

SEPTEMBER 2023

**WEST PALM BEACH
BROADWAY MIXED-USE DISTRICT**

**REGULATORY
ANALYSIS**



WEST PALM BEACH

Analysis of West Palm Beach Broadway Mixed-Use District (BMUD) Land Development Regulations, Historic Properties, and Zoning

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FOR:

**CITY OF WEST PALM BEACH
COMMUNITY REDEVELOPMENT AGENCY**

IN SUPPORT OF:

BMUD ZONING REGULATIONS AND COMPREHENSIVE PLAN AMENDMENTS



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CHAPTER 1 REVIEW OF PREVIOUS PLANS + STUDIES

The CRA's objective is to formulate code amendment recommendations for the two-mile BMUD corridor stretching from 25th Street northward to 59th Street along Broadway (also known as U.S.1) in northeast West Palm Beach. These code amendments should support economic development, investment, and physical improvement desired in this corridor and protect the surrounding community. In the initial phase of the Code Update, the CRA and its consultant team reviewed a wealth of prior research and analysis conducted for the Broadway corridor and have included below a short synopsis of each of the five key documents, listed below in reverse chronological order. The team will use this collected intelligence to inform the processes of public participation and code development in upcoming phases of the project.

I. Broadway Mixed Use District (BMUD) Land Use Analysis and Recommendations (2022)

Through a combination of field work, public outreach, and GIS data analysis, **Urban Land Institute's Team 5** evaluated (a) potential land use, zoning, and development control changes along the corridor that would promote redevelopment, (b) the existing, potentially catalytic sites and best redevelopment strategies, and (c) needed mobility improvements.

The study analyzes existing lot depths, current zoning standards, CRA-owned property, and multi-jurisdictional authority governing the district. It shares these facts:

- Lot depths in BMUD I portion of the corridor southward from 39th Street are generally consistent at 100 feet.
- Lot depths in BMUD II, northward from 39th Street, vary from 38 feet to 270 feet.
- Buildout presently may not exceed 830,000 s.f. of retail/commercial use and/or 830 residential units, based on a 1,000 s.f. average size per unit.
- The height limit remains at 2 or 3 stories, depending on location.

- Florida DOT owns and maintains the roadway, and any increases to buildout would require approval by both Florida DOT and Palm Beach County. This jurisdiction over the roadway also presently prevents the elimination of one of more the four travel lanes as a way to gain additional depth for lots and sidewalks.
- The CRA owns 2401 and 5706 Broadway, assets intended to be used to anchor and catalyze new development.
- The PBC Transportation Planning Agency designated the corridor as a priority in a 2017-18 study.

A. Suggested Land Use and Regulatory Change

The ULI team found the BMUD’s intensity standards too low to support a pedestrian-oriented, mixed use district. Because of the sensitivity of directly adjacent residential neighborhoods, including substantial sections designated historic, they recommend “moderate” rezoning with compatible transitions to residential single-family districts. This intensification could be accomplished with **incentive or by-right zoning** amendments offering flexibility in building height in exchange for public benefits provided. As an example, if structured parking, public open space, green building elements, and/or a specified percentage of affordable housing is provided, then a building could be built to four or five stories of “vertically integrated mixed use”.

The study recommends **expanding the BMUD district and creating “Edge” districts** that flank the corridor north of 40th Street all the way to 59th Street. The expanded BMUD zone would achieve lot depths of 140 to 170 feet. The expanded BMUD and the Edge zones would overlay the single-family districts by a depth of roughly four to eight lots in total on either side of the corridor. The rationale for this recommendation is that larger projects could be more easily built and residential intensification

Note: While creating Edge districts is described as sensitive to surrounding neighborhoods, this approach has significant potential to engender distrust among residents who live on or near the potentially affected properties, many of which are located within historic districts. If poorly executed, this approach could potentially further destabilize surrounding neighborhoods. The ULI study itself notes that north of 45th Street, expanding the BMUD and creating Edge zones would overlap with the Northwood Harbor Historic District where 70 to 80% of the buildings are historically contributing. **As with all recommendations made in documents discussed here, the Code Update team will examine the merits of this recommendation and compare with all available options for supporting corridor redevelopment while protecting existing neighborhoods.**

achieved during lot acquisition and assembly. The plan suggests that this “Edge” zone scenario could be achieved either by a straight rezoning or by regulating the conditions that must be met to get project-specific rezoning and expand the BMUD and accommodate the project. Changes to Comprehensive Plan future land use and zoning would be required to create these new or expanded districts.

The plan also recommends recalibrating the uses permitted in the BMUD. It supports the allowing marine-related or marine-supportive uses as related to the neighboring waterfront industry and services. It also recommends studying ways to prohibit or make conditional certain uses that have been associated with crime activity in the corridor, including motels, convenience stores and pawn shops.

The ULI authors assert that attracting development will require municipal incentives such as property tax breaks, which ultimately will be vastly offset by the revenue generated by new development. In addition, the study recommends that CRA and City planning staff work together to create an affordable housing density bonus program to incentivize affordable residential development without drawing from the redevelopment pool. Further, it recommends that once 25 to 50% of the 830-unit pool is exhausted, a land use amendment be approved to allow additional residential entitlements.

B. Land Redevelopment Opportunities

The ULI study identifies two key nodes for intensification along the corridor:

(1) **40th to 45th Street**, where (a) there is direct access to I-95 and the port, (b) there are no historic zones adjacent, and (c) there is considerable property under single ownership. Also,

(2) **26th to 28th Street and between US1 (Broadway) and the railroad**, where (a) there are fewer residences, (b) there is a fair amount of publicly owned property, (c) alleys could be abandoned, and (d) land is adjacent to the NMUD, GC, and NMUD Edge districts.

Other areas to watch are:

(3) **25th to 33rd Street**, where there is a significant amount of vacant land, and full block assemblages could yield .72 to .86 acres, and

(4) The **intersection of 36th and Broadway**, where well-maintained and historically significant homes are in proximity of a vacant corner lot.

Finally, the ULI authors underscore the **potential of the two CRA-owned properties** at 2401 and 5706 Broadway to serve as catalytic anchor sites. They assert that the development of 2401 Broadway will be the most immediately feasible and impactful, given its position as a gateway to the corridor. They suggest that multi-family residential development with a grocery store may be the best choice there. They believe the 5706 Broadway site will have great future potential once the corridor is activated with private investment. In the meantime, it can serve as an event driven space that brings people to the corridor and demonstrates the market to future investors, perhaps with regular use as a site for an outdoor beer garden, food trucks, and/or live music and art events.

C. Mobility Improvements

Noting Broadway's lack of shade, pedestrian buffers, transit shelters, and adequate crosswalks, as well as the heavy traffic from the broader regional transportation system, the ULI authors recommend these *short-term* strategies:

(1) **Tactical urbanism**, or non-permanent treatments of public spaces to suggest activation and identity of a place. These tactics can include barriers, landscaping, signage, street furniture, and surface treatments. They can be married with a campaign to develop high visibility crosswalks and public art as well as with the development of a unified landscape plan.

(2) **Multi-modal transportation options** that do not have to be coordinated through FDOT, such as (a) expansion of free ride services through the City's trolley program, Freebie, or other micro-mobility options; (b) utilization of Brightline's last mile services which are currently free of charge; and (c) installation of bike racks, bike repair stations, and outdoor seating.

In the *long term*, the study recommends familiarity and coordination with FDOT's Work program in order to achieve improvements such as:

- (1) A shared use path in the roadway,
- (2) Removal of some medians to regain needed depth for sidewalks and lot

- redevelopment,
- (3) Installation of modest landscape buffers, and
- (4) Expansion of the FDOT improvements planned for the 25th to 45th Street segment north to 59th Street.

Further, the ULI authors indicate that the above will require:

- (5) Readiness to seek grants to supplement what FDOT provides,
- (6) A strategy for buffering sidewalk spaces from the roadway, and
- (7) A strategy for activating the district's alleyways.

II. Broadway Reimagined (2021)

The City's Housing & Community Engagement Department conducted a **public engagement initiative** called Broadway Reimagined in November 2021 to solicit support for the City's application for Department of Transportation (DOT) funding "to improve the Broadway Corridor from 25th Street north to 45th Street". The initiative targeted outreach to the residential areas near this segment of Broadway and included an in-person/ Zoom presentation, phone calls to residents, neighborhood canvassing, emails, social media blasts, and an interactive website. Emails were sent to 5,367 residents in this geographic area.

Broadway Reimagined revealed significant support for the proposed improvements, which were publicized to include upgraded crosswalks, accessibility, shade trees, landscaping, lighting, and a new multi-use trail on the East side of the corridor. The initiative produced 271 signatures of support. Residents expressed particular interest in **traffic calming measures, better street lighting, and green infrastructure**. These findings are consistent with the intended purpose of the Code Update and will be further confirmed and vetted through the Update's public participation component.

III. City of West Palm Beach Comprehensive Plan (2017)

The City's primary policy document, its Comprehensive Plan, includes policy statements directly and indirectly relevant to the present Code Update for the Broadway corridor. The following Comprehensive Plan Elements contain particularly instructive policy direction:

A. Future Land Use Element

The Future Land Use Element's City-wide policies provide an **enlightened policy basis for urban revitalization and redevelopment**, which to date has been applied in other sub-sections of the City, such as Downtown and the Northwood and Currie Mixed Use Districts. These policies are generally consistent with CRA goals for the BMUD, with the possible exception of the buildout maximum (last bullet in this section). Notably for this Code Update, this element:

- Specifies that development regulations for every mixed use district must include a regulatory framework for building placement, typologies, public open space, and/or street and pedestrian connectivity (1.7.2.1), and that these regulations must promote an urban form which creates well integrated land use combinations, balances intensity and density, promotes interconnectivity, enhances the public realm, protects historic resources, and promotes sustainability (1.7.2.1d);
- Specifies that goals and objectives for a Mixed Use District may be accomplished through the use of incentive programs (1.7.2.1b);
- Requires the City to work closely with West Palm Beach's neighborhood associations in their revitalization efforts (1.2.5);
- Requires a Historic Preservation ordinance (1.2.6c and 1.4.9) and an inventory of historic sites and districts (1.4.9), and includes further policy protecting historic properties;
- Requires the City to facilitate and encourage infill development especially in the eastern portions of the City (2.1);
- Requires the City to protect existing residential properties adjacent to the U.S.1 Commercial Corridor (2.5);
- Promotes crime reduction through Crime Prevention Through Environmental Design (CPTED) principles (2.3);
- Promotes traffic calming (2.4.2); and
- Discourages street abandonment and closure in order to preserve connectivity (2.4.3).

With respect to the BMUD area itself, the Future Land Use Element requires:

- The City to promote mixed use in the BMUD (1.12.6.1)
- Development regulations for the BMUD be included in the Zoning Code, and that these contain a graphic document that maps the location of building types (defined in the regulations) and specifications about allowed uses, heights, siting, and parking; and
- BMUD buildout not exceed 830,000 s.f. of retail/commercial use and/or 830 residential units, based on a 1,000 s.f. average size per unit (1.7.2.4).

It is also notable that the City established a highly relevant precedent by **precluding expansion of a commercial zone past an adjacent alley or street (2.5.2) or onto a property with a historically designated residential structure (2.5.3a).**

B. Downtown Master Plan Element

This element, while specific to the Downtown District and not the BMUD, establishes a strong precedent for districts like the BMUD by affirming an intention to generate a **unified, memorable, comfortable, and socially rich environment supported by sustainable and efficient transit** (Vision Statement). This vision is certainly also worthy of the Broadway corridor and its surrounding community.

“The Downtown Area shall be a place of unity, which its residents and visitors, at work or play, feel attached to and responsible for...” and that the area shall have: “unique character with public spaces in which people feel comfortable interacting.” (Goal 1)

C. Historic Preservation Element

The City has demonstrated its commitment to supporting the historic character of its neighborhoods by designating numerous historic districts and by including this optional element in its Comprehensive Plan. The element sets forth these five historic preservation goals for West Palm Beach:

- (1) To identify and evaluate historic resources,
- (2) To recognize and register them,
- (3) To educate and build awareness about them,
- (4) To coordinate policies to assure their protection, and
- (5) To provide economic incentives for historic preservation.

The Historic Districts Map shows five historic districts in proximity to the Broadway corridor: Northwood Hills, West Northwood, Northboro Park, Old Northwood, and Northwood Harbor; the latter three are directly abutting the corridor. **The closeness of these historic resources to the spatially constrained corridor is an important issue for further consideration** within the scope of the Code Update. Property-by-property analysis of adjacent historic resources will be necessary to ensure a sensitive regulatory approach to redevelopment.

D. Recreation and Open Space Element

This Plan element is relevant to the BMUD code update because **access to green, open space is an integral part of a complete and attractive urban experience**, as is desired in the Broadway corridor. The Element includes goals and policy related to the preservation and protection of the City's open space resources, safety, universal access to open space, intergovernmental and cross-sector cooperation, aesthetics of parks and open space, and the trails, bike paths, and greenway linkages between public open spaces. The City aspires to furnish a park within a half mile walking distance of residential development (1.1.1) and delineates six means by which private developers can provide open space and recreation facilities as a public benefit of their project(s)(1.2.1).

The Parks and Open/Green Spaces Map shows five parks in the vicinity of the Broadway corridor: Manning Butterfly Park, Brian H. Chappell Park, Fogleman Park, Osprey Park, and Gettler Park. All are at least one or two blocks away from the corridor; three are to the east on the waterfront. As is mentioned in other studies referenced here, improved linkages and aesthetics between the corridor and these green spaces are much needed and could be an initial action to spur early redevelopment investments in the corridor. Subsequent action to create a coherent and connected green, public space throughout the improving corridor should follow. The former action will require City investment; the latter can potentially be achieved as a component of development approvals.

E. Transportation Element

The City's Transportation Vision is consistent with the goals of the Code Update project. It includes eight principles that demonstrate an **aspiration towards a multi-faceted mobility system** not overwhelmingly geared towards the automobile. In fact, transit and non-motorized mobility options are given high priority, as are such cutting edge concepts as Complete Streets and smart transportation management technologies, as well as aesthetic, environmental, and land use considerations as key factors in transportation planning.

In this way, the City has expressed its intention to transform areas like the Broadway corridor, which is currently automobile-oriented in its configuration and land uses, into more transit-, pedestrian-, and bicycle-friendly places. The City acknowledges the interdependence of mobility infrastructure and surrounding businesses and homes, and also the need for the public spaces which connect it all to be attractive and comfortable. The Code Update will better realize these policy and vision statements on Broadway.

F. Potential New City Policy

The Code Update project is likely to identify various policy update recommendations for the forthcoming Comprehensive Plan Update. At this preliminary stage, it is likely the updated Comprehensive Plan should include, at a minimum, **new Sub-Area Plans** for the Broadway corridor, as has been done for other sub-sections of the City. These plans may include updated policy for land use, for building and streetscape form and design, for development review policy, and for supportive programming and coordination within the corridor.

IV. North End Visioning Plan (2014)

This visioning and planning exercise was conducted by Redevelopment Management Associates (RMA) through a series of public workshops and related study in West Palm Beach's North End, which included the Broadway corridor. One of the highest priorities identified for the corridor was to **address existing crime and social conditions** by establishing a Broadway Development Tactical Team via a partnership between police, code officers, neighborhood associations, and social service providers.

The team delineated **three zones along the corridor**, distinguished by their predominant characteristics. Zone 1 is the southern section of the corridor below 40th Street, composed primarily of multi-family housing, where the following conditions can be observed: deeper lots, alleys, and poor street frontage. Zone 2 is the corridor mid-section from 40th to 47th Street, where mixed use development is observed to have the following conditions: irregular lot depths, no alleys and poor street frontage. Zone 3 is the predominantly commercial northern section of the corridor north of 47th Street, where irregular lot depths, no alleys, and poor street frontage are also observed. These zones are aligned with the "sections" defined in the 2005 CRA Strategic Finance Plan (below).

The plan notes the following additional **existing general conditions**: overriding automobile orientation to the corridor, piecemeal public sector acquisition (which has largely been addressed since the time of the study), intense commercial uses abutting and encroaching upon residential property, insufficient landscaping or buffering, destabilized historic districts, high speed traffic, narrow sidewalks, poor visibility at intersections, and crime and safety issues at the rear of commercial properties. Further, at the time of the study, geometric constraints for

CURRENT DEVELOPMENT PROJECTS ALONG THE CORRIDOR

The only current project underway in the corridor is at 3404 Broadway, where an approved two-story residential development with 24 units will be built in two phases. Existing residential structures will be removed during Phase 2. This project's implementation should be coordinated to the extent possible with City policy and CRA plans for the BMUD districts.

redevelopment could not be alleviated by eliminating one or more travel lanes on Broadway because of Florida DOT restrictions (this is true in the present as well).

The Visioning Plan's **key recommendations** center on innovative policing, property acquisition and reuse, lighting and other security measures, social programming, roadway improvements, marketing and branding, and zoning changes to encourage redevelopment. From a design point of view, the plan advocated accentuating the corridor with special architectural features, connecting centers and open space, identifying locations for additional parks, installing greenways that connect to parks, and other special entry features at the intersections with 24th, 25th, 30th, 36th, 40th and 45th Streets.

The zoning changes recommended by the RMA team within the BMUD include eliminating the minimum height provision, maintaining a maximum height of three floors, dividing the zones by uses, encouraging mixed use and residential use in specified locations, and establishing incentive programs for building and site improvements.

V. Northwoods Pleasant City CRA Strategic Finance Plan (2005)

In this statutorily required planning document, the Northwood Pleasant City CRA lays out a five-year strategic redevelopment plan to fulfill its purpose of implementing an aggressive approach to addressing conditions in the Northwoods Pleasant City District. This plan identifies the CRA's intent to acquire property in support of a catalytic development project which spurs private sector real estate developments in the BMUD. It also notes that the BMUD falls entirely within City Commission District 1 and that it is accounted for in the CRA Budget as "Fund 107".

The plan's overall goals for the BMUD are to make it safer for pedestrians, bicyclists, and transit users; to assess and refine the regulatory structure; and to acquire land for a catalytic project. It proposes the following for the three sections of the corridor:

Section 1 (from 25th to 40th Street): multi-family residential with boutique hotels. It notes that this portion of the corridor is likely easiest to redevelop because of the consistent lot depth.

Note: *As noted above, the CRA has acquired 2401 and 5706 Broadway since the time of this plan and is poised to utilize these properties for catalytic projects at their respective intersections.*

Section 2 (40th to 47th Street): mixed use, with key intersections at 40th and 45th Streets.

Section 3 (47th to 59th Street): continued commercial use, with an emphasis on marine-related or marine-supportive businesses, but with interventions to correct encroachment issues through the land development regulations and through land assemblage by developers.

CHAPTER 2 URBAN ANALYSIS

I. Background. The Broadway Mixed Use District was first introduced into the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs) in 2003. This action occurred in the same year that the Currie Mixed Use District (CMUD) was established and two years before the Northwood Mixed Use District (NMUD) was established. The CMUD and NMUD have since been amended with substantially detailed regulating plans. Meanwhile, the BMUD code has not been significantly altered since its inception. This analysis is intended to lay a foundation for further development of the BMUD code so that it better catalyzes and guides desired development in the district.

As they exist today, the BMUD provisions in the code describe the intent, boundaries, administration, and development standards of the district, as well as specific regulations concerning public open space, civic buildings, historically designated structures, and lot size requirements (Article VII, Sec. 94-219). They also include brief, minimally illustrated regulating plans for each of two sub-sections of the district: BMUD Building Type I (Sec. 94-220) and BMUD Building Type II (Sec. 94-221), dividing the corridor district into two parts, on either side of 39th Street, which each have distinct uses and desired character, as was also noted by the ULI study. This delineation of the two portions of the BMUD corridor is reflected on the Existing Zoning Map, which also splits the district into BMUD I and II at 39th Street (note: the district is flanked predominantly by single family residential land uses and a few parcels devoted to multi-family, religious, municipal, or vacant uses).

II. District Regulations. The parameters of the current code update process are generally consistent with the **codified Intent of the BMUD**:

The Broadway corridor is a linear, urban, pedestrian-oriented, mixed-use district located along Broadway, north of 25th Street extending to the city limits. Unlike suburban residential and commercial areas, this type of mixed-use district requires urban types of development regulations. The intent of the development standards for the Broadway corridor mixed-use district is to create a predictable, urban corridor that adds vitality to the adjacent Northwood business district and preserves the character of the adjacent residential properties. The building massing, height, and land uses compliment the 1-2 story single-family residential neighborhoods to the east and west and the urban retail and residential buildings prescribed in the Northwood mixed-use district (NMUD). (Sec. 94-219a)

A. *Defining Overall Provisions for the BMUD.* These are found in Sec. 94-219 and include requirements to:

- Use building massing, height, and land use to complement the adjacent one- to two-story residential neighborhoods;
- Satisfy building code over the BMUD code, and satisfy BMUD code over the original underlying zoning; and
- Encourage public open space at locations “designated on the BMUD regulating plan”, including open space that is “privately owned and maintained...accessible to the general public”.

B. *Provisions in Common Between BMUD I and BMUD II.* The existing BMUD Building Type I and Type II regulating plans (Secs. 94-220 and 94-221) share many identical provisions related to building height, building placement, and standards for architecture, signs, parking and loading, and landscaping. Some of the notable common provisions include requirements that:

- Principal buildings at primary intersections shall be a minimum of two stories tall;
- No principal building may exceed three stories in height;
- Buildings at primary intersections shall be built along at least 80% of the frontage and with a setback of no more than five feet;
- Buildings not at primary intersections shall be built along 65% of the frontage and with a maximum setback of 15 feet;
- Rear setbacks shall be a minimum of 15 feet;
- Sidewalks along Broadway shall be a minimum of eight feet in clear width;
- Exterior finishes are limited to stone, brick, stucco, pre-cast concrete, clapboard siding, and wood shingles, and may not combine more than two materials, the visually heavier of which should be used below the lighter one;
- Streetwalls, fences, awnings, mechanical systems and other equipment, roof slopes, dumpsters and storage shall conform to specified siting, dimensional, and/or design

parameters;

- Internally illuminated, freestanding signs are prohibited;
- A minimum of three off-street parking spaces shall be provided for each 1,000 square feet of non-residential use and one parking space for each residential unit, though available on-street parking may count towards the parking requirement;
- Surface parking, garages, and loading docks are subject to specified siting and/or concealment requirements to minimize their visual impact along the frontage; and
- The City's landscape code (Article XIV) regulates all landscaping installments.

C. *Key Differences Between BMUD I and BMUD II.* The key differences between the BMUD Building Type I and Type II regulating plans are the following requirements:

- Building stories at the sidewalk level in BMUD I may be between 10 and 16 feet in height from finished floor to finished ceiling, while the same in BMUD II may be between 12 and 16 feet;
- BMUD I permits Office Commercial uses while BMUD II permits Neighborhood Commercial Uses (as listed in Article IX Permitted Uses);
- Clear glazed areas and openings are allowed in BMUD I as a percentage (25 to 45%) of the façade area, while in BMUD, storefronts "must have clear glazed areas, along a minimum of 70% of its façade length, between two and eight feet from the ground"; stories above the first floor in BMUD II conform to the same glazing and opening standards as BMUD I;
- Sign areas are limited to 24 inches in height by 60% of the building frontage in BMUD I, while they are limited to 36 inches by 60% of building frontage in BMUD II;
- Awnings may not contain signs in BMUD I, while awning valances may contain text or a logo in BMUD II;
- Sign bands are restricted to a maximum of one-and-one-half feet in height by 30% of the façade width on the first floor of the rear of a building facing a residential zone, with illumination directed toward the sign, while sign bands are not specifically regulated in the BMUD I regulating plan;

- Neon signs and signs placed inside glass windows are specifically regulated in BMUD II, while not in BMUD I; and
- Pole signs are allowed in both BMUD I and BMUD II, according to different standards, but are more liberally permitted in BMUD II: buildings constructed prior to the district's creation can replace pole signs with one "low freestanding sign" not exceeding 16 square feet in area or six feet in height, and motor vehicle fuel sales and service establishments may replace their pole signs with "one low freestanding sign" not exceeding 32 square feet in area or six feet in height.

D. *Assessment of the BMUD Provisions.* The regulations governing building and development in the BMUD, set forth in 2003 and minimally amended through 2022, **provide guidelines for disparate components of the district but are not yet the cohesive and purposeful framework needed to shape the district's spaces and uses towards a desired character which is attractive to redevelopment investment.** Provisions concerning heights, setbacks, surface area, parking and siting provide boundaries for building activity but do not illustrate (in words or with visual images) the envisioned outcome, the one which reflects the combined effect of those provisions. The regulations do not yet prescribe a clear, complete, and rigorous BMUD redevelopment and design review process that would assure that the final built product supports the vision of the district's Intent statement or that which will be further elaborated in the upcoming public charrette process. Those defining overall provisions noted above in Sec. 94-219 have not been fully realized in the regulating plans: the locations of public open spaces have not yet been specified in the regulating plans, nor has it been made clear that the regulating plans will assure that prescribed building massing, height, and land uses will complement the adjacent one- to two-story residential neighborhoods. These findings are consistent with the ULI report, which suggested reevaluating these aspects of the zoning.

The BMUD provisions should serve to attract development to this under-invested community and currently they do not fulfill that purpose. The hard limits of the existing building and development provisions protect against infringements by one property upon another (such as uncomfortable proximity of uses and structures, light pollution) as well as assure a basic level of uniformity in the massing of built structures. However, their lack of flexibility prevents give-and-take between City and developer that could incentivize development while simultaneously achieving design and community goals, such as by allowing bonuses or exemptions to be granted in return for fulfilling a desired public benefit. These public benefits may include anything from dedicated park or open space (on-site or off-site) to pedestrian

arcades, affordable housing units, local jobs or training, local cultural program investments, or green design elements in the site or building to reduce carbon footprint and resource consumption. The introduction of incentives and flexibility into the regulations will allow the City and development community to collaboratively bring about positive change while each achieving their primary objectives. The team will examine the best incentives to offer, taking into consideration the ULI team's recommendations above.

If this flexibility is coupled with a complete articulation of the built form desired for the corridor as it is revitalized in accordance with the community's expressed wishes, **the regulating plans can be a powerful and practical tool for optimizing redevelopment of the district.** The introduction of form-based code towards this end, as an alternative to conventional zoning, will make clear - through text, drawings, and photographs - the street and building types desired by the community as well as build-to lines, number of floors, and built street frontage, among other design features. It will create parameters for the development flexibility referenced above via utilization of incentives, so that the ultimate vision for the corridor will not be compromised by the slight variations granted to building project requirements.

E. Assessment of Supporting Provisions. An analysis of urban redevelopment standards must also include the **existing landscaping, sign, and platting codes** which apply to the district. These parts of the code also create boundaries, directives, and guidance for development.

Article XIV governs landscaping, land clearing, and tree protection throughout the city, and includes typical provisions regarding use of Florida-friendly landscaping, landscape plan requirements, provision of shade and flowering trees in plans, reference to zoning district open space requirements, buffering and screening between land uses and adjacent to a public thoroughfare or in a parking lot, required foundation planting, irrigation, maintenance responsibility and details, and permitting.

Two landscaping provisions of particular interest to the BMUD corridor are Sec. 94-444 regarding **plazas** and Sec. 94-452 regarding **roadway beautification**, both of which will be relevant as the City engages in enhancing the public realm in tandem with private development of the area. The plaza landscaping standard requires for plazas to be at least 900 square feet in area and include shade trees around its perimeter as well as one shade tree on its interior for every 900 square feet. **This**

standard will be relevant when introducing smaller plazas into the urban landscape in its available spaces.

The roadway beautification standard assigns financial responsibility for median and road shoulder landscaping (and maintaining and irrigating it) to the owner or development petitioner whose property directly faces a roadway section, and for that responsibility to be shared proportionately according to frontage between the same on opposite sides of a roadway. **The implication of this regulation is that any roadway improvements to be made to the district will be best served if all the property owners and interested parties understand their vested interest in the improvements and are willing and able to support them financially.**

Article VIII governs signage city-wide. As noted above, the BMUD regulating plans (Secs. 94-220 and 94-221) give significant attention to sign regulation. Review of Article VIII reveals that the BMUD prohibition of internally illuminated signs is more restrictive than the City-wide standard. Otherwise, Article VIII provides further detail regarding the computation of sign area, parameters for non-conforming signs, and sign types permitted. However, if any billboards on freestanding poles exist within the district, requirements for replacing these with lower, smaller signs is detailed. Billboards are only now permitted within 350 feet of I-95 and so would need to be removed (or replaced) on a redeveloped site.

Overall, the City's platting and subdivision regulations offer no particular obstacle to redevelopment. The most salient fact to understand is that development applications which include subdivision of property, re-platting, or changes to the sidewalk or alleys will be **subject to review and approval by singular City committees or staff (noted below)**. Adherence to the prescribed processes will help developers navigate the processes successfully, and streamlining of those processes wherever possible will help the City successfully facilitate new development.

Article XI governs subdivision design standards and specifications, including general design standards and minimum street paving specifications. The design standards (Sec. 94-342) specify these minimum width requirements which may be relevant to redevelopment in the Broadway corridor:

- Alleys (20 feet) and rear lot line utility easements (five feet); sidewalks are required to be a minimum of five feet but the BMUD's requirement for eight foot minimum sidewalks is the higher standard.
- The minimum street paving specifications (Sec. 94-343) specify these requirements which may be relevant to redevelopment in the Broadway corridor:
- All curbs and sidewalks must be constructed in accordance with current standards established by the city engineer, and
- All street paving activities regulated by this section must be in accordance with a "standard street cross section plan and standard details, prepared by the city engineer".

Numerous other code articles reference platting, including the following relevant provisions:

- Phased development site plans must be reviewed by the City's Plans and Plats Review Committee (PPRC)(Sec. 94-120), who may expedite collocation applications (Sec. 94-331);
- Required dedication of rights-of-way as part of redeveloped land is addressed at the time of site plan review or during re-platting (Sec. 94-310).

F. *Assessment of Historic Resources in Proximity to the District.* The historic designation of the established surrounding community is **both an asset and a challenge for corridor redevelopment**. On one hand, this status helps to define and distinguish the cultural relevance of these neighborhoods, which can, in turn, positively influence the character of corridor redevelopment under more robust code. On the other hand, the protected status of these homes necessitates special care to avoid negative impacts on residential sustainability from the redeveloping, geometrically constrained corridor. As noted above in the discussion of the Comprehensive Plan Historic Preservation Element, there are five historic districts in proximity to the Broadway corridor: Northwood Hills, West Northwood, Northboro Park, Old Northwood, and Northwood Harbor; the latter three are directly abutting the corridor. The proximity of these historic districts will be an important issue for further study within the scope of the Code Update. The team will engage in property-by-property analysis of adjacent historic resources to ensure a sensitive regulatory approach to redevelopment.

CHAPTER 3 BEST PRACTICES

The following important needs of the corridor are suggested by the preceding review of plans and urban analysis. These needs must be fully addressed in order to bring about optimal results through future redevelopment and improvement:

- **A cohesive vision for development that unifies the surrounding neighborhoods with the corridor and reflects community priorities**
- **A regulatory plan for the corridor which attracts development and guides it into a form consistent with the vision**
- **A reclamation of the corridor's public space for safe and pleasant pedestrian use**
- **A full accounting of historic resources abutting the corridor and site-specific redevelopment strategy for these adjacencies, which protects and complements historic character**
- **Clearly delineated management procedure for the development approval process**
- **Alignment of City departmental coordination and procedure for corridor redevelopment**

West Palm Beach is not alone. Similar efforts have taken place within Florida and all over the country as municipalities attempt to redress the effects of chronic disinvestment in communities. This disinvestment has of course been exacerbated by the recent economic strain of Covid-19 and persisting racial and social inequities. As a result, the planning team for the Code Update will draw from a wide array of

examples demonstrating best practices and lessons learned. Some of the most relevant best practices to understand are the following: **Complete Neighborhoods**, **Equity Planning**, and **Form-Based Code**. This chapter will conclude with some conceptual illustrations that apply these best practices to specific sites within the Broadway corridor.

I. Best Practice: Complete Neighborhoods

As Downtown West Palm Beach matures and grows its existing neighborhoods and new neighborhoods should be more “complete.” Complete neighborhoods foster better social connections, optimize public investments in infrastructure and public services, reduce vehicle trips, and leave a smaller environmental “footprint” on the land.

- The traditional neighborhood is the basic increment of town planning. Great cities are assembled from a series of many high-quality neighborhoods. The dynamism and diversity that characterize attractive cities rely upon a solid foundation of vital and coherent neighborhoods.
- Neighborhoods, special districts, and corridors, are the building blocks of enduring settlements.
- The term “neighborhood: does not refer to the disconnected, single-use developments that characterize sprawl, like standalone apartment complexes, subdivision tracts, office parks, or shopping centers. Real traditional neighborhoods meet all those same needs—for housing, houses, workplaces, shopping, plus civic functions and more—but in formats that are compact, complete and connected, and ultimately more sustainable and satisfying.
- A genuine neighborhood is “compact, pedestrian-friendly, and mixed-use”, according to the Charter for the New Urbanism. More specifically, neighborhoods have:

Identifiable center and edge

- One should be able to tell when one has arrived in the neighborhood, and when they have reached the heart of the neighborhood. There must be places where the public feels welcome and encouraged to congregate,

recognizable as the heart of the community.

- A proper center has at least one outdoor public environment for this purpose, designed with pedestrians in mind; this is spatially the most well-defined "outdoor room" in the neighborhood. It is configured for gatherings both organized and spontaneous, for both ceremonies and day to day casual encounters. In most climates shade or other protection from the elements is found at the center.

Special Sites for Civic Purposes

- Civic buildings are public buildings but have more than one purpose
- Honorific sites are chosen for public buildings at the center of the community

Integrated Network of Walkable Streets

- Streets should connect into "grids" with blocks of a walkable size
- The historic areas of West Palm Beach are characterized by networks of walkable, ungated streets

Mix of Land Uses & Building Types

- There should be a variety of housing types for a variety of people
- People should be able to meet some daily needs and many weekly needs with a short walk
- Mixing land uses results in places where people can "live, work, and play"

Walkable Size

- One should be able to walk from center to edge

II. Best Practice: Equity Planning

Any new Broadway Mixed Use District (BMUD) Land Development Regulations must also be a model of Equity Planning. The American Planning Association defines Equity Planning as: “The just and fair inclusion into a society in which all can participate, prosper, and reach their full potential.” Equity Planning emphasizes outcomes that are fairer, and more just, than CRA plans are traditionally known for. Too often, investments made in places with low- and moderate-income paradoxically leave the residents in those places worse off. Equity Planning emphasizes **inclusion** and **shared success**.

Inclusion: The creation of the BMUD regulations should involve a community-driven process that centers the voices and goals of existing community members from the outset, enlists them in the implementation throughout the development process and ensures they benefit from the outcomes. Code authors should identify community champions with skilled leadership and the capacity to connect different stakeholders, and coordinate multiple, concurrent efforts. The champions should be able to tap a network of contacts including decision makers and advocates for the community. Many of the problems we find in the work for CRAs are due to the lack of diversity in the plan’s authors. In planning for minority neighborhoods the planning team, itself, should reflect the neighborhood’s diversity.

Shared Success: Equity planning is committed to providing every neighborhood both the necessities of life like affordable housing, reliable public transport, emergency service, good schools, and low-crime rates as well as quality of life elements like attractive neighborhoods, interesting destinations, parks and trails within walking distance, and the opportunity to spend a lovely day in the sun with family and friends. What “shared success” means to the neighborhoods which share the BMUD is still an open question which will be answered through an inclusive public process.

III. Best Practice: Form-Based Code

Form-based code is a “land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code”, as per the Form-Based Codes Institute (FBCI). A regulating plan, the central feature of form-based code, is a “plan or map of the regulated area designating the locations where different building form standards apply” (FBCI). This type of code is distinguished from conventional zoning by its comprehensive approach as well as by the fact that the regulating plan typically includes both words and clear diagrams and other visuals.

The City of West Palm Beach has already employed form-based code in other districts, including the Northwood Mixed-Use District and the Currie Mixed-Use District. By doing so, the City has demonstrated a commitment to managing the built form of its neighborhoods and commercial districts in support of community vision and urban revitalization by employing the regulating plan tool.

Some typical elements of a good, form-based regulating plan which may have excellent utility in the Broadway corridor include:

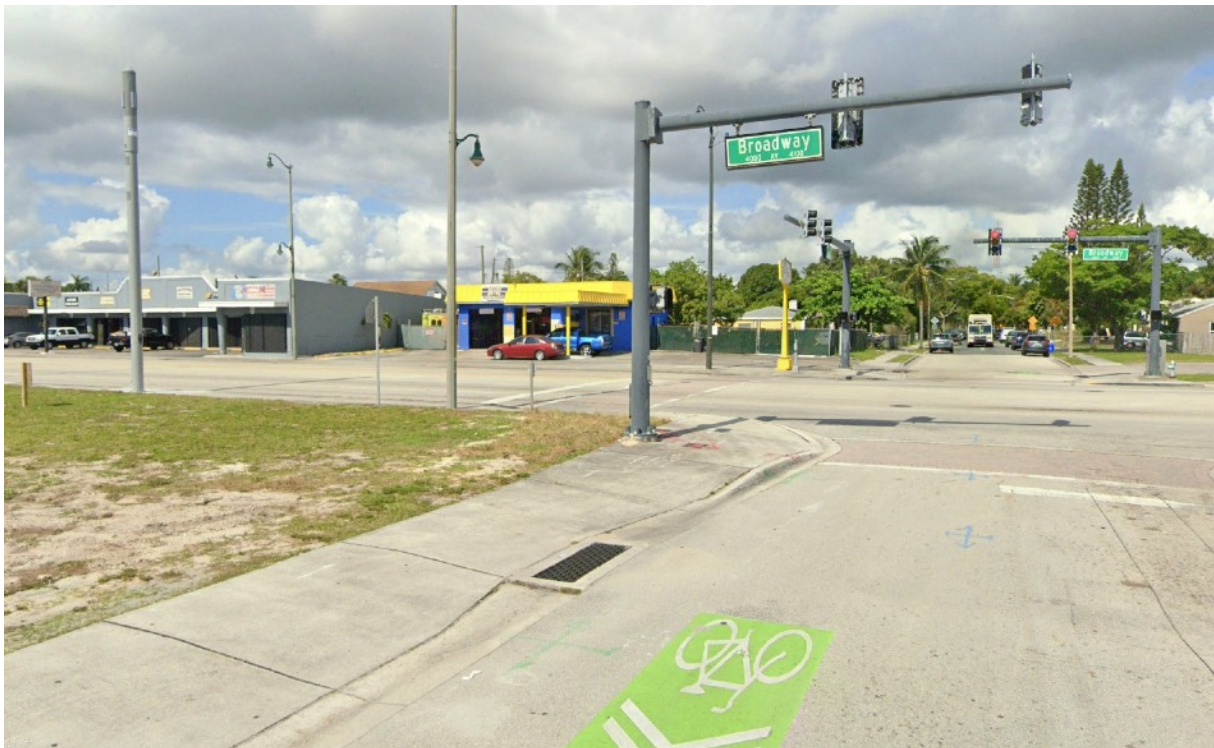
- *Build-to zones*: This graphic delineation of required building frontage location aids the creation of unified frontage on the corridor with all new development and redevelopment;
- *Site Plan and Appearance Review*: Procedures for a site plan and appearance review, and/or an appearance plan, assures aesthetic standards are met in new projects;
- *Architectural Styles and Design Criteria*: Specified architectural styles and design criteria allow the corridor to develop its own distinctive “look” within the regional marketplace and to complement adjacent neighborhoods;
- *Building Frontage Types*: Illustrations of allowed building frontage types in plan and section make easier a developer’s conformance to desired appearance standards;
- *Off-Street Parking Regulations and Requirements*: Revised off-street parking regulations and requirements help to protect the pedestrian experience and visual appeal of the corridor, with parking ratios that may be specified by

building square footage or units and/or by land use, and have particular landscaping requirements;

- *Building Height Regulations:* Modified building height regulations incentivize development while achieving community appearance objectives;
- *Outdoor Seating Regulations:* Revised outdoor seating regulations foster an activated commercial pedestrian zone;
- *Rezoning, Variances and Waivers:* Modified regulations regarding rezonings, variances and waivers infuse flexibility into the development approval process while assuring sound process;
- *Landscape Regulations:* Updated landscape regulations for the uses within the mixed-use district assure that green infrastructure is an increasingly present feature of the district and that landscape installations are sustainable and provide shade where needed;
- *Documentation of Existing Conditions:* Clear graphic documentation of existing conditions, setbacks and building footprints provides necessary baseline and contextual information;
- *Site and Bulk Standards:* Comprehensive site and bulk standards include setbacks, build-to zones, building frontage standards, building height, floor and ceiling heights, density and landscape standards;
- *Street, Alley and Easement Standards:* Updated street, alley and easement standards and controls enable flexibility in redevelopment projects without creating encroachments;
- *Land Uses:* A revised list of allowed and dis-allowed uses will manage the future direction and character of the district;

IV. Conceptual Illustrations:

Existing and proposed conditions, demonstrating potential redevelopment and Broadway corridor improvement, utilizing best practices of complete neighborhoods, equity planning and form-based code:



Broadway and 40th Street Intersection Existing Condition East View



Broadway and 40th Street Intersection Proposed Condition East View

Description of images above

- The four-corner intersection at 40th and Broadway is in a prime position for infill development. The intersection becomes an activity hub through the development of street oriented mixed-use structures. The ground floor should be saved for commercial use to activate the street. Store front windows allow for the greatest permeability of the ground floor and provide both interest and safety measures where both passerby and shop dwellers can see each other. Parking would be provided in the back of lots accessible through existing curb cuts along Broadway or 24' alley ways. Visitors can park in the back lot area and walk along the front of commercial and residential areas.

Code change

- In order to create the conditions seen in this render, the following code changes must be made. Setback should be regulated at a distance of 15' from curve to building with a 5' planting strip or planters at 30' apart, a 5' sidewalk, and 5' setback. These setbacks would occur on both Broadways and the intersecting streets. Additionally, a 5' rear setback would be required to provide a vegetated buffer that would consist of both grasses and trees.



Broadway and 57th Street Intersection Existing Condition Southeast View



Broadway and 57th Street Intersection Proposed Condition Southeast View

Description of images above

- The image above depicts the Broadway and 57th intersection looking south. The empty sites along the eastern side of Broadway at this intersection are the ideal location for infill development. Building density along Broadway should be capped at 4 stories max as long as parking requirements are met. Parking requirements should be relaxed along Broadway to allow for greater density and mixed-use development.

Code change

- In addition to the setback requirements, changes to the parking requirements are required to accommodate the desired density while providing the appropriate amount of parking. Parking requirements that reflect the projected usage are 1 spot per 2000 sq ft of commercial area, 1 spot per residential unit and a shared parking factor of 1.2 where total parking provided would be the total number of parking needed / 1.2.
- On street parking on Broadway can be a possibility for commercial areas where readjustments to street section can be made to accommodate 8' parking lanes on each side. This would require making all lanes 10' wide and possibly removing turning lanes.