

ADMINISTRATIVE MEMORANDUM NO. 20-202

TO: Planning and Zoning Board
VIA: David L. Recor, ICMA-CM, Director of Development Services
VIA: Jennifer Gomez, AICP, Assistant Director of Development Services
FROM: Daniel T. Keester-O'Mills, AICP, Principal Planner
SUBJECT: Text Amendments to Chapter 155, Zoning Code
Article 2 & Article 3 – Active Uses in Transit Oriented Districts
DATE: August 11, 2020



Staff is recommending a text amendment in order to modify the standards related to "Active Uses" in the Transit Oriented Districts. Currently, properties within the Transit Oriented Districts require "active uses," along all building frontages. Depending on the type of building (residential or nonresidential) the minimum requirement varies; however, the Zoning Code only allows a deviation to active uses on tertiary streets. Additionally, this code amendment offers the option for developers to deviate from specific design standards, when the proposed building is of a specific style (vernacular) or superior design to what the minimum codes would require. At this time, if an applicant cannot comply with the code their only option is to seek a variance.

The purpose for this amendment is to continue to encourage active uses when new buildings are proposed in the Transit Oriented Districts on the primary and secondary streets, while providing an avenue for developers to seek relief on secondary or tertiary streets.

CODE AMENDMENT REVIEW STANDARDS

The Planning & Zoning Board must make a recommendation to the City Commission on applications for code amendments based on the competent substantial evidence in the record that the amendment addresses the following standards:

155.2402. TEXT AMENDMENT

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C. Text Amendment Review Standards

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the comprehensive plan;
2. Does not conflict with any provision of this Code or the Code of Ordinances ;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;
6. Would result in a logical and orderly development pattern; and

7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

DEPARTMENT RECOMMENDATION

Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following recommendation, and alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion I

Recommend approval of the text amendment to the City Commission for their consideration.

Alternative Motion II

Table this application for additional information as requested by the Board.

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the Future Land Use Goals, Objectives and Policies, or addressed the review standards for a code amendment as listed in this report.

CODE AMENDMENT (PROPOSED)

Chapter 155, Article 2, Part 4

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155.2408. BUILDING DESIGN

A. Purpose

The building design provisions of this section are intended to ensure that the exterior appearance of buildings and structures enhances the aesthetic character of the surrounding development by complying with the architectural appearance standards of this Code and approved design guidelines. The purpose of this section is to establish procedures and standards for the review of applications for Building Design .

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E. Building Design - Vernacular or Superior Design Alternative

1. In conjunction with approval of an application for Building Design, the AAC may grant requested deviations for buildings and development which, due to their vernacular or superior design, may not be able to comply with the strict application of the design standards listed in Sections **155.3501 O.**, 155.3703.F.7, 155.5601, 155.5602, and 155.5603. Except for as it applies to developments within the Transportation (T) and Public Utilities (PU) Zoning Districts, the AAC shall not grant a deviation from the following standards:

a. Multifamily Residential Design Standards

- i. **155.5601.C.2**, Maximum Building Size
- ii. **155.5601.C.7**, Location of Off-Street Parking
- iii. **155.5601.C.8**, Outdoor Activity Areas

b. Commercial, Institutional and Mixed-Use Development Design Standards

- i. **155.5602.C.1**, Business Activities to be Conducted in Enclosed Buildings
- ii. **155.5602.C.10**, Loading, Service, and Equipment Areas
- iii. **155.5602.D**, Large Retail Establishment Design Standards

c. Industrial Development Design Standards

- i. **155.5603.E**, Facade Articulation
- ii. **155.5603.G**, Building Facade Materials

d. **155.5604**, Residential Compatibility Standards

e. **155.3501 Transit Oriented Design Standards**

- i. **155.3501 O. 2. k. Live-Work Units**
- ii. **155.3501 O. 3. Block Requirements**
- iii. **155.3501 O. 4. Building Typology and Placement Regulating Diagrams and Dimensional**

Standards

2. The applicant must present competent substantial evidence that the vernacular design achieves the purpose and intent of the applicable standards in Part 6 of Article 5 and in the adopted AAC Supplemental Criteria. Competent substantial evidence shall be supported by published material defining the design vernacular and style, or superior design.

F. Appeal

1. Building Design

A party aggrieved by the final decision of the AAC on an application for Building Design may appeal the decision to the City Commission in accordance with the procedures and standards in Section [155.2424](#), Appeal.

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155.2421. ADMINISTRATIVE ADJUSTMENT

A. Purpose

An administrative adjustment is intended to allow minor variations, or adjustments, to certain dimensional or numerical standards of this Code based on specific criteria, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards of this Code and the comprehensive plan, and is compatible with surrounding development. An Administrative Adjustment is also intended to provide limited flexibility, in specific areas, to allow alternative design that is equal to or better than that afforded by strict application of certain dimensional or numerical standards. The purpose of this section is to establish procedures and standards for review of applications for Administrative Adjustments .

B. Applicability

I. General

Administrative Adjustments may be requested to the standards identified in [Table 155.2421.B.I](#), Allowable Administrative Adjustments , up to the limit set forth in the table for the type of standard, the type of Administrative Adjustment (Major or Minor), and the zoning district within which the adjustment is requested. However, buildings or structures erected without a building permit or design elements installed without proper city approval shall not be eligible for Administrative Adjustments.

TABLE 155.2421.B.I: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS

Note: This table is best viewed in PDF, click [HERE](#)

TABLE 155.2421.B.I: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS			
Standard	Maximum Allowable Extent of Adjustment		
	Minor Administrative Adjustment (All Zoning Districts)		Major Administrative Adjustment (AOD, TO, CRAO, and Non-Residential Districts)
	Development Within Atlantic Boulevard Overlay District or Redevelopment of Brownfield Site Within Designated Brownfield Area	Other Development	
Minimum yard setback or minimum lot width	30%	20%	40%
Maximum lot coverage	n/a	20%	40%
Minimum pervious area of lot or minimum pervious area of required front yard	30%	20%	40%
Maximum yard encroachment	30%	20%	40%
TO: Maximum block length and perimeter	N/A	N/A	10%
TO: Front property line access: 1 per 250 feet	10%	10%	15%
TO: Minimum lot depth and width	N/A	N/A	10%
TO: Floor plat size above 5th floor	10%	10%	15%
TO: Ground floor active use liner minimum depth (20-feet)	10%	10%	20%

TO: Maximum building length of 300-feet	10%	10%	20%
TO/EOD: Active use required on secondary streets in the core and center	10%	10%	20%
TO/EOD: Active use required on tertiary streets in the core and center	N/A 20%	N/A 20%	20%-30%
TO/EOD: Minimum open space size of 4,800 SF (not applicable to density bonus provision)	N/A	N/A	20%
Minimum stacking lane distance	20%	10%	30%
Minimum or maximum number of off-street parking or loading spaces	20%	10%	40%
Maximum percentage of shared or valet or tandem off-street parking spaces	20%	10%	30%
Minimum walking distance between shared or off-site parking spaces and pedestrian entrances of buildings they serve	20%	10%	30%
Minimum number of off-street bicycle spaces	20%	10%	30%
Minimum height of vegetation at planting	20%	10%	30%
Minimum number of site landscaping plantings	20%	10%	30%
Minimum vehicular use area perimeter landscaping strip width, plant height , or plant spacing	20%	10%	30%
Minimum vehicular use area landscaped median width	20%	10%	30%
Minimum landscaping area width between vehicular use areas and buildings	20%	10%	30%
Minimum spacing of building base shrubs	20%	10%	30%
Minimum perimeter buffer width or planting rate	20%	10%	30%
Minimum street tree planting rate or spacing	20%	10%	30%
Minimum screening height	1 ft	1 ft	3 ft
Maximum fence or wall height	1 ft	1 ft	3 ft
Maximum lighting height	10%	5%	20%
Minimum or maximum illumination level	10%	5%	20%
Maximum multifamily building size	10%	5%	20%
Maximum percentage of street frontage occupied by off-street parking beside a building	10%	5%	20%
Maximum percentage of large retail establishment off-street parking located between building and street it faces	10%	5%	20%

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155.3501. TRANSIT ORIENTED (TO)

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O. TO District Design Standards

The following standards shall apply to development in TO districts in addition to any applicable standards in [Part 6](#) (Design Standards) of [Article 5](#) (Development Standards):

I. Exceptions

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Properties within the TO District shall be exempted from the following standards:

- a. Section [155.5601.C.2.a](#) (Maximum Building Size);
- b. Section [155.5601.C.2.b](#) (Maximum Building Size);
- c. Section [155.5601.C.3.a](#) (Building Facades);
- d. Section [155.5601.C.3.c](#) (Building Facades);
- e. Section [155.5601.C.5.b](#) (Roofs);
- f. Section [155.5601.C.7](#) (Location of Off-Street Parking);
- g. Section [155.5602.C.3](#) (Outparcel Development); and
- h. Section [155.5602.C.7.a](#) (Fenestration/Transparency).

2. Building Configuration and Design

a. Building Length.

Unless further restricted on the Building Typology and Placement Regulating Diagrams, the maximum horizontal dimension of a building shall be 300 feet at any level. For buildings within the FAA height restricted zones (as demonstrated on the Building Heights Regulating Plan of the Overlay District) only, the maximum horizontal dimension of a building may exceed 300-feet in length at any level and the following shall apply:

- i. A centrally located forecourt shall be provided on every facade that exceeds 300 feet in length, with a minimum width and depth of 30 feet,
- ii. The forecourt shall be open to the sky, provide building access and a pedestrian connection to the existing city street grid; and
- iii. If the forecourt is publicly accessible, a minimum of 50% active use shall be provided for the portion of the ground floor fronting the forecourt.

b. Building Separation.

- i. Tower buildings or buildings greater than 6 stories built to the maximum building length shall provide a minimum 30-foot separation from the subject building and any adjacent building on the same lot or an adjacent lot. The 30-foot separation shall be open to the sky and improved as a pedestrian passage or open space running the entire length of the block and shall provide building access and connect with the existing city street grid. If the separation is publicly accessible, a minimum of 50% active use shall be provided for the portion of the ground floor fronting the pedestrian passage or open space.
- ii. Townhouses shall provide a minimum of 15 feet between building groups. For liner, flex, and courtyard building types only, when a building is constructed at the maximum building length, a minimum 15-foot separation shall be required between the subject building and any adjacent building within the same lot or the adjacent lots. The separation shall be improved as a pedestrian passage or open space running the entire length of the block and shall provide building access and connect with the existing city street grid. If the separation is publicly accessible, a minimum of 50% of active use shall be provided for the portion of the ground floor fronting the pedestrian passage or open space.

c. **Building Break.** Any building frontage along a primary, secondary, or tertiary street that exceeds 160 feet shall incorporate a building break of at least 30 feet in width and 10 feet in depth, every 160 feet, at the ground level. The break shall be improved as a forecourt or open space and/or provide building access and connect with the existing city street grid.

- d. Projects with three or more distinctly separate buildings/building groups shall have substantially different front elevations. Substantially different front elevations shall include but not be limited to variations in fenestration, material, massing and color.
- e. The primary entrance of a building shall provide access to a public right-of-way, greenway or an open space.
- f. The primary entrance to the upper levels of mixed-use building shall be from a public right-of-way.
- g. Porticoes, canopies, colonnades and roofs shall be guttered, and drainage shall be deposited onsite.

h. Active Use Standards

Active uses shall be required along all building frontages as specified within the Overlay District and the following shall apply:

- i. Ground floor active use, liner.
 - a) The minimum depth of an active use liner is measured generally perpendicular to the building frontage. The minimum depth of the active use liner shall be 20 feet.
- ii. Ground floor active use nonresidential or residential lobby;

Active uses located along the ground floor of a building typically contain retail uses, but can contain any use that generates pedestrian activity. Active uses shall be provided in compliance with the following standards:

 - a) They shall be provided on the first floor of all mixed-use buildings;
 - b) They shall be directly accessible from a street frontage, greenway or an open space;
 - c) For properties with two or more frontages, they shall be located on a minimum of two frontages, with priority given to frontages on a greenway, an open space and the highest-ranking street;
 - d) They shall have a transparent clear glazed area of not less than 70% of the facade area;
 - e) Ground floor window sills shall be placed at a maximum height of 24 inches above grade; and
 - f) Security enclosures, if any, shall be of the mesh type that pedestrians can see through, and shall be located behind storefront displays.
 - g) The glazed area shall have a minimum visible light transmittance of 75% and a maximum reflectance of 15%.
 - h) The glazed area shall be designed to allow view of an interior space at least five feet deep (e.g. transparent openings may include traditional storefront display windows, but not merely glass display cases). The view into a commercial use shall not be permanently obstructed by screens, shades, shutter or opaque films applied to the glazing.
 - i) At least 50% of the area of security screens and gates shall be transparent.
- iii. Ground floor active use, residential units;

All building types, except single-family and townhouse, shall comply with the following fenestration standards:

- a) A minimum of 30% of all ground floor street walls shall be fenestrated with windows;
- b) Mirror type glass shall be prohibited;

- c) All glazing shall be of a type that permits view of human activities and spaces within the structure; and
 - d) Windows and doors shall be proportioned such that the height of each opening is greater than its width.
- i. Architectural Treatment and Facade Articulation Standards
 - i. Architectural treatment and facade articulation shall be provided for all facade elevations and shall be integrated with the design of adjacent active use facades.
 - ii. Architectural treatment shall be provided through a combination of two or more treatments including, but not limited to, the use of materials and construction assemblies; the continuation of fenestration patterns, architectural features, articulation and rhythm; the application of architectural screens, meshes, louvers, and glass; the incorporation of planters; and architectural lighting.
 - iii. The following shall be permitted, but shall not be considered architectural treatment or facade articulation: inward or recessed projections resulting from required setbacks; paint; faux treatments; building signs; construction joints, scoring, or material applications less than four inches in height, width or depth.
- j. Colonnade Standards
 - i. Colonnades built to satisfy building frontage requirements shall be attached to the principal structure.
 - ii. The finished floor elevation of the colonnade shall match the adjoining sidewalk, where feasible.
 - iii. Colonnades built along the building frontage shall provide free and clear use of a continuous unobstructed area of at least ten feet within the colonnade.
- k. Live-Work Units

A live-work unit shall comply with the following standards:

 - i. The non-residential use's space shall be located on the first floor and shall be directly accessible from the primary street frontage, greenway, or an open space;
 - ii. The non-residential use's facade shall have a transparent clear glazed area of not less than 70%;
 - iii. If the entrance of the residential component of a live-work unit is separate from the non-residential use's portion of the unit then the primary entrance of the residential component shall directly lead to a street frontage, greenway or an open space.
 - iv. The ground floor shall be restricted to those non-residential uses permitted within the TO districts. The full conversion of the unit or lease space into all residential use or all non-residential uses shall be prohibited.

3. Block Requirements

Unless otherwise specified in the Overlay District, the following standards for blocks shall apply to property with a minimum area of 2.3 acres (100,000 sq ft):

- a. The maximum length of a block shall be 500 feet.
- b. The maximum perimeter of a block shall be 1,400 feet. The perimeter of a block is the sum of the block's length and depth, multiplied by two.
- c. The Director of Development Services or his/her designee shall have the authority to adjust administratively the requirements for maximum block length and/or perimeter, for up to 10% of the required measurement.

4. Building Typology and Placement Regulating Diagrams and Dimensional Standards

a. Building Typology

Unlike other zoning districts, the TO district is a form based district that includes a list of permitted building typologies. All new buildings shall conform to one of the permitted building typologies. The building typologies are demonstrated in the Building Typology and Placement Regulating Diagrams. The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Not all building typologies are permitted in each overlay district. Each overlay district specifies the allowable building types permitted in each district. Existing buildings which do not fit a prescribed typology shall follow the standards required for the Flex building typology.

b. Setback and Building Frontage

i. Front and street side setbacks and building frontage. Front and street side setbacks are determined based on the street the building fronts and is specified in each overlay district.

ii. Interior side and rear setbacks. Interior side and rear setbacks are determined based on the selected building typology and demonstrated on the Building Typology and Placement Regulating Diagrams.

c. Lot Standards

Lot standards, including but not limited to lot dimensions and impervious surface area, are determined based on the selected building typology and demonstrated on the Building Typology and Placement Regulating Diagrams.

i. For full block developments in the core and center subareas only, the minimum and maximum lot width and lot depth shall not apply.

ii. The Director of Development Services or his/her designee shall have the authority to adjust administratively the requirements for minimum lot depth and lot width, for up to 10% of the required measurement.

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