



ULDC REVISIONS STAFF REPORT

ZONING COMMISSION, OCT. 3, 2025

I. General Data

Project Name: Westgate Community Redevelopment Area Overlay (WCRAO) Revisions – Density Bonus Programs and Residential & Mixed-Use Parking

ULDC Articles: 2 and 3

Project Manager: Jerome Ottey, Principal Site Planner

Agency Manager: Denise Pennell, Director of Planning & Development, Westgate CRA

Staff Recommendation: Staff recommends *approval of permission to advertise* based on the findings and conclusions presented in this report.

II. Item Summary

Summary: The item before the Board are proposed revisions to the Westgate Community Redevelopment Area Overlay (WCRAO) of the Unified Land Development Code (ULDC) as summarized below:

- Delete the reference to the number of units allowable through WCRAO Density Bonus Pool, and replacing with a reference to the associated Comprehensive Plan policy.
- Revise the WCRAO Density Bonus Pool Limits and Approval process to clarify the applicable processes.
- Revise WCRAO Parking requirements to reduce guest parking, establish Waiver processes, and incorporate alternative parking for additional parking reductions.
- Delete the “Redevelopment Loading Option” to defer to the requirements of Art. 6 which is less restrictive.

Assessment: The proposed revisions implement BCC direction to incorporate flexible regulations into the ULDC and to reflect industry changes and trends. These revisions are exclusively for land within the WCRAO and with the support from the CRA Staff. The proposed revision will reduce parking requirements for mixed and residential developments, and clarify the approval processes for projects utilizing the WCRAO density bonus pool. The proposed revisions are supported by the goals and objectives of the CRA’s Community Redevelopment Plan to encourage the redevelopment of underutilized sites, while preserving existing viable housing solutions.

III. Hearing History

Board of County Commissioners RPA: On September 25, 2025, the BCC approved request for permission to advertise by a vote of 6-0.

ZC Recommendation: *Scheduled for October 3, 2025*

LDRC Recommendation: *Scheduled for October 3, 2025*

Board of County Commissioners First Reading and Adoption: *Scheduled for October 23, 2025*

IV. Intent

The item before the Board are proposed revisions to the Westgate Community Redevelopment Area Overlay (WCRAO) of the Unified Land Development Code (ULDC) as summarized below:

- Delete the reference to the number of units allowable through WCRAO Density Bonus Pool and replacing with a reference to the associated Comprehensive Plan policy.
- Revise the WCRAO Density Bonus Pool Limits and Approval process to clarify the applicable processes.
- Revise WCRAO Parking requirements to reduce guest parking, and establish Waiver processes, and incorporate alternative parking for additional parking reductions.
- Delete the “Redevelopment Loading Option” to defer to the requirements of Art. 6 which is less restrictive.

V. Data and Analysis

This section provides data and analysis to support the proposed revisions. Additional data and analysis, completed by the Westgate CRA staff are provided in Exhibit 1.

A. Background - Westgate CRA

The Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) was created pursuant to F.S. ch. 163 pt. III, Community Redevelopment, to remove blighted conditions, enhance the PBC's tax base, improve living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area of unincorporated PBC.

The use of community redevelopment powers enables the BCC and the WCRA to make public improvements that encourage and enhance investment while providing neighborhood stability, prevent continuation of inefficient and incompatible land use patterns, and assist revitalization and rehabilitation of older commercial and residential areas in the Westgate/Belvedere Homes area. The WCRAO is established with the purpose and intent of encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving and protecting existing, viable affordable housing; providing opportunity for the future development of affordable housing; implementing the 2004 Westgate/Belvedere Homes Community Redevelopment Plan (WCRA Plan); providing for mixed-use development; and, providing for increased residential densities and commercial intensities, without amendment to the Plan.

The WCRA Plan proposes to use smart growth and form-based code principles that incorporates urban design and mixed-use development to achieve infill, residential, and commercial redevelopment. Mixed-use development is required to implement the goals of the WCRA Plan to allow for a pedestrian-friendly environment, the vertical integration of uses, and higher intensity and density.

B. Proposed Revisions

This section of the report provides supporting information for the proposed ULDC Revisions. Additional information provided by Westgate CRA Staff is provided in Exhibit 1.

1. WCRAO Density Bonus

The Comprehensive Plan establishes that properties in the WCRAO may apply through various Zoning processes to increase density through the WCRAO Density Bonus Pool. Future Land Use Element Policy 1.2.3-b and the ULDC Art. 3 identify that the maximum number of units available in the pool is 1,300 additional dwelling units. The Westgate CRA is seeking a Comprehensive Plan amendment to increase this figure. This staff report proposes to delete the 1,300 figure since it is redundant with the Comprehensive Plan, and thereby allowing the BCC to determine any appropriate change to that figure through the Comprehensive Plan amendment process.

2. WCRAO Transfer of Development Rights

Article 5.G.3., Transfer of Development Rights, allows for additional density for residential properties within the Urban Suburban Tier, including the Westgate CRA. The proposed revisions clarify that additional units may be added to a project through the Transfer of Development Rights program, even if additional density are being requested through the Westgate CRA Density Bonus Pool.

3. Tables to Text

The County is moving forward with a contract to incorporate the ULDC into Muni-Code. This staff report proposes to transfer two tables associated with the WCRAO Density Pool and approval process from tabular format into text for improved readability and to better incorporate the ULDC into Muni-Code. Minor modifications to the language are proposed to clarify the application of the language and ensure consistent application of the approval processes for projects seeking additional density through the Density Bonus Pool.

4. ULDC Parking Reduction Options and Requirements

Other than through the Type 2 Variance process, there is no mechanism to reduce the specific parking requirements of the Westgate CRA. Variances 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. The proposed ULDC revision will promote parking alternatives and remove hindrances to the provision of greater residential densities and non-residential within the Westgate CRA, thereby fostering the redevelopment of the area through more flexible regulations.

Outside of the WCRAO, the ULDC currently allows a Type 1 Waiver process for the reduction of up to 15% of required parking for developments requiring more than 20 parking spaces. On March 27, 2025, the BCC adopted an Ordinance to establish a Type 2 Waiver process to allow parking reductions for Affordable Housing projects. The adoption of that Ordinance inspired the proposed modifications to the Westgate CRA Section of the Code proposes to allow a request to reduce parking through either a Type 1 or Type 2 Waiver process concurrently with a request for a Density Bonus within a mixed-use or residential development. The Waiver request will be dependent on the concurrent administrative or public hearing application for density bonus. If the concurrent application request includes a density bonus of more than 4 units and up to 22 units through the DRO administrative approval process, a Type 1 Waiver may be requested to reduce the WCRAO parking by up to 15 percent. If the concurrent application request includes a density bonus exceeding 22 units per acre in a Standard District or any density bonus within a Planned or Traditional Development through BCC approval, a Type 2 Waiver may be requested to reduce parking. Both Waiver applications will be subject to the submittal of a Parking Demand Statement and Management Plan. These documents are required to justify the request for a parking reduction, through the provision of data/information from reliable sources and a comparative analysis of similar developments. The Management Plan specifically demonstrates how the site will be managed with the reduced parking.

Alternative Motorcycle Parking. Art. 6 currently allows non-residential development providing 50 or more spaces to utilize motorcycle parking for a maximum of three required on-site parking spaces per 50 spaces. This language allows these spaces to be reduced in size and redesigned to a minimum of four feet wide by nine feet long to accommodate parking of motorcycles. As part of discussions with the WCRAO Staff, it was identified that allowing a similar provision for mixed-use projects would further contribute to the ability for sites to accommodate higher densities at a

wide range of incomes. The proposed revisions in this report add an ability for mixed-use and non-residential projects in the WCRAO to incorporate five motorcycle spaces per 50 spaces up to a maximum of ten spaces. As with the Art. 6 language, this provision requires these parking spaces to be identified by a sign. The proposed language requires mixed-use developments to provide a Management Plan pursuant to Art. 6.C.1.A.3.a.2), to demonstrate how onsite parking will be managed and assigned to residents.

C. 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. An 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.

D. Consistency with the Comprehensive Plan

A review by the Planning Division indicates that the proposed amendments will not result in inconsistencies with the Comprehensive Plan. Revisions will better facilitate the County's U/S Tier policies to encourage sustainable urban infill development, further the policies of the WCRAO in the Comprehensive Plan, and the goals of the CRA's Community Redevelopment Plan. The Planning Division has reviewed the proposed ULDC revisions and have provided the attached letter with a finding of consistency with the Comprehensive Plan as Exhibit 4.

VI. Assessment and Conclusions

As demonstrated in this report, this proposed amendment will implement Board direction to allow flexibility in land development standards, providing ways for parking requirements to be reduced, thereby enabling redevelopment and housing production. As redevelopment accelerates in the Westgate CRA district, flexibility and relief mechanisms within the ULDC are needed to facilitate residential and mixed-use projects with greater densities and intensities. These revisions are supported by the goals and objectives of the CRA's Community Redevelopment Plan to encourage the urban infill redevelopment of underutilized sites, while preserving existing viable affordable and workforce housing.

The number of units specified as available in the WCRAO Density Bonus Pool is proposed to be deleted corresponding to an initiated Comprehensive Plan text amendment. Existing language in the Density Bonus Pool section of Article 3, is revised to clarify applicability of the program with other density bonus programs, as well as approval processes. A flexible mechanism for reducing WCRAO parking requirements is proposed for projects that utilize bonus density, taking into consideration the specific circumstances for each site. The number of guest parking spaces are also proposed to be reduced to provide for more flexibility within the CRA.

As such, Staff recommends *approval* of this amendment.

Attachments

Exhibit 1-A – Proposed changes in strike out and underline format	E - 1
Exhibit 1-B – Proposed changes in strike out and underline format	E - 3
Exhibit 2 – Support Information from WCRA Staff	E - 7
Exhibit 3 – Business Impact Estimate	E -11
Exhibit 4 – Planning Consistency Determination Letter	E - 13

EXHIBIT 1-A
WCRAO DENSITY BONUS PROGRAM

This exhibit revises the following Article(s):

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

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. 3.B.14.H., Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Density Bonus Programs, is hereby amended as follows:

CHAPTER B OVERLAYS AND ZONING DISTRICTS

....

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

....

H. Density Bonus Programs

The provisions of Art. 5.G.1, Workforce Housing Program (WHP) apply when WCRAO Density Bonus Program units are not utilized. Residential projects may seek additional density through Art. 5.G.3, Transfer of Development Rights (TDRs) whether or not the project is utilizing the WCRAO Density Bonus Program. The following provisions apply when additional density is utilized through the WCRAO Density Bonus Program. [Ord. 2021-006]

1. Density Bonus Pool

In accordance with WCRAO Plan Policy 1.2.3-b, ~~an~~ additional ~~4,300~~ residential units, that may be utilized for rental and for-sale projects are available in the WCRAO through the WCRAO Density Bonus Pool up to the maximum density per acre as provided below. The maximum density per acre does not include density assigned through the TDR Program, pursuant to the following: [Ord. 2006-004] [Ord. 2021-006]

- 1) NRM, up to 20 units per acre;
- 2) NG, up to 30 units per acre;
- 3) NC, up to 50 units per acre;
- 4) UG and UH, up to 150 units per acre;
- 5) NR and UI shall not utilize the Density Bonus Pool.

Table 3.B.14.H – WCRAO Density Bonus Pool Limits

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Max. WCRAO Density Bonus per ac.	N/A	20	30	50	150	150	N/A
[Ord. 2006-004] [Ord. 2021-006]							

a. WCRA Recommendation

In accordance with Plan FLUE Sub-Objective 1.2.3 and Policy 1.2.3-b, any proposed project that includes a request from the Density Bonus Pool must obtain a recommendation of approval from the WCRA in accordance with ~~the standards of~~ Art. 3.B.14.D, Development Review Procedures consistent with the provisions below: [Ord. 2006-004] [Ord. 2007-013] [Ord. 2011-011] [Ord. 2021-006]

....

b. Density Bonus Pool Approval Process

The review process for a WCRAO Density Bonus Pool approval is based on the range of density bonus units requested, ~~in accordance with Table 3.B.14.H, WCRAO Density Bonus Pool Approval. Notice of all proposed projects shall be forwarded to the County Administrator or designee by the Division responsible for reviewing the application.~~ [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-022] [Ord. 2021-006]

- 1) Permitted by Right (Standalone Concurrency) within Standard Zoning Districts
 - a) One bonus unit on sites less than one acre;
 - b) Over one bonus unit per acre and up to 4 bonus units per acre;
- 2) DRO Approval - over 4 bonus units per acre and up to 22 bonus units per acre within Standard Zoning Districts
- 3) BCC Approval as Class A Conditional Use
 - a) Over 22 bonus units per acre within Standard Zoning Districts;
 - b) Any bonus unit within a Planned or Traditional Development.

Table 3.B.14.H – WCRAO Density Bonus Pool Approval

<u>Approval Process Required (1)</u>	<u>Range of Bonus Units per ac. (3)</u>
<u>Permitted by Right (2)</u>	0.1-4
<u>DRO Approval</u>	4.01-22
<u>BCC Approval</u>	≥ 22.01
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2021-006]	
Notes:	
<u>1.</u>	The transfer of density to a PDD or TDD requires approval as a Class A Conditional Use. [Ord. 2006-004] [Ord. 2018-002]
<u>2.</u>	Up to one unit may be Permitted by Right for projects less than one acre in size. [Ord. 2006-004]
<u>3.</u>	Additional units may be acquired through the County's TDR Program. [Ord. 2021-006]

c. Incentives for Density Bonus Pool Projects

Applications for projects utilizing the WCRAO Density Bonus Pool may include requests for one or more of the incentives listed below: The requests shall be consistent with the Plan and receive a WCRA recommendation for approval:

- 1) ~~The Applicant may request~~ to modify or reduce the landscape requirements pursuant to Art. 7, Landscaping subject to a Type 1 Waiver process. ~~The request shall be consistent with the Plan and a WCRA recommendation for approval.~~ [Ord. 2006-004] [Ord. 2021-006]
- 2) ~~The Applicant may request~~ to utilize WHP incentives available under the Full Incentive Option pursuant to Art. 5.G.1.B.2.f, Incentives Available under Full Incentive Option. ~~The request shall be consistent with the Plan and receive a WCRA recommendation for approval.~~ [Ord. 2021-006]

EXHIBIT 1-B
WCRAO PARKING

This exhibit revises the following Article(s):

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

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. 3.B.14.I., Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Parking and Streets, is hereby amended as follows:

CHAPTER B OVERLAYS

....

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

....

I. Parking and Streets
1. Parking

....

c. ~~Allowable Reductions in Required~~ On-Site Parking Requirements

Unless stated otherwise in this Section, parking and loading shall be in accordance with Table 6.B.1.B, Minimum Parking and Loading Requirements. ~~The required amount of on-site parking may be reduced in accordance with any of the following provisions. These provisions may be applied cumulatively.~~ [Ord. 2006-004] [Ord. 2007-013]

1) Mixed-Use and Residential Parking Requirements UG, UH, NRM, NG, and NC Deviations

The parking requirements for mixed-use projects or residential projects shall be as follows: ~~Deviations in the required parking specified in Table 6.B.1.B, Minimum Parking and Loading Requirements shall be permitted for mixed-use or residential projects in the UG, UH, NRM, NG, or NC Sub-areas as specified in Table 3.B.14.I, WCRAO Mixed Use and Residential Parking Deviations.~~ [Ord. 2006-004] [Ord. 2007-013]

a) Multifamily Residential

(1) One bedroom: 1 space per unit.

(2) Two bedrooms: 1.5 spaces per unit.

(3) Three or more bedrooms: 2 spaces per unit, or 1.5 spaces per unit for any unit required to be deed restricted for very-low and low-income households.

(4) Guest parking: 1 space per 5 units.

b) Commercial Uses

- (1) General Retail Sales: 3 spaces per 1,000 square feet.
- (2) Restaurant: 1 space per 4 seats.
- (3) Cocktail Lounge: 1 space per 4 seats.
- (4) Hotel or Motel (other areas calculated separately): 1.25 spaces per room.
- (5) All other Commercial Use Classification uses: 2.5 spaces per 1,000 square feet.

c) Alternative Vehicle Parking

(1) Motorcycle Parking. For any mixed-use or non-residential development providing 50 or more spaces, a maximum of five required on-site parking spaces per 50 spaces, may be reduced in size and redesigned to a minimum of four feet wide by nine feet long to accommodate parking of motorcycles up to a maximum of ten spaces. When provided, these parking spaces shall be identified by a sign. Mixed-use developments must provide a parking analysis and management plan pursuant to Art. 6.C.1.A.3.a.2), to demonstrate how onsite parking will be managed and assigned to residents. [Ord. 2020-001]

d) Waiver

Zoning applications requiring 20 or more parking spaces that are requesting a WCRA Density Bonus may include a request for a Waiver to reduce required parking by up to 15 percent as provided below:

- (1) Density Bonus applications over 4 bonus units per acre and up to 22 bonus units per acre through the DRO approval may request a Type 1 Waiver for the parking reduction.
- (2) Density Bonus applications over 22 bonus units per acre within Standard Zoning Districts, or any density bonus units within a Planned or Traditional Development through the BCC approval process may request a Type 2 Waiver for the parking reduction.
- (3) The parking reduction waiver request is subject to the requirements of Art. 6.C.1.A.1, Supplemental Application Requirements and Art. 6.C.1.A.3.a.2) Parking Demand Statement, including the parking analysis and management plan.

Table 3.B.14.I – WCRAO Mixed-Use and Residential Parking Deviations

Use		Parking
	1 Bedroom	1 per unit plus required guest parking
	2 Bedroom	1.5 per unit plus required guest parking
	≥ 3 Bedrooms	2 spaces per unit plus required guest parking (2)
Hotel or Motel (other areas calculated separately)		1.25 per room
Office, Business or Professional and Medical or Dental		2.5 per 1,000 sq. ft.
Commercial Uses		2.5 per 1,000 sq. ft.
Commercial, General Retail Sales		3 per 1,000 sq. ft.
Restaurant, Cocktail Lounge		1 per 4 seats
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2017-002]		
Notes:		
1.	Unless stated otherwise in this Section, parking and loading shall be in accordance with Table 6.B.1.B, Minimum Parking and Loading Requirements. [Ord. 2006-004] [Ord. 2007-013]	
2.	A parking ratio of 1.5 spaces per unit plus required guest parking shall also be permitted for any unit required to be deed restricted for very low and low income households. [Ord. 2007-013]	

....

~~2. Redevelopment Loading Option~~

~~To further development of WCRAO smaller parcels in the NRM, NG, NC, UG, or UI Sub-areas that promote the form-based code principles of the WCRA Plan, the WCRA Executive Director may authorize the use of access aisles or other similar location on a site with structures less than 25,000 square feet in size, to also be used as loading areas, subject to the following: [Ord. 2007-013]~~

~~a. Application~~

~~An application shall be submitted to the WCRA in a form established by the Executive Director of the WCRA. The application shall include a loading demand study that addresses the minimum standards of this Section. [Ord. 2007-013]~~

~~b. Standards~~

~~The following standards shall apply to any shared location for a required loading zone: [Ord. 2007-013]~~

- ~~1) Demonstrate that site constraints or the benefits of an alternate loading zone is needed to allow for the development, including efforts to maximize potential FAR or density; [Ord. 2007-013]~~
- ~~2) Identify the size and types of uses that will be using the alternate loading zone, to include turnover rates and peak loading hours; [Ord. 2007-013]~~
- ~~3) Demonstrate that the proposed alternate loading zone will not adversely impact required vehicle stacking at entrances, block building entrances, emergency vehicle access, or parked vehicles; [Ord. 2007-013]~~
- ~~4) Identify the dimensions and types of vehicles that will use the alternate loading zone; [Ord. 2007-013]~~
- ~~5) Incorporate other available data, including but not limited to: traffic engineering or other Planning studies demonstrating the feasibility of the request; [Ord. 2007-013]~~
- ~~6) The use of the site may be limited to the size and types of uses indicated in the approved loading zone study; [Ord. 2007-013]~~
- ~~7) The site design shall provide sufficient maneuvering area and turning radii for proposed delivery vehicles; and, [Ord. 2007-013]~~
- ~~8) If located in an access aisle, a minimum ten-foot wide by-pass shall be maintained along the entire length of the designed alternative loading area. [Ord. 2007-013]~~

~~c. Approval Letter and Documentation~~

~~The WCRA Executive Director shall recommend approval or denial of the application within the timeframes established under Art. 3.B.14.D.1.b, Timeframe for Response. The WCRA Executive Director shall issue a letter to the Applicant indicating their recommendation. [Ord. 2007-013]~~

2 3. Access and Circulation System

....

Part 2. ULDC Art. 3.B.16.F.9.b.2), Overlays and Zoning Districts, Overlays, Urban Redevelopment Area Overlay (URAO), PRA Design and Development Standards, Parking and Loading Standards, Parking Ratios, Residential is hereby amended as follows:

CHAPTER B OVERLAYS

Section 16 Urban Redevelopment Area Overlay (URAO)

F. PRA Design and Development Standards

2) Residential

Multifamily residential parking ratios may be reduced in accordance with [Art. Table 3.B.14.I.1.c.1\)a\), ~~Multifamily Residential WCRAO Mixed-Use and Residential Parking Deviations.~~](#) [Ord. 2010-022]

Part 3. ULDC Art. 2.B.7.D.2.d, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver, Applicability, is hereby amended as follows:

CHAPTER B PUBLIC HEARING PROCESSES

Section 7 Types of Applications

D. Type 2 Waiver

d. Parking, Buffers, and Landscaping

1) Unaltered text omitted for brevity

[7\) Art 3.B.14.I.1.c.1\)d\), for parking for WCRAO Mixed-Use or Residential Projects.](#)

Part 4. ULDC Art. 2.C.5.G.2.a.4), Application Processes and Procedures, Administrative Processes, Types of Applications, Type 1 Waiver, Applicability, Overlays, is hereby amended as follows:

CHAPTER C ADMINISTRATIVE PROCESSES

Section 5 Types of Applications

G. Type 1 Waiver

2. Applicability

Requests for Type 1 Waivers shall only be permitted where expressly stated within this Code or indicated below: [Ord. 2011-016] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-020] [Ord. 2021-006] [Ord. 2024-020]

a. Overlays

4) Art. 3.B.14.H.1.c.1) for landscaping for WCRAO Density Bonus Pool projects; [and, Art. 3.B.14.I.1.c.1\)d\), for parking for WCRAO Mixed-Use or Residential Projects.](#) [Ord. 2024-020]

5) Table 3.B.15.G, Type 1 Waivers, for IRO Waivers. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2024-020]

6) Table 3.B.16.G, Type 1 and 2 URAO Waivers, for URAO Waivers. [Ord. 2012-027] [Ord. 2018-002] [Ord. 2021-006] [Ord. 2024-020]

EXHIBIT 2

SUPPORT INFORMATION FROM WCRA STAFF

A. WCRAO Density Bonus Program

Art. 3.B.14.H, Density Bonus Programs allows residential density to be increased beyond the future land use with special provisions and incentives for the delivery of those projects that utilize the Density Bonus Pool. The current regulations and proposed revisions are summarized below.

- **Density Bonus Pool.** Corresponding to an initiated Comprehensive Plan text amendment, the number of units specified as available in the WCRAO Density Bonus Pool is proposed to be deleted. Since this language references Policy 1.2.3-b residential units, indicating the specific number, it does not need to be repeated in the ULDC. The CRA is currently proposing to amend Future Land Use Element (FLUE) Sub-Objective 1.2.3., Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO), specifically Policy 1.2.3-b, Density Bonus Pool. In 2005, the Board of County Commissioners recognized the Westgate/Belvedere Homes Community Redevelopment Area as a receiving area for commercial and residential bonus provisions beyond what is contemplated by the future land use and established a density pool of 1,300 bonus units. The acceleration of constructed, entitled and planned residential development in the CRA district is depleting the pool. The amendment seeks to increase the number of bonus units to support the Agency's next 15-year build out development horizon, and the ongoing need for housing production countywide. This concurrent ULDC revision is proposed to delete the number of units since this language references Policy 1.2.3.b, indicating the specific number of units available in the pool, and does not need to be repeated in the ULDC.
- **WCRAO Density Bonus Pool Limits** are assigned per WCRAO Sub-area based on a maximum number of density bonus per acre. There is no change to these limits proposed through this revision. The table is deconstructed, and the existing maximums reiterated in a list format, clarifying that Sub-areas set aside for single family neighborhoods (NR) and industrial development (UI) may not access additional density through the program.
- **WCRAO Density Bonus Pool Approval Processes.** There is an uptick of small-scale residential projects in the CRA district on parcels less than one-acre seeking to utilize one additional unit from the WCRAO Density Bonus Pool; these projects contribute to incremental redevelopment and 'missing middle' infill workforce housing stock. Table 3.B.14.H – WCRAO Density Bonus Pool Approval, Footnote 2. is intended to allow up to one unit as Permitted by Right for projects less than one acre in size; this note, interpreted as a limitation, could trigger a full DRO approval for one unit, unnecessarily extending the review process. The revision clarifies that one unit from the Density Bonus Pool is Permitted by Right for projects less than one acre in size.

Table 3.B.14.H is revised to further clarify that the Pool of units may be utilized for up to 4 units per acre for infill housing projects on small sites through Standalone Concurrency, without the need for DRO review. WCRAO Density Bonus Pool Approval is proposed to be revised to add "Standalone Concurrency" to the requirement for approval for permitted by right bonus density to ensure levels of service are met, and to clarify that projects exceeding the bonus density range of 22 bonus units per acre are subject to a Class A Conditional Use approval, including any request for density bonus for planned or traditional developments.

Existing language related to the acquisition of TDRs through the Transfer of Development Rights Program is relocated to introductory section language; the revision also clarifies that the maximum density per acre permitted through the WCRAO Density Bonus Program

does not include density allocated through the TDR Program, allowing both programs to be utilized in a layered approach, as with other density bonus programs. Clean-up revisions will remove the requirement for notice of bonus density projects to be forwarded to the County Administrator.

Existing language in 3.B.14.H.1.c. Incentives for Density Bonus Pool Projects is revised to better clarify that projects utilizing the Pool may also request a Type 1 Waiver to reduce requirements for landscaping, and that projects may access WHP incentives available under the Full Incentive Option. The revision also proposes to eliminate the current requirement for CRA approval to utilize the incentives in this section. The CRA reviews and provides recommendation on most Zoning applications with the WCRAO, including Waivers, as a part of its development review role. This revision clarifies that all Zoning approvals fall under the purview of the Zoning Division, and the approvals processes outlined in the ULDC.

B. WCRAO Residential and Mixed-Use Parking Standards

The WCRAO provides alternative standards and provisions that deviate from ULDC regulations that favor more suburban development patterns. Most projects within the boundaries of the redevelopment area are required to utilize WCRAO standards. Sub-area land development regulations and supplementary standards require an urban building massing and frontage along the front property line, and access and parking at the rear to promote urban and infill development within the redevelopment area. WCRAO standards typically allow for more project square footage and buildable site area since PDRs such as setbacks, landscape buffers, and parking ratios are reduced, and height, as well as density, through the WCRA Density Bonus Program, are increased. Regulatory incentives within the zoning overlay promote and support urban infill mixed-use development in a shared parking scenario, allowing for the development of sub-standard CG-zoned lots which otherwise would not occur. These provisions are often in conflict with Zoning and other Agency site requirements, particularly when residential densities are increased beyond what is contemplated by a site's FLU, and compliance is difficult to achieve without the need for a variance, or a redesign that can result in a loss of housing units.

- **WCRAO Parking Ratios & Guest Parking.** The CRA district has adequate transit coverage along its collector and arterial roadways, linking the district to the West Palm Beach Intermodal Transit Center, which connects to Palm Tran transfer routes, Tri-Rail, and Amtrak. The ITE Parking Generation Manual (5th Edition) states that the average peak parking demand for mid-rise multi-family housing (Land Use #221) in semi-urbanized areas is 1.31 parking spaces per unit and the 85th percentile parking demand is 1.47 spaces per dwelling unit. Clean up revisions are included so that parking notes for commercial uses in Table 3.B.14.I mirror those in the ULDC; the Table is proposed to be deleted and converted to text format. All references to deviations or reductions would be removed from the section, allowing WCRAO residential and mixed-use parking in Table 3.B.14.I to stand as the baseline. Existing language for curbside parking is relocated for better section flow.

The revision further proposes to reduce the guest parking ratio for residential and mixed-use projects in the WCRAO to 1 space per 5 units, or 20%, offering a further incentive to developers to concentrate residential density in the CRA district. The County's guest parking ratio is 1 space per 4 units, or 25%. Research has shown that across multiple south Florida jurisdictions, the guest parking ratio sits at an average of approx.15%. Municipal areas outside of the downtown core of West Palm Beach have a parking ratio of 1 space per 5 units, or 20%. Many jurisdictions are silent on guest parking. Few have a

25% requirement, particularly those that are more urbanized. A reduced guest parking ratio in the WCRAO can serve as a pilot for other areas of the County that offer increased densities.

Waivers as Flexible Regulations. Multiple jurisdictions, including the County, have established waivers in order to establish the ability for flexible development regulations. Waivers allow request for modifications to land development regulations considering the unique circumstances of individual properties, subject to data and analysis and the ability to meet established waiver standards. Pursuant to ULDC Art. 2.C.5.G.1, Purpose, a Type 1 Waiver is to allow *“flexibility and minor adjustments to the property development regulations; site design; preservation or incorporation of existing native vegetation; or, for an improved site design where alternative solutions can be permitted subject to the criteria.”* Whereas a waiver process allows flexibility, a variance process is based upon proof a hardship that is not self-inflicted. With each application on a case-by-case basis, the proposed language requires Applicants to demonstrate the need for the waiver in the Justification Statement, Parking Demand Statement and Parking Management Plan. This will ensure that the need for the proposed reduction is demonstrated through relevant traffic engineering data. Further, these waivers will be connected with project uses, and would come under scrutiny if a new use is proposed. A use change at a future date may require the redesign of the site.

- **WCRAO Parking Standards for Residential & Mixed-Use Development.** The Board of County Commissioners, in adopting Ord. 2006-004, approved WCRAO minimum parking ratios in Table 3.B.14.I to be used by right. Yet, WCRAO redevelopment parking standards still lack the flexibility needed for more urbanized projects with increased density that have access to transit connections and proximity to job centers that would reduce the need for an automobile. Art. 6.C.1 allows an overall reduction in required parking of up to 15% through approval of a Type 1 Waiver, limited to sites that have a minimum of 20 required parking spaces. However, this waiver is not available to projects in the WCRAO that also use ratios for WCRAO Mixed Use and Residential Parking. Requests for greater than a 15% reduction require approval by the Zoning Commission as a Type 2 Variance.

This revision proposes to place the option for an administrative Type 1 Waiver and a BCC approved Type 2 Waiver within the WCRAO for use by residential and mixed-use projects, particularly those that utilize the WCRAO Density Bonus Program, or propose a mix of residential and commercial uses. The Waiver request will be dependent on whether the parent application requires an administrative approval or a public hearing approval. If the parent application requires an administrative approval, a Type 1 Waiver may be requested to reduce the WCRAO parking by up to 15 percent. If the parent application requires a public hearing approval, a Type 2 Waiver may be requested to reduce parking.

This amendment is unlike the County’s recent amendment for Affordable Housing Program Type 2 Waiver for a parking reduction which has the single objective of reducing parking exclusively for AHP multifamily projects within the URA. The multiple intent of this revision is that the Waiver request would not be exclusive to residential parking ratios, but could apply to either residential or mixed-use projects.

This revision is meant to provide the Zoning Director and the BCC with a mechanism to reduce WCRAO residential parking requirements, when reasonable, without the need for a variance.

This revision requires the applicant to meet the standards for the applicable Type 1 or Type 2 Waiver per Art. 2. In a mixed-use development scenario, an applicant would need to demonstrate that the mix of residential and commercial uses have varying peak hour demands that would not strain parking. The amendment would also require an applicant to provide an additional parking analysis and parking management plan to ensure proper

on-site management of vehicles, similar to the recently approved Type 2 Waiver for parking reduction for Affordable Housing Program Parking.

- **Redevelopment Loading Option.** Ord. 2020-001 amended the required location of loading spaces to include the provision contained in Art. 6.E.3.C., Alternative Design Options, which allows parking spaces and the drive aisle to be used in lieu of providing a designated loading space during non-business hours. This revision benefits the site design of smaller commercial or mixed-use projects that previously depended upon relief from WCRAO Art. 3.B.14.I.2. option for loading, but were also restricted by a minimum building size to access this provision. The WCRAO Redevelopment Loading Option is proposed to be deleted in favor of Art. 6.E.3.C. which is offered by right. Most uses that would opt for the WCRAO Loading option are mixed use projects with compatible ground floor commercial uses that do not generate a high demand for loading during business hours.

**EXHIBIT 3
BUSINESS IMPACT ESTIMATE**

Meeting Date: September 25, 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 **WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY RESIDENTIAL AND MIXED-USE PARKING WAIVER**, AMENDING ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS; ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES; 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 reduce parking requirements for projects in the Westgate Community Redevelopment Area Overlay (WCRAO). The revisions establish an Administratively Approved Type 1 Waiver and a Type 2 Waiver approved by the Board of County Commissioners to allow parking reductions for residential and mixed-use projects as an alternative to a Type 2 Variance approved by the Zoning Commission. The revisions also include clarifications on the maximum allowed density through the WCRAO Density Bonus Pool within a Subarea and the approval process for projects seeking additional density through the Density Bonus Pool.

The Public Purpose to be served is to establish an additional method for proposed WCRAO residential projects reduce parking requirements through allowing consideration of the unique attributes of each project including parking demand and management, access to mass transit, and pedestrian networks. The Waiver processes are a more suitable technique to incorporate flexible development regulations rather than a variance process. The proposed ULDC revisions will remove hindrances to higher density housing developments, therefore fostering additional housing to contribute to public welfare. The revisions to clarify maximum densities and approval processes will aid in the better understanding by the general public of regulations within the WCRAO.

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 1 and Type 2 Waiver option for residential and mixed-use 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. There are no fees associated with the allocation of WCRAO density bonus; therefore, providing the alternative Type 1 and Type 2 Waivers 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:

These ULDC revisions proposes a flexible optional for parking reduction for projects in the WCRAO that is already allowed by a variance. It is estimated that several businesses per year could take advantage of the waivers proposed by this ordinance. Revisions to clarify regulations will positively impact businesses through better understanding of the application of regulations.

Any Additional Information: None.

EXHIBIT 4
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

■
**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

Joseph Abruzzo

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

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

TO: Mr. James Williams, Chair, and
Members of the Zoning Commission

FROM: Travis Goodson, Principal Planner 
Planning Division

DATE: September 23, 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 Item C.6, Westgate Community Redevelopment Area Overlay (WCRAO) Revisions, in the packet provided by the Zoning Division and scheduled for the October 3, 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 N. Hernandez, Deputy Zoning Director
Jerome Ottey, Principal Site Planner, Zoning Division

T:\Planning\CURRENT\ULDC\Code Revisions\3-LDRC (2024-present)\2025\10-Oct\10-03-2025-LDRC-Consistency-Memo-2.docx