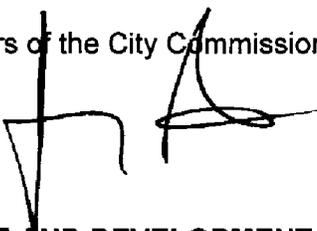




## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: March 5, 2014

SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE –  
DISCUSSION ON THE PREPARATION OF FORM-BASED LAND DEVELOPMENT  
REGULATIONS.**

### ADMINISTRATION RECOMMENDATION

Refer the item to discuss the preparation of Form-Based Land Development Regulations to the Land Use and Development Committee.

### BACKGROUND

Miami Beach has a long, rich history of beautiful architecture and development, beginning with early efforts by Carl G. Fisher and more recently with works from Morris Lapidus, Herzog de Meuron, Frank Gehry and Zaha Hadid, who have elevated the design of public and private buildings to a new standard.

The Land Development Regulations presently in effect were adopted approximately 25 years ago and have governed the development, redevelopment and preservation of significant historic structures throughout the City. In an effort to protect the character of the historical and residential neighborhoods and facilitate development, the zoning ordinance is frequently amended and modified, resulting in an inconsistent patchwork of regulations. Such inconsistency and unpredictability can negatively affect desirable outcomes given the city's tight urban fabric.

To restore consistency, predictability and transparency to the land use regulation process many cities have adopted Form-Based Codes. These codes are presented textually and graphically and provide a different approach to zoning as a means to regulate land development. While they do regulate land uses, Form-Based Codes focus on the physical form of development. They address the relationship between buildings and public space and strive to create an integrated and sustainable development pattern that supports an active public realm. Unlike design guidelines, Form-Based Codes are regulatory, not advisory. This provides residents with assurances as to the scale and type of development that can be built.

### ANALYSIS

The City's current land development regulations are Euclidean based. The regulations typically contain complex criteria for permitted and conditional uses, minimum setbacks, and density and floor area ratio (FAR) restrictions. The regulations generally do not address how a building is

oriented on a site, impacts surrounding sites, or affects the pedestrian environment and public realm. This leads to a lengthy and complicated negotiation process between City staff and developers in order to achieve sound planning and development practices; often with varying levels of effectiveness.

Form-Based Codes simplify permitted and conditional use requirements, focusing instead on building orientation, scale, context, and building frontages. The final form of development practices that are currently being negotiated with developers become part of the code; providing City staff, developers and the community with clear and consistent rules and regulations which new development must conform to.

In Form-Based Codes, zoning designations are organized into Transect Zones or T-Zones, based on the Urban Transect Theory. Each T-Zone contains regulations which require transitions in scale and setbacks when they are in proximity to lower T-Zone in order to ensure appropriate transitions between zones. The Transects Zones that are generally applicable to the Miami Beach are the following:

- Natural Zone (T1): this is reserved for natural conservation areas where development is not allowed, and any improvements are only to protect natural features and provide for public access if needed;
- Sub-Urban Zone (T3): the least dense, most residential habitat of a community, typically consisting of single family houses;
- Neighborhood General Zone (T4): a predominately residential habitat, typically consisting of houses, townhouses and small apartment buildings with some low-scale commercial uses;
- Neighborhood Center Zone (T5): a denser, mixed-use habitat, typically consisting of townhouses and apartments with typically with substantial first-floor commercial uses;
- Urban Core Zone (T6): the most dense, primarily commercial and lodging with cultural and entertainment concentration of a region, typically on major crossroads and grey field sites; and
- Civic Zones (CB & CS): are sites reserved for public and institutional buildings, and recreation and open space uses.

Permitted and conditional are regulated through the use of a suffix applied to the Transect. A simple list of permitted and conditional uses is provided, allowing a property owner or developer to quickly decipher what types of uses are permitted on a site. The suffixes are typically designated as follows:

- Restricted (R): uses are generally limited to residential and in some cases, lodging uses;
- Limited (L): intended to be primarily residential, with limited commercial components; and
- Open (O): allows for a full range and mix of residential and commercial types of uses.

Such a code would work in conjunction with existing Historic Preservation regulations in order to ensure that new construction is compatible with historic districts and sites. In addition, they can include financial incentives, such as areas designated for transfer of development rights (TDRs) that encourage property owners to preserve existing structures that have historic significance.

Adoption of a Form-Based code will enable the City to formulate a strategic plan which will continue to promote and protect the historic character of the distinct neighborhoods while identifying areas for sustainable growth and development. Developers will have a clear understanding of the areas that are available for growth and will be able to focus their resources on projects that can succeed. The predictability that comes from this knowledge will encourage residential and commercial investment that will benefit both the City and its residents.

A public benefits program can also be incorporated into a Form-Based code in order to encourage developers to provide uses that will improve the quality of life for residents such as public plazas, public recreation areas, or other public facilities that may be needed by the City.

Form-Based Codes easily incorporate sustainable practices. Requirements and incentives for Green Buildings will allow residents and businesses in new buildings to reduce their energy costs and carbon footprints. They may also incorporate regulations to allow buildings to respond to the effects of climate change and sea level rise in a manner that does not detract from the pedestrian environment. This is accomplished by prescribing raised frontage types that encourage interaction with the pedestrian environment where they are needed.

Ultimately, such a code would promote a predictable and stable environment for investment and provide a unified and unambiguous policy for simpler, more efficient implementation. It will ensure that the City has the tools necessary to achieve the highest quality of development while maintaining the unique historic character of Miami Beach's neighborhoods.

Form-Based Codes have recently been adopted in the Miami, FL; Denver, CO; Philadelphia, PA. Many more local governments have adopted Form-Based Codes for specific neighborhoods.

## **CONCLUSION**

The Administration recommends that the Mayor and the City Commission refer the item to the Land Use and Development Committee workshop for discussion.

  
JML/JMJ/TRM/MCS/RAM

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