

37 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE
38 VILLAGE OF PINECREST, FLORIDA:

39
40 Section 1. Recitals.

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

44 Section 2. Amendment and Adoption.

45 The amendments to the Code of Ordinances contained in this Ordinance are hereby
46 amended or created and adopted as follows:

47 Article 4, Zoning District Regulations

48
49 Div. 4.2 Residential Districts

50
51 (b) Residential Estate (EU-1C) District

52
53 5. Dimensional Regulations

54
55 g. Minimum Setbacks and maximum floor area ratios

56
57 Note (4): Uncovered swimming pools, pool patios and hard-surfaced tennis courts shall be
58 excluded from F.A.R. ~~and lot coverage~~ calculations but shall be calculated as impervious
59 surface.

60
61 (c) Residential Estate (EU-1) District

62
63 5. Dimensional Regulations

64
65 f. Minimum Setbacks and maximum floor area ratios

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67 Note (4): Uncovered swimming pools, pool patios and hard-surfaced tennis courts shall be
68 excluded from F.A.R. ~~and lot coverage~~ calculations but shall be calculated as impervious
69 surface.

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71 (d) Residential Suburban Estate (EU-S) District

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73 5. Dimensional Regulations

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75 f. Minimum Setbacks and maximum floor area ratios

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

(e) Residential Modified Estate (EU-M) District

5. Dimensional Regulations

f. Minimum Setbacks and maximum floor area ratios

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

(h) Residential Multi-Family Moderate Density (RU-3M) **District**

6. Green Space and Landscaping

- i. 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, trees and shrubbery, **except that ten (10) percent of any driveway or parking area constructed of open cell unit pavers (turf block) and two (2) percent of any driveway or parking area constructed of brick pavers with a sand and/or gravel sub base or underlayment may be counted as green space.**

(i) Residential Multi-Family Low-Medium Density (RU-4L) **District**

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, trees and shrubbery, **except that ten (10) percent of any driveway or parking area constructed of open cell unit pavers (turf block) and two (2) percent of any driveway or parking area constructed of brick pavers with a sand and/or gravel sub base or underlayment may be counted as green space.**

(j) Residential Multi-Family Medium High Density (RU-4M) **District**

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, trees and shrubbery, **except that ten (10) percent of any driveway or parking area constructed of open cell unit pavers (turf block) and two (2) percent of any driveway or parking area constructed of brick pavers with a sand and/or gravel sub base or underlayment may be counted as green space.**

(k) Residential Multi-Family High Density (RU-4) **District**

124 6. Green Space and Landscaping

- 125
- 126 a. Green Space. On each lot there shall be provided a green space equal to at least 35 percent of
- 127 the total lot area. The required green space shall be unencumbered with any structure or off-
- 128 street parking and shall be landscaped and well maintained with grass, trees and shrubbery,
- 129 **except that ten (10) percent of any driveway or parking area constructed of open cell unit**
- 130 **pavers (turf block) and two (2) percent of any driveway or parking area constructed of brick**
- 131 **pavers with a sand and/or gravel sub base or underlayment may be counted as green space.**
- 132

133 Div. 4.3 Commercial Districts

- 134
- 135 c. Office Development (RU-5) District
- 136

137 7. Green Space and Landscaping

- 138
- 139 a. Green Space. On each lot there shall be provided a green space equal to at least 25 percent of
- 140 the total lot area. The required green space shall be unencumbered with any structure or off-
- 141 street parking and shall be landscaped and well maintained with grass, trees and shrubbery,
- 142 **except that ten (10) percent of any driveway or parking area constructed of open cell unit**
- 143 **pavers (turf block) and two (2) percent of any driveway or parking area constructed of brick**
- 144 **pavers with a sand and/or gravel sub base or underlayment may be counted as green space.**
- 145

- 146 d. Restricted Business Development (BU-1) District
- 147

148 7. Green Space and Landscaping

- 149
- 150 a. Green space. The minimum landscaped green space at one story shall be in accordance with the
- 151 following table. The required green space shall be unencumbered with any structure or off-street
- 152 parking and shall be landscaped and well maintained with grass, trees and shrubbery, **except that**
- 153 **ten (10) percent of any driveway or parking area constructed of open cell unit pavers (turf block)**
- 154 **and two (2) percent of any driveway or parking area constructed of brick pavers with a sand**
- 155 **and/or gravel sub base or underlayment may be counted as green space.** The minimum
- 156 landscaped green space shall be increased by 1.5 percent for each additional story or part thereof
- 157 up to a maximum of two stories exclusive of penthouse and mezzanine. For the purpose of
- 158 computing the amount of required landscaped green space where the building height varies, the
- 159 number of stories shall be determined by that portion of the building with the highest story
- 160 exclusive of penthouse and mezzanine.
- 161

- 162 e. General Business (BU-1A) District
- 163

164 7. Green Space and Landscaping

- 165
- 166 a. Green space. The minimum landscaped green space at one story shall be in accordance with the
- 167 following table. The required green space shall be unencumbered with any structure or off-street
- 168 parking and shall be landscaped and well maintained with grass, trees and shrubbery, **except that**
- 169 **ten (10) percent of any driveway or parking area constructed of open cell unit pavers (turf block)**
- 170 **and two (2) percent of any driveway or parking area constructed of brick pavers with a sand**
- 171 **and/or gravel sub base or underlayment may be counted as green space.** The minimum

172 landscaped green space shall be increased by one and one-half percent for each additional story or
173 part thereof up to a maximum of four stories. For the purpose of computing the amount of required
174 landscaped green space where the building height varies, the number of stories shall be determined
175 by that portion of the building with the highest story exclusive of penthouse and mezzanine.

176
177 f. Special Business (BU-2) District

178
179 7. Green Space and Landscaping

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181 a. Green space. The minimum landscaped green space at one story shall be in accordance with the
182 following table. The required green space shall be unencumbered with any structure or off-street
183 parking and shall be landscaped and well maintained with grass, trees and shrubbery, **except that**
184 **ten (10) percent of any driveway or parking area constructed of open cell unit pavers (turf block)**
185 **and two (2) percent of any driveway or parking area constructed of brick pavers with a sand**
186 **and/or gravel sub base or underlayment may be counted as green space.** The minimum
187 landscaped green space shall be increased by one and one-half percent for each additional story or
188 part thereof up to a maximum of four stories exclusive of penthouse and mezzanine. For the
189 purpose of computing the amount of required landscaped green space where the building height
190 varies, the number of stories shall be determined by that portion of the building with the highest
191 story exclusive of penthouse and mezzanine.

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193 g. Intensive Business (BU-3) District

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195 7. Green Space and Landscaping

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197 a. Green space. The minimum landscaped green space at one story shall be in accordance with the
198 following table. The required green space shall be unencumbered with any structure or off-street
199 parking and shall be landscaped and well maintained with grass, trees and shrubbery, **except that**
200 **ten (10) percent of any driveway or parking area constructed of open cell unit pavers (turf block)**
201 **and two (2) percent of any driveway or parking area constructed of brick pavers with a sand**
202 **and/or gravel sub base or underlayment may be counted as green space.** The minimum
203 landscaped green space shall be increased by one and one-half percent for each additional story or
204 part thereof up to a maximum of four stories exclusive of penthouse and mezzanine. For the
205 purpose of computing the amount of required landscaped green space where the building height
206 varies, the number of stories shall be determined by that portion of the building with the highest
207 story exclusive of penthouse and mezzanine.

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209 Div. 4.4 Public and Semi-Public Services (PS) District

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211 (f) Dimensional Regulations

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213 6. Green space and landscaping

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215 a. Green space. On each lot there shall be provided a green space equal to at least 35 percent of
216 the total lot area. The required green space shall be unencumbered with any structure or off-
217 street parking and shall be landscaped and well maintained with grass, trees and shrubbery,
218 **except that ten (10) percent of any driveway or parking area constructed of open cell unit**

219 pavers (turf block) and two (2) percent of any driveway or parking area constructed of brick
220 pavers with a sand and/or gravel sub base or underlayment may be counted as green space.
221

222 Div. 4.5 Public and Private Parks and Recreation Facilities (PR) District
223

224 g. Green space and landscaping.
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226 1. Green space. On each lot there shall be provided a green space equal to at least 35 percent of
227 the total lot area. The required green space shall be unencumbered with any structure or off-
228 street parking and shall be landscaped and well maintained with grass, trees and shrubbery,
229 except that ten (10) percent of any driveway or parking area constructed of open cell unit
230 pavers (turf block) and two (2) percent of any driveway or parking area constructed of brick
231 pavers with a sand and/or gravel sub base or underlayment may be counted as green space.
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233 Div. 4.7 North Pinecrest Business Alternative (NPBAÐ) District
234

235 (f) Green Space and Landscaping
236

237 1. Green space. The minimum landscaped green space at one (1) story shall be in accordance with
238 the following table. The required green space shall be unencumbered with any structure or off-
239 street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except
240 that ten (10) percent of any driveway or parking area constructed of open cell unit pavers (turf
241 block) and two (2) percent of any driveway or parking area constructed of brick pavers with a sand
242 and/or gravel sub base or underlayment may be counted as green space. The minimum green
243 space requirements set forth below may be reduced by the amount of landscape cover within a
244 public plaza provided as a design element incentive.
245

246 Article 5. Additional Regulations

247 Div. 5.22 Off- Street Parking
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249 (k) Surface of Parking Areas
250

251 1. In the RU-1, RU-2, and EU districts, the area reserved for off street parking shall be either
252 graveled, mulched, or hard surfaced, and must be marked on the site plan, indicating
253 dimensions. In all other zones, parking spaces shall be hard surfaced, except that ten (10)
254 percent of the parking spaces provided shall be constructed of porous pavement materials
255 or open cell unit pavers (turf block).
256

257 Div 5.27 Alternative Energy Systems
258

259 a. Accessory Solar Energy Systems
260

261 (1) Purpose. The purpose of this Division to promote the safe, effective, and efficient use of solar
262 energy systems as an accessory use while protecting the health, safety, and welfare of
263 adjacent and surrounding land uses. A solar energy system shall be permitted in any zoning
264 district as an accessory to a principal use and subject to specific criteria provided herein.
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266 (2) Development and Design Standards.

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- a. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
 - b. A solar energy system may be used to generate electricity for the principal use and/or accessory use of the property on which the solar system is located and shall not be used for the generation of electricity for sale to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to Florida Power and Light or other local utility company that provides electricity; and shall not be interpreted to prohibit generation of electricity for sale to other users if subsequently approved by the Village of Pinecrest and State of Florida through a Purchase Power Agreement or similar mechanism.
 - c. A solar energy system may be roof mounted or ground mounted. If ground mounted, the solar system shall be screened from view with an opaque screen consisting of shrubbery, trees, or other non-invasive plant species.
 - d. The surface area of a ground mounted system shall be calculated as part of the overall lot coverage.
 - e. Height restrictions. Roof mounted solar energy systems shall not exceed the maximum permitted height of any zoning district, and shall be exempt from screening requirements. A ground mounted system shall not exceed the maximum building height for accessory buildings.
 - f. A solar energy system shall not project beyond the edge of a roof.
 - g. Setbacks. Solar energy systems, including associated mechanical equipment, shall meet all required building setback requirements for the district in which they are located.
 - h. Any required mechanical equipment shall be screened from view with an opaque screen consisting of shrubbery, trees, or other non-invasive plant species.
 - i. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
 - j. A solar energy system shall not be constructed until a building permit has been approved and issued. The solar energy system shall comply with all applicable building and construction codes. The design and installation of accessory solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Institute of Electrical and Electronics (IEEE), National Electric Code (NEC), the American Society for Testing and Materials (ASTM), or other certifying organizations, and shall comply with the Florida Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application for a permit.

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316 k. A solar energy system, including all solar panels shall be installed in a manner that
317 prevents any glare or reflection of light to any neighboring road right of way or
318 adjoining property.

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320 (3) Solar Ready Construction

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322 a. Construction of new buildings and remodeling where the cost of remodeling is more
323 than 50 percent of the assessed value of the building shall provide a roof layout plan
324 that illustrates how future installation of a photovoltaic system and/or solar water
325 heating system could be accommodated. The property owner shall be required to
326 provide for the eventual installation of one system. Requirements are as follows:

327
328 1. Photovoltaic Systems. Installation of an appropriate sized conduit, a
329 minimum of one-inch diameter, leading from an exterior south-facing,
330 east-facing, or west-facing roof, where a minimum of four hours of direct
331 sunlight is achieved, to a stubbed junction box adjacent to the electrical
332 meter. All exposed conduit shall be capped and provided with adequate
333 flashing. The conduit shall not be located on or in the direction of a north-
334 facing roof. Roof reinforcements shall be addressed at the time of
335 installation.

336
337 2. Solar Heating System. Installation of three-fourths inch diameter hot and
338 cold copper water pipes from a south-facing, east-facing, or west-facing
339 roof, where a minimum of four hours of direct sunlight is achieved, to an
340 existing water heater tank. Both ends of the three-fourths inch diameter
341 copper pipes shall be stubbed out and shall not be located on or in the
342 direction of a north-facing roof. All exposed pipes shall be capped and
343 provided with adequate flashing. Roof reinforcements shall be addressed
344 at the time of installation.

345
346 Article 6. Environmental Regulations

347
348 Div. 6.1 Landscape Regulations

349
350 (a) *Applicability.* The provisions of these landscape regulations shall apply to all existing or future
351 development in the Village. No building permit, certificate of use, certificate of occupancy or
352 certificate of completion shall be issued unless the applicant complies with these regulations. It
353 is the intent of these regulations to establish minimum landscape standards for the Village that
354 enhance, improve, and maintain the quality of the landscape, promote economic and
355 environmental health, minimize heat island effects, and naturally treat storm water runoff,
356 thereby enhancing the quality of life and outdoor recreational opportunities in the Village of
357 Pinecrest.

358
359 (h) *Landscape maintenance*

360
361 4. *Pruning requirements*

362

363 e. No more than one-fourth of a tree’s living canopy may be removed within a one-year
364 period, except for mango and avocado trees, which may be pruned as follows:

365
366 1. Mango and avocado trees – In order to promote lateral branching as necessary to
367 improve tree stability and improve fruit production, one-third of the living canopy
368 of a mango or avocado tree may be removed each year for three consecutive
369 years within a limited three-year period, subject to approval of a three-year, no-
370 fee permit by the Village of Pinecrest. Vertical branches less than 4 inches in
371 diameter may be removed where they branch to a main branch provided no more
372 than one-third of the tree canopy is removed. Following expiration of an
373 approved three-year permit, no more than one-fourth of a tree’s living canopy
374 may be removed within a one-year period.

375
376 **Div. 6.2. - Tree preservation and protection.**

377 (b) Tree removal and relocation permits.

378
379 **14. Penalties for violation of tree regulations.**
380 The following penalties shall be assessed where these tree regulations would not have permitted
381 trees to be removed and they have been effectively destroyed or removed in violation of these
382 regulations. The contractor committing the violation will also be cited via a uniform civil violation
383 notice if observed by staff or if the property owner/violator has records that identify the
384 contractor and can provide sufficient evidence to identify the person or company who committed
385 the violation.

- 386
387 a. **First offense with no prior knowledge.**
388 Per tree and double the amount of canopy replacement required by code:
389 Less than ~~18~~ **12**-inch diameter at four-foot height \$500.00
390 **12 inches to 18 inches \$1,000**
391 18 inches to 36 inches \$2,000.00
392 Greater than 36 inches \$3,000.00

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394
395 **Section 3. Inclusion in the Code of Ordinances.**

396 It is the intention of the Village Council and it is hereby ordained that the amendments
397 to the Village of Pinecrest Land Development Regulations made by this Ordinance as set forth
398 herein shall become part of the Village of Pinecrest Code of Ordinances, and that the sections
399 of this Ordinance may be renumbered and relettered as necessary, and that the word
400 “Ordinance” may be changed to “Section, “Article” or other appropriate word.

401 Section 4. Conflicts.

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

404 Section 5. Severability.

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

408 Section 6. Effective Date

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

411 PASSED on first reading this 21st day of February, 2012.

412 PASSED AND ADOPTED on second reading this 20th day of March, 2012.

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Cindy Lerner, Mayor

419 ATTEST:

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421 _____
422 Guido H. Inguanzo, Jr., CMC
423 Village Clerk

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429 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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432 Cynthia A. Everett

433 Village Attorney

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435 Motion on Second Reading by:

Councilmember Ross

436 Second on Second Reading by:

Vice Mayor Harter

437

438 Vote:

Councilmembers Corradino, Cutler, Ross, Vice Mayor Harter, and Mayor Lerner voting Yes