcel or development site and not just to the portion within the specified distance.

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

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

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

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

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

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

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

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

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

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

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

Effluent. The emission of pollutants from any source.

Electronic sign. Any type of electronic display board, electronic message board, digital, LED, programmable ink or other sign capable of displaying words, pictures, symbols, video or images including, but not limited to, any electronic, laser, digital, or projected images display that can be changed electronically or mechanically by remote or automatic means. Architectural lighting that is designed to illuminate building walls, architectural features or landscaping is not a sign.

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

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

Energy conservation zone. A zone located no more than **22 30** feet from a structure in a 180-degree band from due east of the northeast point of the structure, to due south, to due west of the northwest point of the structure.

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

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

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

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

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

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

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

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

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

Family. One person or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage, domestic partnership or legal adoption, or a group of persons not more than three in number who are not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants. Any person under the age of 18 years whose legal custody has been awarded to the state Department of Children and Family Services (DCF) or to a child-placing agency licensed by DCF, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this chapter. Nothing herein shall be construed to include any roomer or boarder as a member of a family.

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

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

Flag. A piece of fabric with a color or pattern that represents a government, or other noncommercial organization or idea designed to be flown from a flagpole. Banners are not included in this definition.

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

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

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

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

Floodplain. Any land area susceptible to flooding.

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

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

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

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 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 nonresidential floor area.

Floor Area Ratio (FAR) Illustration [\(Add illustration\)](#)

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.

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

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

Glass sign. A sign located on the glazed area of a building facing the exterior.

Governing body. The Village Council of the village as constituted in the village charter.

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

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

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

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

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

Gross floor area. See "Floor area, gross/total."

Group home. See "Homes/special facilities."

Guest/worker housing. Living quarters, excluding kitchen facilities, either attached or detached from the principal structure, used as a residence by persons employed to provide domestic services to the occupants of the principal structure or their guests.

Hatrack. To flat-cut or prune the top of a tree, severing the leader or leaders or the removal of any branch three inches or greater in diameter at any point other than the branch collar hedge. A dense row of shrubs or bushes placed to form a boundary or barrier.

Height (excluding building).

1. *For signs.* The vertical distance measured from ground level nearest the base of the sign to the highest point of the sign.
2. For structures other than buildings. When referring to a tower, antenna or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, even if the highest point on the tower or structure is an antenna.

Height, building. The vertical measurement from eight inches above the average crown of the adjacent street(s) or the elevation set by the National Flood Insurance Act of 1968 whichever is higher in non-flood hazard areas; and from the base flood elevation plus one foot, or the back of the sidewalk elevation plus one foot, or if there is no sidewalk, the elevation of the average crown of road or street abutting such building site plus one foot, whichever is greater in flood hazard areas.

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation walls of a building.

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
5. By an approved state program as determined by the secretary of the interior;
6. Directly by the secretary of the interior in states without approved programs; or
7. Individually listed on a local inventory of sites designated by the village or county as historically significant.

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

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

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

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

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

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

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

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

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

Illegal sign. Any of the following:

1. A sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use;
2. A sign that was legally erected but whose use ceased because the business it identifies is no longer conducted on the premises which now shows neglect or has become dilapidated;
3. A nonconforming sign for which the amortization period has expired;
4. A sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;
5. A sign that is a danger to the public or is unsafe; or
6. A temporary sign that has remained in place longer than the allowed term specified in the applicable Special Conditions of Div. 7.16(b).

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

Impervious surface ratio (ISR). A measure of the intensity of hard surfaced development on a site. An impervious surface ratio is the relationship between the total impervious surface area on a site and the net land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the net land area.

IMPERVIOUS SURFACE RATIO (ISR) ILLUSTRATION

$$\text{ISR} = \frac{\text{TOTAL IMPERVIOUS SURFACE}}{\text{TOTAL LOT AREA}} = \frac{6,000}{10,000} = 60\%$$

Incidental. Subordinate and minor in area, purpose and significance, and serving or bearing a reasonable relationship to the primary use.

Intersection visibility triangle. The triangle portion of a lot 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 intersection.

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

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

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State Holidays. Any of the following: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

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