

DOVER, KOHL & PARTNERS
t o w n p l a n n i n g

October 4, 2017

Mr. Edward Silva
Village Manager, Village of Palmetto Bay
9705 East Hibiscus Street, Palmetto Bay, FL 33157

Re: Potential Revisions to the DUV Code for the Village of Palmetto Bay

Dear Mr. Silva:

In late August the Village Council approved the first two phases of our three-phase proposal to upgrade the DUV code. Phases 1 and 2 would begin carrying out the recommendations in our earlier analysis of the DUV code, undertaken with Marcela Cambor & Associates and presented in our July 2017 report. We have added professional assistance from Spikowski Planning Associates to ensure the successful and timely preparation of the actual revised code language.

We have now completed **Phase 1**, which takes direction from our July 2017 report and public involvement and the Village Council's response to both. The results of Phase 1 are presented in the attached document, which is a combined policy and technical list describing the specific changes to the DUV code that we think are the minimum that need to be made to accomplish your immediate goals. This list contains references to specific sections and figures in the existing DUV code.

By providing these policy recommendations to the Village at this early stage, we anticipated confirming the Village's specific policy directions before we draft actual code language in **Phase 2**, which we can begin immediately upon the Village's authorization. (A potential Phase 3 could involve our firms in additional services such as additional meetings, public hearing presentations, drafting of additional alternatives, etc.)

Our recommendations for the scope of **Phase 2** address many critical issues, including important policy matters such as modifications to the mapping of the four DUV sectors so those sectors will provide meaningful transitions in building height and urban form from the more intense sectors toward surrounding neighborhoods; more precise delineation of where the central 'Main Street' will be; how bonus stories are approved (or not approved); where additional local streets will be needed to maintain traffic circulation and walkable streets; and several other changes to specific standards in the DUV code.

Our recommendations for **Phase 2** include 15 specific tasks that we can complete for the not-to-exceed \$60,000 fee specified in our original proposal. We would provide the Village a complete draft of these revisions within 100 days after receiving formal authorization from the Village and receiving the editable file of the existing DUV code, including all image files used in the code.

We are including a preliminary map that illustrates our thinking thus far on several of our recommendations:

- The map shows potential revised boundaries for the four DUV sectors:

DG (highest intensity); DV (center of downtown); UV (an urban transition); and NV (final transition to existing neighborhoods). *[Tasks 1 & 3]*

- The map shows the busway and two potential transit stations (at Banyan and at Hibiscus/Indigo). *[related to Task 1]*
- The map shows potential locations for new streets and alleys (blue lines). *[Task 7]*

Our recommendations from Phase 1 also include a 16th task not anticipated earlier that we believe you should consider at this time. It would provide the basis for Task 11, which would revise Figure 63 in the DUV code which is a summary of the street design for the most critical part of Franjo Road and nearby streets through the core of your new downtown. The current street designs, as illustrated in the DUV code and now being engineered by a design-build team for the Village, could be improved at little if any additional construction cost. We look forward to the opportunity to explain to the Village Council the reasons why we suggest you consider adding Task 16 in the immediate future. Our proposal for Task 16 and the professional fees associated with that work will be forwarded to you separately.

Our recommendations also include potential future tasks (Tasks 17 through 33) that the Village might consider to optimize the DUV code but which would not fit within your timeframe for Phase 2. These additional tasks are provided here for your information and future use only.

If you have any questions or wish to suggest changes to our proposal for the scope of Phase 2, please contact us at your earliest convenience. If this proposal is acceptable as presented, please sign in the space provided and return a signed copy to our office.

Reviewed and agreed to on this ____ day of _____, 2017, by:

Edward Silva
Village Manager

For Dover, Kohl & Partners:



Victor B. Dover FAICP, CNU Fellow
Founding Principal

PROPOSED TASKS FOR PHASE 2:

1. **Revise sector boundaries (Sector Plan, Figure 2)** – see preliminary map suggesting sector boundary revisions
 - a. DV sector would identify the primary ‘Main Street’ area (ground floor retail expected; buildings less bulky than DG). DV would be centered around Village Hall (and near future transit station at Hibiscus/Indigo as shown in the village and county comprehensive plans) and would include land on both sides of Franjo from US 1 to 181st Terrace, on both sides of Hibiscus from Franjo to US 1, and the east side of US 1 from Hibiscus to 175th.
 - b. UV sector would provide a more effective urban transition from higher-intensity sectors (buildings would not be as tall or bulky as in the DG sector).
 - c. NV sector would provide a final transition to existing neighborhoods to the east (buildings would not be as tall or bulky as in the UV sector).
2. **Eliminate Section 2.06** (including **Residential Density Plan, Figure 6**). Base residential density would be controlled by bulk & height regulations for each sector instead of numerical density caps. Minimum areas for multifamily units based on number of bedrooms would be eliminated.
3. **Revise height limits for certain sectors** (keeping taller buildings to the west, lower to the east). For instance:
 - a. DG - base height and bonus height could stay the same (6 stories and 8 stories).
 - b. DV - reduce base height from 5 to 4; reduce bonus height from 8 to 6.
 - c. UV - reduce base height from 5 to 3; reduce bonus height from 8 to 5.
 - d. NV - reduce base height from 5 to 3; no bonus height allowed.
 - e. Clarify whether height caps are for the entire building or just some portions of buildings (e.g. cupolas or other decorative features; and/or habitable space at street corners or at terminated vistas).
4. **Clarify basic provisions regarding bonuses.** For instance:
 - a. Clarify that all bonuses require approval of the Village Council after a public hearing.
 - b. Require that bonuses result in higher quality places or provide other benefits to the community.
 - c. Provide criteria to guide whether bonuses should be approved (or should not approved) by the Village Council.
 - d. Consider density limits for bonus stories; clarify uses in bonus stories so that office uses are also permitted.
 - e. *Applications already under review could proceed without reserve units or TDRs.*
5. **Clarify basic provisions regarding reserve units & TDRs**, such as requiring approval of the Village Council after a public hearing unless the code specifies otherwise; provide criteria to guide whether they should be approved (or should not approved) by the Village Council; clarify if reserve units and TDRs are cumulative with bonus stories.
(Applications already under review could proceed without reserve units or TDRs.)
6. **Reduce off-street parking requirements**, especially in areas closest to transit and services, with reductions coordinated with the DUV parking incentive program.
7. **Modify map showing new streets (New Streets Plan, Figure 3)** – see preliminary map for potential revisions
 - a. Break up large blocks north of 174th. *(solid blue lines show ideas for additional streets)*
 - b. Add alleys in certain locations. *(dashed blue lines show ideas for additional alleys)*

- c. Change some proposed streets to alleys. (thin red lines are new streets in the existing code's Figure 3)
8. **Modify map showing street hierarchy** (Street Hierarchy Plan, Figure 5) and related regulations to reflect the additional new streets & alleys, to show required ground-floor retail, and to improve the value of this map for applying 'frontage types.' Consider combining this map with the **Street Type Plan (Figure 62)**.
 9. **Modify requirements for 'frontage types'** in Sections 4.05–4.06 and apply frontage types as a major factor affecting building form. Variations could be based on sector designations (Figure 2), on street hierarchy (Figure 3), and to a lesser extent on building types (Section 4).
 10. **Consider combining** the **Street Type Plan (Figure 62)** with the **Street Hierarchy Plan (Figure 5)**. Reconsider the need for separate classes of 'A' and 'B' streets. In Section 5, show both "Typical Street" types, possibly with neighborhood type (TS-N1) applying in UV & NV sectors and urban type (TS-U1) applying in DV & DG sectors.
 11. **Replace street design for Franjo Road improvements** (street type FR in Figure 63); reconsider landscaped median and bike lanes next to parked cars; modify 15' setbacks being required on both sides of Franjo to indicate these areas are to become public sidewalks; specify land dedication or sidewalk easement requirements to implement this concept; clarify contradictions between setbacks and build-to lines.
 12. **Provide standards for significant architectural features on building facades** such as arcades and colonnades, in Sections 3.02-A/B/C/D.
 13. **Add a simple procedure for design variations** (or deviations/waivers) that would not need to meet strict legal requirements for variances; specify which regulations might be adjusted through this procedure and who would be given the authority to approve any adjustments; define the term 'design considerations' and specify who would be given the authority to assess these considerations and how that decision would affect the approval process.
 14. **Address comprehensive plan policies** in the DUV code: overall cap on density in the DUV area; reserve density allocations; partial concurrency waiver.
 15. **FORMAT OF REVISIONS: Published code amendments would show only the sentences & images being changed** (not republishing the entire code with embedded revisions or changing the code's organization or formatting).
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POTENTIAL SUPPLEMENTAL TASK FOR PHASE 2:

16. **Create a conceptual streetscape plan for the DV sector** (along Franjo, Hibiscus, US 1) showing wide sidewalks, rows of shade trees, and on-street parking. The DV sector is the core of the new downtown, centered around Village Hall (and near future transit station at Hibiscus/Indigo), and including land on both sides of Franjo from US 1 to 181st Terrace, on both sides of Hibiscus from Franjo to US 1, and the east side of US 1 from Hibiscus to 175th.

POTENTIAL FUTURE TASKS (not part of Phase 2):

17. **Modify building type diagrams and requirements.** For instance:
 - a. Add minimum requirements for facade transparency for all building types.
 - b. Identifying bonus stories in building type diagrams.
 - c. Consider step-backs for taller buildings.
18. **Rename building types to indicate changed emphasis.** For instance:
 - a. *Perimeter block* building would replace *flexible block* building.
 - b. *Flexible-use* building would replace *flex* building.
 - c. *Stacked apartment* building would be renamed as *multifamily* building (disregarding rented/owned status).
 - d. *Single family house* would be renamed as *detached* building.
19. **Prepare more significant changes to the bonus, reserve, and TDR programs.** For instance: establishing a better tie-in between features that developers might offer that would help carry out the village's plan and the amount of bonuses that could be granted; or explicitly applying funds received to specified public projects; or focusing these programs in priority areas while ensuring that overly massive buildings aren't built at inappropriate locations.
20. **Clarify developer responsibilities for new streets and alleys** (right-of-way and construction). For instance:
 - a. Developer must dedicate all ROW if developing on both sides; or at least half the land if developing one side.
 - b. Developer must construct the street if developing both sides; or fund at least half the funds if one side only.
 - c. Establish authority for determining the exact alignment of new streets.
21. **Clarify regulatory impact of public open space requirements** (including **Public Open Spaces Plan, Figure 4**):
 - a. Clarify whether these are mandatory for all, or mandatory for bonuses.
 - b. If mandatory for all, consider tying sizes to required private open spaces.
 - c. If mandatory only for bonuses, prioritize the identified public open spaces and/or tie value of land & improvements to value of bonuses.
22. **Draft more significant provisions regarding design variations** (for instance, one procedure could be approved by staff and another could be used by elected officials only). Apply these procedures throughout the DUV code, with customized criteria for various subjects.
23. **Upgrade appendix.** A valuable appendix explains how to use the code; clarify its meaning, especially the repeated phrase "set aside," then move this explanation to a more prominent position in the code.
24. **Test the existing code and proposed code revisions architecturally** to identify actual intensity and height yields of by-right development, and of development with varying levels of bonuses (e.g. 25%, 50%, 75%).

25. **Define the centralized parking system**, including specific locations or defined strategies to select location(s) plus strategies to construct and manage centralized parking (because erroneously managed centralized parking can lead to unwanted urban form as much as excessive on-site parking).
 26. **Resolve any remaining contradictions between setbacks, build-to lines, and existing/proposed ROW widths**; adjust all build-to lines in **Section 5** based on ROW widths instead of future centerlines (wherever needed).
 27. **Reconsider design details for all other street types.**
 28. **Consider locations and requirements for mid-block passageways.**
 29. **Create urban landscape standards** for entire DUV, instead of relying on general village landscaping regulations.
 30. **Create urban sign regulations** for entire DUV that conform with the Supreme Court's Reed v. Gilbert decision, instead of relying on general village sign regulations
 31. **Establish financial and legal procedures for developers building on only one side of a new street or alley**; determine status of donations of half the ROW; clearer criteria for trust funds to hold cash payments for future construction; determine how those funds get disbursed.
 32. **Clarify any remaining comments and questions as noted in the Dover Kohl/Marcela Cambior report** (July 2017); clarify and adjust less critical matters identified after that report; reduce redundancies wherever possible.
 33. **FORMAT OF REVISIONS: Proposed code amendments could include the entire DUV code**, with changes shown in context; that would make it easy to remove the underlines/strikes and publish a complete revised illustrated DUV code for public use. (Municode's on-line version of the DUV code is more difficult for users than the current illustrated PDF version of the DUV code, whose page layouts combine closely related figures, tables, and text in a consistent graphic format.)
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