MEMORANDUM

To: Council Members
From: Staff
Date: June 20, 2014 Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Town of Palm Beach Comprehensive Plan
Amendment No. 14-1ESR

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.

The amendment package from the Town of Palm Beach includes proposed text changes to the Data and Analysis section and Future Land Use Element of the comprehensive plan rescinding language adopted in a previous amendment. This report includes a summary of the proposed amendment and TCRPC comments.

Summary of Proposed Amendment

On November 13, 2013, the Town of Palm Beach adopted a comprehensive plan amendment that provided for the creation of commercial/mixed-use Planned Unit Developments (PUD) and the PUD-5, Historic Preservation Mixed Use Development land use category. The intent of this previous amendment was to foster redevelopment on appropriate sites consistent with the historical character of the town. Council reviewed this previous amendment at the July 19, 2013 Council meeting and found it to be consistent with the SRPP.

On March 25, 2014, the town held a referendum election, which resulted in disapproval of the creation of the commercial/mixed-use PUDs and the creation of PUD-5, Historic Preservation Mixed Use Development. Accordingly, the proposed amendment is to rescind the language adopted in 2013 that created commercial/mixed-use PUDs and the PUD-5 category. The result is
the comprehensive plan will revert to its previous condition, which was in compliance with all state requirements.

**Extrajurisdictional Impacts**

The town transmitted a notice of the proposed amendment to the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on May 14, 2014. TCRPC requested comments from adjacent local governments on the proposed amendment on May 23, 2014. No extrajurisdictional impacts have been identified.

**Regional Impacts**

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

**Conclusion**

The proposed amendment is consistent with the SRPP.

**Recommendation**

Council should approve this report and authorize its transmission to the Town of Palm Beach and the Florida Department of Economic Opportunity.

**Attachments**
List of Exhibits

Exhibit

1  General Location Map
2  Proposed Amendment Showing Strikethrough and Underline
Exhibit 1
General Location Map

Town of Palm Beach
Exhibit 2
Proposed Amendment Showing Strikethrough and Underline

Town of Palm Beach Transmittal Rescinding of Comprehensive Plan
Amendments That Provided For The Creation Of Commercial/Mixed-Use PUDs,
And That Provided For The Creation Of The PUD-5

The Data & Analysis found on pages I-21 and the GOPs, Policy 2.3, and Policy 11.1 in the Future
Land Use Element in the Town of Palm Beach Comprehensive Plan are hereby amended as follows
(add ed words underlined, removed words stricken):

Approved & Future New PUDs

This category represents Planned Unit Developments that have been approved by the Town Council.
The Plan designates approximately 168 acres of land for this use. Only the Breaker’s PUD contains
remaining development potential. If built to maximum density, this PUD could hold another 251
multi-family units and some commercial development.

Densities in new PUD’s shall be limited to the maximum density allowable in the land use category,
and zoning district, and/or applicable PUD regulations in which they are located
prior to their approval of a PUD application, but shall not exceed thirteen units per acre.

Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or
other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this
land use category and the land development regulations if rebuilt at the same density and/or
intensity, on the same footprint and to the same size and configuration as those nonconforming
buildings or structures being replaced. Actual construction to replace, restore or reconstruct the
nonconforming building or structure shall commence within the time frame outlined in the land
development regulations.

POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or
redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of
land use as set forth in the following policies.

2.3.1 The following definitions shall pertain to the application of the non-residential land use
designations and associated policies:

a. “Town-serving” shall mean establishments principally oriented to serving the needs
of Town persons and not substantially relying on the patronage of persons not defined
as Town persons. Commercial establishments (other than those uses in the
“Commercial – Office, Professional & Institutional” (C-OPI) zoning district, which
are not required to meet town-serving requirements) of 2,000 square feet or less of
gross leasable area in the “Commercial – Planned Center” (C-PC) zoning district,
3,000 square-feet or less of gross leasable area in the C-TS and C-B zoning districts,
and 4,000 square-feet or less of gross leasable area in the C-WA zoning district are
assumed to meet the intent of the first part of this definition.
b. “Town persons” shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.

2.3.2 Conservation – Intended to preserve and protect unique natural areas from development and the negative impacts of public use. No urban development is permitted.

2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are proven to be compatible with the Future Land Use Plan and the character of the Town.

a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; PUD-5, Historic Preservation Mixed Use Development as set forth in Policy 11.1.5; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor.

b. Except for uses located in the Worth Avenue zoning district (C-WA) & PUD-5, Historic Preservation Mixed Use Development (bounded between Bradley Place, North County Road, Royal Poinciana Way and Sunset Avenue), one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met. In PUD-5, Historic Preservation Mixed Use Development, the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre, but can be increased to 13 dwelling units per gross Palm Beach acre if certain conditions are met.

c. Maximum lot coverage for non-residential uses shall be 75%, except for PUD-5, Historic Preservation Mixed Use Development, which will allow for a maximum lot coverage of 70% for the first and second stories of a building, and 35% for the third story (if permitted).

d. In limited circumstances, the maximum building height shall be three stories.

2.3.4 Public – Intended to recognize existing locations of, and provide sites for, public uses, structures and facilities.

a. Appropriate uses include public schools, low intensity public buildings and facilities such as fire and police stations, Town Hall, etc, of a scale and intensity necessary to
primarily serve the needs of Town persons. Only public uses owned, operated, franchised, or supervised by a governmental agency are given this designation.

b. The designation of a property for Public use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential and Commercial land use categories.

c. Maximum lot coverage shall be 40%.

d. In limited circumstances, the maximum building height shall be three stories.

2.3.5 Public Recreation – Intended to provide for low intensity public recreational uses or activities, natural resource and scenic resources of a scale and intensity necessary to primarily serve the needs of Town persons. Only public facilities owned, operated, franchised, or supervised by a public governmental entity are given this designation.

2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential, Multi-family Moderate Density, and Commercial land use categories.

b. Maximum lot coverage shall be 40%.

c. In limited circumstances, the maximum building height shall be three stories.

2.3.7 Approved PUD – Intended to recognize existing or previously approved PUD’s and provide for new PUD’s within the density limits of the land use category in which they are located prior to approval of the PUD. PUD densities shall not exceed 13 dwelling units per gross Palm Beach acre.

POLICY 11.1

The following types of Planned Unit Developments shall be allowed in the Town:

11.1.1 Single-family PUD’s located within the Single Family Residential Land Use Category not exceeding four dwelling units per gross Palm Beach acre.
11.1.2 Mixed residential development located within the Multi-Family moderate or Multi-Family High Density Land Use Categories, not exceeding the maximum density allowable within the Land Use Category.

11.1.3 Mixed-use development within the Multi-Family Moderate Density or Multi-Family High Density Land Use Categories, allowing for a mix of residential uses not exceeding the maximum allowable density within the Land Use Category and nonresidential development not exceeding 20% of the gross floor area of the PUD.

The following equivalencies shall be used in determining the intensity of the nonresidential components:

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Unit of Measurement</th>
<th>Equivalence to One Dwelling Unit of Gross Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotels, motels or similar</td>
<td>Number of beds</td>
<td>Two bedrooms</td>
</tr>
<tr>
<td>transient facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Commercial Uses</td>
<td>Total floor area</td>
<td>750 square feet</td>
</tr>
<tr>
<td>Accessory Commercial Uses</td>
<td>Total floor area</td>
<td>1,500 square feet</td>
</tr>
<tr>
<td>Other Nonresidential Uses</td>
<td>Total floor area</td>
<td>1,000 square feet</td>
</tr>
</tbody>
</table>

11.1.4 In order to encourage preservation of historic residential structures, such single-family structures may be permitted to be converted through a historic preservation PUD to contain multiple residential units, within the confines of the existing structure, provided the density does not exceed four dwelling units per gross Palm Beach acre.

11.1.5 PUD 5, Historic Preservation Mixed Use Development, allowing for:

- 70% lot coverage for the first and second stories.
- 35% lot coverage for the third story (if permitted).
- 10 dwelling units per gross Palm Beach acre, with the ability to reach 13 if all required parking is in a sub-basement, or there is a 50% reduction in existing density, if applicable.
- 30% minimum common open space/landscape open space that cannot be used for off-street parking and/or loading.
- Pedestrian access between Royal Poinciana Way and Sunset Avenue through the use of vias whenever possible.
- Encouragement of interior courtyards.
- All parking and loading requirements to be met, unless criteria for exceptions are met as outlined in Town code.