



PINECREST
MEMORANDUM

Building and Planning Department

DATE: April 28, 2026

TO: Yocelyn Galiano, ICMA-CM
Village Manager

FROM: Stephen R. Olmsted, AICP
Planning Director

RE: Village of Pinecrest Code of Ordinances – Proposed Text Amendments:

- Chapter 2, Administration
- Chapter 15, Nuisances
- Chapter 16, Offenses and Miscellaneous Provisions
- Chapter 26, Streets, Sidewalks, and Other Public Places
- Chapter 28, Taxation
- Chapter 30, Land Development Regulations

Following Workshop Meetings on March 10, 2026, March 18, 2026, and March 23, 2026, the Village Council reviewed and considered proposed amendments to the Village’s Code of Ordinances and Land Development Regulations at first reading on April 14, 2026. Ordinances and proposed amendments to the text of the Village’s Code of Ordinances, including amendments to Chapter 2, Administration; Chapter 15, Nuisances; Chapter 16, Offenses; Chapter 26, Streets, Sidewalks, and Other Public Places; Chapter 28, Taxation; and Chapter 30, Land Development Regulations (Exhibits “A”) are attached for consideration by the Village Council at second reading on May 5, 2026. .

Proposed changes include various amendments that have been identified by staff and the Village Council over the course of the past several months and some amendments that have been proposed by commercial property owners.

All proposed changes are shown in bold, underlined text, highlighted in yellow. Changes made subsequent to first reading of the ordinances on April 14, 2026 are highlighted in blue.

A brief description of all proposed changes is provided for the Village Council's consideration as follows:

CHAPTER 2, ADMINISTRATION

Revises code violations for which a civil citation can be issued including animal control violations, articles placed in the right-of-way without a permit, graffiti, illegal dumping, and visual obstructions, among others.

CHAPTER 15, NUISANCES

Defines Caegory1, 2, and 3 commercial vehicles, life safety violations, abandoned vehicles, and open- air storage, among others, and provides for and provides for the regulation thereof. Provides for the definition and regulation of hazardous trees encroaching on to neighboring properties; and changes permitted hours of commercial landscaping on Saturdays to the hours between 10:00 a.m. and 3:00 p.m.

CHAPTER 16, OFFENSES AND MISCELLANEOUS PROVISIONS

Proposed amendments regulate the permitting and inspection of large tents 400 square feet or more in area.

CHAPTER 26, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

Proposed amendments prohibit the creation of permanent parking spaces in the public right-of-way.

CHAPTER 28, TAXATION

Proposed amendments provide for an additional civil citation not to exceed \$500.00 for businesses operating without a required local business tax receipt.

CHAPTER 30 – LAND DEVELOPMENT REGULATIONS

Proposed amendments provide that a tie vote of the Zoning Board shall be considered a negative determination; eliminates the provision allowing the Zoning Board to consider lot size restriction variances; provides an incentive of additional permitted building coverage for the elimination of front street and side street fences in specified residential zoning districts; allows the sale of alcohol for consumption on the premises as a permitted use instead of a conditionally permitted use; eliminates the need to provide porous parking spaces; eliminates

the Architectural Review Board for review of commercial development projects adjacent to Pinecrest Parkway; addresses the placement of shrubs adjacent to chain link fences, where permitted; requires pickleball courts to be insulated with fences containing sound attenuating panels; eliminates public telephone regulations; amends parking regulations for public parks; provides incentives for the provision of fast electric vehicle charging stations; includes statutory provisions for the regulation of mobile food trucks; addresses various tree protection and landscaping regulations; and amends school banner and temporary non-commercial sign regulations.

In addition to the proposed amendments summarized above, representatives of two commercial properties in Pinecrest have requested amendments to the Village's parking regulations that would reduce the number of parking spaces required for health and fitness centers and large medical facilities over 50,000 square feet in area. Parking studies have been submitted by the representatives and forwarded to the Village's transportation engineering consultants, Choice Engineering for review. Choice Engineering has reviewed the submitted studies and is requesting additional supporting documentation. Staff recommends denial of the proposed reduction in parking requirements for health and fitness establishments and for large medical facilities until Choice Engineering recommends approval.

The Village Attorney is reviewing proposed amendments to Chapter 30, Land Development regulations for compliance with the requirements of Senate Bill 180 and will make final recommendations for any necessary adjustments at the time of second reading.

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

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

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

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

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

51 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE
52 VILLAGE OF PINECREST, FLORIDA:

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54 **SECTION 1. Recitals.**

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

58 **SECTION 2. Amendment and Adoption.**

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

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

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

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

69 **SECTION 4. Conflicts.**

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

72 **SECTION 5. Severability.**

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

76 **SECTION 6. Effective Date.**

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

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

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

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

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Joseph M. Corradino, Mayor

84 ATTEST:

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Priscilla Torres., MMC

89 Village Clerk

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91 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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Mitchell Bierman

96 Village Attorney

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98 Motion on Second Reading by:

99 Second on Second Reading by:

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101 Vote:

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

Exhibit "A"

CHAPTER 2 – ADMINISTRATION

ARTICLE V. – CODE COMPLIANCE

DIVISION 1 – GENERALLY

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Sec. 2-132. Definitions.

For the purposes of this chapter of the Code of Ordinances, the following terms, phrases, words, and their derivations shall have the meaning as defined. When not inconsistent with the context, words used in the present tense include future, words in the plural number include the singular number and vice versa. The word "shall" is always mandatory and not merely directory.

Abandoned real property means any property that is vacant and is subject to a mortgage under a current notice of default and/or notice of mortgagee's sale, pending tax assessors lien sale and/or vacant properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

Citation or civil violation notice shall mean a notice of violation with a civil penalty and fine, as provided for in the Code.

Clerk shall mean an employee of the building, planning and zoning department who is responsible for coordinating the administrative, processing and case management services for the code compliance and enforcement functions.

Code means collectively the Village of Pinecrest Code of Ordinances, as may be amended from time to time, any applicable sections of the Code of Miami-Dade County as made applicable to the village pursuant to article 8, section 8.3 and section 8.10 of the Village Charter, or the applicable building code, as may be amended from time to time.

Code compliance officer means any sworn authorized agent or employee of the village whose duty it is to assure compliance with the Code. Training and qualifications of employees and agents as code compliance officers shall be established by the village.

Code compliance reminder shall mean a written warning issued to a violator(s) and may serve as the first notice that a violation is alleged in accordance with the provisions of the Code of Ordinances. It shall be issued in accordance with the notice requirements contained in the definition for "notice" hereinbelow.

Continuing violation shall mean a violation which remains uncorrected beyond the time period for correction contained in either the code compliance reminder, citation, the order of the special magistrate, or order of the hearing officer.

Evidence of vacancy means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to. overgrown and/or dead vegetation, accumulation of abandoned real property, as defined herein, statements by neighbors, passers-by. delivery agents or government agents, among other evidence that the property is vacant.

Foreclosure means the process by which a property, placed as security for a real estate loan, is sold at public sale to satisfy the debt if the borrower defaults.

Hearing officer is an individual, appointed pursuant to the Code of Ordinances, who is authorized to conduct hearings on appeals of civil violation notices. A hearing officer enters findings of fact, conclusions of law, and may adjust fines imposed pursuant to civil violation notices depending on evidence and testimony entered at the hearing.

Notice shall be provided to alleged violator(s) or property owner(s) by certified mail, ~~return receipt requested~~, by hand-delivery or posting, or as provided in this article and F.S. ch. 162.

Notice of violation means any written notice issued to a violator in accordance with the provisions of the Code of Ordinances and F.S. ch. 162.

Probable cause shall mean that a reasonable belief exists that a code provision has been violated and that the violator committed, or is the person responsible for maintaining, the violation.

Property management company means a property manager, property maintenance company or similar entity or individual responsible for the maintenance of abandoned real property.

Repeat violation means a code violation by a person or entity to whom a civil penalty or order has been imposed by a special magistrate, hearing officer, or civil court judge on the same provision of the Code within five years prior to the violation or finding. For purposes of the Code of Ordinances, a repeat violation shall be deemed to be a violation which reoccurs only after correction of the previous violation. A violation which remains uncorrected beyond the time prescribed for correction in the civil violation notice shall be treated as a continuing violation.

Special magistrate is an individual appointed pursuant to the Code of Ordinances, authorized to hold hearings, enter findings of fact, conclusions of law and to impose fines, liens and other noncriminal penalties. The special magistrate shall have the same jurisdiction and power as the code enforcement board as provided in F. S. ch. 162.

Uncorrectable violation means a violation which is determined by the special magistrate to be irreparable or irreversible in nature and which cannot be remedied after the violation has been committed because the violation constitutes a single prohibited act rather than an ongoing condition or circumstance.

Vacant means any building/structure that is not legally occupied.

Violator shall be defined as any individual or legal entity that has committed or is alleged to have committed a code violation or is legally responsible for a code violation including, but not limited to, a property owner or his agent, tenant, entity on the premises or any combination thereof.

DIVISION 2 – SPECIAL MAGISTRATE PROCEDURE

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Sec. 2-145. Enforcement procedures; contents and service of notice; transfer of ownership obligations.

- (a) A code compliance officer who finds a violation of the Code, a development order, an approved site plan, an approved subdivision plat, or any related conditions of approval shall issue a ~~code compliance reminder~~ **civil citation** stating that the violator has committed a violation of the Code and shall specify a reasonable time period within which the violator must correct the violation. This determination shall be based on consideration of fairness, practicality, ease of correction, ability to correct, severity of violation, or nature, extent, and probability of danger or damage to the public, degree of nuisance to neighbors and neighborhood, and other relevant factors relating to the reasonableness of the time period prescribed. Should the code compliance officer determine that the violation has not been corrected within the time specified, a hearing before the special magistrate shall be scheduled. Written notice of the violation, noting the nature of the violation, the required corrective action, and the time and place of the hearing shall be provided to the violator as required under the "notice" requirements in this article.
- (b) A code compliance reminder and a notice of violation issued pursuant to this article shall include the following:
- (1) The date and time of issuance (code compliance reminder).
 - (2) The name of the code compliance officer issuing the notice.
 - (3) The name and address of the violator.
 - (4) The section of the Code that has been violated (notice of violation).
 - (5) A brief description of the nature of the violation, including the location and date the violation was observed.
 - (6) The amount of the fine for which the violator may be liable.
 - (7) The method for correction and the time within which the violation must be corrected.
 - (8) A statement that each day of continued violation after a finding by the special magistrate shall be deemed a continuing violation, subject to an additional penalty in the same amount without the need for additional notices of violation.
 - (9) A statement that failure to appear may result in a finding of guilt by the special magistrate and imposition of a fine in absentia.
 - (10) A statement that the violator may be liable for the reasonable administrative hearing costs if the violator is found guilty.
 - (11) Time, date, and place of hearing, if applicable.
- (c) Should a code compliance officer have reason to believe a violation presents a serious threat to the public health, safety or welfare or if the violation is one that may be irreparable or

irreversible in nature, the code compliance officer may proceed directly to a hearing upon approval of the department head of building, planning and zoning, without notifying the alleged violator; provided, however, where possible, the code compliance officer shall use his/her best efforts to ensure that reasonable notice shall be given to the alleged violator. If the violation is corrected and then recurs, the case shall be presented to the special magistrate even if the violation has been corrected prior to the hearing, and the notice shall so state.

- (d) If a repeat violation is determined to exist by the code compliance officer, then he/she shall make a reasonable effort to notify the named violator and may immediately request the scheduling of a hearing. The case may be presented to the special magistrate even if the repeat violation has been corrected prior to the hearing, and the notice shall so state.
- (e) All notices required by the Code shall be provided to the alleged violator by certified mail, ~~return receipt requested~~; overnight courier; by hand delivery by a law enforcement officer of the village, code compliance officer, or other person designated by the village; or by leaving the notice at the violator's usual place of residence with someone residing at the residence above 15 years of age and informing such person of the contents of the notice and may include posting at site of violation.
- (f) Such notice may be posted for at least ten days in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the primary municipal government office. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting. Notice by posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (e).
- (g) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (e), together with proof of posting as provided in subsection (f), shall be sufficient to show that the notice requirements of the Code have been satisfied, without regard to whether or not the alleged violator actually received such notice.
- (h) If the owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:
 - (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
 - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
 - (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
 - (4) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.

- (i) A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

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Sec. 2-148. Prohibition of the issuance of permits, licenses, certificates of use and occupancy, or zoning approvals to violators with uncured violations and unpaid civil penalties or liens.

No operating permit, license, building permit, **inspection**, certificate of use and occupancy, business tax receipt, platting action, or zoning action shall be approved **or performed**, granted or issued to any named violator with (i) uncured violations as cited in the Village Code; (ii) unpaid civil penalties; (iii) unpaid administrative costs of hearing; (iv) unpaid village investigative, enforcement, testing, or monitoring costs; or (v) unpaid liens, any or all of which are owed to the village pursuant to the provisions of the Village Code; **(vi) or an expired permit issued by the Village of Pinecrest.**

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DIVISION 3 - CIVIL CITATION PROCEDURES

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), **animal control violations, prohibited conditions and articles in the right-of-way, visual obstructions, parking or storage of commercial vehicle violations**, unlicensed contractors, unlicensed landscapers, contractor licensing requirements, overflowing dumpsters, **illegal dumping, recycle/garbage bin violations**, trash piles, illegal dumping, **unsanitary conditions, hatracking and removal of trees, work without required permit(s), job site violations, temporary construction fence violations, failure to recertify buildings**, failure to secure job sites during hurricane warnings, **graffiti**, operating vendor type businesses without license, local business tax receipt violations, **unsecured** pool barriers and life safety violations, stagnant pools and fountains, repeat overgrowth violations and similar type violations.

* * *

Sec. 2-166. Enforcement procedures; contents and service of notices/civil violations.

- (a) A code compliance officer who finds a violation of the Code shall issue a code compliance reminder stating that the violator has committed a violation of the Code and shall specify a reasonable time period within which the violator must correct the violation. This determination shall be based on consideration of fairness, practicality, ease of correction, ability to correct, severity of violation, or nature, extent, and probability of danger or damage to the public, degree of nuisance to neighbors and neighborhood, and other relevant factors relating to the reasonableness of the time period prescribed.
- (b) A code compliance officer is authorized to issue a citation to a person when, based upon his/her personal investigation, the inspector has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted section of the village's code of ordinances, the applicable Miami-Dade County Code of Ordinances, and the applicable building code, as may be amended from time to time.
- (c) If, upon his/her personal investigation, a code compliance officer finds that the person has not corrected the violation within the time period, a code compliance officer shall issue a citation to the person or legal entity who has committed the violation. A code compliance officer does not have to provide the violator with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the code compliance officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible. Unlicensed contractors, working under a stop work order, performing work without permits, tree abuse, illegal dumping and similar situations do not require prior notice and may result in an immediate citation.
- (d) A citation issued by a code compliance officer shall be in a form prescribed by the village and shall contain:
 - 1. The date and time of issuance.
 - 2. The name and address of the person or entity to whom the citation is issued.
 - 3. The date and time the civil infraction was committed.
 - 4. The facts constituting reasonable cause.
 - 5. The number or section of the Code of Ordinances violated.
 - 6. The name of the code compliance officer.
 - 7. The procedure for the person or entity to follow in order to pay the civil penalty or to contest the citation.
 - 8. The applicable civil penalty if the person or entity elects to contest the citation, and that the violator may be liable for costs associated with conducting the administrative hearing.
 - 9. The applicable civil penalty if the person or entity elects not to contest the citation.
 - 10. A conspicuous statement that if the person or entity fails to pay the civil penalty within the time allowed, or fails to file an appeal to contest the violation within 14 days of service of

notice with the village's hearing officer, he/she shall be deemed to have waived their right to contest the citation and that, in such case, a finding may be rendered against the person for an amount up to the maximum civil penalty.

- (e) After issuing a citation, the code compliance officer shall deposit the original with the clerk of the code compliance division.
- (f) Any person who willfully refuses to sign and accept a citation issued by a code compliance officer shall be guilty of a misdemeanor of the second degree punishable as provided in F.S. § 775.082, as amended, or F.S. § 775.083, as amended.
- (g) All notices required by the Code shall be provided to the alleged violator by certified mail, ~~return receipt requested~~, overnight courier; by hand delivery by a law enforcement officer of the village, code compliance officer, or other person designated by the village; or by leaving the notice at the violator's usual place of residence with someone residing at the residence above 15 years of age and informing such person of the contents of the notice; and may include posting at site of violation.
- (h) Such notice may be posted for at least ten days in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other which shall be at the primary municipal government office. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting. Notice by posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (g).
- (i) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (g), together with proof of posting as provided in subsection (h), shall be sufficient to show that the notice requirements of the code have been satisfied, without regard to whether or not the alleged violator actually received such notice.

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