

City Commission Height Workshop

June 25, 2022

Workshop Agenda

1. Factors that Shape a City

- General Factors
- Dimensional Standards
- TOD

2. Boynton Beach

- Geographic Organization
- History of Revision to Height
- Current Height Regulations
- Height Structure & Distribution

3. Height Comparison

- Delray Beach
- Palm Beach Gardens
- Boca Raton
- Town of Jupiter
- Boynton Beach

4. Considerations

5. Legal Considerations

6. Examples for Discussion

Factors that Shape a City

- Size
- Population
- History, Age & Original Development Pattern
- Existing 'fabric'
- Socio-Economic Factors
 - Income levels
 - Employment
 - Education
 - Access to Amenities (transportation, parks)



Factors that Shape a City

- Redevelopment Visions & Goals
 - Longevity of redevelopment efforts
 - Downtown or TOD vision
- Economic Development Goals
 - Business viability
 - Attract new business, industry, or office
 - Creation of destinations
 - Housing affordability

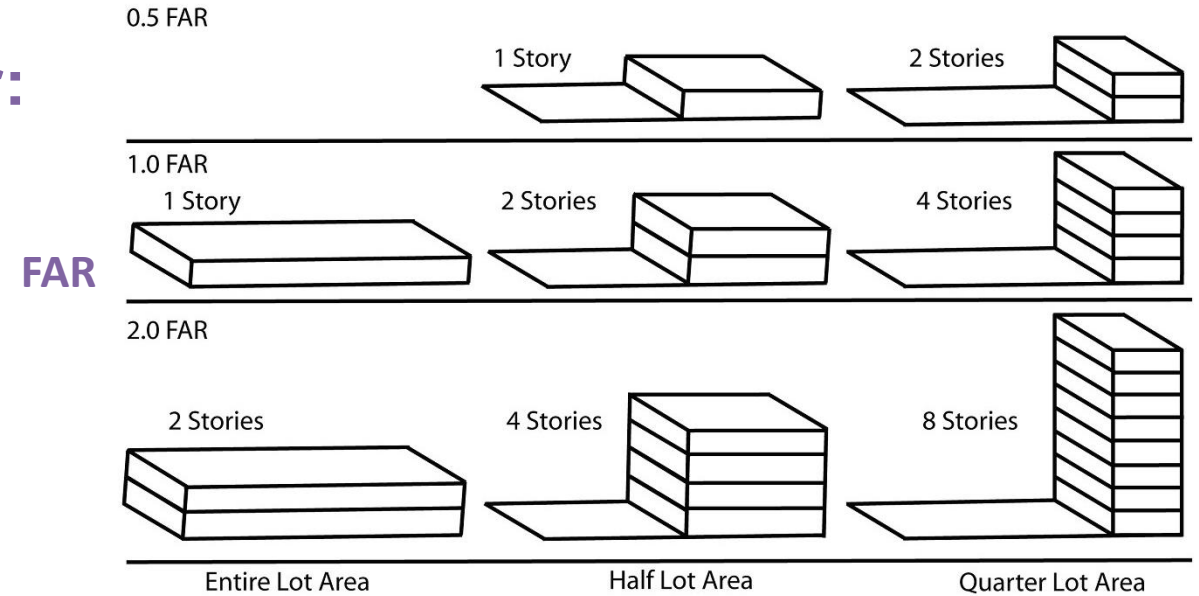


AMAZING FACTS fb.com/factsoffacts

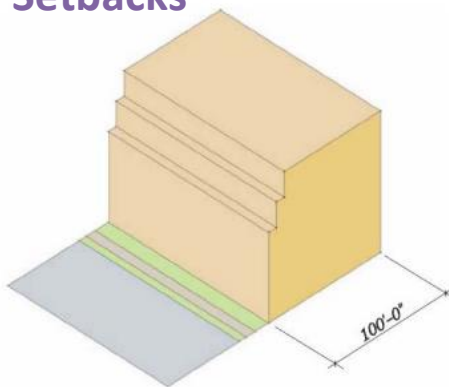
Factors that Shape a City

Dimensional Standards Work Together:

- Height
- FAR (Floor Area Ratio)
- Uses
- Density
- Setbacks & Step backs

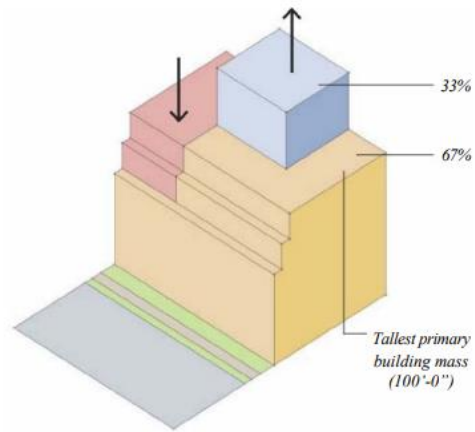


Height, Step backs, Setbacks



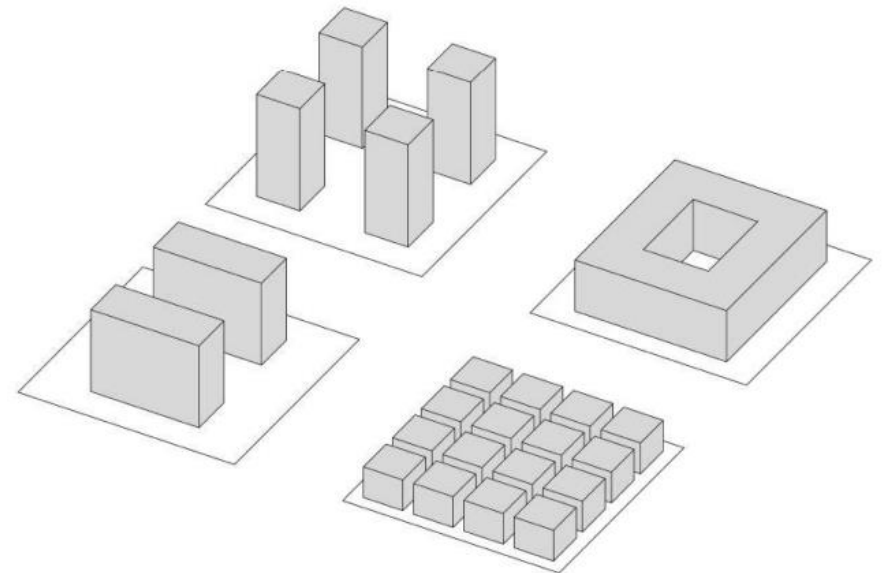
Type A prototype building envelope

By reducing the building volume in some areas, an equivalent volume



can then be redistributed above 140'-0", up to 33% of the tallest primary building mass.

Density

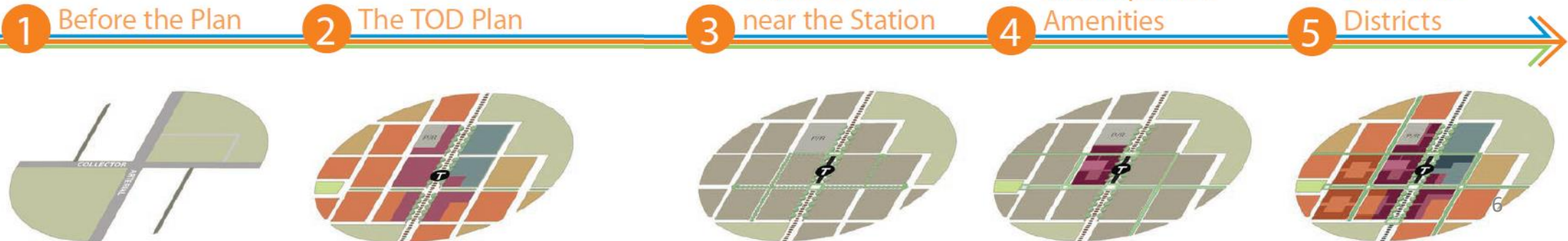
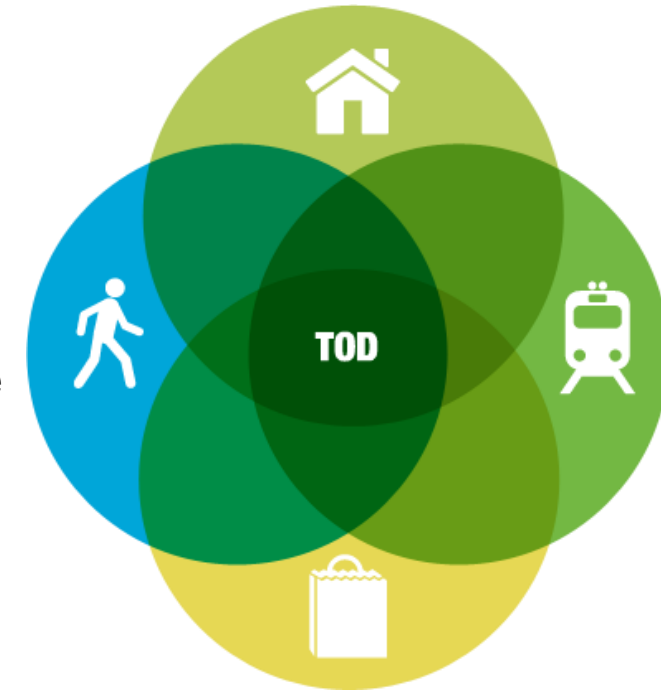


Factors that Shape a City

Transit Oriented Development (TOD):

Developed in the early 1990's by Peter Calthorpe

- Environmental sustainability movement
- Goal is to reduce dependence of cars and creates low carbon lifestyles
- Organize growth on a regional level to be compact and transit-supportive
- Place commercial, housing, jobs parks, and civic uses within walking distance of transit stops
- Create pedestrian-friendly street networks that directly connect local destinations
- Provide a mix of housing types, densities, and costs
- Preserve sensitive habitat, riparian zones, and high-quality open space
- Make public spaces the focus of building orientation and neighborhood activity



Factors that Shape a City

Principals of a successful TOD — RTA Regional Transportation Authority



1 Medium- to high-density development

Density is about scale, with the goal of creating a compact walkable district. TOD has a higher net average density than the community average, with highest densities located closest to the transit station. Higher densities increase ridership by providing access to more people, and create an active place where people want to be.



2 A mix of land uses

Concentrating a mix of land uses creates an interesting place with a variety of destinations allowing people to live, work, and play in the same place. A transit-supportive environment includes a mix of residential, commercial, service, employment, and public uses. Employment uses should be located closer to transit: people are willing to walk further to get to their homes.



3 Compact, high quality pedestrian-oriented environment

Every transit trip starts and ends with a pedestrian trip. "Calming" streets by reducing traffic speeds, activating the street with active ground-floor uses, and adding amenities—storefront windows, awnings, architectural features, lighting, and landscaping—help create a comfortable pedestrian environment.



4 An active defined center

Defined centers create an 18-hour place by offering multiple attractions and reasons for pedestrians to frequent the area both day and night. Centers must have both a dense mix of uses and a sense of place and community so that people choose to gather there. A cohesive, active center can be created by planning TOD as a district rather than individual projects.



5 Limited, managed parking

Abundant and inexpensive parking motivates people to drive rather than use transit. By creating a more managed parking supply and moving parking from surface parking lots to on-street parking and structures, residents, shoppers, and employees are encouraged to use transit and to walk once they reach their destination.



6 Public leadership

The public sector must lead the TOD effort before the private sector is willing to commit time and money. Public leadership is needed from when a station area is being developed throughout the life span of the station area. A collaborative and enabling approach—with the use of new innovative tools to complement and enhance planning efforts—makes for successful implementation.

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3. Height Comparison

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- Town of Jupiter
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4. Considerations

5. Legal Considerations

6. Examples for Discussion

Geographic Organization

Geographic Organization:

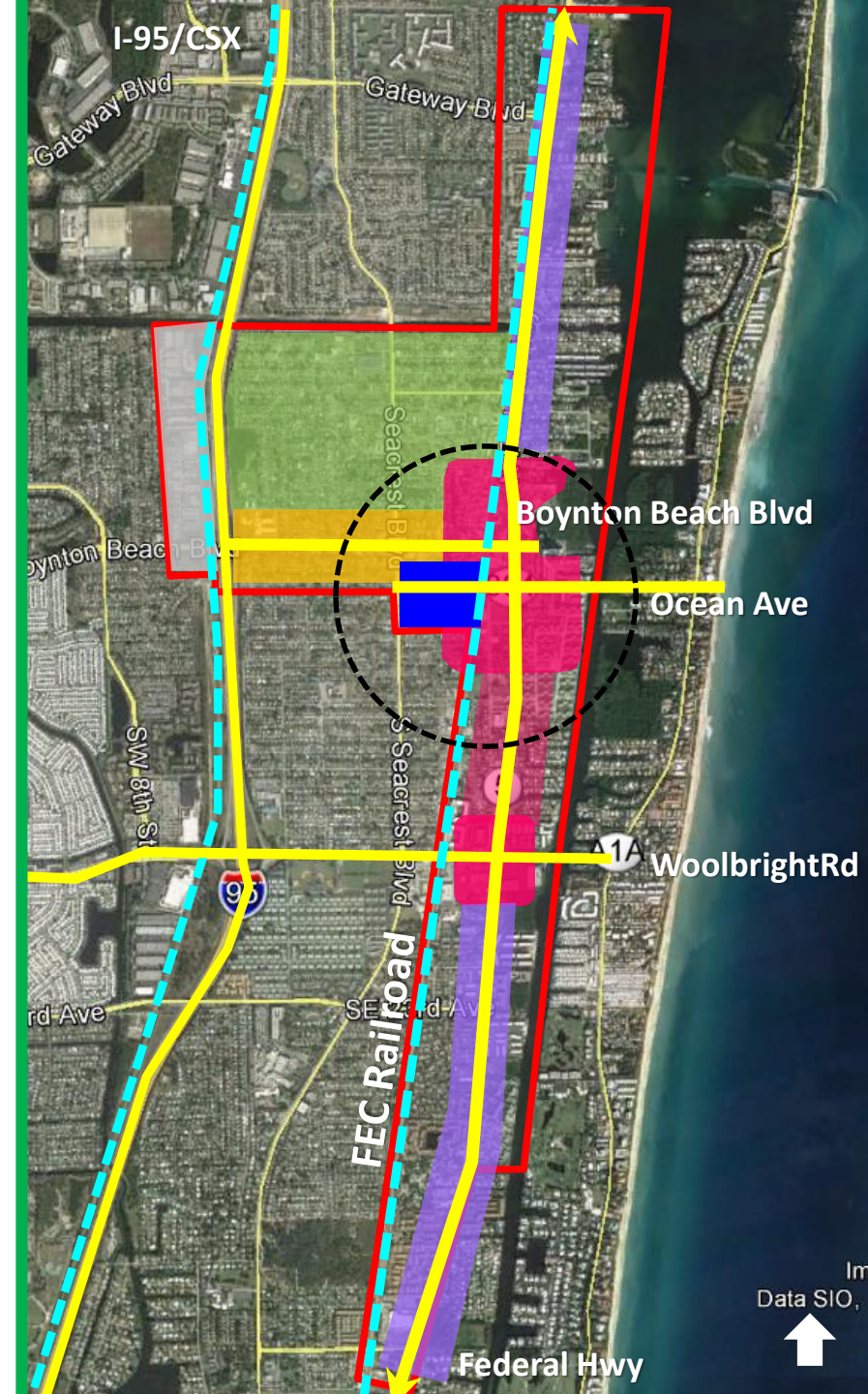
I-95, CSX, FEC railroad, Federal Hwy.

I-95 access from Boynton Beach Blvd

Direct access to beach from Ocean Ave.

Defines:

- Activity nodes
- Unique corridors
- Distinct districts



Geographic Organization

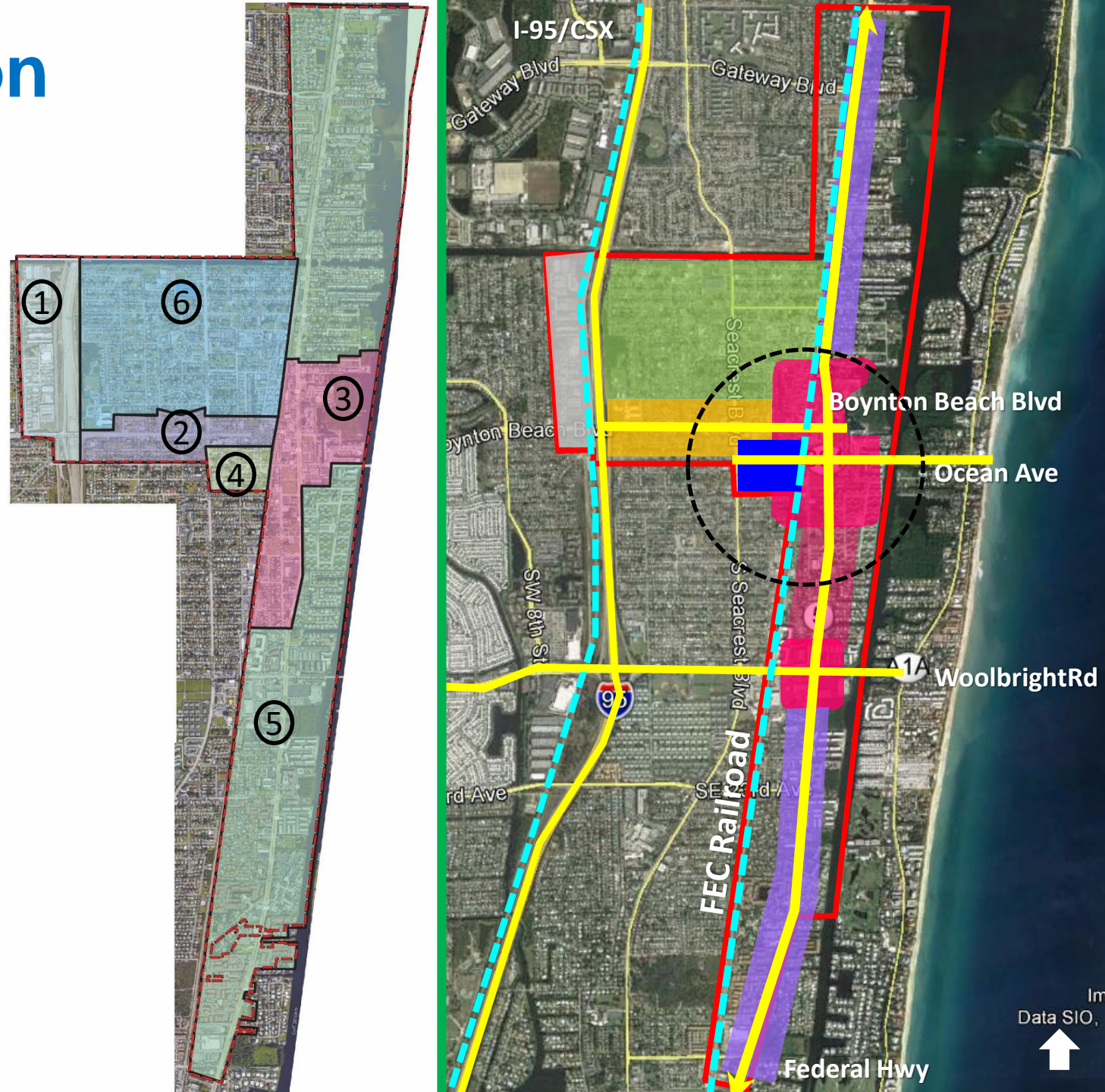
Geographic Organization:

I-95, CSX, FEC railroad, Federal Hwy.
I-95 access from Boynton Beach Blvd
Direct access to beach from Ocean Ave.

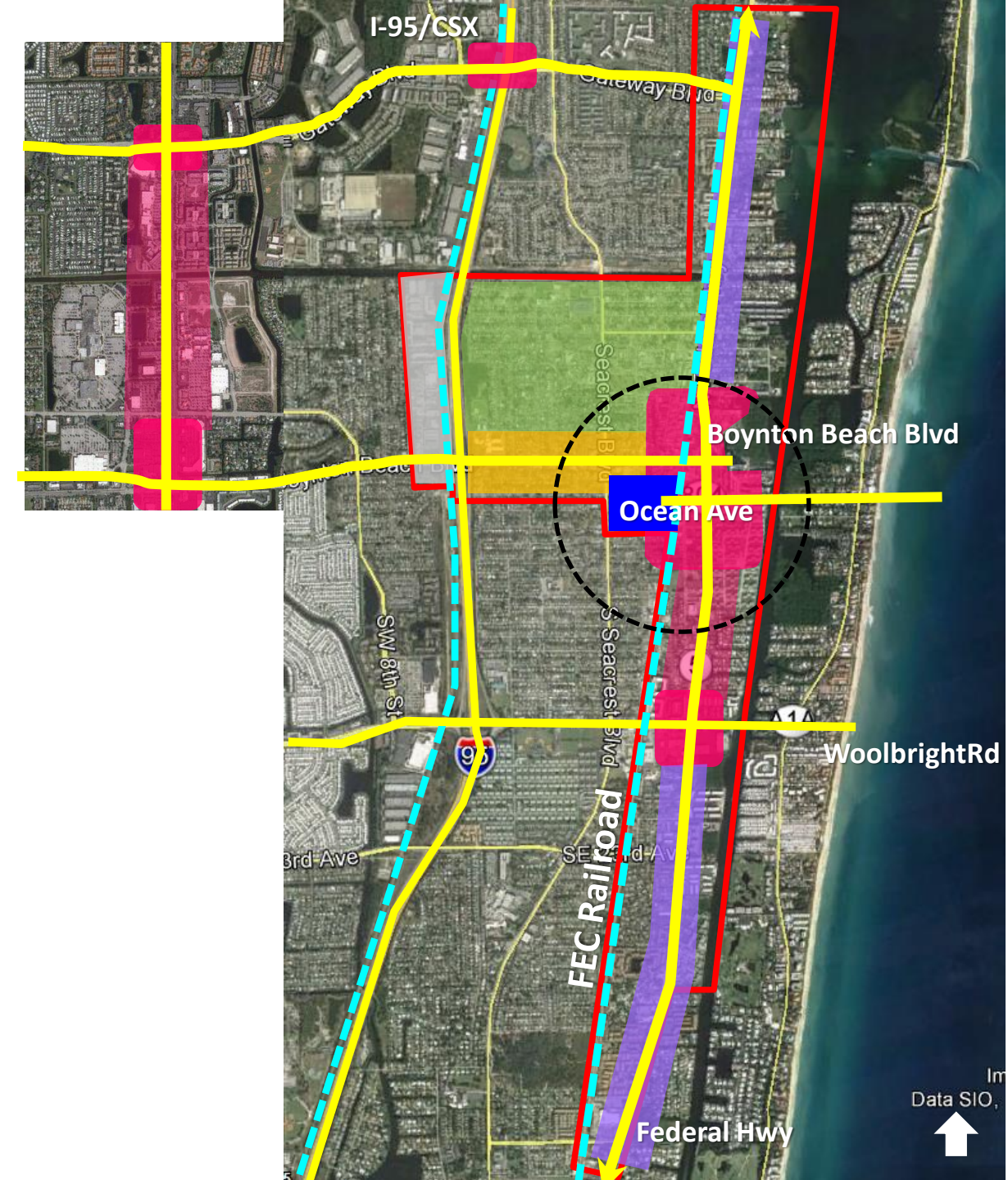
Defines:

- Activity nodes
- Unique corridors
- Distinct districts

1. Industrial Craft District
2. Boynton Beach Blvd District
3. Downtown District
4. Cultural District
5. Federal District (North & South)
6. Heart of Boynton District



Geographic Organization



Redevelopment Planning

2000: Maximum height was 100' & maximum density was 40

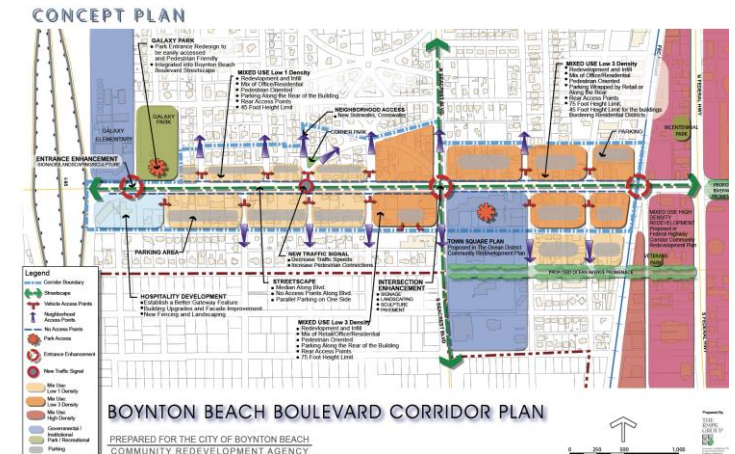
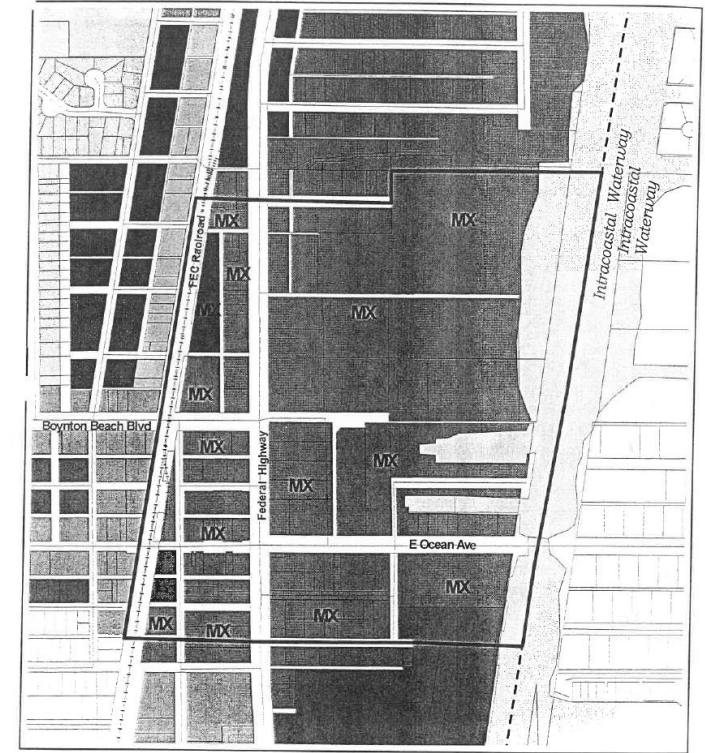
2000: Public Workshops held for Federal Hwy Redevelopment Plan

2001: Federal Hwy Corridor Community Redevelopment Plan Adopted

2002: LDR Update - Original MU-H and MU-L were adopted. First adoption of heights to 150' per recommendations of FHCRP

2004: LDR Update - SMU (Suburban Mixed Use) was adopted and included heights from 55' to 75'.

2006: Boynton Beach Blvd Corridor Plan expands Mixed Uses to Boynton Beach Blvd.



Redevelopment Planning

2005: Public Workshop for Federal Hwy Plan Update

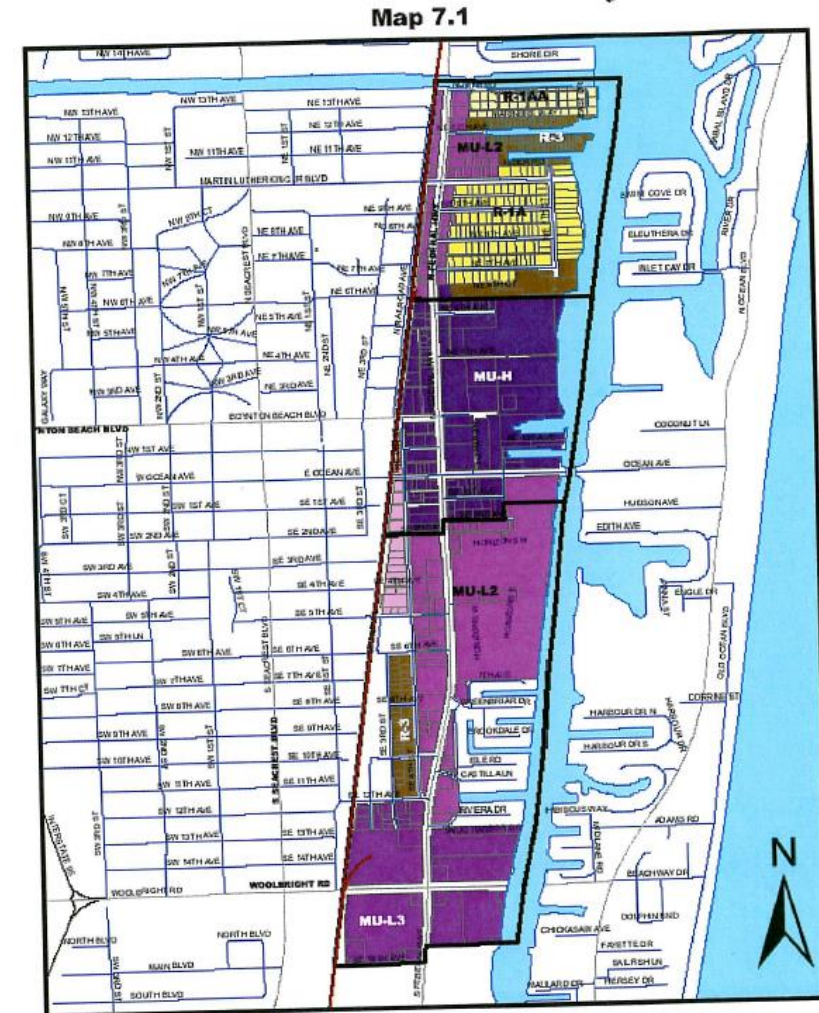
2006: Update to the Federal Hwy Corridor Community Redevelopment Plan adopts

2006: LDR Update - Split Mixed Use Zoning Districts into four Districts (MUL-1, MUL-2, MUL-3, MUH), per recommendations of FHCRP

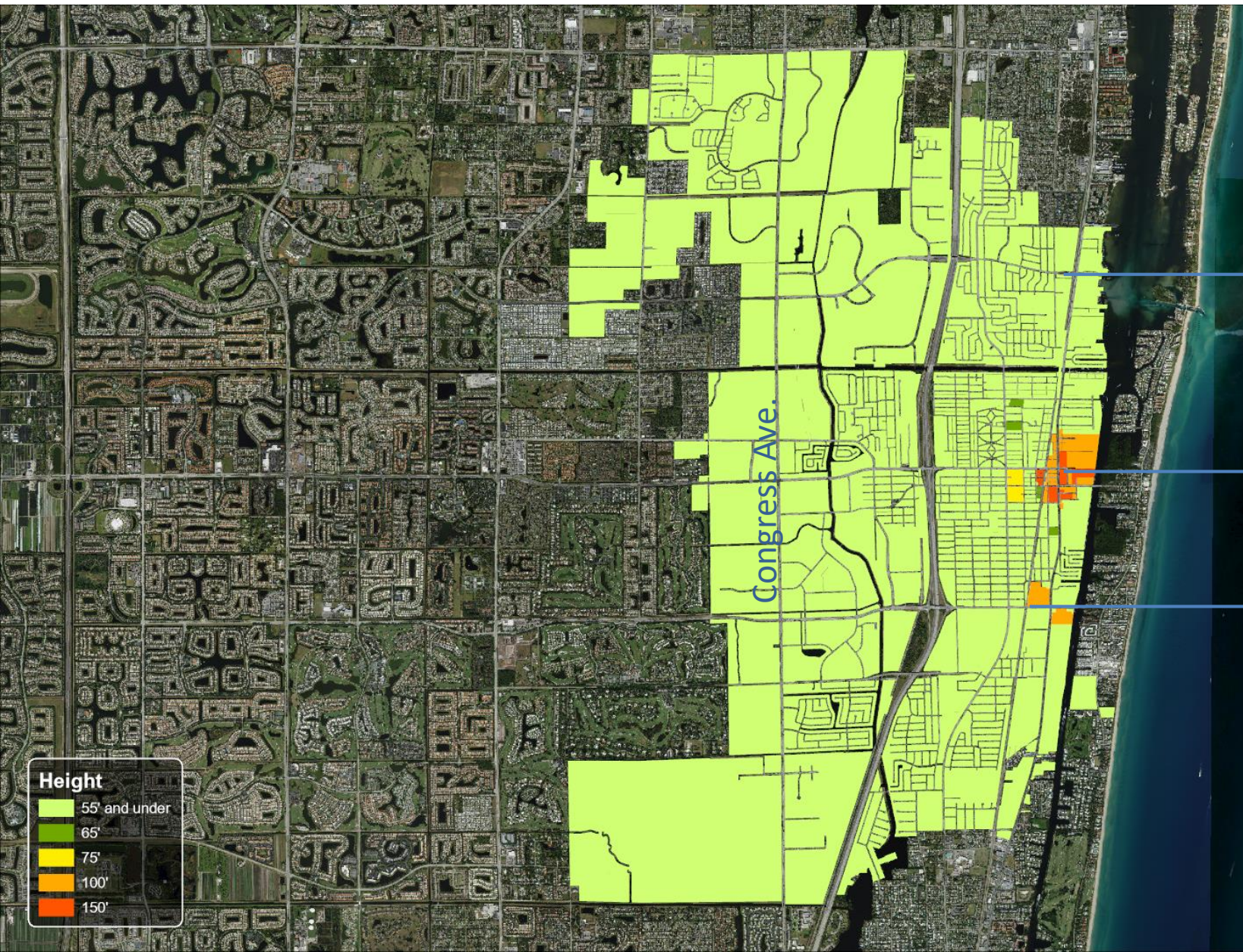
2016: Public Workshops for CRA Consolidated Plan

2016: Consolidated CRA Plan is adopted. Consolidates all CRA Plan Recommendations into a single document.

2016 & 2017: LDR Update to further breakdown of zoning districts (adds MU-4) for distribution of density and height, per consolidated CRA Plan recommendations.



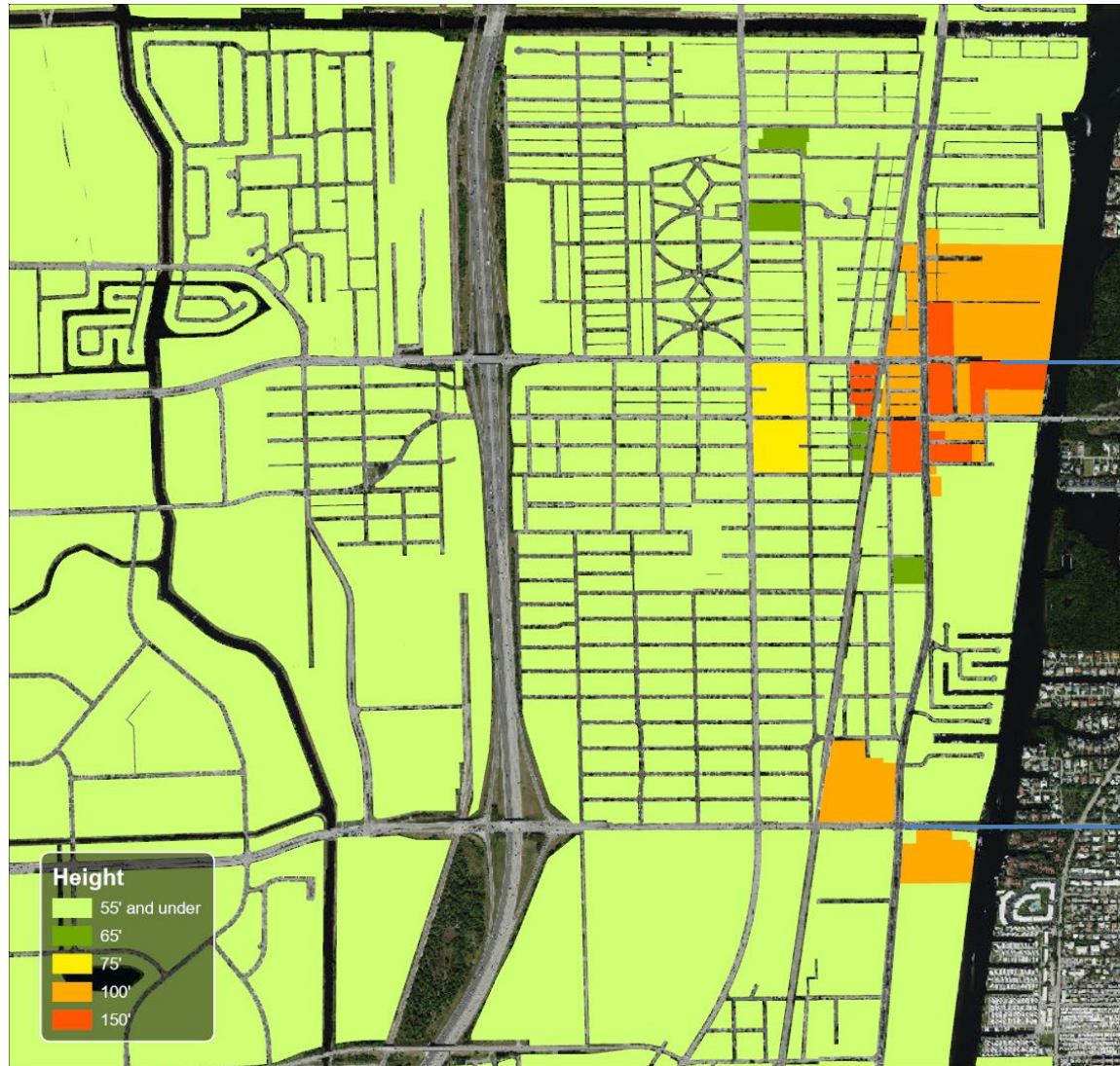
Current Height Regulations: Land by Height



55' and below

150'

Current Height Regulations: Land by Height



Boynton Beach Blvd.

Woolbright Rd.

55' and below

150'

Current Height Regulations: Land by Height



Current Regulations

Height Limitations By Zoning District			
ZONING DISTRICT		MAXIMUM HEIGHT	CODE PROVISION
SMU	Suburban Mixed Use	55*	Chap3. Art III. Sec 1.D Table3-3
MU-1	Urban Mixed Use	55	Chap3. Art III. Sec 1.E Table3-4
MU-2	Urban Mixed Use	65	“
MU-3	Urban Mixed Use	75	“
MU-4	Urban Mixed Use	100	“
MU-Core	Urban Mixed Use	150	“



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5. Legal Considerations

6. Examples for Discussion

Height Comparison

	Size (mi ²)	Population		TOD / Downtown
Jupiter	23.12	61,000	60'	Preserve Village Intel
Delray Beach	16.52	67,000	85'	Conserve 'historic' Atlantic Ave
Boynton Beach	16.57	80,000	150'	Create a destination / Downtown / TOD
Palm Beach Gardens	59.34	59,000	150'	-
Boca Raton	31.59	96,000	160'	
Pompano Beach	24.69	110,000	210'	Increase housing / Attract Industrial Business
Deerfield Beach	16.22	80,000	~	
West Palm Beach	57.98	117,000	308'	Emphasize an urban core w/ transit



Delray Beach

85' TOD / MROC (Mixed R, O,C)

(Chp 4. Art 4.4. Sec 4.4.29. G.2.f)

60' Linton Commercial

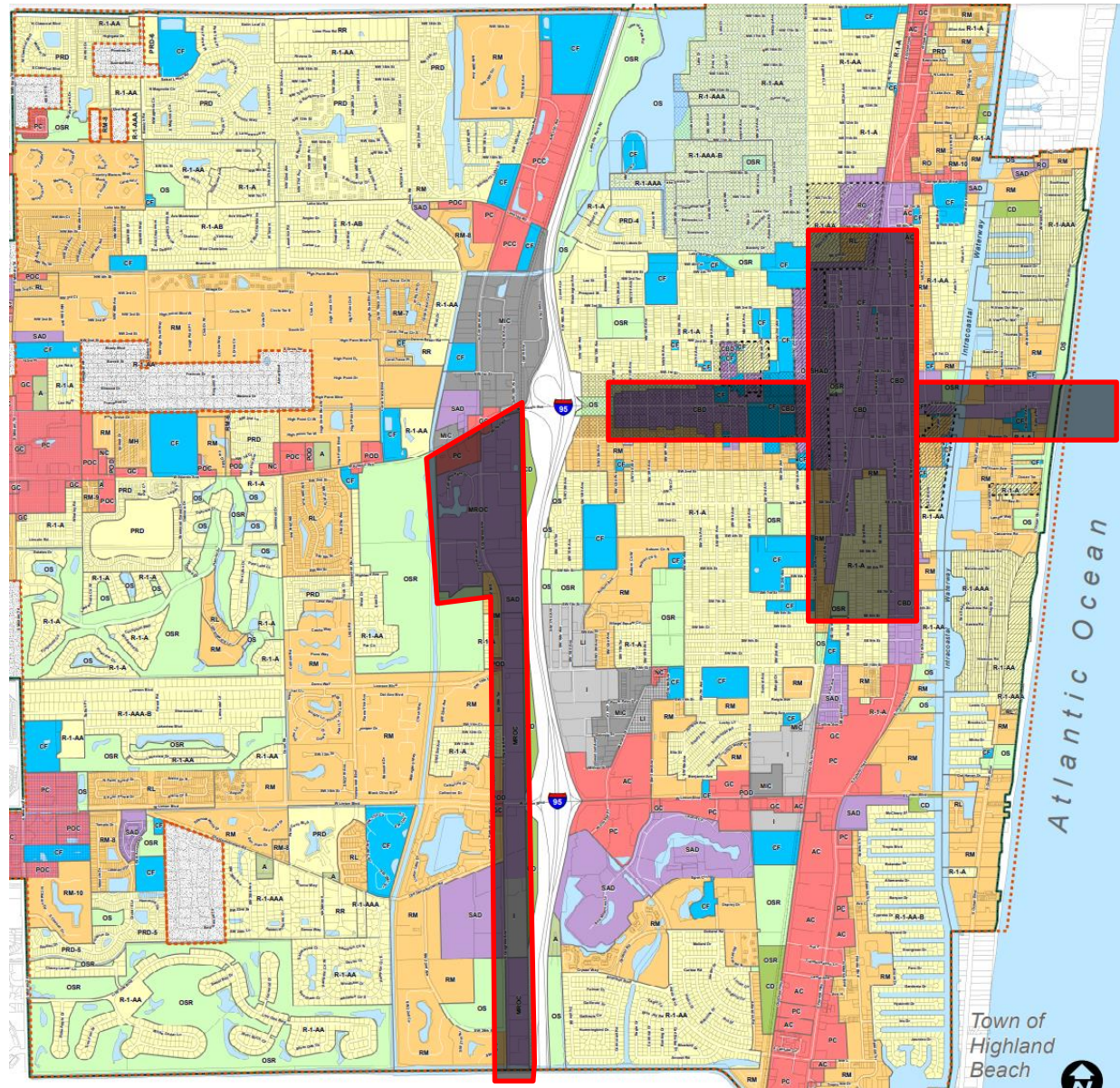
(Chp 4. Art 4.4. Sec 4.4.9. F.3.e)

38'- 54' City 'Historic Main St.'

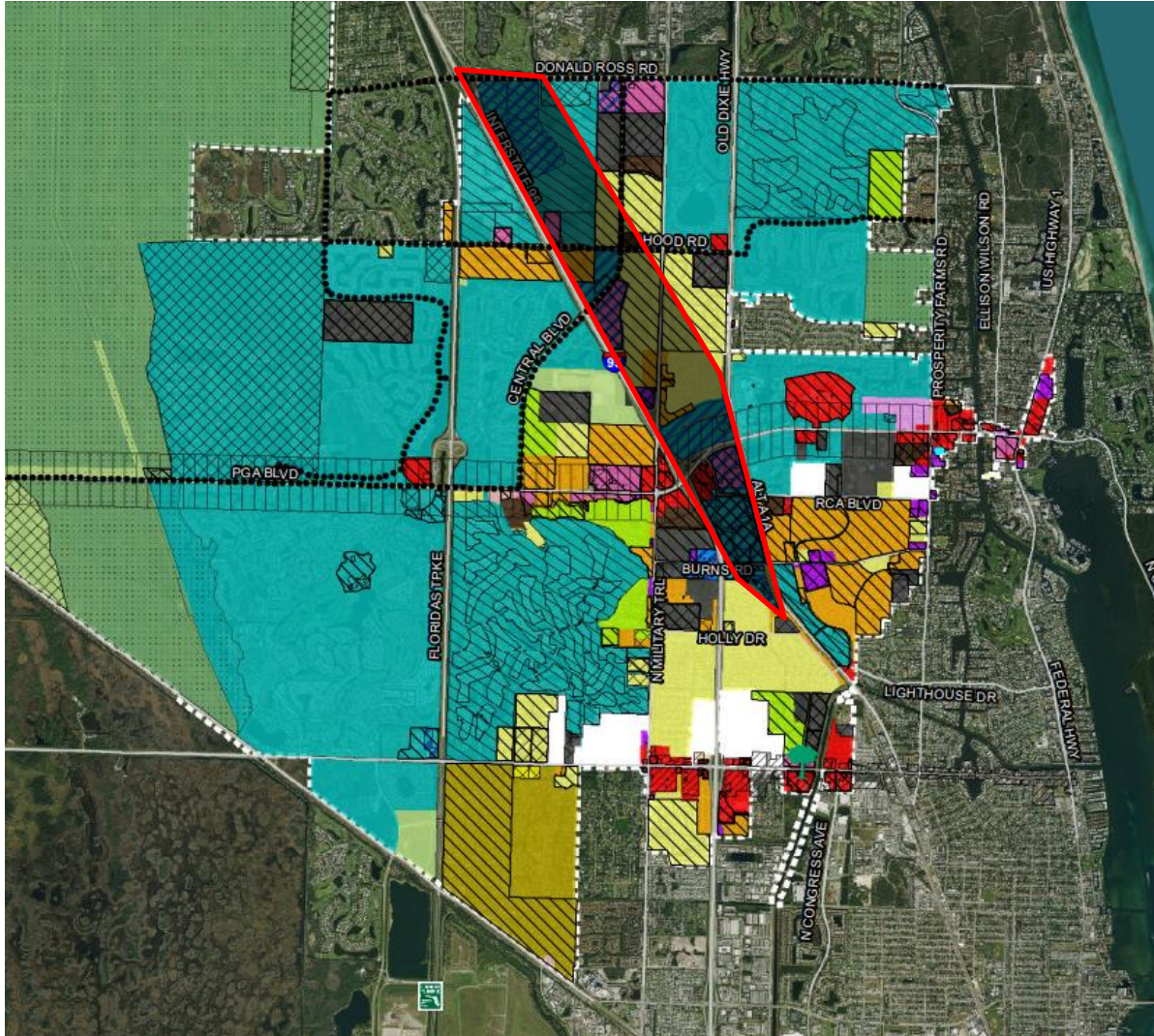
38' Atlantic Ave for fronting parcels

(Chp 4. Art 4.4. Sec 4.4.13. D.1.a)

Height exceptions – architectural features, rooftop apparatuses, parapets ...



Palm Beach Gardens



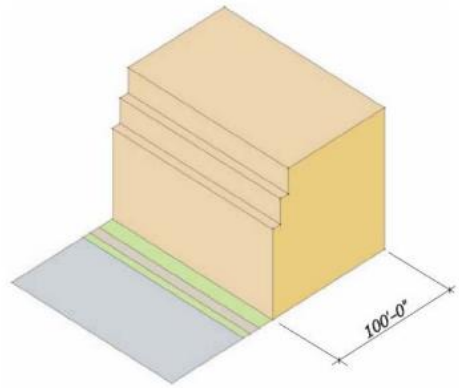
**150' within employment
overlay**

(Sec 78-157.h.3)

**Most other district's max is
below 60'**

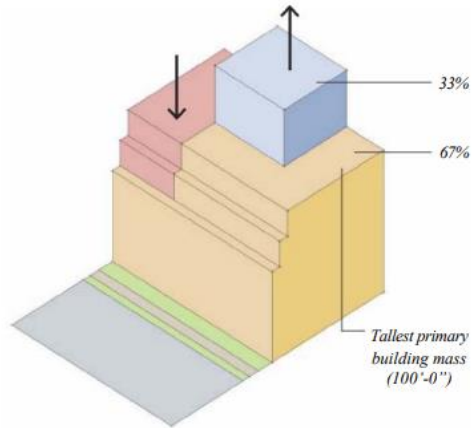
**City Council Height Waivers
for Planned Developments**

Boca Raton

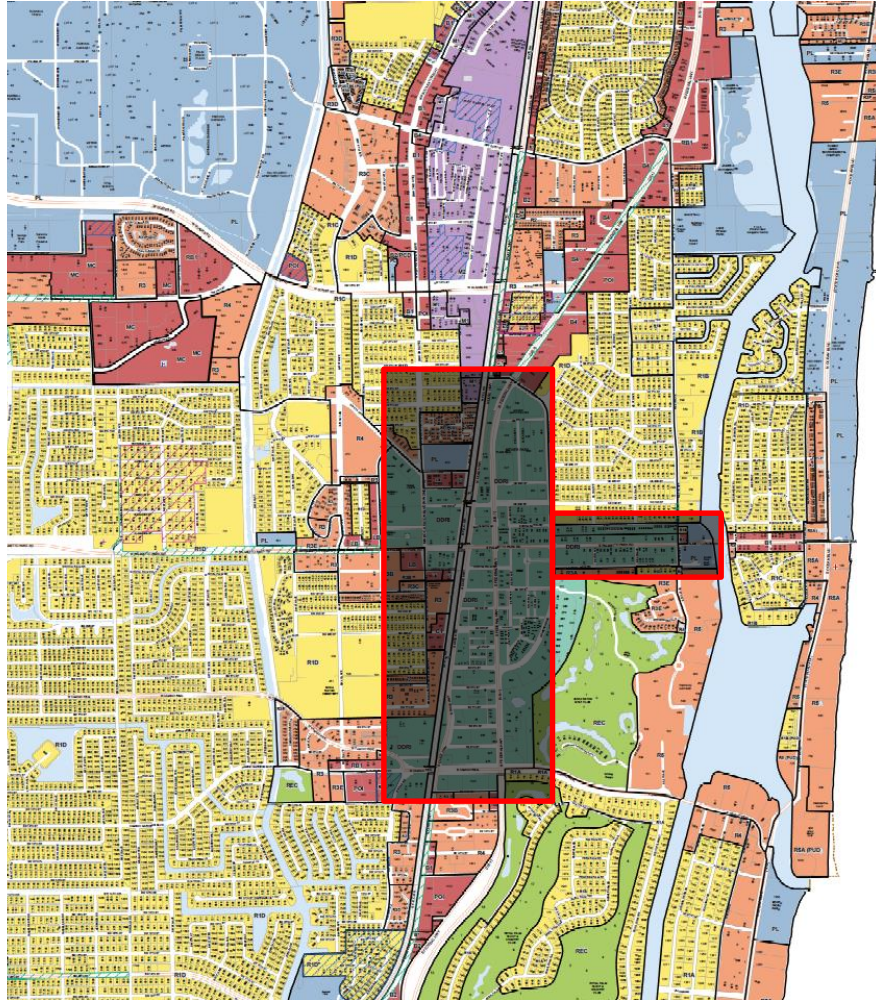


Type A prototype building envelope

By reducing the building volume in some areas, an equivalent volume



can then be redistributed above 140'-0", up to 33% of the tallest primary building mass.



140' downtown of habitable plus 20' non habitable

(Ord. No.4035 – The Downtown Development Order.
Section 2.5.d.1a)

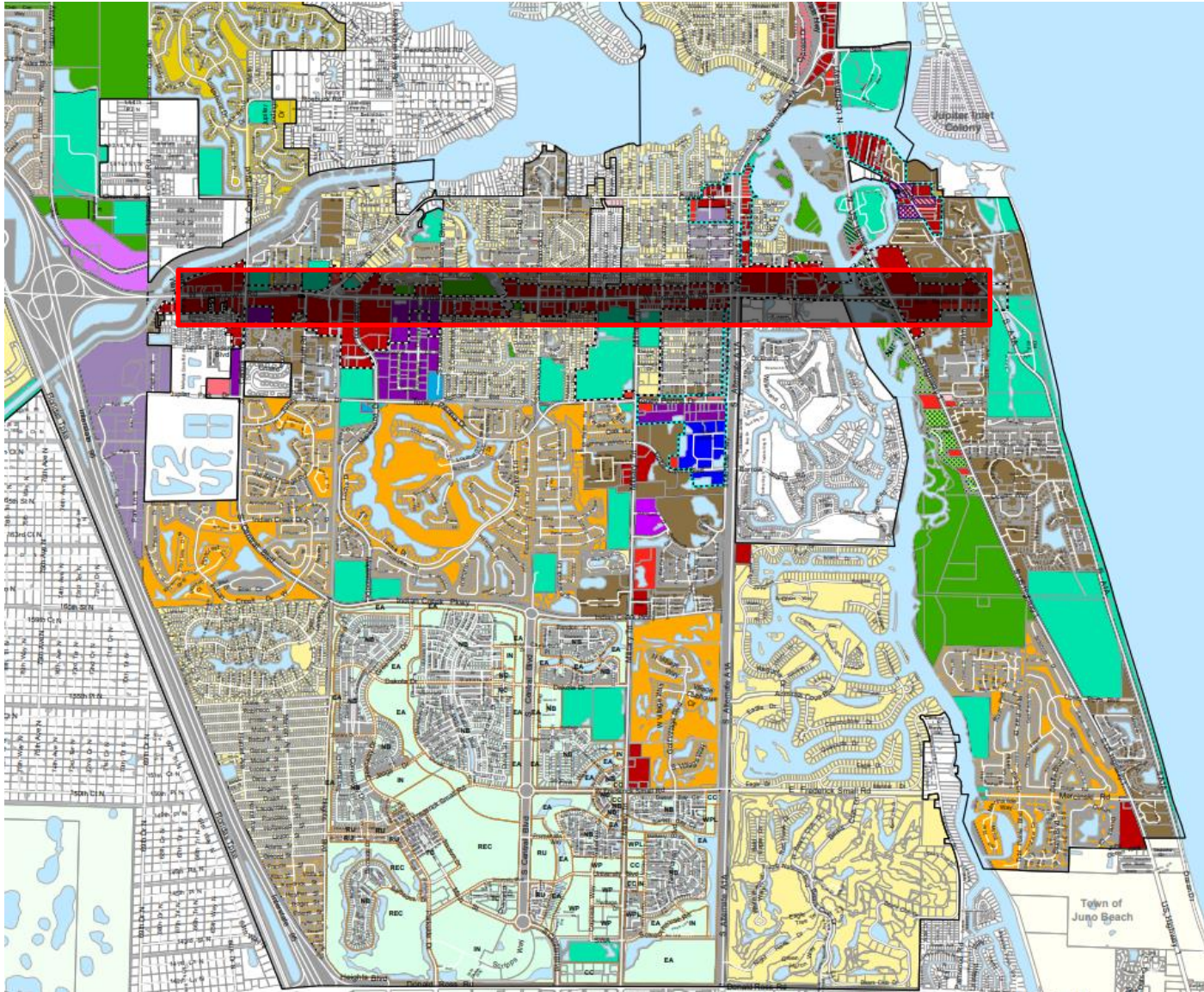
85' PID & Planned Mobility

(Art XIII. Div1. Section 28-1723)
(Art XIII. Div7. Section 28-1251.5)

72' Village Center

(Art XIII. Div7. Section 28-1244)

Jupiter



Indiantown Overlay

60' + 15'

(Chp 27. Art VII. Sec. 27.1527)

(Chp 27. Art VIII. Div 1.Subdiv D. Sec. 27.1641)

Planned Districts

60' + 15'

(Chp 27. Art VII. Sec. 27.1527)

(Chp 27. Art VIII. Div 1.Subdiv D. Sec. 27.1641)

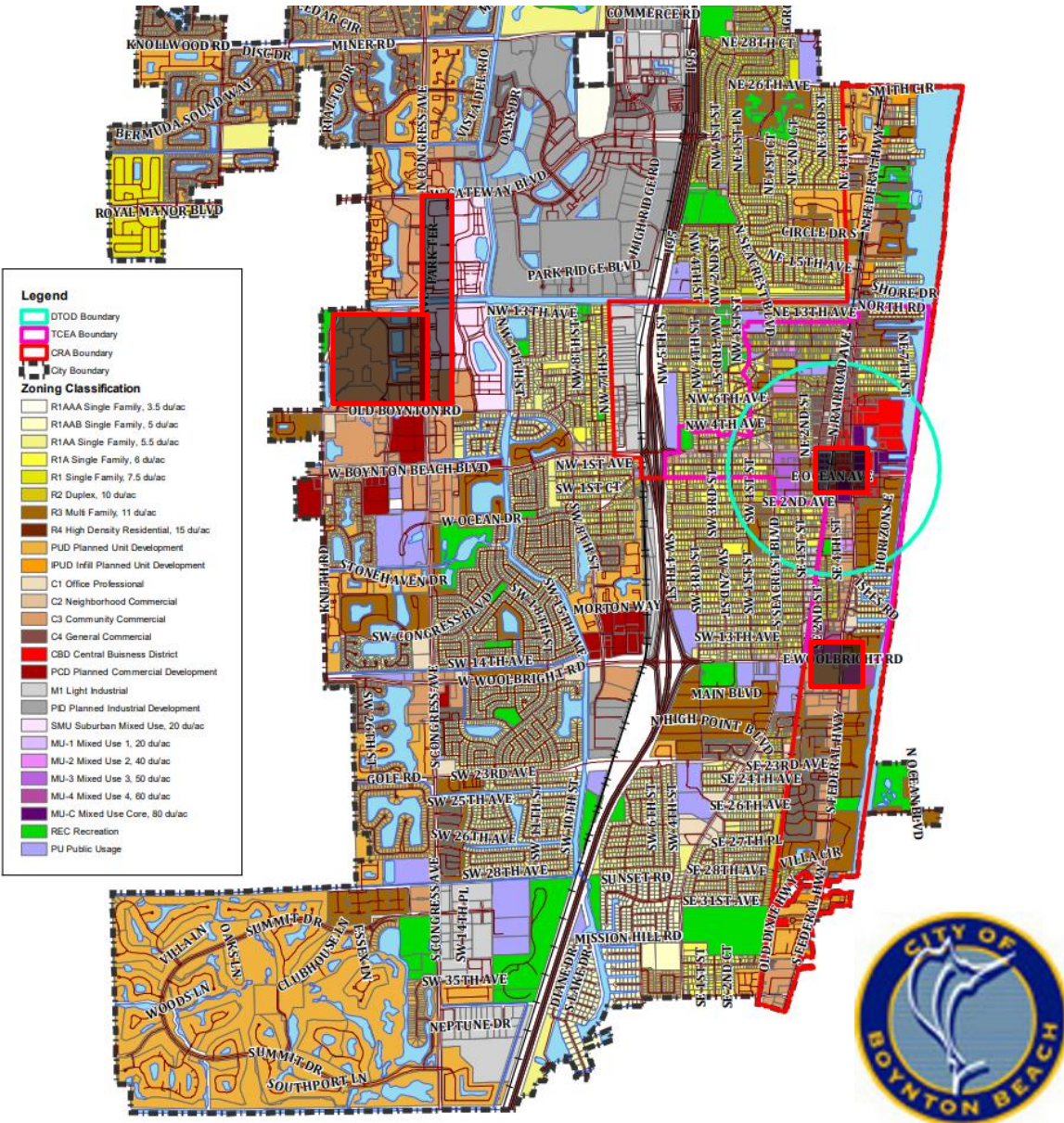
50'- 85' Medical Center District

(Chp27. Art VI. Div15. Section 27-964)

Boynton Beach

100' - 150' MU-C & MU-4 (Downtown/ TOD)

**55' SMU (+20' CU if approved)
Boynton Beach Mall
Congress Ave. District**



Height Comparison

Deerfield Planned Districts & TODs have no set dimensional standards.

Downtown WPB 10 - 25 stories (125'-308')

Pompano Beach 105' or 210' slenderness provision

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5. Legal Considerations
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Factors for considerations

- Economic Development Considerations (TOD)
 - Rooftops needed to make business viable
 - Rooftops & Jobs needed to establish commuter rail station
 - Land Value
 - Tax Base
 - Operational Value
 - Construction costs
- Impacts on Housing Affordability
 - Supply and Demand



Considerations

Is a TOD and a rail station site desired?

Station area goal is 3,000 to 5,000 total residential units within TOD

Station area employment goal: 12,000-18,000 (FDOT TOD Study & SFECC)

Compactness

Higher units/height/FAR in small area OR spread out along larger area

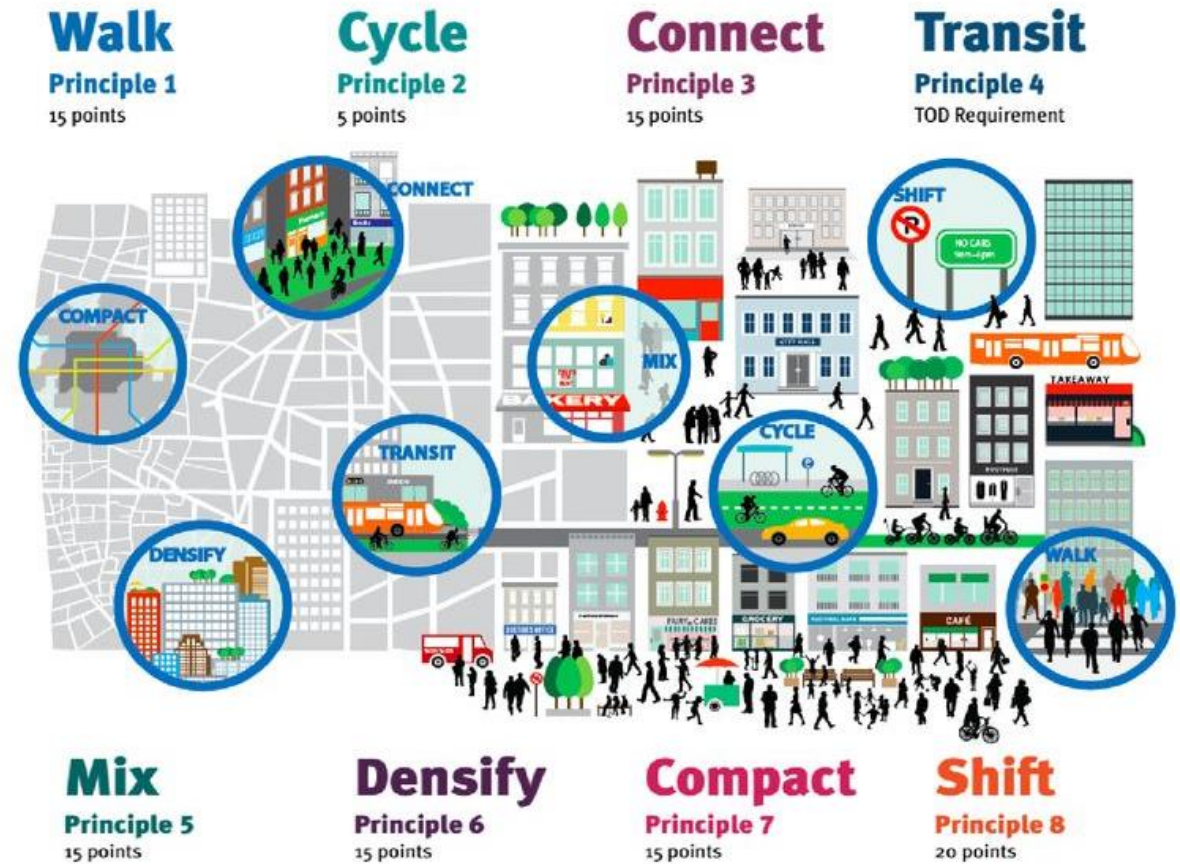


Image Source: "The TOD Standard." The Institute for Transportation and Development Policy (ITDP). <https://www.itdp.org/library/standards-and-guides/transit-oriented-development-are-you-on-the-map/what-is-tod/>.

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Legal Considerations

Amending a Comprehensive Plan §163.3184

- By ordinance, two public hearings by City Commission
- Requires review by Local Planning Agency – Sec 27-89, code designates the City Commission as the City's local planning agency
- Notice requirements for hearings as set forth in this statute
- First Public Hearing: Transmittal Hearing
 - Amendment transmitted to reviewing agencies (County, state)
 - Once review complete returns to City
- Second public hearing: Adoption Hearing
- Small Scale Land Use Amendment, generally less than 50 ac. and no text amendment, adoption process differs (only requires one public hearing)

Legal Considerations

Development Regulations §163.3202

Intended to implement the adopted Comprehensive Plan:

“Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan[.]”

Must be consistent with Comprehensive Plan

Adopted pursuant to ordinance after review by local planning agency. Section 27-89 designates the City Commission as the City’s local planning agency

Legal Considerations

Zoning in Progress Smith v. City of Clearwater, 383 So.2d 681 (Fla. 1980)

- Unless a change in zoning code is pending at the time of application, the applicant can rely on the code in existence at the time of the application.
- If a zoning code is pending at the time of application, the City can require the applicant to comply with the new code.
- Pending does not require City Commission discussion or action, but rather active documented steps by city staff authorized to do the work that would result in the zoning change.
- City Code provides a formal process for Notice of Intent to change the land development regulations Chapter 1, Article IX, City's Land Development Regulations
- Zoning in progress **does not apply to proposed changes to Comprehensive Plans .**

Legal Considerations

Moratorium

**WCI Communities v. City
of Coral Springs, 885
So.2d 912 (Fla. 4th DCA
2004)**

- Valid Planning Tool to preserve status quo while developing new regulations
- No emergency required
- Must be of limited duration, limited to time needed to study and adopt changes
- Must be for proper purpose: “concern about the effect of the proposed development on traffic, on congestion, on surrounding property values, on demand for city services, and on other aspects of the general welfare.”
- Must be adopted using the more formal ordinance adoption process of two public hearings.
- Florida Courts recognize moratorium appropriate when amending comprehensive plan. *Gardens County Club v. Palm Beach County*, 590 So.2d 488 Fla. 4th DCA 1991).

Legal Considerations

Property Rights

Bert J. Harris Jr Private Property Rights Protection Act §70.001, F.S.

When a specific **action of a governmental entity** has **inordinately burdened** an **existing use of real property** or a **vested right** to a specific use of real property, the **property owner** of that real property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government.

Each bolded term is specifically defined in the statute



Legal Considerations

Examples of potential Bert J Harris claims

Altering zoning to eliminate a permitted use

Ocean Concrete, Inc. v. Indian River County, 241 So.3d 181 (Fla. 4th DCA 2018)

Comprehensive Plan Amendments that by their terms apply to specific properties

Hussey v. Collier County, 158 So.2d 661 (Fla. 2nd DCA 2014)

Government inaction, such as a failure to rezone properties, held not to provide a BJS claim.

Boca Center at Military, LLC v. City of Boca Raton, 312 So.3d 920 (Fla. 4th DCA 2021).

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Examples for Discussion

Example A

Lower height maximum of MU-C from 150' to 85

Lower height maximum of MU-4 from 100' to 80

ZONING DISTRICT		MAXIMUM HEIGHT	Example A
SMU	Suburban Mixed Use	55	55
MU-1	Urban Mixed Use	55	55
MU-2	Urban Mixed Use	65	65
MU-3	Urban Mixed Use	75	75
MU-4	Urban Mixed Use	100	80
MU-Core	Urban Mixed Use	150	85

Considerations

1. Most projects have been built/ approved considerable lower then the permitted 150'
2. Minimal impact as much of land area is developed and/or has approved plans / vested projects
3. Property owners within MU-C and MU-4 may consider the reduction a taking.
4. Approved and built projects (Casa Costa, Villages at East Ocean, Marina, Ocean One, Riverwalk) may be construed as legally non-conforming. This may lead to lending problems, issues rebuilding after damage, and may be perceived as a taking.
5. Language can be crafted to counter some of these effects.
6. Can be done via LDR amendment / Ordinance

Examples for Discussion

Example B

Lower height maximum of MU-C from 150' to 110'-149'

ZONING DISTRICT		MAXIMUM HEIGHT	Example B
SMU	Suburban Mixed Use	55	55
MU-1	Urban Mixed Use	55	55
MU-2	Urban Mixed Use	65	65
MU-3	Urban Mixed Use	75	75
MU-4	Urban Mixed Use	100	100
MU-Core	Urban Mixed Use	150	110-149

Considerations

1. Most projects have been built/ approved considerable lower then the permitted 150'
2. Minimal impact as much of land area is developed and/or has approved plans / vested projects
3. Projects within MU-C may consider the reduction a taking.
4. Approved and built projects (Casa Costa, Villages at East Ocean, Marina, Ocean One) may be construed as legally non-conforming. This may lead to lending problems, issues rebuilding after damage, and may be perceived as a taking.
5. Language can be crafted to counter some of these effects.
6. Can be done via LDR amendment / Ordinance

Examples for Discussion

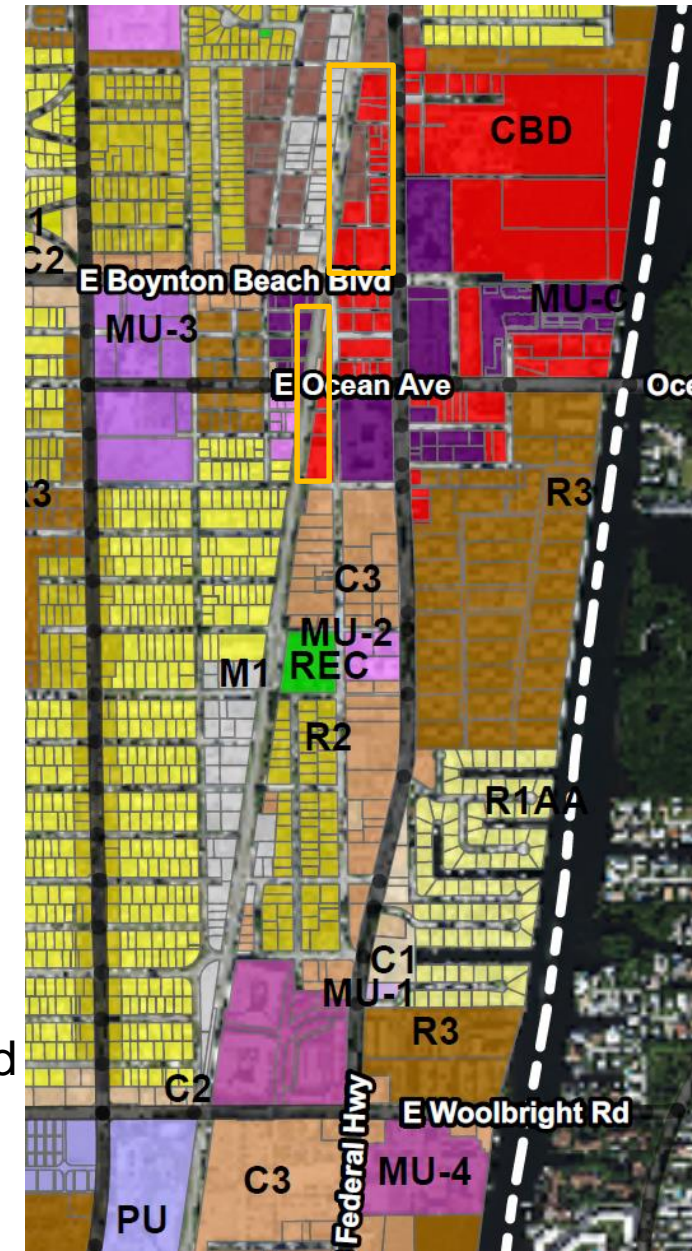
Example C

Make no changes to Land Development Regulations; revise the Downtown District portion of the CRA Plan to change smaller parcels to have a Future Land Use of MXM (MU-3) instead of MXH (MU-C)

ZONING DISTRICT		MAXIMUM HEIGHT	Example C
SMU	Suburban Mixed Use	55	55
MU-1	Urban Mixed Use	55	55
MU-2	Urban Mixed Use	65	65
MU-3	Urban Mixed Use	75	75
MU-4	Urban Mixed Use	100	100
MU-Core	Urban Mixed Use	150	150

Considerations

1. Most projects have been built/ approved considerable lower then 150'.
2. Only one full block assembly remains which is planned to be MU-C (115 Federal) and that land is owned by the CRA.
3. MU-C is a compact area located within downtown and the TOD
4. MU-4 is a compact area located at the secondary node intersection and limited to four blocks.
5. Changing the proposed Future Land Use removes some potential density
6. CRA Plan amendment to change Future Land Use recommendations



Examples for Discussion

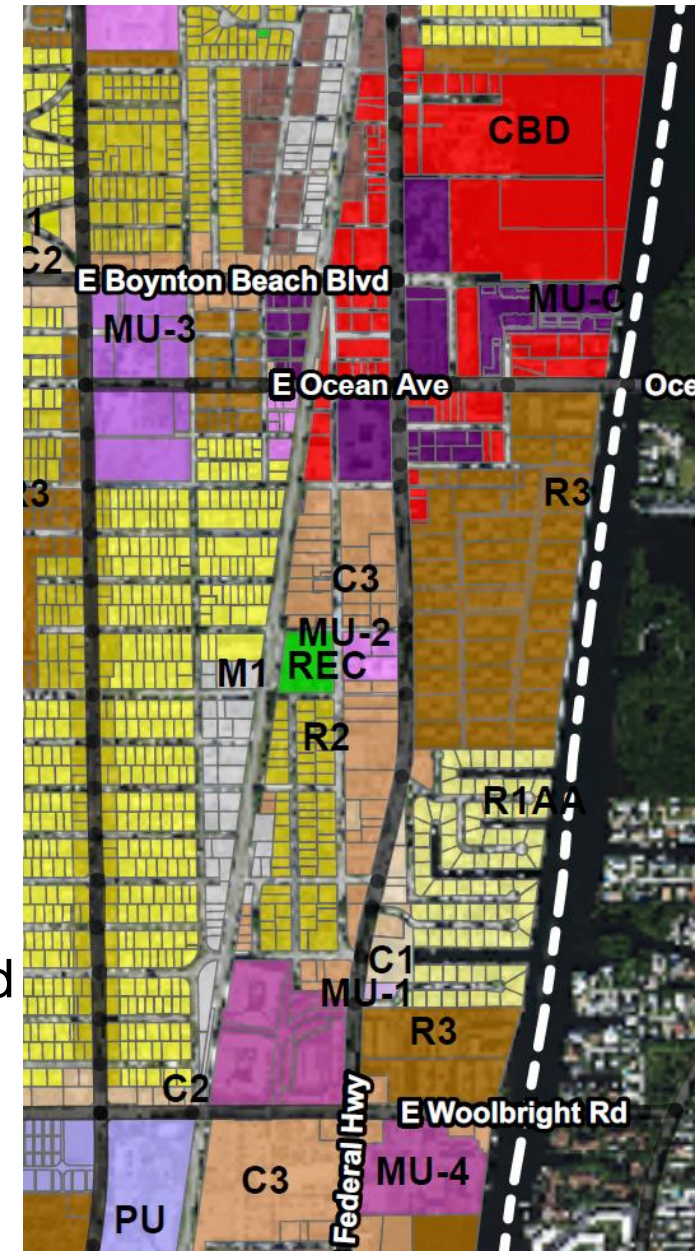
Example D

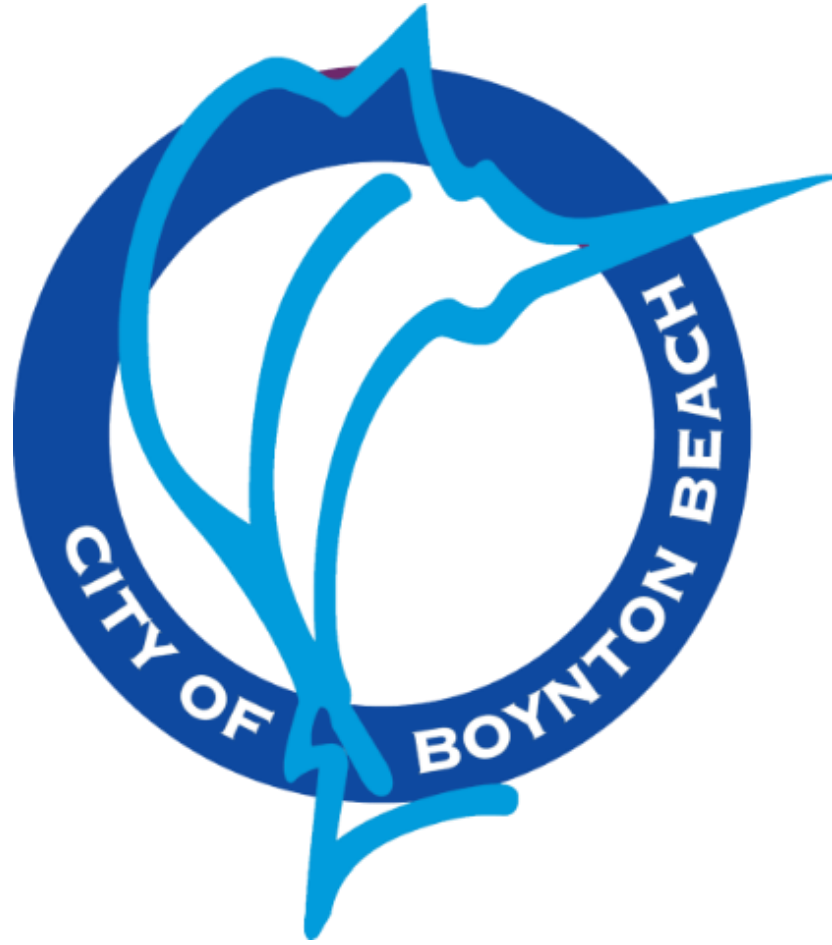
Make no changes.

ZONING DISTRICT		MAXIMUM HEIGHT	Example D
SMU	Suburban Mixed Use	55	55
MU-1	Urban Mixed Use	55	55
MU-2	Urban Mixed Use	65	65
MU-3	Urban Mixed Use	75	75
MU-4	Urban Mixed Use	100	100
MU-Core	Urban Mixed Use	150	150

Considerations

1. Most projects have been built/ approved considerable lower then the permitted 150'.
2. MU-C is a compact area located within downtown and the TOD
3. MU-4 is a compact area located at the secondary node intersection and limited to four blocks.





Questions?