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MEMORANDUM

Department of Building and Planning

DATE: September 6, 2022
TO: Yocelyn Galiano, ICMA-CM, LEED-GA
Village Manager
FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director
RE: Discussion - Chapter 30, Land Development Regulations

Councilmember Kraft has requested that various amendments to the Village's Land Development Regulations be included on the Village Council meeting agenda for review and discussion as follows:

Floor Area Ratio and Building Coverage - The maximum intensity permitted for residential and non-residential activities is stated in terms of floor area ratio (FAR). This is "a mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located". Floor area ratio computations include all uses on the lot, parcel or site, including both residential and non-residential floor area. The Land Development Regulations allow a maximum floor area ratio of 0.2 on the ground floor of a two-story residence in the Residential Estate zoning districts and 0.1 for the second story. Any open area that extends above the first floor (24 feet) of a residence is counted toward the second story floor area ratio limitation. Councilmember Kraft is recommending that open porches above the first floor height of 24 feet in the front of a house, 500 square feet of an unenclosed porch or balcony on the second floor, and the area within the stairwell above the first floor height of 24 feet be excluded from the second story floor area ratio limitations. Potential amendments are provided for discussion as follows:

Div. 9.2. - Definition of terms.

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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.



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

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, **except that the area of the open front porch entry above the first floor and the area of the interior stairwell above the first floor shall not be counted toward the second floor FAR.** Exterior unenclosed balconies or terraces **in excess of 500 square feet in area** 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.

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 **in excess of 500 square feet of area** above the first floor, **areas covered by overhead trellises greater than 600 square feet in area,** and overhangs extending more than **36 60** inches from the face of the building or column, shall be included in building coverage.

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Tennis Courts – Reduced Setback - Conditional Use

On July 13, the Village Council considered a proposed amendment to the Village’s Land Development Regulations at first reading that would have allowed for a reduction in required side yard setback requirements for tennis courts from 20 feet to 15 feet by right or 10 feet as a conditionally permitted use. The Village Council deferred the matter for further discussion in a workshop meeting on September 21, 2021 but decided not to amend the Land Development Regulations to reduce tennis court setback requirements, recognizing that any reduction in required setbacks can be considered in an application for a variance from the Zoning Board.

Councilmember Doug Kraft is asking the Village Council to consider an amendment that would allow for maintenance of the minimum required side yard setback of 20 feet as a use by right, with consideration of a reduced side yard setback not less than 10 feet as a conditionally

permitted use, requiring review and approval by the Village Council in an advertised public hearing if consistent with required and imposed conditions of approval. An example of an amendment allowing for this is provided as follows:

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

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(i) Tennis Courts. Tennis Courts shall be located in compliance with the required setbacks for an accessory structure except that a reduced side yard setback of less than 20 feet but no less than 10 feet may be considered as a conditionally permitted use, subject to review and approval by the Village Council at a required public hearing in compliance with the requirements of Division 3.3 - Conditional Use Approval.

Permeable Driveways

In 2014, the Village Council adopted several regulations to allow for improved energy efficient design and construction for new homes that have more than 6,000 square feet of air-conditioned space. One of the energy efficient design criteria requires driveways to be permeable and constructed of porous concrete, open cell unit pavers (turf block), flagstone, or brick pavers, allowing the infiltration of water into the underlying soil. Non-Porous concrete driveways are required to be constructed of individual slabs of pavement limited to 42 square feet in area with porous gaps in between the individual slabs. Councilmember Kraft proposes to delete the requirement that limits individual non-porous concrete slabs to 42 square feet in area:

Div. 5.27 - Alternative energy systems and environmental conservation.

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(b) Energy efficient design and construction.

(1) Requirements. New residential structures that exceed 6,000 square feet in livable, air-conditioned area shall include the following energy efficient and environmentally conservative improvements:

* * *

(d) Permeable driveways consisting of porous concrete, open cell unit pavers (turf block), flagstone, or brick pavers, allowing the infiltration of water into the underlying soil. ~~No individual slab of pavement or flagstone may exceed 42 square feet in area.~~

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Holidays –

In addition to the amendments that Councilmember Kraft proposes for discussion, the Building and Planning Department recommends that Juneteenth be added to the list of designated holidays when construction is not permitted:

Div. 9.2. - Definition of terms.

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

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Amendment of the Land Development Regulations will require approval of an ordinance at two readings. If directed by the Village Council, staff will prepare a draft ordinance and schedule the required public hearings for formal consideration of the proposed amendments.