



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

MEMORANDUM

Department of Building and Planning

DATE: May 3, 2022

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

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

RE: Proposed Amendment - Chapter 30, Land Development Regulations –Division
9.2, Definition of Terms, “Green Space”

Councilmember Kraft recently noted that the definition of “Green Space” in the Land Development Regulations excludes “waterbodies”. Following discussion of the matter with Councilmember Kraft, staff agrees that a lake or other permanent natural water feature has many of the same environmental benefits of upland green space and recommends that the definition be amended to allow lakes and retention areas to be counted as green space provided these features are privately owned and included in the description of the subject property. Amendment of the definition of green space is recommended as follows:

Div. 9.2. - Definition of terms.

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

Please note: The noted change to roof overhangs was approved by the Village Council in 2018 within Section 5.22 of the Village’s Land Development Regulations, but was not changed within the definition of green space as proposed herein.

A copy of the proposed ordinance for the Village Council’s consideration at first reading is attached. If approved at first reading, staff will advertise and schedule the proposed ordinance for consideration by the Local Planning Agency and Village Council at second reading.

If you have questions or require additional information, please let me know.



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

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

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

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

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

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49 **SECTION 1. Recitals.**

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

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

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

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

Note:

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

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Div. 9.2. - Definition of terms.

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SECTION 3. Inclusion in the Code of Ordinances.

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

SECTION 4. Conflicts.

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

SECTION 5. Severability.

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

85 **SECTION 6. Effective Date.**

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

88 PASSED on first reading this 10th day of May, 2022.

89 PASSED AND ADOPTED on second reading this ____th day of _____, 2022.

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Joseph M. Corradino, Mayor

ATTEST:

Priscilla Torres, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Mitchell Bierman
Village Attorney

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

Vote:

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