



ULDC REVISIONS STAFF REPORT

ZONING COMMISSION AND LAND DEVELOPMENT REGULATION COMMISSION, MARCH 6, 2025

I. General Data

Project Name: Affordable Housing Program Parking Waiver
ULDC Articles: 2, 5, 6
Project Manager: Alexander Biray, Site Planner II
Agency Manager: Lisa Amara, Zoning Director
Staff Recommendation: Staff recommends *approval* based on the findings and conclusions presented in this report.

II. Item Summary

Summary: The item before the Board are proposed revisions to the Unified Land Development Code (ULDC) as summarized below:

- To establish a Type 2 Waiver approved by the Board of County Commissioners (BCC) that would allow parking reductions for Affordable Housing Program (AHP) projects as an alternative to a Type 2 Variance approved by the Zoning Commission.

Assessment: The Type 2 Waiver for Affordable Housing Projects was directed by the BCC in 2024 and would incorporate flexible regulations to facilitate the provision of affordable housing. The proposed Waiver would provide an alternative to the Type 2 Variance Zoning Commission approval process which is currently the only mechanism to reduce parking above a 15% reduction and is not under the authority of the BCC. However, variances are not an appropriate tool for facilitating higher densities through an optional density bonus program since such projects have difficulty demonstrating that the requested density isn't a self-created hardship. Currently the residential parking minimum requirements are the same throughout the County (with the exception of the WCRAO) and do not allow staff or the BCC to take into account the unique attributes of a proposed development's location, age of residents, access to alternate modes of transportation, number of bedrooms, or income. The proposed Waiver will allow a flexible development regulation that will allow consideration by the BCC on a case-by-case basis. The requirement for a parking analysis and management plan will help ensure that residents and their vehicles are protected from predatory towing practices.

III. Hearing History

Board of County Commissioners RPA: *Scheduled for February 27, 2025.*

ZC Recommendation: *Scheduled for March 6, 2025*

LDRC Recommendation: *Scheduled for March 6, 2025*

Board of County Commissioners First Reading and Adoption: *Scheduled for March 27, 2025*

IV. Intent

The items before the Board are proposed revisions to the Unified Land Development Code (ULDC) as summarized below:

- To establish a Type 2 Waiver approved by the Board of County Commissioners (BCC) that would allow parking reductions for Affordable Housing Program (AHP) projects as an alternative to a Type 2 Variance approved by the Zoning Commission.

V. Background

At the Thursday, April 25, 2024 BCC Zoning Hearing, the Board initiated revisions to the ULDC for reduced parking and flexible regulations, such as through a Waiver process, for residential development utilizing the AHP. The concept would establish a flex regulation to allow proposed residential projects to take into account factors such as proximity to public transportation considering the individual residential projects. Currently the parking regulations are the same for all residential projects regardless of their location, density, proximity to transit, or income. The proposed Waiver would establish an alternative to the Type 2 Variance process that is already in place.

VI. Data and Analysis

This section provides data and analysis to support the proposed revisions.

A. Current Residential Parking Regulations

The County's parking regulations in the ULDC are based upon a suburban, vehicle-based, style of development and are consistent throughout the unincorporated area. These parking regulations do not require more or less parking dependent upon which Managed Growth Tier a site is located or access to mass transit. Further, for residential properties, the regulations do not take into account the age or income of the residents of the dwellings, or number of bedrooms per unit. Rather, all properties are subject to the same standards. Only in the Westgate-Belvedere Homes Community Redevelopment Area Overlay (WCRAO) does the ULDC allow a difference in parking based on the number of bedrooms. The WCRAO is a planned urban infill area that is subject to reduced parking requirements considering the area's location in proximity to transit, and the proposed urban form of development at higher densities. The WCRAO also has further reduced parking requirements for Very Low and Low Income housing. The table below provides the parking requirements for unincorporated multifamily developments in and outside of the WCRAO.

ULDC Multifamily Parking Requirements

ULDC Art. 6 & Art. 3	Efficiency	1 Bedroom	2 Bedrooms	3+ Bedrooms	Guest
Outside WCRAO	1	1.75	1.75	1.75	0.25
Inside WCRAO	1	1	1.5	2	0.25
Inside WCRAO Very Low/Low Income	1	1	1.5	1.5	0.25

B. ULDC Parking Reduction Options and Requirements

Outside of the Westgate CRA parking reductions, the only ability of a residential property owner to request a reduction in parking is either through an administrative Type 1 Waiver (approved by Zoning) up to a reduction in 15% of parking or to request a Type 2 Variance (approved by Zoning Commission). The Standards for a Type 1 Waiver are provided below:

Standards for a Type 1 Waiver

When considering a DO application for a Type 1 Waiver, the DRO shall consider the following Standards in addition to any other Standards applicable to the specific Waiver as contained in this Code. For a Waiver application that requires the submittal of an ALP, the Applicant shall comply with additional standards pursuant to Art. 7.B.4, Type 1 Waiver for Landscaping.

- a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay;
- b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and,
- c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties.

Variations are subject to eight strict standards that are difficult for applicants to demonstrate compliance, particularly when requesting an optional density bonus to increase density. The Type 2 Variance Standards are provided below.

Standards for Zoning or Subdivision Variance

The ZC shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a Zoning or Subdivision Variance:

- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district;
- b. Special circumstances and conditions do not result from the actions of the Applicant;
- c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;
- d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;
- e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure;
- f. Granting the Variance will be consistent with the purposes, Goals, Objectives, and Policies of the Plan, and this Code; and,
- g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Waiver vs. Variance. The Waiver process has more appropriate standards of approval for flexible development regulations over variances. Variations are subject to eight strict standards in the ULDC that are difficult for applicants to demonstrate compliance, particularly when requesting an optional density bonus to increase density. The proposed ULDC revision will promote parking alternatives and remove hindrances to affordable housing, therefore fostering additional housing to contribute to public welfare.

Parking Demand Statement. In addition to demonstrating consistency with the Standards analysis, the ULDC requires that the Applicant submits a Parking Demand Statement and any additional documentation justifying the need for reduced parking. The Parking Demand Statement is required to be based on evidence of actual parking demand for similar uses or reliable traffic engineering and planning information prepared by a Professional Engineer registered in the State of Florida.

Case Study – Peace Village. In 2024, the BCC approved a proposed multifamily development called Peace Village. The request proposal sought a density bonus specifically for 55+ housing low incomes within the Affordable Housing ranges, and 100 one bedroom dwelling units and 4 two bedroom units. The Applicant proposed a Type 2 Variance for a reduction in parking to use the Westgate CRA parking regulations. Upon a review of the Variance Standards, Staff could not make a recommendation of approval considering that the need for the variance stemmed in part from the decision by the Applicant to pursue a density increase. However, it was during the review of this application, the Applicant identified that the current parking requirements of 1.75 parking spaces for 1 bedroom units regardless of the project being limited to low income seniors created a disparity considering that the same 1.75 ratio applied to 2 and 3 bedroom market rate units geared towards families. Ultimate, the Zoning Commission approved the variance based upon the analysis presented by the Applicant, including the parking analysis, age and income of the residents, and the site location in the Urban Redevelopment Area (URA) adjacent to a mass transit line.

C. Proposed Amendment

The proposed ULDC changes will modified three Articles as provided in Exhibit 1 in strike out and underline format.

- **Art. 2.B.7.D.2**, is proposed to be revised to reference the Type 2 Waiver for Affordable Housing Projects and refer to Art. 6 requirements.
- **Art. 5.G.2.D.4, Affordable Housing Program, AHP Incentives, Density Bonus Development Options** is proposed to be revised to establish the Type 2 Waiver for a parking reduction for Affordable Housing Program as an incentive to provide flexibility from property development and other related regulations in order to provide greater opportunity for cost-effective development of AHP units.
- **Art. 6.C.1.A, Requirements to Reduce or Increase Parking, Type 2 Waiver** is proposed to be revised to establish the requirements for the Type 2 to allow parking reductions for developments utilizing the Affordable Housing Program per Art. 5.

Analysis of Proposed Language. The proposed ULDC language have been written to allow the Waiver to be considered on a case-by-case basis by the BCC considering specific criteria and limitations. The following outlines all of the requirements proposed and the basis for each.

- **Use.** The Waiver is proposed to be limited to multifamily projects since the majority of the affordable housing proposals are for multifamily developments at higher density with greater land constraints and more suited to urban design.
- **Location.** The Waiver is proposed to be limited to sites in the Urban Redevelopment Area Overlay (URAO) where the County has focused efforts towards infill, redevelopment, and higher densities. Per Art. 3.B.6 of the ULDC, properties within the URAO are targeted for the provision of a variety of housing types to support residents of diverse ages, incomes and lifestyles.
- **Affordable Housing Program.** The Waiver is proposed to be limited to only those projects that are pursuing density bonus through the County's Affordable Housing Program. The Zoning Division does not have the housing experts on staff to perform any type of housing affordability application review, approval, or monitoring. The Planning Division implements the Affordable Housing Program and has measures in place to ensure that these projects meet the appropriate affordable housing regulations in Art. 5.
- **Access to Mass Transit.** The Waiver is proposed to be limited to projects located within one-quarter mile of a Fixed-Route Bus System considering that the basis for a parking reduction is typically that the tenants are utilizing mass transit and are not intended to own multiple vehicles. Per the Comprehensive Plan, Fixed-Route Bus System is defined as "A form of public transit which provides transportation on a fixed-time schedule and fixed-route."
- **Maximum Parking Reduction.** Unlike a Type 2 Variance that has no limit on the allowable parking reduction, the Waiver is proposed to cap the parking reduction to a minimum of 1 parking space per 1 bedroom unit, 1.5 space per 2 bedroom unit, and 2 spaces per 3 bedroom unit. These ratios are the same as the current parking requirements in the WCRAO which were established to allow a more urban form of development and associated reduction in parking.
- **Parking Demand Statement and Management Plan.** In addition to the required Parking Demand Statement, the Applicant will be required to provide a parking analysis and management plan in order to ensure that transportation and on-site parking needs will be met. A requirement for a parking management plan is a technique utilized by other local governments, such as Riviera Beach, to ensure that the minimum required parking is provided, and to ensure that residents are not subject of predatory towing practices. The plan will be required as part of the approval process, and must include a narrative statement demonstrating how property management will accommodate anticipated parking needs and enforce parking provisions. In addition, the plan requires that alternate modes of transportation, such as mass transit, pedestrian, and bicycle paths are identified.

D. Business Impact Estimate

In 2024, the Florida Legislature adopted SB 1628 to remove the exemption for business impact statements related to comprehensive plan and land development regulation ordinances, unless those changes are privately proposed. Consequently, this County initiated land development revision prior to adopting and implementing a comprehensive plan amendment or land development regulation. A preliminary analysis of the business impact estimate is provided in Exhibit 2 to demonstrate compliance with the statute on a template provided by the County Attorney's Office. The specific statute language is provided below.

125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or resolutions.—

(3)(a) Before the enactment of a proposed ordinance, the board of county commissioners shall prepare or cause to be prepared a business impact estimate in accordance with this subsection. The business impact estimate must be posted on the county's website no later than the date the notice of proposed enactment is published pursuant to paragraph (2)(a) and must include all of the following:

1. A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the county.
2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the county, including the following, if any:
 - a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.
 - b. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.

- c. An estimate of the county's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.
 - 3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.
 - 4. Any additional information the board determines may be useful.
- (b) This subsection may not be construed to require a county to procure an accountant or other financial consultant to prepare the business impact estimate required by this subsection.

E. Consistency with the Comprehensive Plan

The Planning Division has participated in the review and drafting of the proposed ULDC revisions and have provided the attached letter with a finding of consistency with the Comprehensive Plan as Exhibit 3.

VII. Assessment and Conclusions

The Type 2 Waiver for Affordable Housing Projects was directed by the BCC in 2024 and would incorporate flexible regulations to facilitate the provision of affordable housing. The proposed Waiver would provide an alternative to the Type 2 Variance Zoning Commission approval process which is currently the only mechanism to reduce parking above a 15% reduction and is not under the authority of the BCC. However, variances are not an appropriate tool for facilitating higher densities through an optional density bonus program since such projects have difficulty demonstrating that the requested density isn't a self-created hardship. Currently the residential parking minimum requirements are the same throughout the County (with the exception of the WCRAO) and do not allow staff or the BCC to take into account the unique attributes of a proposed development's location, age of residents, access to alternate modes of transportation, number of bedrooms, or income. The proposed Waiver will allow a flexible development regulation that will allow consideration by the BCC on a case-by-case basis. The requirement for a parking analysis and management plan will help ensure that residents and their vehicles are protected from predatory towing practices.

Attachments

Exhibit 1– Proposed changes in strike out and underline format	E - 1
Exhibit 2 – Business Impact Estimate	E – 2
Exhibit 3 – Planning Consistency Determination Letter	E – 3

EXHIBIT 1
TYPE 2 WAIVER – PARKING

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. ~~Stricken and italicized~~ means text to be totally or partially relocated. Relocation notes are shown in brackets as [Relocated to:] or [Relocated from:]. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses....

Part 1. ULDC Art. 2.B.7.D.2, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver, Applicability, is hereby amended as follows:

1 **CHAPTER B PUBLIC HEARING PROCESSES**

2

3 **Section 7 Types of Applications**

4

5 **D. Type 2 Waiver**

6

7 **d. Parking, Buffers, and Landscaping**

8 1) Unaltered text omitted for brevity

9 6) Art 6.C.1.A.3., Type 2 Waiver, for Affordable Housing Program parking reduction.

10

Part 2. ULDC Art. 5.G.2.D.4, Supplementary Standards, Density Bonus Programs, Affordable Housing Program, AHP Incentives, Density Bonus Development Options, is hereby amended as follows:

11 **CHAPTER G DENSITY BONUS PROGRAMS**

12

13 **Section 2 Affordable Housing Program (AHP)**

14

15 **D. AHP Incentives**

16 All projects with ten or more residential units shall be eligible for AHP incentives. [Ord. 2009-040]

17

18 **4. Density Bonus Development Options**

19 **a. Purpose and Intent**

20 To provide flexibility from property development and other related regulations in order to
21 provide greater opportunity for cost-effective development of AHP units. These provisions
22 are not intended to supersede deviations that are normally addressed through the Variance
23 process. These options shall only be granted at the time of approval for the entire project,
24 and shall not be granted on a lot-by-lot basis. [Ord. 2009-040]

25

26 **I. Option 7 - Type 2 Waiver for Affordable Housing Program Parking Reduction**

27 Multifamily projects may request a Type 2 Waiver to reduce parking pursuant to Art.
28 6.C.1.A.3.a., Affordable Housing Program Parking Reduction.

29

Part 3. ULDC Art. 6.C.1.A, Parking, Loading, and Circulation, Alternative Design Options, Requirements to Reduce or Increase Parking, Waivers, is hereby amended as follows:

1 CHAPTER C ALTERNATIVE DESIGN OPTIONS

2 Section 1 Requirements to Reduce or Increase Parking

3 A. Waivers

4 A Type 1 or Type 2 Waiver may be requested to reduce or increase required parking subject to the
5 Standards as outlined in Art. 2, Application Processes and Procedures and the following:

6 1. Supplemental Application Requirements

7 For all Waiver requests, the Applicant shall submit a Parking Demand Statement and any
8 additional documentation justifying the need for reduced or increased parking. The Parking
9 Demand Statement shall be based on evidence of actual parking demand for similar uses or
10 reliable traffic engineering and planning information prepared by a Professional Engineer
11 registered in the State of Florida.

12 ...

13 **3. Type 2 Waiver**

14 **a. Affordable Housing Program Parking Reduction**

15 Affordable Housing Program Multifamily projects located within the URA and within one-
16 quarter mile of a Fixed-Route Bus System may request a Type 2 Waiver to reduce parking
17 as follows:

18 1) Affordable Housing Program units shall provide a minimum of 1 parking space per
19 efficiency unit, 1 parking space per one bedroom unit, 1.5 parking spaces per two
20 bedroom unit, 1.75 parking spaces per three bedroom unit, and 0.20 guest parking
21 space per unit.

22 2) In addition to the required Parking Demand Statement, the Applicant shall provide a
23 parking analysis and management plan in order to ensure that transportation and on-
24 site parking needs will be met. The parking analysis and management plan shall
25 include the following items:

26 a) Parking inventory and needs assessment comparative analysis, including: current
27 and proposed parking ratios; number of parking spaces current and required,
28 including guest parking spaces; and, number of vehicles currently owned by
29 residents.

30 b) A narrative statement demonstrating how property management will accommodate
31 anticipated parking needs and enforce parking provisions.

32 c) Identification of mass transit access: bus stops and routes, shelters, benches, and
33 other infrastructure.

34 d) Identification of pedestrian connectivity within the neighborhood and adjacent
35 area, including, but not limited to, bicycle paths and racks.

36

37

EXHIBIT 2
BUSINESS IMPACT ESTIMATE

Meeting Date: February 27, 2025 – BCC Zoning Hearing

Proposed Ordinance Title/Reference:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: REVISION FOR **AFFORDABLE HOUSING PROGRAM PARKING WAIVER**, AMENDING ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES; ARTICLE 5 – SUPPLEMENTARY STANDARDS; ARTICLE 6 – PARKING, LOADING, AND CIRCULATION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

The proposed modifications to the County’s Unified Land Development Code (ULDC) will revise land development regulations to establish a Type 2 Waiver approved by the Board of County Commissioners to allow parking reductions for multifamily projects utilizing the Affordable Housing Program as an alternative to a Type 2 Variance approved by the Zoning Commission.

The Public Purpose to be served is to allow an additional method for proposed Affordable Housing Program projects to request a reduction in parking taking into account the unique attributes of each request including access to mass transit, income, age of residents, and number of bedrooms in each unit. The Waiver process has more appropriate standards of approval for flexible development regulations over variances. Variances are subject to eight strict standards in the ULDC that are difficult for applicants to demonstrate compliance, particularly when requesting an optional density bonus to increase density. The proposed ULDC revision will promote parking alternatives and removed hindrances to affordable housing, therefore fostering additional housing to contribute to public welfare.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. **Estimate of Direct Business Compliance Costs:** There will be no direct compliance costs that businesses may reasonably incur if the ordinance is enacted. This ULDC revision establishes a Type 2 Waiver option for Affordable Housing Program applications rather than the existing mechanism to reduce parking through a Type 2 Variance. Further, any request for the reduction of parking is optional and not mandatory. The Comprehensive Plan Housing Element allows a reduced or eliminated fees for Affordable Housing Program applications; therefore, providing the alternative Type 2 Waiver will not result in any additional costs.
- b. **New Charges/Fees on Businesses Impacted:** There will be no new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.
- c. **Estimate of Regulatory Costs:** There will be no additional regulatory costs, and no additional revenues since there will be no new charges or fees that will be imposed on businesses to cover such costs.

Good Faith Estimate of Number of Businesses Likely Impacted:

Over the past 10 years the County has processed a nominal amount of Affordable Housing Program applications. This ULDC revision proposes a flexible optional for parking reduction that is already allowed by a variance. It is estimated that one or two businesses per year are likely to take advantage of the waiver proposed by this ordinance.

Any Additional Information: None.

EXHIBIT 3
PLANNING CONSISTENCY DETERMINATION LETTER



**Planning, Zoning
& Building Department**
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000
Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Compliance 233-5500
Contractor Regulations 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbc.gov/pzb

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**Palm Beach County
Board of County
Commissioners**

Maria G. Marino, Mayor
Sara Baxter, Vice Mayor
Gregg K. Weiss
Joel G. Flores
Marci Woodward
Maria Sachs
Bobby Powell, Jr.

County Administrator


Verdenia C. Baker

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Official Electronic Letterhead

**INTER-OFFICE COMMUNICATION
PLANNING, ZONING AND BUILDING DEPARTMENT
PLANNING DIVISION**

TO: Ms. Cheri Pavlik, Chair, and
Members of the Zoning Commission

FROM:  Bryan Davis, Principal Planner
Planning Division

DATE: February 21, 2025

RE: Comprehensive Plan Consistency Determination for proposed
Unified Land Development Code (ULDC) amendments

The Planning Division has determined that the proposed ULDC amendments as found in Agenda Items C.3 and C.4, Loxahatchee Estates Overlay (LEO) and Affordable Housing Program (AHP) Parking Waiver, respectively, in the packet provided by the Zoning Division, and scheduled for the March 6, 2025 meeting, is generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Thuy Shutt, Planning Director
Jeff Gagnon, Deputy Planning Director
Lisa Amara, Zoning Director
Wendy Hernandez, Deputy Zoning Director
Jerome Ottey, Principal Site Planner, Zoning Division
Travis Goodson, Senior Planner, Planning Division

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