

## **North Beach Town Center – Master Plan History**

On October 19, 2016, the City Commission approved the North Beach Master Plan that was prepared by Dover Kohl and Partners. The North Beach Master Plan recommended several changes to the zoning regulations for the North Beach Town Center (TC-1) District related to height and FAR, as noted hereto:

1. Consider increasing the height limit for properties within the Town Center. To begin with, height should be increased to 125 feet; this will allow a slender tower. Keeping the height lower will yield “boxy” buildings that block out a large portion of the sky as opposed to a smaller vertical portion of the sky.
2. As an alternative to height as measured in feet, consider changing the height requirement as measured in the number of stories. A height limit measured in feet may penalize a developer who wants to provide luxury units with a higher floor to ceiling height. Other communities such as Miami and Miami-Dade County have ordinances that define a story as no taller than 14 feet and then there is cap in the number of stories. If a building has a floor taller than that, it counts as two stories. Most codes that regulate height in this manner allow at least one story to have a higher floor to ceiling height to accommodate retail spaces on the ground floor.
3. Change the restrictions to enable larger buildings in the Town Center. Since FAR is used as a massing limit that does not describe building form in any way, most communities that want more control over the form of future growth remove it as a criteria and use only limitations in height accompanied by setbacks on the ground, and vertical setbacks on upper floors. Based on the heights shown in the ‘North Beach: Town Centre District Intensity Increase Study’ conducted by Shulman + Associates in 2014, the community should consider using parameters based on this study. Heights could be increased to 12 stories maximum along 71<sup>st</sup> Street. If FAR must remain as a criteria in the zoning ordinance, then it should be increased to 3.5. A regulatory change of this kind will require a referendum.
4. If the community is increasing the FAR, then at the same time the boundaries of the zones: TC-1, TC-2, and TC-3 could be combined into one ‘Town Center (TC)’ district.

The primary difference between these zones is a variation in FAR and height limits, yet almost all of the other rules are the same, irrespective of a property’s TC designation. Given that some of the boundaries are very close together, simplifying the design parameters will save time for both applicants and the City. If the community still feels that there should be some variation in height based on geographic location, then a separate regulating map can be created to identify height limits within the combined Town Center District.

5. Consider standardizing FAR limits for all lot sizes. In Sec. 142-737. (a), “Development Regulations”, of City’s Code of Ordinances, Chapter 142, Zoning Districts, Division 20, there is a table that specifies FAR limits. In TC-1, the FAR varies based on lot size. This is a system that rewards those who have aggregated multiple parcels and penalizes the small lot owner. If changes to the heights are modified, then this table will need to be adjusted accordingly. And, if the TC zones are consolidated, the table could be collapsed into a paragraph of text or into a smaller table.
6. Consider using a TDR program to transfer surplus air rights from historic properties to the Town Center. This will require a revision to the City’s existing code of Ordinances, Sec. 118-222, “Transfer of Development Rights”, to list the Town Center as a receiving district.

7. The City could consider attaching requirements for the use of a Transfer of Development Rights program. For instance, the City can create an inclusionary zoning mechanism that would require a developer to allocate a certain percentage of units at below market-rate in exchange for the additional FAR, so as to increase the supply of affordable housing. This is one example of how a transfer of development rights might work; there are several other options. It is recommended that the exact system for implementing a transfer of development rights is studied further, in order to incorporate the system into local ordinances.
8. The City could use a Historic Preservation Fund to sell bonus FAR to developers, and use those funds to fund grants to property owners to help restore historic elements of their buildings or help adapt the structures for SLR.

On September 14, 2016, the City adopted an amendment to the Land Development Regulations, increasing maximum building height for the TC-1 district to 125'. This action implemented the first recommendation regarding the modification to height for the TC-1 district. The second recommendation is listed as an alternative to the first recommendation and is not being recommended at this time. The remaining recommendations (3 through 8) are related to an increase in FAR of the Town Center area that required approval in a general referendum, pursuant to the requirements of Section 1.03 (c) of the City Charter.

### **North Beach Town Center – Legislative History**

On January 18, 2017, the Land Use and Development Committee requested that a separate discussion item be placed on the February 15, 2017 Committee agenda regarding regulations for the Town Center area, as recommended in the North Beach Master Plan. On February 15, 2017 the Land Use Committee discussed the item and continued it to April 19, 2017. Additionally, the Land Use Committee recommended that the North Beach Steering Committee discuss the item and address the following:

- Revisit the original 2014 Town Center FAR Analysis by Allan Shulman;
- Discuss the appropriate manner for establishing a valuation of FAR units;
- Further discuss the potential for an FAR pool administered by a trust fund and grant committee.

On April 6, 2017, the North Beach Master Plan Steering Committee discussed the item and recommended that the following:

1. Adopt the setback proposals from the 2014 Allan Shulman Massing Study.
2. Between Dickens and Abbott Avenues, expand the TC-1 zoning district boundaries north to 72<sup>nd</sup> Street to replace the existing TC-3(c) district boundaries (subject to voter approval in a general referendum, pursuant to the requirements of Section 1.03 (c) of the City Charter).
3. Between Carlyle Avenue / Indian Creek Drive and Harding Avenue, expand the TC-1 zoning district boundaries south to 69th street to replace the existing TC-3 and TC-3(c) boundaries. As part of this TC-1 expansion, include a minimum required setback from

69th street of at least 50' for building height in excess of 4 stories / 45' (subject to voter approval in a general referendum, pursuant to the requirements of Section 1.03 (c) of the City Charter).

4. The City should use a Historic Preservation Fund to sell bonus FAR to developers, and use those funds to fund grants to property owners to help restore historic elements of their buildings or help adapt the structures for SLR (subject to voter approval in a general referendum, pursuant to the requirements of Section 1.03 (c) of the City Charter).
5. The maximum FAR for any proposed increase within a particular district should be 3.5, with added FAR as a bonus (subject to voter approval in a general referendum, pursuant to the requirements of Section 1.03 (c) of the City Charter).

On April 19, 2017 the Land Use Committee discussed the item and continued it to a date certain of May 10, 2017. On May 10, 2017 the item was continued to a date certain of June 14, 2017. On June 14, 2017 the Land Use Committee and continued the item to January 2018, in order to allow time for a potential, future ballot question on FAR to be considered.

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