

ORDINANCE NO. 2004-3

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS BY ADDING DIVISION 4.7, ESTABLISHING THE NORTH PINECREST BUSINESS ALTERNATIVE DISTRICT (NPBAD); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 9, 1999, the Village Council adopted the Village of Pinecrest, Florida Comprehensive Development Master Plan (CDMP) pursuant to Ordinance 99-04; and

WHEREAS, the Florida Department of Community Affairs (DCA) issued a Notice of Intent to find the CDMP not in compliance with state law; and

WHEREAS, the Village and DCA have amicably resolved the objections in accordance with the terms of a Stipulated Settlement Agreement adopted by Resolution 2002-9; and

WHEREAS, the proposed North Pinecrest Business Alternative District (NPBAD) is intended to fulfill the terms of said Settlement Agreement; and

WHEREAS, the proposed North Pinecrest Business Alternative District (NPBAD) complies with the adopted Village of Pinecrest Comprehensive Development Master Plan (CDMP);

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA AS FOLLOWS:

Section 1. That the Village Council hereby approves an amendment to the Village of Pinecrest Land Development Regulations by adding Division 4.7; to be entitled North Pinecrest Business Alternative District (NPBAD), which shall read as follows:

DIVISION 4.7 NORTH PINECREST BUSINESS ALTERNATIVE DISTRICT (NPBAD)



NPBAD Location Map:

- Purpose:**
The purpose of the North Pinecrest Business Alternative District (NPBAD) is to provide an alternate regulatory framework for implementing the Comprehensive Development Master Plan Future Land Use Map designation for the US-1 (a/k/a South Dixie Highway) commercial corridor. Under the NPBAD, a developer may choose to develop the property based on either

the underlying zoning categories, or based on the provisions of the “alternative” district.

New development within the NPBAD district is intended to encourage a sense of defined space which includes a mix of uses including office, retail, personal services, restaurants, and residential. Due to the proximity to the Metro Rail Station, development should result in improved use of rail transit, increased pedestrian activity, and reduced automobile reliance.

(a) Uses Permitted. The following uses shall be allowed within the NPBAD district following approval of a site plan pursuant to the procedures in the Code:

1. Bakeries, Retail Only;
2. Business and Professional Offices;
3. Dry Cleaning (with cleaning off premises);
4. General Retail Sales and Services;
5. Government Facilities following a public hearing conducted by the Village Council;
6. Medical Services;
7. Personal Services;
8. Financial Institutions Without a Drive-Through; and
9. Restaurants, Without Drive-Through.

(b) Conditional Uses. The following uses shall only be permitted as a conditional use upon a finding by the Village Council after a public hearing that the use complies with criteria governing the conditional use performance standards of the Code:

1. Alcohol Consumption on premises;
2. Parking Garages (buildings/structures shall follow architectural design guidelines established by the Village);
3. Public Utilities;
4. All Permitted Uses incorporating a mix of residential, commercial or offices uses; and
5. All Permitted Uses projects utilizing height, lot coverage, or FAR, as set forth in this section.

(c) Accessory Uses. Only uses customarily incidental and subordinate to a principal permitted or conditional use shall only be approved as an accessory use. Such accessory uses shall be reviewed pursuant to procedures set forth in this Code for the principal use of the property (see use, accessory definition in Article 9 of this Land Development Code).

(d) Prohibited Uses. All uses not specifically or provisionally provided for herein are prohibited. Any use not within a fully enclosed building is strictly prohibited. Similarly, the sale or distribution of material or merchandise, fruit or other commodities from trucks, wagons or other vehicles parked on or along public or private streets, or from open stands or vacant lots, or from outside any permanent duly approved enclosed building is prohibited.

(e) Dimensional Regulations

1. Mandatory Development Conditions

- a. All new development must have a minimum of 75% of ground floor occupied by office, restaurants, institutional, covered parking, and/or retail and personal service uses;
- b. Ingress and egress from off street parking shall be designed so that all access is from or to US-1 unless otherwise determined by the Village Council.

2. Minimum Lot Area, Lot Frontage, and Lot Width

Lots within the NPBAD district shall have a minimum lot frontage of not less than one hundred (100) feet, and a lot depth of no less than one hundred and fifty (150) feet; with a minimum net lot area of not less than fifteen thousand (15,000) square feet. Conditional uses may require larger lot area to mitigate the issues specified in Article 6 (Environmental Regulations).

3. Maximum Height

The maximum height of a structure as a matter of right within the NPBAD district shall be four (4) stories maximum for all situations and shall not exceed forty five (45) feet above the finished floor elevation (underground level parking will not be considered in the height calculations).

1 story Parking garage¹ and/or underground parking areas

1 story Office and retail

2 stories Mixed use (residential use, with retail and office); residential uses shall not occupy more than 25% of total floor area.

4. Maximum Lot Coverage

Maximum Building Coverage	40%
Maximum Impervious Surface Ratio	82%
Minimum Green Space	12-18% (depending on lot size –see landscape subsection below)

5. Floor Area Ratio

The maximum floor area ratio as a matter of right shall not exceed .40 (based on a typical 100' x 150' lot). New development which incorporates the design criteria specified in this district may accumulate a maximum FAR of .73. A Parking Structure shall not count as part of the floor area, but shall be counted in computing building height (except underground level parking), lot coverage, and number of stories (see table below).

¹ Parking garages that face or abut residential districts must be heavily screened with landscaping and/or concrete wall(s) to completely block view and/or noise.

6. Residential Density

Maximum residential density shall be 12 units per acre.

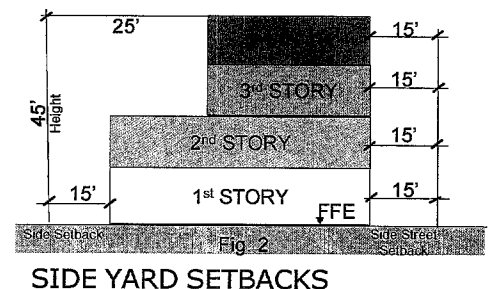
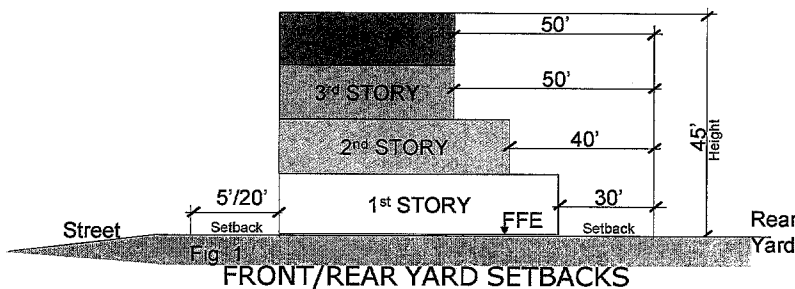
7. Residential Unit Size

The average square foot size of all residential units must be a minimum of 600 sq. ft.

8. Minimum Setbacks

All development must comply with setbacks for wetlands and waterways established in the Code. In addition, the following setbacks shall apply within the NPBAD district:

STRUCTURE	NPBAD DISTRICT REQUIRED SETBACKS					& FAR
	FRONT	REAR	SIDE	SIDE STREET	FAR	
1 story	5 ² /20 ft	30 ft	15 ft	15 ft ³		0.40
2 story	20 ft	40 ft	15 ft	15 ft		0.51
3 story	20 ft	50 ft	25 ft	15 ft		0.62
4 story*	20 ft	50 ft	25 ft	15 ft		0.73



(f) Green Space and Landscaping

1. Green Space

The minimum landscaped green space at one (1) story shall be in accordance with the following table. 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. The minimum green space requirements set forth below may be reduced by the amount of landscape cover within a public plaza provided as a design element incentive.

LANDSCAPED OPEN SPACE FOR THE NPBAD DISTRICT	
SIZE OF TOTAL LOT AREA (SQ FT)	PERCENT OF THE TOTAL LOT AREA
15,000 – 20,000	18%
20,001 – 30,000	16%
30,001 – 50,000	14%
50,001 +	12%

² 5' front yard setback permitted only if property is developed with an open parking lot behind building(s), screened from the view of passing vehicles or if parking is enclosed within a structure.

³ Any portion of the property facing or abutting a residential district shall maintain a 30-foot setback.

The minimum landscaped green space shall be increased by one and one-half (1.5) percent for an additional story or part thereof up to a maximum of four stories. For the purpose of computing the amount of required landscaped green space where the building height varies, the number of stories shall be determined by that portion of the building with the highest story exclusive of the penthouse and the mezzanine.

2. **Water Area**

In the NPBAD water areas (lakes, ponds, canals) may be used as part of the required landscaped green space provided such water areas do not exceed twenty (20) percent of the required landscaped green space.

3. **Landscaping and Tree Protection**

Landscaping and tree maintenance shall be provided in accordance with Article 6 of the Land Development Code.

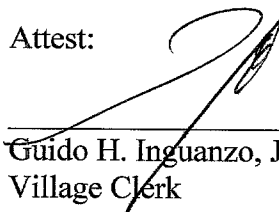
Section 2. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. Effective Date. This ordinance shall take effect immediately upon adoption on second reading.

PASSED on first reading this 17th day of May, 2004.

PASSED AND ADOPTED on second reading this 8th day of June, 2004.

Attest:



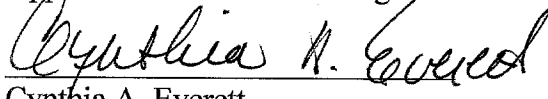
Guido H. Inguanzo, Jr., CMC
Village Clerk



Evelyn Langlieb-Greer, Mayor



Approved as to Form and Legal Sufficiency:



Cynthia A. Everett

Village Attorney

Moved on Second Reading by: Vice Mayor Bowe
Second on Second Reading by: Councilmember Blanck

Vote: Councilmembers Blanck, Blaxberg, Hingston, Vice Mayor Bowe, and Mayor Greer voting Yes