



CITY OF Boca Raton

Resolution No. 139-2026

CITY HALL
201 WEST PALMETTO PARK ROAD • BOCA RATON, FL 33432
PHONE (561) 393-7700
(FOR HEARING IMPAIRED) TDD (561) 367-7043
www.myboca.us

October 20, 2026

TO: Mayor and City Council

FROM: Mark Sohaney
City Manager

SUBJECT: Resolution No. 139-2026 Meaning and Administration of Single-Family Residential Building Height Requirements

RECOMMENDATION

I recommend adoption of Resolution No. 139-2026, memorializing the City Council's October 13, 2026 direction regarding the meaning and administration of Sections 28-2 and 28-342 of the City Code relating to building height in single-family residential districts.

BACKGROUND

At its October 13, 2026 meeting, the City Council considered the relationship between the City Code's method for calculating building height, the twenty-five (25) foot building-height limitation applicable to single-family residential structures, the provisions allowing qualifying "portions of roofs" to extend above twenty-five (25) feet, and the use of upper building volume for separate additional occupied residential floor levels.

Section 28-2 establishes the methodology for calculating building height, including the method applicable to gable, hip, and gambrel roofs. Section 28-342 establishes the twenty-five (25) foot height limitation applicable to single-family residential structures and provides that qualifying portions of roofs may extend above twenty-five (25) feet, subject to applicable roof-area, roof-pitch, and maximum-elevation requirements.

Resolution No. 139-2026 memorializes and confirms the City Council's October 13 direction regarding the meaning and administration of these existing Code provisions. The resolution confirms that neither the height-calculation methodology in Section 28-2 nor the provisions of Section 28-342 governing qualifying roof portions provide additional occupied residential floor capacity merely because physical building volume may extend above twenty-five (25) feet.

The resolution further provides that the controlling consideration is whether a separate additional occupied residential floor level requires building volume above twenty-five (25) feet in order to satisfy the minimum vertical clearance or headroom required for lawful residential occupancy. At the same time, the resolution recognizes that ceilings, walls, beams, portions of occupied room volume, and building components reasonably necessary to accommodate an otherwise compliant roof configuration may extend above twenty-five (25) feet without, standing alone, creating additional occupied residential floor capacity.

The resolution does not amend Sections 28-2 or 28-342, alter the City's existing numerical height, roof-area, roof-pitch, setback, lot-coverage, density, or permitted-use standards, or create a new

development-review procedure. Rather, it memorializes the City Council's understanding of how Sections 28-2 and 28-342, as enacted and in effect, operate together.

Consistent with the City Council's October 13 direction, the resolution directs City staff to administer Sections 28-2 and 28-342, as presently enacted, consistent with the meaning and administration confirmed by the City Council through the City's ordinary zoning and building-permit review process. Such direction applies to pending single-family residential applications that remain under review and for which a building permit has not been issued, as well as to future applications.

The resolution also directs the City Attorney, City Manager, and Development Services Department to prepare clarifying Code amendments to make express, clarify, and provide objective standards for the meaning and administration of Sections 28-2 and 28-342.

FISCAL IMPACT: None.

STRATEGIC IMPACT: This Ordinance supports the following Strategic Focus Area: World-Class Services.

cc: Mary Siddons, City Clerk
Andrew Lukasik, Deputy City Manager
Joshua Pariente Koehler, City Attorney



RESOLUTION

139-2026

1
2 A RESOLUTION OF THE CITY OF BOCA RATON
3 MEMORIALIZING THE CITY COUNCIL'S OCTOBER 13,
4 2026 DIRECTION REGARDING SECTIONS 28-2 AND 28-
5 342, CODE OF ORDINANCES, RELATING TO BUILDING
6 HEIGHT IN SINGLE-FAMILY RESIDENTIAL DISTRICTS;
7 CONFIRMING THE MEANING AND ADMINISTRATION OF
8 THE EXISTING CODE REGARDING THE ADDITIONAL
9 HEIGHT APPLICABLE TO QUALIFYING ROOF PORTIONS
10 AND SEPARATE ADDITIONAL OCCUPIED RESIDENTIAL
11 FLOOR LEVELS; DIRECTING THE ADMINISTRATION OF
12 PENDING AND FUTURE APPLICATIONS CONSISTENT
13 THEREWITH; DIRECTING THE PREPARATION OF
14 CLARIFYING CODE AMENDMENTS; PROVIDING FOR
15 SEVERABILITY; PROVIDING FOR REPEALER;
16 PROVIDING AN EFFECTIVE DATE.

17
18 WHEREAS, Section 28-2 of the Code of Ordinances establishes the method for
19 calculating the height of buildings and structures, including the method applicable to gable, hip,
20 and gambrel roofs under which height is measured to the mean height level of a single continuous

1 roof line between the eaves and ridges; and

2 WHEREAS, Section 28-2 further provides that the highest point of a building or
3 structure attached to a building may not exceed the applicable maximum height by more than ten
4 (10) feet, thereby distinguishing between the calculated height of a building and the physical
5 elevation of its highest point; and

6 WHEREAS, Section 28-342 establishes height requirements applicable to single-family
7 residential structures, including a twenty-five (25) foot building-height limitation and specific
8 requirements governing qualifying “portions of roofs” that physically extend above twenty-five (25)
9 feet, including requirements concerning roof area, roof pitch, and a maximum roof elevation of
10 thirty-five (35) feet; and

11 WHEREAS, the Code regulates qualifying “portions of roofs,” and neither Section 28-2
12 nor Section 28-342 states that physical building volume resulting from the applicable height
13 calculation methodology or qualifying roof configuration constitutes additional occupied residential
14 floor capacity; and

15 WHEREAS, on October 13, 2026, the City Council considered the meaning and
16 administration of Sections 28-2 and 28-342, including the relationship between the twenty-five
17 (25) foot height limitation, the provisions applicable to qualifying roof portions, and the
18 establishment of separate additional occupied residential floor levels; and

19 WHEREAS, following that discussion, the City Council resolved how Sections 28-2 and
20 28-342, as enacted and in effect, operate together and directed that those provisions be
21 administered so that the height-calculation methodology and the provisions applicable to
22 qualifying roof portions do not authorize the use of upper building volume to establish or provide
23 the necessary vertical clearance for a separate additional occupied residential floor level; and

24 WHEREAS, the City Council further affirms that the elevation of a floor surface, ceiling,
25 wall, roof, or occupied room volume does not, standing alone, determine compliance, and that
26 the relevant distinction is whether a separate additional occupied residential floor level relies upon

1 building volume above twenty-five (25) feet to satisfy the minimum vertical clearance or headroom
2 required for lawful residential occupancy; and

3 WHEREAS, because the foregoing direction concerns the meaning and administration
4 of the existing Code, the City Council further directed that pending applications for single-family
5 residential development that remain under review and for which a building permit has not been
6 issued, as well as future applications for such development, be reviewed and administered
7 consistent with that direction through the City's ordinary zoning and building permit review
8 process; and

9 WHEREAS, the City Council affirms that the foregoing direction does not establish a
10 new height limitation or other substantive development standard, but instead confirms and
11 memorializes the City Council's understanding of how Sections 28-2 and 28-342, as enacted and
12 in effect, operate together; and

13 WHEREAS, the City Council desires to memorialize its October 13, 2026 direction so
14 that the Council, City staff, applicants, design professionals, residents, and the public have a clear
15 record of the meaning and administration of the existing Code confirmed by the City Council; and

16 WHEREAS, the City Council further desires that amendments to the Code of
17 Ordinances be prepared to make express, clarify, and provide additional definitions and standards
18 for the consistent administration of the existing Code as confirmed herein, without altering the
19 underlying height standards established by Sections 28-2 and 28-342; now, therefore,

20 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOCA RATON:

21
22 Section 1. The foregoing recitals are hereby incorporated as the findings of the City
23 Council.

24 Section 2. The City Council hereby memorializes and confirms its October 13, 2026
25 direction regarding the meaning and administration of Sections 28-2 and 28-342 of the Code of
26 Ordinances, as follows:

1 (a) Building height shall continue to be determined in accordance with the definition
2 and methodology established by Section 28-2.

3 (b) Section 28-342 expressly governs qualifying “portions of roofs” that physically
4 extend above twenty-five (25) feet, subject to the roof area, roof pitch, maximum elevation, and
5 other requirements of that section.

6 (c) Neither the height calculation methodology established by Section 28-2 nor the
7 provisions of Section 28-342 governing qualifying roof portions provide additional occupied
8 residential floor capacity.

9 (d) Accordingly, building volume physically located above twenty-five (25) feet shall not
10 be used to provide the minimum vertical clearance or headroom required for lawful residential
11 occupancy of a separate additional occupied residential floor level that could not satisfy such
12 minimum requirements without reliance upon such upper building volume.

13 (e) The elevation of a proposed floor surface, ceiling, beam, roof, wall, or portion of
14 occupied room volume shall not, standing alone, determine compliance. The controlling
15 consideration is whether a separate additional occupied residential floor level requires building
16 volume above twenty-five (25) feet in order to satisfy the minimum vertical clearance or headroom
17 required for lawful residential occupancy. Additional ceiling or room volume above twenty-five (25)
18 feet does not, standing alone, establish noncompliance where the occupied level can satisfy such
19 minimum requirements without reliance upon that upper building volume.

20 (f) Building components reasonably necessary to form, support, enclose, connect, or
21 complete an otherwise compliant roof configuration, including gable-end walls, structural framing,
22 ceiling assemblies, and roof-supporting walls, may extend above twenty-five (25) feet to the extent
23 reasonably necessary to accommodate such roof configuration. The physical extension of such
24 components above twenty-five (25) feet shall not, standing alone, provide additional occupied
25 residential floor capacity or authorize the use of upper building volume contrary to subsections (c)
26 through (e).

1 Section 3. The City Council finds and confirms that Section 2 memorializes the City
2 Council's understanding of the meaning and administration of Sections 28-2 and 28-342 as
3 enacted and in effect. Accordingly, this Resolution:

4 (a) does not amend the text of Section 28-2, Section 28-342, or any other provision of
5 the Code of Ordinances;

6 (b) does not alter the existing method for calculating building height;

7 (c) does not alter any existing numerical maximum building height, maximum roof
8 elevation, roof area limitation, roof pitch requirement, setback, lot coverage, density, or permitted
9 use standard; and

10 (d) does not itself amend the City's land development regulations or create a new
11 development review procedure.

12 Section 4. The City Manager, Development Services Department and all other
13 appropriate City staff are directed to administer Sections 28-2 and 28-342, as presently enacted,
14 consistent with the meaning and administration confirmed in Section 2 of this Resolution through
15 the City's ordinary zoning and building permit review process. Such direction shall apply to
16 pending applications for single family residential development that remain under review and for
17 which a building permit has not been issued, as well as to all future applications for such
18 development.

19 Section 5. The City Attorney, City Manager and Development Services Department are
20 directed to prepare and present to the City Council appropriate amendments to the Code of
21 Ordinances to make express, clarify, and provide objective standards for the meaning and
22 administration of Sections 28-2 and 28-342 confirmed in this Resolution.

23 Section 6. If any section, subsection, clause or provision of this resolution is held
24 invalid, the remainder shall not be affected by such invalidity.

25 Section 7. All resolutions or parts of resolutions in conflict herewith shall be and hereby
26 are repealed.

1 Section 8. This resolution shall take effect immediately upon adoption.

2 PASSED AND ADOPTED by the City Council of the City of Boca Raton this ____ day
3 of October, 2026.

4
5 CITY OF BOCA RATON, FLORIDA

6
7 ATTEST:

8
9
10 _____
11 Andy Thomson, Mayor

12 _____
13 Mary Siddons, City Clerk

14 gpk
15
16

17

COUNCIL MEMBERS	YES	NO	ABSTAINED
MAYOR ANDY THOMSON			
DEPUTY MAYOR MICHELLE GRAU			
COUNCIL MEMBER YVETTE DRUCKER			
COUNCIL MEMBER JON PEARLMAN			
COUNCIL MEMBER STACY L. SIPPLE			