Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. TCRPC comments are limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any local government within the Region. TCRPC must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the State Land Planning Agency.

Background

The City of Palm Beach Gardens is proposing a text amendment to update the Future Land Use and Housing Elements of the comprehensive plan.

Evaluation

The amendment package includes minor updates to the Future Land Use Element, Housing Element, and supporting documents to provide nomenclature and other modifications to revise, clarify, and provide internal consistency in the comprehensive plan. Most of the proposed changes are designed to remove redundancy and provide consistency with the City’s Land Development Regulations.

The supporting documents also include an update to the City’s Potential Annexation Areas Map, known as Map A.4. This map sets forth the vision for future expansion of the City’s municipal boundaries. The map is being amended to include two new areas located in unincorporated Palm Beach County. The first area, Park of Commerce, is located northwest of the City’s existing boundaries at the northeast corner of Beeline Highway and State Highway 711 (Pratt Whitney
The second area, Bayhill Estates and Rustic Ranches, is located southwest of the City’s existing boundaries on the south side of Northlake Boulevard, just west of the City’s Golf Course. The addition of these areas to Map A.4 does not authorize any changes to the City’s current boundaries, and each area will be further analyzed in the future if annexation is pursued.

**Extrajurisdictional Impacts**

The City provided a notice of the proposed amendment to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC). The Clearinghouse notice was circulated by the IPARC Clearinghouse Coordinator on November 2, 2012. No extrajurisdictional impacts have been identified.

**Effects on Significant Regional Resources and Facilities**

No adverse effects on significant regional resources and facilities have been identified.

**Conclusion**

The proposed amendment is not in conflict or inconsistent with the SRPP.

**Recommendation**

Council should approve this report and authorize its transmittal to the City of Palm Beach Gardens and the Florida Department of Economic Opportunity.

**Attachments**
List of Exhibits

Exhibit

1  General Location Map
2  Excerpt from the City Staff Report
3  Potential Annexation Areas Map
Exhibit 1
General Location Map

[Map showing Palm Beach Gardens]
FUTURE LAND USE ELEMENT

(For purposes of brevity, only those sections proposed to be modified are shown below. Proposed language is underlined and language to be deleted is stricken. [City Staff comments below are shown in bold].)

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Policy 1.1.3.4.: The City shall maintain land development regulations which provide for a Planned Unit Development (PUD) technique which shall implement the following concepts:

a. The intent of a Planned Unit Development (PUD) is to ensure the desired character of the community is furthered or enhanced on development sites within the City, particularly on sites where the development proposed is rather intense. Master plans for Planned Unit Developments include, at a minimum, site plans showing all local roads and landscaping plans. Supporting documentation is also to be included which indicates, at a minimum, development phasing and a list of permitted uses for commercial and industrial PUDs.

b. In exchange, for the extra review requirements imposed by the PUD process, developers may propose plans that would not otherwise be permitted under by right zoning districts. These may include a mixture of uses not found within any of the by-right zoning districts and/or density bonuses and/or waivers to non-residential intensities described previously. For the purposes of this Comprehensive Plan, the City Council may approve the following bonus densities for areas developed as Planned Unit Developments:

   Residential Low (RL): Up to 5.0 units per gross acre.
   Residential Medium (RM): Up to 9.0 units per gross acre.
   Residential High (RH): Up to 12.0 units per gross acre.

[Subsection (a) is being removed, which references support documents for PUDs. The specific submittal requirements for Development Applications are included in the City’s Land Development Regulations (LDRs). Subsection (b) is being amended to remove the language authorizing waivers to certain development standards within the Comprehensive Plan. The process for waivers, and the circumstances when an Applicant may request a waiver for approval, is addressed within the City’s LDRs.]

c. In addition to the above, PUDs with an underlying Future Land Use designation of RH may have densities permitted up to 15.0 dwelling units per gross acre for the provision of affordable housing, as defined in this Plan. PUDs may be eligible for a density bonus for Assisted Living Facilities pursuant to Policy 3.1.4.6-Policy 3.1.5.6, except in Coastal High Hazard Areas that are the Category 1 Hurricane Evacuation Zones.
Objective 1.2.4.: Direct future growth, development and redevelopment to areas as depicted on the Future Land Use Map, consistent with: sound planning principles; minimal natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character.

Policy 1.2.4.1.(a).1.: For that area bounded by Florida's Turnpike to the east, PGA Boulevard to the south, the eastern boundary of the Loxahatchee Slough to the west, and generally the northern alignment of the Donald Ross Road extension, the City shall impose the following requirements, and shall maintain, land development regulations necessary to implement these requirements.

1. In the event that a site is rezoned to a Planned Community District (PCD), it shall include a minimum of 250 acres and contain all proposed development shall include a minimum of 250 acres which shall be rezoned to Planned Community District (PCD) and contain, at a minimum, a master development plan and supporting documentation which describes what the development is to include and how it is to proceed (phasing). All proposed collector roads within the development shall be shown as part of the PCD master plan. A waiver from the minimum size threshold may be granted by the City Council for existing parcels of lesser size as of February 19, 1998.

2. Individual development “pods” within an approved PCD shall undergo site plan review which shall include, at a minimum, site plans, landscape plans, and all proposed local roads.

3. The overall density of PCDs in this area shall not exceed the maximum density permitted under the land use category.

4. Up to 2% of the gross land area of a PCD may be developed for commercial or office use.

5. Up to 5% of the gross land area of a PCD may be developed for commercial or office use if significantly large areas (10% or more) of native ecological habitats are preserved within the PCD over and above those preserve or open space areas which may be required as a minimum. Such habitat preservation areas shall be confined to only a few large areas, rather than scattered throughout, and shall be connected to the Nease Creek system.

6. If the entire area covered in this policy is developed under one PCD master development plan, an additional 50 acres of commercial land use may be permitted over and above the 2% and 5% criteria described previously.

7. Up to 2% of the gross land area of a PCD may be developed for industrial uses.

8. All PCDs shall be subject to the provisions of the Conceptual Linkage Plan for
Northwest Palm Beach Gardens as described in Future Land Use, Transportation, and Conservation elements.

9. The master development plan shall be consistent with and implement the City’s Conceptual Thoroughfare Plan.

Policy 1.2.4.1.(a).2.: For all properties west of the urban growth boundary (Loxahatchee Slough), the City shall impose the following requirements, and shall maintain land development regulations necessary to implement these requirements.

1. Development shall be consistent with rural densities and intensities and shall receive services consistent with the adopted level of service standards for the rural area. In the event that a site is rezoned to a Planned Community Development (PCD) or to a Planned Unit Development (PUD) it shall include a minimum of 250 acres. In addition, all proposed development shall include a minimum of 250 acres which shall be rezoned to either: 1) a Planned Community District (PCD) shall include and contain, at a minimum, a master development plan indicating all proposed collector roads and supporting documentation which describes what the development is to include and how it is to proceed (phasing); or 2) a Planned Unit Development (PUD) which shall include, at a minimum, site plans, landscape plans, and all proposed collector and local roads. All site plans developed within PCDs shall be subject to the densities and intensities assigned to them under the PCD master plan documentation. A waiver from the minimum size threshold may be granted by the City Council for existing parcels of lesser size as of February 19, 1998. The City Council may also grant a waiver to allow government entities to develop properties, of less than five acres, west of the City’s urban growth boundary if the site is designated Conservation on the Future Land Use Map and if the site is restricted or related to conservation purposes, passive recreation use, or pedestrian trails.

2. Individual development "pods" within an approved PCD shall undergo site plan review which shall include, at a minimum, site plans, landscape plans, and all proposed local roads.

3. The overall density of PCD/PUDs in this area shall not exceed the maximum density permitted under the land use category.

4. Site design shall be sensitive to the natural resources and environmental characteristics of the property.

5. All PCD/PUDs shall be subject to the provisions of the Conceptual Linkage Plan for Northwest Palm Beach Gardens as described in the Future Land Use, Transportation, and Conservation element.

6. The master development plan shall be consistent with and implement the City’s Conceptual Thoroughfare Plan.

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Policy 1.2.4.2.(a): For those areas which were annexed into the City in 1988 and which are located within that area bounded by Donald Ross Road to the North, PGA Boulevard to the South, Central Boulevard to the east, and Florida's Turnpike to the west, the City shall impose the following requirements, and shall maintain, land development regulations necessary to implement these requirements.

1. In the event that a site is rezoned to either: 1) Planned Community District (PCD) it shall include and contain, at a minimum, a master development plan indicating all proposed collector roads and supporting documentation which describes what the development is to include and how it is to proceed (phasing); or 2) Planned Unit Development (PUD) which it shall include, at a minimum, site plans, landscape plans, and all proposed collector and local roads. All site plans developed within PCDs shall be subject to the densities and intensities assigned to them under the PCD master plan documentation.

2. With City Council approval of a density bonus, the overall density of PCDs or PUDs in this area shall not exceed: 5.0 units per gross for those areas designated as RL; 9.0 units per gross acre for those areas designated RM; and 12 units per gross acre for those areas designated RH.

3. In addition to the above, PCDs with an underlying Future Land Use designation of RH may have densities permitted up to 15.0 units per acre if significantly large areas (10% or more) of native ecological habitats, in addition to the otherwise required open space and preserves, are preserved within the PCD. One additional unit of density may be allowed for each 10% of habitat which is preserved, up to a maximum of 15.0 units per acre. These preserve areas would be over and above the minimum preservation and open space areas provided in accordance with standard PCD requirements, and must be linked to the Parkway system.

4. Up to 3% of the gross land area of a residential PCD or PUD may be developed for commercial or office use. However, these uses shall be restricted to neighborhood commercial uses as they are defined in the City's least intensive commercial zoning district.

5. Up to 5% of the gross land area of a residential PCD may be developed for commercial or office use if significantly large areas (10% or more) of native ecological habitats, in addition to the otherwise required open space and preserves, are preserved within the PCD over and above those preserve or open space areas which may be required as a minimum. Such habitat preservation areas shall be confined to only a few large areas, and be connected to the Parkway system. These uses shall be restricted neighborhood commercial uses as they are defined in the City's least intensive zoning district.

6. If the entire area designated as RM on the Future Land Use Map on the west side of Central Boulevard between I-95 and PGA Boulevard is developed under one PCD master development plan, an additional 10 acres of commercial land use may be permitted over and above the 3% and 5% criteria described previously.
7. All PCDs or PUDs shall be subject to the provisions of the Conceptual Linkage Plan for Palm Beach Gardens as described in the Future Land Use, Transportation, and Conservation element.

8. The master development plan shall be consistent with and implement the City’s Conceptual Thoroughfare Plan.

Policy 1.2.4.2.(b).: For those areas which are located within that area bounded by Donald Ross Road to the north, PGA Boulevard to the south, Alternate A1A to the east and Central Boulevard to the west, the City shall impose the following requirements, and shall maintain land development regulations necessary to implement these regulations:

1. In the event that a site is All proposed development shall be rezoned to either: 1) Planned Community District (PCD) it shall include and contain, at a minimum, a master development plan indicating all proposed collector roads and supporting documentation which describes what the development is to include and how it is to proceed (phasing); or 2) Planned Unit Development (PUD) which it shall include, at a minimum, site plans, landscape plans, and all proposed collector and local roads. All site plans developed within PCDs shall be subject to the densities and intensities assigned to them under the PCD master plan documentation.

2. With City Council approval of a density bonus, the overall density of PCDs or PUDs in this area shall not exceed: 5.0 units per gross acre for those areas designated as RL; 9.0 units per gross acre for those areas designated RM; and 12 units per gross acre for those areas designated RH.

3. In addition to the above, PCDs with an underlying Future Land Use designation of RH may have densities permitted up to 15.0 units per acre if significantly large areas (10% or more) of native ecological habitats, in addition to the otherwise required open space and preserves, are preserved within the PCD. One additional unit of density may be allowed for each 10% of habitat which is preserved, up to a maximum of 15.0 units per acre. These preserve areas would be over and above the minimum preservation and open space areas provided in accordance with standard PCD requirements, and must be linked to the Parkway system.

4. Up to 3% of the gross land area of a residential PCD or PUD may be developed for commercial or office use. However, these uses shall be restricted to neighborhood commercial uses as they are defined in the City’s least intensive commercial zoning district.

5. Up to 5% of the gross land area of a residential PCD may be developed for commercial or office use if significantly large areas (10% or more) of native ecological habitats are preserved within the PCD over and above those preserve or open space areas which may be required as a minimum. Such habitat preservation areas shall be confined to only a few large areas, and be connected to the Parkway system where possible. These uses shall be restricted
neighborhood commercial uses as they are defined in the City's least intensive zoning district.

6. All PCDs or PUDs shall be subject to the provisions of the Conceptual Linkage Plan for Palm Beach Gardens as described in the Future Land Use, Transportation, and Conservation element.

7. The master development plan shall be consistent with and implement the City's Conceptual Thoroughfare Plan.

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Policy 1.2.4.4.(a): The City shall maintain Planned Development Area (PDA) zoning to all undeveloped non-conservation for which a development plan has not been approved by the City. The PDA zoning shall apply to all properties over 10 acres in size and in the urban area, shall be regarded as a "holding zone," until development of the said properties is requested pursuant to the Comprehensive Plan. In the event that the land is rezoned from PDA to PUD or PCD, the underlying land use shall guide the intensity and type of development. All proposed development shall be of character consistent with the urban or rural distinctions established by the Urban Growth Boundary (policy 1.2.4.4. (b)). In the event that development occurs, development within the PDA district shall be clustered and, in the urban area, shall be supported by potable water, sanitary sewer and adequate roadway facilities. Septic tanks shall be prohibited in the urban area in the PDA except for an individual single-family residence, however, in the rural area, septic tanks are the standard. Uses in the rural area shall receive services consistent with adopted level of service standards. The rezoning of PDA to PUD or PCD shall occur only when the applicable urban and rural services and facilities necessary to support the intensity of such development will be in place concurrent with the impacts of the development. The extension of public facilities into areas zoned PDA shall be consistent with the urban and rural level of service standards, maximize the use of existing facilities and services, encourage compact urban development and discourage the proliferation of urban sprawl. Concurrent with rezoning to PCD/PUD, any uses not permitted by the underlying land use category shall cease consistent with the phasing plan of the approved PCD/PUD.

[The existing language requires an applicant to rezone property to a Planned Development Overlay if any development is proposed. The respective land use designation and zoning district for a parcel provides the maximum allowable density and manner in which a property is developed. The aforementioned Policies will be modified to reflect the minimum requirements in the event the PCD Overlay is used.]

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Policy 1.2.4.7.: Owners of property containing uses not consistent with the Comprehensive Plan and Land Development Regulations, made inconsistent or nonconforming by the City or other governing agencies, may continue such legal nonconforming use provided that the following conditions are met. These legal nonconforming uses will not be allowed to expand, will not be allowed to be moved or
relocated, will not be allowed to be reestablished if ceased for a six (6) consecutive month period or eighteen (18) months within a three (3) year period, or if damaged or destroyed by more than 50% of their value. Legal nonconforming uses are defined as lots, structures, and uses of land and structures that were lawful before the adoption or amendment of a regulation, but which would be prohibited, regulated or restricted under the terms of the regulation or future amendment. However, if the nonconforming use is a multifamily residential project of more than 250 units, the City Council may permit an increase in the number of rooms or square footage of individual residential units, provided that the maximum density of the affected land use is not exceeded and conformity with the current Land Development Regulations will be required.

[Nonconforming uses are addressed within the City's Land Development Regulations (LDRs). Maintaining this language in the Comprehensive Plan is duplicative and is too specific for the City's Comprehensive Plan.]

HOUSING ELEMENT

Policy 3.1.5.6.: Congregate Living Facilities shall be allowable in all residential land use categories subject to the density thresholds of the category.

Congregate Living Facilities Assisted Living Facilities within a Planned Unit Development or parcel within a Planned Community District may be eligible for a density bonus subject to City Council approval. Council consideration of Congregate Living Facilities Assisted Living Facilities density bonus shall be based upon criteria which include: compatibility with surrounding uses; impact on service delivery; provision of buffering and setbacks to mitigate building bulk or intensity; and/or design considerations of buildings and site. With demonstration of meeting said criteria, Council may approve an Congregate Living Facilities Assisted Living Facility's density bonus to allow a total of up to 18 dwelling units per acre in Residential Medium areas, and up to 24 dwelling units per acre in Residential High and Mixed Use areas. This density bonus shall not be applicable within the Coastal High Hazard Area.

Skilled Care Nursing Facility may be permitted within Residential High land use areas at a maximum of 38 beds per acre when designed with an Assisted Living Facility in a Continuing Care Retirement Community. Individual Skilled Care Nursing Facilities shall be allowed within Commercial land use areas subject to the intensity thresholds of the category. The density for dwelling units and beds of Continuing Care Retirement Communities shall be measured from separate acreages delineated for each component.

[The term "Congregate Living Facilities" will be replaced with "Assisted Living Facilities" to be consistent with the Land Development Regulations (LDRs). The LDRs contain definitions for the following terms: Assisted Living Facility (ALF), ALF-Independent Living, ALF-Assisted Living, ALF-Skilled Nursing Facility.]
Exhibit 3
Potential Annexation Areas Map