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ORDINANCE 10, 2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, APPROVING CITY-INITIATED TEXT AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN TO INCORPORATE A TRANSIT-ORIENTED DEVELOPMENT (TOD) OBJECTIVE AND TOD POLICIES BASED ON THE RECOMMENDATIONS INCLUDED IN THE CITY'S TOD MASTER PLAN, PREPARED BY THE TREASURE COAST REGIONAL PLANNING COUNCIL; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO); PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

WHEREAS, the State Legislature of the State of Florida has mandated that all municipalities draft and adopt comprehensive development plans to provide thorough and consistent planning with regard to land within their corporate limits; and

WHEREAS, all amendments to the Comprehensive Plan must be adopted in accordance with detailed procedures that must be strictly followed; and

WHEREAS, the City of Palm Beach Gardens is an innovative and progressive community and has a long history of supporting preparation for a future train station location; and

WHEREAS, in 2017, the City applied for and was awarded a South Florida Transit-Oriented Development Grant to support economic development, ridership, multimodal connectivity and accessibility, increased transit access for pedestrian and bicycle traffic, and mixed-use development near transit stations; and

WHEREAS, through adoption of Resolution 45, 2017, the City Council entered into an Interlocal Agreement with Treasure Coast Regional Planning Council (TCRPC) to create a Transit-Oriented Development Station Area Master Plan; and

WHEREAS, at the June 7, 2018, City Council meeting, an update to the South Florida Transit-Oriented Design Grant Report for Station Area Planning was presented to the City Council by the TCRPC, which included key recommendations for implementation that specifically include Comprehensive Plan amendments for TOD development and Land Development Regulation amendments to provide the regulatory guidance for TOD; and

WHEREAS, the Palm Beach Gardens TOD Master Plan report prepared by TCRPC was finalized in September 2018; and

1 **WHEREAS**, the City Council directed staff to proceed with the recommendations
2 of the plan; and
3

4 **WHEREAS**, the City Council has determined that various elements of the City's
5 Comprehensive Plan need to be amended to provide consistency with the City of Palm
6 Beach Gardens Transit-Oriented Development Master Plan; and
7

8 **WHEREAS**, the City Council has initiated amendments to the Comprehensive Plan
9 of the City of Palm Beach Gardens, as more specifically described in attached Exhibit "A";
10 and
11

12 **WHEREAS**, on August 11, 2020, the Planning, Zoning, and Appeals Board, sitting
13 as the duly constituted Local Planning Agency for the City, recommended by a vote of 7
14 to 0 to transmit the amendments to the City's Comprehensive Plan to the Department of
15 Economic Opportunity (DEO); and
16

17 **WHEREAS**, the City of Palm Beach Gardens has held all duly required public
18 hearings in accordance with Section 163.3184, *Florida Statutes*; and
19

20 **WHEREAS**, the City Council desires to adopt the amendments to the current
21 Comprehensive Plan to guide and control the future development of the City; and
22

23 **WHEREAS**, the City Council deems approval of this Ordinance to be in the best
24 interests of the health, safety, and welfare of the residents and citizens of the City of Palm
25 Beach Gardens and the public at large.
26

27
28 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
29 **OF PALM BEACH GARDENS, FLORIDA, that:**
30

31 **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.
32

33 **SECTION 2.** The City's Comprehensive Plan is hereby amended, as set forth in
34 attached Exhibit "A."
35

36 **SECTION 3.** A copy of the Comprehensive Plan, as amended, shall be kept on file
37 in the office of the City Clerk, City of Palm Beach Gardens, Florida.
38

39 **SECTION 4.** The City's Director of Planning and Zoning is hereby directed to
40 transmit the proposed Comprehensive Plan Text Amendment to the Department of
41 Economic Opportunity (DEO) of the State of Florida and other appropriate public agencies,
42 and upon adoption of this Ordinance is further directed to ensure that this Ordinance and
43 all other necessary documents are forwarded to the DEO and other agencies in accordance
44 with Section 163.3184, *Florida Statutes*.
45
46

PASSED this 10th day of September, 2020, upon first reading.

PASSED AND ADOPTED this 5th day of November, 2020, upon second and final reading.

CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
BY: <u>Carl W. Woods</u> Carl W. Woods, Mayor	<u>✓</u>	_____	_____
<u>Rachelle A. Litt</u> Rachelle A. Litt, Vice Mayor Pro Tem	<u>✓</u>	_____	_____
<u>Mark T. Marciano</u> Mark T. Marciano, Councilmember	<u>✓</u>	_____	_____
<u>Chelsea Reed</u> Chelsea Reed, Councilmember	<u>✓</u>	_____	_____

ATTEST:

BY: Patricia Snider
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: R. Max Lohman
R. Max Lohman, City Attorney

[Signature]

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EXHIBIT "A"

EXCERPT OF FUTURE LAND USE ELEMENT

Goals, Objectives and Policies

GOAL 1.1.: CONTINUE TO ENSURE A HIGH QUALITY LIVING ENVIRONMENT THROUGH A MIXTURE OF LAND USES THAT WILL MAXIMIZE PALM BEACH GARDENS' NATURAL AND MANMADE RESOURCES WHILE MINIMIZING ANY THREAT TO THE HEALTH, SAFETY, AND WELFARE OF THE CITY'S CITIZENS THAT IS CAUSED BY INCOMPATIBLE LAND USES AND ENVIRONMENTAL DEGRADATION, BY MAINTAINING COMPATIBLE LAND USES WHICH CONSIDER THE INTENSITIES AND DENSITIES OF LAND USE ACTIVITIES, THEIR RELATIONSHIP TO SURROUNDING PROPERTIES AND THE PROPER TRANSITION OF LAND USES.

Objective 1.1.1.: Future Land Use Categories

Future land use for Palm Beach Gardens is depicted using a total of 15 land use categories including general land uses and recommended improvements associated with specific land uses. The Future Land Use Element shall outline the desired development pattern for the City of Palm Beach Gardens through a land use category system that provides the allowed uses, location criteria and density of development. The City shall ensure that the City's Zoning Map is consistent with the Future Land Use Map (Map A.1.). The City shall utilize the following chart when assigning a zoning district consistent with the property's Future Land Use category:

Table 1-1: Future Land Use – Zoning Consistency Chart

Future Land Use Category	Consistent Zoning District(s)
Rural Residential	AR/AE/RR10/RR20/PDA (PCD/PUD)
Residential Very Low	RE/PDA (PCD/PUD)
Residential Low	RL1/RL2/RL3/PDA (PCD/PUD)
Residential Medium	RL1/RL2/RL3/RM/PDA (PCD/PUD)
Residential High	RL1/RL2/RL3/RM/RH/PDA (PCD/PUD)
Mobile Home	RMH/PDA (PCD/PUD)
Commercial	CN/CR/CG1/CG2/PO/PDA (PCD/PUD)
Professional Office	PO/PDA (PCD/PUD)
Industrial	M1/M1A/M2/PDA (PCD/PUD)
Public	P/IPDA
Recreation and Open Space	P/I, CONS/PDA
Commercial Recreation	CR/PDA
Conservation	CONS/PDA

Golf	P/I /PDA or as a part of a PUD, PCD
Mixed Use	MXD/PDA (PCD/PUD)

The Future Land Use Map designates an urban growth boundary. Urban land uses are designated within this boundary. Rural or low density land uses are designated outside of this boundary. The primary reason for this is to provide a long-term positive and realistic expectation of orderly service provision, concurrent with the impact of development.

The City of Palm Beach Gardens shall designate all property with one of the land use categories contained in the corresponding policies on the Future Land Use Map. (Map A.1.)

* * * *

Policy 1.1.1.15.: Mixed Use Development (MXD):

The Mixed Use Development category is designed for new development which is characterized by a variety of integrated land use types. The intent of the category is to provide for a mixture of uses on single parcels in order to develop sites which are sensitive to the surrounding uses, desired character of the community, and the capacity of public facilities to service proposed developments. This Future Land Use category is also intended to foster infill and redevelopment efforts, to deter urban sprawl and to encourage new affordable housing opportunities, as well as lessen the need for additional vehicular trips through the internalization of trips within a neighborhood or project. To create a functioning, multi-faceted type of development, mixed use development is dependent on the successful integration of distinct uses. Integration is defined as the combination of distinct uses on a single site where the impacts from differing uses are mitigated through site design techniques, and where impacts from differing uses are expected to benefit from the close proximity of complementary uses. All requests for development approval based on a mixed use concept must be able to demonstrate functional horizontal integration of the allowable uses, and where applicable, vertical integration as well.

The compatible zoning district for this category shall be the Mixed Use Development Zoning District. The Mixed Use Development category is a site specific designation and shall have frontage on at least one arterial. The following are the minimum criteria to be used for development of sites designated as Mixed Use Development:

1. A Mixed Use Development shall be developed as a Planned Community District or a Planned Unit Development. However, Land Development Regulations adopted to implement this Comprehensive Plan shall maintain mixed-use supplemental regulations to provide additional criteria for the development of sites with Mixed Use Development Future Land Use

categories, including parking requirements, permitted uses, setbacks and other considerations.

2. Mixed Use Developments shall have frontage on at least one arterial. The City’s Conceptual Thoroughfare Plan shall be utilized to determine the expansion of the roadway network through the provision of new local streets which serve new neighborhoods in the City’s developing areas.

3. The purpose of the Mixed Use Development category is to create an aesthetically pleasing and livable mixed use environment within the City. The maximum lot coverage/height standards and the maximum residential density provided in the table below represent the maximum that would be permitted for development within the Mixed Use Development Category. Recognizing that mixed use projects have varying characteristics, an applicant is not ensured of the maximum density or intensity allowed within this classification and may be further limited by specific standards set forth in the City’s MXD Land Development Regulations.

Maximum Intensity Standards for MXD

Land Use Component	Land Allocation/Gross Unit per acre	Maximum Lot Coverage	Height ^{1&2}
Residential	7.0 du/gross acre		Max 4 FL
Non-residential	40%	50%	Max 4 FL

Note 1 - The maximum height is 4FL or 65 feet, whichever is less.

~~Note 2 - All residential or non-residential buildings within a Mixed Use Development abutting PGA Boulevard and located within one quarter (1/4) mile radius of a planned light or rail transit station shall not exceed a maximum building height of six (6) floors or 95 feet, whichever is less. Additionally, all parcel acreage within one quarter (1/4) mile radius of a planned light or rail transit station shall be eligible for the additional density bonus as described below. The density bonus is in addition to the density described within this subsection above. For MXD land use densities and intensities located within the TOD District, please refer to Policies 1.3.9.4. and 1.3.9.9.~~

Staff Comment: The provision for a height and density bonus for proximity to the a light or rail transit station is being struck from this Policy regarding Mixed Use Land Use areas, as the allowance for height and density bonuses will now be provided for within the new Transit Oriented Development (TOD) District objective and policies, to be applicable to all land uses within that area.

Density Bonus for MXD

Land Use Component	Land Allocation/Gross Unit per acre	Height
Residential	3.0 du/gross-acre	6 FL or 95 FT, whichever is less
Non-residential	15%	6 FL or 95 FT, whichever is less

The maximum intensities described above shall provide the sum of the overall allowable residential and non-residential density for the project. Once this sum has been established for the overall project, the percentage mix below shall set forth the minimum and maximum percentage mixes.

- The Mixed Use Development category shall be developed to accommodate a mix of uses as described below:

Minimum Percentage Mix

Residential: 40%-60% of the total Mixed Use acreage

Non-residential: 35%-55% of the total Mixed Use acreage

This distribution range represents the mix of uses within each area designated as Mixed Use Development category. The land use mix shall be applied to each individual parcel with the only exception to be granted for de minimis sized parcels of 15 acres or less that demonstrate that they cannot effectively achieve the required land use mix distribution on a specific parcel as described in Item 5 below. The total prescribed mix for the Mixed Use Development Category shall be monitored by the City to ensure continuity and compatibility with adjacent land uses. The mix requirement is designed to ensure that there is an appropriate mix of uses within the total Mixed Use Development Category acreage (where the term “appropriate mix” is defined by the mix requirements stated herein) within the City and will be monitored citywide during each Evaluation and Appraisal Review to ensure overall consistency with this standard.

- The City shall limit any exemption to the percentage mix requirements as required in this section below for the Mixed Use Development Category to apply only as provided in the following circumstances:

Exemptions to Residential and Non-Residential Component

Mixed Use Developments for parcels with an existing land use designation of MXD as of December 10, 2010, that satisfy the following criteria shall be exempt from providing the non-residential component:

1. Parcels which are 15 acres or less; and
2. Are bounded on at least two (2) contiguous sides to a parcel with either a non-residential land use or a mixed use land use designation.

Parcels which satisfy both criteria shall be permitted a residential density up to nine (9.0) units per gross acre.

Mixed Use Developments that satisfy the following criteria shall be exempt from providing the residential component:

1. Parcels which are 15 acres or less; and
2. Are bounded on at least two (2) contiguous sides to parcels with either a residential land use or a mixed use land use designation.

Mixed Use Developments that satisfy both criteria shall be permitted a non-residential land allocation of up to 45% notwithstanding all other provisions set forth in the Maximum Intensity Standards listed above.

Special Definitions:

Non-Residential Uses shall include office, commercial (including retail uses), light industrial uses, and shall be specifically set forth in the City's Land Development Regulations under permitted uses for Mixed Use developments. For the purposes of this section, non-residential uses shall not include public uses or recreation and open space.

A. General Mixed Use Land Use Component Intensity Measures for BioScience Mixed Use Developments:

A BioScience MXD shall include, at a minimum, Open Space and BioScience and Research and Development related uses. Uses within a BioScience MXD shall be located to encourage clustering for the purposes of scientific and economically productive exchange among researchers, scientists, administrators, students, and others involved in the BioScience industries. At least a portion of the BioScience MXD shall be located within the City's designated BioScience Research Protection Overlay. A BioScience MXD shall be designed to create an urban, pedestrian-oriented environment; provide for a mix of uses such as commercial, transportation, office, laboratory research, educational, and residential uses for the daily needs of the residences and workforce; and encourage walking, biking, and other modes of non-vehicular transportation to reduce the need for local vehicular traffic.

Land Use Component	Land (Acres) Allocation	Lot Coverage Height	
Open Space	Min. 20%		
Commercial	Min. 2%	Max. 50%	Max. 4 FL
	Max. 30%		
Residential High	Min. 5%	Max. 50%	Max. 4 FL
	Max. 35%		
Residential Low	Min. 2%	Max. 50%	Max. 3 FL
	Max. 35%		
Employment Center	Min. 20%	Max. 70%	Max. 4 FL**
	Max. 60%		

** The height limit for Employment Center Buildings (as defined below) located within the BioScience MXD shall be a maximum of 150 feet if the Employment Center Buildings meet all of the following criteria:

- A. Located within the designated BioScience Research Protection Overlay (“BRPO”);
- B. Include of a minimum of 100 contiguous acres within the designated BRPO;
- C. Located within a Development of Regional Impact; and
- D. Located in a project east and immediately adjacent to Interstate 95.

This height limit is not subject to waiver by the City Council.

Special Definitions:

Employment Center Buildings shall be defined as those buildings used for bioscience technology research and development, laboratories, and those ancillary uses to bioscience including corporate offices, medical offices, research and educational facilities, light industry, hospitals, and conference hotels.

Employment Center shall be defined as the land use component category within the BioScience MXD that is regulated by the minimum and maximum gross land area allocations, lot coverage, and height regulations set forth above. Employment Centers shall be designated on the MXD PUD or PCD master plan. Employment Center Buildings as defined above and any support buildings and uses specified in the zoning code shall be the only permitted buildings within an Employment Center.

* * * *

GOAL 1.3.: CONTINUE TO PLAN FOR FUTURE NEEDS TO PROMOTE LIVABLE COMMUNITIES, INCLUDING, BUT NOT LIMITED TO, ECONOMIC DEVELOPMENT FOR BIOSCIENCE USERS, TRANSIT ORIENTED DEVELOPMENT, AND OTHER EFFORTS TO PROMOTE SUSTAINABLE GROWTH.

* * * *

Objective 1.3.9.: Establish the Palm Beach Gardens Transit Oriented Development District (to be referred to as the “TOD District”) which overlays existing land use and zoning districts with transit-oriented development strategies, consistent with the recommendations of the Palm Beach Gardens TOD Master Plan prepared by Treasure Coast Regional Planning Council, dated September 2018. Properties within one-half mile of the proposed light or rail transit station(s) shall meet development and design standards that provide sufficient densities, intensities, and a mix of uses that will support transit and mobility options, as well as creating a lively and vibrant community.

Policy 1.3.9.1.: The City shall adopt and maintain Land Development Regulations that address implementation of the TOD strategies by December 2021.

Policy 1.3.9.2.: The City shall encourage a mix of uses in the TOD District that shall include Retail and Personal Services, Office, Hotel/Conference Center, Residential, and Civic/Open Space/Recreation, in accordance with approved uses in City’s Land Development Regulations and PGA Corridor Overlay District.

Policy 1.3.9.3.: The TOD District shall include projects generally located within ½ mile of the planned light or rail transit station, including but not limited to the following site plan projects/Planned Unit Developments/Planned Community Developments or portions thereof: PGA

Office Center (fka 5A), PGA Station, 4150 PGA Boulevard (Shell Gas Station), Loehmann's Plaza, 4050 PGA Boulevard (Loehmann's outparcel restaurant), 4060 PGA Boulevard (Loehmann's outparcel medical office), Gardens Station West, Gardens Station East, Marriott Hotel, RCA Park, West Park Center, Northcorp Center, Downtown Palm Beach Gardens, Gardens Corporate Center (DiVosta Towers and Financial Center at the Gardens), Viridian Office Centre, Laser and Surgery Center, Grand Bank Center, PBG Medical Pavilion, Legacy Place (Commercial and Residential), Gardens Plaza, Palm Beach Gardens Post Office, 3700 RCA Boulevard (AT&T Building), Arcadia Gardens, Palm Beach Gardens Moose Lodge, or however amended in the future.

Policy 1.3.9.4.: For residential land uses and mixed-use land uses within the TOD District, a minimum gross density of 15 dwelling units per acre is encouraged, with opportunities for additional density bonuses as provided for in the City's Comprehensive Plan and Land Development Regulations.

Policy 1.3.9.5.: Density bonuses of up to 6 du/ac may be granted for the provision of affordable and/or workforce housing units. This bonus is inclusive of the bonus density provided in Policy 1.1.3.4. for PUDs. A minimum of 10% of the gross units must be provided as workforce or affordable housing to be considered for a density bonus. The provided units shall remain restricted for a minimum of 20 years.

Policy 1.3.9.6.: Density bonuses of up to 2 du/ac may be granted for the inclusion of environmentally friendly design elements or elements that qualify for LEED certification or equivalent, as provided for in the City's Land Development Regulations.

Policy 1.3.9.7.: Density bonuses of up to 2 du/ac may be granted for the provision of additional Art in Public Places above and beyond minimum code requirements. 1 du/ac may be granted for each additional percentage for up to a maximum of 2 du/ac for commercial projects and/or residential or mixed use; a minimum of 2% of vertical construction costs shall be dedicated toward Art in Public Places for a project to be considered for the density bonus.

Policy 1.3.9.8.: Nonresidential personal service-oriented uses on the ground-floor are strongly encouraged for multistory office and residential buildings, and for all parking garages within the TOD District. A density bonus of up to 2 du/ac, and/or a height bonus may be granted, as provided for in the City's Land Development Regulations.

Policy 1.3.9.9.: Within the TOD District, the maximum allowable height shall be nine stories, or 135 feet.

Policy 1.3.9.10.: Projects in the TOD District are encouraged to provide for increased tree canopy, particularly in the form of urban applications of shade trees to enhance the pedestrian environment, as provided for in the City's Land Development Regulations.

Policy 1.3.9.11.: Expedited/streamlined building permit and development permit review may be granted for the incorporation of green building policies, as more specifically provided in the City's Land Development Regulations.

Policy 1.3.9.12.: Projects within the TOD District are encouraged to provide interesting and enticing public spaces that serve as gathering places for the TOD District and the City. Emphasis is placed on smaller, urban open spaces such as plazas, pocket parks, and publicly accessible rooftop or green roof spaces. Development standards shall be set forth and implemented in the City's Land Development Regulations that contribute to a unique sense of place and result in safe, accessible, and attractive places.

Policy 1.3.9.13.: New projects that do not generate pedestrian activity or contribute to the walkable environment, as specifically listed and designated in the City's Land Development Regulations, are prohibited in the TOD District.

Policy 1.3.9.14.: Projects within the TOD District are encouraged to incorporate a highly connected street pattern with smaller blocks in order to shorten walking distances between destinations. Projects that include large blocks shall utilize mid-block crossings and pathways in the form of publicly accessible pedestrian easements to provide more convenient pedestrian connectivity, as provided for in the City's Land Development Regulations.

Policy 1.3.9.15.: Projects within the TOD District are encouraged to provide for comfortable outdoor activity by development and design standards that emphasize weather protection and shade, address building orientation, and call for wide building eaves, porches, balconies, colonnades, shade trees, and shade structures, as more specifically provided for in the City's Land Development Regulations.

Police 1.3.9.16.: Projects in the TOD District shall promote energy efficient land use patterns that will help to reduce greenhouse gas emissions, and preserve or improve energy conservation features, such as an existing mature tree canopy and native landscaping.