

ORDINANCE NO. 5123-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS; ARTICLE XVII – AFFORDABLE AND WORKFORCE HOUSING; SECTION 94-551 (LIVE LOCAL WORKFORCE HOUSING DEVELOPMENT) TO PROVIDE FOR COMMISSION REVIEW OF VARIANCE OR WAIVER REQUESTS; SECTION 94-552 (AFFORDABLE AND WORKFORCE HOUSING OVERLAY (AWHO) DEVELOPMENT) TABLE XVII-1 TO INCREASE BMUD INCENTIVES FROM THREE ADDITIONAL FLOORS TO FOUR ADDITIONAL FLOORS AND AUTOHRIZING LIMITED VARIANCE AND WAIVER REVIEW FOR LIVE LOCAL WORKFORCE HOUSING DEVELOPMENTS, TO PROVIDE CLARIFICATION FOR THE BONUS UNITS IN CASES OF UP ZONINGS AND PROVIDE CLAIFICATION OF THE MAXIMUM FLOOR AREA RATIO ALLOWED; DECLARING THESE AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of West Palm Beach (the “City”) as set forth in Article VIII, Section 2, of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and other applicable controlling law, including Section 166.04151(7)(a) referred to hereinafter as the Live Local Act; and

WHEREAS, the Live Local Act provides that a municipality must authorize multifamily and mixed use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily development are rental units that are affordable as defined in Section 420.0004, Fla. Stat. for a period of at least 30 years and the City may not require the proposed multifamily development obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized pursuant to the Act; and

WHEREAS, because the City has designated less than 20 percent of land within its jurisdiction for commercial or industrial uses, the City must authorize a proposed multifamily development as provided in the Live Local Act in areas zoned for commercial or industrial use only if the proposed multifamily development is for mixed-use residential with at least 65% residential use; and

WHEREAS, the City Commission adopted Ordinance No 5103-24 creating its Affordable and Workforce Housing regulations providing additional opportunities for affordable and workforce housing projects not otherwise limited by the Live Local Act; and

WHEREAS, the Live Local Act provides for administrative approval of projects meeting the statutory requirements and all City Land Development Regulations but does not prohibit the

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City from allowing for waivers and variances for projects otherwise meeting the statutory requirements; and

WHEREAS, this ordinance is adopted for the purpose of increasing the supply of affordable housing and is consistent with the preemption provided in the Live Local Act and is otherwise consistent with the City's Comprehensive Plan as amended; and

WHEREAS, the Planning Division has determined the amendments to the affordable and workforce housing regulations proposed meets all eight amendment standards found within Section 94-32 of the City's Zoning and Land Development Regulations; and

WHEREAS, the Planning Board recommended approval 6-1 of this amendment to the City Commission after a Public Hearing on December 17, 2024; and

WHEREAS, the public hearing was advertised in the Palm Beach Post, with proof of publication housed in the Development Services Department – Planning Division.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby finds and determines:

1. that amendment to the Zoning and Land Development Regulations is consistent with general law;
2. that the amendment to the City's Zoning and Land Development Regulations, as described in this Ordinance, is consistent with the Comprehensive Plan of the City and not prohibited by the Live Local Act;
3. that increasing the supply of affordable housing benefits the general welfare and serves a public purpose.

SECTION 2: The City Commission hereby finds and determines that the amendment provisions not preempted by the Live Local Act are consistent with the standards established in Section 94-32 of the Zoning and Land Development Regulations:

- A. **Comprehensive Plan.** The proposed text amendments are consistent with the Comprehensive Plan and specifically Future Land Use policies 1.1.1. 1.1.3 and Goal 6 and Housing Goal 1.
- B. **Changed Conditions.** Approval of the proposed text amendments are required to implement the Comprehensive Plan policies and statutory requirements under the Live Local Act.
- C. **City Development Code.** The proposed amendment is consistent with all applicable portions of the City's Development Code.

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- D. **Existing and Proposed Land Use.** The amendment maintains consistency with existing and proposed land uses through Future Land Use policy 1.1.3 which addresses density and intensity.
- E. **Public Facilities.** The proposed amendment will not have an impact on the demands of public facilities, nor will it cause the capacity of facilities to be exceeded.
- F. **Natural Environment.** The proposed amendment will not result in adverse impacts to the natural environment.
- G. **Property Values.** The proposed amendment will not adversely affect property values in the area.
- H. **Development Pattern.** The new Regulations will not negatively affect orderly and logical development patterns.

SECTION 3: The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 94 - Zoning and Land Development Regulations, Article XVII, Affordable and Workforce Housing, Section 94-551, Live Local Workforce Housing; 94-552, Affordable and Workforce Housing Overlay Development, which shall read as follows:

ARTICLE XVII – AFFORDABLE AND WORKFORCE HOUSING

- 1) *Definitions.* The following definitions are applicable to applications for affordable and workforce housing developments filed pursuant sec. 94-56 and this article:
 - a. *Affordable housing* means households at or below 80% of the area median income as defined by the US Department of Housing and Urban Development (HUD) income limits per household size that meets maximum housing payments established by HUD, Florida Housing Finance Corporation or local ordinance. Housing payments generally do not exceed 30% of household's gross monthly income.
 - b. *Transit Stop* means an officially marked and designated area where people can wait for a bus, a light rail vehicle, train or any other public transportation vehicle that is operated on a schedule route and open to use by the general public.
 - c. *Workforce housing* means housing that is affordable for households with incomes between 81% to 120% of the area median income. Eligibility for workforce housing programs and incentives will be based on a percentage of the median income as published by the US Department of Housing and Urban Development, Fannie Mae or the State of Florida without regard to household size.

Sec. 94-551. – Live local workforce housing development

1) *Requirement for projects filed pursuant to the Live Local Act.* Applications filed for development of mixed-use residential projects pursuant to Florida Statutes § 166.0451, hereinafter referred to as the live local act, as amended from time to time, shall comply with the following requirements unless pre-empted by statute.

- a. A proposed mixed use residential development is a permitted use in any area zoned commercial, industrial, or mixed use if the proposed affordable housing development meets the City's land development regulations and the affordability requirements set forth in this section.
- b. At least 65% of the total square footage of the mixed-use project must be used for residential purposes.
- c. At least 40% of the residential units in the multifamily development are rental units with affordability restrictions for at least 30 years;
- d. The monthly rent or mortgage payments including taxes, insurance and utilities do not exceed 30% of the median adjusted gross annual income for the households indicated as extremely-low income persons, low-income persons, moderate-income persons or very-low-income persons.

2) *General review standards for applications.* Applications shall be evaluated utilizing the following general review standards, as applicable:

- a. Traffic impact, considering the impact and strategies detailed in the traffic impact report.
- b. Impact on infrastructure and utilities, based on the impact and strategies detailed in the infrastructure capacity demand report.
- d. The form and scale of each building shall meet the requirements for each underlying zoning district.
- d. Compatibility of the use with the existing natural environment of the site, historic, and archaeological sites and with the surrounding properties and adjacent neighborhoods shall be described in the justification statement for the project.
- e. Sufficient setbacks, screening, buffering to provide landscape, light and air to preserve the internal and external harmony between properties and compatibility with the character existing and future potential neighborhood character. The proposed development shall consider any adverse effects of noise, light, dust, fumes and other nuisances to the neighboring properties.
- f. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations of the site for the anticipated residents and management of the development without unanticipated undue impacts on the public realm.
- g. The application complies with sections 94-553(a) and (b).

3) Calculation of Density, Height, and FAR Bonus.

- a. Any proposed mixed-use residential development that meets the City's land development regulations and the requirements of subsections (1) and (2) above may request an increase in density, intensity, or height up to the level provided in this subsection (b), as applicable;
- b. The highest currently allowed density is:
 - 1. 32.27 units per acre for mixed-use residential development projects proposed in a zoning district where capacity is calculated based on units per acre; or
 - 2. 150% of the highest currently allowed floor area ratio (currently seven) for mixed use residential development projects proposed in a zoning district where capacity is calculated by floor area ratio; or
 - 3. In the event the project is proposed in an area where both subsection (1) and (2) apply, density will be calculated pursuant to section (1) above and section (5) below.
 - 4. In those mixed-use residential development projects proposed in a zoning district where intensity is calculated by height, the height shall not exceed the highest currently allowed height for a commercial or residential building located in the City within one mile of the proposed development or three stories, whichever is higher.
 - 5. When subsection (2) is applicable, workforce units will not be included in the density calculation.
- c. *Height Exception.* The City may restrict the height of a proposed mixed-use residential development to 150% of the tallest building on any property adjacent to the proposed development or three stories, whichever is higher, when proposed development is:
 - 1. Adjacent to a parcel zoned for single-family residential use on two or more sides; and
 - 2. Within a single-family residential development that has at least 25 contiguous single-family homes.

4) Parking Waivers:

- a. Parking requirements are reduced by 20% for a proposed mixed-use residential development when the development is:
 - 1. Located within one-half of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means including but not limited to sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or
 - 2. Has available parking within 600 feet of the proposed development, which may consist of options such as on-street parking, parking lots, or parking garages available for use by the residents of the proposed development. Such parking must be accessible from the residential development by a pedestrian friendly route with sidewalks and crosswalks.
- b. Parking requirements are eliminated for a proposed mixed-use residential development within an area recognized by the City as transit-oriented development or area.

- 5) *Review process.* A live local workforce housing development in compliance with sec. 94-551 of the zoning and land development regulations shall be administratively reviewed.
6. *Review Process Exception.* Applications for local workforce housing developments not in compliance with sec. 94-551 because the project requires a variance or waiver of setback, landscape, and parking requirements shall be submitted to the City Commission for Special Site Plan Review. In reviewing the application for variance or waiver of the setback, landscape, and parking requirements, the City Commission will apply the waiver and variance standards outlined in 94-552.

Sec. 94-552. - Affordable and workforce housing overlay (AWHO) development

- a. *Intent* The intent of this section is to offset the high cost for the production of more quality affordable and workforce housing through incentives providing for added density and intensity in exchange for the construction of affordable and workforce housing units.
- b. *Qualifying property.* To qualify for application under the affordable and workforce housing overlay (AWHO), the property shall meet the following minimum criteria:
1. The property shall have a current zoning designation of Multifamily Low Density Residential, Multifamily Medium Density Residential and Multifamily High Density Residential; or
 2. The property shall have a current zoning designation of Office Commercial, Neighborhood Commercial, General Commercial and Professional Office Residential; or
 3. The property shall have a current designation of Industrial Light and have direct access onto 45th Street; or
 4. The property shall have a current zoning designation of Industrial and have direct access onto Military Trail, 45th Street, 36th Street, Georgia Avenue north of Southern Boulevard or be located within the Jefferson Terminal District; or
 5. The property shall have a current zoning designation of Northwood Mixed Use District or Broadway Mixed Use District;
 6. The property shall not be located within any Single-Family Zoning District; and
 7. The property shall not be located within any Historic District; and
 8. The property shall not be located within the Currie Mixed Use District; and
 9. The property shall not be located within the Downtown Master Plan.
 10. Properties designated Community Service or Community Service Planned Development that look to establish 100 percent affordable/workforce housing or establish housing to address the needs of students, the elderly or another special needs population or to create housing specific for their own workforce shall be permitted to utilize the provisions of this program. Permitted AWH density shall be determined based on underlying zoning or the zoning of adjacent properties and as permitted consistent with Comprehensive Plan Land Use Element, Policy 1.1.3; and,

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11. Existing planned developments may apply under the AWHO program using its underlying residential zoning district.

c. *General review standards for applications.* Applications under the AWHO program shall be reviewed based on the following general review standards, as applicable:

1. AWHO developments shall be consistent with, the Comprehensive Plan with an emphasis on policy 1.1.3; and the zoning and land development sections 94-35(c) site design qualitative standards; 94-201 general development standards 94-33 unless modified by these provisions; and Article XII natural resource protection, and Article VII floodplain management, and the standards and regulations set forth in this section 94-552.
2. Traffic impact, considering the impact and strategies detailed in the traffic impact report.
3. Impact on infrastructure and utilities, based on the impact and strategies detailed in the infrastructure capacity demand report.
4. The form and scale of each building shall meet the requirements for each underlying zoning district or as provided for in Table XVII-1, as applicable. Any waiver or variance request must be accompanied with detailed reasoning for the request within the justification statement.
5. Compatibility of the use with the existing natural environment of the site, historic, and archaeological sites and with the surrounding properties and adjacent neighborhoods shall be described in the justification statement for the project.
6. Sufficient setbacks, screening, buffering to provide landscape, light and air to preserve the internal and external harmony between properties and compatibility with the character existing and future potential neighborhood character. The proposed development shall consider any adverse effects of noise, light, dust, fumes and other nuisances to the neighboring properties.
7. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations of the site for the anticipated residents and management of the development without unanticipated undue impacts on the public realm.
8. Income levels, unit types and locations are in compliance with this article.
9. If the subject property is zoned industrial, then the following additional criteria shall be considered:
 - a. Conversion to a residential use will not cause negative impacts on surrounding industrial operations; and
 - b. Location and surrounding land uses will not cause any adverse impacts to the health of future residents.

10. The application complies with subsections 94-553 (a) and (b).

d. *AWHO tiers.* Eligibility to process variances and waivers shall be based on the tier for which the project complies, as follows:

Language underlined added, and language ~~stricken~~ deleted.

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Tier One. Projects in which one hundred percent (100%) of the project units are affordable/workforce housing units, and:

1. The project is a rental housing project;
2. The project is located in a permitted zoning district. The existing zoning shall be used as the base density for the project;
3. *AMI.* The units shall include the Area Median Income levels (AMI) as follows:
 - a. Fifty percent of the bonus density units shall be affordable/workforce housing at or below 100% of the AMI.
 - b. All other units will be affordable/workforce housing rental units at or below 120% of the AMI.
 - c. Any requested variances or waivers meet applicable requirements to be granted.

Tier Two. Projects that do not exceed a maximum of 40 units per acre, including any density bonus provided Table XVII-1, and:

1. The project is a rental housing project;
2. The project is located in a permitted zoning district. The existing zoning shall be used as the base density for the project;
3. *AMI.* The units shall include the Area Mean Income levels (AMI) as follows:
 - a. Fifty percent of the bonus density units shall be affordable/workforce housing at or below 120% of the AMI structured as follows:
 1. 25% at 80%AMI or less;
 2. 45% at 100% AMI or less;
 3. 30% at 120% AMI or less.
4. Project does not need variance or waiver of more than 25% of the applicable requirements, except [parking](#) and [landscaping](#).
- e. *Special Site Plan Review:*

The project meets the statutory requirements provided in 94-551(a) but requires a variance or waiver from land development regulations applicable to setback, landscaping and/or parking; or

AWHO projects that require fifty percent (50%) of the bonus incentive units shall be at or below 120% of the Area Mean Income (AMI); and

1. The project is a rental housing project;
2. The property has been or will be rezoned within 36 months of the AWHO application submittal.
3. *AMI.* The units shall include the Area Mean Income levels (AMI) as follows:
 - a. Fifty percent of the bonus density units shall be affordable/workforce housing at or below 120% of the AMI structured as follows:
 1. 25% at 80% AMI or less;

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2. 45% at 100% AMI or less;
 4. Requested variances or waivers will meet applicable requirements to be granted.
- f. *Density incentive.* AWHO developments may request a density up to 64 dwelling units per acre in accordance with this Article and Table XVII-1. Requests for variance or waivers for height, density or FAR beyond the provisions of Table XVII-1 shall not be considered except as specifically provided in this Article.

Table XVII-1

Zoning Districts	Permitted Residential Density/Acre.* Current /AWH	Req'd.# AWH Units (min. 50% of bonus units)****	Specific Locations	Land Development Regulations and Building Height	Affordability Requirements***
DMP	Not Permitted				
SF- ALL	Not Permitted				
MF-14	14 / 28	7	City Wide	Height Use MF 32 zoning district regulations and provisions of Section 94-56 and Section 94-552 with limits of height to 65 feet when adjacent to Single Family Zoning Districts; 90 feet with adjacent to Multifamily Districts; and 105 when adjacent to Non-Residential districts	A minimum of 50% of the bonus density/units must meet affordable/workforce income levels and rents that do not exceed Comprehensive Plan definitions for AMI for workforce housing. However, income levels shall be further limited in the housing monitoring agreement based on other incentives that permit maximum consideration for density and waivers or variances from land development regulations consistent with the site plan as well as by any funding provisions received by the developer. The restricted unit's affordability period of no less than 30 years.
MF-20	20 / 40	10	City Wide		
MF-32	32 / 64	16	City Wide		
RTD	14 / 28	7	Limited to boundaries of the current district		
MF HISTORIC	Not Permitted				
CM	32**/64		City Wide	Height Use GC zoning district regulations and provisions of Section 94-56 and Section 94-552 with limits of height to 65 feet when adjacent to Single Family Zoning Districts, 90 feet with adjacent to Multifamily Districts and 105 when adjacent to Non-Residential districts	A minimum of 50% of the bonus density/units must meet affordable/workforce income levels and rents that do not exceed Comprehensive Plan definitions for AMI for workforce housing. However, income levels shall be further limited in the housing monitoring agreement based on other incentives that permit maximum consideration for density and waivers or variances from land development regulations consistent with the site plan as well as by any funding provisions received by the developer.
OC	14** / 28	7			
NC	20** / 40	10			
GC	32** / 64	16			
POR	14 / 28	7			

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Zoning Districts	Permitted Residential Density/Acre.* Current /AWH	Req'd.# AWH Units (min. 50% of bonus units)****	Specific Locations	Land Development Regulations and Building Height	Affordability Requirements***
					The restricted unit's affordability period of no less than 30 years.
IL	0 / 32	32	Limited to areas with direct access onto 45 th Street	Height Use GC zoning district regulations and provisions of Section 94-56 and Section 94-552 with limits of height to 65 feet when adjacent to Single Family Zoning Districts, 90 feet with adjacent to Multifamily Districts and 105 when adjacent to Non-Residential districts	100% workforce/affordable housing must meet affordable/workforce income levels and rents that do not exceed Comprehensive Plan definitions for AMI for workforce housing. However, income levels shall be further limited in the housing monitoring agreement based on other incentives that permit maximum consideration for density and waivers or variances from land development regulations consistent with the site plan as well as by any funding provisions received by the developer. The restricted unit's affordability period of no less than 30 years
I	0 / 32	32	Limited to areas with direct access onto 45 th Street, 36 th Street, Georgia Avenue North of Southern or Jefferson Terminal District	Height Use GC zoning district regulations and provisions of Section 94-56 and Section 94-552 with limits of height to 65 feet when adjacent to Single Family Zoning Districts, 90 feet with adjacent to Multifamily Districts and 105 when adjacent to Non-Residential districts	All units to meet affordable workforce housing income levels and rents that do not exceed Comprehensive Plan definitions for AMI for workforce housing. However, income levels shall be further limited in the housing monitoring agreement based on other incentives that permit maximum consideration for density and waivers or variances from land development regulations consistent with the site plan as well as by any funding provisions received by the developer. The restricted unit's affordability period of no less than 30 years
CS	Residential permitted as 5% of land area & 10% of the square footage / 64	64	City Wide	Height Use GC zoning district regulations and provisions of Section 94-56 and Section 94-552 with limits of height to 65 feet when adjacent to Single Family Zoning Districts, 90 feet with adjacent to Multifamily Districts and 105 when adjacent to Non-Residential districts	All units to meet affordable workforce housing income levels and rents that do not exceed Comprehensive Plan definitions for AMI for workforce housing. However, income levels shall be further limited in the housing monitoring agreement based on other incentives that permit maximum consideration for density and waivers or variances from land development regulations consistent with the site plan as well as by any funding provisions received by the developer. The restricted unit's affordability period of no less than 30 years
<u>ROS</u>	<u>Not Permitted</u>				
<u>CON</u>	<u>Not Permitted</u>				
<u>UT</u>	<u>Not Permitted</u>				
NMUD	2 additional floors as an incentive			Use NMUD regulations and provisions of Section 94-56 and Section 94-552 with maximum height of 104	A minimum of 50% of the bonus density/units must meet affordable/workforce income levels and rents that do not exceed Comprehensive Plan definitions for AMI for workforce housing. However, income levels shall be further limited in the housing monitoring agreement based on other incentives that permit maximum consideration for density and waivers or variances from land development regulations consistent with the site plan as well as by any

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Zoning Districts	Permitted Residential Density/Acre.* Current /AWH	Req'd.# AWH Units (min. 50% of bonus units)****	Specific Locations	Land Development Regulations and Building Height	Affordability Requirements***
					funding provisions received by the developer. The restricted unit's affordability period of no less than 30 years.
BMUD	3 4 additional floors not to exceed 6 7 floors			Use BMUD regulations and provisions of Section 94-56 and Section 94-552 with maximum height of 80 76	A minimum of 50% of the bonus density/units must meet affordable/workforce income levels and rents that do not exceed Comprehensive Plan definitions for AMI for workforce housing. However, income levels shall be further limited in the housing monitoring agreement based on other incentives that permit maximum consideration for density and waivers or variances from land development regulations consistent with the site plan as well as by any funding provisions received by the developer. The restricted unit's affordability period of no less than 30 years.
CMUD	Not Permitted				

*Where FAR or percentage of use applies it may exclude AWH units from the percentage of use or FAR maximum calculation. The maximum FAR allowed is 1.50.

** Residential was previously only allowed in CE Land Use east of I-95 and east of Australian Avenue between Okeechobee Boulevard and Belvedere Road, now if residential AWH included then residential uses may be permitted in these districts without a CE land use pursuant this section

***the number of units and income level are determined by the individual development proposal as defined by the approval of the Housing Incentive Development Agreement conditions of the applicable site plan review process.

****When a property is up zoned the 50% bonus units shall be taken from the original base zoning district.

g. Variances and waivers.

1. Tier Two projects are not eligible for variances or waivers of more than 25% of the applicable requirements, except parking and landscaping, as provided in subsections (4) and (5).
2. Tier One and Special Site Plan Review projects may request greater variances and waivers, provided such requests comply with the requirements of this subsection and the applicable zoning and land development regulations.
3. *General standards.* Waivers and variances may be granted upon a finding, where applicable, that the proposed project nevertheless:
 - a. Will be the minimum needed to have appropriate use and reasonably anticipated operations of the development while minimizing impacts on the existing and future adjacent property in the promotion of the greater community benefit of quality workforce housing;
 - b. Will be in harmony with the general character of the neighborhood considering population, density, design, scale and bulk of any proposed new structures,

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intensity and character of the activity, traffic and parking conditions, and number of similar uses;

- c. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood, and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity;
- d. Will have no detrimental effect on vehicular or pedestrian traffic within a district due to the detrimental effects on the permitted uses;
- e. Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area;
- f. Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements;
- g. Will provide alternative measures consistent with the intent of the additional standards to provide protection to adjacent properties and preserve neighborhood character; and
- h. A Special Site Plan Review project seeking approval under 94-551 but requiring a waiver or variance of setback, landscaping, and/or parking regulations may not exceed the applicable density or floor/height incentive provided in Table XVII-1 by more than 15%.

4. *Parking waiver.* A waiver of parking requirements may be granted if:

- a. A clear rational nexus between the request for less parking and the character of the development exists. Such justification may also include the character of the residents and their any non-traditional passenger vehicle usage (i.e. underage residents, senior or disabled residents);
- b. The project provides accessible internal pedestrian routes convenient to and from parking, between buildings or amenities on-site and to the main neighborhood pedestrian network with considerations for logical, direct connection to any neighboring community services;
- c. The project provides alternate transit accessibility for residents and/or transit vouchers and/or shared vehicle and/or bike stations with secure bike storage for residents, and/or as shuttle services, or provides funding to support such local transit services. Consideration for appropriate ride share drop-off and pick-up zones should be provided as dictated by the scale of the project.
- d. Tier three projects requesting greater than 25% reduction in parking requirements shall provide specific strategies and commitments for additional alternative transportation strategies to support further reduction in parking requirements. The applicant shall provide justification by utilizing one or more of the following elements:
 - 1. Projects must be within a quarter mile of a transit stop must have an accessible, pedestrian friendly route with sidewalks, crosswalks and which should include consideration of some provision for seating with shade and/or cover from elements when waiting for service;

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2. Projects offer on site or community services within a quarter mile on an accessible, pedestrian friendly route with sidewalks, crosswalks;
 3. Projects must have a pedestrian friendly route with sidewalks, crosswalks to a transportation hub, offering at least two forms of alternative transit including rail, bus, shuttle, or bike facilities within a half mile of the development; or to off-site parking within 600 feet of the project.
 4. Projects must provide public pedestrian oriented improvements for sidewalk extensions, bike paths, bus shelters or other pedestrian mobility improvements that provide for better access to community serving facilities and commercial needs for residents that are within a half mile radius for the development site.
5. *Landscaping Waivers and Variances:* A waiver or variance of landscape and or any open space requirements may be granted if the development includes an alternative landscape plan that provides for more innovative, human and environmental function in its landscape design and still maintains appropriate perimeter, parking and mechanical screening to minimize possible off site impacts. Such alternative landscape considerations shall promote:
- a. Improved shade canopy for resident use areas through alternative plantings that may include larger planting material, more thoughtful locations like at building entrances or along pedestrian pathways or even recreation to enhance function and enjoyment by the residents and consideration for heat island effects; and
 - b. More sustainable water usage through irrigation choices, bioretention, water sourcing including opportunities for water reuse like HVAC condensate, plant material selections, low impact design (LID) techniques and use of structural soils, increased open space and pervious hardscape materials; and
 - c. Hardscape elements and amenities like site furnishings, arbors, canopies, pergolas, or gazebos to offer shade, shelter and gathering areas for residents that complement the site and neighborhood.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6: Authority is hereby granted to codify the amendments set forth in this Ordinance.

SECTION 7: This Ordinance shall take effect in accordance with law.

[SIGNATURES ON FOLLOWING PAGE]

Language underlined added, and language ~~stricken~~ deleted.

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FIRST READING THIS 21ST DAY OF JANUARY, 2025.

SECOND READING AND PASSAGE THIS 3RD DAY OF FEBRUARY, 2025.



ATTEST:

X *Shaquita Edwards*

CITY CLERK
Signed by: Shaquita Lashae Edwards

**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**

X *Keith A. James*

PRESIDING OFFICER
Signed by: Keith A. James

**APPROVED AS TO FORM AND
LEGALITY:**

1/31/2025

X *Kimberly L. Rothenburg*

CITY ATTORNEY
Signed by: Kimberly L Rothenburg