

A CRITICAL DISCUSSION
AN APPROACH TO ZONING CODE IMPROVEMENT

IDENTIFYING THE ISSUES

MASSING

NONCONFORMANCES

UNDERSTANDABILITY

CCR vs FAR

SCALE

ONE STORY HOMES

SIDE SETBACKS

HEIGHT

LOT AGGREGATION

SIMPLIFICATION

LOSS OF CHARM

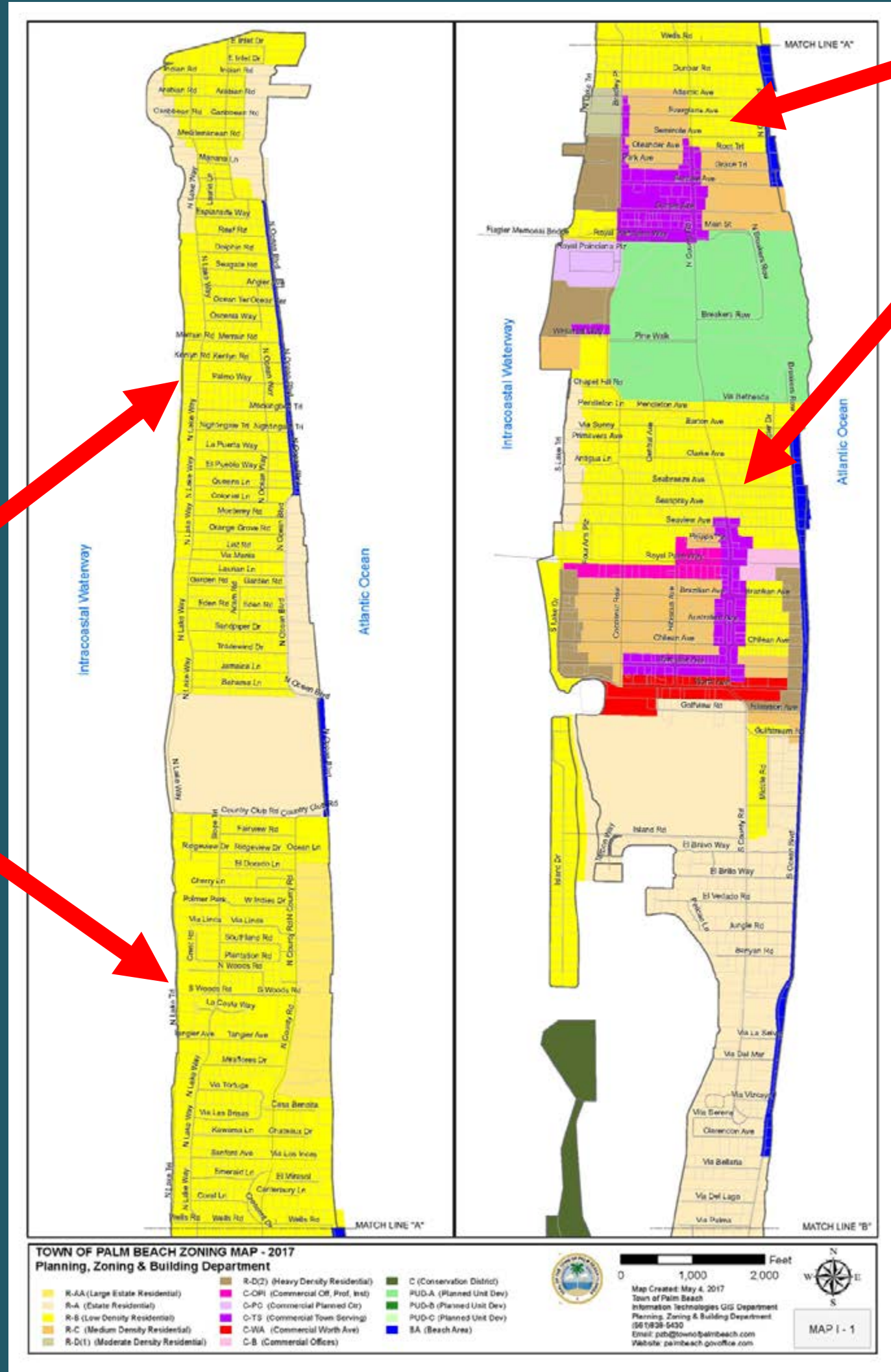
BACKGROUND

“ “ Staff has been studying the size of [homes] in the R-B District since 1989. ” ”

-2005 Staff Report Zoning Proposal

 R-B

 R-B



The R-B district occupies roughly 70% of all of the single-family zoning in the Town on the Zoning Map and 40-45% of the SINGLE-FAMILY land area designation on the Future Land Use Map of Palm Beach

1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 1986 increased the landscape open space requirements in the single-family zoning districts, which includes the R-B district.

1986 **1989** 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

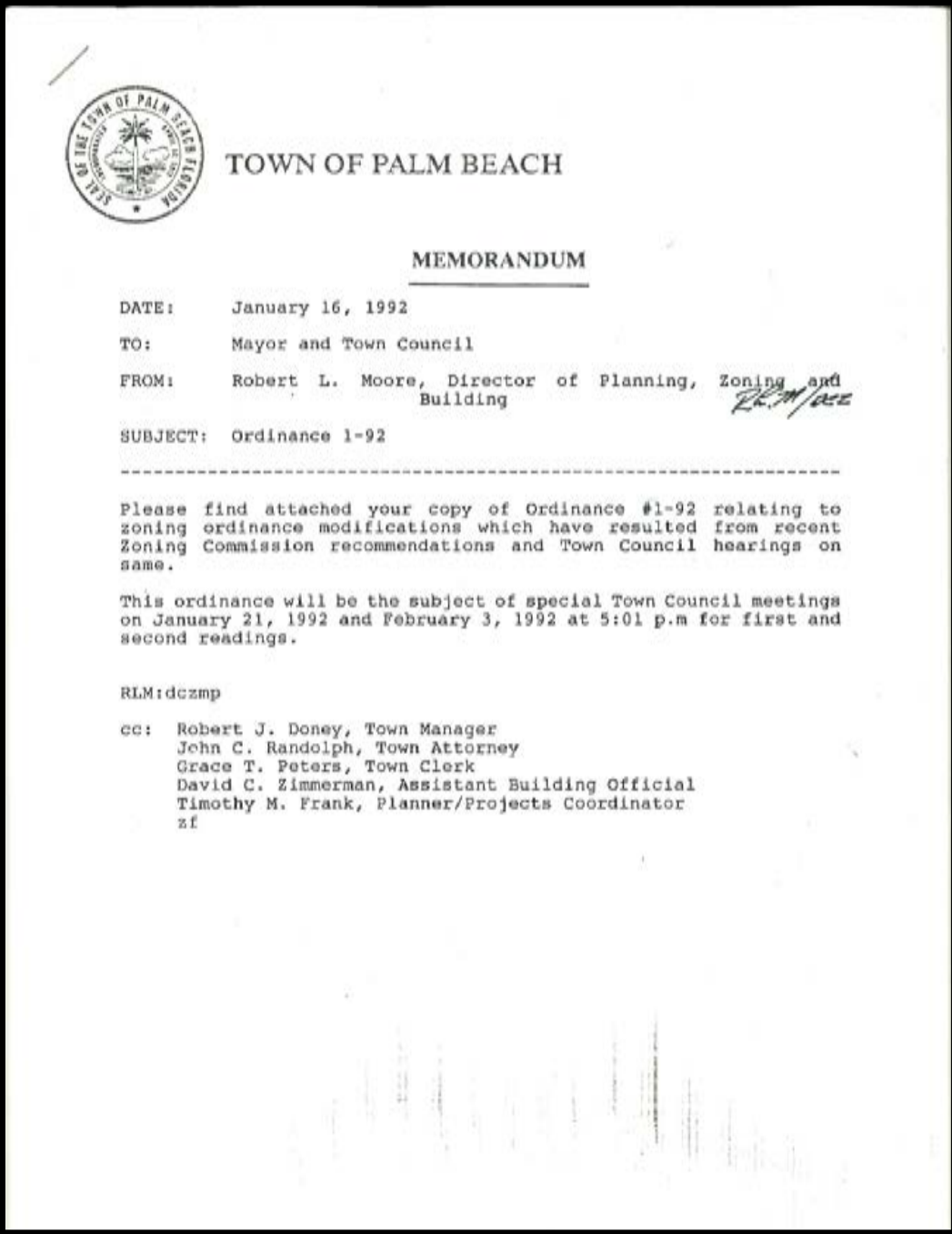
In 1989 the town rezoned a portion of the R-B zoning district on the north end on the Ocean and Lake and Chapel Hill, south to Seaview Avenue along the Lake from R-B to R-A.

1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 1990 the building height plane (which was later eliminated, then added back) and angle of vision were implemented.

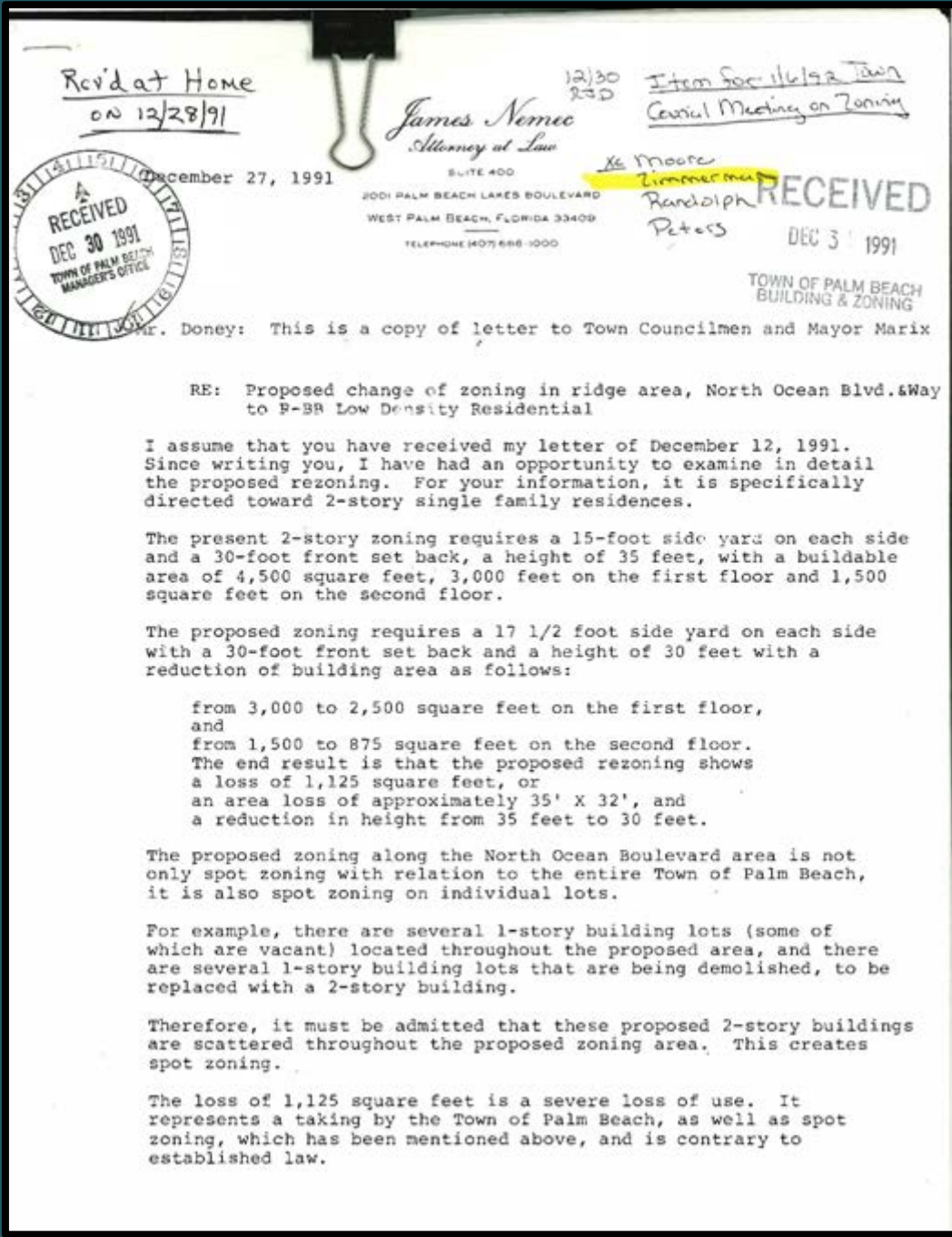
1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 1991 the floor area ratio (FAR) (45%) and the averaging of the front yards with neighboring properties were implemented (both eliminated at later dates).



1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 1991-1992 separate zoning districts within the R-B zoning districts were proposed but never adopted.



1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 1992 an R-BB zoning district was proposed but not adopted for all lots between Queens Lane and Onondaga Avenue, between North Ocean Boulevard and North Ocean Way.



TOWN OF PALM BEACH

MEMORANDUM

DATE: January 16, 1992
TO: Mayor and Town Council
FROM: Robert L. Moore, Director of Planning, Building
SUBJECT: Ordinance 1-92

Please find attached your copy of Ordinance #1-92 zoning ordinance modifications which have resulted Zoning Commission recommendations and Town Council same.

This ordinance will be the subject of special Town Council on January 21, 1992 and February 3, 1992 at 5:01 p.m second readings.

RLM:dczmp

cc: Robert J. Doney, Town Manager
John C. Randolph, Town Attorney
Grace T. Peters, Town Clerk
David C. Zimmerman, Assistant Building Official
Timothy M. Frank, Planner/Projects Coordinator
zf

(a) Amend Section 4.10, "Schedule A., Schedule of Lot, Yard and Bulk Regulations" to:

1. Reduce maximum floor area ratio (FAR) in the R-B district from 0.45 to 0.35, including basements.

2. Amend footnote (3) to read as follows:

All buildings shall be set back so as to provide at least a ten-foot wide pedestrian walkway be-

REGULATIONS; SPECIAL EXCEPTION STRUCTURES", BY ESTABLISHING NEW REGULATIONS APPLICABLE TO THE R-B DISTRICT; AMENDING SECTION 5.51(b) TO ALLOW TWO STORY ACCESSORY BUILDINGS IN THE R-A AND R-AA DISTRICTS; PROVIDING AMENDMENTS TO ARTICLE 6, ENTITLED, "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 6.21, "SCHEDULE OF OFF-STREET PARKING REQUIREMENTS", BY INCREASING PARKING REQUIREMENTS FOR HOTELS, MOTELS, MOTOR INNS AND TIME SHARING USES; PROVIDING AMENDMENTS TO ARTICLE 7 ENTITLED, "PLANNED UNIT DEVELOPMENT", BY AMENDING SECTION 7.10, "PURPOSE", BY REDUCING ALLOWABLE AREA UPON WHICH DENSITY IS CALCULATED; AMENDING SECTION 7.436, "PERMITTED LAND USE", BY ELIMINATING REFERENCE TO TOWNHOUSES AND HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT MULTIFAMILY STRUCTURES; PROVIDING FOR REZONING OF CERTAIN PROPERTIES IDENTIFIED HEREIN TO R-BB; MODIFYING THE TOWN'S ZONING MAP ACCORDINGLY BY THE PROPER TOWN OFFICIAL TO REFLECT CHANGES IN ZONING DISTRICT CLASSIFICATION TO THE R-BB ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR A VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

1. Reduce maximum floor area ratio (FAR) in the R-B district from 0.45 to 0.35, including basements.
2. Amend footnote (3) to read as follows:

All buildings shall be set back so as to provide at least a ten-foot wide pedestrian walkway between the street curblin and the building, exclusive of beautification strips, not more than five (5) feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of said required pedestrian walkway. Where no front yard building setback is provided or required, two (2) feet of the required ten (10) foot

1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 1992 an attempt was made by the Town Council to reduce the FAR from 45% to 35% but that never passed.

1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

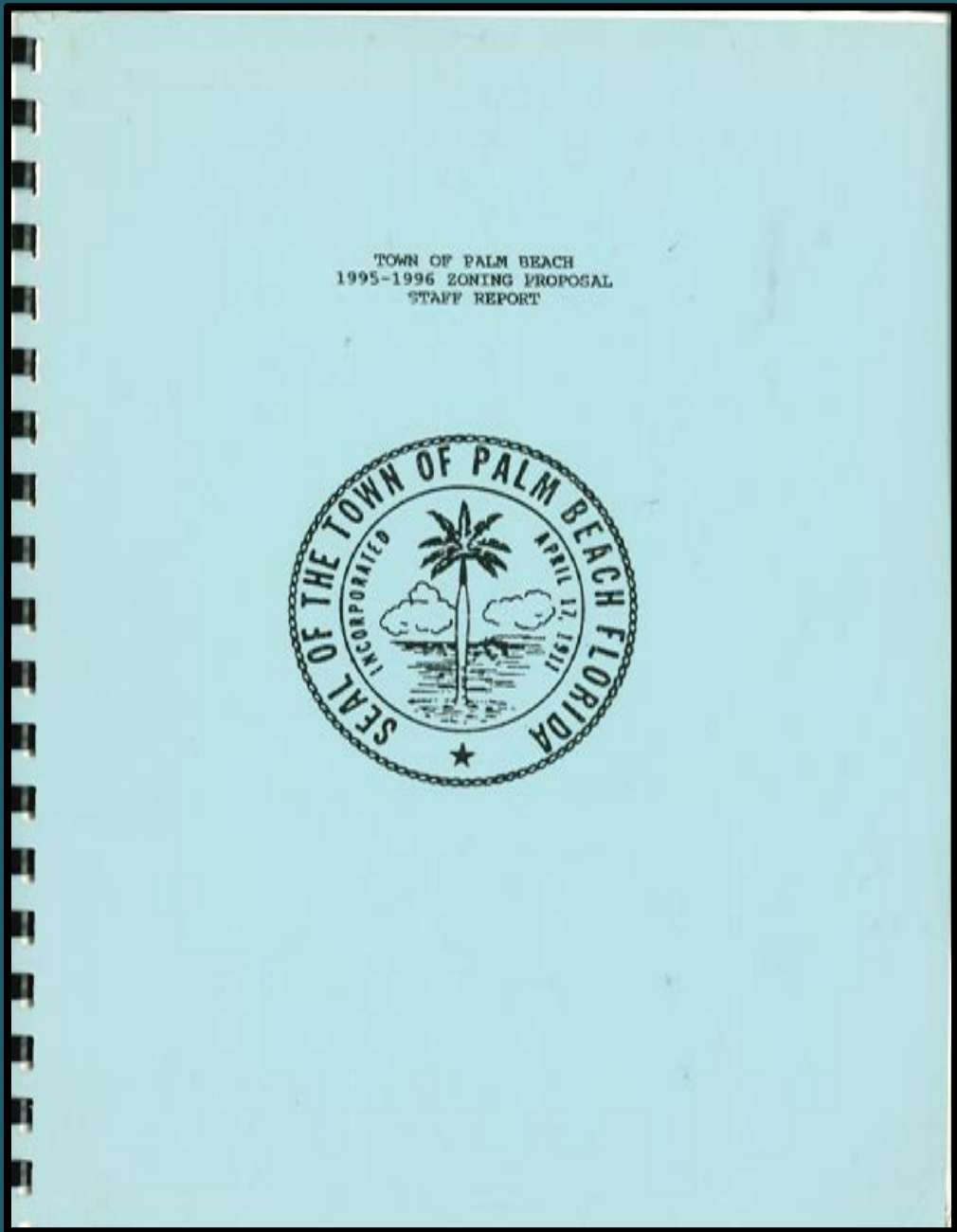
In 1993 the cubic content ratio (CCR) (4.5) which limits the size of homes in the R-B district was implemented. Also reduced the building height and modified the allowable overall height in the R-B zoning district.

Modified FAR definition.

Increased lot coverage for two-story homes in the R-B from 25% to 30%.

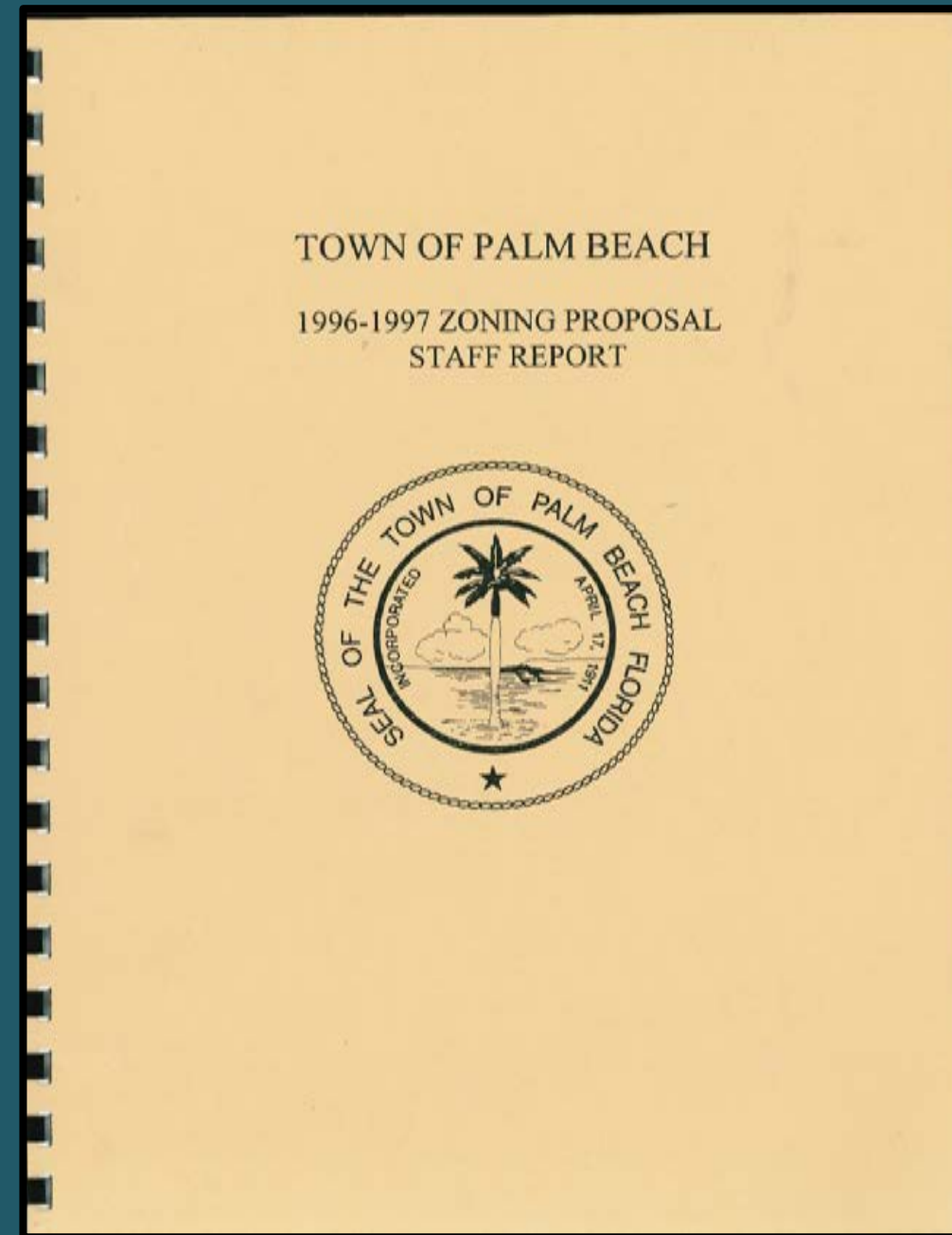
1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

Considered but denied a proposal to create an R-BB zoning district for all lots in the R-B district from Seminole Avenue to Inlet Drive (approximately 1,130 single-family lots). Modified the definition of FAR to include covered terrace and porches screened outdoor patios, screened recreation area pool areas. Eliminated the building height plane requirement in the R-B district.



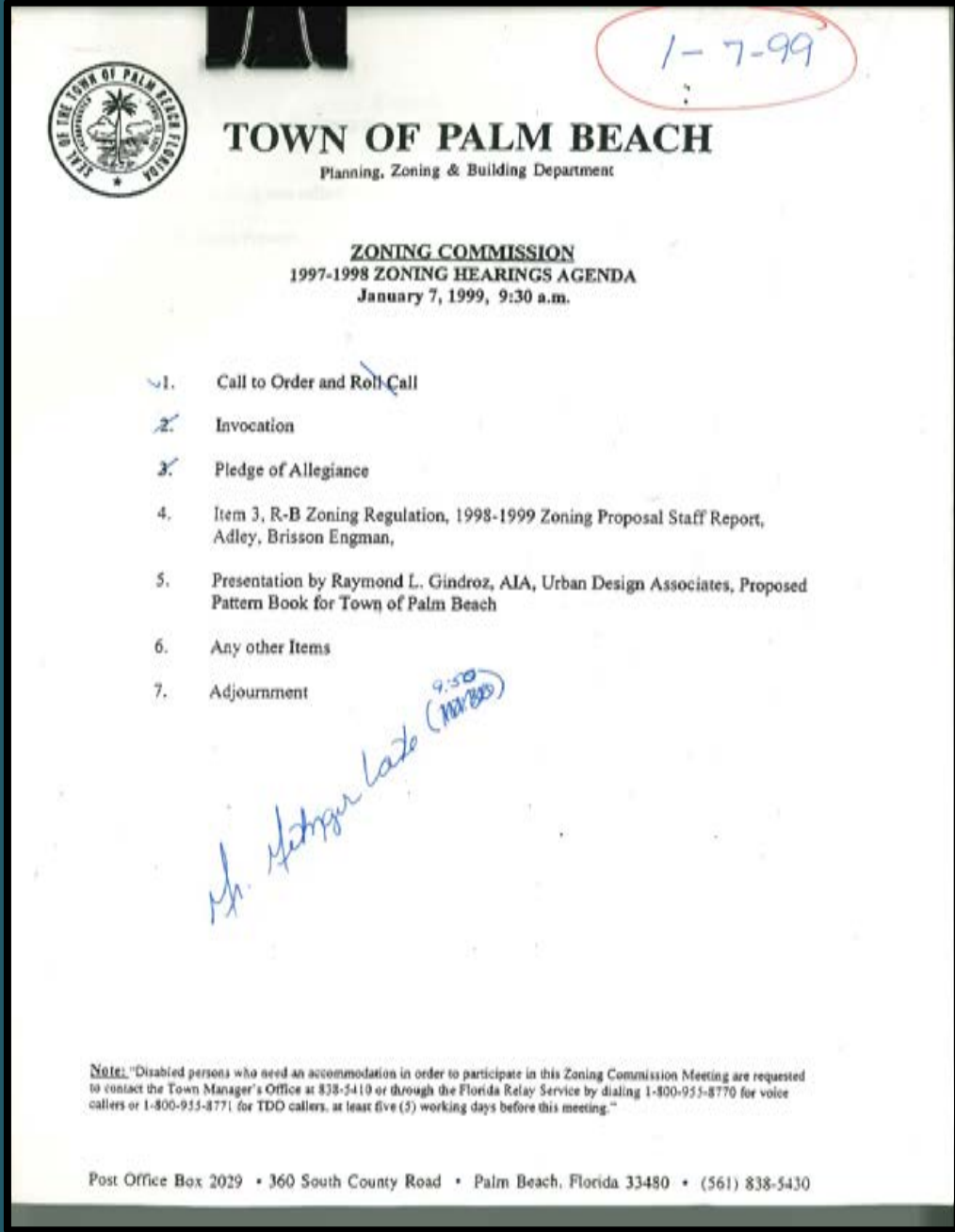
1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 1995 increased required setbacks for single-family homes on very large lots (60,000 SF or more).



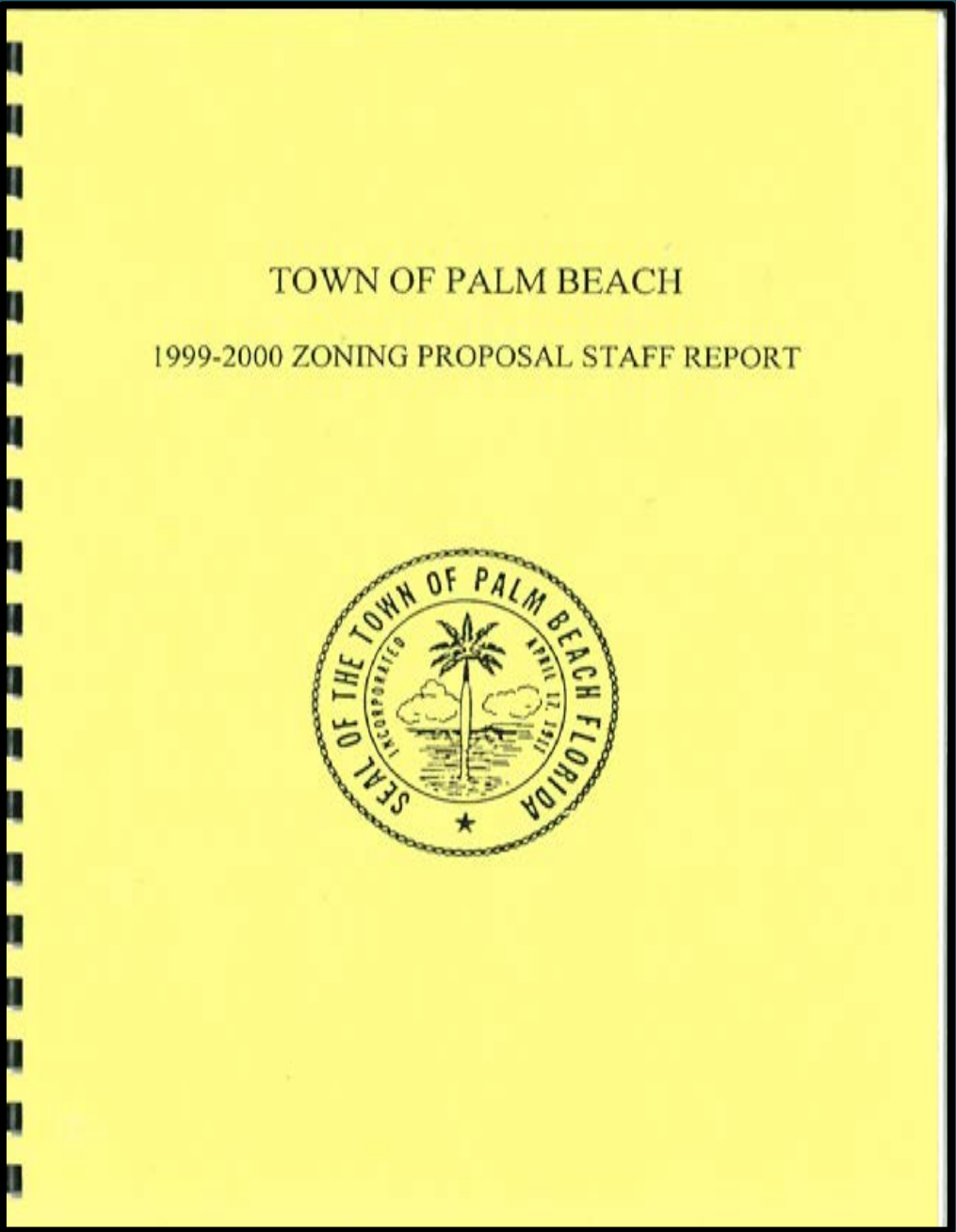
1986 1989 1990 1991 1992 1993 1995 **1997** 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 1997, provided alternative lot, yard and area requirement for larger lots in the R-B District so that if a lot had lot sizes of R-A and R-AA, the regulations for those districts would apply. In addition, the CCR regulation was modified to lower the maximum size of homes based on a sliding scale.



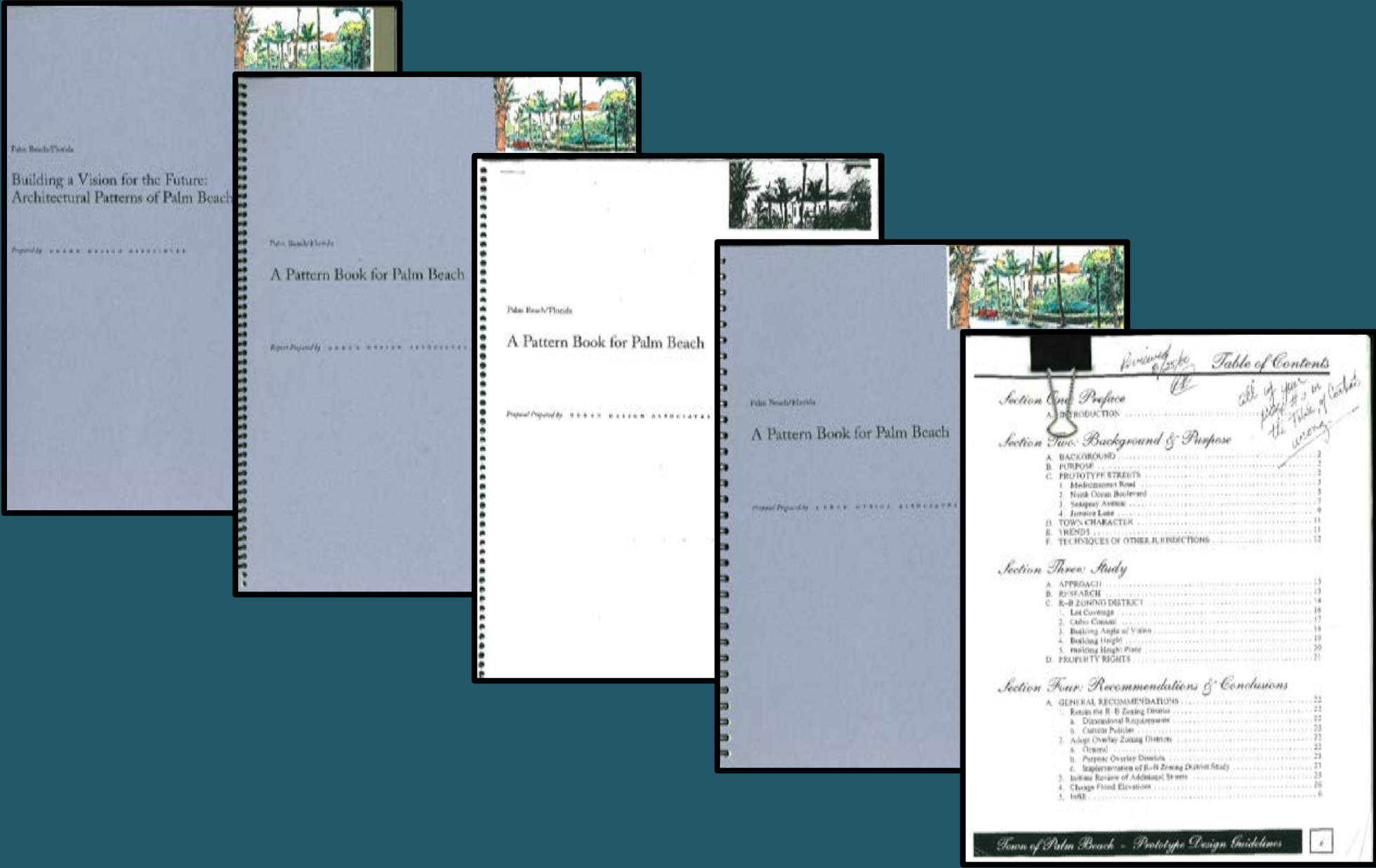
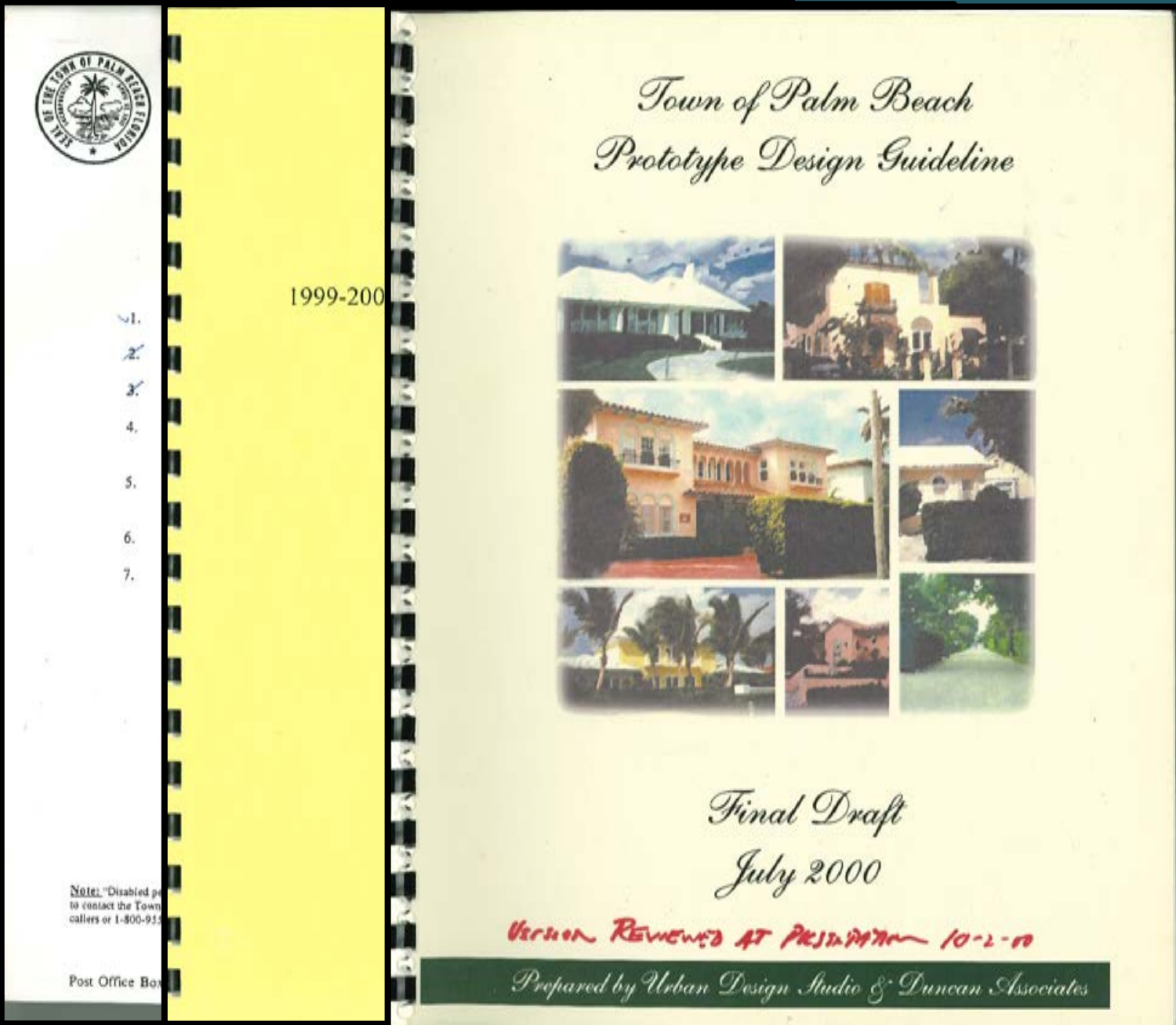
1986 1989 1990 1991 1992 1993 1995 1997 **1999** 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 1998 and 1999 the Town retained Ray Gindroz of Urban Design Studio to study a concept of architectural patterns and design guidelines for the R-B zoning district (north end).



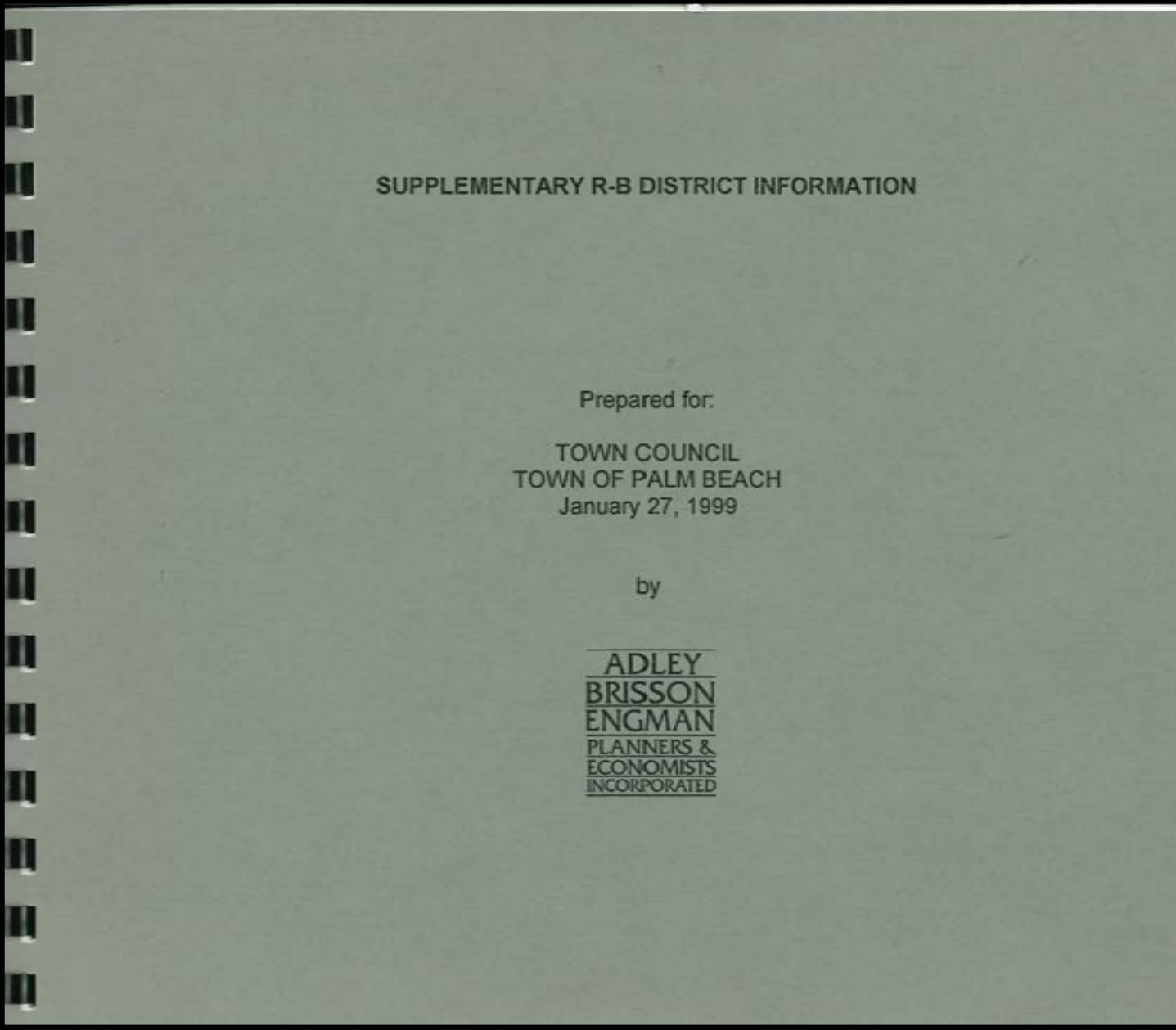
1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

The concept dealt with indoor and outdoor living spaces and the spacial and architectural relationships of homes in different neighborhoods.



1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

After review of the concept, the Town pursued a somewhat different proposal that focused on creating zoning regulations that would not implement architectural guidelines, but would embrace zoning regulations which were consistent with the existing development patterns of a neighborhood.



ORDINANCE 1-99
AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, BY AMENDING SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION, BY MODIFYING THE DEFINITIONS OF BUILDING ANGLE OF VISION AND BUILDING HEIGHT PLANE ; BY MODIFYING THE DEFINITION OF CUBIC CONTENT RATIO (CCR); DELETING THE DEFINITION OF FLOOR AREA RATIO (FAR) AND CHANGING ALL REFERENCES TO FLOOR AREA TO REFER TO CUBIC CONTENT RATIO WHERE APPLICABLE; MODIFYING THE DEFINITION OF RESTAURANT; BY CREATING SEC. 134-66 TITLED TOWN COUNCIL, ARCHITECTURAL COMMISSION AND LANDMARK COMMISSION SUPPLEMENTARY APPLICATION REQUIREMENTS, TO PROVIDE A PROVISION FOR THE IDENTIFICATION OF HISTORIC/SPECIMEN TREES ON APPLICATION PLANS; AMEND SEC. 134-87, APPLICATION, BY CLARIFYING THAT ALL BUILDING PERMIT APPLICATIONS SHALL HAVE PLANS IDENTIFYING HISTORIC/SPECIMEN TREES AND HOW THEY WILL BE PROTECTED; BY AMENDING SECTION 134-172, HEARING PROCEDURE, BY CLARIFYING THAT SPECIMEN/HISTORIC TREES MUST BE IDENTIFIED ON ALL PLANS FOR SPECIAL EXCEPTION AND VARIANCE APPLICATIONS AND HOW THEY WILL BE PROTECTED; BY AMENDING SECTION 134-229, REQUIREMENTS FOR GRANTING, BY CLARIFYING THAT SPECIMEN/HISTORIC TREES MUST BE IDENTIFIED AS PART OF ALL SPECIAL EXCEPTION APPLICATIONS; BY AMENDING SECTION 134-327, APPLICATION, BY CLARIFYING THAT SPECIMEN/HISTORIC TREES MUST BE IDENTIFIED AS PART OF ALL SITE PLAN APPLICATIONS; BY AMENDING SECTION 134-755, APPLICATION OF REGULATIONS, BY ADDING A NEW PROVISION LIMITING THE HEIGHT OF BUILDINGS IN RELATION TO FAA REQUIREMENTS; BY AMENDING SECTIONS 134-790, 134-840, 134- 890, 134- 945, AND 134-1055, SPECIAL EXCEPTION USES, BY ADDING PEDESTRIAN BEACH ACCESS TUNNELS TO THE LIST OF SPECIAL EXCEPTION USES IN THE R-AA, R-A, R-B, R-C AND R-D(2) DISTRICTS; BY AMENDING SECTIONS 134-791, 134-841, 134-891, 134- 946, 134-1001, 134-1056, 134-1110, 134-1160, 134-1210, 134-1260, 134-1305, 134-1400 AND 134-1478, ACCESSORY STRUCTURES, BY DELETING AND ADDING MODIFIED REGULATIONS PERTAINING TO DISH ANTENNAS IN THE R-AA, R-A, R-B, R-C, R-D(1), R-D(2), C-TS, C-WA, C-OPI, C-PC, C-B , PUD AND BEACH AREA ZONING DISTRICTS TO PROVIDE FOR THE NUMBER, SIZE AND SCREENING OF DISH ANTENNAS; BY ADDING SECTIONS 134-801, 134-851, 134-902, 134-957,134-1013, 134-1068, 134-1119,134-1169, 134-1218,134-1267, 134-1313, 134-1401 AND 134-1479 TITLED AIR CONDITIONING AND GENERATOR EQUIPMENT TO CROSS REFERENCE MODIFIED REGULATIONS PERTAINING TO SAID EQUIPMENT; BY AMENDING SECTION 134-893 LOT, YARD AND AREA REQUIREMENTS-GENERALLY; BY DELETING THE MAXIMUM ALLOWABLE FLOOR AREA RATIO IN THE R-B DISTRICT; BY CHANGING THE CURRENT CUBIC CONTENT RATIO TO A SLIDING SCALE BASED ON LOT SIZE, AND INSTITUTING A MAXIMUM ALLOWABLE CUBIC FOOTAGE IN THE R-B DISTRICT; BY MODIFYING THE REQUIRED FRONT YARD AND SIDE YARD SETBACKS IN THE R-B DISTRICT SO THAT SETBACK REQUIREMENTS APPLY INDIVIDUALLY TO THE FIRST AND SECOND STORIES; BY INCREASING THE MAXIMUM ALLOWABLE LOT COVERAGE FOR ONE-STORY STRUCTURES IN THE R-B DISTRICT; BY ELIMINATING, AMENDING OR CREATING SECTIONS 134-896, 134-952, 134-1013 and 134-1068, SPECIAL EXCEPTIONS TO HEIGHT LIMITATIONS, BY INCREASING THE ALLOWABLE SIZE OF ARCHI-



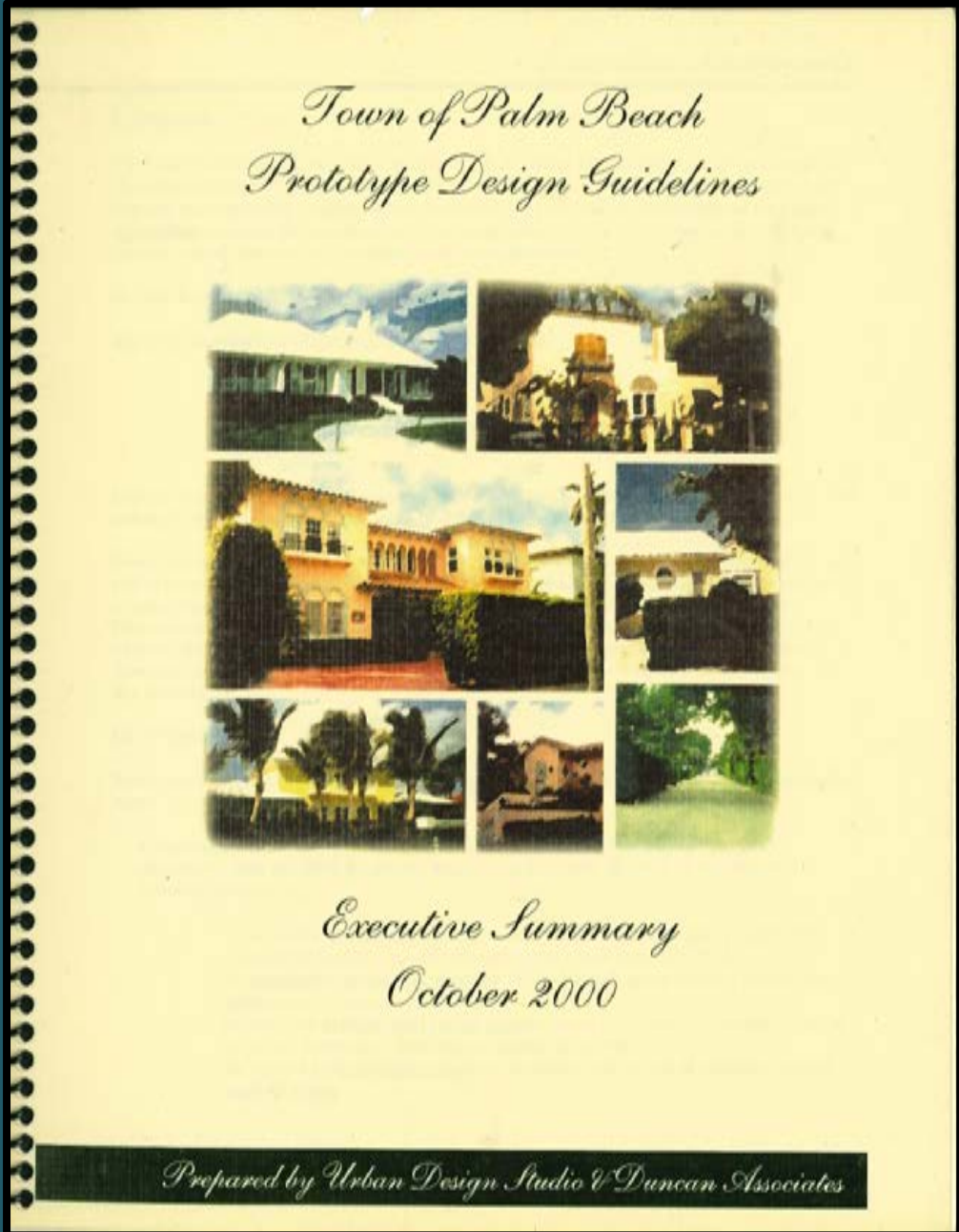
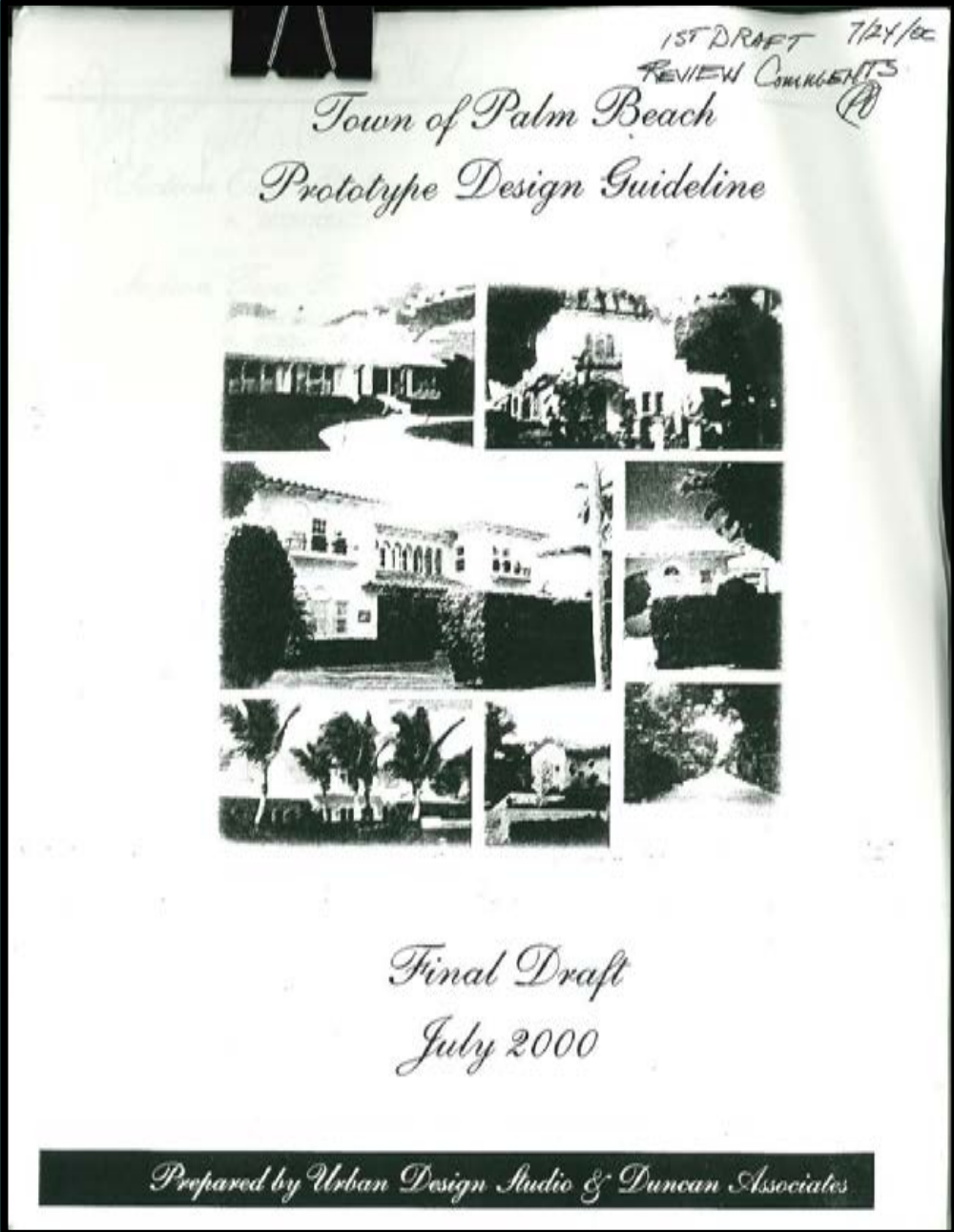
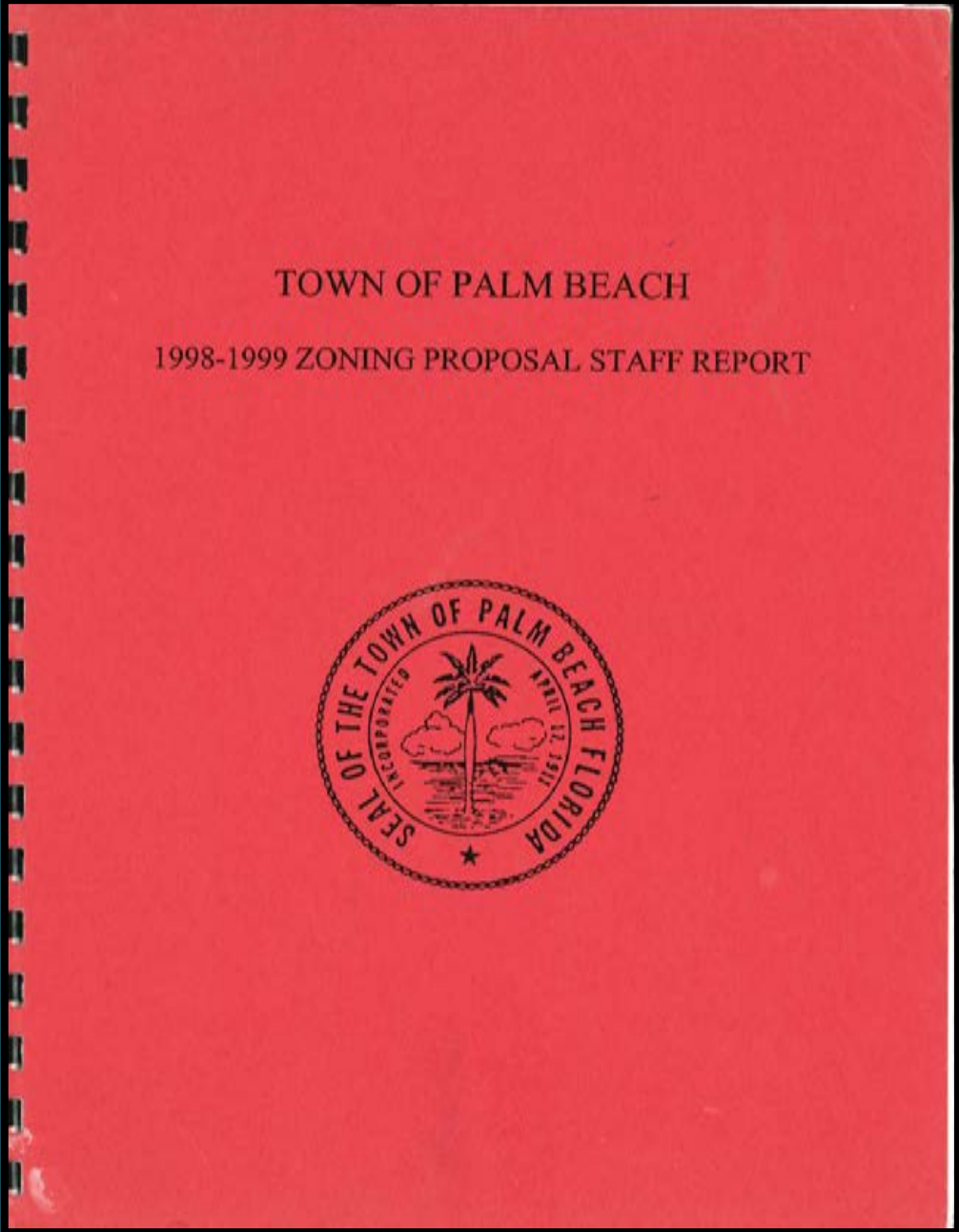
Table with columns: LOT SIZE (sq. ft.), MAXIMUM CCR, MAXIMUM CUBIC CONTENT (cu. ft.), and ILLUSTRATIVE EXAMPLES OF APPROXIMATE RESULTING FLOOR AREAS (sq. ft.) for ONE-STORY and TWO-STORY structures at various heights (10', 12', 14', 16', 18', 20', 22').



1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

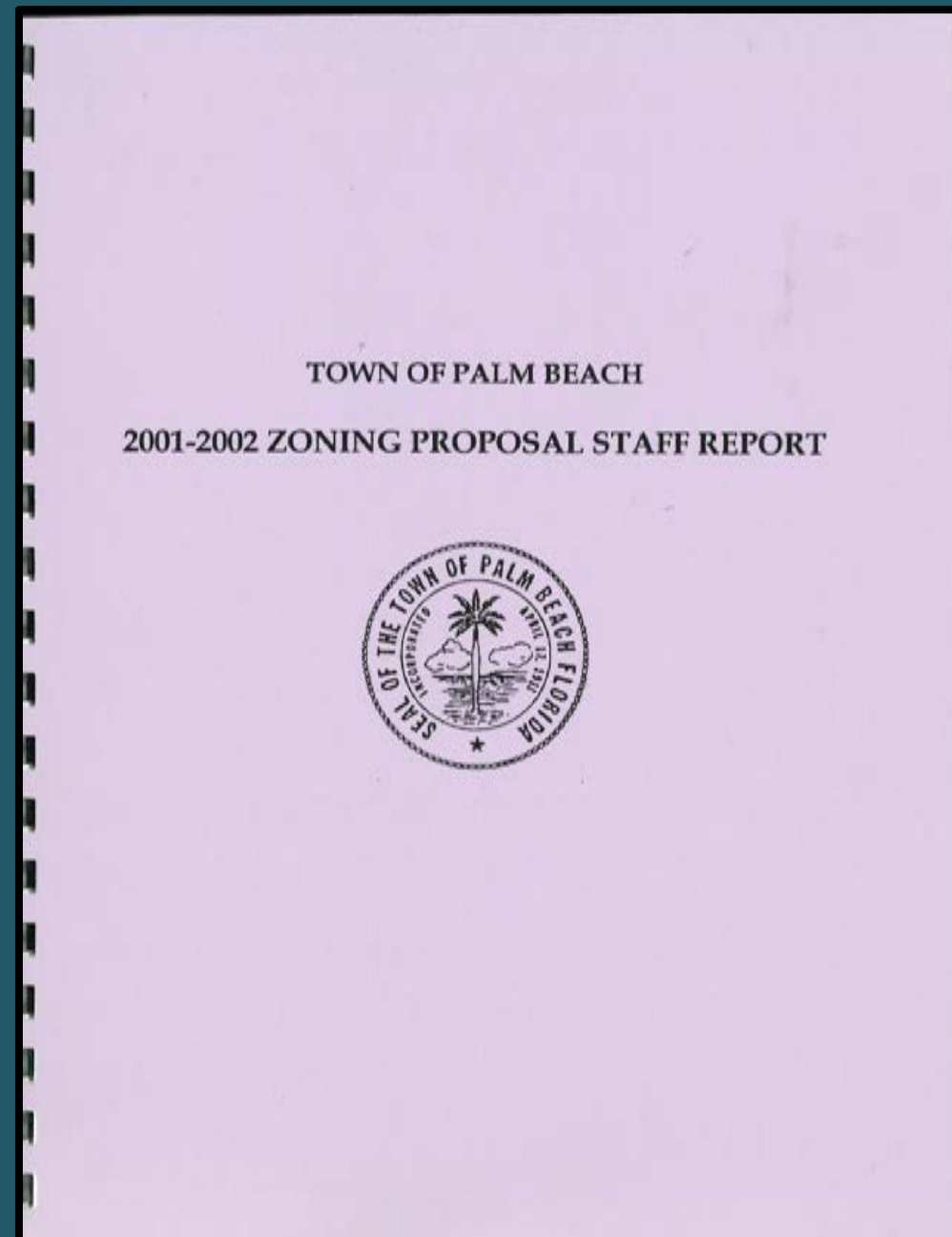
In 1999 eliminated the FAR regulation and created the sliding scale CCR requirement to replace FAR.

*MORE ON THIS SIGNIFICANCE LATER



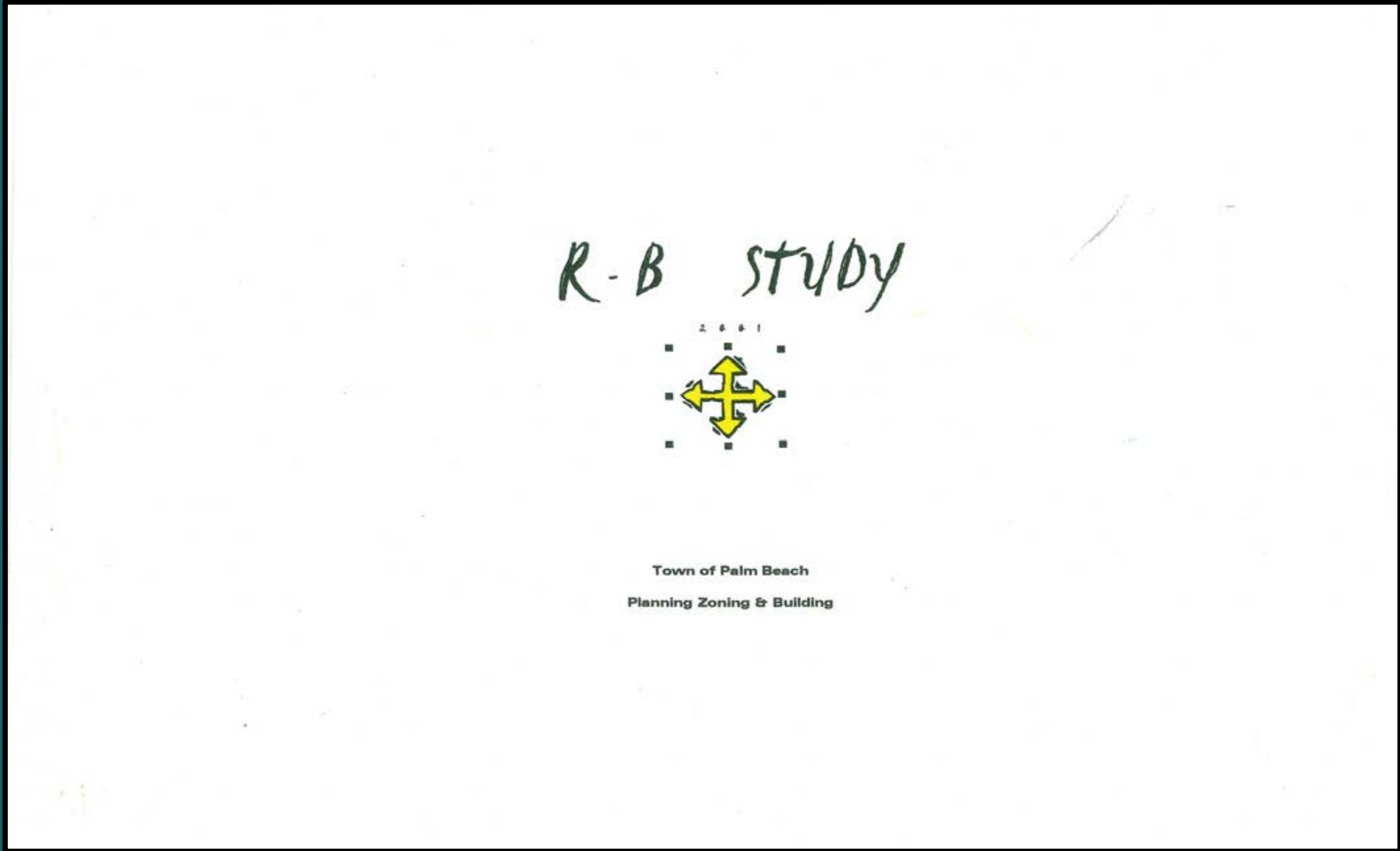
1986 1989 1990 1991 1992 1993 1995 1997 1999 2001 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 1999, the Town retained Duncan & Associates and Urban Design Studio to develop a concept of prototype neighborhood zoning guidelines for four streets on the north end of Palm Beach. The prototype concept for those streets, which included a proposal for design incentives to allow other zoning flexibility, was later eliminated from consideration. However, staff was asked to complete its own study incorporating many of the identifiable characteristics used by Duncan & Associates to create possible overlays or districts.



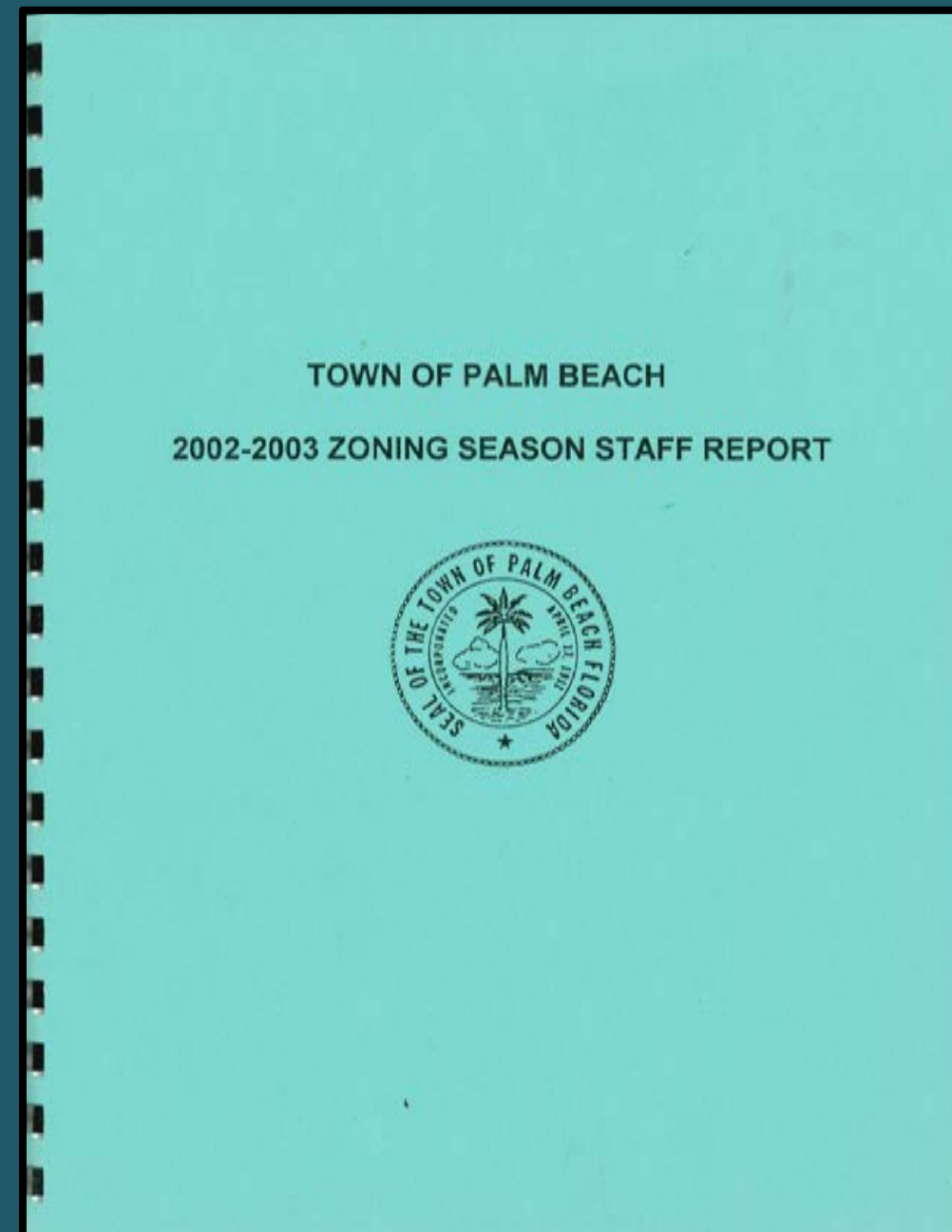
1986 1989 1990 1991 1992 1993 1995 1997 1999 **2001** 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 2001, Staff collected and analyzed lot, yard and area data on R-B lots in five distinctly different areas of the Town. Those areas were selected because of their varied character.



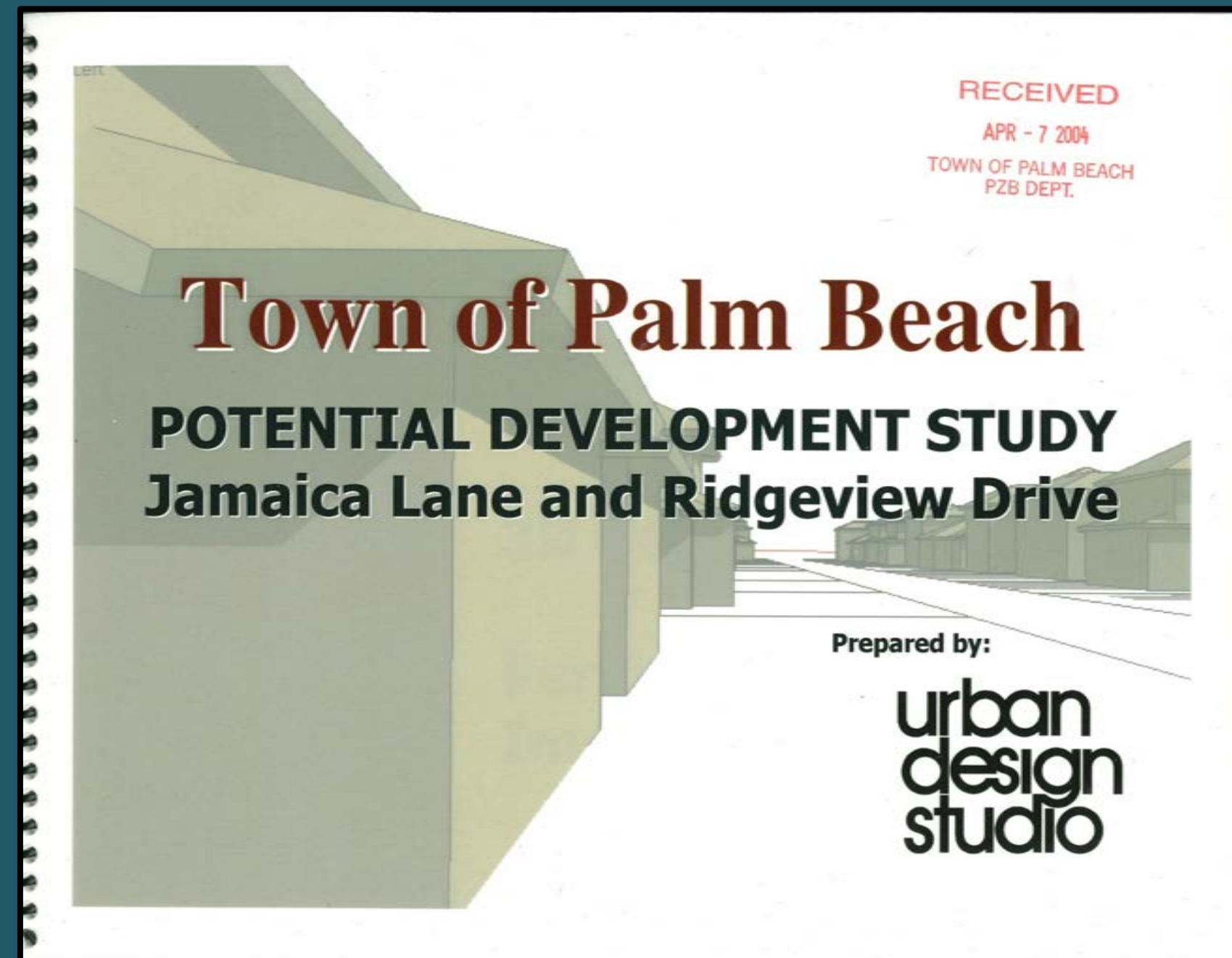
1986 1989 1990 1991 1992 1993 1995 1997 1999 **2001** 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

The proposal was then considered but not adopted; and it was decided that the sliding scale CCR implemented in 1998 should remain in place for additional time to determine its true effectiveness on scaling down the size of new and renovated homes.



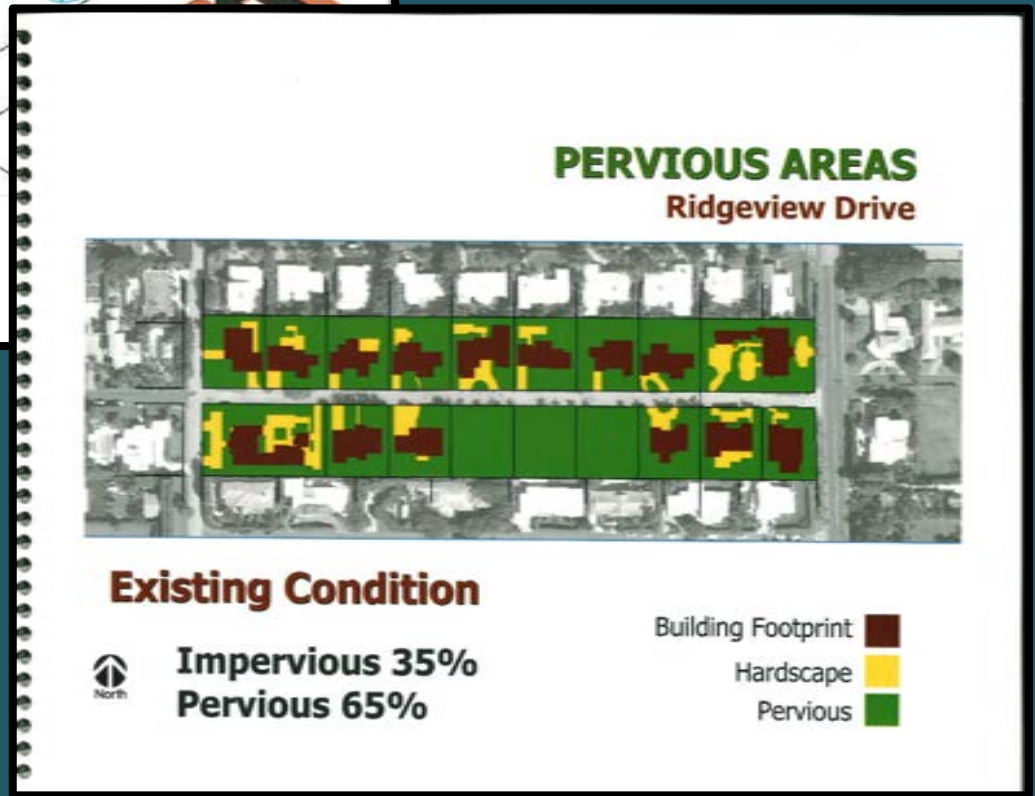
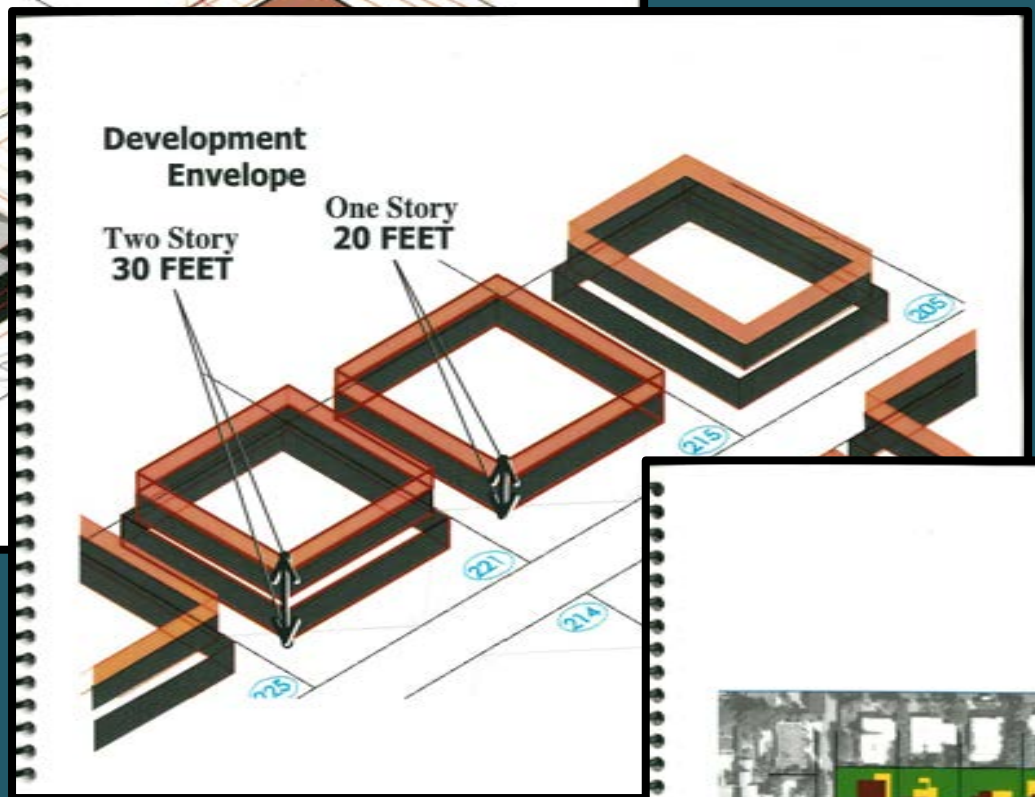
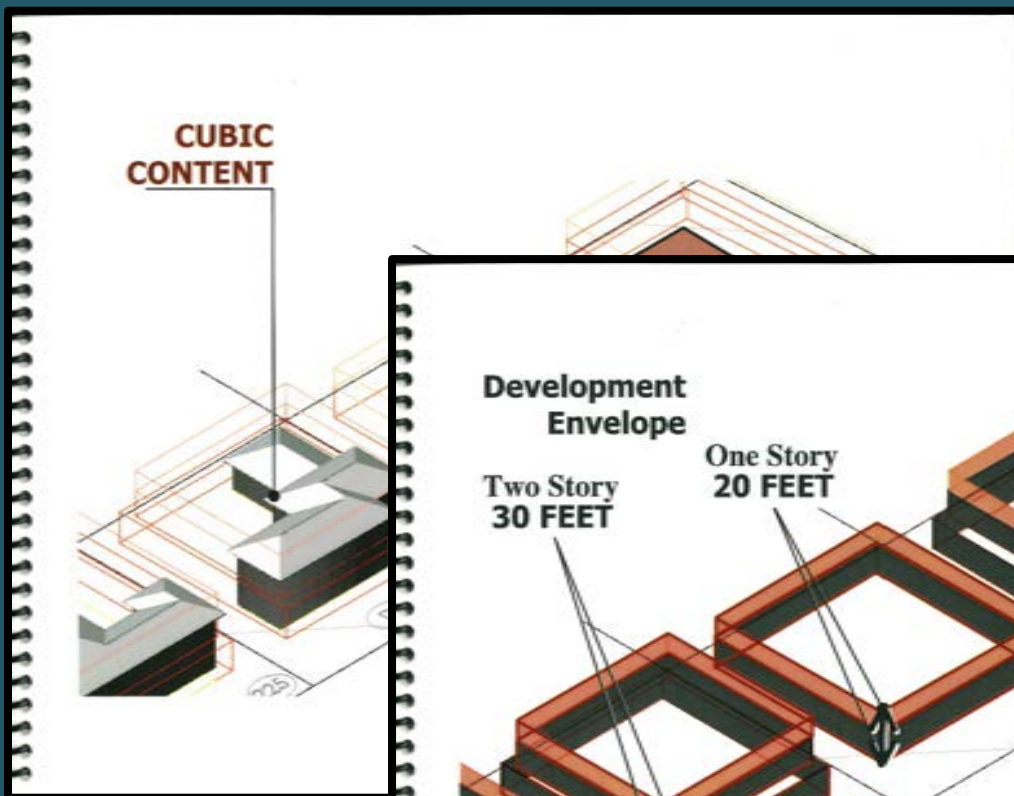
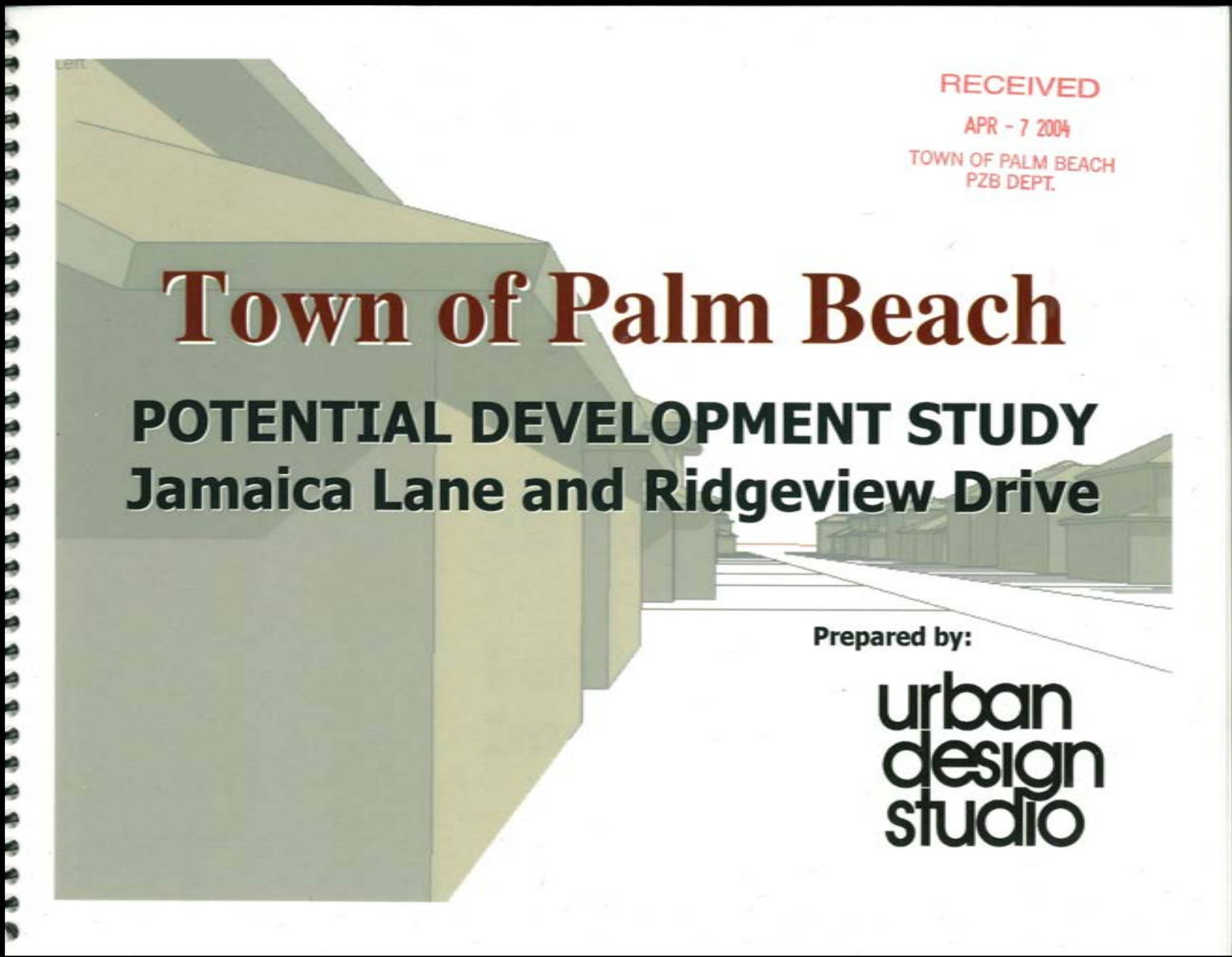
1986 1989 1990 1991 1992 1993 1995 1997 1999 **2002** 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In addition, a proposal to create a historic or conservation zoning district for one unique area of Town. That area, which encompassed Seaview Avenue, Seaspray Avenue and Seabreeze Avenue was evaluated during the 2002-2003 Zoning Season to create zoning regulations, based on existing lot, yard and area characteristics and was subsequently not approved.



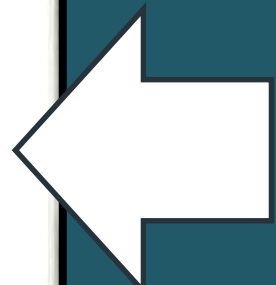
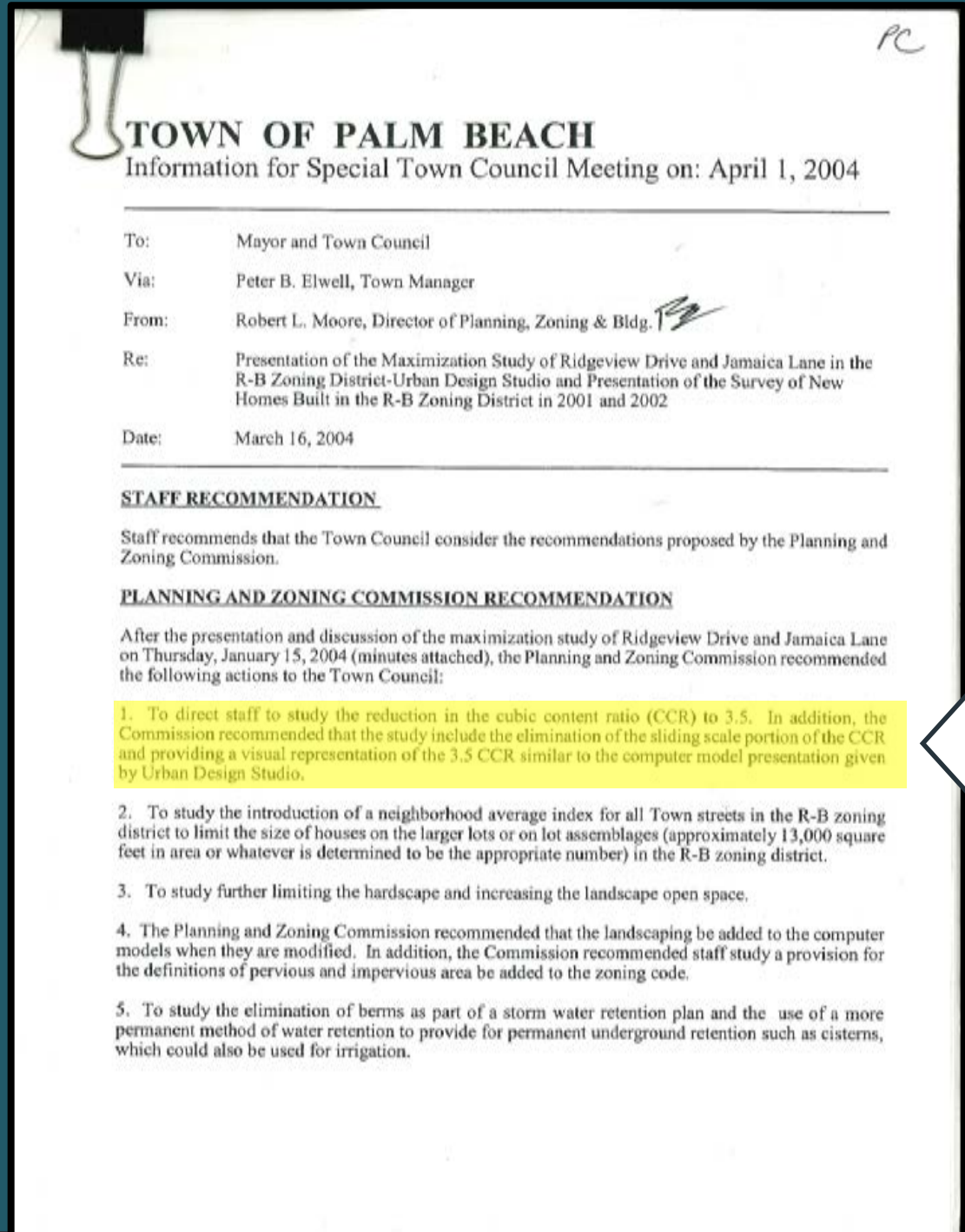
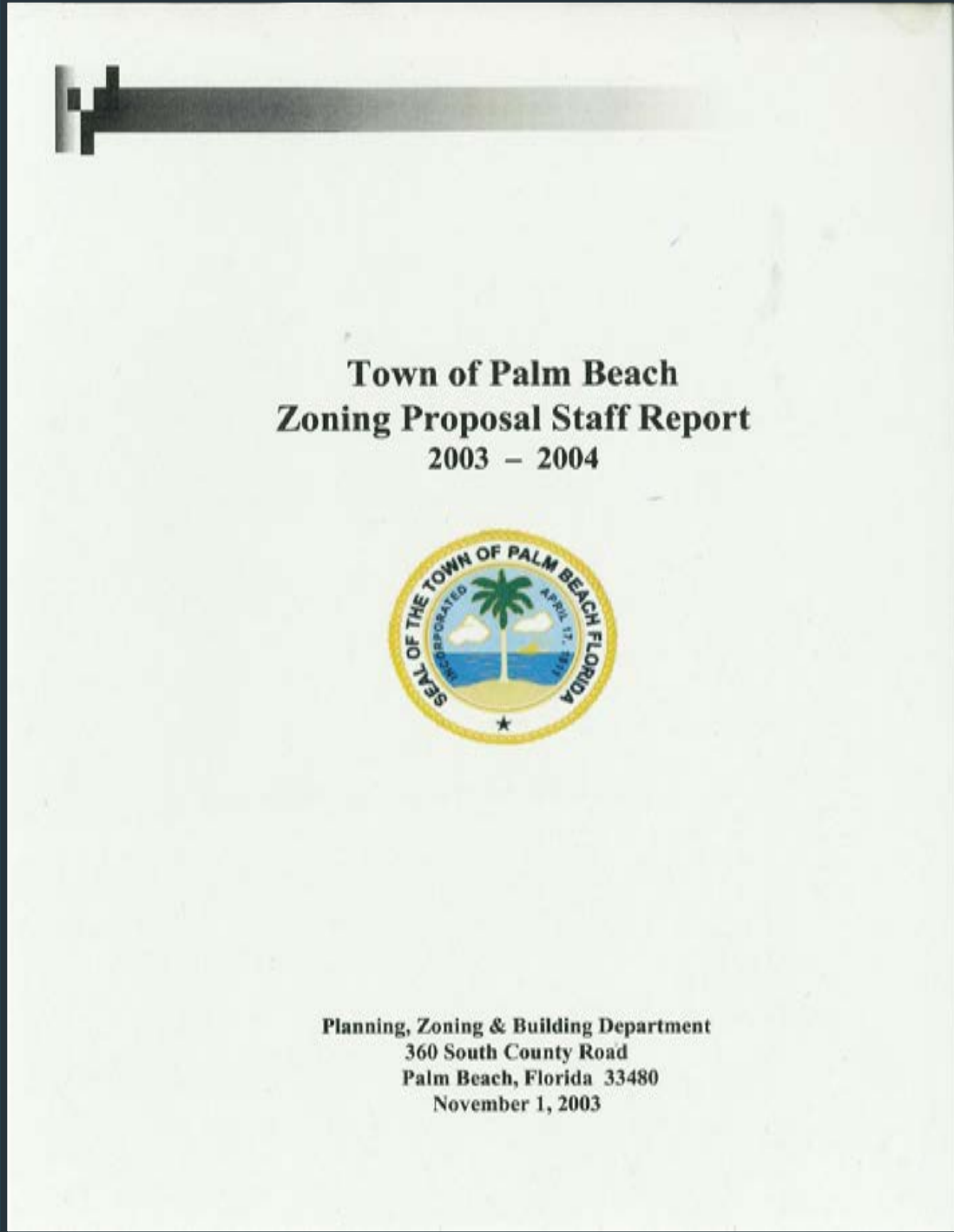
1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In the 2003-2004 zoning season, Urban Design Studio conducted a maximization study of Ridgeview Drive and Jamaica Lane. That study was a computer graphic project which identified existing pervious and impervious areas and homes on the lots on those streets and compared that to the maximum build-out that could occur on those lots using the existing code requirements.



1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

The project also graphically depicted existing home CCRs and those same lots with homes built using the existing sliding scale CCR regulations. In addition, a survey of homes constructed in 2001-2002 under the existing sliding scale CCR regulations was presented in a power point presentation which showed the constructed homes and provided information on the lot, yard and bulk figures for each home.



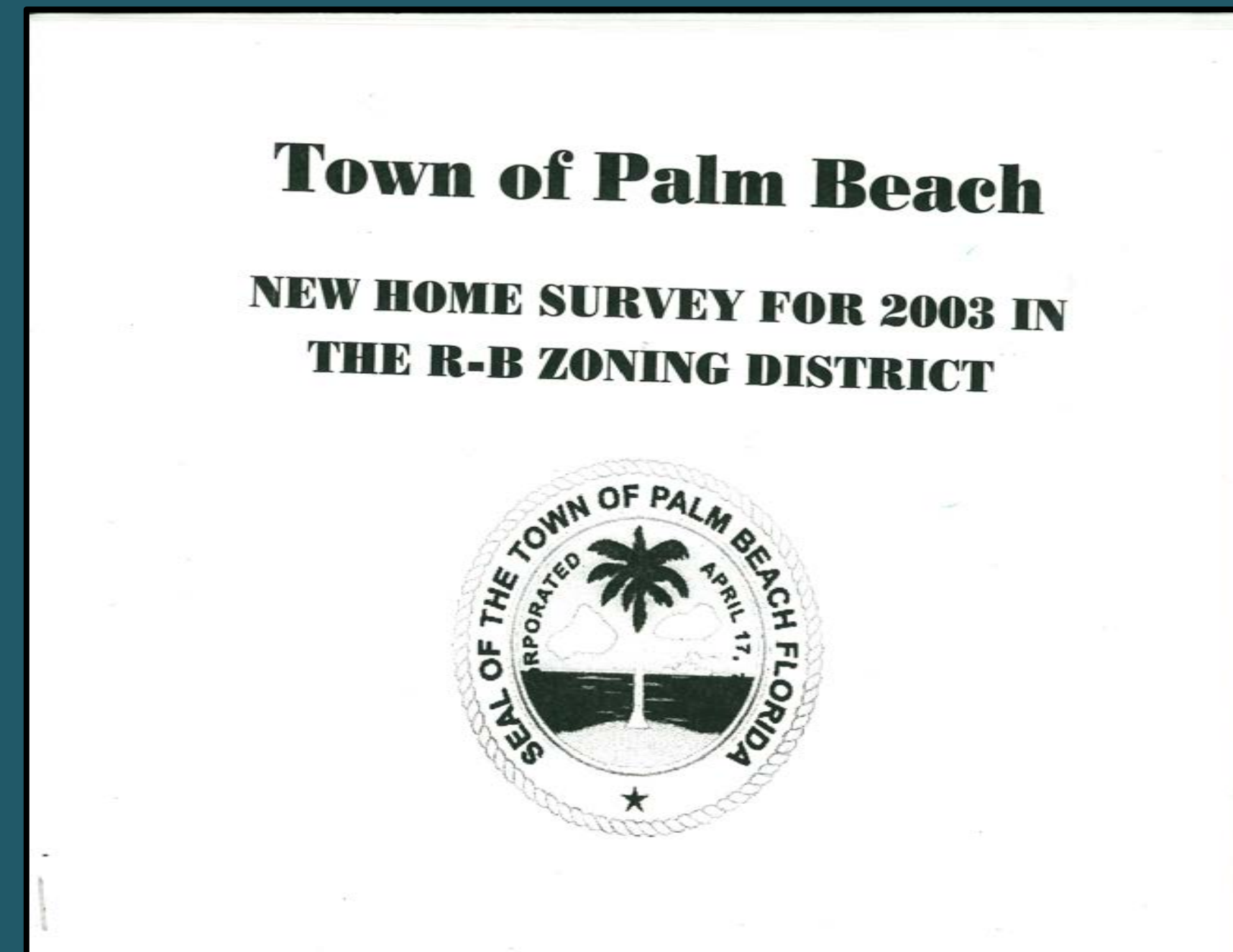
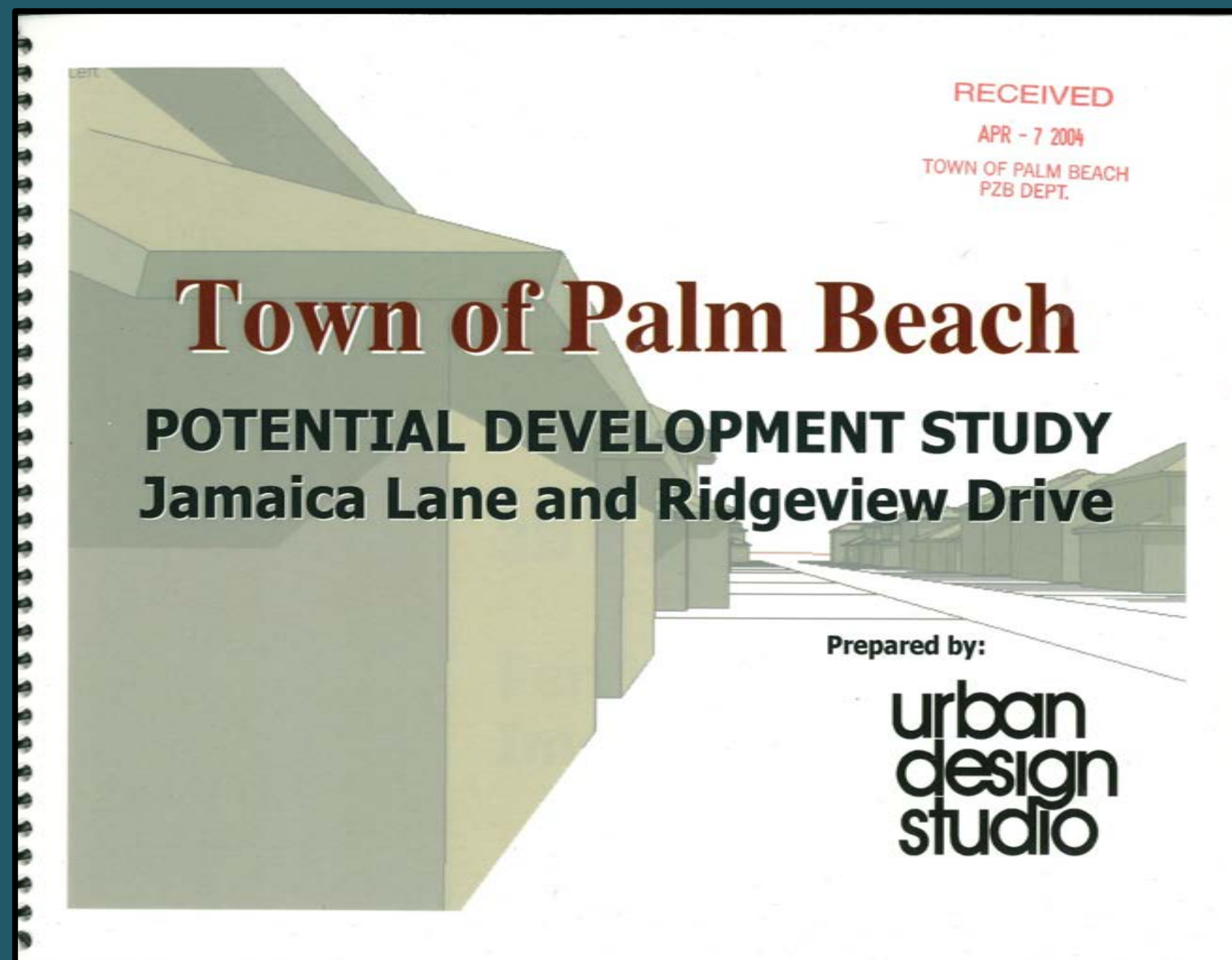
To direct staff to study the reduction in the cubic content ratio (CCR) to 3.5 and study the elimination of the sliding scale portion of the CCR.

1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 **2004** 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 2003-2004, there was a maximization study in the R-B district; the recommendations were not implemented by the Town Council.

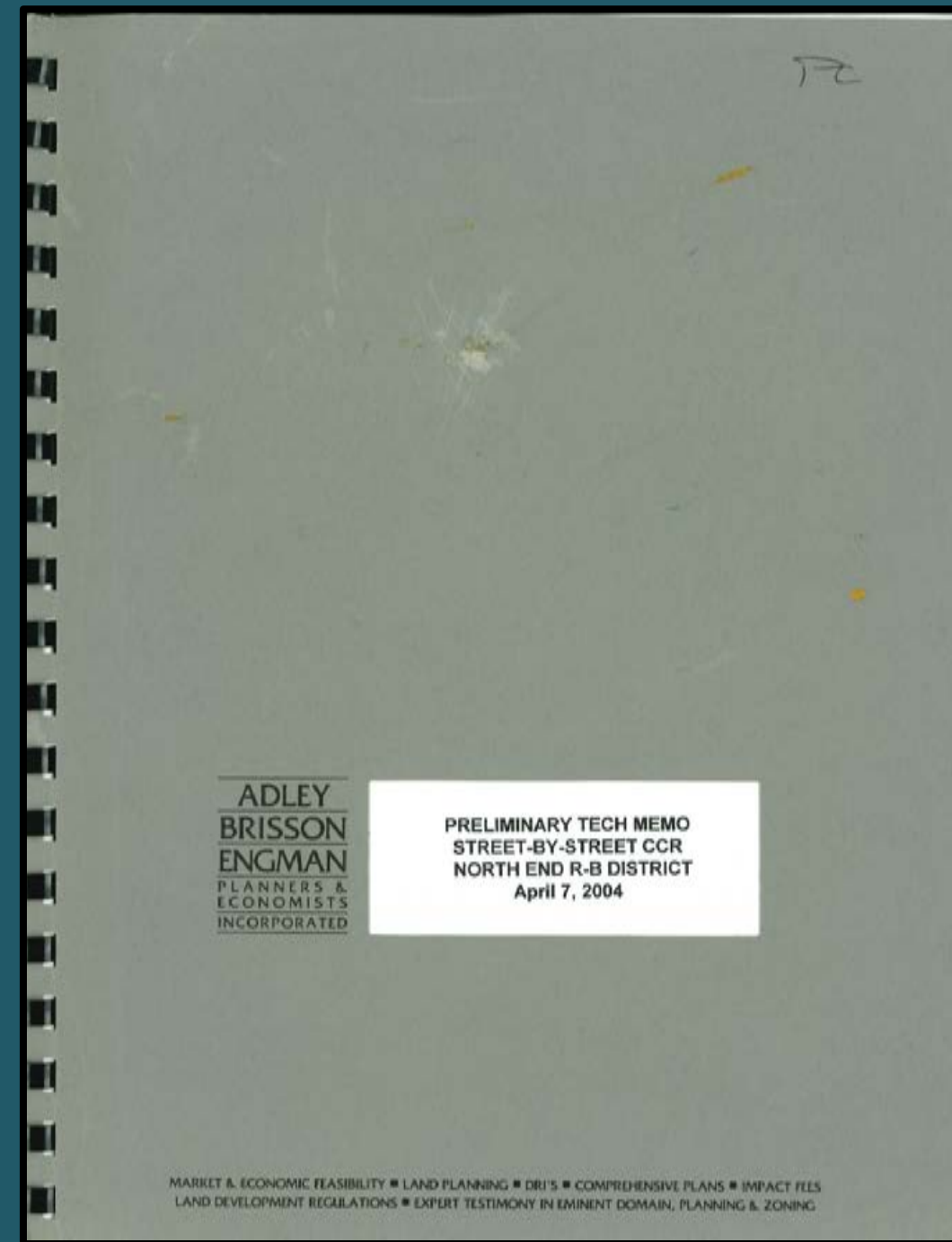
1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In the 2004-2005 season, Urban Design Studio, as a second phase of their 2003-2004 study on Ridgeview Drive and Jamaica Lane, went one step further. That computer graphic project intermittently depicted homes built at the existing cubic content sliding scale regulation and at the minimum flood elevation next to existing homes on those streets.



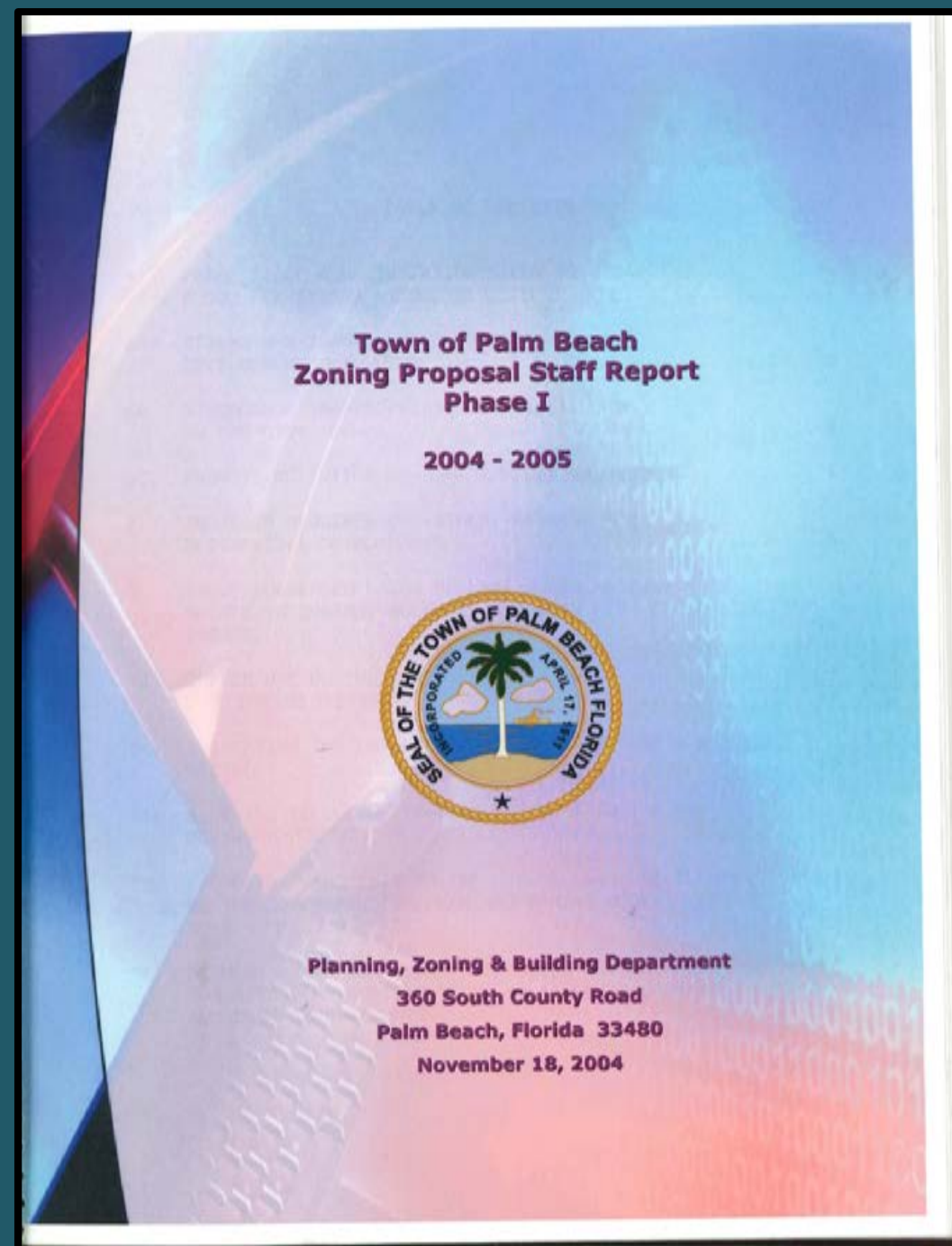
1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In addition, the study also provided graphic presentations of those streets maximizing cubic content at the minimum flood elevation using varied CCR ratios (4.5, 4.0 and 3.5). In addition, a survey of homes constructed in 2003 under the existing sliding scale CCR regulations were presented in a power point presentation which showed the constructed homes and provided information on the lot, yard and bulk figures for each home.



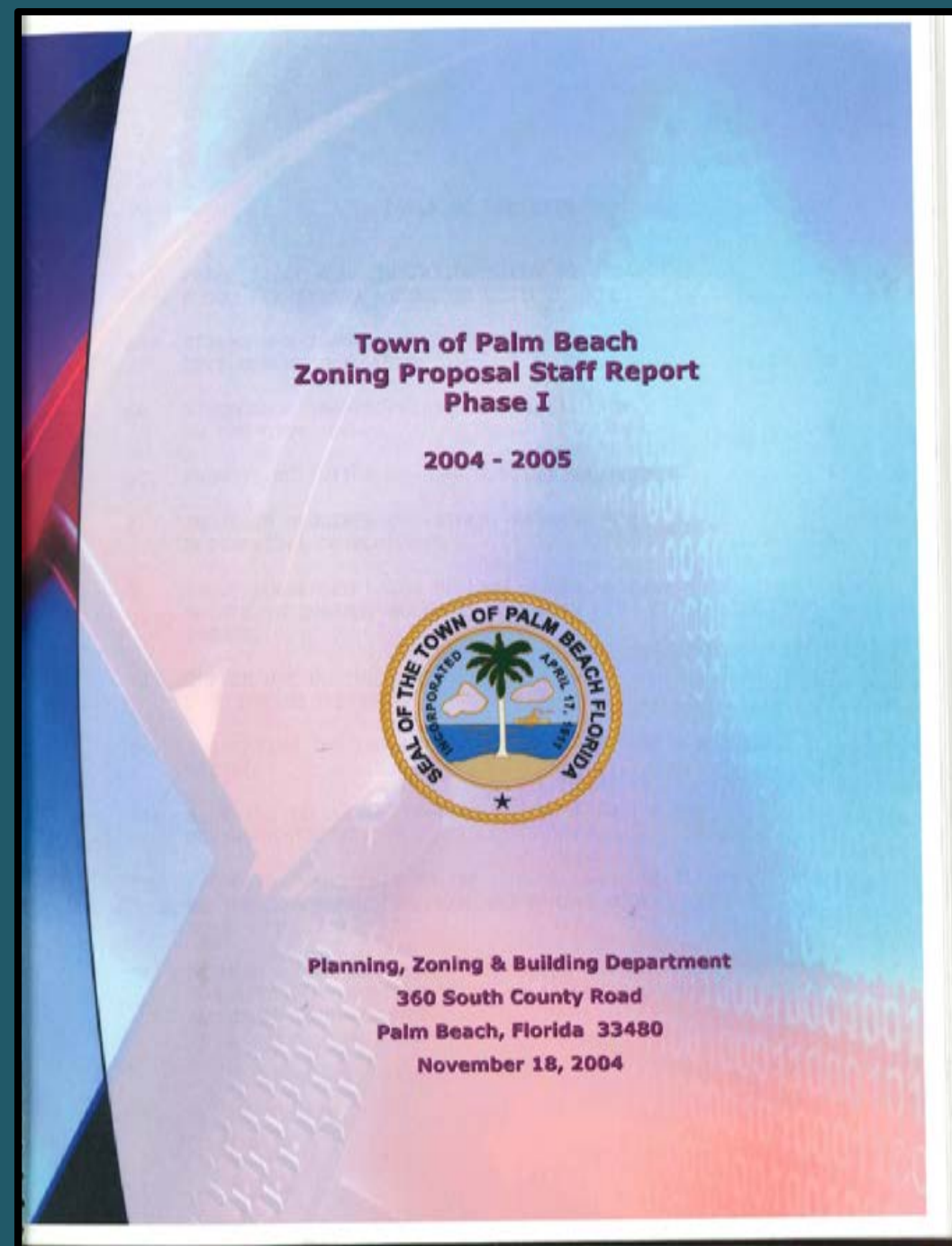
1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In the second phase of the 2004-2005 season, staff presented a proposal requested by the Town Council which studied eight sample streets and how street-by-street cubic content ratio controls could be employed to ensure that new development and redevelopment would occur in a manner reasonably consistent with the existing development patterns along a street; the recommendations were not implemented by the Town Council.



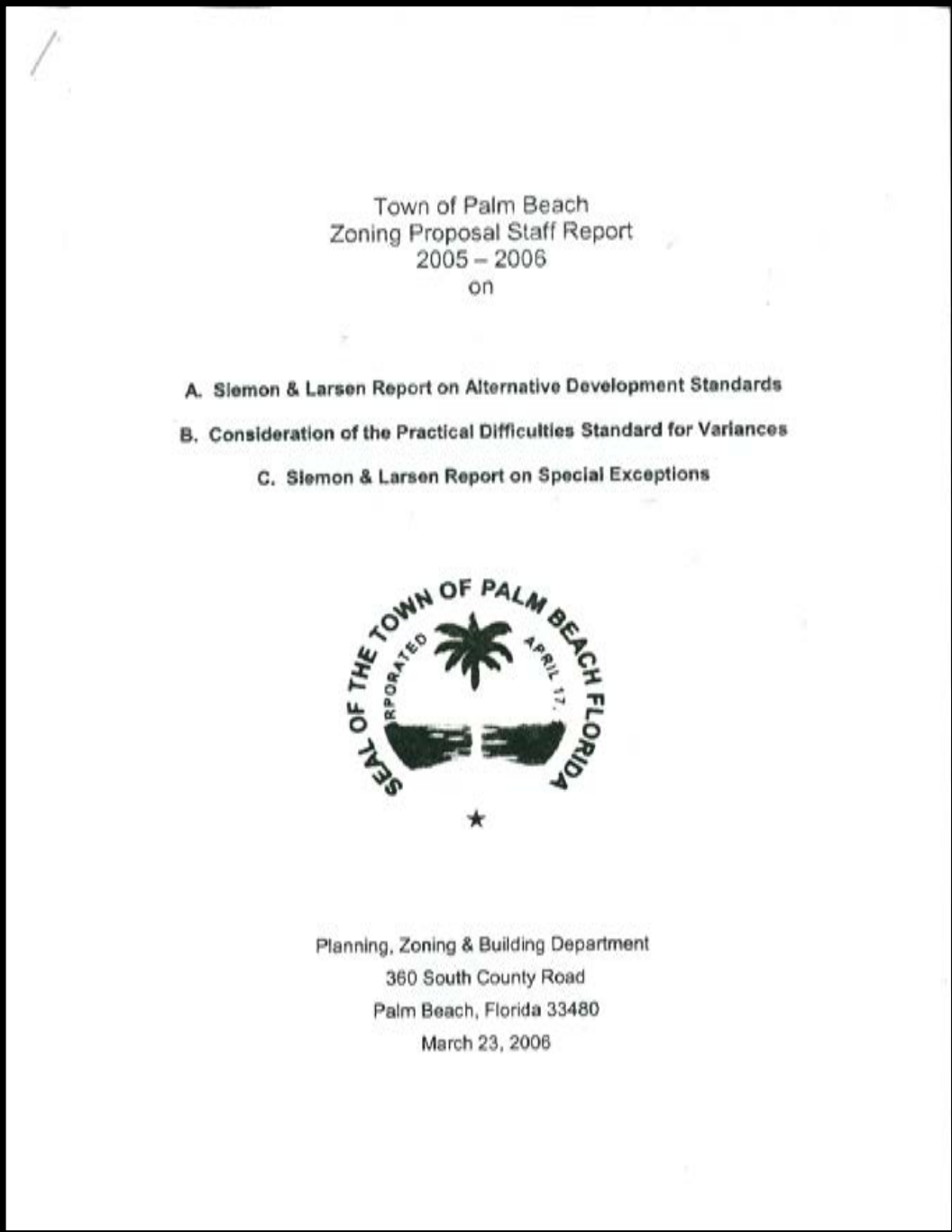
1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 2005, the Council directed staff to further study a proposal which further defined the street-by-street CCR proposal. The further defined proposal is called the "Neighborhood Index". The index would be the average size (cubic content ratio as defined in the Code) of other homes within 400 linear feet of the subject property along both sides of the street.



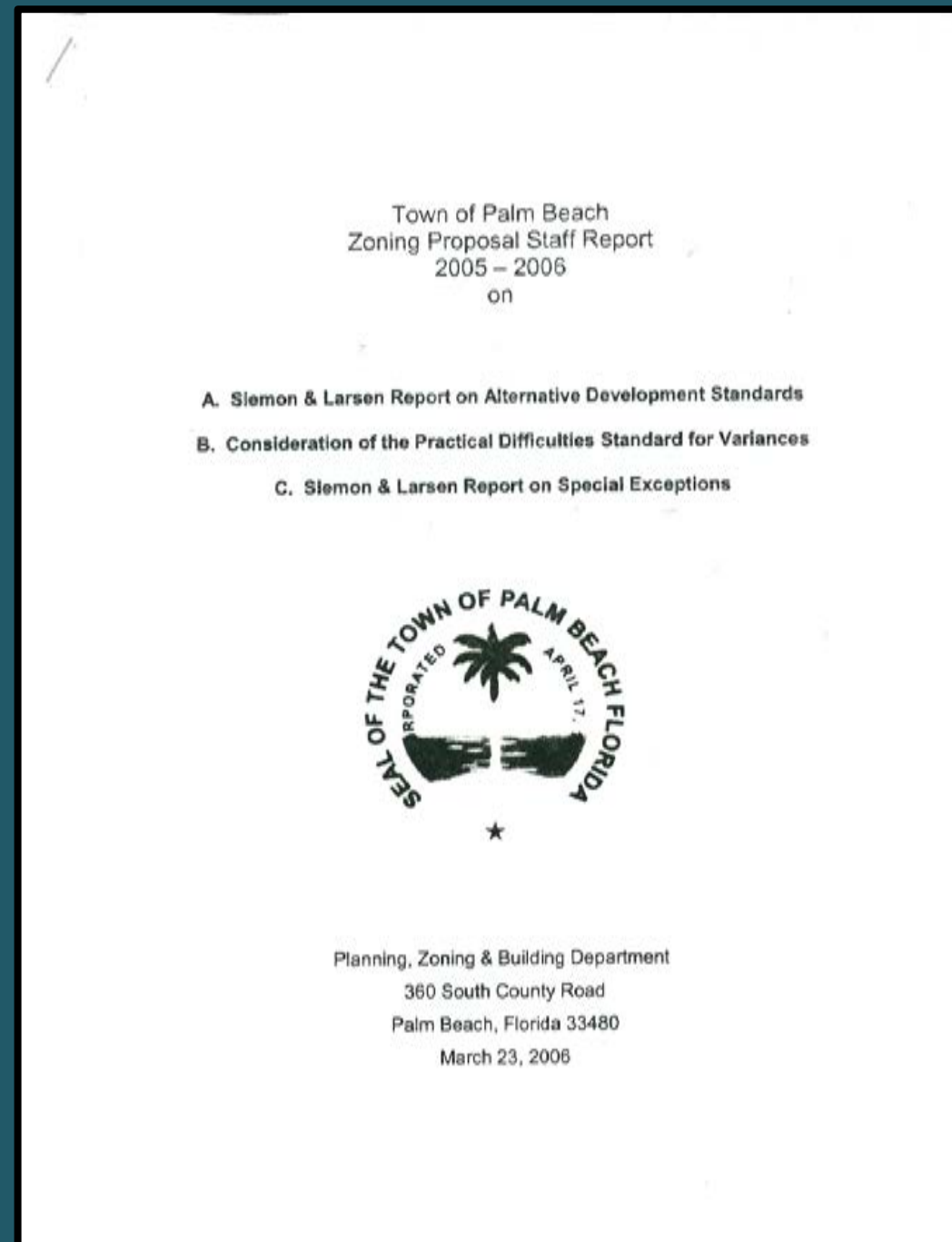
1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

Development, redevelopment, or additions would be allowed up to 110% of the neighborhood index, or a 3.0 CCR whichever is greater, but not to exceed a maximum of 4.5 CCR. The Town Council did not adopt zoning in progress on this issue. Eventually the proposal was abandoned by the Town Council after significant resident objections.



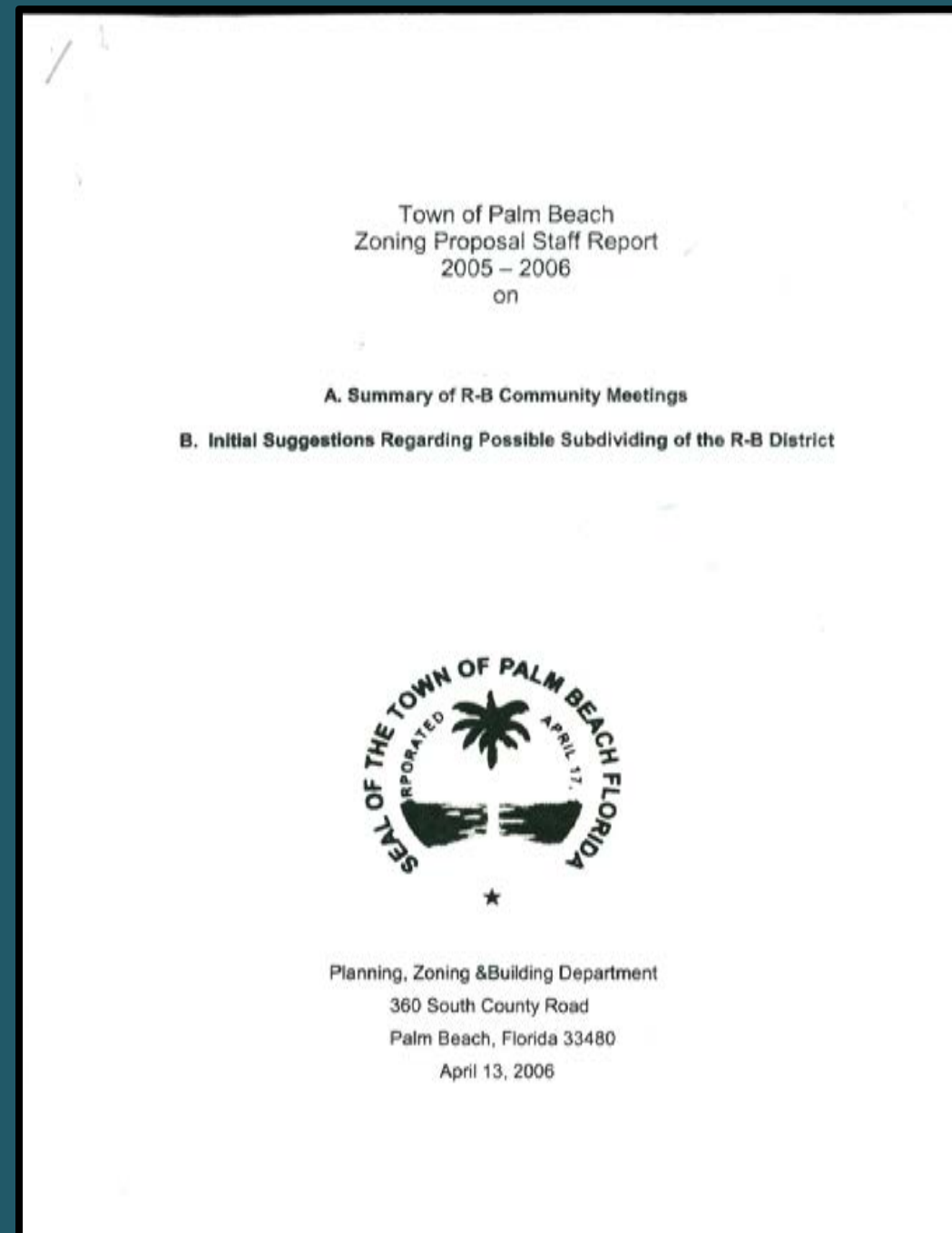
1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 2005, the firm of Siemon & Larson, P.A. prepared a report for the Palm Beach Civic Association titled "Variances and Special Exceptions as a Tool for Zoning Flexibility in the Town of Palm Beach: History, Issues for Discussion, and Ideas for Reform".



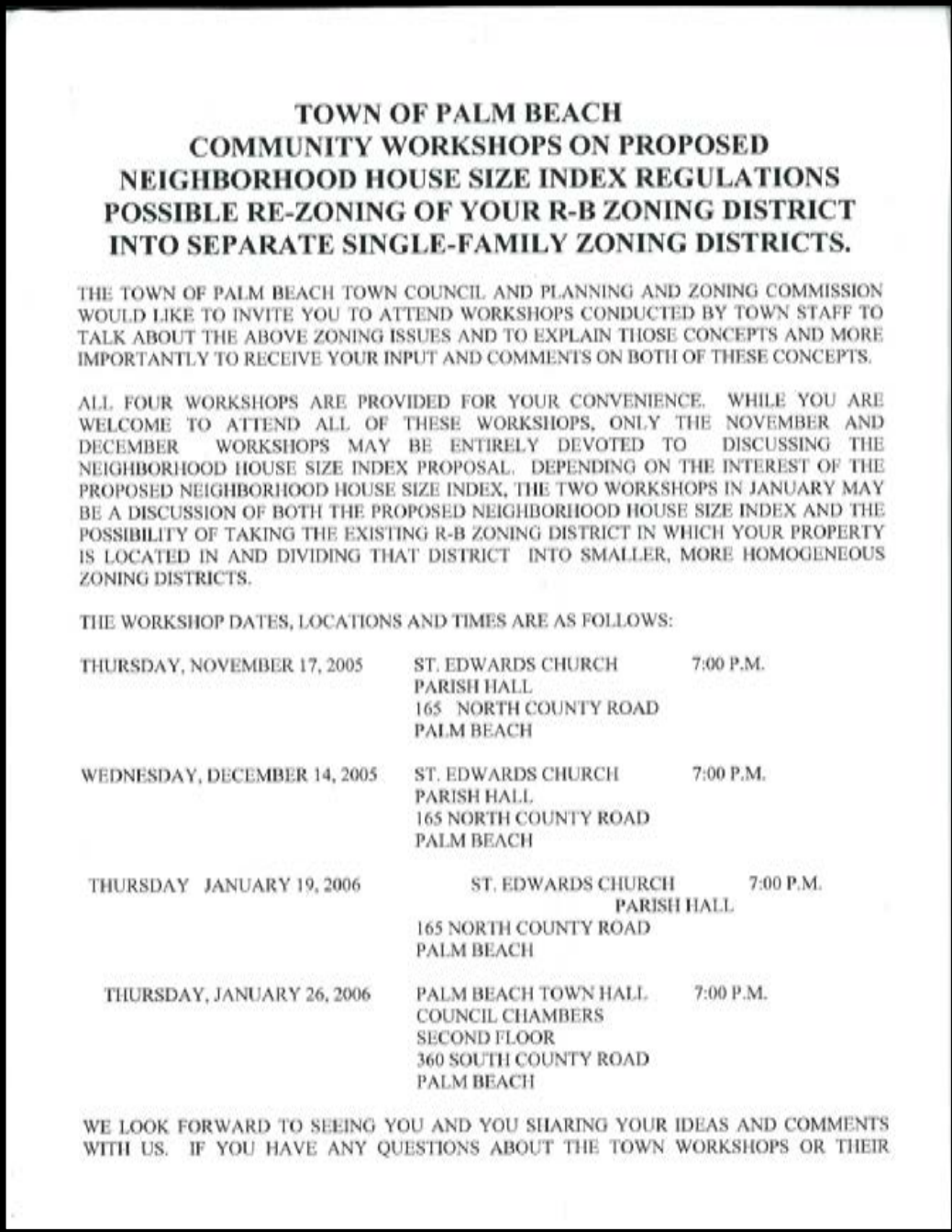
1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

This report reviewed seven years of empirical data (1997 through 2003) relating to variances and special exceptions during that time period. The report makes several recommendations for reform to the Town's variance standards and makes several recommendations for the granting of special exceptions, but the recommendations were not implemented by the Town Council.



1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 **2006** 2007 2010 2011 2016 2019 2021 2022

In 2005-2006 the Town held R-B community meetings regarding possible subdivision of the R-B district into separate and distinct zoning districts, overlays or subdistricts.



1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 **2006** 2007 2010 2011 2016 2019 2021 2022

After much discussion and resident input, that concept was abandoned over strong resident opposition.

1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 2005-2006 studied the point of measurement for height, overall height and cubic content in the R-B district relate to lots along the ocean and lake and lots below the minimum flood elevation.

1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 2022

In 2007 created separate building height definition for R-B lots abutting Lake Trail and lot east of the CCCL line. In addition, provided a different point of measurement for small additions on Lake Trail lots in the R-B district.

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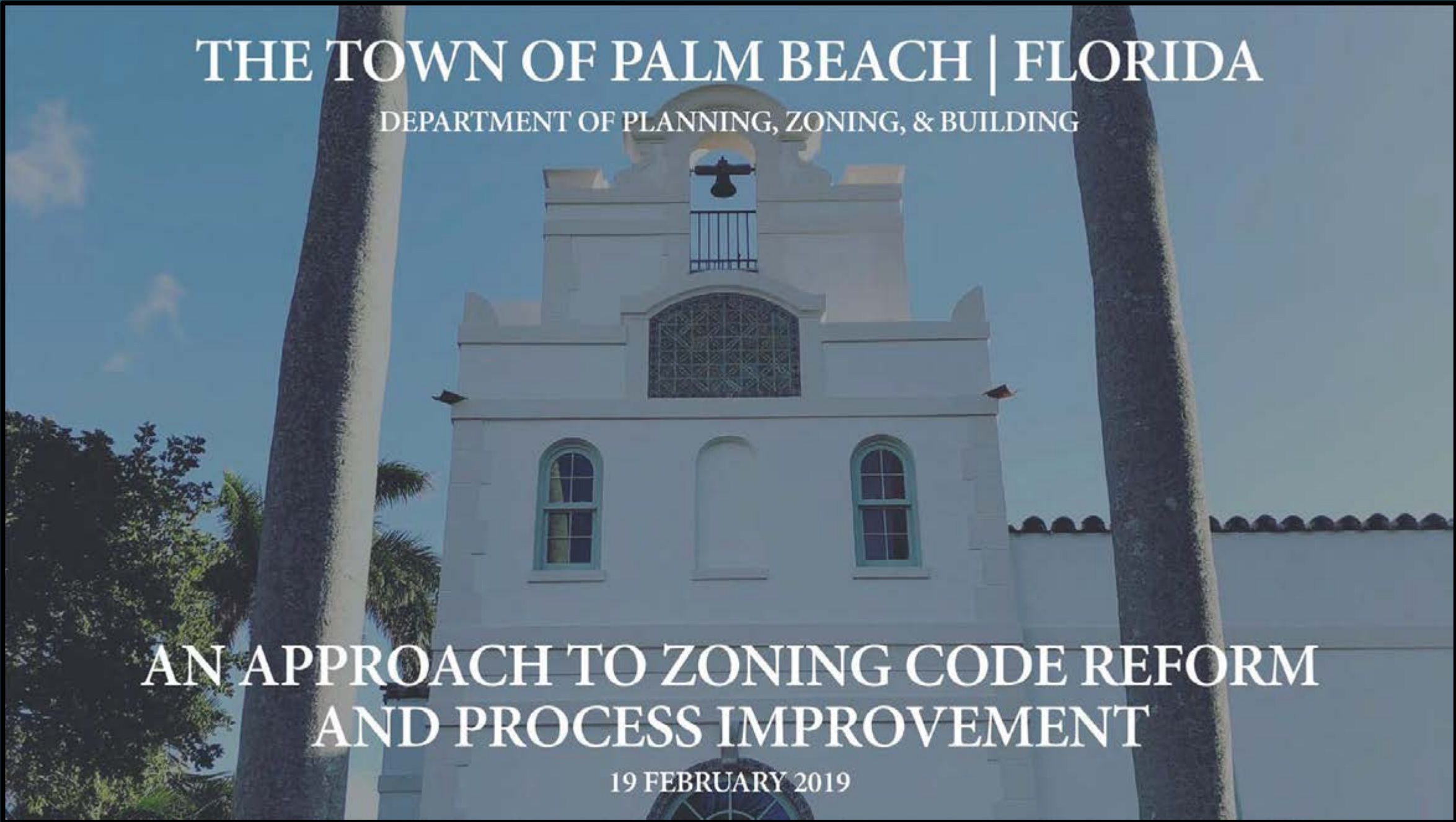
In 2010 increased the CCR for all R-B lots along Lake Worth from Dunbar Road to Reef Road to 4.5 rather than the sliding scale.

1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 **2011** 2016 2019 2021 2022

In 2011 changed the Code to allow nonconforming homes (and other buildings) to be raised to meet minimum flood elevation.

1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 **2016** 2019 2021 2022

In 2016 created exemptions in the R-B district for complete demolition and construction of homes and accessory buildings on lots of 50 feet or less in width on the Sea Streets in order to protect the character of those street. There are conditions regarding architecture and building footprint and no variances.



1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 **2019** 2021 2022

In February 2019, former PZ&B Director Josh Martin presented his vision for the Town’s zoning code overhaul which included “common-sense based” zoning code and streamlined reviews, using the firm of CNU.



1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 **2019** 2021 2022

Presentations of the proposed process were made to all commissions and to Town Council. Ultimately, the Council did not proceed with code reform as proposed by Mr. Martin and CNU.

TOWN OF PALM BEACH
 Information for Town Council Meeting on: October 13, 2021

To: Mayor and Town Council
 Via: Kirk Blouin, Town Manager
 From: Wayne Bergman, Director of Planning, Zoning & Building
 Re: Path Forward for Code Review Efforts and Review of Several Zoning Code Matters
 Date: October 4, 2021

BACKGROUND

Please review the attached memos regarding the recent efforts of the Town regarding an incremental approach to review and update the zoning code.

During the last year, PZ&B staff, the Planning & Zoning Commission, and the Town Council have all reviewed and addressed a number of zoning code matters that were identified as problematic, many of them commonly recurring. In March of 2020, staff provided the Town Council a list of the "top ten" identifiable problems with the zoning code—among the critical items, were FEMA "fill" concerns and historic preservation/loss of architectural heritage. Since then, staff has been keeping an ongoing list of zoning matters that are occasionally in conflicting and contradictory ways, or confusing, and/or altogether illogical. Additionally, the list includes items that have been mentioned by Commissioners and Council members as inconsistent, problematic and identified as "needed to be addressed". This is a path, or target group, outlined by staff offering strategies for addressing the Town's most critical zoning code reform needs. The List approach enables the Town Council to visualize the crucial areas and set their own pace for code changes, allowing Council to prioritize their efforts in areas that they believe are in need of greatest repair of the built environment and facilitate greater community buy in.

Progress has been made since the original March 2020 "List" in regards to overall code review and reform:

- Vulnerability Analysis and Design / Regulation for Resiliency — The Woods Hole Group completed a Coastal Flood Vulnerability Assessment in 2019, which looked at protecting public infrastructure. Woods Hole is now presenting the Town with a Level-Up Palm Beach – A Coastal Resiliency Plan to protect the Town from the effects of rising sea levels. FEMA is in the process of updating the Flood Insurance Rate Maps, which will be implemented county-wide in the next six to twelve months. Staff and the Planning & Zoning Commission spent considerable time last year reviewing and preparing zoning

TOWN OF PALM BEACH
 Information for Town Council Meeting on: June 9, 2021

To: Mayor and Town Council
 Via: Kirk Blouin, Town Manager
 From: Wayne Bergman, Planning, Zoning & Building Director
 Re: Possible Path Forward for Code Review Efforts
 Date: May 28, 2021

BACKGROUND

In early 2019, former PZB Director Josh Martin began developing a path forward to accomplish an overhaul of the Town zoning code, using the Congress for New Urbanism, (CNU) as the primary consultant. CNU developed a "Project for Code Reform Model" in 2016, and this process was described by Mr. Martin as a "way to streamline the code reform process by providing local governments with place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately create more walkable, prosperous, and equitable places". The model was presented to the Town Commissions and to Town Council. Details of the CNU process included the steps needed to implement the project, the categories of research and review, and categories of land use regulatory research through which the process was to be delivered.

The final presentations were made to the Town Council on November 13, 2019 and to the Planning & Zoning Commission on November 18, 2019. Ultimately, the Project for Code Reform and the hiring of CNU was not approved by the Town Council. Mr. Martin left the Town's employ in early 2020.

For the time before and after Mr. Martin, "code reform" has been handled in a piece meal process, as evidenced by our list of the ten most crucial zoning problems in February of last year, and by recent actions taken by the Town Council in referring newer items to the Planning & Zoning Commission this year. As zoning code problems are identified, staff and the Planning & Zoning Commission address the matters, and if the solutions are acceptable, the Town Council adopts ordinances to provide the solutions.

Some recent work has already taken place with regards to overall code reform:

- Vulnerability Analysis and Design / Regulation for Resiliency — The Woods Hole Group completed a Coastal Flood Vulnerability Assessment in 2019, which looked at protecting public infrastructure. Woods Hole is now presenting the Town with a Level-Up Palm Beach – A Coastal resiliency Plan to protect the Town from the effects of

TOWN OF PALM BEACH
 Information for Town Council Meeting on: March 11, 2020

To: Mayor and Town Council
 Via: Kirk Blouin, Town Manager
 From: Wayne Bergman, Acting Director of Planning, Zoning & Building
 Re: Review of Several Zoning Code Matters and Expected Costs
 Date: February 27, 2020

BACKGROUND

Prior to the February Town Council Development Review meeting, a couple of Town Council members asked Paul Castro and me for our list of the most pressing zoning code matters, in our view, at this time. The thought was that if formal code reform efforts were stalled or scaled back, at least some items could be addressed by the Town Council and then possibly sent to PZC or to consultants for study. Paul and I prepared a final list of eleven (11) items we believe are the primary concerns today (there are others) and we sent the list out to the Town Council.

At the February Town Council meeting, there was a request to list this matter as an agenda item at the next (March, 2020) meeting for further discussion. There was also a request to associate an expected cost of the review to the items on the list.

GENERAL INFORMATION

The list is provided again, along with a preliminary staff assumption of the expected costs (in red).

Small scale:

- The review of required yard setbacks (front, rear, and especially side) in each zoning district. Over the past two years there have been 93 variances for yard setback relief. Clearly the code requirements are not working. *\$8K - \$12K*
- Review lot coverage requirements for each zoning district. Over the past two years there have been 28 variances for lot coverage relief. *\$8K - \$12K*

1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 **2021** 2022

In 2020 through 2021, Director of PZ&B Wayne Bergman drafted several Town Council memos outlining the most efficient and planned approach for a path forward for Code Review including creation of "the List" and cost analyses for several of expected costs for each zoning matter.



1986 1989 1990 1991 1992 1993 1995 1997 1999 2002 2004 2005 2006 2007 2010 2011 2016 2019 2021 **2022**

So, what is different now, in 2022?

- 1 F A R vs C C R
- 2 SIDE SETBACKS
- 3 LOT COVERAGE
- 4 ONE-STORY HOMES
- 5 MASSING
- 6 OTHER
- 7 ARCOM

1

FLOOR AREA RATIO (FAR)
CUBIC CONTENT RATIO (CCR)

WHAT IS CCR?

Cubic content ratio (CCR) means a measure of land use intensity, expressing the mathematical relationship between the cubic content of a building and the unit of land. It is arrived at by dividing the gross cubic content, as calculated by multiplying building height as stated in the definition of the term "building, height of (applicable only in the R-B district)" in this section times exterior building width times exterior building depth of all structures by the gross area of the lot.

$$\text{CCR} = \frac{(\text{building height})(\text{building depth})(\text{building width})}{\text{gross area of lot}}$$

WHAT IS CCR?

The maximum cubic content ratio shall be as follows:

1. For lots of less than 10,000 SF, the maximum allowable CCR shall be calculated as follows: $4.00 + [(10,000 - \text{the lot size}) \div 10,000]$.
2. For lots between 10,000 and 60,000 SF which are not identified in subsection 4 of this section, the maximum allowable CCR shall be calculated as follows: $3.50 + [(60,000 - \text{the lot size}) \div 50,000] \times 0.5$.
3. For lots of greater than 60,000 square feet which are not identified in subsection 4 of this section, the maximum allowable CCR shall be 3.50.
4. For lots of 20,000 square feet or greater which are adjacent to the waters of Lake Worth from Dunbar Road to Reef Road, the maximum allowable CCR shall be 4.50.

CALCULATED AS

CCR Maximums

For lots of less than 10,000 square feet=
 $4.00 + [(10,000 - \text{lot size}) / 10,000]$

Example: 9,000 SF lot

$$4.00 + [(10,000 - 9,000) / 10,000]$$

$$4.00 + [1,000 / 10,000]$$

$$4.0 + 0.1$$

$$= 4.1$$

CCR Maximums

For lots between 10,000 and 60,000 SF=
 $3.50 + [((60,000 - \text{lot size}) / 50,000) * 0.5]$

Example: 40,000 SF lot

$$3.50 + [((60,000 - 40,000) / 50,000) * 0.5]$$

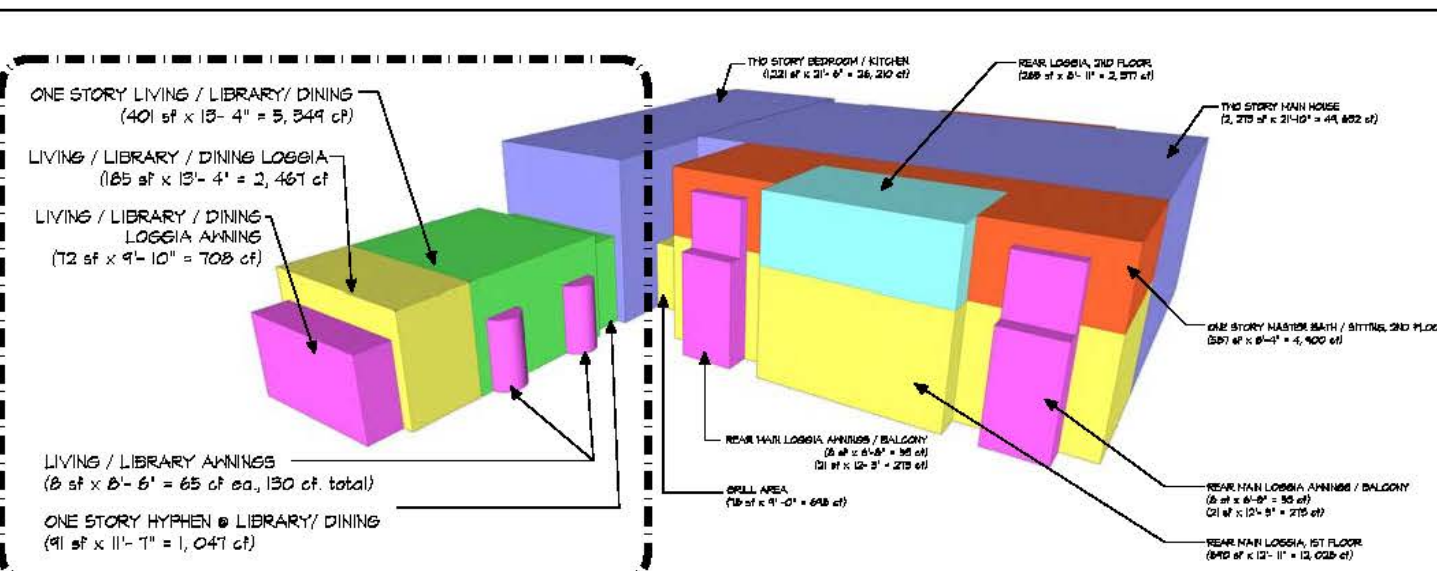
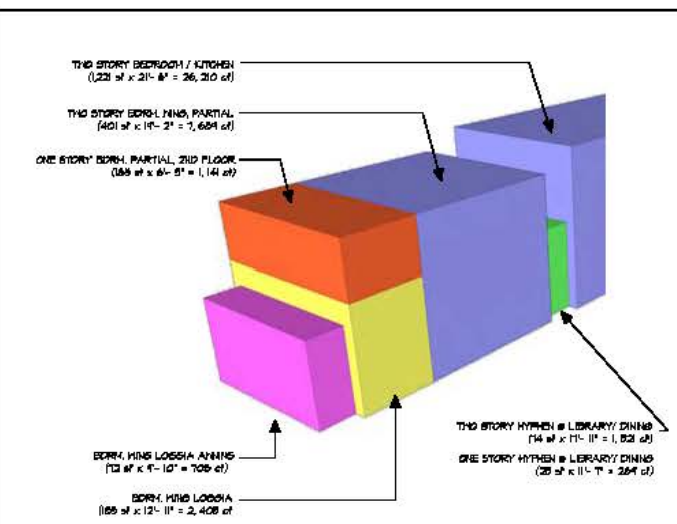
$$3.50 + [(20,000 / 50,000) * 0.5]$$

$$3.50 + 0.2$$

$$= 3.7$$

THIS IS ONLY TO DETERMINE THE CCR VALUE

ILLUSTRATED AS



PREVIOUSLY PROPOSED CUBIC CONTENT - VIEW FROM SOUTHWEST not to scale

PROPOSED CUBIC CONTENT - VIEW FROM SOUTHWEST not to scale

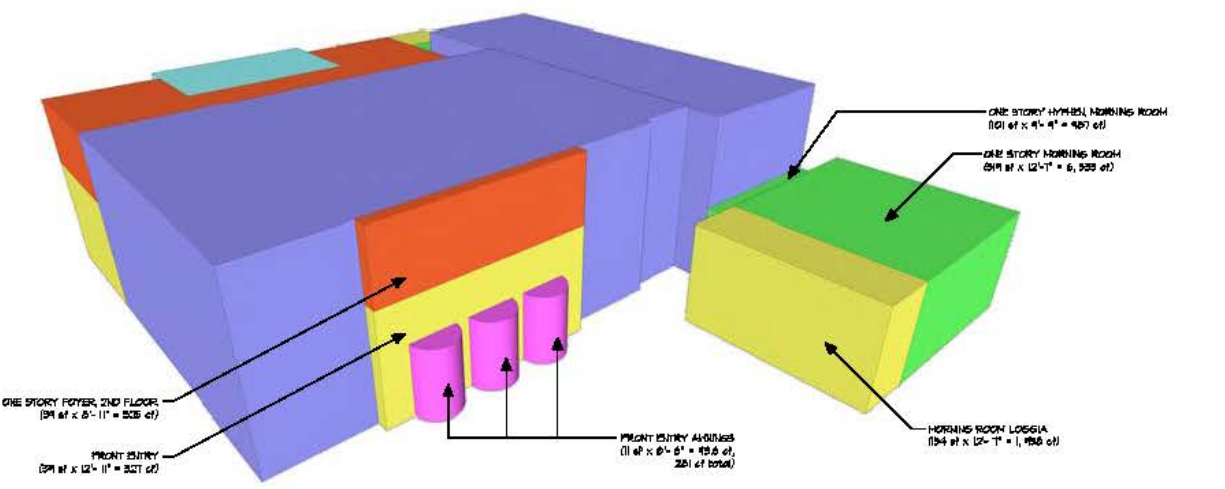
CUBIC CONTENT CALCULATIONS	AREA	HEIGHT	VOLUME	VOLUME TOTAL
UNENCLOSED				
FRONT ENTRY ANNEX	11 sf	8'-0"	90 sf (3 cu)	251 cf
REAR MAIN LOGGIA ANNEX / BALCONY	8 sf	8'-0"	64 sf (2 cu)	126 cf
LIVING / LIBRARY ANNEX	21 sf	8'-0"	168 sf (6 cu)	940 cf
LIVING / LIBRARY / DINING LOGGIA ANNEX	12 sf	8'-0"	96 sf (3 cu)	106 cf
ANNEX, UNENCLOSED TOTAL				1,773 cf

CUBIC CONTENT CALCULATIONS	AREA	HEIGHT	VOLUME	VOLUME TOTAL
UNENCLOSED				
THE STORY MAIN HOUSE	12,278 sf	21'-0"	257,838 sf	46,822 cf
THE STORY MAIN HOUSE / LOBBY	1,228 sf	21'-0"	25,796 sf	36,210 cf
ONE STORY HYPHEN ROOM	81 sf	12'-0"	972 sf	8,559 cf
ONE STORY HYPHEN, MORNING ROOM	101 sf	8'-0"	808 sf	1,971 cf
ONE STORY COVER, 2ND FLOOR	39 sf	8'-0"	312 sf	325 cf
ONE STORY MASTER BATH / SITTING, 2ND FLOOR	567 sf	8'-0"	4,536 sf	11,902 cf
ONE STORY LIVING / LIBRARY / DINING	401 sf	8'-0"	3,208 sf	5,849 cf
ONE STORY HYPHEN @ LIBRARY / DINING	91 sf	11'-0"	1,001 sf	1,041 cf
UNENCLOSED TOTAL				14,988 cf

CUBIC CONTENT CALCULATIONS	AREA	HEIGHT	VOLUME	VOLUME TOTAL
UNENCLOSED				
FRONT ENTRY	31 sf	12'-0"	372 sf	327 cf
MORNING ROOM LOGGIA	84 sf	12'-0"	1,008 sf	1,430 cf
REAR MAIN LOGGIA, 1st FLOOR	840 sf	12'-0"	10,080 sf	13,728 cf
REAR LOGGIA, 2nd FLOOR	238 sf	8'-0"	1,904 sf	2,971 cf
GRILL AREA	75 sf	8'-0"	600 sf	640 cf
LIVING / LIBRARY / DINING LOGGIA	359 sf	8'-0"	2,872 sf	3,481 cf
ANNEX, UNENCLOSED				1,773 cf
UNENCLOSED TOTAL				31,253 cf

CUBIC CONTENT SUMMARY	AREA	HEIGHT	VOLUME	VOLUME TOTAL
CUBIC CONTENT RATIO - 45				
LOT AREA - 28,844 sf				14,988 cf
CUBIC CONTENT OF UNENCLOSED AREAS - 45 x 28,844 sf				5,717 cf
CUBIC CONTENT OF UNENCLOSED AND ROOFED OPEN AREAS - 28 x 14,910 sf				120,865 cf
TOTAL ALLOWABLE CUBIC CONTENT				126,582 cf

PREVIOUSLY PROPOSED CUBIC CONTENT = 120,665 cf
 TOTAL PROPOSED CUBIC CONTENT = 116,811 cf



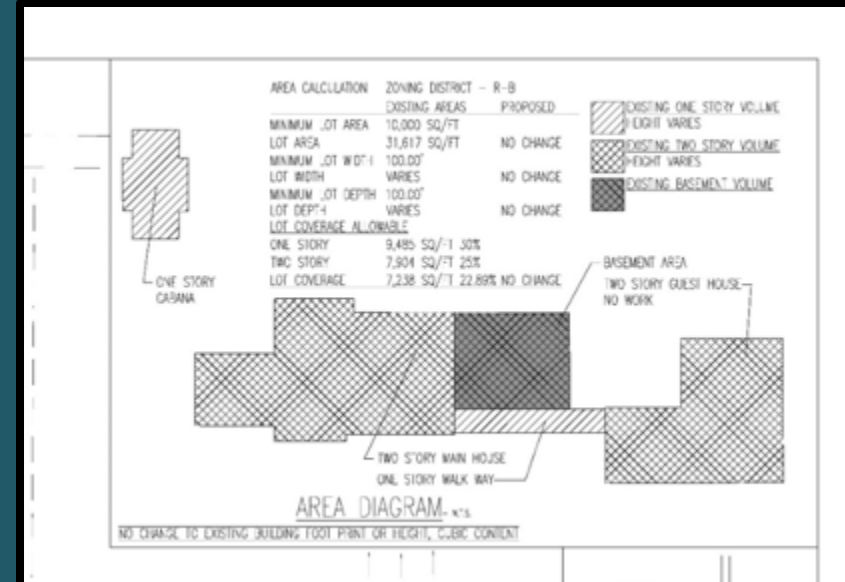
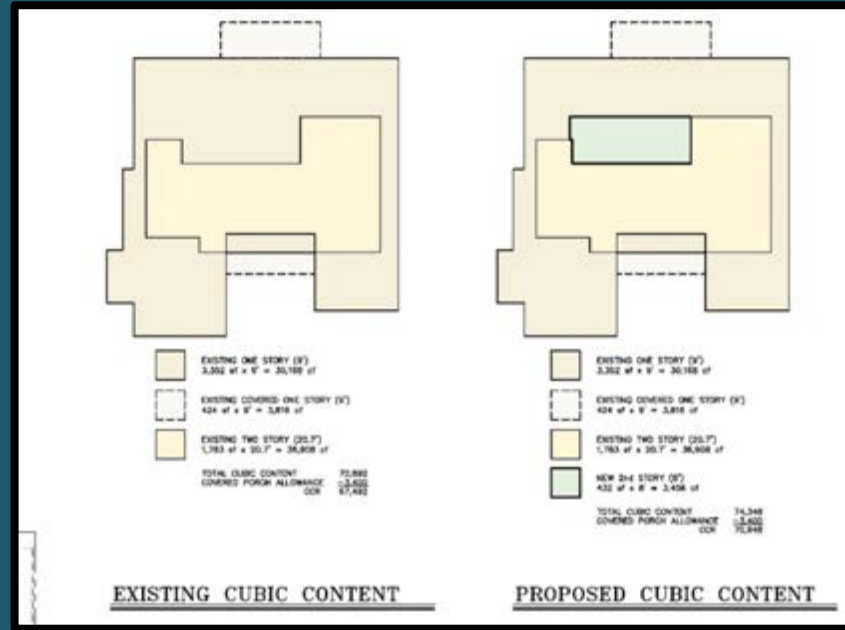
PROPOSED CUBIC CONTENT - VIEW FROM SOUTHEAST not to scale

REVISOR NOVEMBER 11, 2020 ZONING CASE # Z-20-00281
 AUGUST 24, 2020 ARCOM APPLICATION # B-538-2020

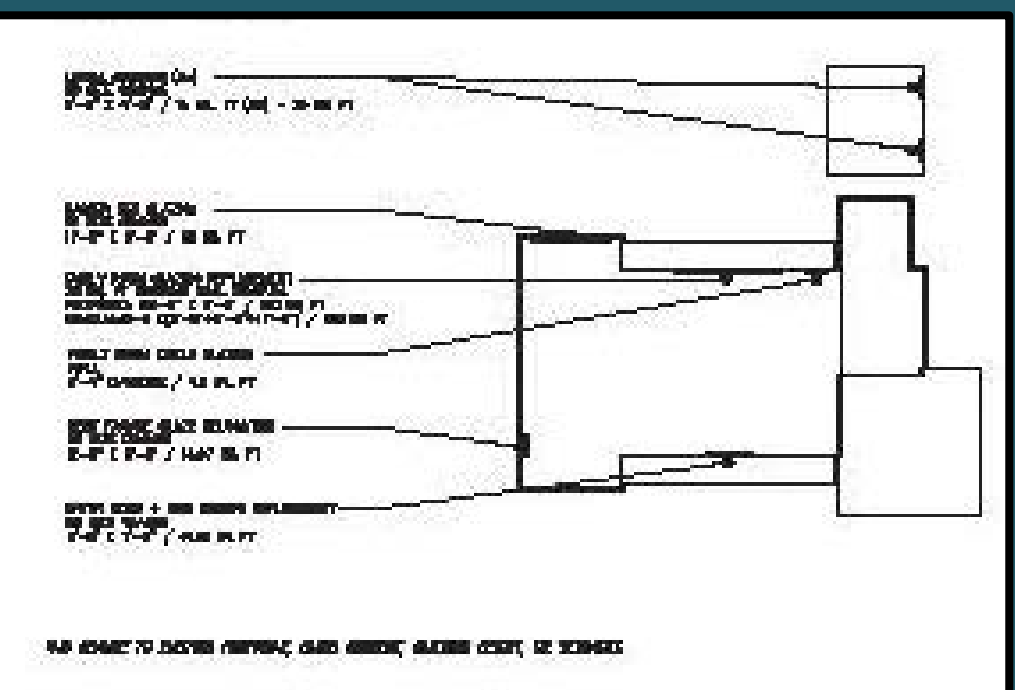
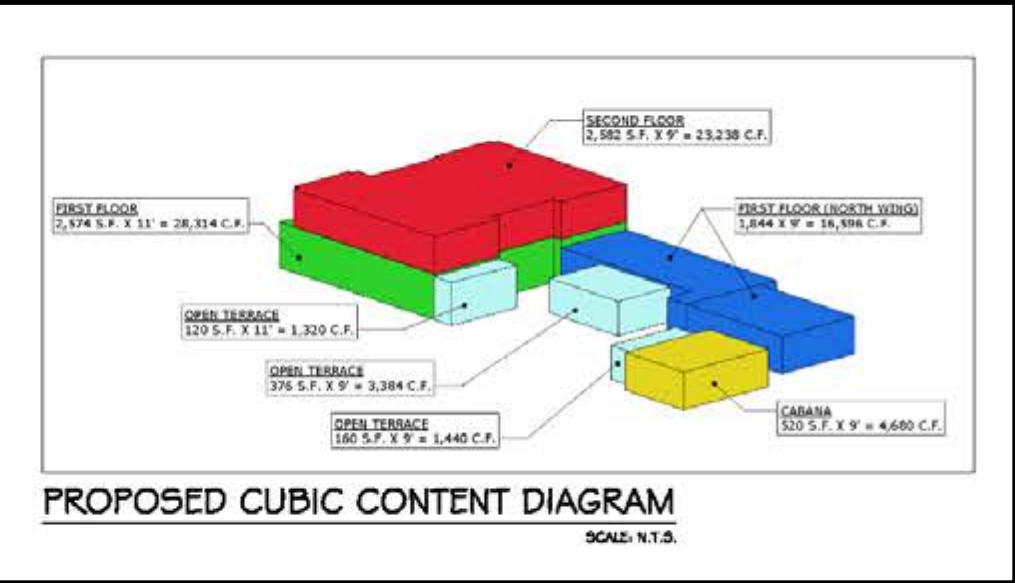
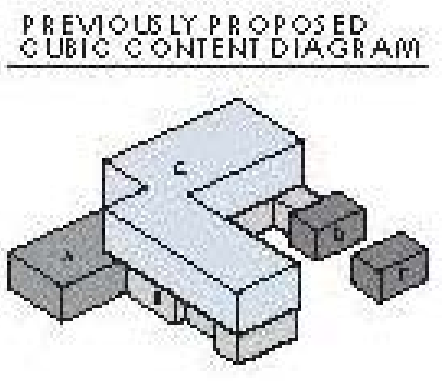
KEN TATE ARCHITECT
 NEW ORLEANS PALM BEACH
 758 H-Mount Road, Palm Beach, FL

Professional Seal of Ken Tate, Registered Professional Engineer, State of Florida, License No. 12574. This seal is not valid unless used in conjunction with the Florida Board of Professional Engineers, Registered Professional Engineer, State of Florida, License No. 12574.

A1.1



PREVIOUSLY PROPOSED AREA CALCULATIONS	SQUARE FOOT
THE STORY MAIN HOUSE	12,278
THE STORY MAIN HOUSE / LOBBY	1,228
ONE STORY HYPHEN ROOM	81
ONE STORY HYPHEN, MORNING ROOM	101
ONE STORY COVER, 2ND FLOOR	39
ONE STORY MASTER BATH / SITTING, 2ND FLOOR	567
ONE STORY LIVING / LIBRARY / DINING	401
ONE STORY HYPHEN @ LIBRARY / DINING	91
TOTAL A/C	14,116
CANOPY	272
CANOPY TYPED	51
CANOPY TOTALS	323
TOTAL	14,439



PREVIOUSLY PROPOSED CUBIC CONTENT CALCULATIONS	SQUARE FOOT	HEIGHT	TOTAL
THE STORY MAIN HOUSE	12,278	21'-0"	257,838 sf
THE STORY MAIN HOUSE / LOBBY	1,228	21'-0"	25,796 sf
ONE STORY HYPHEN ROOM	81	12'-0"	972 sf
ONE STORY HYPHEN, MORNING ROOM	101	8'-0"	808 sf
ONE STORY COVER, 2ND FLOOR	39	8'-0"	312 sf
ONE STORY MASTER BATH / SITTING, 2ND FLOOR	567	8'-0"	4,536 sf
ONE STORY LIVING / LIBRARY / DINING	401	8'-0"	3,208 sf
ONE STORY HYPHEN @ LIBRARY / DINING	91	11'-0"	1,001 sf
TOTAL			14,988 sf

CCR EXCEPTIONS

CCR and Covered Structures Exceptions in R-B District:

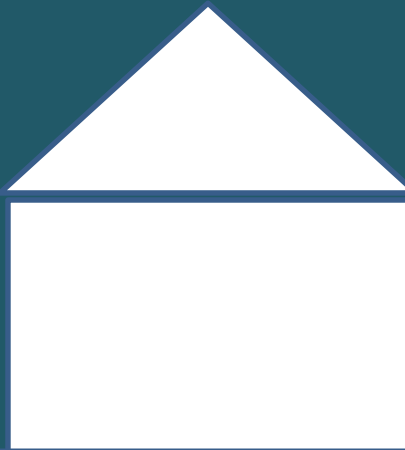
- Unenclosed loggias
- Pergolas
- Porches
- Terraces
- Covered patios

"Exceptions. One architectural tower feature involving no habitable space, as otherwise permitted under subsection 134-896(b), shall not be counted in calculating the cubic content of the structure.

Unenclosed loggias, pergolas, porches, terraces and covered patios located on the first floor shall be excluded from the calculation of total cubic content up to 5% of allowable cubic content. Portions of unenclosed structures in excess of the 5% maximum, as well as those located above the first floor, shall be included in the calculation of total cubic content.

Such appurtenances so erected may not in the future be enclosed or converted to permanent additions to the structure if such conversion would increase the cubic content of the structure beyond that allowed by the applicable cubic content ratio."

EXCEPTIONS



DOES NOT COUNT

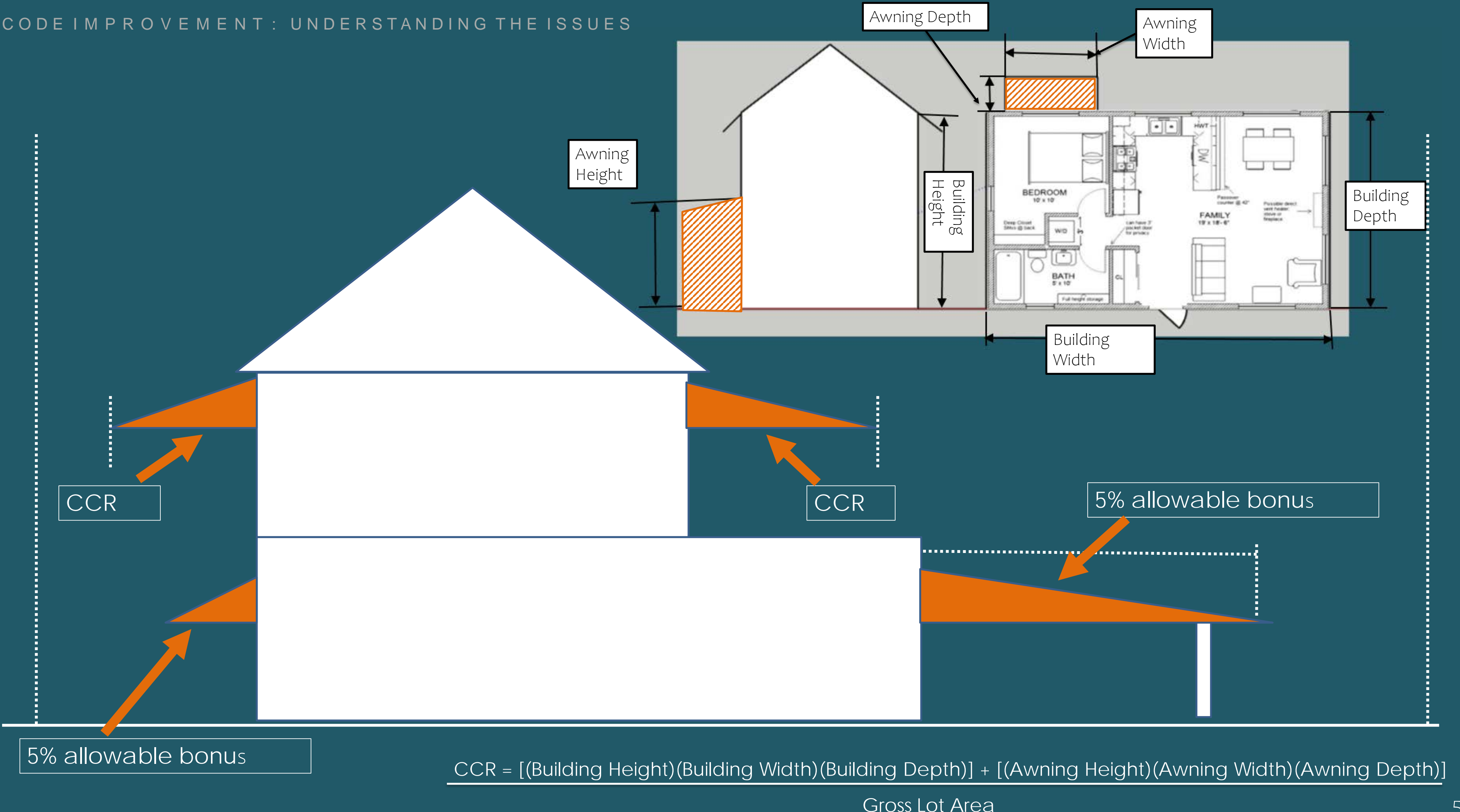


DOES NOT COUNT



DOES COUNT

....measure of land use intensity.



5% allowable bonus

$$CCR = \frac{[(\text{Building Height})(\text{Building Width})(\text{Building Depth})] + [(\text{Awning Height})(\text{Awning Width})(\text{Awning Depth})]}{\text{Gross Lot Area}}$$

FAR IN PALM BEACH

In 1991 the floor area ratio (FAR) (45%) was implemented.

In 1992, an attempt was made by the Town Council to reduce the FAR from 45% to 35%, but that never passed.

In 1993 the Town modified the definition of FAR to include covered terraces and porches, screened outdoor patios, and screened recreation area pool areas.

In 1999 the Town Council eliminated the FAR regulation and created the sliding scale CCR requirement to replace FAR.

WHAT IS FAR?

“Floor area ratio (FAR) is the ratio of a building's total floor area (gross floor area) to the size of the piece of land upon which it is built.

Written as a formula, FAR = gross floor area/area of the plot.”

In 1961, the City of New York introduced the concept of floor area ratio (FAR) as a revision to their zoning ordinance.

Wikipedia and the American Planning Association (APA) reference many US cities that use FAR in their zoning regulations, along with several other countries, including Canada, Japan, Australia, UK, Hong Kong, India and Singapore.

$$\text{FAR} = \frac{\text{gross floor area}}{\text{area of lot}}$$

WHAT IS FAR?

A Planners Dictionary

cem-e-tery Vis-ee-lee-ee-ee. Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

fire hy-drant \fai-'hi-drant\. Provides water for fire-fighting purposes without restriction as to use for that purpose.

skate-park \skait-'pɑ:k\. Facility that is designed for riding skateboards, roller skates.

Edited by Michael Davidson and Fay Dolnick

APA American Planning Association
PAS Planning Advisory Service
Report Number 5xx/5xx

floor area, ground The sum of the horizontal areas of the ground floor of a building measured from the exterior face of exterior walls, but not including open porches, decks, terraces, garages, or exterior stairways. (Huntington, Ind.)

The lot area covered by a building, or buildings measured from the exterior faces of exterior walls but excluding docks and terraces and detached garages which do not exceed 12 feet in height. (Jordan, Minn.)

floor area, livable (See also *livable space*) The heated floor area of a building, above finished grade, measured from the outside dimensions of the exterior walls used for dwelling purposes, and excluding all non-dwelling areas such as attic, storage, carport, and garage. (Piscataway Valley, Ark.)

Finished living space in a dwelling unit but not including a cellar or garage. (Jordan, Minn.)

floor area, minimum That area computed for the floors in the dwelling above the lot grade line. The second floor in each case qualifying for living quarters shall have access thereto by a permanent built-in stairway. "Minimum net floor area for living quarters" excludes rooms for garage purposes, outside vestibules, and open or closed porches or verandas. "Living quarters" means that portion of the building that is constructed with ceilings and walls finished on the inside in accordance with the building code. (Columbus, Ohio)

floor area, mixed-use The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including: (1) attic or basement storage space; (2) mechanical utility equipment areas; (3) stairs. (Deery Beach, Del.)

floor area, net The horizontal area of a floor or several floors of a building or structure, excluding those areas not directly devoted to the principal or accessory use of the building or structure, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls. (Roswell, N. Mex.)

The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls, and similar facilities. (North Liberty, Iowa)

The usable or net square footage of floor area, exclusive of areas such as but not limited to building maintenance areas, storage areas, closets, or restrooms. (Burien, Wash.)

For the purpose of determining required parking spaces, the net floor area is total floor area within the perimeter of the inside walls of the building, deducting for interior walls, hallways, stairs, closets, storage, and similar features including other areas such as those for the preparation of food and drink, restrooms, and waiting rooms. (Merrimack, N.H.)

floor area, nonresidential The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including: (1) attic or basement storage space; (2) mechanical utility equipment areas; (3) stairs. (Deery Beach, Del.)

floor area premium Additional floor area allowed as a bonus in certain zoning districts. (Milwaukee, Wis.)

floor area ratio (FAR) The total floor area of all buildings or structures on a zoning lot divided by the area of said lot. (St. Paul, Minn.)

The ratio of gross building floor area to the net lot area of the building site. (Scottsdale, Ariz.)

The ratio of gross floor area of all structures on a lot to total lot area. (Blacksburg, Va.)

The floor area of a building or buildings on a lot divided by the lot area. (Tulsa, Okla.)

The numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed. (North Liberty, Iowa)

Commentary: The floor area ratio (FAR) was developed as a more refined and adaptable measure of intensity than building coverage. It expresses in one measure, instead of separate measures, the relationship of the building to the lot area.

FLOOR AREA RATIO VISUAL

190

flag lot (See lot, flag)

flag, noncommercial

flag, public

flagpole

flammable liquid (See also explosive material; hazardous material)

flash point

flea market (See also open-air business; swap meet)

flexible zoning (See also contextual zoning; form-based zoning; performance zoning; point system)

floating zone (See also spot zoning)

flood (See also natural hazard)

flood bank, full-stage

flood boundary floodway (FBFW) map

flood control

flood elevation (See also freeboard)

flood elevation, allowable surcharge

flood elevation, regulatory

flood frequency

flood fringe

flood fringe, holding capacity

flood hazard (See also natural hazard)

flood hazard, area of special (See also hazard-prone area)

flood hazard boundary map

Flood Insurance Rate Map (FIRM)

flood insurance study

flood, National Flood Insurance Program

flood, 100-year (See base flood)

flood profile

flood-prone area (See also hazard-prone area)

flood protection elevation

flood protection system

flood protection system, critical feature

flood, regional (See also base flood)

flood, regulatory (See also base flood)

flood stage

flood, standard project

flood storage

flood zone, approximate

floodlight (See beacon)

floodplain (See also hazard-prone area)

floodplain compensatory storage

floodplain development

floodplain development, anticipated

floodplain, dry land access

floodplain encroachment

floodplain island

floodplain management

floodplain management regulations

floodplain obstruction

floodplain, 100-year

ferry boat facility (See also terminal, marine; water-dependent use)

festival (See also public celebration; special event)

festivals grounds (See also fairgrounds)

fiber optics communications system (See also landline communications)

fill (See also backfill; borrow)

fill, large

filling (See also earthmoving; excavation; grading)

filling station (See gas station; service station)

final plat (See plat, final)

financial institution (See also automated teller machine (ATM); bank)

fire academy (See governmental agency training facility)

fire and rescue vehicle (See emergency vehicle)

fire break

fire, contained

fire escape

fire flow

fire flow survey

fire hazard zone (See also hazard-prone area)

fire hydrant, private

fire hydrant, public

fire lane

fire protection facilities (See also emergency service; emergency vehicle; public safety facilities)

fire-resistive

fire station (See also emergency service)

firearm

firearms dealer (See also gun shop)

firearms sales establishment (See also gun shop)

fiscal impact report

fish hatchery (See also farm, fish)

fish passage device

fish protection device

fishery (See farm, fish)

fishing club

fitness center (See health club)

fixed area-based allowance zoning (See also agricultural protection zoning; quarter-quarter zoning; sliding-scale zoning)

fixed-base host

flag (See also sign, banner, sign, pennant)

floodplain, primary zone

floodproofed building

floodproofing

floodway

floodway encroachment

floodway encroachment lines

floor area, above-grade

floor area, below-grade

floor area expansion (See expansion, use)

floor area, finished

floor area, gross

floor area, gross leasable

floor area, ground

floor area, livable (See also livable space)

floor area, minimum

floor area, mixed-use

floor area, net

floor area, nonresidential

floor area premium

floor area ratio (FAR)

floor area ratio, ground

floor area, residential

floor area, unused gross

floor area, usable

floor, ground

floor, lowest

floor plan

floor space

florist (See also retail sales establishment, specialty)

food cooperative (See also grocery store)

food processing

food processing establishment (See also manufacturing definitions)

footcandle (See also candlepower; lumen)

footprint (See building footprint)

forecast growth

forest

forest, contiguous

forest delineation

forest industry (See also timber harvesting)

forest management

forest products (See also timber)

forest use

forester (See arborist)

forestland

forestland, commercial

forestry

forestry, sustained yield

20

floor area ratio (FAR)

or structure, excluding those areas not directly devoted to the principal or accessory use of the building or structure, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls. (Roswell, N. Mex.)

The ratio of gross building floor area to the net lot area of the building site. (Scottsdale, Ariz.)

The ratio of gross floor area of all structures on a lot to total lot area. (Blacksburg, Va.)

The floor area of a building or buildings on a lot divided by the lot area. (Tulsa, Okla.)

The gross floor area of the building or buildings on the zoning lot divided by the area of such zoning lot, or in the case of a planned development, by the net site area. (Wood River, Ill.)

The relationship of the floor area to the lot area computed by dividing the floor area by the lot area. (Clarkdale, Ariz.)

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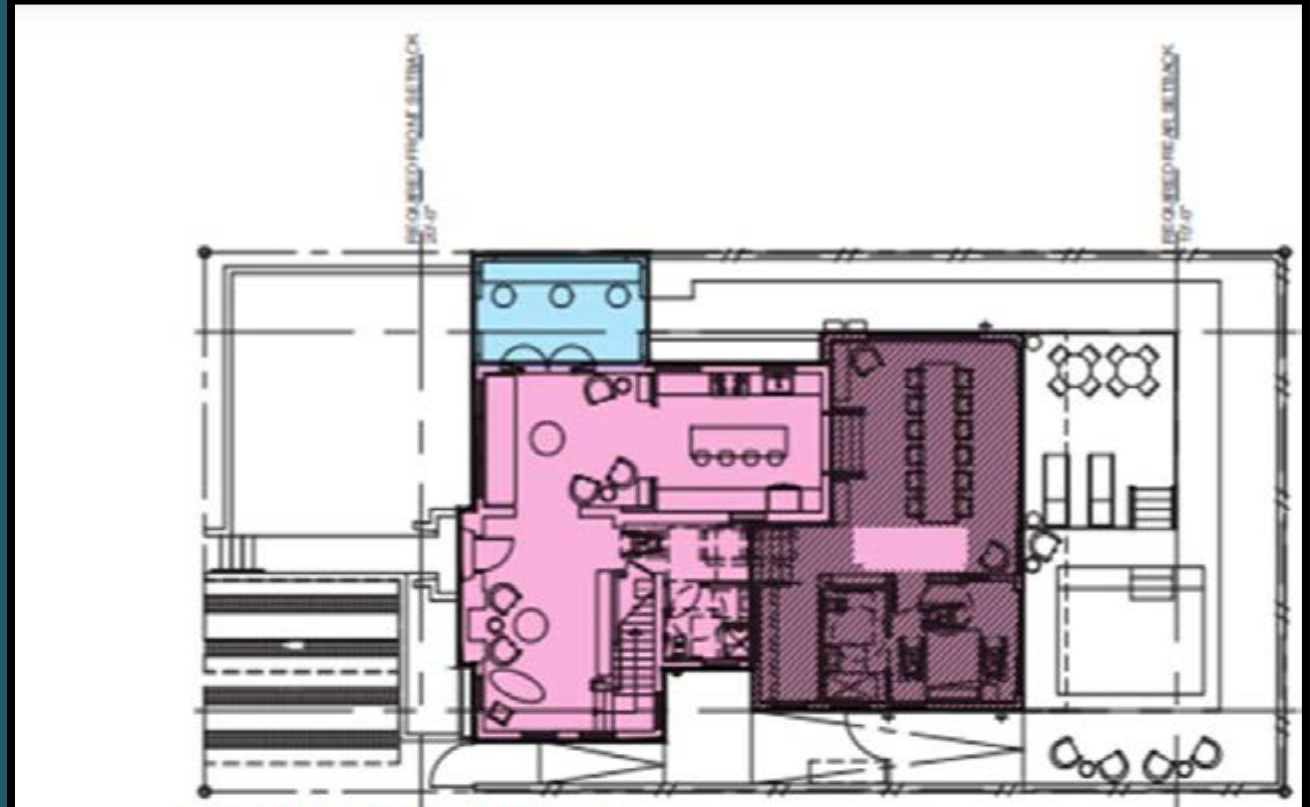
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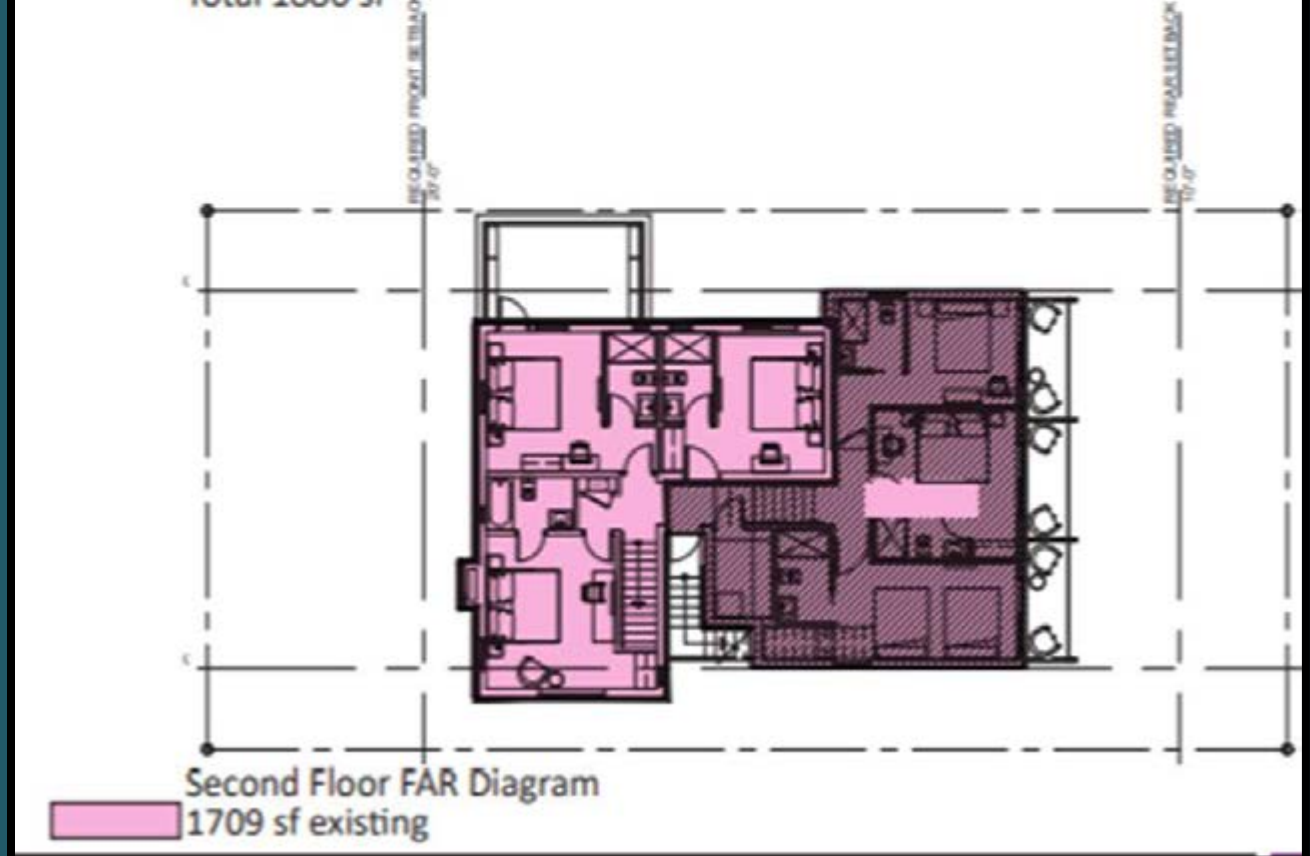
FLOOR ARE RATIO Mention in Index

FLOOR AREA RATIO DEFINITIONS

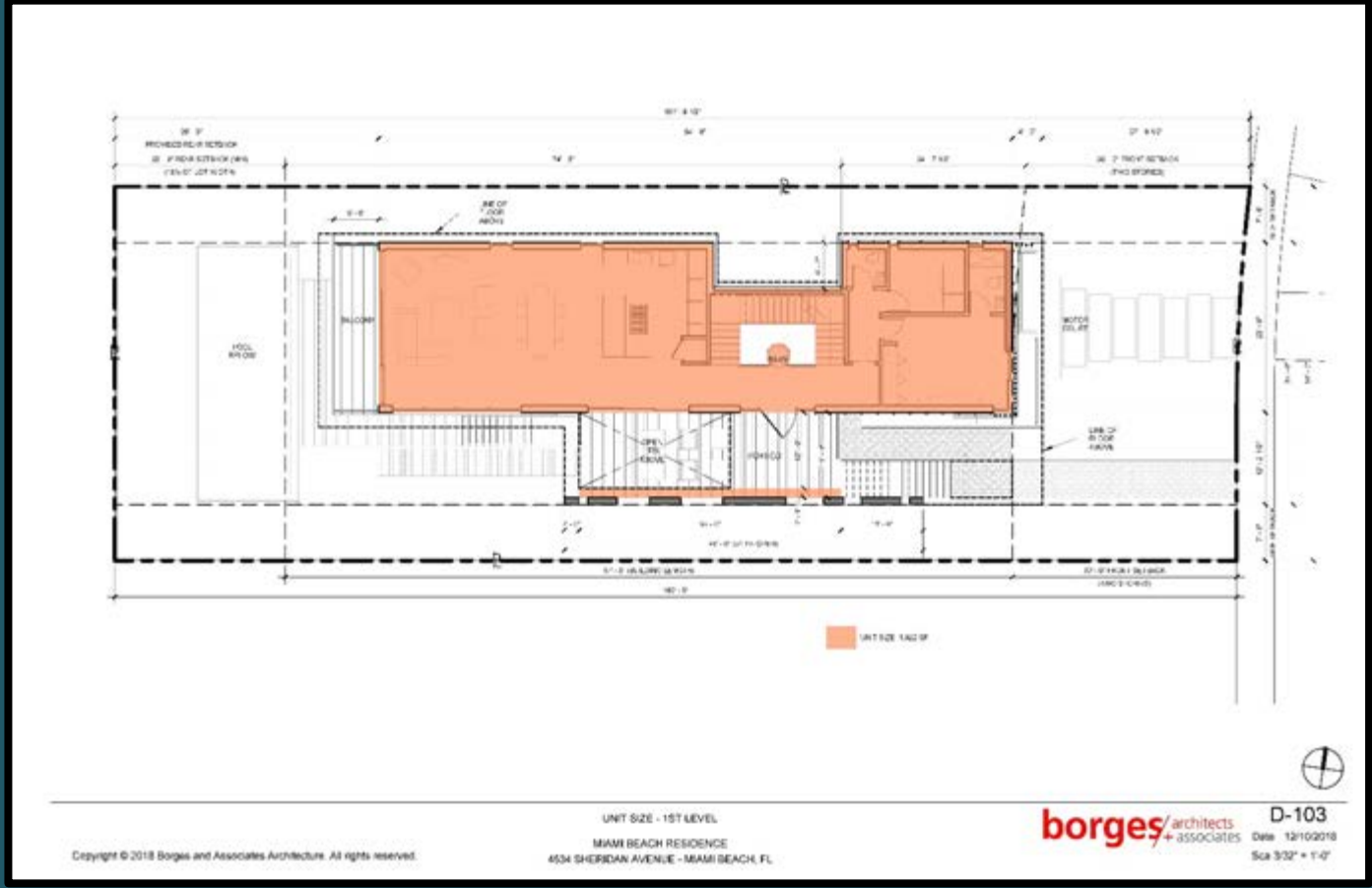
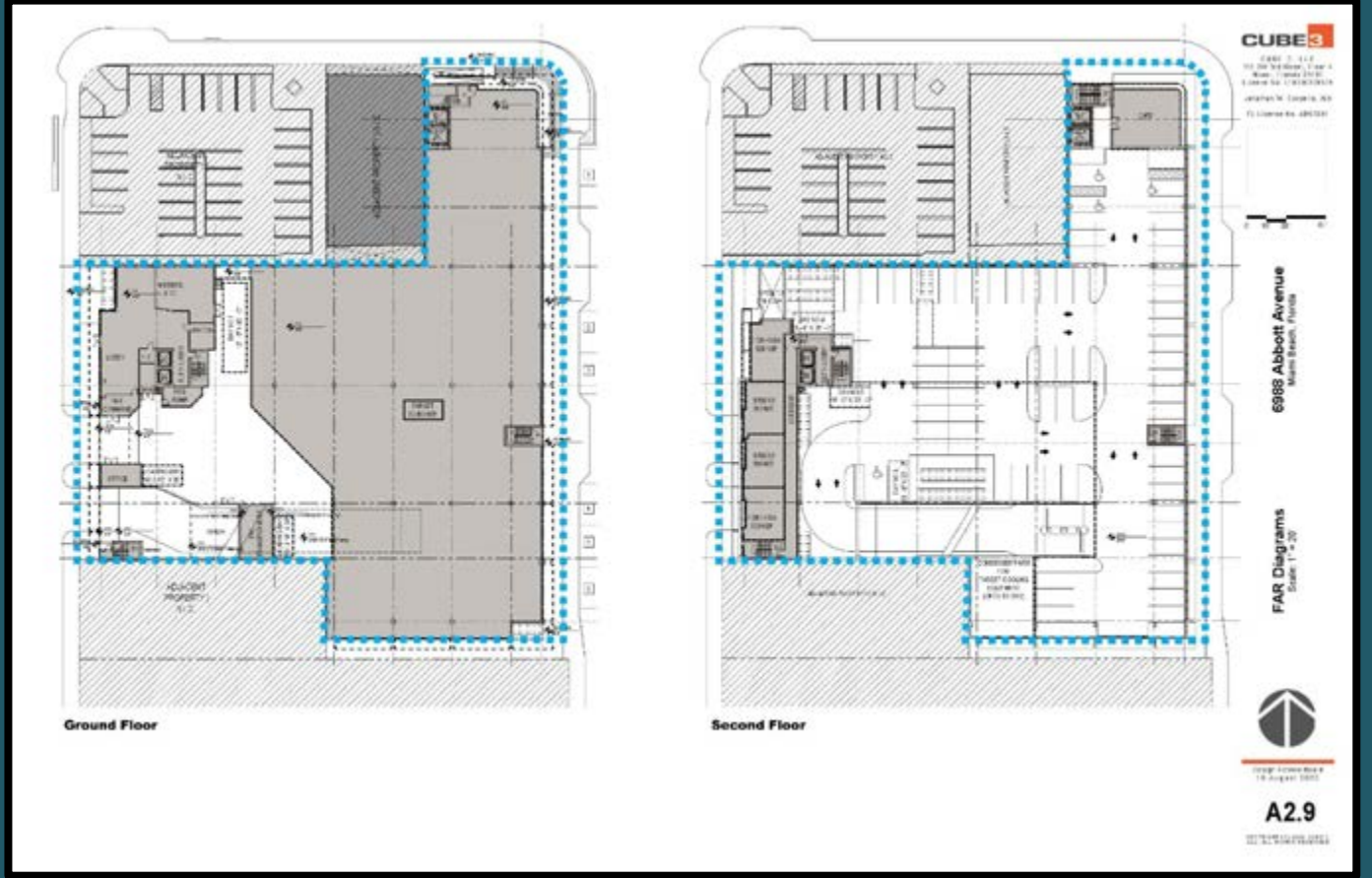
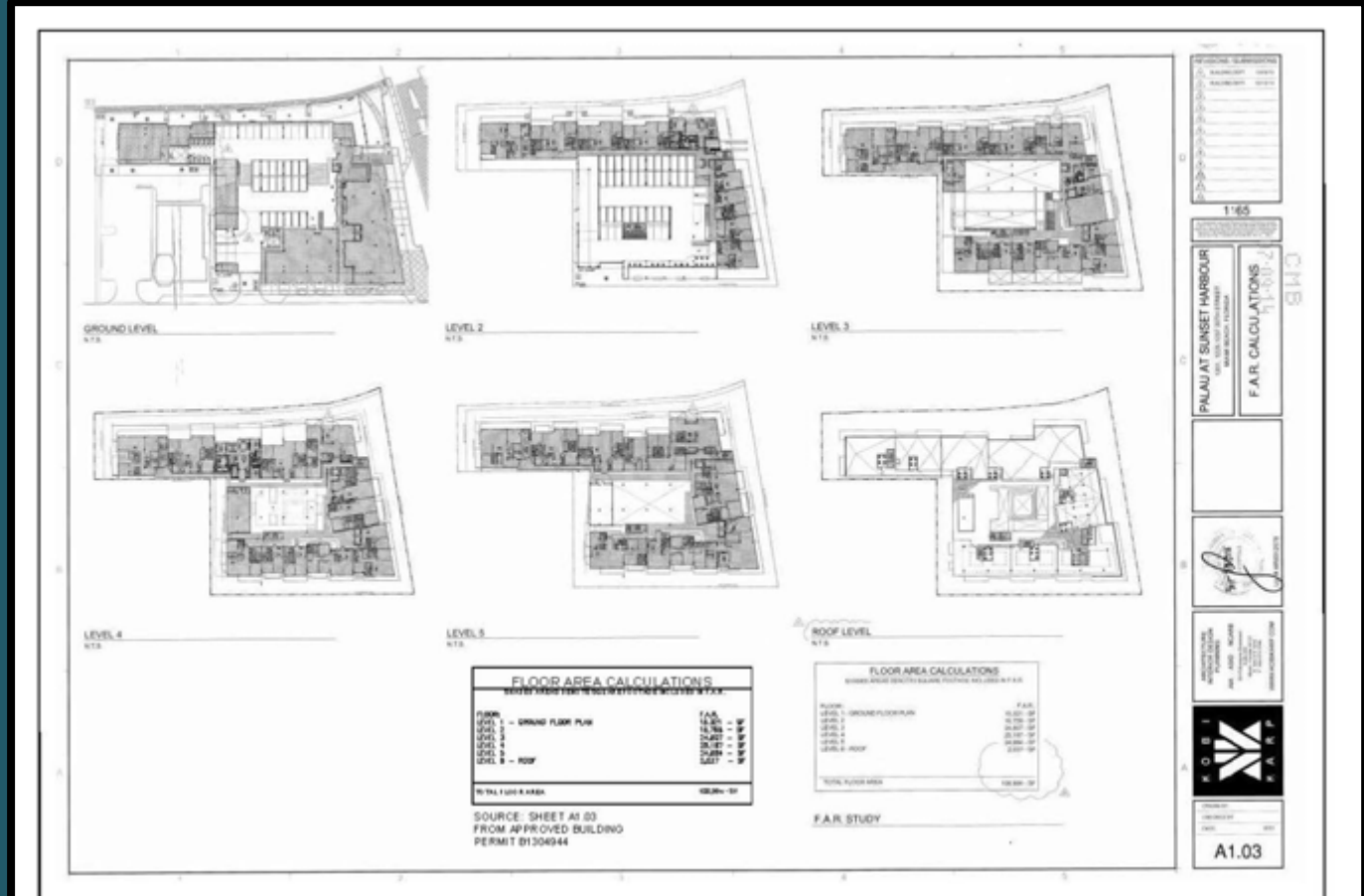
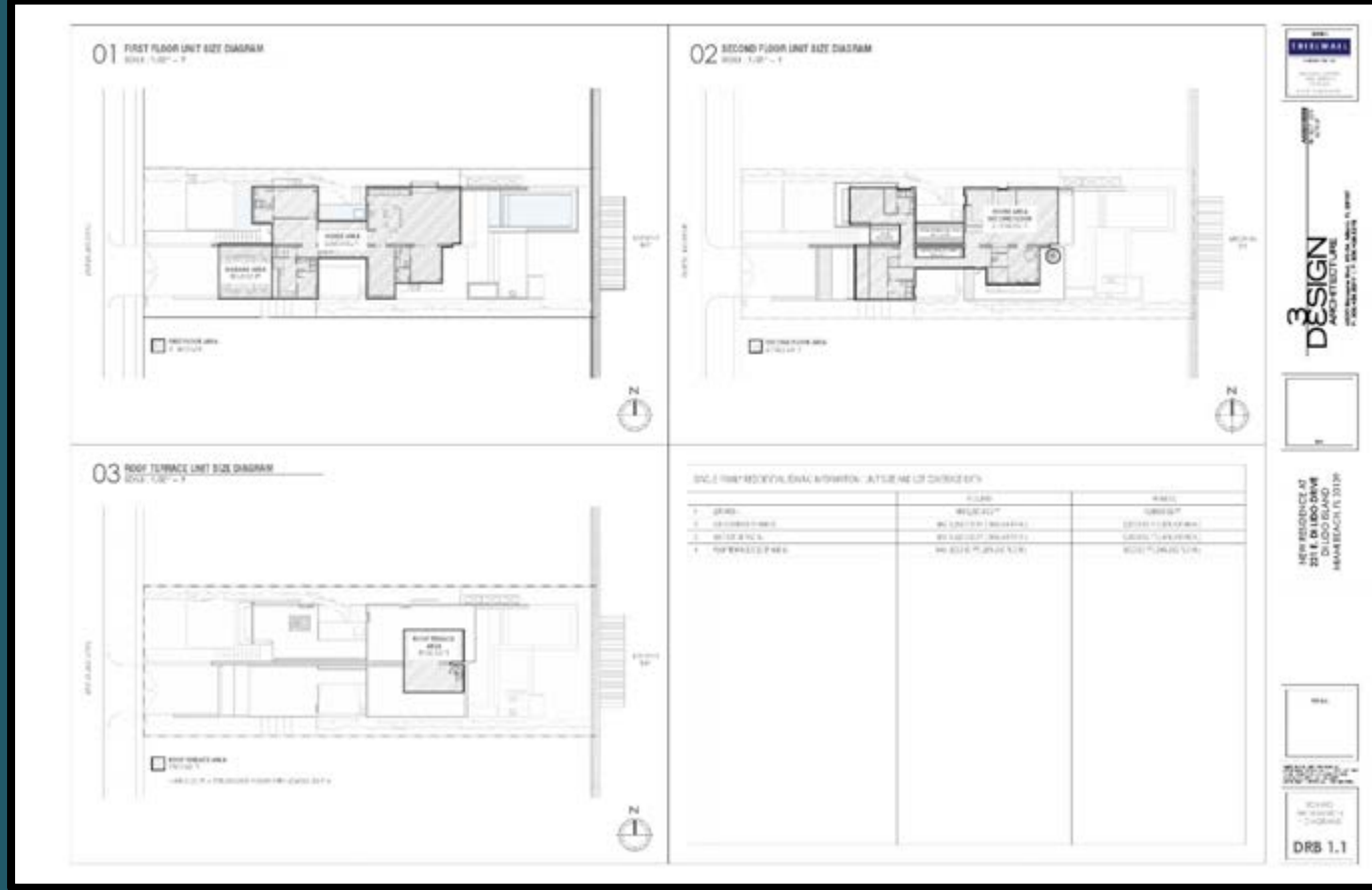
ILLUSTRATED AS



Ground Floor FAR Diagram
 1722 sf existing and proposed enclosed area
 164 sf proposed unenclosed car port (counts as FAR due to column loc)
 Total 1886 sf



Second Floor FAR Diagram
 1709 sf existing



EXAMPLE: FAR IN JUPITER ISLAND, FL

Floor area is measured as follows:

- A. All areas on all floors of all buildings which are included within the outside faces of their exterior walls, including floor penetration areas for circulation and shaft areas that connect one floor to another, except basements and other floors below the first floor, which are counted as provided in paragraphs D and E of this section, plus
- B. If any portion of a building is taller than one-story, a second floor will be assumed for that portion of the building, regardless of whether the floor is in place , plus
- C. Fifty percent of all areas described in paragraphs 1, 2, 3, 4 and 5, below, with no specific area counted more than once:
 1. Areas which are covered, but not completely enclosed by walls (including but not limited to gazebos, trellises, porticos, pergolas, patios, balconies, carports, and porches, except that with regard to these structures or buildings the following are not counted as floor area:
 - a. Ten percent of the maximum permitted floor area on the parcel proposed for development or 1,000 square feet (both measured without the 50 percent adjustment), whichever is less; and, in addition,
 - b. The unenclosed areas, and any areas which are enclosed by walls which are less than three feet in height, which are directly underneath a building which is constructed on pilings, in instances in which such construction is required by state or federal law.
 2. Areas which are covered by a roof overhang or balcony that extends more than 30 inches in horizontal distance from a building wall (See Illustration 15: Floor Area Measurement, Balconies and Illustration 16: Floor Area Measurement, Overhangs, Exhibit A).
 3. Areas which are open to the air, but completely surrounded by walls that are seven feet in height or taller, unless the walls have substantial penetrations that mitigate the appearance of mass (See Illustration: Floor Area Measurement, Walled-in Areas, Exhibit A).
 4. Areas of freestanding, uncovered decks, and uncovered porches which are attached to the first floor of a building, that are greater than seven feet in height to the top of the railing as measured from adjacent ground level (See Illustration: Floor Area Measurement, Decks, Exhibit A).
 5. Areas which are within screened enclosures.
- D. Basements do not count as floor area, and no floor or part of a floor which would otherwise qualify as a basement shall be disqualified as a basement due to access to ground level which is provided by light wells that:
 1. Extend no more than four feet from the outside wall of the building and cumulatively occupy no more than 25 percent of the length of the first floor wall to which they are adjacent; and
 2. Are configured such that they are not visible from:
 - a. The building envelopes of neighboring properties; and
 - b. Public rights-of-way.

EXAMPLE: FAR IN MIAMI BEACH, FL

Floor area means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the exterior face of an architectural projection, from the centerline of walls separating two attached buildings. For the purpose of clarity, floor area includes, but is not limited to, stairwells, stairways, covered steps, elevator shafts at every floor (including mezzanine level elevator shafts), and mechanical chutes and chases at every floor (including mezzanine level).

For the avoidance of doubt, unless otherwise provided for in these land development regulations, floor area excludes only the spaces expressly identified below:

1. Accessory water tanks or cooling towers
2. Uncovered steps.
3. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches.
4. Terraces, breezeways, or open porches.
5. Floor space used for required accessory off-street parking spaces. However, up to a maximum of two spaces per residential unit may be provided without being included in the calculation of the floor area ratio.
6. Commercial parking garages and noncommercial parking garages when such structures are the main use on a site.
7. Mechanical equipment rooms located above main roof deck.
8. Exterior unenclosed private balconies.
9. Floor area located below grade when the top of the slab of the ceiling is located at or below grade. However, if any portion of the top of the slab of the ceiling is above grade, the floor area that is below grade shall be included in the floor area ratio calculation. Despite the foregoing, for existing contributing structures that are located within a local historic district, national register historic district, or local historic site, when the top of the slab of an existing ceiling of a partial basement is located above grade, one-half of the floor area of the corresponding floor that is located below grade shall be included in the floor area ratio calculation.
10. Enclosed garbage rooms, enclosed within the building on the ground floor level.
11. Stairwells and elevators located above the main roof deck.
12. Electrical transformer vault rooms.
13. Fire control rooms and related equipment for life-safety purposes.
14. Secured bicycle parking.
15. Volumetric buildings, used for storage, where there are no interior floors, the floor area shall be calculated as if there was a floor for every eight feet of height.

CCR SLIDING SCALE (HIGH AND LOW)

R-B ZONING DISTRICT CUBIC CONTENT RATIO BY LOT SIZE

LOT SIZE (sq. ft.)	MAXIMUM CCR	MAXIMUM CUBIC CONTENT (cu. ft.)	ILLUSTRATIVE EXAMPLES OF APPROXIMATE RESULTING FLOOR AREAS (sq. ft.)					
			ONE-STORY STRUCTURE			TWO-STORY STRUCTURE		
			AVG. 10' HT	AVG. 12' HT	AVG. 14' HT	AVG. 18' HT	AVG. 20' HT	AVG. 22' HT
4,000	4.60	18,400	1,800	1,533	1,314	2,044	1,840	1,873
4,100	4.59	18,819	1,840	1,568	1,344	2,091	1,882	1,711
4,200	4.58	19,236	1,880	1,603	1,374	2,137	1,924	1,740
4,300	4.57	19,651	1,920	1,638	1,404	2,183	1,965	1,780
4,400	4.56	20,064	1,960	1,672	1,433	2,229	2,008	1,824
4,500	4.55	20,475	2,000	1,706	1,463	2,275	2,048	1,861
4,600	4.54	20,884	2,040	1,740	1,492	2,320	2,088	1,899
4,700	4.53	21,291	2,080	1,774	1,521	2,366	2,129	1,938
4,800	4.52	21,696	2,120	1,808	1,550	2,411	2,170	1,972
4,900	4.51	22,099	2,160	1,842	1,579	2,456	2,210	2,009
5,000	4.50	22,500	2,200	1,875	1,607	2,500	2,250	2,045
5,100	4.49	22,899	2,240	1,908	1,636	2,544	2,290	2,082
5,200	4.48	23,296	2,280	1,941	1,664	2,588	2,330	2,118
5,300	4.47	23,691	2,320	1,974	1,692	2,632	2,369	2,154
5,400	4.46	24,084	2,360	2,007	1,720	2,676	2,408	2,189
5,500	4.45	24,475	2,400	2,040	1,748	2,719	2,448	2,225
5,600	4.44	24,864	2,440	2,072	1,776	2,763	2,488	2,260
5,700	4.43	25,251	2,480	2,104	1,804	2,806	2,525	2,296
5,800	4.42	25,636	2,520	2,136	1,831	2,848	2,564	2,331
5,900	4.41	26,019	2,560	2,168	1,859	2,891	2,602	2,365
6,000	4.40	26,400	2,600	2,200	1,886	2,933	2,640	2,400
6,100	4.39	26,779	2,640	2,232	1,913	2,975	2,678	2,434
6,200	4.38	27,156	2,680	2,263	1,940	3,017	2,716	2,469
6,300	4.37	27,531	2,720	2,294	1,967	3,059	2,753	2,503
6,400	4.36	27,904	2,760	2,325	1,993	3,100	2,790	2,537
6,500	4.35	28,275	2,800	2,356	2,020	3,142	2,828	2,570
6,600	4.34	28,644	2,840	2,387	2,046	3,183	2,864	2,604
6,700	4.33	29,011	2,880	2,418	2,072	3,223	2,901	2,637
6,800	4.32	29,376	2,920	2,448	2,098	3,264	2,938	2,671
6,900	4.31	29,739	2,960	2,478	2,124	3,304	2,974	2,704
7,000	4.30	30,100	3,000	2,508	2,150	3,344	3,010	2,736
7,100	4.29	30,459	3,040	2,538	2,176	3,384	3,046	2,769
7,200	4.28	30,816	3,080	2,568	2,201	3,424	3,082	2,801
7,300	4.27	31,171	3,120	2,598	2,227	3,463	3,117	2,834
7,400	4.26	31,524	3,160	2,627	2,252	3,503	3,152	2,866
7,500	4.25	31,875	3,200	2,656	2,277	3,542	3,188	2,898
7,600	4.24	32,224	3,240	2,685	2,302	3,580	3,222	2,929
7,700	4.23	32,571	3,280	2,714	2,327	3,619	3,257	2,961
7,800	4.22	32,916	3,320	2,743	2,351	3,657	3,292	2,992
7,900	4.21	33,259	3,360	2,772	2,376	3,695	3,326	3,024
8,000	4.20	33,600	3,400	2,800	2,400	3,733	3,360	3,055
8,100	4.19	33,939	3,440	2,828	2,424	3,771	3,394	3,085
8,200	4.18	34,276	3,480	2,856	2,448	3,808	3,428	3,116
8,300	4.17	34,611	3,520	2,884	2,472	3,846	3,461	3,146
8,400	4.16	34,944	3,560	2,912	2,496	3,883	3,494	3,177
8,500	4.15	35,275	3,600	2,940	2,520	3,919	3,528	3,207
8,600	4.14	35,604	3,640	2,967	2,543	3,956	3,560	3,237
8,700	4.13	35,931	3,680	2,994	2,567	3,992	3,593	3,266
8,800	4.12	36,256	3,720	3,021	2,590	4,028	3,626	3,296
8,900	4.11	36,579	3,760	3,048	2,613	4,064	3,658	3,325
9,000	4.10	36,900	3,800	3,075	2,636	4,100	3,690	3,355
9,100	4.09	37,219	3,840	3,102	2,659	4,135	3,722	3,384
9,200	4.08	37,536	3,880	3,128	2,681	4,171	3,754	3,412
9,300	4.07	37,851	3,920	3,154	2,704	4,206	3,786	3,441

LOT SIZE (sq. ft.)	MAXIMUM CCR	MAXIMUM CUBIC CONTENT (cu. ft.)	ILLUSTRATIVE EXAMPLES OF APPROXIMATE RESULTING FLOOR AREAS (sq. ft.)					
			ONE-STORY STRUCTURE			TWO-STORY STRUCTURE		
			AVG. 10' HT	AVG. 12' HT	AVG. 14' HT	AVG. 18' HT	AVG. 20' HT	AVG. 22' HT
15,100	3.95	59,645	5,865	4,970	4,260	6,627	5,065	5,422
15,200	3.95	60,040	6,004	5,003	4,289	6,671	5,004	5,458
15,300	3.95	60,435	6,044	5,036	4,317	6,715	5,044	5,494
15,400	3.95	60,830	6,083	5,069	4,345	6,759	5,083	5,530
15,500	3.95	61,225	6,123	5,102	4,373	6,803	5,123	5,566
15,600	3.94	61,464	6,146	5,122	4,390	6,829	5,146	5,588
15,700	3.94	61,858	6,186	5,155	4,418	6,873	5,186	5,623
15,800	3.94	62,252	6,225	5,188	4,447	6,917	5,225	5,659
15,900	3.94	62,646	6,265	5,221	4,475	6,961	5,265	5,695
16,000	3.94	63,040	6,304	5,253	4,503	7,004	5,304	5,731
16,100	3.94	63,434	6,343	5,286	4,531	7,048	5,343	5,767
16,200	3.94	63,828	6,383	5,319	4,559	7,092	5,383	5,803
16,300	3.94	64,222	6,422	5,352	4,587	7,136	5,422	5,838
16,400	3.94	64,616	6,462	5,385	4,615	7,180	5,462	5,874
16,500	3.94	65,010	6,501	5,418	4,644	7,223	5,501	5,910
16,600	3.93	65,238	6,524	5,437	4,660	7,249	5,524	5,931
16,700	3.93	65,631	6,563	5,469	4,688	7,292	5,563	5,966
16,800	3.93	66,024	6,602	5,502	4,716	7,336	5,602	6,002
16,900	3.93	66,417	6,642	5,535	4,744	7,380	5,642	6,038
17,000	3.93	66,810	6,681	5,568	4,772	7,423	5,681	6,074
17,100	3.93	67,203	6,720	5,600	4,800	7,467	5,720	6,109
17,200	3.93	67,596	6,760	5,633	4,828	7,511	5,760	6,145
17,300	3.93	67,989	6,799	5,666	4,856	7,554	5,799	6,181
17,400	3.93	68,382	6,838	5,699	4,884	7,598	5,838	6,217
17,500	3.93	68,775	6,878	5,731	4,913	7,642	5,878	6,252
17,600	3.92	68,992	6,899	5,749	4,928	7,666	5,899	6,272
17,700	3.92	69,384	6,938	5,782	4,956	7,709	5,938	6,308
17,800	3.92	69,776	6,977	5,815	4,984	7,753	5,978	6,343
17,900	3.92	70,168	7,017	5,847	5,012	7,796	6,017	6,379
18,000	3.92	70,560	7,056	5,880	5,040	7,840	6,056	6,415
18,100	3.92	70,952	7,095	5,913	5,068	7,884	6,095	6,450
18,200	3.92	71,344	7,134	5,945	5,096	7,927	6,134	6,486
18,300	3.92	71,736	7,174	5,978	5,124	7,971	6,174	6,521
18,400	3.92	72,128	7,213	6,011	5,152	8,014	6,213	6,557
18,500	3.92	72,520	7,252	6,043	5,180	8,058	6,252	6,593
18,600	3.91	72,726	7,273	6,061	5,195	8,081	6,273	6,611
18,700	3.91	73,117	7,312	6,093	5,223	8,124	6,312	6,647
18,800	3.91	73,508	7,351	6,126	5,251	8,168	6,351	6,683
18,900	3.91	73,899	7,390	6,158	5,279	8,211	6,390	6,718
19,000	3.91	74,290	7,429	6,191	5,306	8,254	6,429	6,754
19,100	3.91	74,681	7,468	6,223	5,334	8,298	6,468	6,789
19,200	3.91	75,072	7,507	6,256	5,362	8,341	6,507	6,825
19,300	3.91	75,463	7,546	6,289	5,390	8,385	6,546	6,860
19,400	3.91	75,854	7,585	6,321	5,418	8,428	6,585	6,896
19,500	3.91	76,245	7,625	6,354	5,446	8,472	6,625	6,931
19,600	3.90	76,440	7,644	6,370	5,460	8,493	6,644	6,949
19,700	3.90	76,830	7,683	6,403	5,488	8,537	6,683	6,985
19,800	3.90	77,220	7,722	6,435	5,516	8,580	6,722	7,020
19,900	3.90	77,610	7,761	6,468	5,544	8,623	6,761	7,055
20,000	3.90	78,000	7,800	6,500	5,571	8,667	6,800	7,091
20,100	3.90	78,390	7,839	6,533	5,599	8,710	6,839	7,126
20,200	3.90	78,780	7,878	6,565	5,627	8,753	6,878	7,162
20,300	3.90	79,170	7,917	6,598	5,655	8,797	6,917	7,197
20,400	3.90	79,560	7,956	6,630	5,683	8,840	6,956	7,233
20,500	3.90	79,950	7,995	6,663	5,711	8,883	6,995	7,268
20,600	3.89	80,134	8,013	6,678	5,724	8,904	7,013	7,285
20,700	3.89	80,523	8,052	6,710	5,752	8,947	7,052	7,320

LOT SIZE (sq. ft.)	MAXIMUM CCR	MAXIMUM CUBIC CONTENT (cu. ft.)	ILLUSTRATIVE EXAMPLES OF APPROXIMATE RESULTING FLOOR AREAS (sq. ft.)					
			ONE-STORY STRUCTURE			TWO-STORY STRUCTURE		
			AVG. 10' HT	AVG. 12' HT	AVG. 14' HT	AVG. 18' HT	AVG. 20' HT	AVG. 22' HT
26,500	3.84	101,760	10,176	8,480	7,269	11,307	10,176	9,251
26,600	3.83	101,878	10,188	8,490	7,277	11,320	10,188	9,282
26,700	3.83	102,261	10,228	8,522	7,304	11,362	10,228	9,296
26,800	3.83	102,644	10,264	8,554	7,332	11,405	10,264	9,331
26,900	3.83	103,027	10,303	8,586	7,359	11,447	10,303	9,366
27,000	3.83	103,410	10,341	8,618	7,386	11,490	10,341	9,401
27,100	3.83	103,793	10,379	8,649	7,414	11,533	10,379	9,436
27,200	3.83	104,176	10,418	8,681	7,441	11,575	10,418	9,471
27,300	3.83	104,559	10,4					

CCR SLIDING SCALE (HIGH AND LOW)

The SMALLEST R-B lot is allotted the HIGHEST CCR

LOT SIZE (sq. ft.)	MAXIMUM CCR	MAXIMUM CUBIC CONTENT (cu. ft.)	AVG. 1
4,000	4.60	18,400	1,600
4,100	4.59	18,819	1,640
4,200	4.58	19,238	1,680
4,300	4.57	19,657	1,720
4,400	4.56	20,076	1,760
4,500	4.55	20,495	1,800
4,600	4.54	20,914	1,840
4,700	4.53	21,333	1,880
4,800	4.52	21,752	1,920
4,900	4.51	22,171	1,960
5,000	4.50	22,590	2,000
5,100	4.49	23,009	2,040
5,200	4.48	23,428	2,080
5,300	4.47	23,847	2,120
5,400	4.46	24,266	2,160
5,500	4.45	24,685	2,200
5,600	4.44	25,104	2,240
5,700	4.43	25,523	2,280
5,800	4.42	25,942	2,320
5,900	4.41	26,361	2,360
6,000	4.40	26,780	2,400

LOT SIZE (sq. ft.)	MAXIMUM CCR	MAXIMUM CUBIC CONTENT (cu. ft.)	ILLUSTRATIVE EXAMPLES OF APPROXIMATE RESULTING FLOOR AREAS (sq. ft.)					
			ONE-STORY STRUCTURE			TWO-STORY STRUCTURE		
			AVG. 10' HT	AVG. 12' HT	AVG. 14' HT	AVG. 18' HT	AVG. 20' HT	AVG. 22' HT
26,500	3.84	101,760	10,176	8,480	7,260	11,307	10,176	9,251
26,600	3.83	101,878	10,188	8,490	7,277	11,320	10,188	9,262
26,700	3.83	102,261	10,226	8,522	7,304	11,362	10,226	9,296
26,800	3.83	102,644	10,264	8,554	7,332	11,405	10,264	9,331
26,900	3.83	103,027	10,303	8,586	7,359	11,447	10,303	9,366
27,000	3.83	103,410	10,341	8,618	7,386	11,490	10,341	9,401
27,100	3.83	103,793	10,379	8,649	7,414	11,533	10,379	9,436
27,200	3.83	104,176	10,418	8,681	7,441	11,575	10,418	9,471
27,300	3.83	104,559	10,456	8,713	7,469	11,618	10,456	9,505
27,400	3.83	104,942	10,494	8,745	7,496	11,660	10,494	9,540
27,500	3.83	105,325	10,533	8,777	7,523	11,703	10,533	9,575
27,600	3.82	105,708	10,571	8,808	7,551	11,745	10,571	9,610
27,700	3.82	106,091	10,609	8,839	7,578	11,787	10,609	9,645
27,800	3.82	106,474	10,647	8,870	7,605	11,829	10,647	9,680
27,900	3.82	106,857	10,685	8,901	7,632	11,871	10,685	9,715
28,000	3.82	107,240	10,723	8,932	7,659	11,913	10,723	9,750

CCR vs FAR

Staff can candidly admit that it is sometimes extremely difficult (best cases) or impossible (worst cases) to accurately calculate CCR. FAR, on the other hand, is very easy to count and to verify. For this reason alone, FAR should be considered to either replace or to augment CCR.

Unfortunately, the sliding scale CCR, adopted in 1999, places the most CCR on the smallest lots, and places the least CCR on the largest lots.

Any linear conversion of CCR to FAR would probably follow the same pattern, setting the highest FAR on the smallest lots.

* DUE TO THE CCR SLIDING SCALE FROM 1999



2

FEMA, FILL, FREEBOARD +
SIDE YARD SETBACKS

Building codes have changed the
elevation requirement of finished
floors...



From originally being constructed at
or around grade.

GRADE



To being required at base flood elevation.

BASE FLOOD ELEVATION



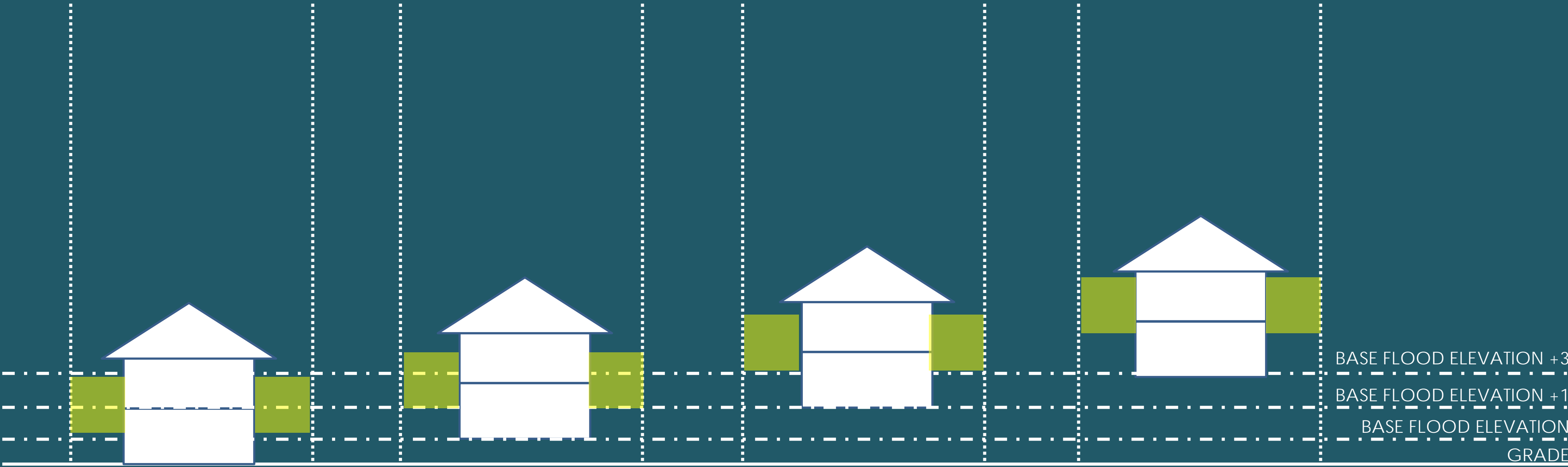
To being required at base flood elevation + 1.

BASE FLOOD ELEVATION +1

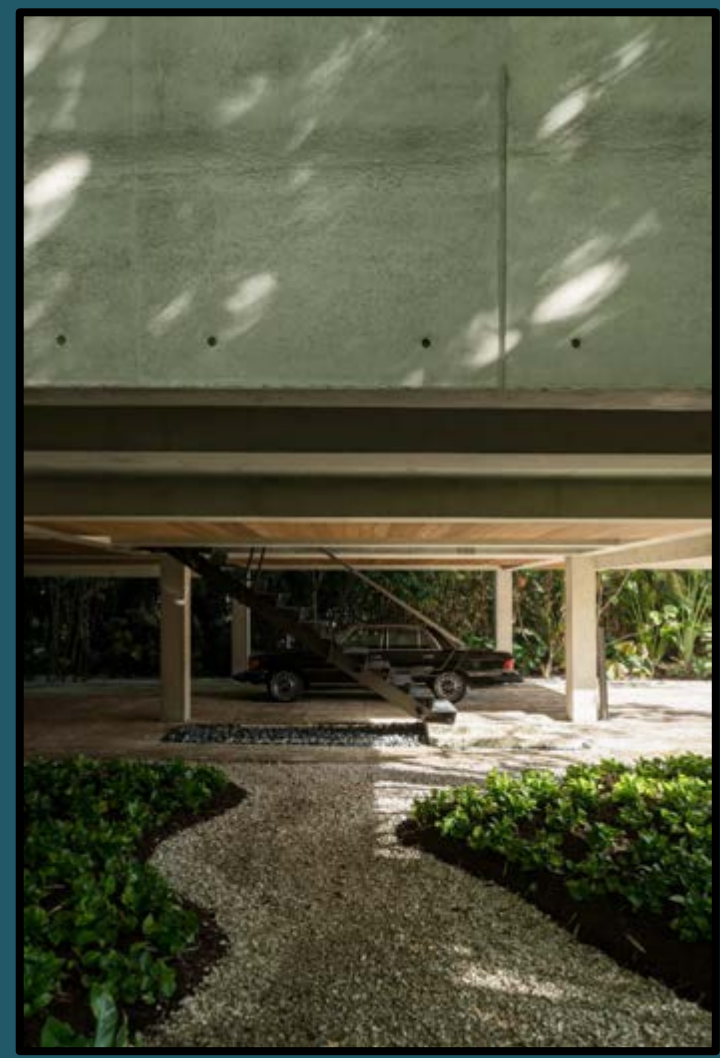


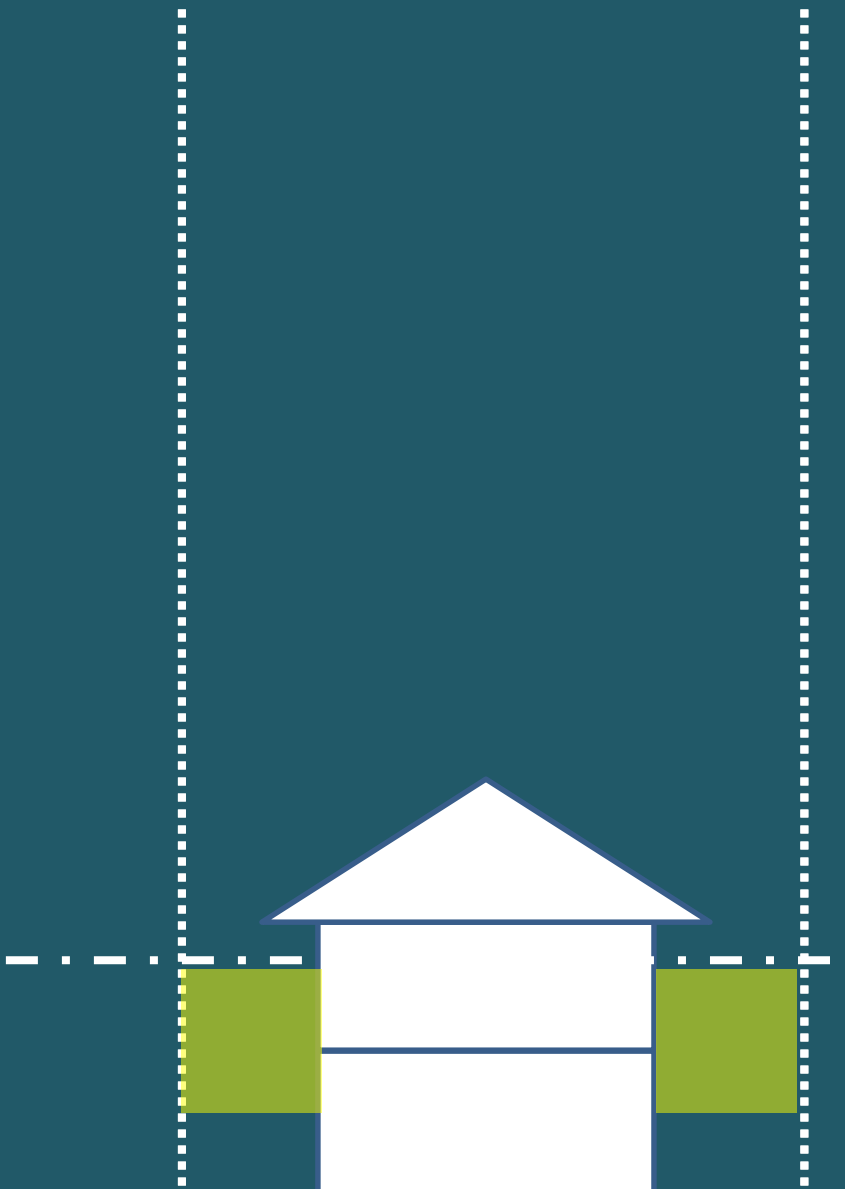
To possible required at base flood elevation + 3 freeboard.

BASE FLOOD ELEVATION +3



...with no changes to the side setback requirements





R-B ZONING DISTRICT FOR LOTS 20,000 SQ. FT., OR LESS								
LOWEST FLOOR ELEVATION (NAVD)	YARD SETBACKS							
	CURRENT ONE-STORY SIDE SETBACK	CURRENT TWO-STORY SIDE SETBACK	CURRENT ONE-STORY REAR SETBACK	CURRENT TWO-STORY REAR SETBACK	PROPOSED ONE-STORY SIDE SETBACK	PROPOSED TWO-STORY SIDE SETBACK	PROPOSED ONE-STORY REAR SETBACK	PROPOSED TWO-STORY REAR SETBACK
6.0 (HISTORIC)	12.5'	15'	10'	15'				
6.5 (HISTORIC)	12.5'	15'	10'	15'				
7.0	12.5'	15'	10'	15'	14'	18'	12'	18'
8.0	12.5'	15'	10'	15'	16'	20'	14'	20'
9.0	12.5'	15'	10'	15'	18'	22'	16'	22'
10.0					20'	24'	18'	24'
11.0					22'	26'	20'	26'

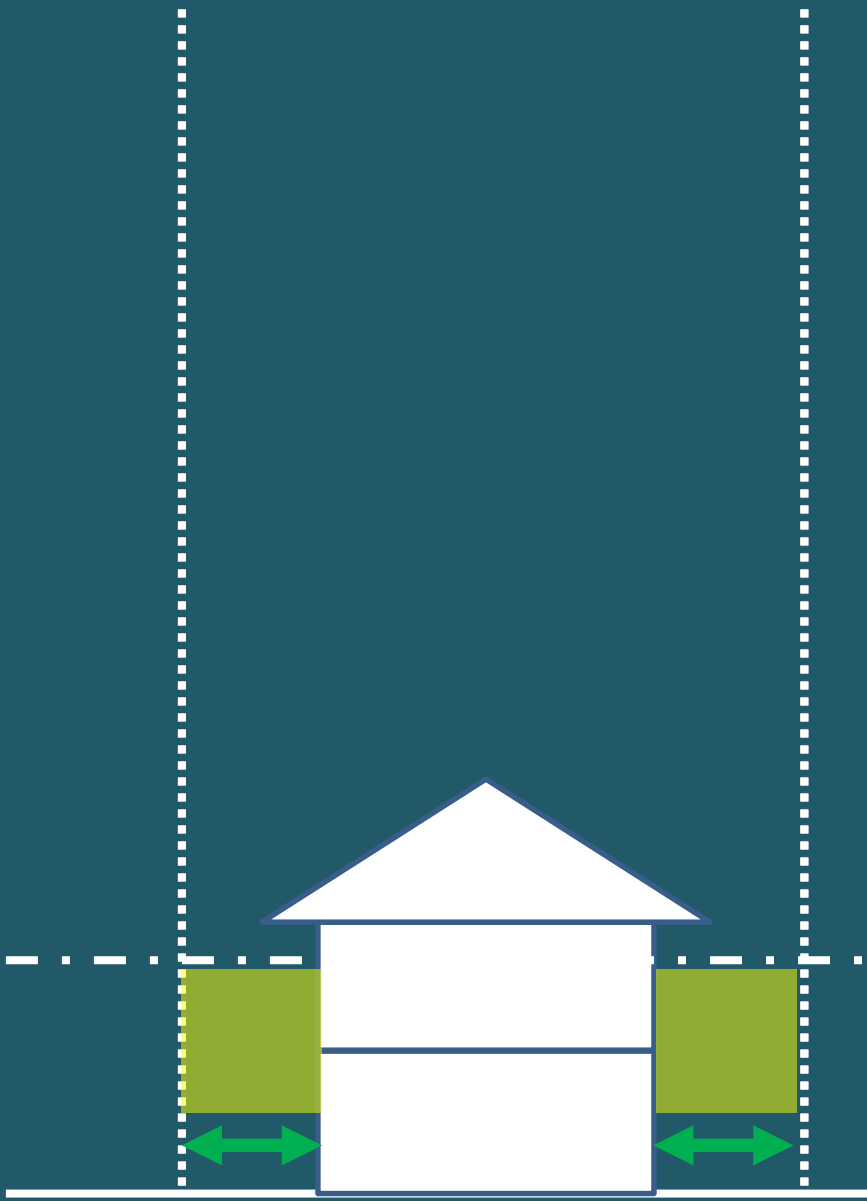
AS MINIMUM FLOOR ELEVATIONS HAVE GRADULLY INCREASED DUE TO FEMA CHANGES, THE YARD SETBACK REGULATIONS REMAINED THE SAME. THEREFORE, AS THE HEIGHT OF LOTS AND BUILDING INCREASED, THE BUILDINGS REMAINED SET BACK FROM THE PROPERTY LINES AT THE OLDER, MINIMUM DIMENSIONS.

A SUGGESTION IS TO MODIFY YARD SETBACKS (SIDE AND REAR) TO PROVIDE MORE DISTANCE BETWEEN THE BUILDING WALLS AND THE PROPERTY LINES. THIS WILL HELP WITH PRIVACY, LIGHT AND AIR ISSUES.

THIS PROPOSAL WOULD COVER ALL EXISTING "AE" SPECIAL FLOOD HAZARD AREAS IN THE TOWN, FROM "AE-6" TO "AE-8", PLUS UP TO 3' OF FREEBOARD.



Perhaps, setbacks are increased in relation to design floor elevation.

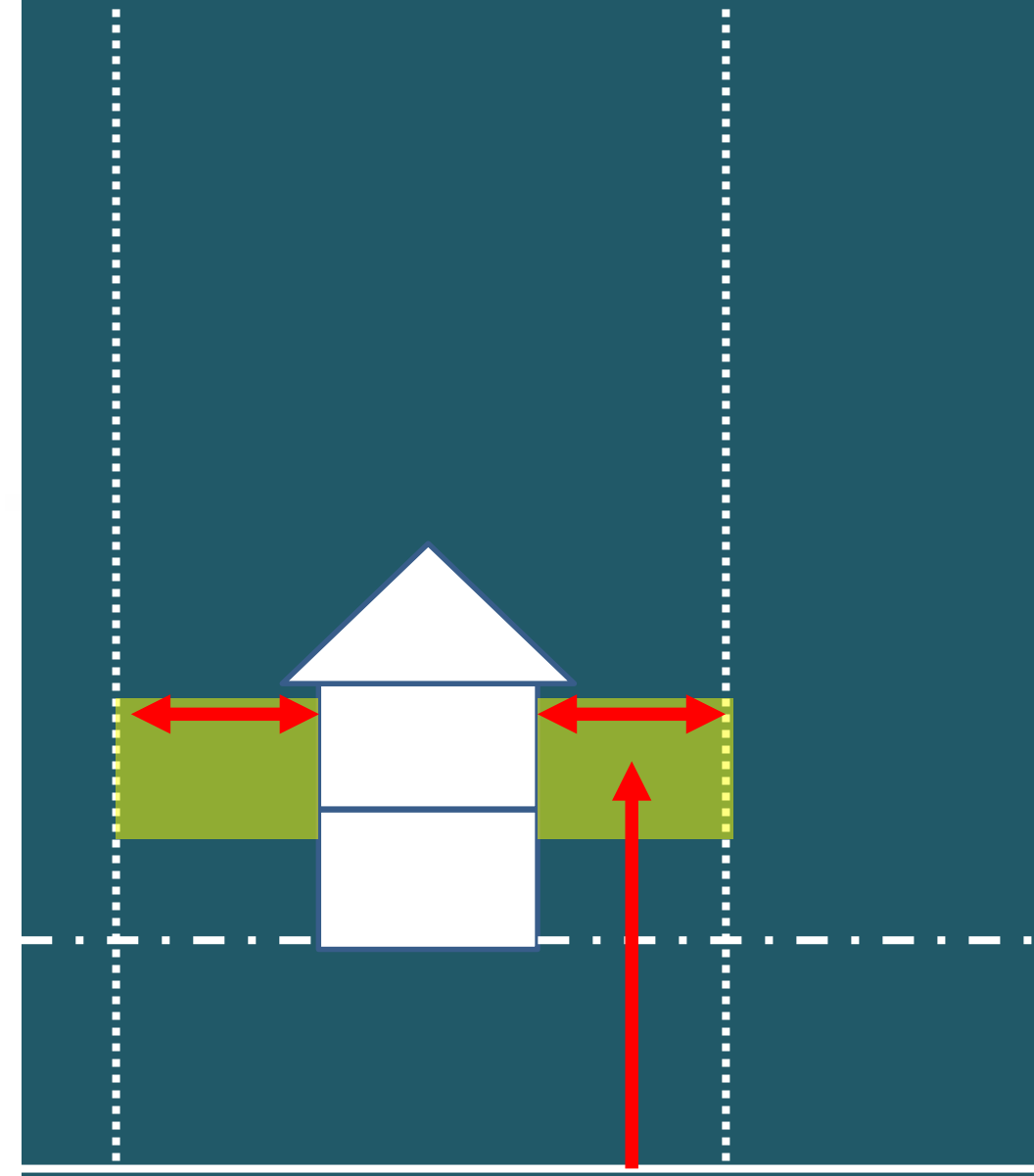


R-B ZONING DISTRICT FOR LOTS 20,000 SQ. FT., OR LESS								
LOWEST FLOOR ELEVATION (NAVD)	YARD SETBACKS							
	CURRENT ONE-STORY SIDE SETBACK	CURRENT TWO-STORY SIDE SETBACK	CURRENT ONE-STORY REAR SETBACK	CURRENT TWO-STORY REAR SETBACK	PROPOSED ONE-STORY SIDE SETBACK	PROPOSED TWO-STORY SIDE SETBACK	PROPOSED ONE-STORY REAR SETBACK	PROPOSED TWO-STORY REAR SETBACK
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AS MINIMUM FLOOR ELEVATIONS HAVE GRADULLY INCREASED DUE TO FEMA CHANGES, THE YARD SETBACK REGULATIONS REMAINED THE SAME. THEREFORE, AS THE HEIGHT OF LOTS AND BUILDING INCREASED, THE BUILDINGS REMAINED SET BACK FROM THE PROPERTY LINES AT THE OLDER, MINIMUM DIMENSIONS.

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THIS PROPOSAL WOULD COVER ALL EXISTING "AE" SPECIAL FLOOD HAZARD AREAS IN THE TOWN, FROM "AE-6" TO "AE-8", PLUS UP TO 3' OF FREEBOARD.



Perhaps, setbacks are increased in relation to design floor elevation.

There are consequences with this approach, again, on the smaller lots with less frontages—as the setbacks are ‘squeezed’ the mass must move elsewhere

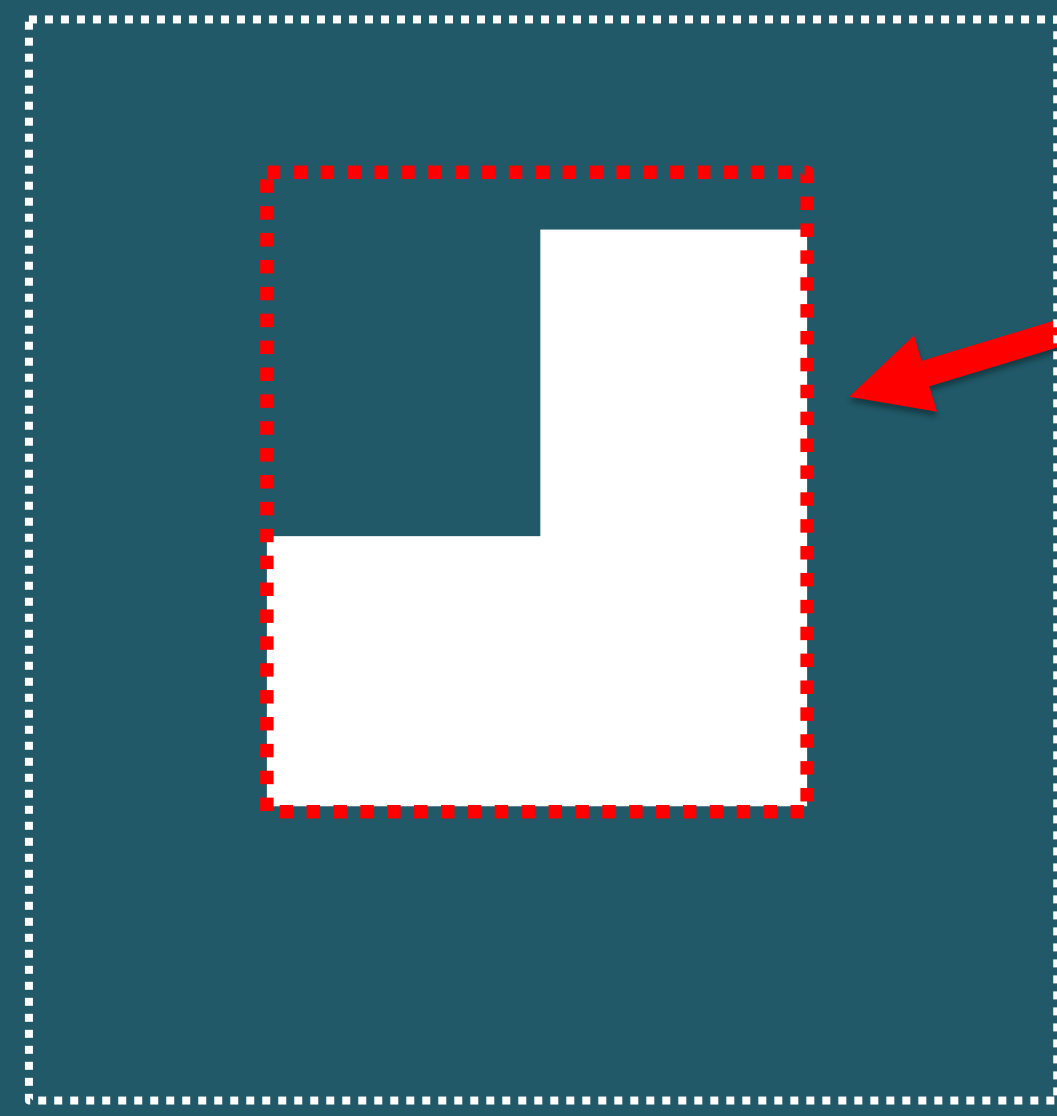
3

LOT COVERAGE

In R-B District:




Lot Coverage for One-Story=40%.

Lot Coverage for Two-Story=30%.



One-story house footprint on lot = 2,300 SF on 8,000SF or 28.75%

Key

-  Building Footprint
-  Property Lines
-  Setback Lines

Lot Coverage means that percentage of the lot area covered or occupied by the buildings or any part of the buildings.

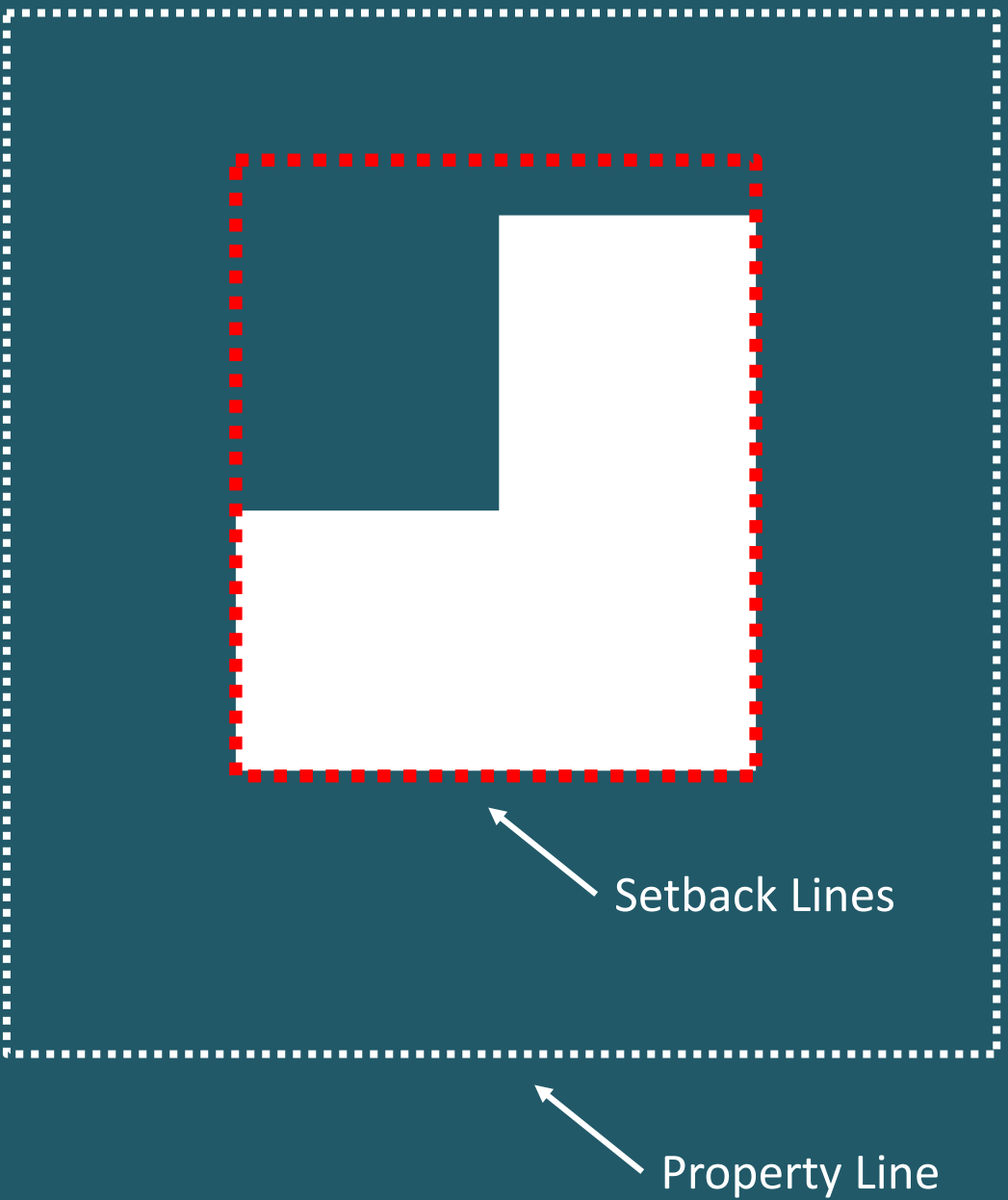
$$\text{Lot Coverage} = \frac{\text{Building area footprint}}{\text{lot size}}$$

EXCEPTIONS

Hard roofed covered structures count towards CCR and lot coverage. There are no exceptions for lot coverage.

Examples of hard roofed structures:

- Open sided gazebos
- Cabanas
- Covered structures



Covered structures with lot coverage exceptions:

- Awning (fabric)
- Canopy (fabric)
- Trellis



EXCEPTIONS

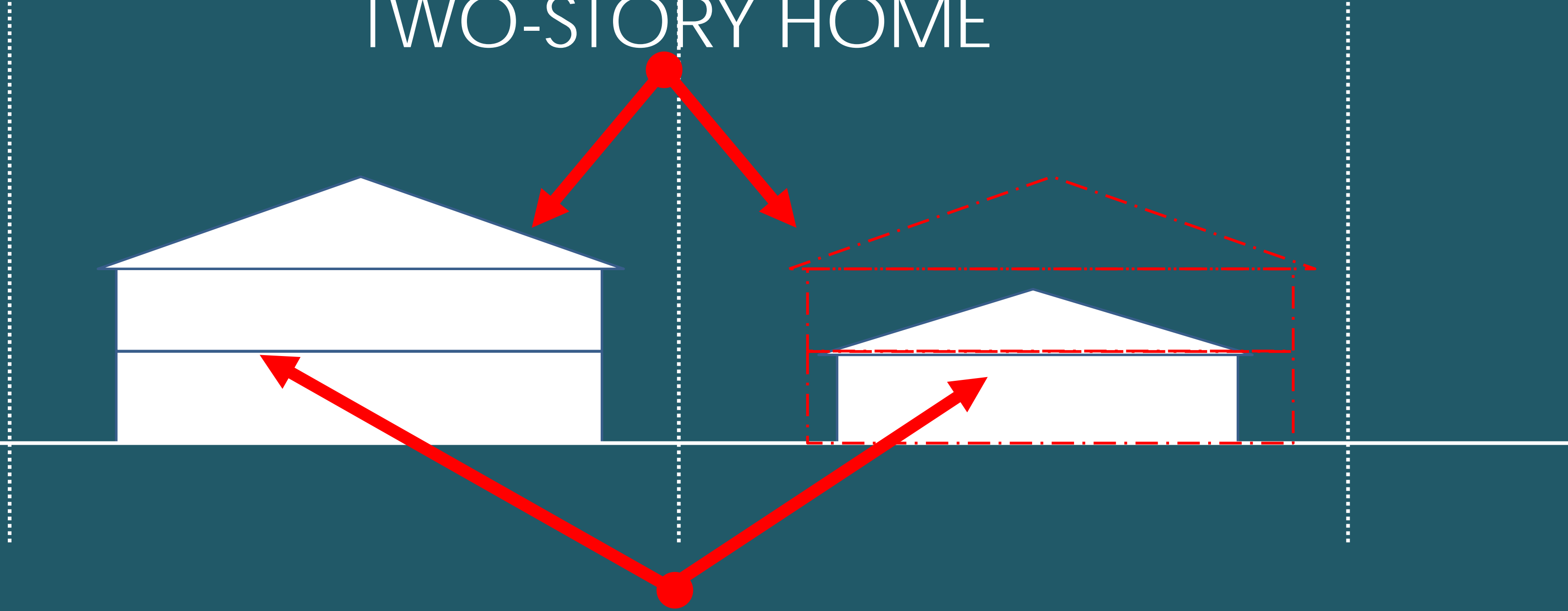
“In this district an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.”

4

INCENTIVIZE ONE-STORY HOMES

A **ONE-STORY HOME** IS
UNQUESTIONABLY LESS IMPACTFUL
TO NEIGHBORING PROPERTIES AND LESS
DISRUPTIVE TO A STREETScape THAN A NEW
TWO-STORY HOME

POTENTIAL BUILDING ENVELOPE OF TWO-STORY HOME



OUTLINE OF EXISTING ONE-STORY HOME

ONE STORY REGULATIONS

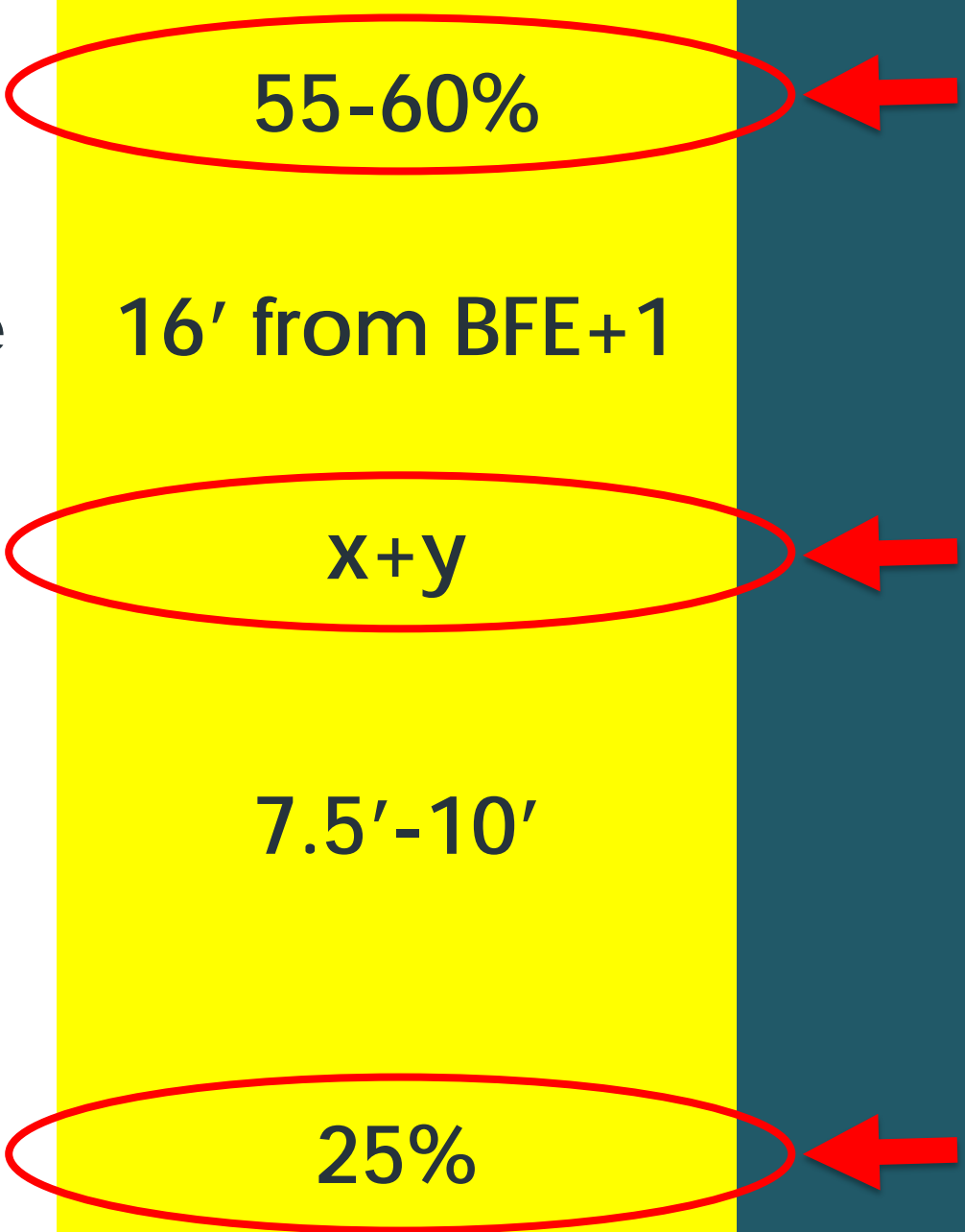
CURRENT

LOT COVERAGE	40%
HEIGHT	14' from grade
CCR / FAR	X
SIDE SETBACKS	12.5'
OPEN SPACE	45%
OTHER	GARAGE ARCOM REVIEW REAR SETBACK

ONE STORY REGULATIONS		
	CURRENT	INCENTIVE
LOT COVERAGE	40%	55-60%
HEIGHT	14' from grade	16' from BFE+1
CCR / FAR	x	x+y
SIDE SETBACKS	12.5'	7.5'-10'
OPEN SPACE	45%	25%
OTHER	GARAGE ARCOM REVIEW REAR SETBACK	NO GARAGE NO ARCOM REAR SETBACK

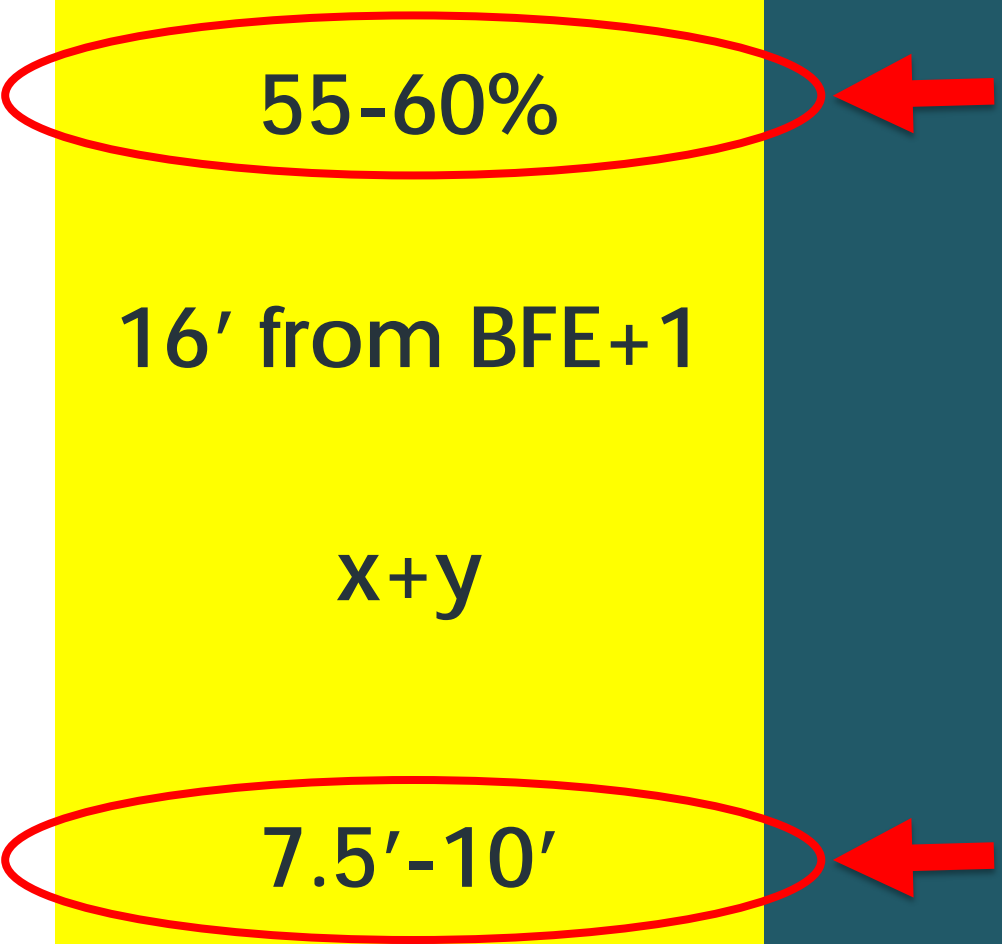
NOTE: There shall be no variances from the provisions of this section.

ONE STORY REGULATIONS		
	CURRENT	INCENTIVE
LOT COVERAGE	40%	55-60%
HEIGHT	14' from grade	16' from BFE+1
CCR / FAR	x	x+y
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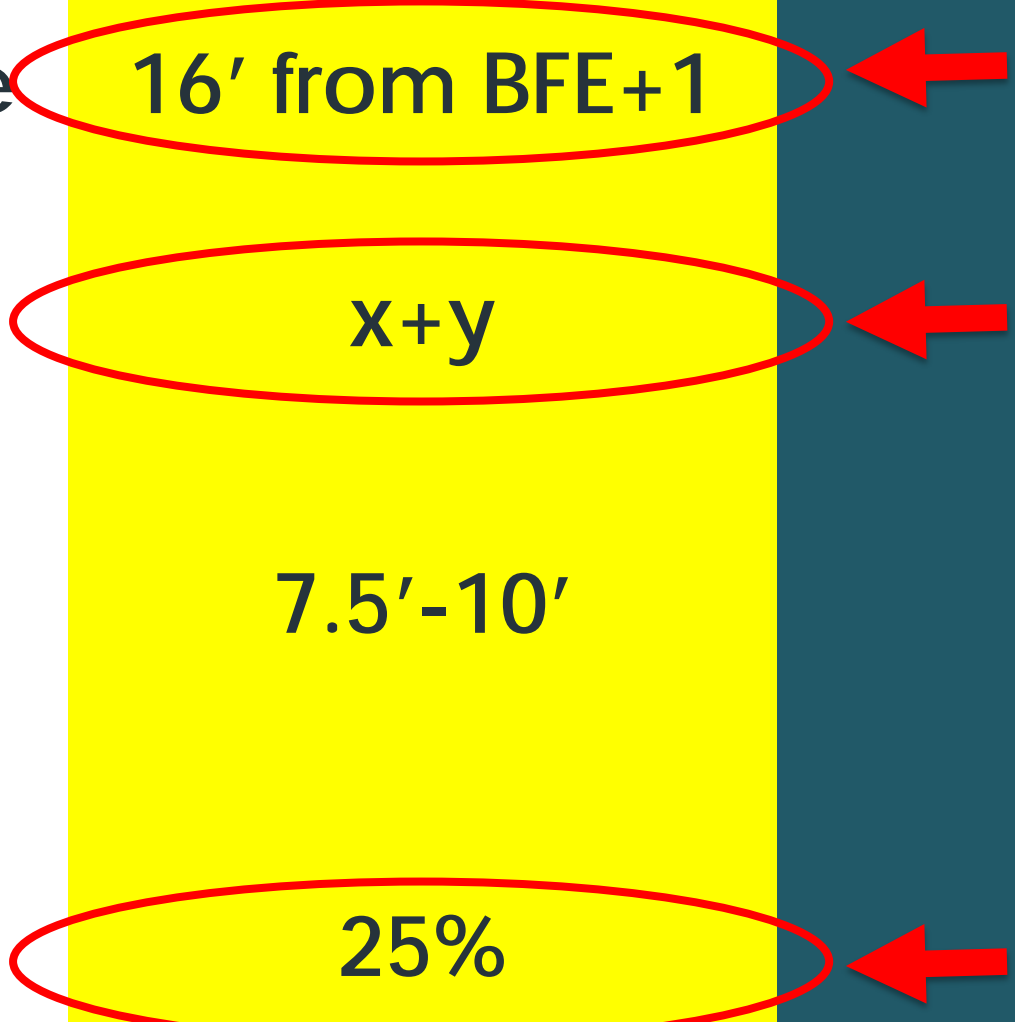
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ONE STORY REGULATIONS		
	CURRENT	INCENTIVE
LOT COVERAGE	40%	55-60%
HEIGHT	14' from grade	16' from BFE+1
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OTHER	GARAGE ARCOM REVIEW REAR SETBACK	NO GARAGE NO ARCOM REAR SETBACK

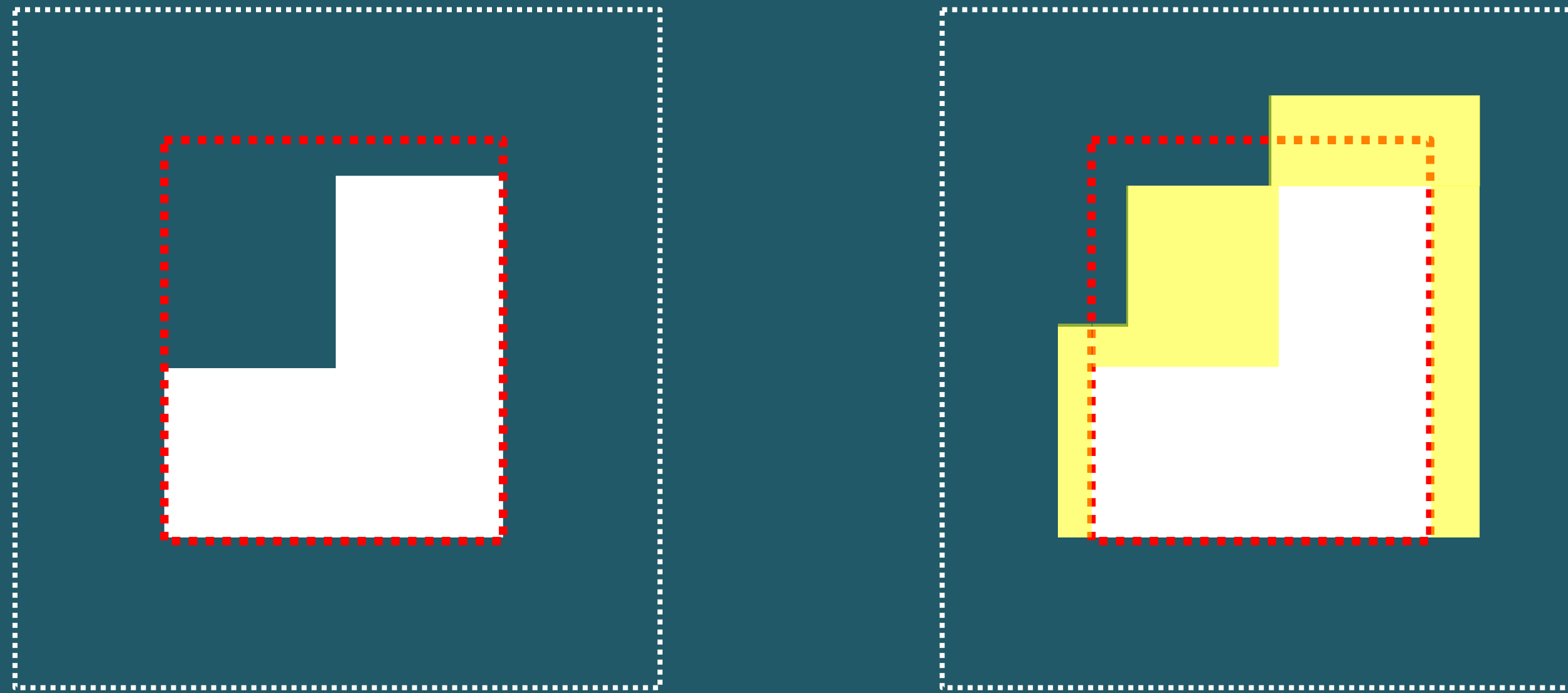


NOTE: There shall be no variances from the provisions of this section.

ONE STORY REGULATIONS		
	CURRENT	INCENTIVE
LOT COVERAGE	40%	55-60%
HEIGHT	14' from grade	16' from BFE+1
CCR / FAR	x	x+y
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OPEN SPACE	45%	25%
OTHER	GARAGE ARCOM REVIEW REAR SETBACK	NO GARAGE NO ARCOM REAR SETBACK



NOTE: There shall be no variances from the provisions of this section.



Key

- Building Footprint
- Property Lines
- Setback Lines
- Increased Lot Coverage Footprint

- RELAXATION OF OPEN SPACE REQUIREMENTS
- NO GARAGE/PARKING REQUIREMENT
- NO ARCOM REVIEW REQUIRED IF DESIGNED IN ONE OF APPROVED DESIGNS IN PATTERN BOOK
- OTHER

5

REDUCE
MASSING

The most fundamental way to reduce the size of a sculpture is to limit the amount of CLAY offered to the artist.

WAYS TO REDUCE THE PHYSICAL VOLUME OR BULK OF A STRUCTURE:

WAYS TO REDUCE THE PHYSICAL VOLUME OR BULK OF A STRUCTURE:

1. Reduce CCR/FAR

WAYS TO REDUCE THE PHYSICAL VOLUME OR BULK OF A STRUCTURE:

1. Reduce CCR/FAR
2. Second floor street presence

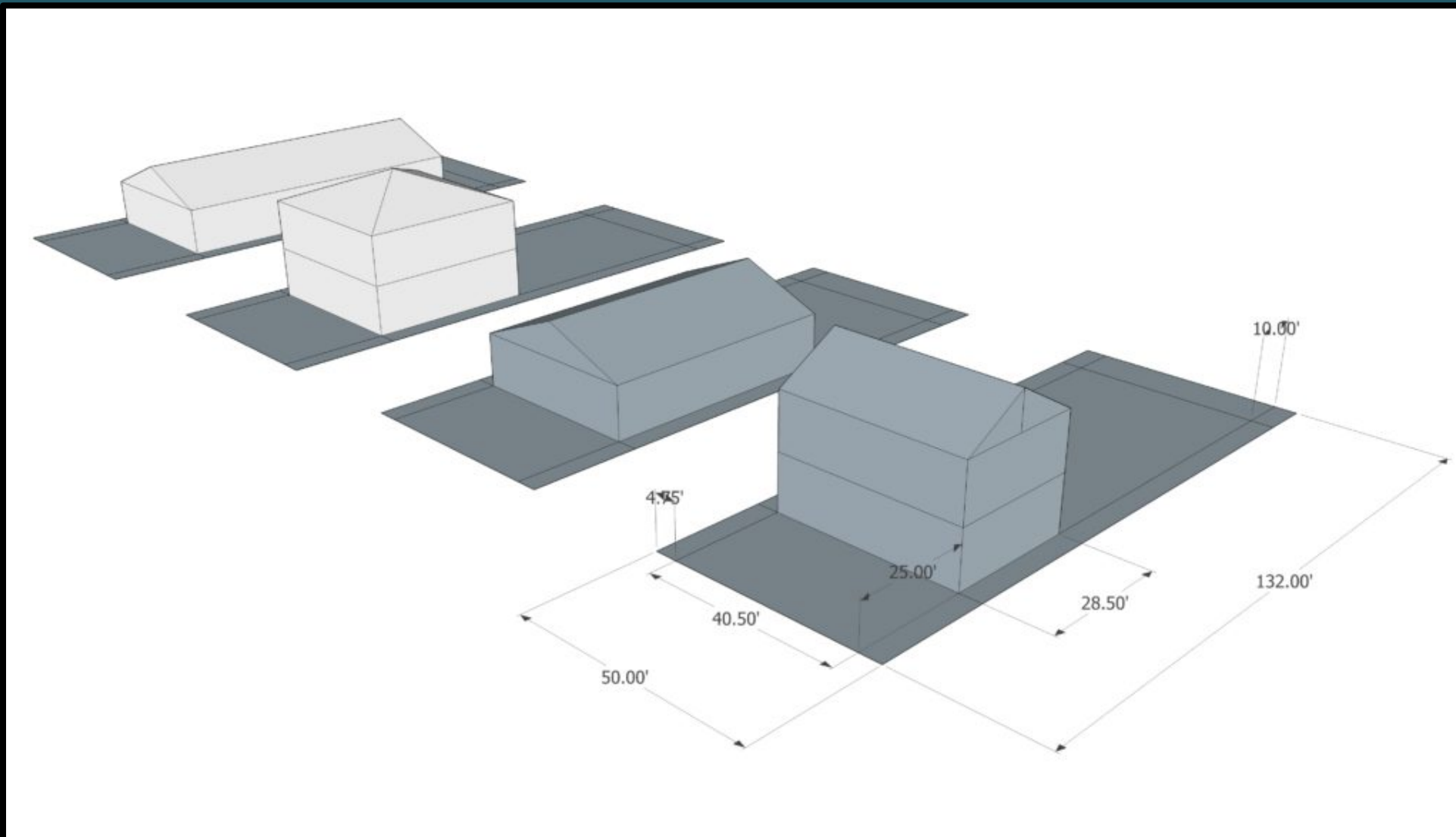
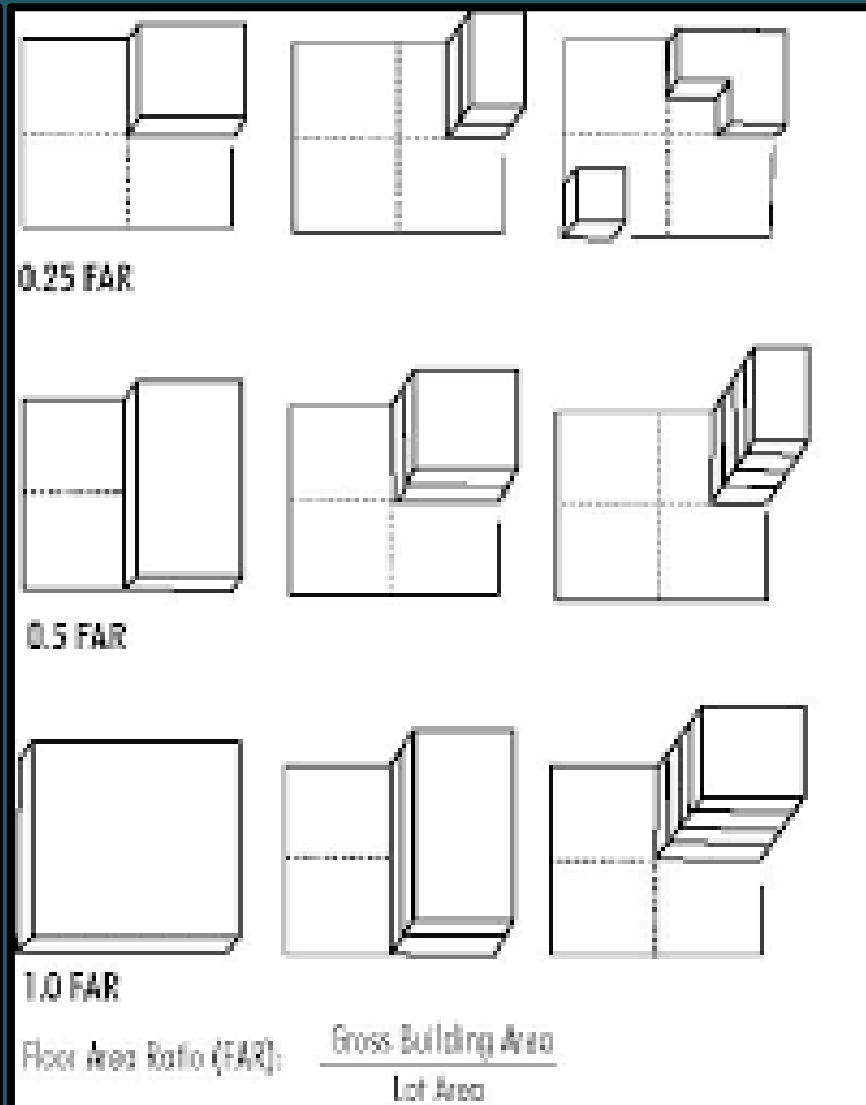
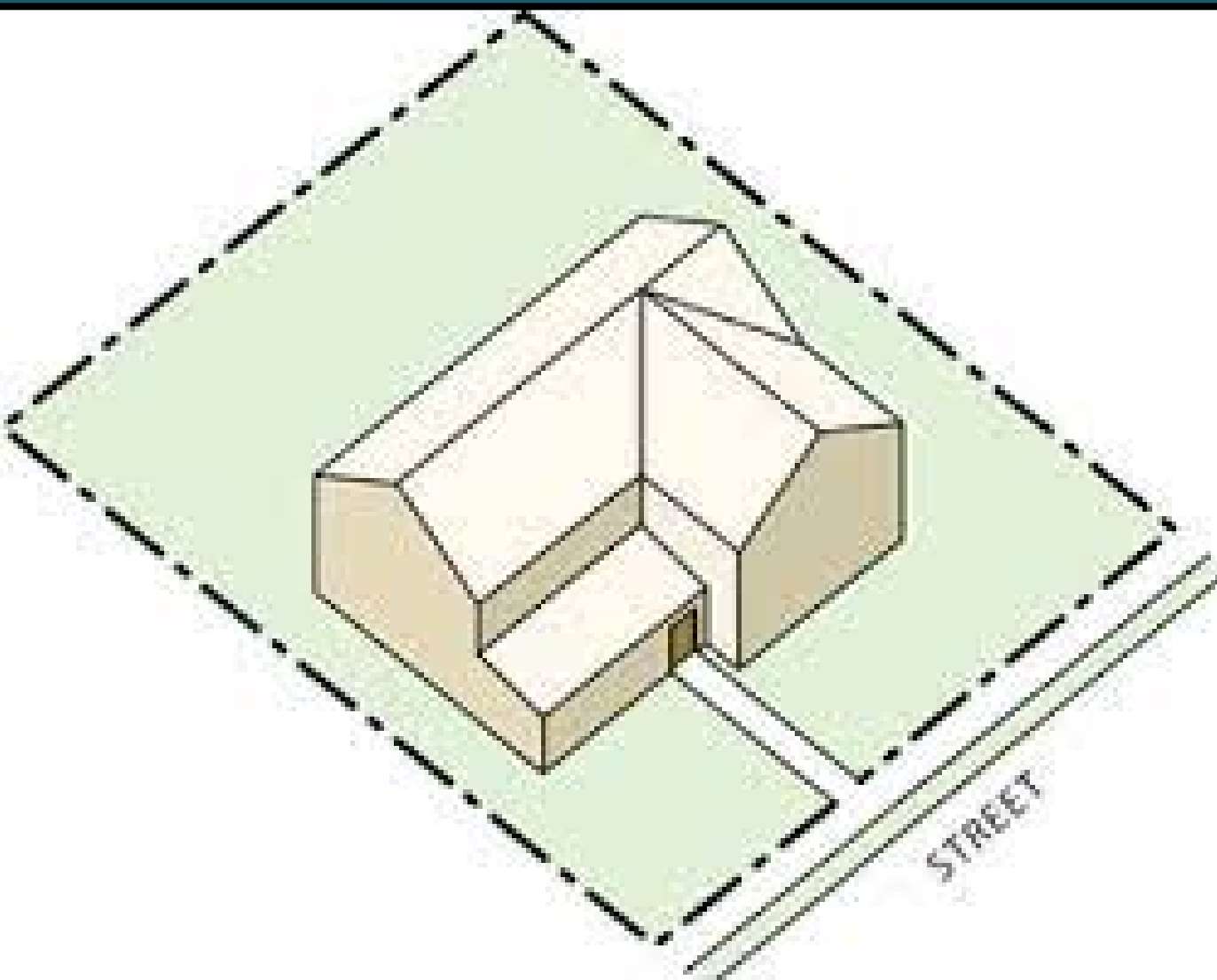
WAYS TO REDUCE THE PHYSICAL VOLUME OR BULK OF A STRUCTURE:

1. Reduce CCR/FAR
2. Second floor street presence
3. Two-story side elevations

WAYS TO REDUCE THE PHYSICAL VOLUME OR BULK OF A STRUCTURE:

1. Reduce CCR/FAR
2. Second floor street presence
3. Two-story side elevations
4. Second to first floor ratio

1. Reduce CCR/FAR



A REDUCTION IN THE VALUE OF CCR/FAR ALLOCATED TO A PARCEL IS THE SINGLE GREATEST STEP TO REDUCING THE SIZE OF THE STRUCTURES.

ARCOM may waive requirement and authorize higher CCR/FAR

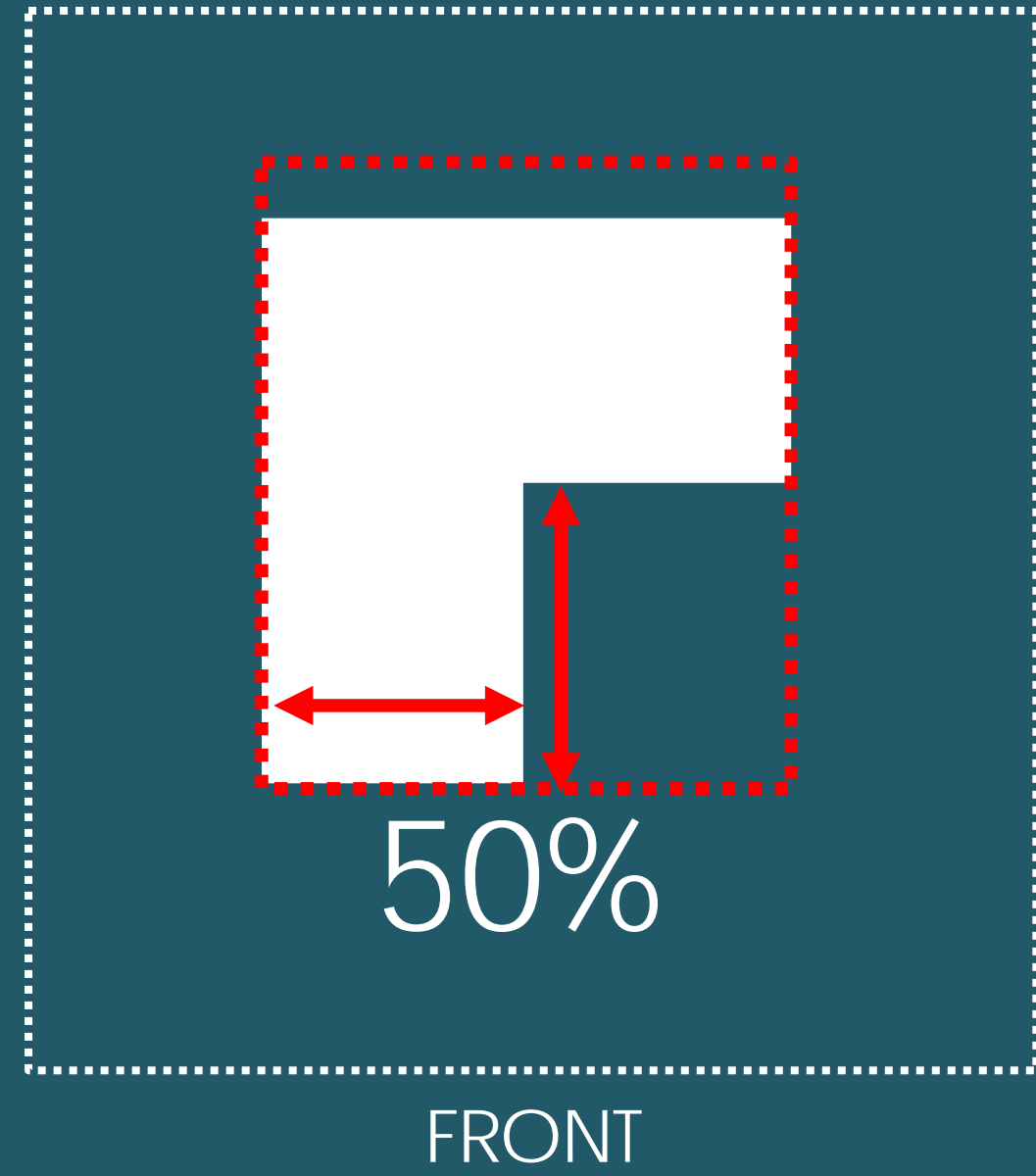
2. Second floor street presence

Key

- Building Footprint
- Property Lines
- Setback Lines

Front yards: The minimum front yard setback requirement for these districts shall be 20 feet.

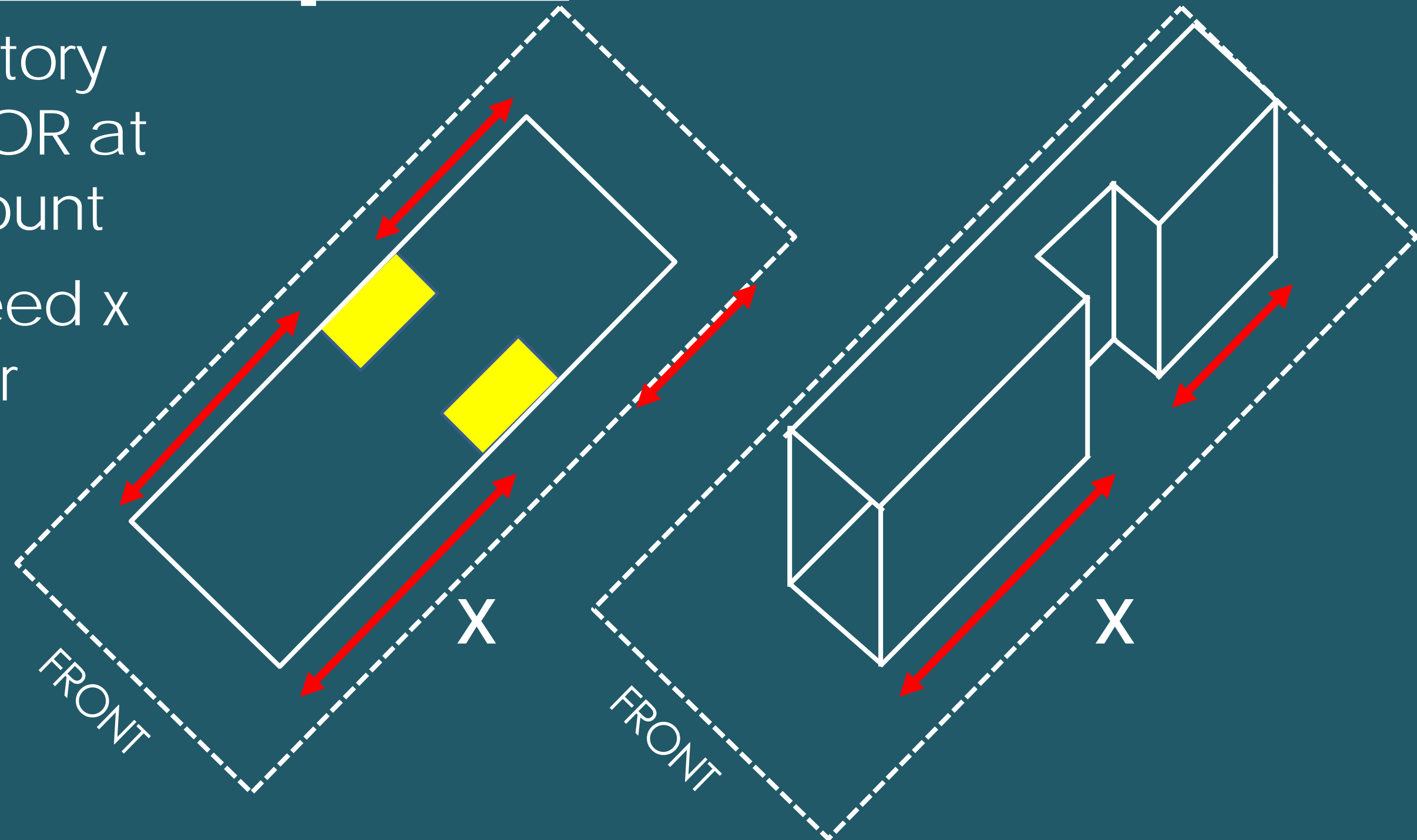
- a. Only a percentage (Up to 50 percent) of the developable width of the second floor may encroach forward to the minimum setback line. Portions that encroach forward in excess of 50 percent shall require ARCOM revise and approval.



ARCOM may waive requirement and authorize greater street presence

3. Two-story Uninterrupted side elevation

Side yard elevations: Two-story side elevations located in OR at the minimum setback amount property line shall not exceed x percent of the lot depth, or y feet, whichever is less, without incorporating additional open space directly adjacent to the required side yard.

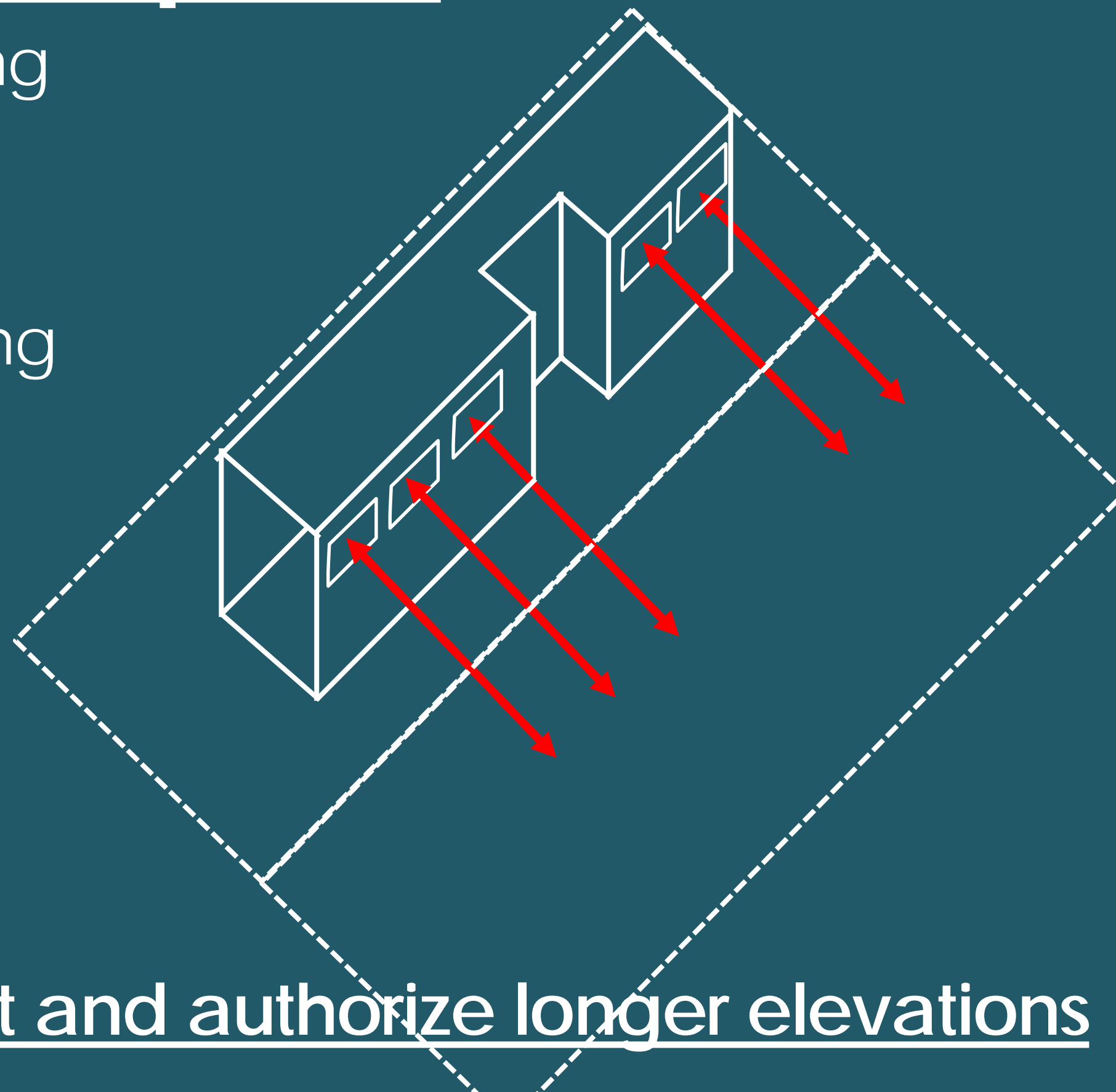


ARCOM may waive requirement and authorize longer elevations

3. Two-story Uninterrupted side elevation

Limit the amount of glazing along side elevations

Limit the location of glazing along side elevations

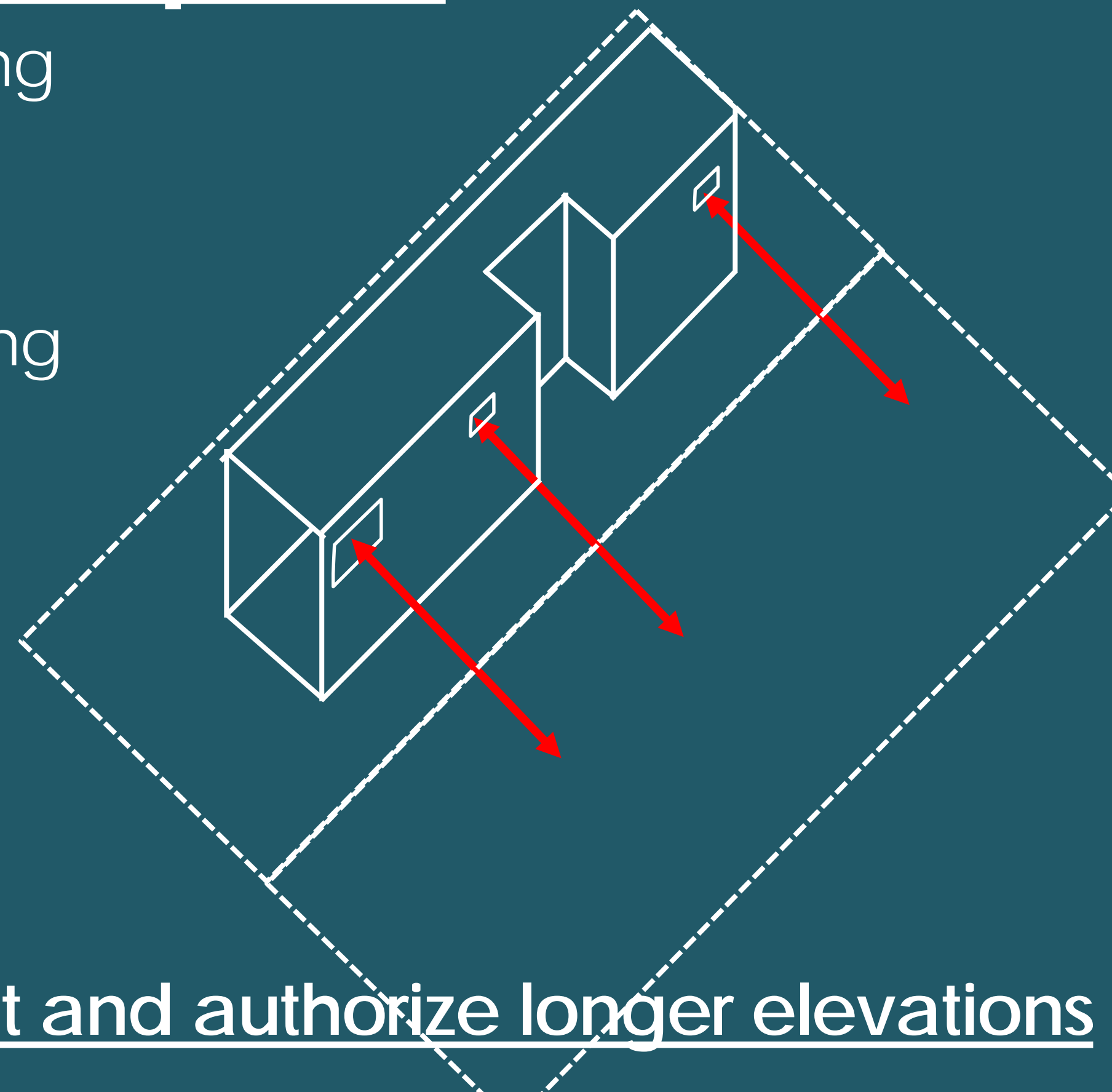


ARCOM may waive requirement and authorize longer elevations

3. Two-story Uninterrupted side elevation

Limit the amount of glazing along side elevations

Limit the location of glazing along side elevations

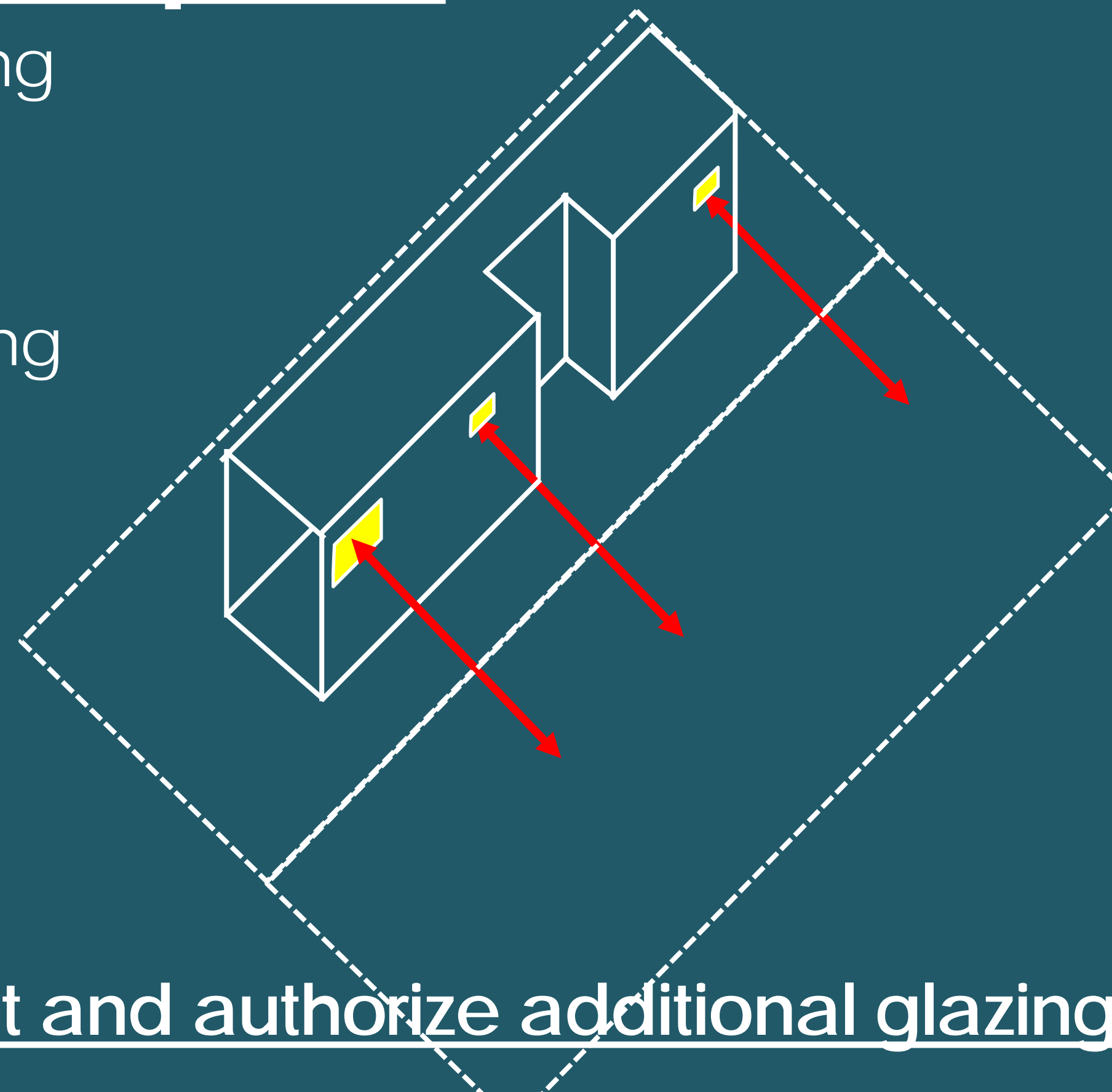


ARCOM may waive requirement and authorize longer elevations

3. Two-story Uninterrupted side elevation

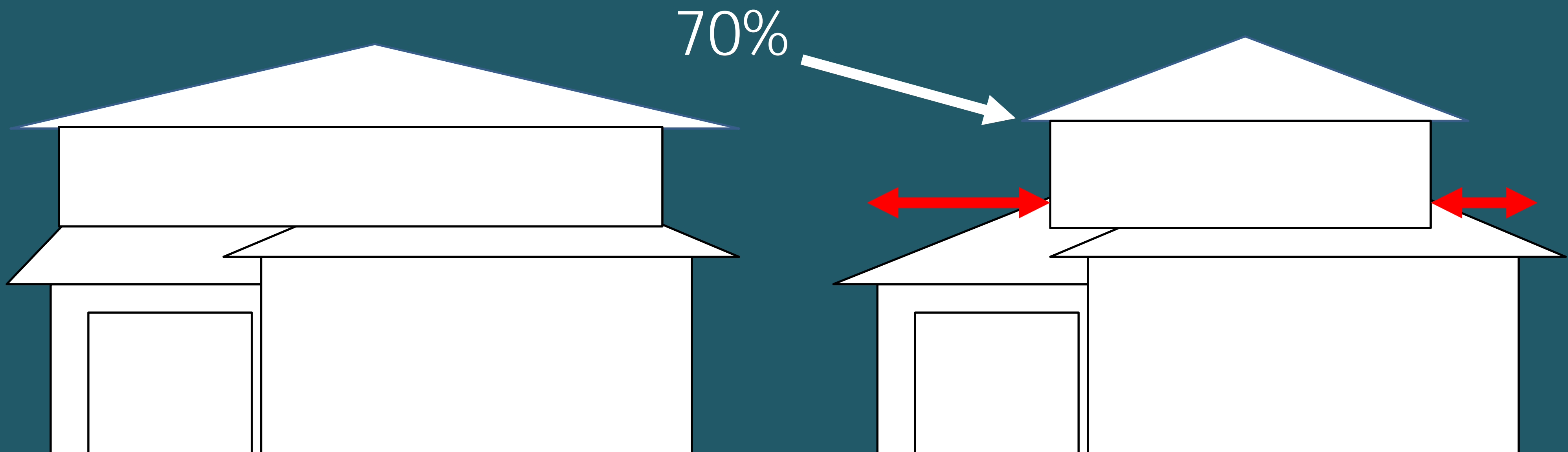
Limit the amount of glazing along side elevations

Limit the location of glazing along side elevations



ARCOM may waive requirement and authorize additional glazing

4. Second to first floor ratio



Area of 2nd floor (story) may not exceed 70% of first floor (story).

ARCOM may waive requirement and authorize higher ratio percentage



OTHER
ZONING MATTERS

SIMPLIFICATION

ADMINISTERING CODE

VARIANCES

HEIGHT

LOT AGGREGATION

STORMWATER

MECHANICAL EQUIPMENT

MAXIMUM LOT SIZE



ROLE OF
ARCOM

SIMILAR VS DISSIMILAR

Sec. 18-205 (a) (5)

The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

- a. Apparently visibly identical front or side elevations;
- b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
- c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements

Sec. 18-205 (a) (5)

The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

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Sec. 18-205 (a) (5)

The proposed building or structure is not excessively similar

the following features of exterior design and appearance:

- a. ...identical front or side elevations;
- b. ...identical size and arrangement of either doors, windows, porticos
- c. ...identical features of design

Sec. 18-205 (a) (6)

The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

- a. Height of building or height of roof.
- b. Other significant design features including, but not limited to, materials or quality of architectural design.
- c. Architectural compatibility.
- d. Arrangement of the components of the structure.
- e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
- f. Diversity of design that is complimentary with size and massing of adjacent properties.
- g. Design features that will avoid the appearance of mass through improper proportions.
- h. Design elements that protect the privacy of neighboring property.

Sec. 18-205 (a) (6)

The proposed building or structure is not excessively dissimilar in relation to any other structure existing...

- e. Appearance of mass from the street...
- f. ...complimentary with size and massing of adjacent properties.
- g. ...avoid the appearance of mass through improper proportions.
- h. ...protect the privacy of neighboring property.

INCREASE ARCOM POWERS

1. FAR 35%, up to 40% with ARCOM APPROVAL
2. 50% of width for first or second floor may encroach forward to the minimum setback line, unless waived by ARCOM
3. Side elevations require a break in the elevation, unless waived by ARCOM
4. Amount of glazing along side elevations is limited, unless waived by ARCOM
5. 70% Second to first floor ratio, unless waived by ARCOM

Sec. 134-754. - Schedules of regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth in divisions 2 through 15 of this article which are supplemented by other sections of this chapter.

The schedule of lot, yard and bulk regulations in this article for each district sets forth certain minimum and maximum criteria forming the building envelope within which development may occur.

Sec. 134-754. - Schedules of regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth in divisions 2 through 15 of this article which are supplemented by other sections of this chapter.

The schedule of lot, yard and bulk regulations in this article for each district sets forth certain minimum and maximum criteria forming the building envelope within which development may occur.

These regulations are not intended to allow maximum development under many of the possible combinations of the minimum and maximum thresholds set forth in divisions 2 through 15 of this article.

Sec. 134-754. - Schedules of regulations.

These regulations are not intended to allow maximum development under many of the possible combinations of the minimum and maximum thresholds set forth in divisions 2 through 15 of this article.

BERT J. HARRIS ACT

PRIVATE PROPERTY RIGHTS PROTECTION ACT

The Bert Harris Act provides a cause of action to property owners to challenge local government regulation that burdens, restricts or limits their property

The first requirement to keep in mind is the initial requirement for a timely claim and subsequent lawsuit.

The act provides that a claim (versus a lawsuit) must be presented to the governmental agency within one year from the time the law or regulation is first applied by the governmental entity to the property at issue.

THE PATH FORWARD

CONSULTANTS

PUBLIC
INPUT
SESSIONS

DRAFT
CODE

CODE
ADOPTION



INTRO
AND
OVERVIEW

COMMUNITY
CHARRETTE

PUBLIC
INPUT
SESSIONS

THE PATH FORWARD



- SELECT PLANNING CONSULTANT
- SELECT LEGAL CONSULTANT, SPECIALIZING IN LAND USE AND LAND DEVELOPMENT REGULATION DRAFTING
- FAMILIARITY WITH NON EUCLIDEAN BASED ZONING CODES
- EXTENSIVE PARTICIPATION IN THE DEBATES SURROUNDING THE ADOPTION OF AND CHANGES TO REGULATIONS AND LOCAL LAND USE PRACTICES

THE PATH FORWARD



- TEAM IS INTRODUCED TO TOWN COUNCIL AND THE LIST OF ZONING CONCERNS IS SUMMARIZED

THE PATH FORWARD



- ENGAGE, ENGAGE, ENGAGE
- COMMUNITY OUTREACH, EDUCATION, AND WORKSHOPS ARE FUNDAMENTAL TO A SUCCESSFUL ZONING CODE REFORM.
- HISTORICAL PRECEDENT FOR CODE OVERHAUL FAILURE

THE PATH FORWARD



- A CHARRETTE IS AN INTENSIVE, MULTI-DISCIPLINARY WORKSHOP WITH THE AIM OF DEVELOPING A DESIGN OR VISION FOR A PROJECT CALLED A **MASTER PLAN**
- **UNIFIED DEVELOPMENT ORDINANCE.** A UDO IS A DOCUMENT IN WHICH TRADITIONAL ZONING AND SUBDIVISION REGULATIONS ARE COMBINED WITH OTHER DESIRED CITY REGULATIONS, SUCH AS DESIGN GUIDELINES

THE PATH FORWARD



- CONSULTANTS BEGIN DRAFTING CODE TO REFLECT VISIONING SESSSIONS AND COMMUNITY OUTREACH
- ILLUSTRATIVE AND SIMPLIFIED CODE CONTAINING MANY GRAPHICS AND TABLES STREAMLINING INTERPRETATION AND IMPLEMENTATION
- AN IMMEDIATE, SHORT (1-2 PAGE) EXECUTIVE SUMMARY WITH GRAPHICS IS PRESENTED TO TOWN COUNCIL

THE PATH FORWARD



- **FEEDBACK, FEEDBACK, FEEDBACK**
- ENSURE THAT THE TEAM CONTINUES TO WORK TOGETHER TOWARD ATTAINING THEIR SHARED GOALS.
- PROVIDE OPPORTUNITIES FOR DISCUSSION OF MORE SPECIFIC ALTERNATIVES.
- ENSURE CONTINUAL INVOLVEMENT OF THE INITIAL CORE PARTICIPANTS

THE PATH FORWARD



- PLANNING AND ZONING COMMISSION
- LPA AND TOWN COUNCIL READINGS AND ADOPTION OF ORDINANCE
- SETTING SUNSET PROVISION ON OLD CODE
- ALTERNATIVE CODE RUNS PARALLEL
- HARMONIZATION
- BEGINNING OF BERT J. HARIS TOLLING

THE PATH FORWARD



OTHER CONSIDERATIONS

- CREATION OF STEERING COMMITTEE ON CODE REWRITE OVERSIGHT
- WEBSITE AND CONSTANT CONTACT EMAIL AND TEXT ALERTS
- BALLOT QUESTION TO MEASURE VOTER OPINION
- MAIL IN SURVEY TO MEASURE RESIDENT OPINION
- DISCUSSION ON CHALLENGES OF REZONING AND PROPERTY RIGHTS
- WEEKLY UPDATES

EXPECTATIONS

NEXT STEPS

Continue to target selective areas within the code that are needed to be addressed.

- RFQ
- SELECT PLANNING CONSULTANT
- SELECT LEGAL CONSULTANT, SPECIALIZING IN LAND USE LAW LAND DEVELOPMENT REGULATION DRAFTING
- COMMUNITY MEETINGS

Stakeholder and public engagement should be conducted in an open transparent manner that allows participants the freedom to explore a creative range of regulatory issues and possible responses

DISCUSSION